

*Nov 1st Wit & Ex. Reuters*

Record of Proceedings  
of the  
INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

Court House of the Tribunal  
War Ministry Building  
Tokyo, Japan

The United States of America, the Republic of China,  
the United Kingdom of Great Britain and Northern Ireland,  
the Union of Soviet Socialist Republics, the Commonwealth of  
Australia, Canada, the Republic of France, the Kingdom of  
the Netherlands, New Zealand, India, and the Commonwealth  
of the Philippines

-Against-

ARAKI, Sadao; DOHIHARA, Kenji; HASHIMOTO,  
Kingo; HATA, Shunroku; HIRANUMA, Kiichiro; HIRO-  
TA, Koki; HOSHINO, Naoki; ITAGAKI, Seishiro; KAYA,  
Okinori; KIDO, Koichi; KIMURA, Heitaro; KOISO, Kuni-  
aki; MATSUI, Iwane; MATSUOKA, Yosuke; MINAMI,  
Jiro; MUTO, Akira; NAGANO, Osami; OKA, Takasumi;  
OKAWA, Shumei; OSHIMA, Hiroshi; SATO, Kenryo; SHI-  
GEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATO-  
RI, Toshio; SUZUKI, Teiichi; TOGO, Shigenori; TOJO,  
Hideki; UMEZU, Youshijiro;

-Accused-

Official Court Reporters

Jack Greenberg, Chief  
Fred T. Abram  
James F. Barton  
Antoinette Duda  
Samuel Goldberg  
Robert B. Morse  
John J. Smith  
Daphne Spratt  
Elvira Whalen  
Julian Wolf  
Lorraine Yelden



1 NOVEMBER 1946

I N D E X

Of

WITNESSES

(none)

I N D E X

Of

EXHIBITS

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1618	912		A book entitled "Guidance of Public Opinion re 1935 London Naval Limitations Conference" dated September and October 1934	9219	
1618-A	912-A		Excerpt therefrom		9224
6262	913		"Ships in the Japanese Navy, Battleships"		9240
903	914		A book entitled "Collection of Lectures of Japan Diplomatic Association"	9241	
903-A	914-A		Excerpt therefrom		9242
6261	915		Chart entitled "List of Total Increase in Imperial Japanese Navy Personnel from 31 December 1934 until 15 August 1945"		9249



# I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
6260	916		Chart entitled "Major Combat Vessels of Japan 1931-1945, on Hand and Under Con- struction"		9250
6264	917		"Ships in Japanese Navy, Light Cruisers and Heavy Cruisers"		9253
6263	918		"Ships in Japanese Navy, Carriers"		9254
1444	919		"Basic Principles for Rapid Conclusion of War Against the U. S., England, The Netherlands and the Chungking Regime"		9261



1 Friday, 1 November, 1946

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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  
13 Appearances:

14 For the Tribunal, same as before, with the  
15 exception of the HONORABLE R. B. PAL, Member from  
16 India, not sitting.

17 For the Prosecution Section, same as before.

18 For the Defense Section, same as before.

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

4 THE PRESIDENT: All the accused are present  
5 except OKAWA, who is represented by counsel.

6 Captain Robinson.

7 CAPTAIN ROBINSON: Mr. President and  
8 Members of the Tribunal, it is now proposed to con-  
9 tinue the presentation of documentary evidence on  
10 the subject Japanese Naval Preparations for Wars of  
11 Aggression, as charged in the Indictment.

12 I shall now offer in evidence documents  
13 to show Japanese naval activities in opposition to  
14 the Naval Limitation Treaties, namely, the Washing-  
15 ton Treaty of 1922, which is Court exhibit No. 34,  
16 the London Treaty of 1930, which is Court exhibit  
17 No. 35, and the London Treaty of 1936.

18 Documentary evidence will now be presented  
19 from Court exhibit No. 58, pages 1 to 63, which in-  
20 clude pages 249 to 306 of Volume I, State Department  
21 Papers Relating to the Foreign Relations of the  
22 United States and Japan, 1931-1941. I shall read  
23 first at pages 5 to 9, the communication from United  
24 States Ambassador Joseph C. Grew to Secretary of State  
25



1 Cordell L. Hull, at Tokyo, 15 September 1932.

2 Mr. President, the translators have a copy  
3 of this manuscript. I don't understand why we are  
4 being stopped for the translation.

5 THE MONITOR: I am sorry, Captain Robin-  
6 son. We will make a verbatim translation, in order  
7 to save time.

8 THE PRESIDENT: We discover on these occas-  
9 sions that our very efficient translators are always  
10 doing their best.

11 CAPTAIN ROBINSON: Yes, sir, I appreciate  
12 that. I just wish to call your attention to the fact  
13 that they have the manuscript.

14 THE PRESIDENT: They have a most difficult  
15 task and they are doing it admirably. That is the  
16 opinion of the Tribunal.

17 Yes, Captain Robinson.

18 CAPTAIN ROBINSON: Proceeding at page 5 of  
19 exhibit 58, Ambassador Grew to Secretary of State  
20 Hull, dated Tokyo, September 15, 1933:  
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1 "Sir: Japanese naval leaders find them-  
2 selves at present in a serious quandary. They have,  
3 since the ratification of the London Treaty and es-  
4 pecially in the past year or more, insisted that  
5 Japan must demand parity, or at least a great in-  
6 crease in relative tonnage, at the next Naval Confer-  
7 ence in 1935. They have built up a feeling among  
8 the people of resentment and contempt for anything  
9 connected with the London Treaty. Premier HAMAGUCHI  
10 and Premier INUKAI were assassinated, and other  
11 statesmen live in fear of their lives, in consequence  
12 of the bitter feeling stirred up against protagonists  
13 of the London Treaty. Admirals TAKARABE, YAMANASHI  
14 and TAINIGUCHI have been retired in consequence, it  
15 is generally believed, of their support of this Treaty.  
16 According to the press, Admiral TANIGUCHI's recent  
17 retirement put an end to the high naval influence  
18 standing for the maintenance of the present treaty  
19 status. His retirement took place during the conduct  
20 of the 'May 15 trials,' which have taken on the char-  
21 acter of the Soviet propaganda trials and have stirred  
22 up great patriotic ardor against the London Treaty.

23 "The result of these efforts by military  
24 leaders has been the creation of an intense antipathy  
25 for the arms limitation treaties and a universal demand



1 for revision of the present naval ratios in favor of  
2 Japan. This feeling was useful to the Navy leaders  
3 until lately, when American naval construction has  
4 definitely commenced. The Navy now has the unen-  
5 viable task of deciding whether to abrogate the  
6 treaties next year and start a hopeless competition  
7 with far wealthier nations for naval supremacy, or  
8 else to accept a continuance of the present ratios  
9 and to face an outraged public. Until recently, as  
10 the Japanese Navy approached the American Navy in  
11 effective tonnage, many leaders had high hopes of  
12 achieving parity or near parity with America. A  
13 short time ago Vice Admiral TAKAHASHI, Vice Chief  
14 of the Naval General Staff, frankly said to the Assis-  
15 tant Naval Attache of this Embassy: 'We are going to  
16 the Conference in 1935 with a demand for parity. If  
17 our demand is rejected, we shall return home.'

18  
19 "This hope is now vanishing, as America  
20 begins to build toward the Treaty limits. By 1936  
21 they realize that the situation will be comparable  
22 to that in 1927.

23 "It is obvious from the flood of comment  
24 which has followed announcement of the American  
25 building plans that the Japanese navy leaders are  
bitterly disappointed. They expected to have every-



1     thing their own way at the conference in 1935 with  
2     their own navy built to the limit and the American  
3     navy hardly 75% effective. Their calculations have  
4     been completely upset by this new and unexpected  
5     development in the United States."



1 "At present the Army and Navy are concen-  
2 trating their efforts on obtaining funds for com-  
3 pletion of their armament programs. The Navy program  
4 was discussed in brief in the Embassy's previous des-  
5 patch on reaction to the American building program.  
6 The American program is being used as justification  
7 for increased demands, and the impression is given  
8 out that the second naval replenishment program has  
9 been launched only because of the need of keeping  
10 pace with America. The fact is, of course, that the  
11 second replenishment program was announced in almost  
12 the present form as early as January of this year,  
13 several months before the American program was conceived.  
14 Moreover, the Japanese press invariably remarks that  
15 the American program will bring American naval strength  
16 up to Treaty limits, whereas actually it is understood  
17 to fall short of the objective by about 175,000 tons.  
18 But anything is used these days as an excuse for in-  
19 creased armaments for the Japanese Army and Navy.

20 "There is hereto appended a translation ap-  
21 pearing in the Japan Times of an interesting state-  
22 ment by the Minister of War General Araki, in regard  
23 to national defence and the necessity of preparation  
24 for the approaching crisis in 1935 and 1936. There  
25 is also appended hereto an account of an interview



1 given by the Navy Minister to the Tokyo correspondent  
2 of the United Press, which may be of interest in con-  
3 nection with Naval affairs.

4 "Respectfully yours, Joseph C. Grew

5 "(ENCLOSURE)

6 "Interview Given by the Japanese Minister of Marine  
7 (Osumi) to the Correspondent of the United Press in  
8 Tokyo

9 "(Undated)

10 "1. Q. Is Japan satisfied with the existing naval  
11 agreements? Will she request a larger ratio when the  
12 agreements come on for revision in 1936?

13 "A. In the treatment of armament limitation problem  
14 the security and the limitation of fighting power are  
15 invariably bound together. From this fact it would  
16 be apparent that the position of naval armament is  
17 always closely dependent on international surroundings.  
18 If that is the case, there is no reason why a nation  
19 should remain forever content with a treaty which it  
20 had once signed. Only out of regard for the welfare  
21 of humanity, we signed the London Naval Treaty, but  
22 we did not do it unconditionally. As regards the  
23 Washington Agreement, it was signed twelve years ago  
24 and in our opinion is no longer adequate to guarantee  
25 the security of this empire as the international sit-



1 uation has thoroughly altered in that period of time.  
2 Furthermore from the standpoint of true armament limi-  
3 tation it is doubtful if the present ruling is really  
4 most rational and economical. At any rate we are not  
5 satisfied with the present arrangement, and we will  
6 demand the change of ratios at the next conference.

7 "2. Q. Have the existing naval agreements served a  
8 useful purpose from the viewpoint of Japan? Does the  
9 Japanese Navy favor making new agreements cover addi-  
10 tional categories of ships including submarines?

11 "A. From the standpoints of all nations parti-  
12 cipatory to it, I will not deny that the existing  
13 treaties have served some useful purpose. For ex-  
14 ample:

15 "(a) They have to some extent effectually check-  
16 ed the competition in armament building, as far as  
17 the capital ships were concerned.

18 "(b) They have ushered in a building holiday as  
19 regards the capital ships and to that extent lightened  
20 the burden on the tax-payers.

21 "(c) Through the limitation of the types and  
22 guns they have precluded the chance of new ships be-  
23 coming suddenly incapacitated as the result of a new  
24 invention in fighting machineries, and thus prolonged  
25 the life of fighting vessels consequently enabling the



1 participants to economize expenditures.

2 "I think these are the benefits common to all  
3 nations.

4 "3. Q. Does the Minister apprehend a so-called  
5 'naval construction race' between Japan and the United  
6 States?

7 "A. As far as the present situation is concerned,  
8 Japan and the United States are building only within  
9 treaty limits. Hence in my idea the term 'naval race'  
10 is a sheer misnomer to describe the building position  
11 between these two countries.

12 "4. Q. Why do Japanese naval publicists refer to the  
13 Mandate Islands in the South Seas as Japan's naval  
14 lifeline? Of what value are these islands from a view-  
15 point of defence?

16 "A. The South Sea Islands are separated from the  
17 southernmost islands of Japan by a narrow strip of  
18 water. Parts of Japan are situated within the cruising  
19 radius of a heavy bombing plane from the South Sea  
20 Islands, which possess therefore a great strategical  
21 value for the defence of the empire. If they should  
22 fall in the hands of a hostile power in war time, it  
23 will constitute a direct menace to the safety of our  
24 defence. This is why we call it the life-line of our  
25 sea defence. Some preach the idea that Japan is going



1 to utilize these islands for an attack on the Pacific  
2 coast of the United States and the Hawaiian Islands.

3 But just a look at the map will convince the public  
4 of the fallacy of such a doctrine. Can these islands  
5 be used as a base of attack on Hawaii which are lying  
6 as much as 2,000 miles away beyond the ocean, and this  
7 with a navy of lesser strength?"  
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1           "The sheer impossibility of such idea  
2 will be apparent to anybody who knows something about  
3 naval warfare.

4           "5. Q. Does the Minister believe the purchase  
5 of a 45 percent interest in the China Aviation Cor-  
6 poration by American interests is a matter of inter-  
7 est to the Japanese Navy? Does Japan consider Amer-  
8 ican participation in Chinese aviation development as  
9 connected with China's defence plans?

10           "A. I am in no position to answer the question  
11 5 except that we have as yet no reliable information  
12 in this respect, and that between the civil and the  
13 military aviation there is no hard and fast line of  
14 distinction, and this circumstance gave rise to em-  
15 barrassing complication at Geneva whenever the prob-  
16 lem was brought up for discussion.

17           "6. Q. What does the Minister consider to be  
18 the mission or objectives of the United States and  
19 Japanese navies in contrast? Should there be, or  
20 is there, any clash in these objectives?

21           "A. Secretary of the Navy, Swanson, recently  
22 stated that the United States means to hold a navy  
23 strong enough to defend the country and its oversea  
24 dominions, and to this end will build, maintain  
25 and operate the first-in-the-world navy following



1 the provision of existing treaties. If such is the  
2 case it can by no means clash with the mission of  
3 the Japanese navy which consists in the maintenance  
4 of the peace in the Far East and the defence of the  
5 Empire's position in the Far East. To the Japanese  
6 Navy the idea of crossing the Pacific Ocean in order  
7 to attack our neighbors is quite alien. Its mission  
8 is strictly defensive and legitimate.

9 "7. Q. Does the Minister see any possibility  
10 of Japanese-American War?

11 "A. I am positive in the belief that unless  
12 Japan's national existence is menaced to the extent  
13 that the use of force is the only way to defend it,  
14 the world will never find Japan involved in a war  
15 with other countries."  
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1 I shall read at the bottom of page 9 of  
2 Court exhibit No. 58 the first sentence only from  
3 the telegram of Ambassador Grew to Secretary Hull,  
4 dated at Tokyo, 18 September, 1934.

5 I draw attention to the fact that the  
6 Minister of Foreign Affairs to whom reference is made  
7 in the telegram was the defendant HIROTA.

8 Reading the telegram:

9 "204. I was informed by the Minister of  
10 Foreign Affairs yesterday that Japan had definitely  
11 decided to give notice before December 31, 1934, to  
12 terminate the Washington Naval Treaty."

13 I shall read at page 10 to the middle of  
14 page 11 the telegram from Chairman Davis of the  
15 American delegation to Secretary Hull, dated, at Lon-  
16 don, 24 October, 1934, as follows:

17 "In the meeting with the Japanese delegation  
18 this morning MATSUDAIRA read a brief general state-  
19 ment of the Japanese position following which Admiral  
20 YAMAMOTO read a more detailed statement. The sub-  
21 stance of their position is contained in the following  
22 synopsis handed to us at the end of the meeting.

23  
24 "To possess the measure of armaments necessary  
25 for national safety is a right to which all nations  
are equally entitled. In considering the question



1 of disarmament, therefore, due regard must be given  
2 to that right in order that the sense of national  
3 security of the various powers might not be impaired;  
4 and any agreement for the limitation and reduction of  
5 armaments must be based on the fundamental principle  
6 of 'non-aggression and non-menace.'

7 "To that end we believe that the most appro-  
8 priate method in the field of naval armament is for  
9 us, the leading naval powers, to fix a common upper  
10 limit which may in no case be exceeded, but within  
11 which limit each power would be left free to equip  
12 itself in the manner and to the extent which it deems  
13 necessary for its defensive needs. It is desirable  
14 that this common upper limit should be fixed in the  
15 agreement as low as possible and that offensive arms  
16 should be reduced to the minimum or abolished alto-  
17 gether in favor of essentially defensive arms so as  
18 to facilitate defense and to render attack difficult.

19 "(Paraphrase.) They had made the same de-  
20 clarations to the British yesterday, MATSUDAIRA said.

21 "We limited ourselves to putting questions  
22 for the purpose of clarifying the Japanese position  
23 particularly with regard to what they meant by 'of-  
24 fensive arms' and by a 'common upper limit.' It was  
25 explained by Admiral YAMAMOTO that the 'upper limit'



1 should be the same for each power and should be fixed  
2 as low as possible of course; that while Japan would  
3 not build up to this maximum necessarily, the treaty  
4 would leave each country, during the treaty period,  
5 at liberty to build to any point within that limit  
6 which it considered necessary for its security. It  
7 was emphasized by MATSUDAIRA that any treaty agreement  
8 not to build beyond a certain level within the maximum  
9 would constitute, in essence, a disguised continuance  
10 of the ratio system and would be interpreted as a per-  
11 petuation of naval inferiority by the Japanese people.

12 "Concerning offensive weapons Admiral YAMA-  
13 MOTO agreed that, under certain circumstances, all  
14 naval weapons partook of an offensive character, but  
15 that it was a question of determining which vessels,  
16 in comparison with others, were more peculiarly use-  
17 ful for offense; that the Japanese Navy regarded air-  
18 craft carriers, capital ships, and 8-inch-gun cruisers  
19 as peculiarly offensive naval weapons in the order  
20 given. YAMAMOTO added that, owing to their relative  
21 unseaworthiness and short range, submarines were re-  
22 garded by the Japanese Navy as useful primarily for  
23 defense, and that the offensive character of submarines  
24 vis-a-vis merchant vessels would be ended if the exis-  
25 ting agreement in the London Treaty against the use



1 of submarines for attacking merchant vessels were made  
2 effective and universal."  
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1 I shall read at pages 12 to 13 a telegram  
2 from Acting Secretary of State Phillips to Chairman  
3 Davis of the American delegation. The telegram is  
4 dated, at Washington, 25 October, 1934.

5 "With reference to telegram" --

6 MR. LOGAN: If the Tribunal please --

7 THE PRESIDENT: Mr. Logan.

8 MR. LOGAN: (Continuing) these documents  
9 which are now being read by the prosecution were  
10 prior to the denunciation of these treaties by Japan,  
11 and they are in evidence already. Under the terms  
12 of them, Japan had a perfect right to denounce these  
13 treaties, and we fail to see how any of these prior  
14 statements or negotiations are material to any of  
15 the counts in the Indictment.

16 THE PRESIDENT: You could have rights and  
17 yet exercise them for a sinister purpose. That is  
18 what the prosecution are endeavoring to establish,  
19 as I understand.

20 The objection is overruled, if there was  
21 one. I do not know that there was an objection,  
22 really.

23 You may proceed.  
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CAPTAIN ROBINSON: (Reading)

"With reference to your telegram No. 6 of October 24, 7 p.m. the Japanese statement and the recent public utterances of responsible exponents of Japanese unofficial and official views indicate an uncompromising and rigid Japanese attitude. That the Japanese are preparing the ground for a probable walk-out is suggested by the rigidity and scope of the position which they take. And evident unwillingness on their part to discuss anything except what suits their own national aspirations, regardless of world conditions, implies a throwing off of all restrictions and an abandoning of all effort looking toward real cooperation in the realm of international relations and peace machinery. No justification is offered by them except arguments of prestige and manifest destiny for their claim of paramount responsibilities and rights in the Far Eastern peace. No sufficient reason exists why all the nations of the world cannot proceed on the basis of security and peace laid down in the Washington treaties, to the principles and provisions of which treaties this Government still adheres. The plea on the part of the Japanese of need of self-defense is similar to the one which they made at the time of beginning their military occupation of Manchuria and



their attack, in 1932, at Shanghai upon the Chinese.

No reason exists why the other countries of the world should accept the Japanese view of Japan's requirements and rights or allow themselves to be represented as obstructing the Japanese people's legitimate aspirations. The publicity which the Japanese are according to their line of exposition suggests that, on the expectancy of walking out, they desire to create an impression with the public, to be developed further at the moment when they wish, that they are driven to that conclusive action by the indifference to Japanese necessities in the field of self-defense on the part of other countries.

"It will be necessary for us to combat whatever efforts they may make to shift the responsibility for a break, if and when it occurs, from themselves to the United States and/or Great Britain.

"We believe that we should be guided, in contacts with the British conferees and with the press, by the above line of reasoning. However, it should not be made the basis of any official statement but might, in the course of discussions or conferences where comment is required, be borne in mind.

"From the American point of view, the publicity here at present is satisfactory."

Signed: "Philips."



1 I shall read from pages 15 and 16 a telegram  
2 from Secretary Hull to Chairman Davis of the American  
3 delegation, dated at Washington, 13 November 1934.

4 THE PRESIDENT: Captain Robinson, we have  
5 received copies of the Nuernberg judgment. We have  
6 just received them, and the Court there stresses the  
7 point that evidence of conspiracy should not go too far  
8 back; it should be comparatively recent. I think I  
9 am right in saying that they excluded evidence of  
10 what the Nazi political program was as evidence of  
11 conspiracy. Perhaps Mr. Logan is thinking along those  
12 lines when he makes that point, and when you consider  
13 the Nuernberg judgment you may decide to cut down some  
14 of the material you intend to put before this Court.  
15 When the Members of this Court consider the Nuernberg  
16 judgment in that regard, they may or, of course, they  
17 may not follow it. I don't know. But it is worth  
18 consideration.

19 CAPTAIN ROBINSON: Yes, your Honor. I have  
20 before me the Indictment, of course, which deals with  
21 the matter of dates, that is, the Indictment in this  
22 case. I do not have the Neurnberg indictment.

23 THE PRESIDENT: The Indictment is no conclusive  
24 answer. The particulars may go back too far.

25 CAPTAIN ROBINSON: Yes, your Honor. I shall



1 take that under careful consideration and proceed  
2 accordingly.

3 I shall read, from pages 15 and 16, the tele-  
4 gram from Secretary Hull to Chairman Davis of the  
5 American delegation, dated at Washington, 13 November  
6 1934, as follows:

7 "We are convinced by the conversations which  
8 have taken place over the past three weeks that prac-  
9 tically no chance exists of bridging the definite dis-  
10 agreement between the Japanese delegation on the one  
11 hand and the British and ourselves on the other with  
12 regard to the fundamentals of future naval limitation.  
13 Every opportunity has been afforded the Japanese to  
14 explain and to justify Japan's demands; we have not  
15 forced the pace and we have not refused them a chance  
16 to 'save face'. We should continue to emphasize our  
17 thesis that maintaining the treaties as a basis for  
18 future naval limitation rests on the equality of self-  
19 defense, equality of security, and on a united purpose  
20 to avoid competition in armaments. The only construc-  
21 tion we can place on the Japanese thesis is that it  
22 represents a desire to obtain overwhelming supremacy  
23 in the Orient opening the way to preferential rights  
24 and privileges and destroying the delicate balance in  
25 Asia, both economic and political, which is represented



1 by the other basic principles and policies that are  
2 embodied in the Washington and other treaties.

3 "Hull."

4 I shall read, at pages 23 and 24, the third  
5 paragraph, the telegram of Chairman Davis to Secretary  
6 Hull, dated at London, 1 December 1934, as follows:

7 "58. I was informed by Sir John Simon today  
8 of the last conversations which he had with the Japanese  
9 delegation, which conversations substantially confirmed  
10 what had been told me by MATSUDAIRA (reference is made  
11 to my telegram No. 55 of November 30), with the follow-  
12 ing additions to my conversation.

13 "YAMAMOTO, replying to a question put by Simon  
14 as to whether the building programs of the Three Powers  
15 would be kept on parallel lines, stated that Japan felt  
16 that the American and British programs might be lowered  
17 by degrees and the Japanese program increased by degrees  
18 so that ultimately they might reach the same level in  
19 the course of years. Since he could not accept such a  
20 contention, Simon did not pursue the subject further.

21 "With regard to the inquiry he had made con-  
22 cerning the integrity of China, Simon told me that he  
23 had received no satisfaction from the Japanese. Simon  
24 was informed by MATSUDAIRA that of course there was no  
25 intention whatever on the part of Japan of interfering



1 in China with British interests. The reply made by  
2 Simon was that he was not asking MATSUDAIRA about  
3 British rights but that he would like to know, since  
4 Great Britain was a party to the Nine-Power Treaty,  
5 which gave her certain responsibilities and rights,  
6 what the Japanese policy was to be with regard to the  
7 integrity of China, entirely apart from the question  
8 of Manchukuo. No satisfactory nor clear-cut reply was  
9 received by Simon."

10 I shall read, at pages 29 and 30, the tele-  
11 gram from Ambassador Grew to Secretary Hull, dated  
12 Tokyo, 19 December 1934:

13 "This morning the Privy Council in Plenary  
14 Session gave unanimous approval to the Government's  
15 decision to abrogate the Washington Naval Treaty and  
16 so advised the Emperor. The draft instructions to  
17 SAITO, I understand, will be submitted to the Cabinet  
18 either December 21 or 22, but when the formal notice  
19 will be conveyed to the Department is not yet decided.

20 "It is my impression that HIROTA desires to  
21 delay, if possible, the formal notice of abrogation  
22 until after the adjournment of the present conversa-  
23 tions in London in order to avoid the charge that they  
24 were disrupted by Japan's action.

25 "Grew."



1 I shall read, at page 30, a communication from  
2 the Japanese Ambassador SAITO to Secretary Hull, dated  
3 at Washington, December 29, 1934:

4 "Sir: I have the honor, under instructions  
5 from my Government, to communicate to you the following:

6 "In accordance with Article XXIII of the Treaty  
7 concerning the Limitation of Naval Armament, signed at  
8 ashington on the 6th February, 1922, the Government of  
9 Japan hereby give notice to the Government of the United  
10 States of America of their intention to terminate the  
11 said Treaty, which will accordingly cease to be in force  
12 after the 31st December, 1936.

13 "Accept (etc.)

14 "SAITO."  
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1                   CAPTAIN ROBINSON: I shall read at pages 42  
2 to 46, the memorandum of conversations between the  
3 American and Japanese delegations, dated at London  
4 17 December 1945. The memorandum lists as present in  
5 the Japanese delegation the defendant NAGANO and  
6 others and in the American delegation Mr. Davis, Mr.  
7 Phillips, Admiral Standley, and others. The memorandum  
8 reads as follows:

9                   "In response to a request from Admiral NAGANO  
10 in regard to the American proposal referred to by  
11 Mr. Davis at the opening session of the Conference,  
12 Mr. Davis stated that the American proposal might be  
13 summarized as a twenty percent all-around reduction  
14 in the various categories, such reduction to be applica-  
15 ble also to Italy and France in so far as the limita-  
16 tions imposed by the Washington Treaty upon those  
17 countries are concerned, with the proviso, however,  
18 that adjustments between categories shall be agreed  
19 upon after discussion.

20                   "At Mr. Davis' request, Admiral Standley went  
21 into the American proposal at great length. In re-  
22 gard to the question of the replacement of capital  
23 ships, Admiral Standley referred to the absence of  
24 any construction in this type during the past fifteen  
25 years and to the necessity of approaching with extreme



1 caution any suggestion looking toward any change in  
2 the size of capital ships. He said that the first  
3 few vessels to be built under the replacement program  
4 would be of a maximum tonnage of 35,000, and that  
5 after the experience thus gained by this new con-  
6 struction the United States would be disposed to  
7 examine proposals in regard to reducing the size. Mr.  
8 Davis added that we were, however, prepared at this  
9 time to enter into a discussion in regard to fixing  
10 the maximum caliber of guns.

11 "Admiral Standley referred to the statement made  
12 yesterday during the meeting of the heads of the  
13 delegations by Mr. Davis, to the effect that prior  
14 to the Washington Conference there had existed a  
15 common upper limit, with the sky as the limit. Prior  
16 to that Conference, Japan did not have parity but had  
17 built a navy conforming to its needs. Failing any  
18 agreement, Japan would have the right to build up to  
19 parity with the United States if it could, but Ad-  
20 miral Standley did not doubt but that if Japan were  
21 to strive to reach parity with the United States, the  
22 United States would also build with a view to main-  
23 taining its lead. Such a state of affairs, he pointed  
24 out, was obviously not desired by either country, and  
25 he wondered whether it would not be possible to form



1 an agreement which, while recognizing Japan's  
2 sovereign rights to build as large a navy as it  
3 desired, would stabilize strengths at the present  
4 comparative levels until such time as a more favorable  
5 opportunity might be expected for the discussion of  
6 a new naval arrangement.

7 "Mr. Davis remarked that we should not over-  
8 look the fact that naval limitation is not a question  
9 which lies entirely between the United States and  
10 Japan. The naval position of the United States is  
11 in a considerable measure dependent upon the naval  
12 positions of England and of other European powers,  
13 as the United States could not ignore the historical  
14 fact that it had unwillingly been drawn into two  
15 major European Wars.

16 "With respect to the question of security or  
17 non-menace and non-aggression, to which Admiral  
18 NAGANO had made various references, Mr. Davis said  
19 that not only had the non-fortification provisions of  
20 the Washington Treaty removed the threat of aggression,  
21 but the Nine-Power Treaty had also been concluded to  
22 remove the causes for aggression. This had estab-  
23 lished the foundation on which naval limitation  
24 rests. We consider that the Japanese were thus  
25 secured against attack from either the United States



1 or Great Britain, and could not understand what there  
2 is that has happened to make Japan feel that she is  
3 menaced.

4 "Admiral Standley here quoted excerpts of state-  
5 ments made by KATO and SHIDEHARA at the Washington  
6 Conference (pages 106 and 380 of records of Washington  
7 Conference.) Admiral Standley continued that at the  
8 London Conference we had made further concessions in  
9 the ratio to meet Japanese desires for additional  
10 security. As regards the present proposal for a  
11 twenty percent cut, it might be pointed out that a  
12 reduction in aircraft carrier and destroyer tonnage  
13 is contingent on reduction in submarines.

14 "Admiral NAGANO reiterated that opinion in his  
15 country no longer supported the Washington Treaty.  
16 He reminded us that our idea of disarmament also had  
17 undergone modification; for instance, Mr. Hughes had  
18 at the Washington Conference opposed the abolition of  
19 submarines, whereas we had favored abolition at  
20 London. Admiral NAGANO assured us that the common  
21 upper limit did not envisage giving Japan any  
22 opportunity for aggression; on the contrary Japan  
23 wanted to make aggression by any power impossible.  
24 With respect to the London Treaty, Admiral NAGANO  
25 declared that former Secretary of Navy Adams had



1 said in the Senate that the American Delegation had  
2 succeeded in persuading Japan to accept a proposition  
3 almost impossible to accept. Both Mr. Davis and  
4 Admiral Standley said that if any such statement had  
5 been made inferring that Japan was not equally secured  
6 it was certainly in error.

7 "Admiral Standley said it had been understood at  
8 Washington that every nation was given security in the  
9 area in which it had to operate. Japanese waters  
10 were made as secure as California waters. However,  
11 the United States possessed territories close to  
12 Japan with an area as large as Japan's. There are no  
13 fortifications there and no submarines. We also had  
14 a large territory in Alaska. If we gave Japan parity,  
15 she would have absolute superiority in Philippine and  
16 Alaskan waters. That would not be giving the United  
17 States equality of security. Some people in the  
18 United States have said Japan wants to take the  
19 Philippines. Japan has never shown any intention  
20 to do this any more than we have threatened her. The  
21 Government at Washington has done what it could to  
22 allay such a misapprehension at home, and we must not  
23 allow anything to happen which would bring about a  
24 recrudescence of this feeling. The Japanese claims  
25 give people who think she wants to take the Philippines



or Alaska exactly the ammunition they are looking for.

1           "Admiral NAGANO stated that while under the ratio  
2 Japan could not possibly menace the United States,  
3 the American Navy concentrated in Oriental waters  
4 could threaten Japanese security. With respect to  
5 the Philippines, it might also be said that the United  
6 States had no possessions near Europe, while Europe  
7 had possessions near America, and if such geographical  
8 aspects were to be taken into account, the situation  
9 would become very complex. Japan nevertheless had  
10 numerous independent islands off her coast for which  
11 she has to find means of defense. She could, there-  
12 fore, not accept a plan which would permit one power  
13 to approach the other, while the reverse was not true.  
14 From Japan's point of view the Philippines lay in  
15 line of very important waters and hence represented a  
16 constant threat. Japan did not want the Philippines  
17 but they constituted one reason why she found it  
18 difficult to recognize American naval superiority.

19           "Mr. Davis said he did not think the Japanese  
20 proposals very fair. At the Washington Conference we  
21 had made the greatest sacrifice, since we had abandoned  
22 an actual program of construction which would have  
23 given us in two or three years a Navy more powerful  
24 than Great Britain's and much more powerful in relation  
25



1 to Japan than under the Treaty. It was not the  
2 British who accepted parity, but the United States  
3 which granted parity. We did this in the interests  
4 of promoting peace, understanding and security.  
5 Parity with Japan would not give us equal security  
6 since it would deprive us of the power to defend  
7 Alaska and the Philippines.

8 "Admiral NAGANO did not deny that the Washington  
9 Treaty checked a naval race and promoted peace, and  
10 he hoped that the friendly situation created thereby  
11 by the United States and Japan would continue, but  
12 Japan did not want to be placed in the position where  
13 the continuance of peace and good will was dependent  
14 on another country. Japan was worried, not about the  
15 safety of distant possessions, but about the safety of  
16 Japan herself.

17 "Admiral Standley said that it seemed apparent  
18 that we could not see eye to eye on the question of  
19 security and non-menace. The only solution, there-  
20 fore, would be to continue the Washington agreements  
21 temporarily until sometime when we could sit down and  
22 go over the various problems without suspicion.

23 "Mr. Davis added that we must find a modus vivendi  
24 which would avoid both the common upper limit and the  
25 ratio. There had been an improvement in Japanese-



1 American relations in the past three years. Japan  
2 had nothing material which the United States wanted.  
3 The two countries were good mutual customers, and  
4 there was more reason for our two countries to co-  
5 operate than in the case of any other two nations.  
6 The present, Mr. Davis added, was no time to change  
7 the naval structure. Italy was making war in  
8 Abyssinia; Japanese armies were marching in China, and  
9 the American people did not know what this would lead  
10 to. Japan was in process of evolution and did not  
11 herself know what the outcome would be. The American  
12 people were watching to see what would take place.  
13 They had shown clearly they did not want trouble with  
14 Japan or anyone else. In any case, there was more  
15 justification for an increase in the American ratio  
16 than in that of Japan, for the United States had  
17 certainly done nothing to warrant suspicion. On the  
18 other hand, what Japan was doing was a little dis-  
19 turbing to the American People."

20 An error in the text there. There should be in-  
21 serted, as the original shows, these words: "Mr. Davis  
22 then paid tribute to the Japanese people and their  
23 great qualities and to their urge for progress, which  
24 the United States admired, but which it desired to see  
25 exercised in a peaceful manner."



1 THE PRESIDENT: Part of that is not in evi-  
2 dence, is it? Are you reading from the original?

3 CAPTAIN ROBINSON: The original volume from  
4 which this was copied --

5 THE PRESIDENT: What has been tendered here,  
6 the original volume?

7 CAPTAIN ROBINSON: No, sir, this document is --  
8 yes, this is the original exhibit, is it not, Mr. Clerk?  
9 Yes, sir, this is the original document. It is at page  
10 289.

11 THE PRESIDENT: Well, it is of very little  
12 consequence, really.

13 CAPTAIN ROBINSON: May I proceed?

14 THE PRESIDENT: You may.

15 CAPTAIN ROBINSON: (Reading)

16  
17 "Mr. Phillips said we did not want to do anything  
18 to harm the rapidly growing friendship between our  
19 people. Parity would certainly set us back and  
20 breed suspicion. It would arouse fear and there is  
21 nothing more detrimental to friendship.

22 "Admiral NAGANO said that Japan no less than the  
23 United States wished to continue to improve friendly  
24 relations, but the fact was that Japan felt the  
25 pressure of the American Navy which was capable of  
menacing Japan's very existence. That situation must



1 be altered if Japan is to feel contented in the Pacific.

2 "Admiral Standley, after explaining that he was  
3 speaking purely personally and without having dis-  
4 cussed it with his Delegation, suggested that the  
5 only way to come to a temporary agreement was to take  
6 the present structure, with certain modifications as  
7 to qualitative limitation, and perhaps to include in  
8 a preamble a statement that an adequate navy was the  
9 sovereign right of everybody. Such a treaty would  
10 include building programs over a period of years in  
11 place of the ratio system.

12 "Mr. NAGAI at first expressed the fear that any  
13 such compromise would again mean the ratio system in  
14 disguise. After further explanations by Admiral Stand-  
15 ley, he expressed interest in the suggestion on the  
16 understanding that it would mean a provisional ar-  
17 rangement for a few years only. The Japanese Dele-  
18 gation indicated that they would think over Admiral  
19 Standley's suggestion and give us their views another  
20 time!"  
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1 I shall now read at pages 51 to 53, the  
2 telegram from Chairman Davis, of the American Delegation,  
3 to Secretary Hull, dated at London, 15 January  
4 1936.

5 Beginning at page 51:

6 "At this afternoon's meeting following the  
7 Japanese exposition, it is planned that all of the  
8 delegations will make final statements in reply.

9 "As the Japanese are planning to release  
10 their statement immediately after the meeting, we  
11 shall do the same with ours. Text follows and you  
12 will notified of the hour of release probably through  
13 flash.

14 "The United States has been most desirous  
15 of reaching a new agreement for a reduction and limita-  
16 tion of naval armaments to supersede the existing  
17 treaties that are to expire at the end of this year.  
18 We have, therefore, been willing to discuss any pro-  
19 posals and to explore every possibility of agreement.  
20 We have been willing to consider any evidence that  
21 might have been presented to the effect that the  
22 present relative strengths are not fair and equitable  
23 and do not provide for equal security.

24 "We have accordingly listened with the most  
25 careful attention to all the explanations given by



1 the Japanese delegation of their proposal for a  
2 common upper level with a view to determining whether  
3 any new facts or considerations might be developed  
4 which would justify the United States in modifying  
5 its belief that the principles of the common upper  
6 limit would not be a practicable basis for the limi-  
7 tation and reduction of naval armament. While we  
8 greatly appreciate the clear exposition of the  
9 Japanese point of view presented by Admiral NAGANO  
10 the discussion has it anything served to strengthen  
11 our conviction that the principle of a common upper  
12 limit would not serve as a basis for negotiation  
13 and agreement.

14 " The Japanese have proposed that this Con-  
15 ference establish a level for naval armaments which  
16 no contracting power might exceed. They expressed  
17 the hope that the agreed limit should be set so low  
18 as to require substantial reductions by Japan. This  
19 would require contracting powers having navies larger  
20 than the limit to scrap or sink many ships to reach  
21 this common upper limit and would permit contracting  
22 powers having the smaller navies to build up to the  
23 common level.

24 " The Japanese recognize that there are dif-  
25 ferences in vulnerability, responsibility, and needs



1 as between the powers. They state these are of 'great  
2 consequences to every power'. To provide for these differ-  
3 ences they propose to make a small quantitative ad-  
4 justment within the common upper limit. While Japan  
5 has objected to a continuance of the so-called ratio  
6 system, their proposal for a common upper limit is  
7 in fact not an abandonment but a continuance of  
8 the ratio system on the basis of parity without tak-  
9 ing into account the varying needs of the countries  
10 concerned.

11 " The principle of the common upper limit  
12 rests in fact on the assumption which it has not been  
13 possible to substantiate that equality of security--  
14 which we are all unanimously agreed must be the  
15 foundation of limitation and reduction-- could be  
16 achieved by equality of naval armament. We believe  
17 it has been sufficiently shown in the course of our  
18 discussions that equality of naval armament not only  
19 is not the same as equality of security but that the  
20 two are incompatible and contradictory. Equal arma-  
21 ments do not insure equal security.

22 " Equality of security as was recognized and  
23 established at the Washington Conference can mean  
24 only superiority of defense in each country's own  
25 waters. This defense depends only in part on actual



1 naval strength. Other factors of equal if not great-  
2 er importance in determining a nation's capacity for  
3 defense are strength of land and air forces and of  
4 fortifications, distances from other powers, length  
5 of communications, configuration of coast lines,  
6 importance and relative distance of outlying posses-  
7 sions, extent and complexity of responsibilities.  
8 These necessarily dictate unequal navies if equality  
9 of security is to be assured.

10 "The Japanese delegation has stated that  
11 one of the objects of their proposal is 'to create  
12 a state of non-aggression and non-menace.' We are  
13 convinced this state now exists among the signatories  
14 to the naval treaties.

15 "Certain nations are so situated as to be  
16 endowed by nature with a superior power of defense.  
17 If, without regard to all the other factors I have  
18 cited, a nation so situated should possess naval arma-  
19 ments equal to those of powers not so favored, then  
20 that nation would have a very marked naval superior-  
21 ity far more than sufficient for its defensive needs.  
22 The sense of security which we feel was created by  
23 existing naval treaties would thereby disappear. It  
24 is possible to change some factors; it is not possible  
25 to change geography."



1           " The existing relative strengths have in  
2 effect provided an equilibrium of defense and an e-  
3 quality of security as nearly as is humanly possible.  
4 It would be extremely difficult even in more normal  
5 times and under conditions of greater mutual confi-  
6 dence, to agree upon such a radical readjustment of  
7 these relative strengths as would be involved in ac-  
8 ceptance of the common upper limit. In the face of  
9 the present world instability such a readjustment,  
10 quite aside from the question of principle, is im-  
11 possible. Bearing in mind the situation in the Far  
12 East, in Europe and in Africa, the United States is  
13 unwilling to consent to any change which would lessen  
14 its relative security particularly in the absence of  
15 greater assurance than we now have that to do so would  
16 not promote peace and establish a regime of non-menace  
17 and non-aggression. It is, however, in favor of and  
18 has proposed at this Conference on all-around pro-  
19 portional reduction in fleet strengths.

20           " With reference to the question of reducing  
21 so-called offensive naval arms which has been alluded  
22 to, I am persuaded that it is not possible to make  
23 out any case whatever as to a distinction to be drawn  
24 between offensive and defensive naval vessels. Whether  
25 any particular type of naval armament is offensive or



1 defensive depends entirely upon the use that is made  
2 of it. If the time ever comes when the conditions  
3 of the world are such as to permit of virtual elim-  
4 ination of the necessity of maintaining large navies  
5 the first step would naturally be to cease to con-  
6 struct the more expensive types of naval vessels.  
7 Certainly the situation in the world today is not  
8 such as to justify this.

9 " For all the foregoing reasons the United  
10 States is unable to accept the principle of the  
11 'common upper limit' as the basis for an agreement.  
12 While we would deeply regret the inability to arrive  
13 at an agreement acceptable to all the powers here  
14 represented our decision and purpose would be to  
15 foster the continuance of our friendly relations with  
16 all the naval powers. "

17 (Signed) "Davis."  
18  
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1           And one further quotation from the next page.  
2       I shall read at page 54, the communication of the de-  
3       fendant NAGANO, Chairman of the Japanese Delegation,  
4       to the Chairman of the London Naval Conference.

5       The communication reads as follows:

6           "(London) January 15, 1936.

7           "My Lord, I have the honour hereby to  
8       notify Your Lordship that as it has become suffic-  
9       iently clear at to-day's session of the First Com-  
10      mittee that the basic principles embodied in our pro-  
11      posal for a comprehensive limitation and reduction  
12      of naval armaments cannot secure general support,  
13      our Delegation have now come to the conclusion that  
14      we can no longer usefully continue our participation  
15      in the deliberations of the present Conference.

16           "We remain, nevertheless, firmly convinced  
17      that our proposal is one best calculated to attain an  
18      effective disarmament, and we regret to state that  
19      we cannot subscribe, for the reasons we have repeat-  
20      edly set forth, to the plans of quantitative limi-  
21      tation submitted by the other Delegations.

22           "I desire to assure you, on this occasion,  
23      that we most sincerely appreciate the cordial manner  
24      in which you have been good enough to conduct the Con-  
25      ference; at the same time, I should like to tender our



1 deepest thanks on behalf of our Delegation, for the  
2 hearty co-operation of all the Delegations to this  
3 Conference.

4 "I have (etc.).

6 /s/ "Asami Nagano."



1           As further documentary evidence of the acti-  
2       vities of the Japanese Navy in opposition to the 1935  
3       Naval Limitations Conference at London, I present  
4       **IPS** document No. 1618. It is a book dated September  
5       and October, 1934, entitled "Guidance of Public Opi-  
6       nion re 1935 London Naval Limitations Conference."

7       It is offered to show that the Japanese Navy Minister,  
8       as it states in the document, is organizing propaganda  
9       just before the opening of the London Naval Limita-  
10      tions Conference of 1935 to insure the application  
11      of the 1922 and 1930 treaties. The attached certifi-  
12      cate is signed by the appropriate officer.

13           I request the Clerk of the Court to give this  
14      a Court exhibit number for identification.

15           CLERK OF THE COURT: Prosecution's document  
16      No. 1618 will receive exhibit No. 912, for identifica-  
17      tion only.

18                   (Whereupon, the document above  
19      referred to was marked prosecution's exhibit  
20      No. 912 for identification.)

21           CAPTAIN ROBINSON: I now offer in evidence  
22      IPS document 1618-A, an excerpt from the exhibit  
23      marked No. 912 for identification only.

24           THE PRESIDENT: Mr. Logan.

25           MR. LOGAN: If the Tribunal please, this



1 document 1618-A does not state on its face, or in  
2 anything stated by the prosecution, as to whose docu-  
3 ment it is. There is nothing on it to indicate what  
4 individual if anybody sanctioned it.

5 There is a statement on the top of it that  
6 it was decided on 12 October 1934, but it does not  
7 indicate who decided it.

8 THE PRESIDENT: The certificate states it  
9 came from the archives of the Navy Ministry.

10 MR. LOGAN: Yes, I realize that, your Honor,  
11 but there is no signature to this document, and there  
12 is no indication it was ever published. It might have  
13 been drawn up by some clerk who has no responsibility  
14 whatsoever and placed in the archives of the Navy  
15 Minister. We don't know; we can't tell from this docu-  
16 ment.

17 Frankly, your Honor, there must come a time  
18 in this case when documents as important as this one  
19 and others are submitted and there is no evidence of  
20 them being connected up with any of these accused.  
21 Now, the mere fact that the document was found in  
22 the Navy Ministry, I submit, is no evidence of any  
23 act by any of these particular accused, and it is  
24 merely cluttering up the record.  
25

THE PRESIDENT: The defense will be at liberty



1 to show that the document was not brought into exis-  
2 tence by any responsible person; but the presumption  
3 is not that way. The source of the document and its  
4 character, although unsigned, is a consideration for  
5 us. It may be that a document will yet be discovered  
6 or has been discovered, unsigned, of the greatest  
7 significance.

8 As to the question of conspiracy, the charge  
9 is conspiring with others as well as among themselves;  
10 and the statements and the acts of others are admis-  
11 sible against the accused so far as they have been  
12 said or done in the course of carrying out the  
13 conspiracy, or in arriving at an agreement.

14 The objection is overruled.

15 We will recess now for fifteen minutes.

16 (Whereupon, at 1045, a recess was  
17 taken until 1100, after which the proceedings  
18 were resumed as follows:)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Logan.

4 MR. LOGAN: If the Tribunal please, there is  
5 a little doubt in the minds of defense counsel with  
6 respect to the Court's observation that these docu-  
7 ments which are found in the office of a certain  
8 Ministry, that the burden of proof would shift to  
9 the defense to show that they were not issued by any  
10 of these accused; is that interpretation of your  
11 Honor's statement correct?

12 THE PRESIDENT: The burden of proof rests  
13 throughout on the prosecution. There has been an  
14 important change recently in the British Dominions  
15 about that. There used to be a presumption that if  
16 one man killed another it was presumed to be murder  
17 until the defense showed otherwise; but in Wilmington's  
18 case the House of Lords held that the onus of proof  
19 rests upon the prosecution throughout and never  
20 shifts in a criminal case. But that has no bearing  
21 on the doctrine of presumptions as applied to the  
22 laws of evidence. It is best the presumptions still  
23 prevail.  
24

25 Here is a document coming from enemy sources.  
It should be taken at its face value until the contrary



1 is proved. The Charter does not require documents  
2 to bear signatures before they are admitted here.  
3 The most secretive communications may not bear a  
4 signature. Records of what took place in a depart-  
5 ment may bear no signature; records of the intentions  
6 of a department may bear no signature. This may be  
7 such; but, I repeat, that as far as I am aware, I  
8 would have, to be sure of this, to consult all my  
9 colleagues who come from countries where the systems  
10 of law perhaps are different. But, subject to what  
11 they have to say, I think that the British view  
12 obtains, that the onus of proof rests on the prosecu-  
13 tion throughout and never shifts. It may be the  
14 American view, I cannot say -- I am assured it is  
15 the American view.

16 MR. LOGAN: Of course, your Honor, the  
17 American view, as I understand, is the same, that  
18 the burden of proof is on the prosecution; but what  
19 I had in mind was this: I recall a previous ruling  
20 by your Honor with respect to a document which was  
21 found in the Department of Education and, if my recol-  
22 lection is correct, I believe your Honor held that  
23 there was no inference that that document was issued  
24 by the Minister of Education, that the burden would  
25 be on the prosecution to show that, and I thought I



1 detected a difference in your statement before the  
2 recess.

3 THE PRESIDENT: You will recollect that that  
4 document, although unsigned, was admitted there as  
5 this document is admitted here.

6 Captain Robinson.

7 CAPTAIN ROBINSON: Mr. President and Members  
8 of the Tribunal, I understand, Mr. President, that  
9 the last document has been admitted. The document  
10 marked No. 912 for identification only has--

11 CLERK OF THE COURT: Prosecution's document  
12 No. 1618-A will receive exhibit No. 912-A.

13 (Whereupon, the document above  
14 referred to was marked prosecution's exhibit  
15 No. 912-A and was received in evidence.)

16 CAPTAIN ROBINSON: This document, it will be  
17 observed, is in four parts entitled respectively, "The  
18 Method and Main Points of Enlightening Public Opinion  
19 on the Preliminary Negotiation re 1935 Naval Limita-  
20 tions Conference," decided on 12 October 1934; the  
21 second part at page 3, "Reference (Confidential) 25,  
22 Navy, Method of External Propaganda;" at the bottom  
23 of page 4, "Naval Committee Verbal Note (to be dis-  
24 tributed at the 4th Joint Disarmament Information  
25 Commission, 5 October 1934);" and on page 5,



1 "Confidential - Reference 25 - Navy, Elements of  
2 Internal Propaganda."

3 The document concludes with the paragraphs  
4 at page 6, which are offered as a forecast of the  
5 Japanese attitude toward the forthcoming 1935 Naval  
6 Limitations Conference and toward the resulting London  
7 Naval Treaty of 1936. I shall read at page 6:

8 "IV. Japan who resigned from the League of  
9 Nations with regard to the Manchuria Incident exper-  
10 ienced the fact that a just claim is not necessarily  
11 always recognized in an international conference. Even  
12 if our claim should unfortunately not be accepted,  
13 and the agreement should not be concluded, we need  
14 not necessarily expect the opening of a ship construc-  
15 tion race considering the national situation in the  
16 various countries. If such competition should appear,  
17 the authorities are confident of maintaining the national  
18 defense by independent measures. Therefore, we should  
19 strongly advocate that the people should not be afraid  
20 of it.

21 "V. Due to the situation of the Empire, the  
22 defense of the Empire is connected with East Asiatic  
23 peace and indivisibility, and as the maintenance of  
24 naval force by Japan is the basis of the peace of East  
25 Asia, they should be made to recognize emphatically



1 that the future of Japan depends on the vicissitudes  
2 of her Navy.

3 "VI. As the negotiation for the armament  
4 reduction reaches its climax, foreign propaganda may  
5 become violent. We must spread the warning ahead of  
6 time not to be taken in by foreign tricks."

7 I now offer documentary evidence to show the  
8 refusal of Japan to adhere to the London Naval Treaty  
9 of 1936. I refer again to court exhibit No. 58 at  
10 page 55. Admiral Standley, the Acting Secretary of  
11 the Navy in a communication to the Secretary of State,  
12 dated at Washington, 25 July 1936, wrote as follows:

13 "Sir: Informal advices received from your  
14 Department have indicated that the Japanese government  
15 will not adhere to the Naval Treaty signed in London  
16 on March 25, 1936, by the representatives of the  
17 United States, the French Republic and the British  
18 Commonwealth of Nations.

19 "In this connection it would be of great  
20 advantage to the Navy Department to know definitely  
21 whether the Japanese government has signified its  
22 intention in regard to entering into an agreement to  
23 conform to the provision of Part II, Article IV(2) of  
24 the Treaty, which would limit to 14 inches in caliber  
25 the guns of any capital ship to be constructed or



acquired by any high contracting party.

1            "It is requested that the information  
2 referred to in the preceeding paragraph be furnished  
3 to the Navy Department as early as it may conveniently  
4 be obtained.

5            "Respectfully,

6                            "W. H. Standley."  
7

8            I shall now read from pages 56 and 57 of  
9 the same document, a telegram from United States  
10 Ambassador Bingham in Great Britain to Secretary of  
11 State Hull, dated at London, 30 March 1937. The  
12 telegram reads as follows:

13            "Foreign Office has informed me that Foreign  
14 Secretary (Minister) has handed to British Ambassador  
15 in Tokyo formal Japanese reply refusing to accept 14-  
16 inch gun limitation since it would mean 'qualitative  
17 without quantitative limitation.'

18            "An editorial entitled 'Japan's responsibility'  
19 published in today's Times concludes as follows:

20            "'The first step towards a new naval race  
21 will be the adoption of 16-inch guns as the largest  
22 that may be mounted instead of the 14-inch provided  
23 by the treaty; despite her withdrawal from the Confer-  
24 ence, it was within the power of Japan to prevent that  
25 step by a mere undertaking before April 1 not to take



1 it herself. Her definite refusal to give any such  
2 undertaking has just been reported from Tokyo. If  
3 the world now finds itself once more committed to the  
4 folly of unrestricted naval competition there can be  
5 no possible doubt where the responsibility lies.'

6 "(Signed) Bingham."

7 Further, on the same page I shall read a  
8 telegram from Secretary Hull to Ambassador Grew in  
9 Japan, dated at Washington, June 4, 1937, reading as  
10 follows:

11 "The London Naval Treaty of 1936, as you are  
12 aware, made provision for a reduction from 16 inches  
13 to 14 inches in the future caliber of guns on battle-  
14 ships conditional upon acceptance of this provision of  
15 the treaty by April 1, 1937, by all the powers sig-  
16 natories to the Naval Treaty signed at Washington on  
17 February 6, 1922. The American Government has ratified  
18 the Naval Treaty of 1936, but because the condition of  
19 a general agreement to the 14-inch gun caliber limita-  
20 tion for battleships before April 1, 1937, was not  
21 effected, that limitation has not become effective.

22 "This Government is now under the necessity  
23 of deciding the caliber of the guns to be mounted on  
24 the two new battleships for which appropriations have  
25 been made and the construction of which has begun."



1 "The Government has also to determine what shall be  
2 the caliber on additional battleships for the con-  
3 struction of which appropriation of the necessary  
4 funds may soon be asked of Congress by the President.

5 "The Government of the United States, which  
6 is sincerely committed to the principle of reduction  
7 of armament has been and remains entirely willing to  
8 accept a gun caliber limitation of 14 inches, provided  
9 that the other principal naval powers will agree to  
10 adopt and to adhere to a like limitation.

11 "The President must soon make a decision,  
12 and while he would deplore the necessity of having to  
13 increase the caliber of the guns to be mounted on our  
14 new capital ships to 16 inches, he may find that he  
15 shall have to take this action if the other principal  
16 naval powers are unwilling to maintain a limitation of  
17 14 inches.

18 "The adoption of the 14-inch gun caliber as  
19 a maximum, subject to the adoption of that limitation  
20 by the other principal naval powers, was one of the  
21 important points of agreement reached by the powers  
22 who negotiated the Naval Treaty of 1936; this fact  
23 gives rise to a sincere hope on the part of the  
24 American Government that there may at least be the  
25 possibility of achieving this one aspect of limitation,



1 thereby removing an element of suspicion and uncer-  
2 tainty detrimental to the best interest of all the  
3 powers who are concerned.

4 "For the foregoing reasons you are requested  
5 to approach the Japanese Government with a view to  
6 ascertaining whether that Government would be willing  
7 to maintain this one aspect of naval limitation.

8 "You may also state that the Government of  
9 the United States is presenting this inquiry and  
10 proposal simultaneously to all the powers signatories  
11 to the Washington Naval Treaty of 1922; you should  
12 add that the Government of the United States would  
13 appreciate receiving a reply before June 21, 1937.

14 "(Signed) Hull."

15 I shall now read at pages 58 and 59, telegram  
16 from Ambassador Grew to Secretary Hull, dated at  
17 Tokyo, 18 June 1937:

18 "161. Department's 75, June 4, 8 p.m.;  
19 Embassy's 152, June 7, 3 p.m. Following is the  
20 official English translation of the Japanese text of  
21 the aide-memoire marked 'confidential,' dated today,  
22 handed to me this afternoon by the Minister for  
23 Foreign Affairs.

24 "Aide-memoire. The Japanese Government  
25 have taken note of the proposal of the Government of



1 the United States regarding the limitation of the  
2 calibre of guns for capital ships which was contained  
3 in the aide-memoire handed on June 7 this year to the  
4 Foreign Minister by the United States Ambassador in  
5 Tokyo.

6 "The fundamental policy that guides Japan in  
7 providing for her armament is, as has been made clear  
8 on many previous occasions, based on a consistent  
9 regard for the principle of non-menace and non-aggression.  
10 It follows, therefore, that so long as the other  
11 powers also adhere to the same principle and are con-  
12 tent with maintaining the minimum force required for  
13 their strictly defensive needs, Japan entertains no  
14 intention at all of embarking, on her own initiative,  
15 upon the building up of a naval force which could  
16 be a menace to other countries. 9,231  
17 "While the limitation of the gun calibre  
18 for capital ships constitutes one important aspect of  
19 qualitative limitation, the Japanese Government, in  
20 elucidating at the last London Naval Conference their  
21 basic attitude concerning the means calculated to  
22 bring about just and fair state of naval disarmament,  
23 made it clear that they could not subscribe to qualita-  
24 tive limitation alone, if not accompanied by a simul-  
25 taneous restriction in quantity. The Japanese Government



1 still hold the same conviction as regards the matter  
2 of qualitative limitation. Stated briefly, it is  
3 their belief that a mere limitation in quality alone  
4 will only induce a tendency to make up for the defic-  
5 iency caused through such limitation, by resorting to  
6 quantitative augmentation, thus ultimately leading to  
7 a competition in naval armament in quantity. The  
8 Japanese Government, therefore, are not, at this  
9 juncture, in a position to adopt, apart from quantita-  
10 tive restrictions, a mere limitation of the gun calibre  
11 for capital ships, a matter which properly belongs to  
12 the most important phase of qualitative limitation and  
13 hope that the United States Government will understand  
14 the above-mentioned position of the Japanese Government.

15 "It may be added for the information of the  
16 United States Government that this position of the  
17 Japanese Government as regards qualitative limitation  
18 was communicated towards the end of March to the British  
19 Government, when the Japanese Government responded to  
20 the British proposal of January this year regarding the  
21 limitation to fourteen inches of the maximum calibre  
22 of guns for capital ships. June 18, 1937.

23 (Signed) "Grew."

24 On the next page, I shall read page 60, a  
25 telegram from Secretary Hull to Ambassador Grew, dated



1 at Washington, February 3, 1938, and reading as  
2 follows:

3 "36. As you know, persistent reports have  
4 reached us that the Japanese are building, or contem-  
5 plate building, ships exceeding the limits of the  
6 London Naval Treaty, 1936. We have discussed the  
7 matter with the British, who called in the French,  
8 and it has been agreed that an identic note, mutatis  
9 mutandis, should be delivered to the Japanese Govern-  
10 ment by you and your British and French colleagues on  
11 Saturday at times to be agreed upon by you.

12 "The following is the text of the note which  
13 you should address to the Japanese Government:

14 "(Here follows the text of the body of the  
15 American note dated February 5, printed infra.)"

16 I shall now read at pages 60 and 61, a  
17 communication from Ambassador Grew to the Japanese  
18 Minister of Foreign Affairs, the accused HIROTA, dated  
19 at Tokyo, 5 February 1938, and reading as follows:  
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1 "Excellency: The Japanese Government will  
2 be aware that under the London Naval Treaty 1936  
3 the American Government is precluded from constructing  
4 capital ships (i. e., vessels of more than 10,000 tons  
5 standard displacement or with a gun of more than 8  
6 inches) which exceed 35,000 tons or carry a gun of  
7 more than 16 inches, or which are of less than 17,500  
8 tons or carry a gun of less than 10 inches. As  
9 regards cruisers (i.e., vessels of not more than  
10 10,000 tons with a gun of not more than 8 inches)  
11 the American Government is limited to a maximum of  
12 8,000 tons with six inch guns.

13 "The Japanese Government has unfortunately  
14 not seen its way to subscribe to the London Naval  
15 Treaty, nor has it hitherto felt able to give any  
16 assurances that Treaty limits would in practice be  
17 adhered to by it.

18 "As the Japanese Government will be aware,  
19 the Naval Treaty gives the American Government a right  
20 of escalation in the event of building not in con-  
21 formity with treaty limits by a power not a party  
22 thereto. There have for some time been persistent and  
23 cumulative reports, which, in the absence of explicit  
24 assurances from the Japanese Government that they are  
25 ill-founded, must be deemed to be authentic, that Japan



1 has undertaken or intends to undertake construction  
2 of capital ships and cruisers not in conformity with  
3 the above-mentioned limits. The American Government  
4 has, therefore, decided that it will be necessary for  
5 it to exercise its right of escalation unless the  
6 Japanese Government can furnish the aforesaid assurances  
7 and can satisfy the American Government that it will not,  
8 prior to January 1, 1943, lay down, complete, or ac-  
9 quire any vessel which does not conform to the limits  
10 in question, without previously informing the American  
11 Government of its intention to do so and of tonnage  
12 and calibre of the largest gun of the vessel or vessels  
13 concerned.

14 "In view of the forthcoming publication of  
15 naval estimates and necessity for giving other Treaty  
16 Powers information as to intended American construc-  
17 tion, the American Government will be glad to receive  
18 a reply not later than February 20 next. Should no  
19 reply be received by that date, or should the reply  
20 be lacking in the desired information and assurances,  
21 it will be compelled to assume that the Japanese  
22 Government either is constructing or acquiring or has  
23 authorized the construction or acquisition of vessels  
24 not in conformity with the limits referred to. The  
25 American Government would thereupon be obliged in



1 consultation with the other Naval Powers with which it  
2 is in treaty relations to resume full liberty of action.  
3 If, however, the Japanese Government, though engaged in,  
4 or intending to engage in, construction not in con-  
5 formity with treaty limits, were willing to indicate  
6 forthwith the tonnages and calibre of guns of the  
7 vessels which it was constructing, or was intending  
8 to construct, the American Government for its part  
9 would be ready to discuss with the Japanese Govern-  
10 ment the question of the tonnages and gun calibres  
11 to be adhered to in future if Japan were now prepared  
12 to agree to some limitation. It would, however, be  
13 necessary that such consultation should be completed  
14 by May 1, 1944.

15 "I avail myself (etc.)

16 "Joseph C. Grew."

17 I shall read now a communication from the  
18 Japanese Minister for Foreign Affairs, the defendant  
19 HIROTA, to Ambassador Grew, dated at Tokyo, 12 February  
20 1938, at pages 61 to 62 of exhibit 58.

21 (Reading):

22 "Your Excellency: I have the honour to  
23 acknowledge the receipt of Your Excellency's letter  
24 No. 875 dated 5th February 1938, in which you set  
25 forth your Government's desire regarding the communi-



1 cation of information on the matter of naval con-  
2 struction.

3 "It may be recalled that at the last London  
4 Naval Conference the Japanese Government proposed,  
5 in the earnest desire to bring about a drastic  
6 reduction of naval armament, the total abolition  
7 of capital ships and aircraft-carriers, which are  
8 aggressive in their nature, and at the same time  
9 contended that qualitative limitation, if not ac-  
10 companied by quantitative limitation, would not be  
11 calculated to achieve any fair and equitable measure  
12 of disarmament. Unfortunately the views of the  
13 Japanese Government were not shared by your Govern-  
14 ment and the other Governments concerned. This  
15 fundamental principle entertained by the Japanese  
16 Government was, as your Government will be aware,  
17 made clear again last year in their reply to the  
18 proposal of your Government regarding the limi-  
19 tation of gun calibres. The Japanese Government,  
20 always prompted by the spirit of non-menace and  
21 non-aggression, have no intention whatever of  
22 possessing an armament which would menace other  
23 countries. At this juncture, when, as a result  
24 of the non-acceptance by other countries of the  
25 reasonable desires of Japan in the matter of dis-



1 armament, there is as yet in existence no fair dis-  
2 armament treaty to which Japan is a party, the Jap-  
3 anese Government are of opinion that the mere com-  
4 munication of information concerning the construc-  
5 tion of vessels will, in the absence of quanti-  
6 tative limitation, not contribute to any fair and  
7 equitable measure of disarmament and regret that  
8 they are unable to comply with the desire of your  
9 Government on this point.

10 "The Japanese Government fail to see any  
11 logical reasoning in an assumption on the part  
12 of your Government that this Government must be  
13 deemed to entertain a scheme of constructing ves-  
14 sels which are not in conformity with the limits  
15 provided in the London Naval Treaty of 1936, from  
16 the mere fact that they do not despatch a reply  
17 giving the desired information; and they are of  
18 opinion that it is not a matter which should con-  
19 cern this Government if your Government, on the  
20 basis of whatever reason or rumour, should exer-  
21 cise the right of escalation provided in any  
22 treaty to which Japan is not a party.

23 "Your Government are good enough to inti-  
24 mate that, should the Japanese Government hereafter  
25 be prepared to agree to some limitation in respect



1 of the tonnage of vessels and the calibre of guns,  
2 they would also be prepared to discuss the matter.  
3 The Japanese Government still holding the firm  
4 conviction that qualitative limitation, if not  
5 accompanied by quantitative limitation, would  
6 by no means contribute to the attainment of any  
7 fair and equitable measure of disarmament, can-  
8 not but consider that the discussion suggested  
9 by your Government would not conduce in any  
10 measure to the realisation of their desires con-  
11 cerning disarmament. It is to be added, however,  
12 that as the Japanese Government do not fall be-  
13 hind other Governments in their ardent desire  
14 for disarmament, they will be ready at any moment  
15 to enter into any discussions on the matter of  
16 disarmament which give primary importance to a  
17 fair quantitative limitation.

18 "I avail myself (etc) Koki HIROTA"  
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1           CAPTAIN ROBINSON: I now offer in evidence  
2 I. P. S. document No. 6262, entitled "Ships in the  
3 Japanese Navy, Battleships." This document is in both  
4 English and Japanese. It bears a certificate of the  
5 appropriate official of the Japanese Government stating that  
6 it is from official Japanese records and is true and  
7 accurate. I offer the document in evidence, Mr.  
8 President.

9           THE PRESIDENT: Admitted on the usual terms.

10          CLERK OF THE COURT: Prosecution's document  
11 No. 6262 will receive exhibit No. 913.

12                   (Whereupon, the above-mentioned docu-  
13 ment was marked prosecution's exhibit No. 913  
14 and received in evidence.)

15          CAPTAIN ROBINSON: I shall read from Court  
16 exhibit No. 913 the horizontal lines on the battleships  
17 YAMATO and MUSASHI, a little below the middle of the  
18 chart. These lines show that on 5 and 12 of February,  
19 1938, the dates of the foregoing communications from  
20 the defendant HIROTA to Ambassador Grew, the Japanese  
21 Government was then engaged in the construction of the  
22 battleship YAMATO, and would soon lay the keel of the  
23 battleship MUSASHI, both battleships having a displacement  
24 of 64,000 tons and main batteries of nine 18-inch guns.  
25 Comparison is directed to 1936 treaty limit of 35,000



1 tons and 16-inch guns.

2 Documentary evidence has already been presented,  
3 and other documents will now be presented, to show that  
4 the year 1937 marked the beginning of the era of expansion  
5 by the Japanese Navy.

6 I now present I. P. S. document No. 903. It  
7 is a book entitled "Collection of Lectures of Japan  
8 Diplomatic Association." I request the Clerk to give  
9 the document a Court exhibit number for identification  
10 only.

11 CLERK OF THE COURT: Prosecution's document  
12 No. 903 will receive exhibit No. 914.

13 CAPTAIN ROBINSON: This is an extract, Mr.  
14 Clerk. That was a request for identification only.

15 THE PRESIDENT: Enter it for identification.

16 CLERK OF THE COURT: Correction: Prosecution's  
17 document 903 is given exhibit No. 914 for identification  
18 only.

19 (Whereupon, the above-mentioned document  
20 was marked prosecution's exhibit No. 914 for  
21 identification only.)

22 CAPTAIN ROBINSON: I now offer in evidence  
23 I. P. S. document 903-A, an excerpt from Court exhibit  
24 914 for identification only. The excerpt in the English  
25 text consists of 22 pages. I offer it in evidence, Mr.



1 President.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's document  
4 No. 903-A will receive exhibit No. 914-A.

5 (Whereupon, the above-mentioned document  
6 was marked prosecution's exhibit No. 914-A and  
7 received in evidence.)

8 CAPTAIN ROBINSON: I shall read the following  
9 extracts from Court exhibit 914-A at page 3. The title  
10 of the address is stated to be "Outline of Naval Budget  
11 for the Fiscal Year 1937 and the General Aspect of  
12 National Defense Related to the Navy," delivered by  
13 Mr. TOYODA, Soemu, Vice-Admiral, Chief of the Naval  
14 Affairs Bureau of the Navy Ministry.

15 I now read from page 4, bottom paragraph.

16 (Reading):

17 "The greatest obstacle to the execution of  
18 Japan's foreign policy can never be limited to Soviet  
19 Russia alone. I feel that we must concern ourselves  
20 especially with Britain and the U.S.A. Even now we can  
21 draw such conclusion, judging from the naval armament  
22 of these two countries. England has important rights  
23 and interests in China, not to mention India, and, of  
24 course, she must have enough power to secure such  
25 rights and interests; on the other hand, the U.S. does



1 President.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's document  
4 No. 903-A will receive exhibit No. 914-A.

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19 Russia alone. I feel that we must concern ourselves  
20 especially with Britain and the U.S.A. Even now we can  
21 draw such conclusion, judging from the naval armament  
22 of these two countries. England has important rights  
23 and interests in China, not to mention India, and, of  
24 course, she must have enough power to secure such  
25 rights and interests; on the other hand, the U. S. does



1 not have such big interests in China nor in other  
2 Oriental countries. She has few overseas investments  
3 and little trade compared with Japan. Nevertheless,  
4 the U.S. in the past few years, especially since the  
5 outbreak of the Manchurian Incident, has been making  
6 a great effort to complete the equipment of her Navy.  
7 If we consider this fact and the attitude which her  
8 Navy is taking at present, we shall clearly understand  
9 what the U. S. has in mind. Some Americans, and even  
10 some Japanese, often say that the U. S. does not have  
11 such big interests in the Orient and that for this  
12 reason common sense tells us that the U. S. will ab-  
13 solutely not attack Japan. On the contrary, I feel  
14 that reality indicates that the U. S. has a special  
15 concern to suppress Japan. There are wars in the ab-  
16 solute sense, and wars in the relative sense. If Japan  
17 and the U. S. should fight one another in the future  
18 the war will be absolute and a question of life and  
19 death to Japan; but not to the U. S. That is, to  
20 the U. S. it will be a war for her prosperity, while  
21 it will be a question of life or death to Japan.  
22 Therefore, viewed from a common sense standpoint, it  
23 is absurd to say that the U. S. will spend so much  
24 money and make various large scale gestures to put  
25 pressure on Japan. But actually she is doing so."



1 "The U. S. naval installations of recent years and the  
2 question of stationing the Pacific fleet permanently  
3 in the East, of which I will speak more fully later,  
4 have no other object than to check and oppress Japan.

5 "In short, both the U. S. and Britain do not  
6 like Japan's development in the East. It is their  
7 basic idea to wish to check it in some way and to  
8 nip it in the bud; consequently, various questions  
9 which accidentally occur in the international relation,  
10 are always based on the aforesaid idea, though the  
11 situations may differ. We must, therefore, keep  
12 this in mind all the time, and to say that the U. S.  
13 has relaxed her pressure or has tightened it by look-  
14 ing at her superficial behavior must be avoided so  
15 that we may not mistake the main issue. After all,  
16 the Imperial Navy has not the least intention of at-  
17 tacking the U. S., at least at the present time, but  
18 we must be prepared at any cost with an invincible  
19 attitude. I believe that it is only by this attitude  
20 that Japan's foreign policy will be guaranteed."



1 I now turn to pages 14 and 15, beginning at  
2 the next to the last paragraph, bottom of page 14:

3 (Reading):

4 "13. Significance of Agreement on Notification  
5 of Shipbuilding.

6 "In short, the new London armament reduction  
7 treaty concluded this year consists of two parts, i.e.,  
8 substantial reduction and notification of shipbuilding.  
9 Speaking in detail, although there may be some difference  
10 in substantial reduction as compared with the former Wash-  
11 ington and London Treaties, we will not be greatly mis-  
12 taken if we say it has been concluded for the most part  
13 after the spirit of these treaties. But the shipbuilding  
14 notification is considerably different in method from that  
15 stipulated in the former treaties, that is, the main part  
16 consists in mutual secret notification of shipbuilding  
17 among the nations concerned.

18 "Consequently, it is so constituted that non-  
19 treaty Powers cannot know the shipbuilding policies or  
20 programs of the treaty Powers. As for the method of  
21 notification, the Powers are to notify secretly the coun-  
22 tries concerned between January and April of the ship-  
23 building program planned to be put into practice during  
24 the current calendar year, the items of notification to  
25 include the types, number, and the maximum calibre of



1 cannon to be installed on the ship. Just before  
2 construction work is begun further details are to  
3 be made known, these items being the type, important  
4 measurements, horse power, and speed of the ship  
5 and the armaments to be installed on the ship. The  
6 most precise notification is required in regard to  
7 the last item, i.e., the number of cannon, torpedoes,  
8 machine guns, planes, catapults, and search lights.  
9 And the building work cannot be begun until four  
10 months after the notification to the countries con-  
11 cerned. If any changes should be made in the princi-  
12 pal items during the construction, the work on the  
13 changes cannot be begun until four months after the  
14 arrival of notifications thereof to the countries  
15 concerned as in the above. The provisions are strict  
16 to this extent.

17 "14. Reasons why it cannot be made Public.

18 "This is, in short, the device of Britain  
19 and the U. S. to check the weak naval Powers, and  
20 by means of this device the two countries intend to  
21 watch an opponent country so that it will not get  
22 ahead of them. The provisions have been made as a  
23 means for the strong naval Powers to suppress the  
24 weaker naval Powers. At any rate, as Japan has not  
25 participated in the Treaty, she has no idea of what



1 shipbuilding plans the U.S. and Britain have, nor,  
2 of course, the contents thereof. Under such circum-  
3 stances if Japan follows her customary way of making  
4 public too early what types of ships will be con-  
5 structed and in what numbers, the total number, the  
6 total tonnage and total expenditures, and so on,  
7 according to the new replenishment plan, it would  
8 be nothing but showing our hand to others without  
9 seeing the other's hand. Such foolishness can ab-  
10 solutely not be tolerated.

11 "In demanding a considerably larger amount  
12 of expenditure of the Diet and its approval thereof,  
13 the Imperial Navy almost gobbles up the budget with-  
14 out making any full explanation, and without acquir-  
15 ing the understanding of either the Diet or the  
16 people at large. This is indeed regrettable and, of  
17 course, against our principles, but the situation  
18 of the Powers being such at present, please under-  
19 stand that we unfortunately cannot make public the  
20 contents of our plan at this time. However, once a  
21 ship is completed, one can know the approximate size  
22 of the ship, or of the cannon on the ship, though the  
23 details may not be known. The main reason for not  
24 making them public is that it is unprofitable for us  
25 to let the other Powers know too early the future



1 shipbuilding policy of our navy, whose armaments  
2 and materials are making rapid progress from day to  
3 day."



1           CAPTAIN ROBINSON: (Continuing): The final  
2 item: Documentary evidence will now be presented to  
3 show --

4           MR. LOGAN: If the Tribunal please, I would  
5 like to call your attention --

6           THE PRESIDENT: Mr. Logan.

7           MR. LOGAN (Continuing): --to the statement on  
8 page 2 that this is the gist of a speech and was not  
9 perused by the alleged speaker after it was recorded.

10          CAPTAIN ROBINSON: Documentary evidence will  
11 now be presented to show that Japan secretly increased  
12 her naval strength in the years 1931 to 1941 for the  
13 purposes stated in the Indictment.

14          I now offer in evidence, Mr. President, I. P. S.  
15 document No. 6261. It is a chart entitled "List of  
16 Total Increase in Imperial Japanese Navy Personnel from  
17 31 December 1934 until 15 August 1945." Certificate  
18 of appropriate official of the Japanese Government is  
19 attached. The chart is in both Japanese and English.

20          THE PRESIDENT: Admitted on the usual terms.

21          CLERK OF THE COURT: Prosecution's document  
22 No. 6261 will receive exhibit No. 915.

23                 (Whereupon, the above-mentioned document  
24 was marked prosecution's exhibit No. 915 and  
25 received in evidence.)



1           CAPTAIN ROBINSON: I shall read from this chart  
2 the total figures for the years 1934, 1937 and 1941.  
3 For the year 1934, personnel total, 95,009; for the  
4 year 1937, personnel total, 133,747 -- a sharp increase;  
5 the year 1941, total, 311,359 -- a 200% increase in  
6 naval personnel over 1934.

7           I now offer in evidence I.P.S. document No.  
8 6260. It is a chart entitled "Major Combat Vessels  
9 of Japan, 1931 - 1945, On Hand and Under Construction."  
10 The certificate of the appropriate official of the  
11 Japanese Government is attached and the chart is in  
12 Japanese and English.

13           THE PRESIDENT: Admitted on the usual terms.

14           CLERK OF THE COURT: Prosecution's document  
15 No. 6260 will receive exhibit No. 916.

16           (Whereupon, the above-mentioned document  
17 was marked prosecution's exhibit No. 916 and  
18 received in evidence.)

19           CAPTAIN ROBINSON: I shall read the following  
20 excerpt from Court exhibit No. 916 in order to show the  
21 extent to which Japan increased her naval strength  
22 between 1931 -- December 1931 and 31 December 1941.

23           Reading from the right-hand column of the chart:

24           The total number of major combat vessels on  
25 hand in the Japanese Navy in 1931 was 217 with a total



1 tonnage of 717,539 tons. In the same column for 1941  
2 the number of vessels was 237 with a total tonnage of  
3 1,049,293 tons, an increase of over thirty-three per  
4 cent. In the same column, for the year 1937, the first  
5 year following the removal of the naval limitations  
6 imposed by the 1922 and 1935 Naval Limitations Treaties,  
7 the totals show the sharpest increases. The total  
8 number of vessels increased from 199 in 1936 to  
9 217 vessels in the year 1937. The corresponding tonnage  
10 increase is observed to be almost 50,000 tons.

11 Reading from the lower half of the chart, it  
12 appears that Japanese war vessels under construction  
13 in 1931 were 21 with a tonnage of 85,773 tons. By 1941  
14 the total number of vessels had been increased to 53  
15 with a tonnage of 234,592 tons, an increase of more than  
16 172 per cent. The year 1937 again shows the sharpest  
17 increases in total tonnage amounting to 78,226 tons  
18 over the preceding year, 1936. This increase is observed  
19 to have arisen from the beginning of construction of  
20 one battleship, the YAMATO, of 64,000 tons, and from an  
21 increase in aircraft carrier construction that year  
22 totaling 29,950 tons.

23 MR. LOGAN: If the Tribunal please, the figures  
24 which have been quoted by the prosecution on the basis  
25 of percentages refer only to tonnage. For example --



1 THE MONITOR: Mr. Logan, we did not get the  
2 first part.

3 MR. LOGAN: The figures -- the percentages  
4 quoted by the prosecution refer to tonnage, and it makes  
5 a considerable difference if the number of vessels is  
6 used in arriving at the increased percentage rather  
7 than the total per cent tonnage. For example --

8 THE MONITOR: Mr. Logan, will you speak a  
9 little louder, please? We are having difficulty in  
10 hearing you.

11 MR. LOGAN: In 1931, the total number of vessels  
12 was 217 and in 1941 was 237, which represents an increase  
13 of approximately ten per cent.

14 THE PRESIDENT: We appreciate that, Mr. Logan,  
15 but the increase in tonnage also expresses the increase  
16 in power.

17 We will recess now until half-past one.

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

1  
2 MARSHAL OF THE COURT: The International  
3 Military Tribunal for the Far East is now resumed.

4 THE PRESIDENT: Captain Robinson.

5 CAPTAIN ROBINSON: Mr. President, and Members  
6 of the Tribunal, I now offer in evidence IPS document  
7 No. 6264. It is entitled "Ships in Japanese Navy,  
8 Light Cruisers" and "Heavy Cruisers." The certificate  
9 of the appropriate Japanese government official is  
10 attached. The document is provided in both Japanese  
11 and English.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document  
14 No. 6264 will receive exhibit No. 917.

15 (Whereupon, the document above  
16 mentioned was marked prosecution's exhibit  
17 No. 917 and received in evidence.)

18 CAPTAIN ROBINSON: I shall read from Court ex-  
19 hibit No. 917 the figures for 1937 on the right hand  
20 column under "Heavy Cruisers," showing three heavy  
21 cruisers commissioned on 1 December 1937 as another ex-  
22 ample of a sharp increase in the Japanese Navy in the  
23 year 1937.

24 I now offer in evidence IPS document No.  
25 6263. It is entitled "Ships in Japanese Navy,



1 Carriers."

2 THE PRESIDENT: Admitted on the usual  
3 terms.

4 CLERK OF THE COURT: Prosecution's document  
5 No. 6263 will receive exhibit No. 918.

6 (Whereupon, the document above  
7 mentioned was marked prosecution's exhibit  
8 No. 918 and received in evidence.)

9 CAPTAIN ROBINSON: I shall read from Court  
10 exhibit No. 918 the figures for 1937 showing that  
11 the carrier Soryu was commissioned in 1937 and that  
12 the keels were laid for two other carriers, the  
13 Shokaku and the Zuikaku, in 1937.

14 It is now proposed to present evidence to  
15 show that Japan made secret naval plans after 1931  
16 and especially throughout 1941 for surprise attacks  
17 which ultimately took place on December 7-8, 1941.

18 MR. LOGAN: If the Tribunal please, sir,  
19 before introducing the last three or four charts,  
20 the prosecution made the statement that they would  
21 show through these charts that Japan increased its  
22 navy secretly. I submit that none of these charts  
23 show that.

24 THE PRESIDENT: Perhaps he meant, notwith-  
25 standing the treaty.



1           CAPTAIN ROBINSON: I am willing to let the  
2 evidence speak for itself on that point, sir.

3           Shall I proceed, sir?

4           THE PRESIDENT: Yes, proceed.

5           CAPTAIN ROBINSON: It is now proposed to  
6 present evidence to show that Japan made secret plans  
7 after 1931, especially throughout 1941, for surprise  
8 attacks which ultimately took place on December 7  
9 and 8, 1941 and for other attacks, likewise, on  
10 American, British, Chinese, Dutch and other nation-  
11 als, ships and territories in Pacific and Indian  
12 Ocean areas.

13           I shall now read from Court exhibit No.  
14 809, formerly IPS document 1628, entitled "ATIS  
15 Research Report No. 131, Japan's Decision to Fight."  
16 I shall read briefly from this document, first from  
17 page 3 -- from page 1, upper right hand column.

18           "The Overall Plan.---During August 1941  
19 an extraordinary number of war games were held by the  
20 Japanese Navy. From 2-13 September 1941 the final war  
21 game convened at the Naval War College in TOKYO, parti-  
22 cipated in by a large number of top-ranking naval officers.  
23 The problems set were twofold: first, the working out  
24 of the details of a naval air strike at PEARL HARBOR;  
25 secondly, the establishment of a schedule of operations



1 for the occupation of MALAYA, BURMA, the NETHERLANDS  
2 EAST INDIES, the PHILIPPINE Islands and the SOLOMON and  
3 Central Pacific Islands (including HAWAII). The outline  
4 of conditions under which these problems were to be  
5 worked out constituted the essence of the forthcoming  
6 order specifying the actual attacks. By 1 November 1941  
7 the final text of Combined Fleet Secret Operation Order  
8 No. 1 had been agreed upon and printing was begun. The  
9 order, together with its annexes, detailed the plans  
10 and schedules for attacks on PEARL HARBOR and various  
11 other British, American and Dutch possessions."  
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1 I read next from page 3 beginning at the  
2 lower right hand corner:

3 "2. JANUARY 1941

4 "A translation of an annotated map of KOTA  
5 BHARU and vicinity, entitled 'Aerial Military Maps  
6 of East Coast of BRITISH MALAYA, Section 1,' shows  
7 data pertinent to landing operations in this area.  
8 KOTA BHARU was the site of the initial Japanese land-  
9 ing in BRITISH MALAYA. This particular map was pro-  
10 duced by the Naval General Staff in October 1941.  
11 It is notable, however, that the aerial photography  
12 upon which the map is based was carried out during  
13 January 1941, while additional mapping by the Hydro-  
14 graphic Office was completed in July 1941."  
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1 I now turn to page 30 of the document and  
2 read paragraph 26 a, upper left hand corner, page  
3 30:  
4

5 "26. TRAINING PROGRAMS

6 "a. Secret Training for War Against UNITED STATES

7 "Extract from article entitled 'Biography  
8 of the late Admiral YAMAYA, Tahin' by Captain HIROSE,  
9 Hiketa, appearing in the 'Battle Front Library,' an  
10 official Navy Ministry publication dated 1 November  
11 1943, reads as follows:

12 "'In June 1918, he became Commander-in-Chief  
13 of 2 Fleet. In January 1919 he was promoted to the  
14 rank of Admiral and became Commander-in-Chief of 1  
15 Fleet. Later he was appointed Commander-in-Chief of  
16 the Combined Fleet, and immediately instituted a  
17 rigorous program of secret training for the war against  
18 the UNITED STATES.'"

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1 I read finally at page 32, paragraph 29 a:

2 "29. PREPARATION FOR NIGHT SUBMARINE RAID  
3 ON PEARL HARBOR

4 "a. PLANNED IN ADVANCE

5 "Heroes of the Special Naval Attack Unit',  
6 an account of the submarine attack on PEARL HARBOR,  
7 dated 6 March 1942, written by Captain HIRAIWA, Hideo,  
8 Chief of Navy Information Department of Imperial Gen-  
9 eral Headquarters, states that:

10 "'At the time of the iconoclastic blow against  
11 outrageous AMERICA, who disregarded our great motive  
12 and mission of world peace, and even attempted the  
13 life of the Japanese Empire, we furiously struck the  
14 first blow at the heart of the enemy at the risk of  
15 our lives. With all reverence to the men of the Spec-  
16 ial Naval Attack Unit who lost their lives in this  
17 great accomplishment, I make this report. Imperial  
18 General Headquarters Communiqué (1500, 6 March):

19 "'The glorious, incomparable, strong attack  
20 upon PEARL HARBOR by the Special Naval Attack Unit  
21 has already been officially publicized. The plans  
22 of attack which struck terror in the hearts of all  
23 nations throughout the world, were conceived and ex-  
24 ecuted by Lieutenant IWASA and several other officers.  
25 The plans were conceived by these men out of their



1 sense of patriotic and loyal duty, several months in  
2 advance, in case of such emergency, and were secretly  
3 submitted to the Commander-in-Chief of the Combined  
4 Fleets through their superior officers.

5 "After the Commander-in-Chief of the Com-  
6 bined Fleet had carefully studied these plans, he  
7 found that they would be successful and could be foll-  
8 owed; so he accepted the fervent desires of the sum-  
9 mitters.....As a result of the preparatory training  
10 and manufacturing experiments, which were carried  
11 out night and day without sleep or rest within a  
12 short period of time, both by the tacticians and  
13 technicians, and even by the workers--while main-  
14 taining strict secrecy within the department--they  
15 were able to complete their work before the beginning  
16 of this battle.....

17 "This attack as in the report, was con-  
18 ceived by Lieutenant IWASA and other officers.  
19 They elaborated a plan by themselves. wishing to do  
20 their loyal and patriotic duty, these men planned this  
21 achievement which was regarded as humanly impossible.  
22 Thereafter, during a period of several months, these  
23 men secretly carried out difficult training, indes-  
24 cribable by mere words, in order that there might not  
25 be any chance errors....."



1           The final document, I now offer in evi-  
2       dence IPS document No. 1444. This is accompanied by  
3       the appropriate certificate and has been provided in  
4       both the English and Japanese.

5           THE PRESIDENT: Admitted on the usual terms.

6           CLERK OF THE COURT: Prosecution's document  
7       No. 1444 will receive exhibit No. 919.

8                   (Whereupon, the document above  
9       mentioned was marked prosecution's exhibit  
10      No. 919 and received in evidence.)

11          CAPTAIN ROBINSON: I shall read from Court  
12      exhibit No. 919 entitled "Basic Principles for Rapid  
13      Conclusion of War Against the United States, England,  
14      Netherlands, and the Chungking Regime. State Top  
15      Secret. Liaison Conference Decision Plan, 11 Novem-  
16      ber 1941."

17                I shall read first at page 1, paragraph one,  
18      under the heading "Policy," and paragraph one under  
19      the heading "Principal Points."

20                               "Policy

21                "I. We shall endeavor to overthrow quickly  
22      the American, British, and Dutch bases in the Far  
23      East, establish our self-sufficiency, and at the same  
24      time hasten the surrender of the Chungking Regime.  
25      Further, we shall endeavor to cooperate with Germany



1 and Italy in planning for the submission of England.  
2 first, and then to deprive America of her will to  
3 continue war.

4 "Principal Points

5 "I. Japan will execute a swift war by  
6 force of arms and will overthrow the American,  
7 British, and Dutch bases in East Asia and in the  
8 Southwestern Pacific, thereby ensuring herself a  
9 strategically dominant position. At the same time  
10 she will secure areas of vital natural resources and  
11 principal communication lines, thereby facilitating  
12 self-sufficiency of long duration. We shall exhaust  
13 every effort to lure out at an opportune time the  
14 main naval force of the United States and destroy it."

15 That is the end of the quotation, and this  
16 concludes, Mr. President, the evidence on Japanese  
17 Naval Preparations for Aggressive War as charged in  
18 the Indictment.

19 THE PRESIDENT: Brigadier Quilliam.

20 BRIGADIER QUILLIAM: May it please the  
21 Tribunal, that concludes the General War Prepara-  
22 tions phase of the prosecution's case.  
23  
24  
25



1 THE PRESIDENT: Mr. Chief Prosecutor.

2 MR. KEENAN: Mr. President, the prosecution  
3 has now reached the stage for the presentation of that  
4 part thereof having to do with the relations between  
5 Japan, the United States and Great Britain. It will  
6 be under the direction of the Chief of Counsel. The  
7 opening statement, the customary one, will be made by  
8 Mr. Carlisle Higgins, United States Attorney of the  
9 Middle District of North Carolina, United States.

10 The evidence will be presented by the  
11 aforesaid and by Mr. Grover Hardin, of the Bar of  
12 Arkansas, of the United States of America; by Mr.  
13 John Fihelly, Chief Assistant United States Attorney  
14 of the District of Columbia, of the United States;  
15 by Mr. Eugene Williams, of the California Bar, the  
16 United States of America; Mr. Comyns Carr, Associate  
17 Prosecutor of the United Kingdom, I believe in asso-  
18 ciation with Brigadier Harry Nolan, Associate Prose-  
19 cutor from Canada; and certain phases by Captain  
20 Robinson, of the United States Navy.

21 I believe I am further authorized to state  
22 that defense counsel, some of them, have objections  
23 to lodge against certain portions of the opening  
24 statement of Mr. Higgins, and have been cooperative  
25 enough to agree that there shall be no interruption



1 in the reading of that statement and any objections  
2 they have may generally be noted beforehand and such  
3 matters as they care to bring to the attention of  
4 the Tribunal will be referred to at the conclusion  
5 of that statement of Mr. Higgins.

6 Mr. Cunningham, of defense counsel, wishes  
7 his objections specifically noted as such.

8 With the Court's permission, I present Mr.  
9 Higgins.

10 THE PRESIDENT: Mr. Higgins.

11 MR. HIGGINS: Mr. President and Members of  
12 the International Military Tribunal for the Far  
13 East:

14 Our schedule now requires the presentation  
15 of that part of the prosecution's case which deals  
16 with the relations between the United States and the  
17 British Commonwealth on the one hand and Japan on  
18 the other. In order that various events, diplomatic  
19 conversations and exchanges may appear in their true  
20 perspective, a short review of the treaty rights and  
21 obligations of the parties to each other and to the  
22 Republic of China, we think, will be helpful to the  
23 Tribunal.  
24

25 THE PRESIDENT: I understand your address is  
about to be circulated. I think you had better wait  
until it is, Mr. Higgins.



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1 MR. HIGGINS: The pertinent treaties were  
2 introduced in the early days of the trial as basic  
3 documents. They deal in the main with three sub-  
4 jects: (1) Agreements designed to prevent the  
5 outbreak of hostilities; (2) Agreements defining  
6 relations between Japan and the other countries;  
7 (3) Agreements dealing especially with China.

8 The Convention for the Pacific Settle-  
9 ment of International Disputes signed at The  
10 Hague 29 July 1899 marks the first worldwide  
11 attempt by convention to prevent the outbreak  
12 of hostilities. (Items 1 to 4, Appendix B to  
13 the Indictment, and Exhibit No. 12 in the case.)  
14 All countries here concerned are parties to the  
15 Convention. The two pertinent articles are:

16 "Article I. With a view to obviating,  
17 as far as possible, recourse to force in the re-  
18 lations between the states, the signatory powers  
19 agree to use their best efforts to insure the  
20 pacific settlement of international differences."

21 "Article II. In case of serious disa-  
22 greement or conflict, before an appeal to arms,  
23 the signatory powers agree to have recourse, as  
24 far as circumstances allow, to the good offices  
25 of mediation of one or more friendly powers."



1           The second treaty in group one is The  
2           Hague Convention Number III of 18 October 1907,  
3           (Item 5 of Appendix B to the Indictment and ex-  
4           hibit No. 14 in the case) the pertinent article  
5           of which provides:

6           "The contracting powers recognize that  
7           hostilities between themselves must not commence  
8           without previous and explicit warning in the form  
9           either of a reasoned declaration of war or of an  
10          ultimatum with a conditional declaration of war."

11          The Covenant of the League of Nations,  
12          dated 29 June 1919 (Item 11 to 14 inclusive of  
13          Appendix B to the Indictment, and exhibit No.  
14          23 in the case), provides:

15          "Article 10. The Members of the League  
16          undertake to respect and preserve as against ex-  
17          ternal aggression the territorial integrity and  
18          existing political independence of all Members  
19          of the League. In case of any such aggression  
20          or in case of any threat or danger of such aggres-  
21          sion, the Council shall advise upon the means by  
22          which this obligation shall be fulfilled."

23          "Article 12. The Members of the League  
24          agree that if there should arise between them any  
25          dispute likely to lead to a rupture, they will



1 submit the matter either to arbitration or to  
2 enquiry by the Council, and they agree in no case  
3 to resort to war until three months after the  
4 award by the arbitrators or the report by the  
5 Council."

6 The United States was never a member of  
7 the League. Japan seceded in 1935.

8 The Kellogg-Briand Pact of 27 August  
9 1928 to which all the countries are parties  
10 (Items 33 and 34 of Appendix B to the Indictment  
11 and exhibit No. 33 in the case) provides:

12 "I. The High Contracting Parties solemnly  
13 declare in the names of their respective peoples  
14 that they condemn recourse to war for the solution  
15 of international controversies, and renounce it as  
16 an instrument of national policy in their relations  
17 with one another."

18 "II. The High Contracting Parties agree  
19 that the settlement or solution of all disputes  
20 or conflicts of whatever nature or of whatever  
21 origin they may be, which may arise among them,  
22 shall never be sought except by pacific means."

23 Under group two the first pertinent agree-  
24 ment is that of 30 November 1908, entered into  
25 between the United States and Japan, declaring



1 their policy in the Far East (Items 6 to 9 in-  
2 clusive of Appendix B to the Indictment and ex-  
3 hibit No. 22 in the case) which provides:

4 "2. The policy of both Governments,  
5 uninfluenced by any aggressive tendencies, is  
6 directed to the maintenance of the existing status  
7 quo in the region above-mentioned and to the defense  
8 of the principle of equal opportunity for commerce  
9 and industry in China."

10 "3. They are accordingly firmly resolved  
11 reciprocally to respect the territorial possessions  
12 belonging to each other in said region."

13 The next pertinent treaty, dated 13  
14 December 1921, to which the British Commonwealth,  
15 France, Japan and the United States were original  
16 parties and The Netherlands and Portugal became  
17 parties on 4 and 6 February 1922 respectively,  
18 (Items 19 to 21 inclusive of Appendix B to the  
19 Indictment and exhibit No. 24 in the case) provides:

20 "The High Contracting Parties agree as  
21 between themselves to respect their rights in  
22 relation to their insular possessions and insular  
23 dominions in the region of the Pacific Ocean."

24 "If there should develop between any of  
25 the High Contracting Parties a controversy arising



1 out of any Pacific question and involving their  
2 said rights which is not satisfactorily settled  
3 by diplomacy and is likely to affect the harmonious  
4 accord now happily subsisting between them, they  
5 shall invite the other High Contracting Parties  
6 to join a Conference to which the whole subject  
7 will be referred for consideration and adjustment."

8 Japan agreed, under the mandate of the  
9 League of Nations, that islands covered by the  
10 mandate should not be fortified. (Item 18 of  
11 Appendix B to the Indictment and exhibit No. 23  
12 in the case.) Article IV provides:

13 "The military training of natives other-  
14 wise than for purposes of internal police and the  
15 local defense of the territory shall be prohibited.  
16 Furthermore, no military or naval bases shall be  
17 established or fortifications erected in the  
18 territory."

19 The United States, not being a member of  
20 the League, obtained the benefits of Article IV by  
21 entering into a treaty with Japan on 11 February  
22 1922 (Item 31 of Appendix B to the Indictment and  
23 exhibit No. 29 in the case). Article II provides:

24 "The United States and its nationals shall  
25 receive all the benefits of the engagements of Japan



1 as defined in Article 3, 4, and 5 of the aforesaid  
2 Mandate, notwithstanding the fact that the United  
3 States is not a member of the League of Nations."

4 Under the third classification, it may  
5 be stated that a number of treaties contain pro-  
6 visions relative to the territorial integrity of  
7 China and the policy of the "open docr." However,  
8 the Nine-Power Treaty dated 6 February 1922, to  
9 which the United States of America, the British  
10 Commonwealth, Belgium, China, France, Italy,  
11 Japan, The Netherlands and Portugal are parties,  
12 contains the essential obligations of Japan and  
13 the other contracting Powers with respect to China.  
14 (Items 22 to 30 inclusive of Appendix B to the  
15 Indictment and exhibit No. 28 in the case.) The  
16 prosecution considers it to be of sufficient im-  
17 portance to this case to justify quoting the first  
18 four articles:

19 "Article I."

20 "The Contracting Powers, other than China,  
21 agree:-

22 "(1) To respect the sovereignty, the  
23 independence, and the territorial administrative  
24 integrity of China;

25 "(2) To provide the fullest and most unem-



1       barrassed opportunity to China to develop and main-  
2       tain for herself an effective and stable Government;

3               "(3) To use their influence for the purpose  
4       of effectually establishing and maintaining the prin-  
5       ciple of equal opportunity for the commerce and  
6       industry of all nations throughout the territory  
7       of China;

8               "(4) To refrain from taking advantage of  
9       conditions in China in order to seek special rights  
10      or privileges which would abridge the rights of  
11      subjects or citizens of friendly States, and from  
12      countenancing action inimical to the security of  
13      such States."

14               "Article II.

15              "The Contracting Powers agree not to enter  
16      into any treaty, agreement, arrangement or under-  
17      standing, either with one another, or, individually  
18      or collectively, with any Power or Powers which  
19      would infringe or impair the principles stated  
20      in Article I."

21               "Article III.

22              "With a view to applying more effectually  
23      the principles of the Open Door or equality of  
24      opportunity in China for the trade and industry  
25      of all nations, the Contracting Powers, other



1       than China, agree that they will not seek, nor  
2       support their respective nationals in seeking:-

3               "(a) Any arrangement which might purport  
4       to establish in favour of their interests any  
5       general superiority of rights with respect to  
6       commercial or economic development in any desig-  
7       nated region of China;

8               "(b) Any such monopoly or preference as  
9       would deprive the nationals of any other Power of  
10      the right of undertaking any legitimate trade or  
11      industry in China, or of participating with the  
12      Chinese Government, or with any local authority,  
13      in any category of public enterprise, or which  
14      by reason of its scope, duration, or geographical  
15      extent is calculated to frustrate the practical  
16      application of the principle of equal opportunity.

17              "It is understood that the foregoing  
18      stipulations of this Article are not to be so  
19      construed as to prohibit the acquisition of such  
20      properties or rights as may be necessary to the  
21      conduct of a particular commercial, industrial,  
22      or financial undertaking, or to the encouragement  
23      of invention and research.

24              "China undertakes to be guided by the  
25      principles stated in the foregoing stipulations



1 of this Article in dealing with applications for  
2 economic rights and privileges from the Governments  
3 and nationals of all foreign countries, whether par-  
4 ties to the present Treaty or not."

5 "Article IV.

6 "The Contracting Powers agree not to sup-  
7 port any agreements by their respective nationals  
8 with each other designed to create Spheres of  
9 Influence or to provide for the enjoyment of  
10 mutually exclusive opportunities in designated  
11 parts of Chinese territory."

12 Under the foregoing and other pertinent  
13 treaty provisions, omitted here in the interest  
14 of time, the contracting Powers had certain well  
15 defined duties and obligations in China, not only  
16 to China but to each other. These treaties had  
17 as their ultimate objective the preservation of  
18 peace. Their faithful observance, therefore,  
19 was a matter of grave concern to all nations  
20 interested in peace.

21 The four cardinal points in Article I of  
22 the Nine-Power Treaty were but declaratory of the  
23 foreign policy of the United States not only toward  
24 China but toward all nations. From the date of the  
25 treaty, which is without time limitation, the other



powers had a right to assume that these provisions constituted the foreign policy of Japan toward China, and that Japan in simple terms was committed:

- (1) to respect the sovereignty of China,
- (2) to permit China to settle her internal problems without interference,
- (3) to promote equality of commercial opportunity in China,
- (4) to refrain from taking advantage of conditions in China to seek special privileges.

The evidence to be offered will show that from the date of the treaty until September 1931 Japanese pledges were reasonably observed. After September 1931 pronouncements of Japanese foreign policy became more and more irreconcilable with the commitments in the Nine-Power Treaty. Each declaration of policy was designed to meet the exigencies of the moment. It was a policy of opportunity not of principle. The declared policy was designed to assist and make easier of accomplishment the actual policy, which will be shown to be a policy of force and conquest.

Under pertinent treaty provisions each of the countries enjoyed equally with others certain



1 extra-territorial rights in China. Japan had well  
2 defined but limited rights to maintain railway  
3 guards, not more than fifteen per mile, along the  
4 right of way of the South Manchuria Railroad. In  
5 addition, she had rights to station troops in  
6 certain areas of North China under the Boxer Pro-  
7 tocol of 1901 and to land and station troops in  
8 international settlements at Shanghai and Kulangsu,  
9 and in any exclusive Japanese concession. No right  
10 existed to station troops outside the foregoing  
11 well defined limits.

12 The aggressions initiated at Mukden and the  
13 failure of Japan to confine and localize the in-  
14 cident in accordance with her promises, brought  
15 immediate, sincere and earnest protests from the  
16 Government of the United States. Specifically,  
17 Japan's conduct was declared to be of grave concern  
18 not only to the United States but the rest of the  
19 world. The objections were raised on moral, legal  
20 and political grounds. They involved violations  
21 both of the Nine-Power Treaty and the Kellogg-  
22 Briand Pact. Thus arose the first conflict of  
23 policies between the United States and Japan.

24 From the beginning of the Manchurian  
25 aggression, Japan stated in her communications



1 with the United States and the British Commonwealth  
2 that she had no territorial designs in Manchuria and  
3 expressed her sensibility of the friendly concern  
4 and fairness of views with which the American Govern-  
5 ment had observed the recent course of events in  
6 Manchuria.

7           As the Mukden Incident expanded into aggressive  
8 military domination of the whole of Manchuria, both  
9 the United States and the British Commonwealth  
10 followed an announced policy of peace and of ad-  
11 herence to treaty obligations. Diligent efforts  
12 were made to have Japan follow a like course. The  
13 United States, although not a member of the League  
14 of Nations, integrated its efforts to this end  
15 with those of the League. Notwithstanding Japan's  
16 professed desire for friendly relations with China,  
17 her military operations continued until Manchuria  
18 was conquered. The puppet government of Manchukuo  
19 was set up. Both the United States and Great  
20 Britain refused to recognize this puppet government.  
21 As has been shown, the League of Nations condemned  
22 Japan's aggressions in Manchuria. It will be shown  
23 that the United States Secretary of State announced  
24 that the United States was in substantial accord  
25 with the findings and conclusions of the League.



1           The League of Nations set up, and the  
2           United States endorsed, principles for the settlement  
3           of the controversy between Japan and and China.  
4           Japan talked much of settlement but never settled.  
5           The relations between Japan and the United States  
6           were disturbed, of course, by the aggressions in China.

7           In February 1934 the accused HIROTA, Japan's  
8           Foreign Minister, expressed to Secretary Hull a  
9           desire for peaceful diplomatic relations, stating  
10          that there was no question between the nations  
11          "that is fundamentally incapable of amicable  
12          solution." Secretary Hull responded cordially.  
13          Notwithstanding this gesture, however, in less  
14          than one month AMAU, Chief of the Information  
15          Bureau of the Japanese Foreign Office, proclaimed  
16          the "hands off China" policy, setting up Japan as  
17          the political guardian and economic entrepreneur  
18          of China. Other powers were warned against any  
19          undertaking prejudicial to Japanese interests. By  
20          this declaration the Japanese arrogated to them-  
21          selves a position in China for which there was no  
22          basis under existing treaties. The British Common-  
23          wealth and the United States made earnest though  
24          not violent objections. However, both gave more  
25          credit to Japanese reassurances at the time than



1 later developments justified.

2 In 1934 Japan gave notice of her intention  
3 to withdraw from the Washington Naval Treaty.

4 In 1935 Japan withdrew from the League  
5 of Nations. Thereafter her conquests extended  
6 beyond Manchuria by an invasion and complete  
7 occupation of Jehol Province and Eastern Inner  
8 Mongolia and by an advance into Hopei Province  
9 south of the Great Wall.

10 Even before Japan withdrew from the Washington  
11 Naval Treaty, her naval experts had come to recognize  
12 the aircraft carrier as a fighting unit of the most  
13 advanced offensive type. Admiral YAMAMOTO, on 29  
14 October 1934, stated that Japan should not be sus-  
15 pected of aggressive designs in the Far East. He  
16 cited as proof Japan's willingness to give up the  
17 building of carriers which he characterized as the  
18 best type of weapons for expansion and aggression.  
19 On 15 January 1936 the accused Admiral NAGANO stated  
20 that the aircraft carrier is the principle type of  
21 aggressive naval arms. I quote: "In order to  
22 establish as complete a state of non-aggression  
23 and non-menace as possible, we advocate . . .  
24 abolition of aircraft carriers . . . ." Statistics  
25 of naval construction are difficult to obtain.



1 But it appears probable that between the date of  
2 that statement and 7 December 1941, Japanese  
3 carrier construction exceeded that of the rest  
4 of the world.

5 By withdrawing from the London Conference,  
6 Japan thereby severed her last connection with the  
7 Naval Agreement of the Western Powers. Although  
8 France, Great Britain and the United States entered  
9 into an agreement with reference to naval strength,  
10 Japan declined to adhere to that treaty and pro-  
11 ceeded with feverish haste to increase her arma-  
12 ments. At the same time, she refused to divulge to the  
13 other powers facts concerning her naval construction.  
14 By the evidence which we shall produce it will be  
15 made apparent that the withdrawal both from the  
16 League of Nations and from the Five Power Naval  
17 Treaty were steps in the preparation for large-  
18 scale, aggressive warfare. It is difficult to  
19 reconcile such preparations with a peaceful intent.

20 Throughout the period from the Mukden  
21 Incident in September 1931 to the outbreak of the  
22 more extensive operations in China in July 1937,  
23 the attitude of the United States and the British  
24 Commonwealth toward Japan had been restrained,  
25 tolerant and peaceful. While insisting that Japan



1 was acting in violation of existing treaties and  
2 protesting injuries to their nationals, these  
3 countries made no move or suggestion of warlike  
4 intent or of anything except a sincere desire that  
5 a peaceful settlement might be reached. Meantime,  
6 Japan, having gained the military domination of  
7 Manchuria, had consolidated and developed her  
8 political and economic position in that territory.  
9 She practically monopolized its economic resources.  
10 In so far as the British Commonwealth and the  
11 United States were concerned, the door to Man-  
12 churia was closed.



1           The United States at the time of the ex-  
2   pansion of the China War in July 1937 at first attempt-  
3   ed to concentrate on the protection of its own  
4   nationals and property and legal rights. On 16 July  
5   1937 Mr. Hull, the United States Secretary of State,  
6   announced the position of the United States to be  
7   that it constantly and consistently advocated main-  
8   tenance of peace; that it advocated abstinence by  
9   all nations from the use of force and from inter-  
10   ference with the internal affairs of other nations;  
11   and that it advocated the adjustment of problems  
12   in international relations by a process of peace-  
13   ful negotiation and the observance of international  
14   agreements.

15  
16           The United States Government attempted to  
17   point out to Japan the irreparable harm done to all  
18   Governments concerned by the situation which existed  
19   in China. Nevertheless, Japan continued to advance.  
20   The fighting spread to Shanghai. The first American  
21   lives were taken and property damaged in that area.

22           On 5 October 1937 in his speech at Chicago,  
23   President Roosevelt proclaimed to the world the  
24   intention of the United States to do all within its  
25   power to preserve peace and by every practicable  
measure to avoid involvement in war. The United



1 States and the British Commonwealth adhered to that  
2 policy. They still refused to charge that the con-  
3 quest of a country by military force was taking place  
4 in China.

5 On 6 October 1937 the League of Nations  
6 adopted a resolution declaring that Japan's actions  
7 were not justified on the basis of self-defense and  
8 were in contravention of treaty obligations. On the  
9 same date the United States Secretary of State di-  
10 rected attention to the fact that the action of Japan  
11 in China was inconsistent with the principles which  
12 should govern the relationship between nations and  
13 was **contrary** to the provisions of the Nine-Power  
14 Treaty and of the Kellogg-Briand Pact.

15 On 27 October 1937 Japan refused the invi-  
16 tation to attend the Brussels Conference convened  
17 for the purpose of studying amicable means of hasten-  
18 ing the end of the unfortunate conflict in the Far  
19 East. The treaty of 13 December 1921 and the Nine-  
20 Power Treaty called for such a conference.

21 Meanwhile, Japan's armies continued their  
22 advances in China. British and American citizens  
23 were shot, many of them killed, their homes and  
24 properties bombed, shelled, burned and destroyed. On  
25 12 December 1937 the American gunboat PANAY, while



1 assisting in the evacuation of American Embassy offi-  
2 cials from Nanking, was bombed and destroyed, together  
3 with three United States merchant vessels on the Yang-  
4 tze River. Japanese fliers from the fleet air arm,  
5 bombed and machine-gunned the crews and passengers.  
6 American lives were lost in these attacks. On the same  
7 day, the Japanese armies shelled the British gunboat  
8 LADYBIRD, causing extensive damage. British lives  
9 were lost in this attack. The ships were engaged in  
10 peaceful missions. They were where they had a right  
11 to be.

12           During the latter half of 1937 and all of  
13 1938, the Japanese conquest of China continued. The  
14 burning of properties of citizens of the United States  
15 and Great Britain and attacks on these citizens con-  
16 tinued. Several hundred complaints were made and  
17 claims for reparations were filed by the United States.  
18 Five hundred such claims were made by Great Britain  
19 alone.

20           During 1939-1940 the attacks on American  
21 and British nationals continued. Lives were lost.  
22 Much property was damaged and destroyed. The inci-  
23 dents mounted into the hundreds. Protests were made  
24 and claims were filed by both Governments. Japan  
25 sometimes evaded, sometimes ignored, sometimes attempt-



1 ed to explain, but the attacks continued. Attacks  
2 were made on hospitals and missionary establishments,  
3 plainly marked by the United States or British flags.

4 Japan was furnished with maps showing the  
5 locations of British and American owned properties,  
6 and, in particular, hospitals and missionary establish-  
7 ments. No attention whatever was paid to these efforts  
8 to prevent attacks. A number of such institutions  
9 were attacked several times; one on sixteen separate  
10 occasions. These attacks were so frequent, so obvious-  
11 ly not accidental, and made under such circumstances  
12 as to indicate that they were a part of a systematic  
13 plan, not only to conquer and rule China, but to  
14 drive all whites, in particular all Americans and  
15 British, out of China. The damage done in any one of  
16 these hundreds of attacks was much in excess of that  
17 claimed by Japan to have occurred at the time of the  
18 Mukden Incident. The lives and property of American  
19 and British citizens forfeited to these attacks far  
20 transcended in import the claim of the Japanese of  
21 the loss of a single soldier, which was used as the  
22 excuse for Marco Polo Bridge. Yet, neither the United  
23 States nor Great Britain took any military or naval  
24 action. They made neither demonstrations nor threats  
25 to do so. Over and over again they expressed so great



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1 an interest in a peaceful settlement of the war be-  
2 tween Japan and China and of the recognition of treaty  
3 rights in China that they were willing to minimize the  
4 sufferings and loss of lives and property.

5 On 3 November 1938 Japan boldly proclaimed  
6 "A New Order in East Asia." She refused to permit con-  
7 tinuance of "freedom of trade" which had existed pur-  
8 suant to the policy of the "open door." She asserted  
9 preferential rights in China. This was in violation  
10 of existing treaties. The squeeze was on. The lot  
11 of non-Asiaties was to become more and more difficult.  
12 During this period it will be shown that Japanese air  
13 forces without provocation or excuse attacked the  
14 automobile in which the British Ambassador was riding.  
15 Japanese armed forces without provocation assaulted  
16 the American Consul at Nanking. Laws were passed  
17 and regulations adopted by Japanese authorities and  
18 Japanese sponsored regimes in China which prevented  
19 American and British nationals from continuing to en-  
20 gage in their long-established occupations.

21 Japan continued her aggressions and refused  
22 to respond to the remonstrances and appeals of the  
23 United States and Great Britain. Because of this, the  
24 relations of these two countries with Japan grew  
25 progressively worse. It became apparent that some-



thing more concrete than mere protests was required.

1 Therefore, on 26 July 1939 the Government of the  
2 United States gave a six months' notice to Japan as  
3 provided by the commercial treaty of 21 February 1911  
4 announcing her intention to terminate that treaty.

5 The aggressions of Japan in China, coupled  
6 with declarations of a "New Order in East Asia" were  
7 finally viewed by the American and British Governments  
8 as part of a plan of Japan politically to dominate  
9 the Pacific area, economically to exploit China for  
10 Japan's benefit to the exclusion of the interests of  
11 other countries, and socially to effect the destruc-  
12 tion of personal liberties and the reduction of the  
13 conquered peoples to the role of inferiors. All of  
14 this was in violation of solemn treaties. Yet the  
15 United States and Great Britain made no threats, adopt-  
16 ed no warlike attitudes, endeavored to negotiate for  
17 peaceful solutions.

18 Japan sent troops of considerable strength  
19 into Indo-China, occupied Hanoi and Haiphong. She gave  
20 false explanations in attempting to justify these  
21 moves. It finally became apparent that Japanese  
22 ambitions seemed to expand with each additional acqui-  
23 sition of territory. That the Philippines, Malaya,  
24 Thailand, the Dutch East Indies and Borneo were soon  
25



1 to be objectives was strongly indicated. These further  
2 military moves posed a direct and critical threat to  
3 the security of both the United States and British  
4 Commonwealth. Neither threats nor hostile moves were  
5 made by either Government. Both attempted to reason  
6 with Japan and to persuade her to abandon her schemes  
7 of conquest. They would have realized how vain was  
8 this hope had they known that the occupation currency  
9 for the Philippines, Malaya, Thailand, the Dutch East  
10 Indies and Borneo was then concealed in vaults of the  
11 Bank of Japan. This invasion currency was processed  
12 under the top-secret orders of Intendance Bureau,  
13 War Ministry, and Finance Ministry, approved 24 Janu-  
14 ary 1941. The first delivery actually went into the  
15 vaults of the Bank of Japan in May 1941 to be with-  
16 drawn under orders of the War and Navy Departments  
17 to finance war expenditures.

18 That Japan was not greatly interested in  
19 the preservation of peace is further indicated by  
20 her secret plotting with Germany in the spring of  
21 1941 to attack the British at Singapore and to seize  
22 the Philippine Islands. At the same time, protracted  
23 conversations, initiated by Japan, were proceeding  
24 with the United States. These conversations on their  
25 face were designed to explore both the differences



1 arising out of the war to China and the possibilities  
2 for a peaceful settlement of Pacific and Asiatic prob-  
3 lems.

4 At the very beginning of the conversations,  
5 16 April 1941, Mr. Hull informed the Japanese Ambassa-  
6 dor that the purpose of the discussions should be to  
7 explore the question of improving the relations between  
8 the United States and Japan. Mr. Hull stated that the  
9 United States had been proclaiming and practicing  
10 certain principles on which relations between nations  
11 should rest. I quote:

12 "1. Respect for the territorial integrity  
13 and the sovereignty of each and all nations.

14 "2. Support of the principle of non-  
15 interference in the internal affairs of other countries.

16 "3. Support of the principle of equality,  
17 including equality of commercial opportunity.

18 "4. Non-disturbance of the status quo in  
19 the Pacific except as the status quo may be altered  
20 by peaceful means."

21 The Secretary made it perfectly plain that  
22 the conversations should relate to matters within the  
23 framework of these principles.

24 Looking backward in the light of subsequent  
25 events it is not unreasonable to conclude that Japan



1 in fact either sought to obtain from the United States  
2 recognition of her right to occupy and to conquer at  
3 her own caprice or to lull the United States and Great  
4 Britain into a sense of security while she made secret  
5 preparations and determined upon the most advantageous  
6 time to make further aggressive moves. It must have  
7 been obvious to these accused that there was no possi-  
8 bility that either the United States or the British  
9 Commonwealth would enter into any agreement which  
10 would recognize, ratify, or assent to Japan's right  
11 to retain the spoils of her aggression and to proceed  
12 further with her conquests. The evidence is plenary  
13 that Japan, acting through these accused and others  
14 of like purpose, never intended to stop or to turn  
15 back.

16 It should be noted, as the Tribunal gives  
17 consideration to these conversations, that each posi-  
18 tion assumed by the United States and every demand  
19 made was not only an effort to get Japan simply to  
20 recognize and comply with her solemn treaty obliga-  
21 tions, but was in accordance with the rights and  
22 obligations of the United States and the British Com-  
23 monwealth under those treaties.

24 With great respect we call the Tribunal's  
25 attention to what we think the evidence will show to



1 be the fundamental differences in the viewpoints of  
2 the countries involved. The United States and the  
3 British Commonwealth took the position that all  
4 problems of consequence could be solved by simply  
5 observing the existing treaty provisions. These  
6 countries insisted that Japan's claim to the rights  
7 conferred under the treaties carried an obligation  
8 equally strong to perform the duties required.  
9 Japan, on the other hand, claimed rights greatly in  
10 excess of those conferred and refused utterly to  
11 recognize the duties imposed. There was no claim in  
12 the conversations that the United States or Great  
13 Britain were not living up to their treaty commit-  
14 ments. Japan's purpose seems to have been to explore  
15 the question of how fast and how far she could go in  
16 her aggressive moves.

17 This brings us to the middle of the fateful  
18 year 1941 and to an acceleration of Japan's plans  
19 for war.

20 By 1 June 1941, the conquest and occupation  
21 of France was complete. The German submarine blockade  
22 was near the peak of its effectiveness. The tonnage  
23 of ships being sunk in the Atlantic was increasing  
24 under the intensification of Germany's submarine  
25 blockade. The United States was known to be unpre-



1   pared for war. On the 22nd of that month Germany  
2   attacked Russia. The struggle was desperate, the  
3   question, whether Russia could survive.

4           With this factual background, liaison con-  
5   ferences were held daily in Tokyo, beginning on 23  
6   June and ending 30 June. These conferences deter-  
7   mined future Japanese national policy. On 2 July  
8   1941, following these liaison conferences, an Imperial  
9   Conference was called at the request of War Minister  
10   TOJO.

11           It was there decided that the Japanese  
12   national policy, in view of the "changing situation"  
13   would be based on three main points:

14           (1) That Japan would continue its endeavor  
15   to dispose of the China Incident;

16           (2) That Japan would establish the Greater  
17   East Asia Co-Prosperity Sphere, regardless of how  
18   the world situation might change;

19           (3) That measures would be taken by Japan  
20   to advance southward.

21           It was determined that Japan would attain  
22   these ends, even if it meant war with the United States,  
23   Great Britain and The Netherlands. General prepara-  
24   tions were made for war with these nations. The mili-  
25   tary preparations in question proceeded on a large



1 scale and included the calling up of more than one  
2 million reservists and conscripts.

3 The surviving accused present at the pre-  
4 liminary liaison conferences, where the real de-  
5 cision was made, were HIRANUMA, TOJO, NAGANO, MUTO  
6 and OKA. The same persons, with the substitution of  
7 SUZUKI for MUTO, attended the Imperial Conference.

8 There were some, including MATSUOKA, the  
9 Foreign Minister, SHIRATORI and others, who were in  
10 favor of Japan's immediately joining in the war against  
11 Russia on the German side, either before or simul-  
12 taneously with any advance to the South. But for  
13 the time being and in spite of repeated renewals of  
14 the proposal and assurances to Germany that such a  
15 plan would be carried out, the preference for south-  
16 ward expansion prevailed and continued to prevail.

17 On 16 July owing to differences of opinion  
18 between KONOYE and MATSUOKA, the exact cause of which  
19 is obscure, the second KONOYE Cabinet (in power since  
20 July 1940) resigned, and the third was constituted  
21 with TOYODA as Foreign Minister in place of MATSUOKA.  
22 HIRANUMA remained in the Cabinet, but as Minister  
23 of State without Portfolio instead of Home Minister.  
24 TOJO continued as War Minister with KIMURA as Vice-  
25 Minister and SUZUKI remained Minister of State and



1 President of the Planning Board.

2 From some date, at least as early as 18 June,  
3 we now know negotiations were in progress by which  
4 German aid was sought and obtained to compel the Vichy  
5 Government to admit Japanese troops into Southern Indo-  
6 China. Troops had been stationed in Northern Indo-  
7 China for several months. Japan's intention was to  
8 occupy the country by force if Vichy did not agree.  
9 This policy was initiated by the second KONOYE Cabi-  
10 net and ultimately came to fruition under the third.  
11 This, in spite of warning by NOMURA as to the disas-  
12 trous effect it would have upon the Japanese-American  
13 conversations in Washington.

14 THE PRESIDENT: We will recess now for  
15 fifteen minutes.

16 (Whereupon, at 1445, a recess was taken  
17 until 1500, after which the proceedings were  
18 resumed as follows:)  
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1 MARSHAL OF THE COURT: The Tribunal is now  
2 resumed.

3 THE PRESIDENT: Mr. Chief Prosecutor.

4 MR. KEENAN: Mr. President, may I call the  
5 Tribunal's attention to an error in the Japanese  
6 translation of this statement on page 47. It is not  
7 in conformity with the English and it is an error;  
8 and page 47 of the Japanese translation should contain  
9 the words, "Prime Minister TOJO," and not, "Foreign  
10 Minister TOGO."

11 The page is 57, not 47.

12 THE PRESIDENT: Mr. Higgins.

13 MR. HIGGINS:  
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1           During July the American Government received  
2 reports that the movement of a large number of troops  
3 into Southern Indo-China was imminent. This  
4 military movement brought into the open the threat  
5 to the Philippine Islands, British and Dutch possessions  
6 in the Western Pacific area, as well as vital trade  
7 routes essential to the industrial life of the United  
8 States, the British Commonwealth and The Netherlands.

9           These reports were immediately brought to the  
10 attention of the Japanese Ambassador. The inconsistency  
11 was pointed out between such a movement and the conver-  
12 sations which were then proceeding in Washington.  
13 Information was requested as to the reported facts.  
14 At first the reports were flatly denied. But on 23  
15 July the Japanese Ambassador, by way of further reply,  
16 stated that Japan needed to secure an uninterrupted  
17 source of supplies and raw materials and that it was  
18 also necessary to insure against the military encircle-  
19 ment of Japan.

20           Japanese documents, to be tendered in evidence,  
21 however, will prove conclusively that the intention was  
22 to provide a base for further operations, particularly  
23 against Singapore and Siam.

24           Acting Secretary of State Welles replied and  
25 pointed out the fallacy of the explanation offered.



1 He said that the United States could only regard the  
2 action of Japan as proceeding from a policy of expan-  
3 sion and conquest in the region of the South Seas.  
4 Also, on behalf of the Secretary of State, he told the  
5 Japanese Ambassador that under these circumstances, the  
6 Secretary could not see any basis for pursuing further  
7 the pending conversations. Accordingly, the conversa-  
8 tions were temporarily suspended.

9           On 27 July President Roosevelt made a pro-  
10 posal to the Japanese Government that Indo-china be  
11 regarded as a "neutralized" country. Obviously, this  
12 would assure Japan of a source of food supplies and  
13 other raw materials.

14           The Japanese Government refused to accept  
15 the President's proposal. Large Japanese forces moved  
16 into Southern Indo-China.

17           This military movement was but a follow-up  
18 of the plan begun at Mukden, extended northward through  
19 Manchuria, then southward to Nanning on the mainland  
20 and Hainan Island, leaving Chinese territory for a dis-  
21 tance of 2400 miles in the military, political and ec-  
22 onomic control of Japan. The evidence already in and  
23 to be presented discloses that treaty obligations  
24 were completely disregarded. Protests almost without  
25 number were useless. Japan was mobilizing all forces



1 at her command for the purpose of extending, by force  
2 of arms, her dominions throughout the Pacific area.  
3 Finally, in order that the resources under the control  
4 of the United States might not be used by Japan for  
5 these aggressive purposes, the President on 26 July  
6 issued an order freezing assets of China and Japan.  
7 Britain and The Netherlands immediately took similar  
8 steps. As a result, there was a virtual cessation of  
9 trade between Japan and the other countries named, in-  
10 cluding exports of oil, on which an embargo was short-  
11 ly afterwards placed.

12 It is important to observe that these meas-  
13 ures by the United States, the British Commonwealth  
14 and The Netherlands did not precede the aggressive  
15 action of Japan in ~~Indo-China~~, but followed as a con-  
16 sequence. Japanese apologists afterwards endeavored  
17 to treat these measures as in the nature of hostile  
18 acts and as forming a justification for the ultimate  
19 treacherous attacks by Japan. So it is vital to get  
20 them in their proper perspective.

21 On 8 August, the Japanese Ambassador in  
22 Washington, inquired as to whether it might not be  
23 possible for the responsible heads of the two Govern-  
24 ments to meet for the purpose of discussing means for  
25 reaching an adjustment of views.



1           On 28 August the President was given a mes-  
2       sage from the Japanese Premier, Prince KONOYE, urg-  
3       ing that a meeting of the heads of the two Govern-  
4       ments be arranged to discuss all important problems  
5       covering the entire Pacific area. Accompanying  
6       this message was a statement containing assurances,  
7       and I quote:

8           "Therefore, the Japanese Government is  
9       prepared to withdraw its troops from Indo-China as  
10      soon as the China Incident is settled or a just  
11      peace is established in East Asia.

12           "Furthermore, in order to remove all poss-  
13      ible doubt in this regard, the Japanese Government  
14      reaffirms herewith its repeated declaration that its  
15      present action in Indo-China is not a preparatory  
16      step for military advance into neighboring territ-  
17      ories."

18           The statement contains this further assur-  
19      ance, and I quote:

20           "It is also stated by the United States  
21      Government that no proposals or suggestions affect-  
22      ing the rights and privileges of either the United  
23      States or Japan would be considered except as these  
24      might be in conformity with the basic principles to  
25      which the United States has long been committed. The



1 fundamental national policy long cherished by the  
2 Japanese Government is again in full agreement on  
3 that point.

4 "Regarding the principles and directives  
5 set forth in detail by the American Government and  
6 envisaged in the informal conversations as constitu-  
7 ting a program for the Pacific area, the Japanese  
8 Government wishes to state that it considers these  
9 principles and the practical application thereof, in  
10 the friendliest manner possible, are the prime requi-  
11 sites of a true peace and should be applied not only  
12 in the Pacific area but throughout the entire world.  
13 Such a program has long been desired and sought by  
14 Japan itself."

15  
16 When these assurances were given, the Jap-  
17 anese Foreign Office knew that the United States had  
18 not changed its foreign policy. Prince KONOYE knew  
19 that the four points stated by Mr. Hull in April con-  
20 stituted the cornerstones of that policy.

21 The President, in his reply on 3 September,  
22 suggested that there take place immediately in ad-  
23 vance of the proposed meeting and as a necessary step  
24 precedent thereto, preliminary discussions on funda-  
25 mental and essential questions on which agreement was  
sought.



1           On 6 September the Japanese Ambassador pre-  
2       sented a new draft of proposals which contained much  
3       narrower assurances than those given in the statement  
4       communicated to the President on 28 August. Japan,  
5       in this statement, offered to agree and I quote:  
6       "That Japan will not make any military advancement  
7       from French Indo-China against any of its adjoining  
8       areas, and likewise will not, without any justifiable  
9       reason, resort to military action against any regions  
10      lying south of Japan," and further in the same state-  
11      ment, and I quote: "That the economic activities of  
12      the United States in China will not be restricted so  
13      long as pursued on an equitable basis"; and in the  
14      same statement, the United States was asked to agree,  
15      and I quote: "That the United States will suspend any  
16      military measures in the Far East and in the South-  
17      western Pacific Area," and a final provision calling  
18      for rescission of the freezing order. The practical  
19      effect of these requirements would be:

21           (1) That Japan retain its military control  
22      over the whole of Indo-China with no limitation what-  
23      ever on the number of troops stationed there;

24           (2) That Japan would be the judge as to  
25      whether there was justifiable reason for military  
    action against the regions lying south of Japan;



1           (3) That Japan would determine whether  
2 economic activities of the United States were carried  
3 on in China on an equitable basis;

4           (4) That the United States should abandon  
5 all efforts to strengthen its defenses in the Phil-  
6 ppines and other places in the Far East. But the  
7 words used, and I quote, "suspend any military meas-  
8 ures" could easily be construed to prevent the supply-  
9 ing of bases already established in the Far East and  
10 might require their actual abandonment on that account;

11           (5) That the United States would cease all  
12 military aid to the Republic of China;

13           (6) That the rescision of the embargo and  
14 freezing orders would permit Japan to obtain iron  
15 and aviation gasoline in order to intensify its mil-  
16 itary preparations.

17           On this same date, 6 September, War Minister  
18 TOJO and a military group desirous of waging immedi-  
19 ate war on the United States, Great Britain and The  
20 Netherlands, caused another Imperial Conference to be  
21 called. At this Imperial Conference it was decided  
22 that the military group would go forward with prepara-  
23 tions for war and if the pending conversations had not  
24 terminated in a manner satisfactory to Japan by the  
25 middle of October, that Japan would attack. The ac-



1       cused present were TOJO, NAGANO, MUTO, OKA and SUZUKI.

2               The attention of the Tribunal is called to  
3       the fact that the United States never sought to make  
4       time the essence of the conversations; never fixed  
5       any deadline. But as the hours of peace ran out, it  
6       was Japan that kept watching the clock. The Japanese  
7       diplomatic cloth was being cut to the pattern of a  
8       military uniform.

9               On 25 September the Japanese Government  
10       presented to Ambassador Grew a complete new draft of  
11       proposals and urged that an early reply be made there-  
12       to. Among the commitments the United States was  
13       asked to make was the following, and I quote: "In  
14       case the United States should participate in the  
15       European War, Japan would decide entirely independ-  
16       ently in the matter of interpretation of the Tri-  
17       partite Pact between Japan, Germany and Italy, and  
18       would likewise determine what actions might be taken  
19       by way of fulfilling the obligations in accordance  
20       with the said interpretation." Thus, the United  
21       States was asked to endorse and approve the right of  
22       Japan to make war on the United States according as  
23       Japan might determine her obligations to be under the  
24       provisions of the Tripartite Pact.

25               An additional proposal that looked innocent



1 enough by itself unless understood in relation to  
2 other facts was the following, and I quote: "Both  
3 Governments guarantee each other that they will, as  
4 the first of the measures envisaged in the preceding  
5 paragraph, discontinue immediately the measures of  
6 freezing assets now being enforced, and that they  
7 will supply mutually such commodities as are, respec-  
8 tively, available and required by either of them."  
9 From the evidence already in and to be presented,  
10 it is apparent that Japan was only waiting for a  
11 sufficient backlog of military supplies, especially  
12 steel and aviation gasoline, prior to launching her  
13 attack on the United States and the British Common-  
14 wealth. Agreement to the provision above quoted  
15 would have required the United States to furnish  
16 these materials because they were available in the  
17 United States.

18 On 2 October the Secretary of State gave  
19 to the Japanese Ambassador a memorandum reviewing  
20 significant developments in the conversations and  
21 explaining the attitude of the United States towards  
22 various points in the Japanese proposals which did  
23 not appear to be consistent with the principles to  
24 which the United States was, and had been committed.  
25 The four cardinal points which formed the cornerstone



1 of the American Government's relations with other  
2 nations were again listed as follows:

3 1. Respect for the territorial integrity  
4 and the sovereignty of each and all nations.

5 2. Support of the principle of non-inter-  
6 ference in the internal affairs of other countries.

7 3. Support of the principle of equality,  
8 including equality of commercial opportunity.

9 4. Non-disturbance of the status quo in  
10 the Pacific except as the status quo may be altered  
11 by peaceful means.

12 It may be observed that this was but an  
13 exact repetition of the statement made by the Pres-  
14 ident to Ambassador NOMURA on 3 September 1941. It  
15 will be further observed that these same four ident-  
16 ical points were given to Ambassador NOMURA by Sec-  
17 retary Hull on 16 April 1941 as forming the basis of  
18 preliminary conversations looking toward a reconcili-  
19 ation of views with respect to the settlement of Pac-  
20 ific questions.

21 As the middle of October approached, some of  
22 those (including KONOYE), who had been parties to the  
23 decision of the Imperial Conference of 6 September,  
24 became alarmed and after a bitter quarrel (the details  
25 and parts played by personalities will be shown in



1 the evidence) the third KONOYE Cabinet resigned.  
2 As had, by this time, become the custom, KIDO as  
3 Lord Keeper of the Privy Seal summoned a conference  
4 of Senior Statesmen with whom he consulted as to  
5 the advice which he should give the Emperor on the  
6 choice of a successor. The Lord Keeper with the  
7 active support of HIROTA, recommended TOJO. No  
8 one seems to have opposed. KIDO laid down two funda-  
9 mental points: First, that the deadline of the mid-  
10 dle of October set in the resolution of 6 September  
11 should be extended and the conversations continued  
12 meanwhile; and second, that a quarrel which had dev-  
13 eloped between the Army and Navy (really as to the  
14 chance of success of war against the United States  
15 and Britain) should be resolved. TOJO took office  
16 as Premier on the conditions specified by KIDO.  
17 The first was dealt with by extending the deadline  
18 from 15 October to 25 November and afterwards to 29  
19 November; the second by appointment of the accused  
20 SHIMADA as Navy Minister in place of OIKAWA who had  
21 disagreed with TOJO. NAGANO who, at an earlier  
22 stage, had been pessimistic about the chances of war  
23 with the United States, seems to have changed his  
24 opinion. At all events he remained as Chief of the  
25 Naval General Staff. SUZUKI retained office in the



1 Cabinet and as President of the Planning Board, and  
2 KIMURA as Vice Minister of War. The following accused  
3 joined the Cabinet as new members: TOGO as Foreign  
4 and Overseas Minister and KAYA as Finance Minister;  
5 HOSHINO became chief Secretary of the Cabinet. (It is  
6 an error to state that he became Minister of State.)

7 The Japanese Government then became even  
8 more insistent in urging a quick decision on the Jap-  
9 anese proposals but still showed no willingness to  
10 effect any fundamental modification of the Japanese  
11 position.

12 With TOJO heading the Cabinet, the  
13 Japanese Government moved rapidly towards war.

14 On 5 November an Imperial Conference was  
15 held and the Japanese national policy toward the  
16 United States, Great Britain and The Netherlands was  
17 reexamined. It was decided to begin hostilities as  
18 soon after 25 November as preparations could be com-  
19 pleted. The accused taking part in this decision  
20 were TOGO, TOJO, KAYA, SUZUKI, SHIMADA, NAGANO,  
21 MUTO and OKA.

22 Apparently, on the day of the Conference,  
23 Combined Fleet Top-Secret Operation Order No. 1 was  
24 issued providing for the Pearl Harbor attack and for  
25 combined fleet operations against the United States,



1 Great Britain and The Netherlands. Two days later,  
2 Combined Fleet Top-Secret Order No. 2 was issued des-  
3 ignating 8 December as Y-Day - the tentative day  
4 fixed for the attack. X-Day was to be fixed later  
5 as the actual day of the attack.

6 This Pearl Harbor attack plan, known as the  
7 "YAMAMOTO Plan," the evidence will show, was formu-  
8 lated in the spring of 1941. It was used in the  
9 summer naval maneuvers of that year. The Japanese  
10 planes practiced coming in low over mountains similar  
11 to those at Pearl Harbor. Likewise, a shallow-water  
12 torpedo suitable for use in the waters of Pearl Har-  
13 bor was perfected and used in the maneuvers.

14 Final work was done on the Pearl Harbor  
15 attack plans in war games which were held at the  
16 Japanese Naval War College in September 1941 and which  
17 were presided over by NAGANO as umpire.

18 On 10 November the order was given for all  
19 Japanese ships to complete battle preparations by  
20 20 November and for a powerful Japanese task force  
21 to rendezvous at Takan Bay in the Kuriles.

22 Early on 26 November the order was given,  
23 and I quote, "Attack Pearl Harbor." At 6 o'clock  
24 that morning the task force steamed east and then  
25 south to carry out that order.



1           Despite these various plans which were made  
2           to attack the United States, Great Britain and The  
3           Netherlands, the conversations which had been carried  
4           on between Japan and the United States since the  
5           spring of 1941 continued. In fact, as we will show,  
6           there came a time, certainly in the months of Novem-  
7           ber and December, when the conversations were obvi-  
8           ously used as a screen to hide the Japanese plan to  
9           attack.

10           On 20 November the Japanese Ambassador and  
11           Mr. KURUSU, who had been sent to aid him as a result  
12           of the Imperial Conference held on 5 November, pre-  
13           sented another proposal to the Secretary of State.  
14           This proposal was of such an extreme nature that  
15           acceptance by the United States would constitute  
16           abandonment of its entire foreign policy and approval  
17           of Japan's many acts of conquest and aggression.

18           On 26 November the Secretary of State made  
19           a reply to the Japanese representatives in the form  
20           of two documents; the first, an outline in a tenta-  
21           tive form of a proposed basis of agreement between  
22           the United States and Japan, and, second, an explana-  
23           tory statement in regard to it. The document pro-  
24           posed that if Japan were really interested in a settle-  
25           ment of all Pacific questions, it could be done by



1 accepting the four points given by Mr. Hull on 16  
2 April as a basis for exploratory conversations, re-  
3 peated on 3 September and 2 October, and suggestions  
4 for the implementation of these four points.

5 Although it later appeared that the Jap-  
6 anese Government, lacking other excuses, treated  
7 this 26 November proposal as preventing any peaceful  
8 settlement of the questions involved in the conversa-  
9 tions, specific instructions were given by Foreign  
10 Minister TOGO to their emissaries to continue the  
11 conversations in the meantime. In fact, Japanese  
12 representatives kept up the appearance of carrying  
13 on the conversations until after the attack began.

14 Between 28 November and 1 December inclu-  
15 sive, meetings were held at which the final plans for  
16 war with the United States, the British Commonwealth  
17 and The Netherlands were again reviewed. There was  
18 a liaison conference on 28 or 29 November attended by  
19 the following accused: TOGO, TOJO, KAYA, SUZUKI,  
20 SHIMADA, NAGANO, HOSHINO, MUTO and OKA. On 30 No-  
21 vember the accused NAGANO and SHIMADA assured the  
22 Emperor of the Navy's readiness for war and of their  
23 confidence in success. Thus the Army and Navy seemed  
24 to have reconciled their differences of opinion.  
25 Both were ready to take the final plunge. On 1 Decem-



1 ber the final Imperial Conference and Cabinet Meet-  
2 ing were held. At the former the following accused  
3 were present: TOGO, TOJO, SHIMADA, KAYA, SUZUKI,  
4 NAGANO, HOSHINO, MUTO, OKA; and at the Cabinet Meeting,  
5 TOGO, TOJO, SHIMADA, KAYA, SUZUKI and HOSHINO. There  
6 seems to have been no dissent in either of these meet-  
7 ings from the decision for war. X-DAY was fixed for  
8 8 December, Tokyo time, 7 December, Pearl Harbor time.

9 In these circumstances, it became extremely  
10 important to decide what notice, if any, should be  
11 given of the approaching attack. The controlling pur-  
12 pose was to have the initial assault a complete sur-  
13 prise. The Cabinet discussed the type of message to  
14 be sent. NAGANO and SHIMADA wanted to attack without  
15 any message. All were anxious to achieve the results  
16 of a surprise attack. The Hague Convention III re-  
17 quiring a declaration or an ultimatum seems to have  
18 been without friends at the meeting. Prima facie the  
19 duty of drafting the document and directing the time  
20 of its delivery was TOGO's. The document delivered  
21 speaks for itself. It is not a declaration of war.  
22 It is not an ultimatum. It was not delivered until an  
23 hour after the attack on Pearl Harbor began. As to  
24 which of these accused knew of these facts in advance  
25 or were directly responsible for them, we have their



1 own statements, which are extremely conflicting. We  
2 shall place them before you and leave you to judge  
3 from these statements and other testimony where the  
4 truth lies.

5 Meanwhile, from a date as early as 18 Novem-  
6 ber, discussions had been in progress with Germany and  
7 later with Italy seeking agreement of these three  
8 countries that no separate peace would be negotiated.  
9 The agreements were made. Both Germany and Italy gave  
10 promise of military support in the struggle Japan was  
11 about to begin.

12 On 2 December the President directed that  
13 inquiry be made at once of the Japanese Ambassador and  
14 Mr. KURUSU in regard to the reason for continued Jap-  
15 anese troop movements and reinforcement in

16 On 5 December the reply was presented to Under Secre-  
17 tary of State Welles that the Japanese reinforcements  
18 had been sent as a precautionary measure against Chi-  
19 nese troops in bordering Chinese territory. This re-  
20 ply was presented on instructions from TOGO, although  
21 NOMURA had pointed out its utter inadequacy - one of  
22 many warnings which he gave to his superiors in Tokyo.  
23  
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1 On 6 December TOGO dispatched to NOMURA the  
2 Japanese message, a lengthy document, with instruc-  
3 tions that it was to be decoded and prepared with the  
4 utmost secrecy, but not to be presented until a sepa-  
5 rate order was received as to the time. On 7 December  
6 (Tokyo time - 6 in Washington), followed the instruc-  
7 tions to deliver it at 1 P. M. on the 7th (Washington  
8 time). Before this document was delivered, namely,  
9 in the evening of 6 December, President Roosevelt  
10 telegraphed a personal appeal to the Emperor of Japan  
11 asking that the tragic possibilities in the situation  
12 be avoided.

13 At the time of the strike, both Britain and  
14 the United States were at peace with Japan. Between  
15 the United States and Japan, diplomatic conversations  
16 were in progress. There were no conversations between  
17 Japan and the British Commonwealth. The latter were  
18 indeed in close touch with the United States but Japan  
19 had no right to assume that the requirements of The  
20 Hague Convention III and other treaty provisions as  
21 to opening of hostilities could be omitted.

22 The exact sequence of events around the Paci-  
23 fic Basin at this fateful time is extremely important.  
24 For the convenience of the Tribunal and all taking  
25 part in the Trial the sequence has been reduced to the



1 form of a Time Chart. The basic time for the Chart  
2 is the time at Tokyo, from which center the duplicity  
3 in Washington and the actual attacks in the Pacific  
4 were planned and controlled.

5 While the Time Chart itself will be presented  
6 for the convenience of all concerned, the items upon  
7 it, however, have been numbered, and will be proved  
8 in accordance with that numbering.

9 It will be seen from the Chart that on the  
10 evening of 6 December, the Press was told in Washington  
11 at 7:40 P.M. about the proposed telegram from the Presi-  
12 dent of the United States to the Emperor of Japan, and  
13 that at 8:00 P.M. Mr. Hull sent a telegram to Mr. Grow,  
14 American Ambassador in Tokyo, advising him that such  
15 a message was on the way.

16 At 9:00 P.M. the actual telegraphic message  
17 which, had it been delivered to the Emperor at once,  
18 might have changed the course of history, was sent  
19 from Washington to Tokyo marked "Triple Priority," and,  
20 at the President's own request, in a code which could  
21 be easily deciphered.

22 An hour later this telegram reached Tokyo,  
23 where it was then 12 noon on 7 December. Yet before  
24 it was delivered into the hands of Mr. Grow no less  
25 than ten and a half hours of precious time had elapsed.



1 Evidence will be called to prove that such a delay was  
2 a result of deliberate orders to the postal authorities  
3 to delay the delivery of all such telegrams by a period  
4 of five to ten hours.

5 Further evidence will be called to prove that  
6 the contents of the telegram were being freely commu-  
7 nicated among the staffs of Government Departments by  
8 6:00 P.M. that day, and probably for several hours  
9 earlier. Yet, as already stated, the telegram itself  
10 was not handed to Mr. Grew, who alone could effectively  
11 use it until 10:30 P.M. that night, a period of exactly  
12 ten hours over the normal time of delivery. Obviously,  
13 however, the Japanese Government could have acted upon  
14 it, if they had wished, as soon as they had decoded  
15 it. Furthermore, it will be proved that the Japanese  
16 Government had public as well as secret knowledge of  
17 the arrival of the telegram. At 3:00 P.M. that after-  
18 noon, the American Radio announced to the world that  
19 such a message was on the way. It is reasonable to  
20 suppose the facts were known long before as a result  
21 of the Press announcement in Washington already men-  
22 tioned.

23 At 9:00 P.M. that night, Mr. Grew received a  
24 telegram, also marked "Triple Priority," warning him  
25 that the President's message was on the way. He was



1 therefore waiting for the message itself to be deliver-  
2 ed when it arrived at 10:30 P.M. On receiving it, and  
3 while it was being decoded, he immediately telephoned  
4 the Japanese Foreign Minister TOGO, asking for an  
5 urgent appointment. A quarter of an hour after mid-  
6 night he saw Foreign Minister TOGO, read the President's  
7 message to him, and gave him a copy which the Foreign  
8 Minister promised to place before the Emperor without  
9 delay.

10 At 12:45 A. M. on 8 December (Tokyo time)  
11 Japanese armed forces in strength occupied the Shanghai  
12 Bund, the water front which is in the British part of  
13 the International Settlement.

14 Less than an hour later, at 1:40 A.M. on the  
15 8th December (Tokyo time), the Japanese invasion  
16 forces opened fire from the sea on the British beach  
17 defenses at Kota Bharu, on the northeast corner of  
18 British Malaya, inflicting substantial casualties.

19 While this invasion was proceeding, the Ja-  
20 panese Ambassador in Washington was asking Mr. Hull  
21 for an appointment at 1:00 P.M. (Washington time)  
22 but before that interview could take place, Japanese  
23 forces had landed at Kota Bharu and wiped out on the  
24 spot the whole of the small British force opposing  
25 them.



1           When 1:00 P.M. arrived in Washington, Amba-  
2       sador NOMURA, instead of calling on Mr. Hull, asked  
3       for a postponement of the meeting to 1:45, which at  
4       Pearl Harbor was 8:15 on Sunday morning, 7 December.  
5       The attack on Pearl Harbor had begun at 7:55 A.M.,  
6       1:20 P.M. Washington, twenty-five minutes earlier than  
7       the suggested meeting. The attacks at Shanghai and  
8       Kota Bharu were unknown in Washington and Pearl Harbor.

9           The attack on Pearl Harbor was in execution  
10      of Combined Fleet Top-Secret Operation Orders 1 and 2  
11      by the task force which left Tankan Bay on 26 November.  
12      It was carried out by 360 carrier-borne torpedo, dive  
13      and horizontal bombing and strafing planes launched  
14      from six fast carriers at a point about 230 miles  
15      north of Pearl Harbor. The carriers were escorted by  
16      two of the most powerful battleships afloat, a number  
17      of cruisers, destroyers and auxiliary naval units.  
18      This task force was probably the most powerful ever  
19      assembled up to that time. So great was the temporary  
20      success achieved by the attack without declaration and  
21      without warning that four battleships of the American  
22      fleet were sunk; four, severely damaged; three cruisers,  
23      heavily damaged; three destroyers, heavily damaged;  
24      two other naval vessels, sunk and two badly damaged.  
25      The United States Navy lost 1999 officers and men



1 killed, among them Admiral Kidd. The Marine Corps  
2 lost 109 killed. The Army lost 234 killed. The civi-  
3 lians killed in the attack numbered 54. The United  
4 States lost 188 planes, most of them on the ground.  
5 The wounded were numerous. The damage to shore in-  
6 stallations was heavy.

7 As against this the attacking force, which,  
8 under equal conditions, usually pays the severer pe-  
9 nalty, lost 28 planes and 5 midget suicide submarines,  
10 which were never expected to get back to their mother  
11 ship. The Japanese killed and wounded all told were  
12 fewer than one hundred, all from the submarines and  
13 the attacking planes.

14 At five minutes past two in Washington, the  
15 Japanese Ambassador arrived at the office of the Sec-  
16 retary of State and at 2:20 P.M. entered his room.  
17 The attack on Pearl Harbor had been under way for one  
18 hour. The Japanese Ambassador handed to the Secretary  
19 of State the document already described. Not even a  
20 copy of this document was handed to the Foreign Sec-  
21 retary in London.

22 By 5:20 A.M., Tokyo time, the Japanese forces  
23 had completed the occupation of the water front in  
24 Shanghai. Heavy howitzers were dragged into position  
25 and began shelling ships in the harbor. About 5:25 A.M.



1 Tokyo time, they opened fire on a British gunboat,  
2 which soon went down with many casualties.

3 While this shelling was in progress at Shang-  
4 hai, Japanese troops forced their way into Siam from  
5 Indo-China. The demand for permission to enter with  
6 an ultimatum attached was not delivered to the Siamese  
7 Government until several hours after the invasion  
8 began.

9 At 6:10 A.M. there was an air raid on Singa-  
10 pore.

11 At 7:00 A.M., although these violent hosti-  
12 lities had been in progress since midnight, the Japane-  
13 se radio in Tokyo made the first public announcement  
14 that hostilities had in fact begun.

15 At the same time, Mr. Grew was awakened by a  
16 telephone call from the Japanese Foreign Ministry,  
17 asking him to call there at once. He arrived at 7:30  
18 A.M. Foreign Minister TOGO claimed that he had seen  
19 the Emperor at about 3:00 A.M. He then handed to Mr.  
20 Grew a copy of the document delivered to Mr. Hull in  
21 Washington three hours before. He stated to Mr. Grew  
22 that the document was the Emperor's reply to the Presi-  
23 dent's message. This was not true, however, as the  
24 purported reply had been sent to the Japanese represen-  
25 tatives in Washington two hours before the President's



1 message to the Emperor left Washington and at least  
2 twelve hours before it was delivered to Mr. Grew in  
3 Tokyo.

4 Half an hour later, at 8: A.M., Sir Robert  
5 Craigie, British Ambassador in Tokyo, was summoned  
6 to the Foreign Ministry and was there handed a copy  
7 of the same document which the Foreign Minister had  
8 delivered to Mr. Grew.

9 It is to be noted that neither Mr. Grew nor  
10 Sir Robert Craigie knew of the Japanese radio an-  
11 nouncement of the opening of hostilities made at 7:00  
12 o'clock that morning until after their visit to Foreign  
13 Minister TOGO. The Japanese Foreign Minister did not  
14 disclose that their respective countries were actually  
15 at war.

16 While Sir Robert Craigie was receiving a copy  
17 of this document, the Japanese were making an air  
18 attack on Guam, and an hour later another on Hong Kong,  
19 where plainly marked Russian vessels in the harbor  
20 were attacked.

21 At about noon, twelve hours after the Japan-  
22 ese had commenced hostilities an Imperial Rescript  
23 was issued to the effect that a state of war then  
24 existed between Japan, the United States of America  
25 and the British Commonwealth of Nations.



1           In a speech made on the same day as the pro-  
2   clamation of the Imperial Rescript, Prime Minister  
3   TOJO excelled himself in reversing the facts. Accord-  
4   ing to him, Japan had only attacked the Allied Nations  
5   in self-defense, after making every possible effort  
6   to avoid war. The Allied Nations, according to him,  
7   had made intolerable demands on Japan and had refused  
8   to make the slightest concession in favor of her most  
9   reasonable requirements. This speech was in line  
10  with the propaganda through the controlled press  
11  releases and radio broadcasts which had become a part  
12  of war preparations. Facts were concealed and dis-  
13  torted and much false information given in order to  
14  prepare the public mind for war.

15           Such was the mental and emotional attitude  
16  of the Japanese people at the outbreak of hostilities.  
17  Their homes by the hundred thousands and their lives  
18  by the millions were soon to be offered up to the  
19  gods of war to satisfy the ambitions of those accused  
20  in the hey-day of their power.

21           The records of the Privy Council of 10 Decem-  
22  ber show the decision of the Government to ally Japan  
23  still more closely with the totalitarian bloc in  
24  Europe. On the following day the announcement of the  
25  new Tripartite Agreement, already in evidence as



1 exhibit 51, was made. The Agreement stipulated that  
2 neither of the three Powers should make a separate  
3 peace until the joint war against the United States  
4 and the British Commonwealth was successfully con-  
5 cluded.



1           It is interesting to observe that the ques-  
2       tion of a breach of The Hague Convention III soon be-  
3       gan to trouble some of the accused who were members  
4       of the Japanese Government at that time and parti-  
5       cularly TOGO, the Foreign Minister. We find in the  
6       Japanese Foreign Office a report on this subject  
7       compiled by the Second Section of the Treaty Bureau  
8       of the Foreign Ministry with the aid of certain  
9       Japanese lawyers. As this particular report bears  
10      the date 26 December 1941 the inquiry must have been  
11      ordered immediately after the outbreak of war. This  
12      document, we shall put in evidence. It would tend  
13      to amuse, were the subject less tragic.

14           The Committee came to the conclusion that  
15      it was difficult to regard as a declaration of war  
16      the document handed to the United States Secretary  
17      of State because it included no preliminary notice  
18      of taking independent action or of opening hosti-  
19      lities. This would appear to conclude the matter,  
20      but they solemnly discuss the practicability of con-  
21      tending that the question is to be governed, not by  
22      the real time at which the attacks and the subse-  
23      quent real declaration of war took place, but by the  
24      nominal time, that is, ignoring the fact that actual  
25      time varies according to longitude. They abandoned



1 this argument as being too difficult to justify.

2 The next suggestion is that they might contend that  
3 the A, B, C, D Powers had themselves started hosti-  
4 lities by a rupture of economic relations in July,  
5 but decided that this contention is practically  
6 absurd - a conclusion from which we need not differ.  
7 They then fall back on the argument which they des-  
8 cribe as not unpalatable, that, as the Treaty names  
9 no time which is to elapse between the delivery of  
10 the declaration and the opening of hostilities and  
11 specifies no place for delivery, it can not in any  
12 case achieve its object and may, therefore, be  
13 entirely ignored. However, on further examination  
14 they do not appear willing to rely on this argument.  
15 Finally, they conclude that the best line of justi-  
16 fication is to say that the existence of Japan was  
17 endangered, she was acting in self-defense, and was  
18 entitled to ignore this and all other treaties.

19       Thereafter, the tide of Japanese conquest  
20 flowed west and south, until it was halted at the  
21 gates of India and Australia. The course of this  
22 movement, as well as the vast expanse of territory  
23 engulfed by it, has already been shown to the Tri-  
24 bunal with the aid of the enlarged maps on the wall  
25 of this Temple, shown in the early days of this Trial.



1 In particular, those for the period 1941-1945 show  
2 more graphically than any words the aggressive pur-  
3 pose of Japan and the extent of the territory over  
4 which she planned domination.

5 That the plan existed and the means of its  
6 partial consummation were boldly set forth in speeches  
7 by the accused TOGO, TOJO and SUZUKI in the Diet on  
8 29 January 1942. The speeches were made at a time  
9 when the speakers were unhampered by diplomatic neg-  
10 otiations. There were then no inducements to de-  
11 ceive. These speeches were considered so important  
12 that they were summarized by the German Ambassador  
13 in Tokyo to his Government on the same day. The  
14 speeches themselves as well as the summary will be  
15 offered in evidence. The German Ambassador points  
16 out that these declarations are especially note-  
17 worthy because of their systematic character and the  
18 stage of success which had then been reached by Japan  
19 in the initial operations of the war. East Asia  
20 was to be built up of Japan, Manchukuo and Nanking,  
21 China, which were to form the core of the new organ-  
22 ization. Thailand and Indo-China, if they cooperated,  
23 might also be included. The remaining lands of  
24 Greater East Asia were to fall into three categories.  
25 The first, consisting of Hong Kong and the Malay



1 Peninsula, were to come under the complete control of  
2 Japan. The second consisted of areas to which in-  
3 dependence would be granted if they cooperated,  
4 namely, the Philippines and Burma. Their independ-  
5 ence was to be on the pattern of Manchukuo. Add-  
6 itional evidence as to how much independence that  
7 amounted to will be shown by telegrams from the For-  
8 eign Office immediately before Pearl Harbor. In  
9 these TOGO gave precise instructions, contradicting  
10 those he had given a few days previously, as to the  
11 action Manchukuo was to take on the outbreak of war  
12 with the United States and the British Commonwealth.  
13 In the third category were areas which were to be  
14 placed under military rule if they showed themselves  
15 to be hostile, namely, the East Indies, Australia,  
16 and Chungking, China.

17         The German Ambassador further reported that  
18 there was some difficulty about India as Japan could  
19 not conquer Australia and India at the same time and  
20 the Indian Congress appeared to be hostile. With re-  
21 gard to Russia, he reported that while the accused  
22 TOGO had emphasized in his speech that relations with  
23 her were unchanged, according to strictly confiden-  
24 tial information, military preparations against Russia  
25 were under way and hostilities were to start after



1 the conquest of Port Darwin.

2 Such was the plan, and if not all of it  
3 was carried out, that was due to circumstances over  
4 which these accused had no control. The success  
5 achieved in the beginning resulted from long and  
6 careful planning. The resources of the nation were  
7 mobilized and expended with a lavish hand for the  
8 success of the plan.

9 In previous phases of this case Japan's  
10 aggressions in Manchuria and in other parts of China  
11 have been shown. Open declarations of the purposes  
12 and aims of those aggressions by several of the  
13 accused made from time to time beginning even before  
14 1931 have been offered in evidence. The open announce-  
15 ment of Japanese ambitions for the formation of the  
16 so-called Greater East Asia Co-Prosperity Sphere has  
17 been shown. Documents showing negotiations result-  
18 ing in the Anti-Comintern and Tripartite Pacts where-  
19 by Japan acquired active and like-minded allies are  
20 in evidence.

21 The evidence now to be presented, together  
22 with that already in, will show that events which  
23 led to war between Japan on the one hand, and the  
24 United States and Great Britain on the other, were  
25 but the foreseeable and natural consequences and



1 culmination of the plots and plans in which the  
2 accused, some from the beginning, and others from  
3 various later dates, were engaged. The rapid con-  
4 quest of Manchuria, the exploitation of her natural  
5 resources, the push into and exploitation of North  
6 China, and the attempt to conquer all of China, were  
7 studied and calculated moves on the part of those  
8 accused. The preparations of naval bases on and  
9 fortifications of the Mandated Islands, the occu-  
10 pation of French Indo-China, the armed invasion of  
11 Siam, were but milestones along their pathway of war.  
12 Pearl Harbor and Singapore were but tactical objec-  
13 tives. Grand strategy called for all of China, the  
14 Philippines, East Indies, Australia, New Zealand  
15 and India.

16 Mr. President, Mr. Hardin is prepared to  
17 go forward with the presentation of our first  
18 document, if it please the Tribunal.

19 THE PRESIDENT: We will adjourn now until  
20 half past nine on Monday morning.

21 (Whereupon, at 1555, an adjournment  
22 was taken until Monday, 4 November, 1946, at  
23 0930.)  
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