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Σ	P. 18,009	Shuzo Murata of O.S.K. { Comm. Min. in 3 rd Konoze Club, Pres. of Japan Skipponer Assoc., adviser to War Min. in Phil.
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10 MARCH 1947

I N D E X

Of

EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
664	2351		Address of His Royal Highness Prince Wan Waithayakon, representative from Thailand at the Greater East Asia Conference, November 1943		18021
665	2352		Address of His Excellency Mr. Jose P. Laurel, representative of the Philippines at the Greater East Asia Conference, November 1943		18021
666	2352		Address of His Excellency Dr. Ba-Mo, representative from Burma at the Greater East Asia Conference, November 1943		18021
206E(11)	2354		Excerpt from Diary of former U. S. Ambassador Grew entitled "Ten Years in Japan" (p.303)		18025

1 Monday, 10 March 1947

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3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -
12 Appearances:

13 For the Tribunal, same as before.

14 For the Prosecution Section, same as before
15 with the addition of: MR. WILLIAM E. EDWARDS of
16 Cleveland, Ohio, formerly Chief of the Office of
17 Special Investigations, War Production Board and
18 counsel for the Defense Plant Corporation in the
19 United States.

20 For the Defense Section, same as before.

21 - - -
22 (English to Japanese and Japanese
23 to English interpretation was made by the
24 Language Section, INTFE.)
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MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now in session.

THE PRESIDENT: All the accused are present except TOJO, SHIGEMITSU, and KAYA, who are represented by their respective counsel. We have certificates from the prison surgeon at Sugamo Prison, certifying that the accused SHIGEMITSU, TOJO, and KAYA are too ill to attend the trial today. The certificates will be recorded and filed.

Mr. Tavenner.

MR. TAVENNER: Mr. President and Members of the Tribunal:

When I presented to the Tribunal a few days ago those who have recently arrived as counsel for the prosecution, one of the gentlemen was ill and I couldn't present him. I would like to do so now. This is Mr. William E. Edwards, of Cleveland, Ohio. He was formerly Chief of the Office of Special Investigations, War Production Board, and then was counsel for the Defense Plant Corporation in the United States.

THE PRESIDENT: Yes.

MR. EDWARDS: Thank you.

1 THE PRESIDENT: Mr. Comyns Carr.

2 MR. COMYNS CARR: Your Honor, I am in-
3 formed that the witness is not present.

4 THE PRESIDENT: Is there any explanation
5 of his absence?

6 MR. ROBERTS: Mr. President, I under-
7 stand that there may be some delay because of
8 transportation difficulties. As far as we know,
9 he is going to be here and we expect him momen-
10 tarily.

11 THE PRESIDENT: He should be here or
12 we should be told why he isn't.

13 MR. ROBERTS: I have another witness
14 ready. We could stand this witness down and pro-
15 ceed with the next witness, if the Court so please.

16 THE PRESIDENT: Call your next witness,
17 Mr. Roberts.

18 MR. ROBERTS: I call MURATA Shozo.

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MURATA

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1 S H O Z O M U R A T A, called as a witness on
2 behalf of the defense, being first duly sworn,
3 testified through the Japanese interpreter as
4 follows:

DIRECT EXAMINATION

BY MR. ROBERTS:

7 Q Mr. MURATA, what was your occupation
8 prior to 1940?

9 THE PRESIDENT: Ask him his full name and
10 address. That is all that is necessary. He
11 hasn't sworn to either yet.

BY THE PRESIDENT:

13 Q What is your full name and address, Wit-
14 ness?

15 A Name: MURATA Shozo. My address is Tama-
16 gawa, Setagaya Ward, City of Tokyo.

17 Q What is your occupation?

18 A Previously I was president of the Osaka
19 Shosen Kaisha Shipping Company.

BY MR. ROBERTS:

21 Q Are you at present confined to Sugamo
22 Prison?

23 A Yes, I have been confined there since the
24 year before last.

25 Q What position did you occupy subsequent

MURATA

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to 1940?

A As I said before, I was president of the
 1 O.S.K, or Osaka Shosen Kaisha, in 1940, and then *err*
 2 president of the Japan Textiles Association, and
 3 in July of that year I became Communications Minis-
 4 ter, and concurrently, Railways Minister in the
 5 second KONOYE Cabinet.

6 There seems to have been some error. May
 7 I point it out?

8 THE INTERPRETER: Correction in transla-
 9 tion: "I was president of the Japan Ship Owners
 10 Association" instead of "Japan Textiles Associa-
 11 tion."

12 Q Thereafter what appointment did you re-
 13 ceive?

14 A Thereafter I resigned, together with the
 15 third KONOYE Cabinet, in 1941, and in the follow-
 16 ing year, 1942, in the month of February, I went
 17 to the Philippines as adviser to the War Ministry.

18 Q How long did you stay in the Philippines? *?*

19 A I remained in the Philippines as adviser,
 20 and following the grant of independence to the
 21 Philippines I was appointed Ambassador Plenipoten-
 22 tiary, and have remained in the Philippines ever
 23 since October 1943.

MURATA

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1 Q Until what date?

2 A I resigned in July 1944.

3 Q I believe you stated that you were sent to
4 the Philippines as an adviser. Will you please
5 tell us what kind of adviser you were appointed
6 as?

7 A From the very first I have no military
8 knowledge or experience. My chief function was
9 principally connected with economics and, second-
10 arily, politics.

11 Q Was it in the capacity of economic adviser,
12 then, that you were sent to the Philippines?

13 A There was no special appointment to that
14 effect.

15 Q What were your duties?

16 A At that time I was asked by the then Prime
17 Minister, TOJO, to go to the Philippines and just
18 stay in the Philippines, and that was all he wanted
19 of me, and thereafter, after going to the Philippines,
20 my own conduct and action depended upon my own per-
21 sonal judgment.

22 Q Were you familiar with some of the facts
23 surrounding organization of the Greater East Asia
24 conference in November 1943?
25

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1 A At that time I was in the Philippines,
2 the post to which I was assigned, and I was infor-
3 med for the first time by telegram from the Govern-
4 ment that such a conference or assembly was con-
5 vened.

6 Q Did you discuss this conference with Mr.
7 Laurel?

8 A Of course.

9 Q Will you tell us what Mr. Laurel had to
10 say?

11 A First of all, I showed Doctor Laurel the
12 telegram I had received from Tokyo. After showing
13 the telegram I asked for his views and he showed --
14 expressed enthusiastic approval of the idea. He
15 not only approved; he rejoiced over the plan to hold
16 such a conference. *Laurel*

17 He went on to say that this had been in his
18 mind for a long time -- this of all things had been
19 in his mind for a long time -- and that it was en-
20 tirely consistent with the ideas and thoughts which
21 he held dear to himself, and that although he had
22 been president of the Philippines for only one
23 month, he would surmount any obstacles so that he
24 may personally participate in this assembly.
25

MURATA

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1 Q Did he say anything about having written
2 on this point of view previously to the time you
3 spoke to him?

4 A Of course he didn't express anything in
5 writing at the time of our meeting, but having had
6 intimate relations with him for two years previous
7 to that, I know from his -- from the words and
8 the actions, from his books, from his addresses,
9 and from his conversations that he had entertained
10 such ideas for some time past.

11 Q Do you know by whom Mr. Laurel was elected
12 president?

13 A By the newly -- by the new constitution
14 of the Philippines. By provision of that constitu-
15 tion the National Assembly was created and called,
16 and in accordance with other provisions in the con-
17 stitution he was elected president by that National
18 Assembly.

19 Q Did you speak to Mr. Laurel about the con-
20 ference on his return to Manila from Tokyo?

21 A Yes, of course. Immediately after he
22 returned, the subject was brought up by him.

23 Q What did he say?

24 A He was extremely satisfied.

25 Q Did he comment on Japan's treatment of and

MURATA

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1 cooperation with the other countries that were
2 represented at that conference?

3 A As head -- He was treated, he said, as
4 head of state, and that the autonomy and inde-
5 pendence of the Philippines was fully recognized,
6 and he said that the fact of autonomy and inde-
7 pendence, as stipulated in one of the articles of
8 the Joint Declaration, was revealed while at the
9 conference in fact, and that he had returned home
10 greatly impressed and greatly overjoyed.

11 Q Did he make any comment about the speeches
12 that were delivered by the other delegates?

13 A At that time he was not only impressed by
14 the speeches of the other representatives -- the
15 representatives of other nations represented at the
16 Council -- at the Assembly, but he was extremely
17 elated over the opportunity he had in having friend-
18 ly relations with the representatives of the other
19 nations, all of whom he said were fine men and
20 leaders, and that he had told these men that if
21 possible he wanted all these delegates to return to
22 their respective countries by way of Manila.

23 Q Did any of the delegates actually stop at
24 Manila on their way back?

25 A Of course the delegates from Manchukuo

MURATA

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1 and China were unable to come to Manila, but all
2 others did, with the exception of Prince Wanwai
3 Theyakon, of Thailand, who, because of plane sched-
4 ule, although he had intended to visit Manila, was
5 unable to make the visit. Otherwise all other
6 delegates visited Manila and were all royally
7 welcomed and treated by President Laurel at his
8 own official residence during their stay.

9 Q You stated that you knew Mr. Laurel for two
10 years and became very familiar with him. Will you
11 tell us what type of man you observed him to be?

12 A Speaking of Doctor Laurel's character, I
13 should say he is a great patriot and a man of very
14 strong character -- strong will. Doctor Laurel was
15 a very inspired and ardent patriot who greatly
16 revered the Philippine hero Rizal, and was ex-
17 tremely enthusiastic and seriously concerned with
18 the development of the Philippines, and every Sunday
19 while I was there he gathered together a group of
20 Philippine leaders and gave lectures and talks on
21 morality.

22
23 MR. COMYNS CARR: Your Honor, I am extreme-
24 ly reluctant to keep on objecting to this type of
25 evidence, but, in my submission, the witness' op-

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1 inion of Mr. Laurel's personal character is
2 entirely irrelevant, and the whole of the evidence
3 of this witness as far as it has gone can, in my
4 submission, carry the Tribunal nowhere.
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1 THE PRESIDENT: Who the representatives
2 were at the conference and what they said and did
3 there is perhaps relevant, but not this. The objection
4 is upheld.

5 I should have let you say what you wished to
6 say, but actually it is too obvious to waste time on.

7 BY MR. ROBERTS (Continued):

8 Q Mr. MURATA, what position did Mr. Laurel occupy
9 prior to the time he was elected President of the
10 Philippines?

11 A He was Interior Commissioner of the Executive
12 Commission of the Philippines headed by Mr. Vargas.

13 Q Do you know what position he occupied with
14 relation to the Nacionalista Party?

15 A I think it was at the time of the Commonwealth
16 Government under President Curzon, Dr. Laurel was a
17 justice of the Supreme Court, if I recall correctly.

18 Q I refer to his position in the Nacionalista
19 Party in the Philippines.

20 A I think he was a member of the Nacionalista
21 Party, but I have not heard other than the fact that he
22 was a justice of the Supreme Court.

23 MR. ROBERTS: Does any other defense counsel
24 desire to examine at this time?

25 THE PRESIDENT: Major Furness.

MURATA

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1 MR. FURNESS: I may wish to call Mr. MURATA
2 on the individual case of the defendant whom I represent.
3 I therefore wish to reserve the right to do so.

4 THE PRESIDENT: Any cross-examination?

5 Mr. Comyns Carr.

6 CROSS-EXAMINATION

7 BY MR. COMYNS CARR:

8 Q There is only one question, Mr. MURATA. Do
9 you remember being asked some questions by this gentle-
10 man here, Mr. Sutton?

11 A I have, I remember.

12 Q Did he ask you this question: "What economic
13 exploitation was carried on by Japan in the Philippines
14 and by what means?"

15 MR. ROBERTS: I object, if your Honor please.
16 This is assuming a fact which is not in evidence. If the
17 Court please, it is outside the scope of the examination.

18 THE PRESIDENT: This could go to credit. I
19 don't know why Mr. Carr is asking it though.

20 MR. ROBERTS: He might examine him as to the
21 substance of the material.

22 THE PRESIDENT: I am thinking hard what value
23 had the evidence at all.

24 MR. COMYNS CARR: Your Honor, with regard to
25 the evidence he has given already, I would take the same

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1 view, but as he has given evidence that he was the
2 representative of Japan in the Philippines and of his
3 doings there, I thought perhaps I might ask him a question
4 on that subject which is relevant to the case.

5 THE PRESIDENT: But we must limit your cross-
6 examination to matters arising out of the examination
7 in chief, unless you question him as to credit.

8 MR. COMYNS CARR: This doesn't go to credit,
9 your Honor. I submit, it arises out of the examination
10 in chief having regard to the fact that he deposed
11 that he was the representative of the Japanese Government
12 in the Philippines.

13 THE PRESIDENT: He didn't testify about the
14 economic situation, though.

15 MR. COMYNS CARR: Does your Honor -- I am sorry,
16 I didn't hear before.

17 THE PRESIDENT: Are you pressing the question?

18 MR. COMYNS CARR: If your Honor thinks not,
19 I don't wish to.

20 THE PRESIDENT: I don't think the Tribunal
21 desires to hear any more examination of this witness.

22 He is released on the usual terms.

23 (Whereupon, the witness was excused.)

24 THE PRESIDENT: Well, have you found out what
25 happened to the witness before the last?

1 MR. ROBERTS: No, we have not, your Honor.

2 THE PRESIDENT: What do you propose to do now?

3 MR. ROBERTS: I have just received word that
4 he will be here in about 30 minutes. In the interim
5 I can proceed to introduce certain documents into evidence.

6 We now respectfully offer in evidence exhibit
7 No. 2322, marked for identification only, which is the
8 Atlantic Charter, in order to compare certain articles
9 in that instrument with certain articles and principles
10 contained in the Joint Declaration contained in
11 prosecution exhibit No. 1346.

12 THE PRESIDENT: The proper place to do that
13 is in your summation, Mr. Roberts.

14 MR. ROBERTS: I would like to offer the Atlantic
15 Charter in evidenc for that purpose then, if your Honor
16 please.

17 THE PRESIDENT: Admitted.

18 MR. TAVENNER: Your Honor, it is my recollection
19 that that document was offered and read.

20 THE PRESIDENT: Well, we judicially noticed
21 it in any event. It is marked for identification accord-
22 ing to Mr. Roberts.

23 MR. ROBERTS: Has your Honor admitted it into
24 evidence?
25

THE PRESIDENT: Yes.

1 MR. ROBERTS: I did not intend to read it, but
2 it was objected to, simply to call attention in similarity
3 between Article IV and V in this instrument and the
4 Joint Declaration.

5 CLERK OF THE COURT: Is that defense document
6 159?

7 MR. ROBERTS: Yes. It is marked 2322 for
8 identification later.

9 CLERK OF THE COURT: It has already been marked.

10 MR. ROBERTS: Yes.

11 We now offer in evidence documents No. 664,
12 665 and 666, being the speeches of three of the represent-
13 atives at the Greater East Asia Conference. This is an
14 excerpt from prosecution exhibit No. 1347 for identifi-
15 cation.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Defense document No. 664
18 will receive exhibit No. 2351, document No. 665 will
19 receive exhibit No. 2352 and document No. 666 will
20 receive exhibit No. 2353.

21 (Whereupon, the documents above re-
22 ferred to were marked defense exhibit Nos. 664,
23 665, 666 and received in evidence.)
24

25 MR. ROBERTS: I would like permission, if the
Court please, to read from the original manuscript. The

1 mimeographing is not too good.

2 THE PRESIDENT: Before you read give us copies
3 please.

4 What is happening, Mr. Roberts?

5 MR. ROBERTS: Evidently the Court copies were
6 left in my office instead of being brought up here by
7 distribution. The page is now on his way to bring them
8 here. I can proceed to read the first document, if your
9 Honors have no objection.

10 THE PRESIDENT: We have. We must have copies.
11 Better proceed with the next document, Mr. Roberts.

12 MR. ROBERTS: We now offer in evidence defense
13 document No. 206E-11 for the purpose of showing the
14 understanding of the United States Ambassador Grew
15 concerning the New Order in East Asia. This an excerpt
16 from exhibit No. 2306 for identification.

17 THE PRESIDENT: Brigadier Nolan.

18 BRIGADIER NOLAN: Your Honor, we object to
19 document 206E-11 being offered in evidence as it is no
20 more than an excerpt from the diary of ex-Ambassador
21 Grew, which contains his opinion on these matters and
22 is not such as would assist the Tribunal in coming to
23 a conclusion on the matters at issue in the case.
24

25 THE PRESIDENT: If it contains relevant and
material statements of fact as well, we will admit

1 it to that extent.

2 BRIGADIER NOLAN: I don't know whether the
3 Tribunal has this document before it but a most
4 cursory glance would indicate that there is no state-
5 ment of fact contained therein at all, and rather
6 than encumber the record with a document which will
7 prove of no value to the Tribunal we suggest that it
8 be excluded now.

9 THE PRESIDENT: Mr. Roberts, we are not going
10 to put Mr. Grew in the position of deciding matters
11 which we are required to decide.

12 MR. ROBERTS: I didn't get the full statement
13 of your Honor.

14 THE PRESIDENT: We will not admit Mr. Grew's
15 opinions.

16 MR. ROBERTS: We submit, if your Honor
17 please, he was in a position to realize the meaning
18 of certain phrases and events and we think it will
19 help the Court to determine the fair meaning.

20 THE PRESIDENT: We cannot delegate our
21 functions, if we wanted to, Mr. Roberts. Does this
22 contain statements of fact which are relevant and
23 material?
24

25 MR. LOGAN: May I say a word, if the Tribunal
please, with respect to this? The same objection --

1 THE PRESIDENT: Mr. Logan, we would like
2 your help but we must confine the argument to one
3 counsel on each side. The questions I am asking are
4 very simply answered. The objection is upheld.

5 MR. ROBERTS: We further submit, if your
6 Honor please, there are statements of fact in this
7 document and that the prosecution has in a similar
8 manner introduced statements by Ott, I believe, tele-
9 gram excerpts.

10 THE PRESIDENT: We upheld the objection of
11 the prosecution simply because you allowed their
12 statement that this document contained opinion only
13 to pass unchallenged. We gave you liberal opportunity
14 to challenge that and you didn't. You come now with
15 your challenge. It is rather late. You should wear
16 the earphones and should listen to what I say,
17 Mr. Roberts, and not go away from the lectern to the
18 table. If you assure us that these documents contain
19 statements of fact I have no doubt it is the desire
20 of the Tribunal to admit them. On your assurance that
21 they do contain statement of fact we rescind the
22 order upholding the objection and we admit it on the
23 usual terms. If on reading them we find they do not
24 contain statements of fact which are relevant and
25 material we will reject them again.

1 CLERK OF THE COURT: Defense document
2 No. 206 B (11) will receive exhibit No. 2354.

3 (Whereupon, the document above
4 referred to was marked defense exhibit
5 No. 2354 and received in evidence.)
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1 THE PRESIDENT: The documents to which I
2 refer are copies of defense documents 664, 5 and 6.

3 MR. ROBERTS: Yes.

4 THE PRESIDENT: They have already written
5 across them exhibits "2351, 2352," and "2353," re-
6 spectively.

7 CLERK OF THE COURT: It is your document
8 206E 11 that I refer to. We have no copies for the
9 Bench.

10 MR. ROBERTS: While we are reading number
11 2351, we can have the Page obtain the other copies.

12 THE PRESIDENT: The excerpt containing Mr.
13 Grew's alleged statements of fact will have exhibit
14 No. 2354. As yet we have no copies of that statement
15 of fact by Mr. Grew.

16 MR. ROBERTS: I shall now read exhibit No.
17 2351.

18 THE PRESIDENT: Are you going to read the
19 whole of these three speeches?
20

21 MR. ROBERTS: We would like to have them
22 read into the transcript, if the Court please.

23 THE PRESIDENT: Surely, there are only parts
24 that might be read.

25 MR. ROBERTS: We did not wish to make any
excerpts because of some misconception that might

1 be placed upon that.

2 MR. ROBERTS: (Reading)

3 "ADDRESS OF HIS ROYAL HIGHNESS PRINCE WAN
4 WAITHAYAKON, REPRESENTATIVE OF THAILAND.

5 "November 1943

6 "Monsieur le President, Your Excellencies," --

7 MR. TAVENNER: If your Honor please, these
8 speeches contain thirty-two legal size pages.

9 THE PRESIDENT: We desire that they be not
10 read. We will not hear them. They are in evidence,
11 Mr. Roberts.

12 MR. ROBERTS: May I have the privilege of
13 deferring the reading of the entire documents and
14 read excerpts later on if we so desire?

15 THE PRESIDENT: It depends on the number and
16 the length of the excerpts. We will have no objection,
17 I am sure, to hearing those later, if necessary.

18 MR. ROBERTS: I shall now read exhibit No.
19 2354:

20 "'The New Order in East Asia'

21 "We ourselves can epitomize Japan's funda-
22 mental desiderate perhaps better than many Japanese
23 can. They desire:" --

24 THE PRESIDENT: Mr. Comyns Carr.

25 MR. COMYNS CARR: Your Honor, I understood

1 that the Tribunal was going to look at this document
2 to decide whether it contained statements of fact or
3 not before permitting it to be read into the record.

4 THE PRESIDENT: It contains nothing but an
5 opinion, and we are not going to let Mr. Grew take
6 over our functions. The document is rejected.

7 MR. ROBERTS: I now offer in evidence defense
8 document 502, excerpt 38.

9 THE PRESIDENT: This is also opinion, is it
10 not? Brigadier Nolan.

11 BRIGADIER NOLAN: This, as I read it, your
12 Honor, is Sir Robert's opinion of other people's
13 opinions.

14 MR. ROBERTS: We are, again, simply following
15 the procedure followed by the prosecution.

16 THE PRESIDENT: Perhaps attempted to be
17 followed in the case of Mr. Ballantine. On the
18 application of the defense, we rejected Mr. Ballan-
19 tine's opinion. So, on the application of the prose-
20 cution, we reject the opinions of Sir Robert Craigie
21 and Mr. Grew.

22 The document is rejected; the objection
23 upheld.

24 MR. ROBERTS: We now offer defense document
25 No. 128 for the purpose of showing the use of the

1 term "Greater East Asia" by Sun Yat-sen, father of
2 the Chinese Revolution. This expresses the feeling
3 of the Chinese people and Asiatics in general con-
4 cerning a movement to consolidate the peoples of East
5 Asia before the adoption of the idea by Japan four-
6 teen years later.

7 MR. TAVENNER: If it please your Honor, this
8 is a speech made by Sun Yat-sen, a private citizen
9 of China, at the Kobe Girls' School in behalf of the
10 local Chamber of Commerce and other organizations.
11 It was delivered in 1924. It relates to conditions
12 alleged to have existed thirty years prior thereto.
13 It refers to public opinion in Europe as the speaker
14 observed it at the time of the Russo-Japanese War.
15 It refers to independence movements in Egypt, Persia,
16 Turkey, Afghanistan and Arabia. It comments upon a
17 book published by an unnamed American scholar on
18 the rise of the colored race.

19 THE PRESIDENT: You are going to put all of
20 it into the transcript, obviously, Mr. Tavenner. I
21 think we have heard enough. Merely as Dr. Sun Yat-
22 sen's opinion it must be rejected. It may show the
23 origin. The origin of Greater East Asia is rather
24 remote. What we want to know is what it meant during
25 the relevant period. We must place some limit on

1 these inquiries.

2 MR. ROBERTS: The prosecution has contended
3 that the phrase "A New Order in East Asia" was some-
4 thing that was very sinister; that these defendants
5 were part of a common plan or conspiracy to promote
6 such a new order for their own progressive purposes.
7 We want to show --

8 THE PRESIDENT: It is the use that is put
9 to these things that matter. The ideals may be
10 innocent enough. It is the way they are used by
11 others.

12 MR. ROBERTS: But the manner of the prose-
13 cution in referring to this phrase has been that it
14 has been an idea of the accused that they used for
15 aggressive purposes. We want to show that it was not
16 even originated only by the Japanese people.

17 THE PRESIDENT: Its origin and its former
18 meaning are too remote, too immaterial. The only
19 thing that matters is what it means today or what it
20 meant in the case of the accused and what purpose
21 they were putting it to.

22 As a Member of the Tribunal puts it, the
23 Court is concerned with actions and conduct, not the
24 words with which they were referred to. The objection
25 is upheld. We will recess for fifteen minutes.

1 (Whereupon, at 1045, a recess was
2 taken until 1100, after which the proceed-
3 ings were resumed as follows:)

4 THE PRESIDENT: Where is the missing witness?

5 MR. ROBERTS: He has arrived.

6 However, with reference to the last document
7 that we were discussing at the time of recess, I
8 wanted to point out one additional fact.

9 THE PRESIDENT: Well, we have rejected that,
10 Mr. Roberts.

11 MR. ROBERTS: It was my thought that if the
12 Court was informed that there are certain facts pointed
13 out in this document which led to the feeling of the
14 people of Asia that a common bond was necessary--

15 THE PRESIDENT: No, our ruling has been given.
16 We will hear no further debate about it.

17 MR. ROBERTS: We recall the witness YAMAMOTO.

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1 K U M A I C H I Y A M A M O T O, called as a
2 witness on behalf of the defense, resumed
3 the stand and testified through Japanese
4 interpreters as follows:

5 THE PRESIDENT: You are still on oath, Witness.
6 Will you please explain why you weren't here
7 at half-past nine?

8 THE WITNESS: Last Friday before I left this
9 court I had made arrangements with the Witnesses
10 Section in this Tribunal to have a car sent to my
11 home at eight-thirty this morning and I was waiting
12 for the arrival of that car. The person in charge of
13 transportation did not send the car around until
14 ten o'clock this morning; hence, I became late in
15 arriving here.

16 THE PRESIDENT: Well, that explanation is
17 accepted. Now we will get in touch with the person
18 in charge of transportation, because we must fix
19 responsibility in these matters. We are not going to
20 pass over them lightly.

21
22 Mr. Comyns Carr.

23 CROSS EXAMINATION

24 BY MR. COMYNS CARR (Continued):

25 Q Mr. YAMAMOTO, you told us in your direct
examination that in 1940 you were head of the Asia

YAMAMOTO

CROSS

1 Bureau of the Foreign Ministry, is that right?

2 A Yes, I was.

3 Q And you told us about the public declaration
4 of the government at that time, the second KONOYE
5 Government, about the Greater East Asia Co-Prosperity
6 Sphere. I am now going to refer to prosecution
7 exhibit 628, which is prosecution document No. 837-A.
8 That is a series of secret declarations on the same
9 subject at the same time, found in the Foreign Ministry.

10 Reading from page 2, the paragraph numbered
11 in Roman figures IV:

12 "Establishment of the Greater East Asia
13 Co-Prosperity Sphere.

14 "(1) In the regions including French Indo-
15 China, Dutch East Indies, Strait Settlements, British
16 Malaya, Thailand, the Philippine Islands, British
17 Borneo and Burma, with Japan, Manchukuo and China as
18 center, we should construct a sphere in which politics,
19 economy and culture of those countries and regions are
20 combined."
21

22 Was that the real policy of the government
23 on the 28th of September 1940?

24 A Before replying, may I inquire under whose name
25 and where this document was made?

Q I have already informed you that it comes from

YAMAMOTO

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1 the archives of the Foreign Office, and it is headed
2 "Very Secret. Outline of Japanese Foreign Policy,
3 28 September 1940."

4 MR. ROBERTS: May I respectfully request that
5 the witness be shown the original document that is
6 being referred to?

7 THE PRESIDENT: He hasn't asked for it, but if
8 he wants it he may see it. I don't suppose the
9 English translation is questioned?

10 MR. ROBERTS: It is very vague on its face
11 and doesn't seem to have any certificate attached that
12 I can see.

13 THE PRESIDENT: Yes, there is. There is a
14 certificate signed by SATO, Assistant Chief, Archives
15 Section.

16 Does he want to see the original? If he does,
17 let him see it. It is so much waste of time if he
18 doesn't. And don't prompt him, Mr. Roberts.

19 THE WITNESS: I should like to see the original,
20 sir.

21 THE PRESIDENT: So much time wasted.

22 (Whereupon, a document was handed to
23 the witness.)

24 A By glance at this document, it is not clear
25 whether this document is simply an outline of Japanese

YAMAMOTO

CROSS

1 foreign policy proposed by the Foreign Office and
2 adopted as a plan proposed by the Foreign Office, or a
3 draft formulated by a secretary in the Foreign Office.
4 I cannot testify that this was the foreign policy of
5 the Foreign Office simply on the basis of this docu-
6 ment.

7 THE PRESIDENT: You are not asked to do that.

8 Q It was in your department of the Foreign
9 Office, wasn't it, that this document would be prepared?

10 A Yes.

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1 Q Now, turn on, page 4 in the English copy,
2 the part headed "Very Secret Tentative Plan for Policy
3 towards the Southern Regions October 4, 1940." Was
4 that also prepared in your department?

5 A At that time there was in the Foreign Office
6 a South Seas Bureau which is outside the jurisdiction
7 of my East Asia Bureau. I know nothing about this.

8 Q Let me just read some of it and see if you
9 recognize it as the policy then under consideration
10 in the Foreign Office:

11 "Although the objective of Japan's penetra-
12 tion into the Southern regions cover, in its first
13 stage, the whole area to the west of Hawaii excluding
14 for the time being the Philippines and Guam; French
15 Indo-China, the Dutch East Indies, British Burma and
16 the Strait Settlements are the areas where we should
17 first control. Then, we should gradually advance into
18 the other areas. However, depending upon the atti-
19 tude of the United States Government, the Philippines
20 and Guam will be included.

21 "(1) French Indo-China.

22 "(a) We should maneuver an uprising of an
23 independence movement, and should cause France to
24 renounce its sovereign right. Should we manage to
25 reach an understanding with Chiang Kai-Shek, the

YAMAMOTO

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1 Tongking area will be managed by his troops, if mili-
2 tary power is needed. However, Japanese military ad-
3 visers should be appointed to the positions which can-
4 not be ignored by the operations section. According to
5 circumstances, we should let the army of Thailand
6 manage the area of Cambodia.

7 "(b) The foregoing measures must be executed
8 immediately after a truce has been concluded with
9 Chiang Kai-Shek. If we do not succeed in our move
10 with Chiang Kai-Shek, these measures should be carried
11 out upon the accomplishment of the adjustment of the
12 battle line in China. However, in case the German
13 military operations to land on the British mainland,
14 which is to be mentioned later, takes place, it may be
15 necessary to carry out our move towards French Indo-
16 China and Thailand regardless of our plans for Chiang
17 Kai-Shek. (This is to be decided according to the
18 liaison with Germany.)"

19 Now, leaving out the next two paragraphs and
20 going to Paragraph 2, British Burma:

21 "(a) In case our plans in regard to Chiang
22 Kai-Shek are achieved, we should immediately cause an
23 independence movement to rise. And under the pretext
24 of supporting the movement, we should make Chiang's
25 army march into the said area under the secret

YAMAMOTO

CROSS

1 assistance of the Japanese army, and make Burma detach
2 from British sovereignty.

3 "(b) In case our move in regard to Chiang
4 Kai-Shek fails, we should make an independence movement
5 start after we establish real Japanese power in the
6 Singapore area, and thus make Burma detach from
7 British sovereignty."

8 That latter is exactly what you did, isn't
9 it, Mr. YAMAMOTO?

10 A By studying the contents of the document just
11 read I can say that this document of itself was not
12 a document which determined the Foreign Office's for-
13 eign policy; rather that it was a draft plan formu-
14 lated by a junior secretary in the Foreign Office
15 for experimental or study purposes within the Foreign
16 Office.

17 Q The junior secretary was a very good prophet,
18 wasn't he?

19 MR. ROBERTS: I object to that as highly
20 improper, if the Court please, simply an opinion
21 called for.

22 THE PRESIDENT: The real objection is that
23 it is argumentative. Mr. Comyns Carr is really
24 addressing us now. This man has disclaimed any
25 knowledge of this particular section of the Foreign

YAMAMOTO

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1 Office. However, we have admitted this type of cross-
2 examination. The objection is overruled.

3 Q Would you answer the question?

4 A The members of the staff of the Foreign Office
5 have made far-reaching studies regarding world peace,
6 and have a wide knowledge of international and world
7 affairs. If you, Mr. Prosecutor, say that this sec-
8 retary was a good prophet from the results, I would
9 say rather that these secretaries were very good
10 students.

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1 Q Now, would you answer my previous question
2 which you didn't answer. Wasn't the statement made
3 in that paragraph 2(b) exactly what happened?

4 A I think that in some respects they were
5 realized and some they were not.

6 Q Were not these independent movements that
7 you have been talking about in Burma and elsewhere
8 movements which in the words of this document, "Japan
9 made to start"?

10 A No, they are not movements which Japan made
11 and started.

12 Q Now a few questions with regard to French
13 Indo-China. Why was not French Indo-China represented
14 at the conference you have told us about?

15 A As I have frequently stated before, the
16 assembly of the Greater East Asiatic nations was held
17 amongst representatives of independent nations in
18 Greater East Asia. French Indo-China is a colony of
19 France, and from that standpoint French-Indo-China was
20 not represented at this assembly -- was not invited
21 to this assembly.

22 Q But French Indo-China was part of the co-
23 prosperity sphere within the jurisdiction of your
24 ministry, wasn't it?

25 A It was our policy to create a co-prosperous

YAMAMOTO

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1 order in areas adjacent to and neighboring Japan
2 by mutual respect of their sovereignty, and it was
3 our hope that this order of co-prosperity will spread
4 and include French Indo-China. Of course the desire --
5 the ardent desire and wish to share in that co-pros-
6 perity was not limited only to French Indo-China but
7 other areas which were occupied by the Japanese Army.
8 However, the assembly itself was limited to the
9 independent nations of the Greater East Asia area.
10

11 Q Independent of whom?

12 A Independent as applied to other nations in
13 the world.

14 THE PRESIDENT: They may be independent of
15 Britain, but what about Japan?

16 A Of course.

17 Q Now, I will go back and ask you to answer
18 the question you didn't answer before the last one.

19 Was not French Indo-China included in the
20 Greater East Asia Sphere under the jurisdiction of
21 your ministry?

22 A After the establishment of the Ministry
23 for Greater East Asiatic Affairs, affairs relating
24 to French Indo-China came under the ministry's
25 jurisdiction. However, as I have stated before,
matters relating to pure diplomacy were under the

YAMAMOTO

CROSS

1 jurisdiction of the Foreign Ministry.

2 Q Now, as you have mentioned that again
3 I will ask you a question about it. If these
4 countries were really independent of Japan as you
5 say, what was the need to have a separate ministry
6 to deal with them at all?

7 A I think you would understand if I should
8 explain the purpose why the Ministry for Greater
9 East Asiatic Affairs was established. The Greater
10 East Asiatic Affairs Ministry was established on
11 the idea to unify and coordinate the relationship
12 between Japan and the various nations in the Greater
13 East Asia Sphere because of the fact that the handling
14 of affairs with respect -- the handling of affairs
15 between Japan and these East Asiatic nations was so
16 complicated and so out of order and so irregular, and
17 this ministry was established on the basis that pure
18 diplomacy would be handled by the Foreign Office of
19 Japan vis-a-vis the independent nations of the sphere.
20

21 Q Do you know that the matter was fully dis-
22 cussed before the ministry was set up in the Privy
23 Council?

24 A Yes, I do.

25 Q And did you study what was said there?

A Yes, of course.

YAMAMOTO

CROSS

1 Q I now refer to exhibit 687, which is the
2 record of those proceedings; first of all, on page 5,
3 document 1086. On page 5 of the English translation
4 there is a paragraph numbered "5" at the bottom.

5 "He," that is, Committee Member USHIO,
6 "inquired as to the scope of the Greater East Asia
7 Sphere. Prime Minister TOJO replied that it will
8 include the Kwantung Province, South Sea Island
9 Group, Manchuria, China, Siam, French Indo-China,
10 and the newly occupied areas brought about by the
11 Greater East Asia War."

12 Now, you told me on Friday that your
13 ministry didn't handle matters connected with the
14 occupied areas unless they had been granted inde-
15 pendence. Was that true?

16 A Yes, it had no connection with such areas.
17 I should like to know definitely, Mr. Prosecutor,
18 whether the passage you just quoted referred to the
19 Greater East Asia as an area or Greater East Asia
20 area under the jurisdiction of the Ministry for Greater
21 East Asiatic Affairs.

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YAMAMOTO

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1 Q It clearly refers to both, but to make it --
2 put it beyond doubt I will refer you to another
3 document. That is exhibit 90, prosecution document
4 213, Imperial Ordinance No. 707, which actually
5 established your ministry. I will read Article 19
6 on page 6: "To extend cooperation to the Army and
7 the Navy, the Ministry of Greater East Asiatic
8 Affairs shall conduct affairs concerning administra-
9 tion of the occupied areas within the Greater East
10 Asia area." So what you told me on Friday was not
11 true, was it?

12 A What I said on Friday remains true. What
13 I should like to point out with respect to the passage
14 just quoted is that -- is the point that the Ministry
15 for Greater East Asiatic Affairs will extend coopera-
16 tion to the army and navy and this is to be taken in
17 the same sense as the other ministries will cooperate
18 with the Foreign Office in its handling of diplomatic
19 affairs with other countries. Addition: that is
20 cooperate with the army and navy in respect of
21 occupied areas.

22 Q Mr. YAMAMOTO, have you forgotten the words,
23 "The Ministry of Greater East Asiatic Affairs shall
24 conduct affairs concerning administration of the
25 occupied areas"?

YAMAMOTO

CROSS

1 Now, reverting to exhibit 687, document 1086,
2 on page 7 there is a passage which deals with what
3 you told us about diplomacy. This is a question by
4 Committee Member OBATA:

5 "The nations of the world will be divided
6 into two groups; of which the state affairs of one
7 group will be handled not by the Foreign Office but
8 by the Greater East Asia Ministry. The question was
9 asked whether there would not be consternation that
10 the countries under this category would treat Japan
11 as a colonization ministry." and

12 "Foreign Minister TANI replied that Japan
13 has special diplomatic relations with the various
14 independent countries in the Greater East Asia
15 Sphere. Since internal guidance of their diplomacy
16 is also being conducted, there is no need of appre-
17 hension. It is similar to the special agreement exist-
18 ing between French Indo-China and France. Since
19 France respects the intentions of Japan regarding
20 French Indo-China, actually it is impossible to
21 believe that French Indo-China will deal with Japan
22 as a colonization ministry. On the part of Japan,
23 the French ambassador has conferred with the Foreign
24 Minister concerning the local problems of French Indo-
25 China, but no objections were made."

YAMAMOTO

CROSS

1 Who conducted the internal guidance of the
2 diplomacy of these countries which you call inde-
3 pendent?

4 A The words, "internal guidance," are words
5 which to this day I am unable to understand. However,
6 I believe as follows with respect to the meaning
7 as pointed out in the passage just quoted, that is,
8 for example, in the case of Japan-Manchukuo relations
9 the Manchukuo cooperated and consulted Japan on
10 matters of diplomacy in accordance with treaty
11 provisions, and I believe that what is referred
12 there is that Japan conducted diplomacy, the internal
13 guidance of diplomacy, on the basis of treaty pro-
14 visions -- that if in accordance with treaty provisions
15 Manchukuo should consult with Japan on diplomatic
16 affairs, Japan would be ready to give her advice.

17 Q The matter is further explained at the top
18 of page 13. I want to see what you say about that.
19 (Reading):

20 "Committee member FUTAGAMI states: (1) The
21 overseas organs of the Greater East Asia Ministry are
22 officially under the command of the Foreign Minister
23 concerning matters of customary diplomacy; and under
24 the command of the Greater East Asia Minister on those
25 of extranormal diplomacy. Furthermore, since the

YAMAMOTO

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1 distinction between customary and extranormal
2 diplomacy is not clear, they /overseas organs/
3 receive orders separately from the both ministers
4 of the central government on the same issue. He
5 asked whether or not there is fear of this giving
6 cause to bewilderment so that they would not be able
7 to act properly. Foreign Minister TANI replied that
8 the relations of our Empire with the countries in the
9 Greater East Asia sphere are somewhat the relations
10 between relatives and it is the ideal of our Empire
11 to have this further strengthened and developed into
12 the relations of a single large family, and that during
13 this period it could be eventually led to a point
14 where diplomacy would not be needed any more. But
15 at the present stage, due to need for respect of
16 dignity and the exchange of documents, it is necessary
17 that customary diplomacy be continued. Within this
18 extent will the overseas organs come under the super-
19 intence of the Foreign Minister."

20
21 Mr. YAMAMOTO, if these countries were really
22 independent, why should either of these two ministries
23 interfere with their diplomacy?

24 A Speaking frankly, I was one of those who
25 were fundamentally opposed to the establishment of
the Greater East Asia Ministry. As stated therein,

YAMAMOTO

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1 there is a great deal of anxiety and fear lest with
2 establishment of such a ministry would create various
3 uncertainties and doubts; and therefore at the time
4 I was one of those who were strongly in favor of --
5 correction: at that time in handling the affairs,
6 diplomatic affairs of Japan, vis-a-vis other countries,
7 although we were in favor of the idea of unifying and
8 coordinating the handling of affairs relating to
9 other countries, still we strongly contended that
10 the actual carrying out of diplomacy should at all
11 costs be left in the hands of the Foreign Office.

12 THE PRESIDENT: Do you want an answer
13 to your question before lunch? You have not got one.

14 MR. COMYNS CARR: No, your Honor.

15 THE PRESIDENT: We will adjourn until half-
16 past one.

17 (Whereupon, at 1200, a recess was taken.)
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AFTERNOON SESSION

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The Tribunal met, pursuant to recess, at 1330.

THE PRESIDENT: Major Moore.

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

MAJOR MOORE (LANGUAGE ARBITER): Mr. Presi-
dent, with the Tribunal's permission we submit the
following language correction:

Record page 17,988, lines 9 to 13, delete
from "for the" to the end of the paragraph and sub-
stitute "as I maintained, not to grant independence
for such reasons was an argument which I could not
accept."

This correction covers record page 17, 989,
lines 20 to 25 and record page 17,990, lines 3 to 6.

THE PRESIDENT: There will be no mid-after-
noon recess. Instead we will adjourn at 3:15 P. M.
to enable members of the staff to change old currency
into new.

Mr. Comyns Carr.

YAMAMOTO

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1 K U M A I C H I Y A M A M O T O, called as a
2 witness on behalf of the defense, resumed
3 the stand and testified through Japanese
4 interpreters as follows:

CROSS-EXAMINATION

6 BY MR. COMYNS CARR (Continued):

7 Q Would the Court Reporter kindly read my
8 last question before the adjournment?

9 (Whereupon, the official court reporter
10 read as follows:)

11 "Q Mr. YAMAMOTO, if these countries were really
12 independent, why should either of these two ministries
13 interfere with their diplomacy?"

14 A You have just said about interference by
15 two ministries in diplomacy; but even after the
16 establishment of the Ministry for Greater East
17 Asiatic Affairs, customary diplomacy was in the
18 hands of the Foreign Ministry.

19 MR. COMYNS CARR: That still is not an
20 answer, but I won't trouble about it.

21 Q Turning now to page 19 of the statement,
22 exhibit 687, the third paragraph:

23 "Committee Chief SUZUKI,"-that is not the
24 accused but Kantaro SUZUKI--"stated to the effect
25 that this draft is not based upon the rules of right

YAMAMOTO

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1 but on the rules of might."

2 THE MONITOR: Mr. Comyns Carr, will you give
3 us a moment to find the corresponding version on
4 the Japanese text, please?

5 MR. COMYNS CARR: Yes, last page of the
6 Meeting of the 20th of October.

7 Q Do I understand that you agreed with that?

8 A May I ask again, are you referring to the
9 fact that it was the words of Committee Chairman
10 SUZUKI with respect to the rules of righteousness
11 and the rules of might?

12 Q Those were his words, and I am asking you
13 whether you agreed with them.

14 A I do not think it is a policy that intentional-
15 ly strayed away from the rule of righteousness into
16 the rule of might.

17 Q But you told me this morning that you were
18 opposed to the formation of this ministry?

19 A Yes, I said so. At that time I was not
20 opposed to the purpose but contended that a separate
21 organ should not be created for that purpose.

22 THE MONITOR: Aside from the Foreign Ministry.

23 Q Then why did you immediately accept the
24 position of Vice-Minister?

25 A At that time the Foreign Minister and his

YAMAMOTO

CROSS

1 staff were unanimously opposed to the establishment
2 of the new ministry and as a result both the minister,
3 Mr. TOGO, and the Vice-Minister, Mr. NISHI, took
4 responsibility and resigned from their positions,
5 as I am sure you know, because unfortunately the
6 plan was adopted by the government. I accepted the
7 post of Vice-Minister of the Ministry for Greater
8 East Asiatic Affairs for the following reason: At
9 the time the problem arose with respect to the estab-
10 lishment of the new Ministry, I was Director of
11 the East Asia Bureau of the Foreign Office. Despite
12 the fact that I was one of those opposed to the
13 establishment of the Ministry, the plan for the
14 establishment of said Ministry was nevertheless
15 adopted and I, as a Secretary, gave deep consideration
16 to whether it was necessary for me to resign in
17 prosecuting or carrying out the ideas which we enter-
18 tained and whether it would have any effect on the
19 application of the ideas which we entertained. Those
20 who were responsible as head of our Foreign Office
21 resigned; but we who were their subordinates determined
22 to stay on because we believed it to be the true way
23 of government officials to carry out our desires,
24 intentions and ideas by getting into the Ministry--
25 new Ministry and operate it in accordance with our ideas.

YAMAMOTO

CROSS

1 Q Now coming back to French Indo-China, did
2 that country get any co-prosperity?

3 A Japan made every effort to bring about
4 co-prosperity within the limits of its possibility
5 under the circumstances at that time.

6 Q Isn't it the truth that Japan deliberately
7 bled French Indo-China white?

8 A There is no such fact.

9 Q I will only ask you about one matter by way
10 of illustration of that.

11 Was the original arrangement in the agreement
12 of May 6, 1941, which is exhibit 658, that the balance,
13 whichever way it was, of imports and exports between
14 the two countries should be settled every month in
15 gold or foreign currencies convertible into gold?

16 A May I inquire the nature of the document to
17 which you just referred? May I state that at that
18 time I was Director of the East Asia Bureau and the
19 Bureau which was in charge -- which had charge of
20 matters relating to French Indo-China was the South
21 Seas Bureau.

22 Q Didn't you, as Vice-Minister of the Greater
23 East Asia Ministry, take the trouble to look at the
24 agreements by which you were bound and which you
25 were supposed to be carrying out?

YAMAMOTO

CROSS

1 A The Ministry for Greater East Asiatic
2 Affairs was established in November, 1942, and it
3 is a fact that I made a study and review of important
4 events and documents before that time.

5 Q Well, do not you know that the agreement
6 I have spoken of, of May 16, 1941 between Japan
7 and French Indo-China, provided that these balances
8 should be settled in gold or foreign currencies
9 convertible into gold?

10 Clause 24 for the information of the Tribunal.

11 A I now recall.

12 Q Did not Japan demand such a large volume
13 of goods to be sent from French Indo-China to Japan
14 that there was always an enormous balance in favor
15 of French Indo-China in money?

16 A Although some of your explanation is not
17 entirely clear to me, it is a fact that at that time
18 there were very intimate trade relations existing
19 between Japan and French Indo-China; and our country
20 Japan did every effort possible -- made every effort
21 possible to promote very close trade relations with
22 French Indo-China in connection with the China Incident
23 by sending goods in which they were lacking and
24 vice versa. As for French Indo-China, the obtaining
25 of a favorable balance in trade by sending out all

YAMAMOTO

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1 exportable products was not inimical to French
2 Indo-Chinese economy and finance.

3 Q Did Japan ever pay those balances?

4 A I believe that the settlements were made.

5 Q Don't you know very well that immediately
6 after you took office and your ministry was estab-
7 lished, Japan compelled French Indo-China to change
8 that agreement so that instead of being paid in gold
9 or convertible currencies they should be paid in
10 special yen blocked in the Yokahama Specie Bank?

11 MR. ROBERTS: I object to the form of the
12 question and the characterization that Japan had
13 compelled French Indo-China to carry on these acts.

14 THE PRESIDENT: Well, there is nothing much
15 wrong with the form of the question. I think you
16 are only juggling with words, Mr. Roberts, really.
17 There is nothing really objectionable in the form
18 and certainly nothing wrong in the substance. The
19 objection is overruled.

20 A The words have just been used that the
21 special yen system was compelled or forced upon
22 French Indo-China, but this arrangement was made in
23 peacetime in accordance with agreement -- in accordance
24 with an agreement between the two parties.

25 Q Do you suggest that French Indo-China

YAMAMOTO

CROSS

voluntarily accepted that agreement?

1 A Of course, Japan did not force anything
2 upon them.

3 Q Wasn't the effect of it anyway that French
4 Indo-China was never paid at all?

5 A Whether the settlements were actually
6 made at that time is a separate question; but it
7 is a fact that Japan was bound by her obligations of
8 the arrangement established between the two
9 countries and that Japan carried out the provisions
10 of the arrangement.

11 Q Did not even that arrangement contain a
12 clause that they should convert them into gold?

13 A There are certain points that I do not recall
14 at present with regard to specific items in the
15 arrangement.

16 Q Now did not exactly the same thing apply
17 to the payments for the Japanese occupation force?
18

19 A Japan only acted in accordance with the
20 arrangement with French Indo-China in regard to
21 occupation expenses also.

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1 Q Did not Japan originally undertake to
2 repay them in gold and later refuse to pay them
3 except in blocked yen?

4 THE PRESIDENT: It would be wise to avoid
5 that phraseology, Mr. Comyns Carr. I suppose all
6 that happened was a fresh agreement was made, and
7 you invite us to assume it was made under compul-
8 sion because no nation with its wits about it would
9 accept paper for gold.

10 Mr. COMYNS CARR: Yes, your Honor, and
11 there is more direct evidence of the compulsion
12 than that already before the Tribunal but I did not
13 propose to ask this witness about that.

14 Q But now a matter of compulsion which was
15 not by agreement, Mr. YAMAMOTO. After your ministry
16 came into being was not the Bank of French Indo-
17 China compelled by the occupation authorities to
18 print and hand over enormous quantities of notes --
19 hand over to the occupation authorities enormous
20 quantities of notes without any backing at all?

21 A Is your question, Mr. Prosecutor, to the
22 effect that the Ministry for Greater East Asiatic
23 Affairs caused such a step to be taken?

24 Q First of all, do you know it was taken?

25 A As I have frequently said before, after

YAMALOTO

CROSS

1 the establishment of the Ministry for Greater
2 East Asiatic Affairs, all acts -- all actions were
3 taken in accordance with the principle of Greater
4 East Asia Co-Prosperity and that any mistakes were
5 rectified and that in the handling of all matters
6 the principle of Greater East Asian Co-prosperity
7 was carried out in that high, strong conviction.
8 Inasmuch as after the establishment of the Ministry
9 we were in the midst of a very large-scale war
10 there may have been specific instances which did not
11 accord -- which were not in accord with the principle
12 of co-prosperity. With regard to the point which
13 you have just indicated, I do not have any positive
14 recollection.

15 Q Well, then, why could you not have said so
16 instead of making that speech? Do you know that in
17 the last year of Japanese occupation of French
18 Indo-China -- the demands upon that country for so-
19 called expenses of occupation troops were more than
20 fifteen times as great as in the first year?

21 A. LOGAN: If the Tribunal please, we
22 have hesitated to bring this up but I think my
23 friend should be instructed not to make these side
24 remarks which are solely for the Court's ear and
25 not for the benefit of the witness.

YAMAMOTO

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1 THE PRESIDENT: It depends upon the
2 witness. This witness is far from frank. He has
3 avoided answering questions. He has gone a round
4 about way to answer them and cross-examining counsel
5 is well within his rights in reminding him.

6 Q Now I will repeat the question which was
7 interrupted: Do you know that in the last year of
8 Japanese occupation of French Indo-China the amounts
9 demanded in the name of expenses of the Japanese
10 army were more than fifteen times as great as in
11 the first year?

12 A Inasmuch as I was in Thailand at that time
13 I do not know anything about the last year of occu-
14 pation in French Indo-China -- the last year of
15 relations with French Indo-China.

16 Q Did Japan carry out in French Indo-China
17 exactly the same policy as I have asked you about
18 with regard to other countries, namely, confiscating
19 all the principal business to whomsoever they belonged
20 and handing them over to Japanese companies?

21 MR. ROBERTS: We submit, if the Court please,
22 this is too broad a generalization because we know
23 there is no evidence to support that.
24

25 THE PRESIDENT: He may supply the evidence.
I think the question is permissible. Objection

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1 overruled.

2 A With regard to French Indo-China also all
3 matters were handled by the Ministry for Greater
4 East Asiatic Affairs after its establishment in
5 accordance with its policy.

6 MR. COMYNS CARR: That will be all.

7 THE PRESIDENT: Apparently there will be
8 no re-examination.

9 DR. KIYOSE: Mr. Roberts conducted the
10 examination in chief but inasmuch as there are so
11 many matters related with the defendant TOJO am
12 I allowed to re-examine this witness?

13 THE PRESIDENT: Mr. Roberts is not going
14 to re-examine, I understand. You are going to do
15 so if you are allowed. Is that the intention?

16 DR. KIYOSE: If I am permitted, yes.

17 THE PRESIDENT: Well, I understand my
18 colleagues want Mr. Roberts to do it nevertheless
19 so Mr. Roberts must do the re-examination and you
20 may put questions through him, Dr. KIYOSE.
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1 MR. ROBERTS: If it please the Tribunal, we
2 submit that much of the cross-examination was on matters
3 which were not touched in the original examination.

4 THE PRESIDENT: Well, you knew when you called
5 him that he was the man who went abroad with the accused
6 TOJO, and, in those circumstances, it might have been
7 arranged for Dr. KIYOSE to examine him in chief. But
8 if the principal part of the examination was left to
9 you, Mr. Roberts, why shouldn't the minor part? Nothing
10 has happened to affect your competence. Dr. KIYOSE
11 doesn't intend to cross-examine, but only to re-examine.
12 He said so. You can do that.

13 MR. ROBERTS: The redirect, as I stated, will
14 be principally upon the matters brought out which we
15 stated in our belief were outside the scope of the
16 examination and affect, in chief, Mr. TOJO.

17 THE PRESIDENT: We have given our ruling, but
18 let me make it clear that your beliefs, being erroneous,
19 do not affect the position. The cross-examination was
20 within the scope of the re-examination, was within the
21 scope of the examination in chief. We have given our
22 decision. We will hear no further argument. If Mr.
23 Roberts doesn't want to re-examine, then the witness
24 will be excused.

25 The witness is released on the usual terms.

(Whereupon, the witness was excused.)

1 DR. KIYOSE: May I cross-examine, sir?

2 THE PRESIDENT: You have changed your mind
3 to meet the situation. We are not going to allow you
4 to do that. You told me clearly you wanted to re-examine
5 and nothing has caused you to change your mind except
6 an adverse decision of the Court.
7

8 MR. ROBERTS: May we have the witness recalled
9 to the stand please.

10 THE PRESIDENT: This looks like defiance and
11 we won't tolerate it. The Tribunal is in charge of this
12 Court and will remain so.

13 MR. ROBERTS: I would like to state to the
14 Court that I did not desire to proceed with redirect,
15 because, frankly, I was not familiar with all the facts
16 brought out on cross-examination.

17 THE PRESIDENT: We have given our decision.
18 You must respect it. We will hear no further argument
19 on this matter. Proceed with your other evidence.

20 MR. ROBERTS: I am able to conduct some of
21 the redirect if your Honors would be so kind as to
22 permit it at this time. I did not understand the witness
23 was being excused.

24 THE PRESIDENT: Proceed with your other evidence.

25 MR. LOGAN: With all due respect to the Tribunal's

1 ruling, it was our intention to have Dr. KIYOSE
2 conduct this re-examination and if he didn't get the
3 permission of the Tribunal to do so, that we intended
4 to have Mr. Roberts do it as far as he could humanly
5 possibly do it, and we think this witness is of sufficient
6 importance that he should be examined on redirect. We
7 have not --

8 THE PRESIDENT: To us, Mr. Logan, it looked
9 like defiance and we were prepared to meet it and
10 always will be.

11 MR. LOGAN: I can assure your Honor there is
12 no intention to have any defiance whatsoever. The
13 prosecution and the defense have been working on this
14 very problem and we expect to have something to submit
15 to the Tribunal shortly with respect to the order of
16 examinations. It hasn't been completed yet, but we ex-
17 pect it today, but in the meantime we have been trying
18 to work this so as few defense attorneys would examine
19 as possible to conduct the defense in an expeditious
20 manner.

21 In this phase Mr. Roberts, who conducted the
22 direct examination, represented OKA and in the cross-
23 examination many matters came out with respect to TOJO
24 and under the Charter each accused is entitled to examine
25 a witness; and for these reasons I would like to ask

YAMAMOTO

REDIRECT

1 your Honor to review the ruling which you have just
2 made.

3 THE PRESIDENT: The ruling was the ruling of
4 the majority of the Tribunal. I was in a minority
5 in the first place.

6 The majority of the Tribunal desire to hear you
7 or to hear Mr. Roberts re-examine.

8 (Whereupon, Mr. Roberts approached
9 the lectern.)

10 THE PRESIDENT: We will hear from Mr. Roberts.
11 It is my duty to support the ruling of the
12 Tribunal whatever I think and I do so.

13 - - - -

14 K U M A I C H I Y A M A M O T O, called as a
15 witness on behalf of the defense, resumed the
16 stand and testified through Japanese interpreters
17 as follows:

18 REDIRECT EXAMINATION

19 BY MR. ROBERTS:

20 Q When you said on cross-examination on Friday,
21 Mr. YAMAMOTO, when you were questioned concerning certain
22 acts that had occurred in the Philippines, that you did
23 not recall small details will you tell us what you
24 meant by this expression?

25 A When I used the term "small details", I meant

YAMAMOTO

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1 that I did not recall specific or particular details.
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1 Q With respect to Mr. Ba-Mo, do you know what
2 position he occupied in Burma before the war?

3 A My understanding is that Dr. Ba-Mo was the
4 chief of some kind of a proletarian party, whose name
5 I do not recall, in Burma; and I also recall that he
6 was at one time a sort of Prime Minister of the Govern-
7 ment of Burma under British rule.

8 Q You were also asked a question concerning the
9 indictment of one of the members who attended that
10 conference. Can you tell us if, in your knowledge,
11 any of the other representatives who attended the
12 Greater East Asia Conference in 1944 have been in-
13 dicted or convicted for war crimes?

14 A Are you referring to representatives to the
15 Assembly of Greater East Asiatic Nations aside from
16 the Japanese representatives?

17 Q Yes.

18 A I think that, for instance, Dr. Laurel of the
19 Philippines and Dr. Chu Min-Yi of China were indicted.

20 Q Have you knowledge with respect to the other
21 representatives?

22 A Yes. About Dr. Ba-Mo I have heard that he
23 had been under investigation by the British authori-
24 ties but that recently he had been released.

25 Q Do you know what position Prince Wan-wai of

YAMAMOTO

REDIRECT

Thailand occupies today?

1 A Around June last year, when I left Thailand,
2 I think Prince Wan-wai Thayakon was the Postal Adviser
3 to the Cabinet. I have been informed, although I do
4 not know whether it is correct, that recently Prince
5 Wan-wai Thayakon was appointed Ambassador to the
6 United States.

7 Q What was the new policy toward China formu-
8 lated since you were made Vice-Minister of Greater
9 East Asia Ministry?

10 MR. COMYNS CARR: Your Honor, I do not recol-
11 lect asking any question which would raise this matter
12 in redirect.

13 THE PRESIDENT: Well, you raised the attitude
14 of Japan towards China. You dealt with that, I under-
15 stand. I think you did. I cannot remember you men-
16 tioning China specifically, nevertheless.

17 MR. COMYNS CARR: I did mention China speci-
18 fically for the purpose of showing that the government
19 to which the witness referred was not independent, and
20 I used the document of 1941 for that purpose. But
21 what he is now being asked about is a new policy
22 introduced by the Greater East Asia Ministry, and that
23 was not introduced either in direct or in cross-
24 examination.
25

YAMAMOTO

REDIRECT

1 THE PRESIDENT: Well, if it bears on inde-
2 pendence, it is admissible. I do not know what the
3 point of it is at all.

4 What is the new policy? You have an obliga-
5 tion to employ clear terms, Mr. Roberts, so we will
6 know whether or not it is within the scope of re-
7 examination.

8 MR. ROBERTS: They did refer to the policy
9 towards China. We wanted to show the recommendation
10 made by this witness at the time he left the Ministry
11 towards that policy.

12 THE PRESIDENT: He was brought here to testify
13 on Japan's attitude, and not on his opinions; and
14 this reexamination goes to his opinions. The objection
15 is upheld.

16 MR. ROBERTS: I did not refer to an opinion,
17 if the Court please.

18 THE PRESIDENT: A recommendation is the same
19 thing.

20 MR. ROBERTS: This was a recommendation that
21 I refer to while he was still Vice-Minister.

22 THE PRESIDENT: A recommendation and opinion
23 are the same thing in circumstances. A recommendation
24 embodies his opinion of what ought to be done.

25

BY MR. ROBERTS (Continued):

1 Q I asked you previously if any of the men who
2 attended the conference were indicted for war crimes,
3 and I now ask you if any of the men who attended the
4 conference have been indicted or convicted by their
5 own people for alleged collaboration with Japan.

6 A In my recollection, I do not think there are
7 any of the delegates who were represented at the con-
8 ference who were indicted or charged by their own
9 people for having cooperated with Japan. The repre-
10 sentative from Thailand was Prince Wan-wai Thayakon,
11 but Prince Wan-wai came as a representative of the
12 Prime Minister of Thailand. The Prime Minister of
13 Thailand at that time was Field Marshal Pibul; and
14 since the end of the war Field Marshal Pibul was
15 arrested and imprisoned, but later it was found that
16 this decision was unconstitutional, and he was freed.

17 Q Do you recall the position occupied by Mr.
18 Chandra Bose?
19

20 A If I get your question rightly, he was repre-
21 sented at the Assembly of Greater East Asiatic Nations
22 on behalf of the Provisional Government of Free India.
23 Before that he was a revolutionary leader in India, and
24 the information that I received was that he was twice
25 President of the Indian National Congress.

YAMAMOTO

REDIRECT

1 Q On Friday the prosecutor referred to a docu-
2 ment marked exhibit No. 1332 and stated it was a
3 reported decision of the cabinet meeting. I refer
4 you again to this document which is marked "Report"
5 on the certificate filed with the document, and ask
6 you if you had known that this was a report of the
7 Ministry of Commerce would you have answered in the
8 same manner that you did?

9 MR. COMYNS CARR: Your Honor, I must object
10 to that -- to the statement contained in that ques-
11 tion. It is incorrect. The document shows it is, as
12 I stated, a cabinet meeting report, and that it was
13 sent as a top secret document to the chief official
14 of the Commerce and Industry Ministry.

15 MR. ROBERTS: May I then withdraw the ques-
16 tion and ask that the witness be permitted to see
17 the original document?

18 THE PRESIDENT: Let him see the original if
19 he wishes to see it.

20 Q Mr. YAMAMOTO, will you examine that document
21 and tell us what it is?

22 A When the contents of this document were re-
23 ferred to me the last time I said that I had no
24 accurate knowledge of the matter. Now as I see this
25 document I can say that this is not a decision of

YAMAMOTO

REDIRECT

1 the Liaison Conference between the Japanese govern-
2 ment and the Imperial General Headquarters, but a
3 report prepared by the Sixth Committee, which is --
4 which was a part of the planning board and a group
5 composing a committee with representatives from the
6 various ministries concerned, with the object prin-
7 cipally to make a study of economic problems, and
8 this is nothing more than a document which reported
9 the conclusions of the Sixth Committee to the Liaison
10 Conference and the cabinet.

11 Q Then it is not a decision of the cabinet. Is
12 that correct?

13 A I do not think it is a decision.

14 Q Now I read to you the portion which was read
15 on page 1, paragraph I again. "The principal aim
16 of the policy is to fill the demand for important
17 natural resources and thereby contribute to the execu-
18 tion of the present warfare, and at the same time, to
19 establish a system of autarchy for the Greater East
20 Asia Co-Prosperity Sphere, and speedily find means of
21 strengthening and repleting the Imperial economic
22 strength."

23
24 Now you answered to that, when you were told
25 that it was a cabinet decision, as follows: I have
no positive recollection, but I presume that there

YAMAMOTO

REDIRECT

1 was such a decision.

2 Do you now wish to change your answer in
3 respect to the information you have just received?

4 A The last time when I was asked this ques-
5 tion I replied that such an opinion also -- such a
6 decision may also have been made. After looking at
7 this document I should like to make my reply as
8 follows: Although this is not a cabinet decision
9 it can be said as a fact that such ideas were
10 entertained by some officials within the government,
11 that is to say with respect to the passage just
12 quoted.

13 Q The prosecution has called to your atten-
14 tion certain acts which occurred in the Philippines
15 during the war. With respect to these acts what
16 was the purpose of the conference in 1943?

17 A With regard to Japanese acts in the Philip-
18 pines -- acts in the Philippines referred to by the
19 prosecution, both in time and in breadth these acts
20 were committed before the ideal of -- of establish-
21 ing a co-prosperity sphere in greater East Asia
22 crystallized. The measures taken by Japan following
23 the occupation of these territories since the out-
24 break of the war were not all necessarily satisfactory.
25 Gradually through Japanese self-reflection and on

YAMAMOTO

REDIRECT

1 the basis of experience gained, improvements were
2 made and the former acts rectified. And in such a
3 manner the idea of convening an assembly of greater
4 East Asiatic nations took concrete form after the
5 ideals developed and matured that a greater East
6 Asian co-prosperity sphere must be established
7 incorporating the spirit and wishes of the various
8 peoples living in this sphere.

9 Q Did that conference take up and discuss
10 some of the problems referred to?

11 A The prosecution pointed out -- largely
12 pointed out -- referred to -- economic problems.
13 With respect to the economic problem I think it was
14 the third article of the joint declaration which sets
15 the course for economic development in the future.

16 Q I refer now to exhibit No. 687, prosecu-
17 tion document 1086. In answer to certain questions
18 propounded by the prosecutor based on this document
19 you stated that the occupied areas were excluded
20 from your authority. I now read from page 5, in
21 paragraph marked (2), beginning with the words "In
22 reply."

23
24 "In reply to his query made to the views
25 of the Government authorities, Prime Minister TOJO
stated that the Southern Occupied Areas are now under

YAMAMOTO

REDIRECT

1 military administration and, therefore, the authority
2 of the Greater East Asia Ministry is excluded."

3 Is that in accordance with the statement
4 made by you when you were questioned by the prose-
5 cutor?

6 A Yes.

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1 Q I now refer to page 21 of the same exhibit,
2 second paragraph, beginning with the word "chief."
3 I refer to this article for the purpose of clarifying
4 the meaning of Article XIX of exhibit 90. I read:
5 "Chief of the Legislative Bureau, MORIYAMA,
6 explained that the administration of the occupied
7 territories in the south is at present conducted
8 according to the prerogative of the Supreme Command,
9 and, therefore, lies beyond the scope of the Greater
10 East Asia Ministry."

11 Is that also in accordance with the answers given
12 by you this morning?

13 A Yes, my reply is consistent with this.

14 MR. COMYNS CARR: My friend shouldn't stop
15 in the middle of a paragraph. He should read the
16 next sentence which shows the meaning.

17 MR. ROBERTS: Anything that the prosecutor
18 desires to read, he may do so.

19 MR. COMYNS CARR: If my friend wishes to
20 mislead the Tribunal by reading only a portion of
21 what he says is an explanation I cannot help it. I
22 shall have to ask leave to read the rest later.

23 MR. ROBERTS: If the Court please, I object
24 to these tactics on the part of the prosecutor, and
25 ask that he be instructed not to continue them.

YAMAMOTO

REDIRECT

1 THE PRESIDENT: I think it was a serious
2 objection. But do cut out this by-play.

3 MR. ROBERTS: In view of what the prosecutor
4 says I would be willing to read the rest of the para-
5 graph, but I am trying to save the time of the Court,
6 as requested.

7 THE PRESIDENT: Had you immediately read it
8 when the objection was raised you would have saved
9 time, certainly.

10 Well, I am not urging you to read it. We
11 leave it to you to decide.

12 MR. ROBERTS: In view of the statement made
13 I am inclined to finish reading the rest of the para-
14 graph. It follows:

15 "However, in substance the military adminis-
16 tration falls under matters of state, and at present
17 various matters, such as the laying of plans, actually
18 come under organs of state in many cases. This Article
19 was inserted in order to provide that the disposal
20 of such cases would be the responsibility of the
21 Greater East Asia Ministry. 'SAKUO' /T.N. Concert/
22 means compliance with the wishes of the army, while
23 'KYORYOKU' /T.N. Cooperation/ means non-interference
24 in military administration."
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YAMAMOTO

REDIRECT

1 Referring back to Article XIX in exhibit 90,
2 which is the Imperial ordinance setting up the Greater
3 East Asia Ministry, does the explanation given give
4 us a clearer picture of the intention of Article XIX?

5 MR. COMYNS CARR: I am afraid I must object
6 to that question, your Honor. Both documents speak
7 for themselves.

8 THE PRESIDENT: But the reference is not to
9 the clause but to an explanation, and I think I would
10 say that he was asked whether he explained fully to
11 you. But what do you mean, Mr. Roberts? Do you ask
12 him whether the clause explains, or whether his explana-
13 tion was full enough?

14 MR. ROBERTS: Perhaps it will be made more
15 clear if I read the small paragraph preceding the one
16 I have read, which states as follows on page 21:

17 "Committee member, MINAMI (Hiroshi), requested
18 an explanation of the purport of Art. 19 of the Estab-
19 lishment of the Greater East Asia Ministry."
20

21 My question to the witness was to ascertain
22 whether or not the explanation as contained here was
23 not to clarify the meaning of Article XIX.

24 THE PRESIDENT: The articles themselves don't
25 explain anything. They make provision. MINAMI makes
 an explanation, according to exhibit 687, page 21. Now,

YAMAMOTO

REDIRECT

1 what do you want? Are you suggesting that Articles
2 XVIII and XIX must be read together to be understood?
3 We don't want the witness' assistance on that.

4 MR. ROBERTS: May I first state that the
5 reference to MINAMI here is not the accused MINAMI.

6 THE PRESIDENT: No, it is Hiroshi, not Jiro.
7 We quite understand.

8 MR. ROBERTS: I want to ask the witness if
9 the explanation contained in this clause that I have
10 read is not in accordance with his answer previously.

11 THE PRESIDENT: They are both in writing. We
12 can come to our own conclusion. Mr. Carr had a liberty
13 in this regard that you didn't have. He could bring
14 these writings up on cross-examination. There is no
15 occasion and no proper scope for you to do it in
16 re-examination.

17 We will adjourn until half-past nine tomorrow
18 morning.

19 (Whereupon, at 1515, an adjourn-
20 ment was taken until Tuesday, 11 March
21 1947, at 0930.)
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