



Page

- 34769 \* Asked if he claimed himself as a state minister, and that Japan, through such representatives, had the right to make decisions without responsibility to any other authority, he replied that his position did not run contrary to any
- 34770 \* international interpretation or practice. Reference was made to the affidavit where he spoke of the German policy of submarine warfare and he was asked when he first heard of the German policy to destroy survivors. He replied he did not remember the exact words but heard for the first time this was talked about when he was placed in Sugamo.
- 34772 \* Reference was made to the affidavit where it was stated that operational plans would be within the sole knowledge of the naval general staff. Asked if "within the sole
- 34773 knowledge" \* meant that the navy minister could not interfere even if he knew about operational plans that violated international law, he replied that that was not his meaning. Strict adherence to international law was stressed in the navy and he never believed that the general staff would violate it. If there was any case in which international law was violated, the navy minister would issue the necessary warning. He had never thought about the chief of staff's refusing to follow this warning and believed it could not happen. If there was no other choice he would see if there would be a transfer of the chief.
- 34774 \* The accused was chief of the general staff in addition to being navy minister from February to July 1944, assuming this post the same month in which TOJO became army chief of staff. Asked if in the period when he was both chief of staff and navy minister he learned of the wide-spread atrocities committed by Japanese submarine personnel in the Indian Ocean and elsewhere, he replied he knew nothing. Asked if he could explain why immediately after he took that double command Japanese submarines launched their campaign to cut allied supply lines in the Indian Ocean and massacre of ship survivors, he replied he never knew of such occurrences, nor believe that they could have occurred.
- 34775
- 34776 He became chief of staff from the necessity created by the war situation. It was essential that during a war there be closest cooperation between the general staff and the ministry. As the military situation became worse, gaps between the two occurred, and the accused undertook to preside over both posts to avoid any controversy within the navy. He could not recall exactly whether at that time the army was conducting a campaign in India. \* It was quite important to cut the Indian Ocean supply lines but he did not think it was especially important on that occasion. He did not recall if the Germans were likewise using greater submarine activity in the Indian Ocean early in 1944.

Page  
34777

\* He did not recall if as chief of the general staff and navy minister he gave orders in February 1944 to intensify the submarine campaign there. He had heard the evidence showing that submarine atrocities had centered about the dates between February 1944 and July or August 1944. Reference was made to the affidavit where he stated that on some occasions naval personnel had been guilty of reprehensible conduct. Regarding them he said there was no means by which he could check the prosecution evidence on these but, believing there was some ground for the evidence, he had merely expressed his feelings about them. \* If there were instances of machine gunning survivors he could not believe it but was expressing regret if such an event had occurred.

34778

34782

\* He did not recall as chief of staff preparing general staff directives bearing on Japanese-German cooperation regarding submarine warfare. \* When shown a document he acknowledged that it bore his name and was a general staff directive to TOYODA, C-in-C of the combined fleet. The directive ordered cooperation with German submarines in their communication destruction war in the Indian Ocean. He believed the document was authentic but \* could not believe that the document shown him was the best duplicate in the navy ministry and since this document was not in his recollection he could not identify it.

34783

34785

34787

\* The accused stated that he was acquainted with rear admiral ICHICKA, but did not recall what his command was during the first half of 1944. He had no recollection receiving from ICHICKA, as commander of the 8th submarine squadron, a top secret communication outlining submarine records in the Indian Ocean between December 1943 and May 1944.

34788

\* When shown a document he stated that it appeared that it was addressed to the navy minister and received on 14 August at which time the accused had already left his post. Such a document was sent to the personnel bureau recording personnel merits to be used for decorations. His memory was not refreshed by the document.

#### EXAMINATION BY THE TRIBUNAL

34789

\* The accused stated that he did not recall discussions about the means to prevent the destruction of oil fields in the NEI and had never heard any proposal to threaten the white population with death if the oil fields should be destroyed. Reminded that TOJO, in his

8 December 1947

SHIMADA - DEFENSE - Cross

Page interrogation (Exhibit 1979-A), said that imperial headquarters drew its membership from army and navy staff and the ministries, the accused was told that he had testified that he had no right to attend. The accused stated that he firmly believed that his own statement was correct.

34790

34791 \*CROSS EXAMINATION BY MR. BLAKENEY  
Counsel for TOGO

The accused was reminded that during cross examination he was asked if he knew no notification of the commencement of hostilities was served on Britain and was asked if he knew the reasons therefor. He was now asked whether either through discussions in the liaison conference or through seeing copies of diplomatic telegrams routed to the navy ministry he was aware that Hull had often told the Japanese ambassadors in Washington that Britain, the Netherlands, and China were being consulted on the progress of the negotiations. He replied that he knew that very well and also knew that foreign minister TOGO had discussed with Craigie the question of securing a British participation in the negotiations.

34792 \* Contemporaneously he knew of Churchill's speech of 10 November 1941 stating that hostilities between Japan and America would be followed within an hour by the British declaration of war on Japan.

CROSS EXAMINATION BY MR. LOGAN  
Counsel for KIDO

34793 The accused stated that with reference to the meet-  
34794 ing had with the Emperor on 30 November KIDO had never requested him to appear there, nor had KIDO any talk with the accused before he appeared before the Emperor. Reference was made to the KIDO affidavit (p. 31046) in which it was stated that at \* 6:35 KIDO was summoned in audience and told that the navy minister and chief of naval general staff had answered the question about the previous matter with considerable confidence so KIDO was to instruct TOJO to proceed as planned. SHIMADA stated after this was read to him that this procedure was exactly as stated in the KIDO affidavit.

34795 \* Regarding the meeting of November 29 when the Senior Statesmen and the members of the cabinet met, the accused recalled there were very long explanations given to the Senior Statesmen by government representatives. None of them refused to answer any questions of the statesmen upon matters other than purely military operations.

34796 \* No further military operations were discussed and the operation for Pearl Harbor was top secret and only a few

Page high ranking officers knew of it. There would be no chance for KIDO knowing about it and KIDO would not be included among those officials you might know.

34797 \* REDIRECT EXAMINATION BY MR. BRANNON

34798 The accused stated that when an admiral of the fleet returns from overseas to Japan he was ordinarily received by the Emperor and this was the case when he returned from his China Seas assignment. Asked while C-in-C of the China fleet he had formulated operational \* policies against China, the accused replied that this was conducted in accordance with the directions of the chief of the naval general staff. The orders were then forwarded to SHIMADA as C-in-C who acted in pursuance to them. As C-in-C of the China fleet he never at any time issued an order for attacking a non-military objective.

34799 The blockade of the China coast was carried out primarily for preventing the inflow of any raw materials. \* In so far as food was concerned, such supplies going to the armed forces were prevented from reaching them but all materials were not kept out but only those considered to be a military necessity. While the accused was navy minister, no oil supplies were received from the U.S. Asked if when he had been asked by the prosecution if he received more oil from the U.S. than from FIC he had answered on what went on before he became navy minister or during the time he was navy minister, he replied that the prosecutor's question had been directed toward the proportion of oil in storage in Japan between the U.S. and NEI. But while he was navy minister not one drop of oil came through Japan.

34800

9 December 1947

34803 \* Asked to explain his statement that it was not true that one reason urged for making war on the U.S. was economic strangulation  
34804 with respect to oil,\*the accused stated that the situation in latter November was that oil had decreased to the point where it was weakening national defense. U. S. pressure was being daily intensified. Telegraphic information was being received from NOMURA on U.S. public opinion, from which it was understood that war against Japan was much  
34805 more popular in the U.S. than war against Germany. \* The factor which lead to war was not oil, but the Hull note. The heart of the matter was the U. S. attitude, and if the latter did not favor war, it was no concern of the Japanese, even if the oil supply fell to zero. In a situation in which the Hull note was unacceptable, if the U. S. attitude was that she did not desire war, there would have been no fear in Japan. But then came the Hull note, intensification of U.S. pressure and U. S. public opinion in favor of war. This situation

Page  
34806 lead them to believe that if the U. S. should attack Japan, they would not know when the attack would take place, posing a very serious threat\* which could not be ignored, and they were forced to make a decision for war.

34808 \* The policy of blockading the China coast was conducted by the predecessors of the accused who took on the same policy and carried it out.

34809 Asked if the orders he issued as Vice Chief of the General Staff were of his own creation, \* he replied that they were not, for the Vice Chief had no authority to issue such orders but they came from the Chief. The orders were transmitted by telegram and transmission was in charge of others. The accused stated he did not know that the attack on Kota Bahru, Hong Kong and Shanghai were to take place without previous notice being given. He believed all arrangements were made so that war would begin after lawful procedure had been taken. \*

34810 He had no control over operations in those attacks.

34811 Reminded that he had previously testified that he would have seen to it that the Chief of Staff was transferred if he disobeyed warnings concerning illegal submarine warfare, the accused stated that the Emperor appointed the Chief of Staff. \* Asked how he would, then, affect a change in the Chief, he replied that he would present his views to the Throne for permission. Such an act of the Chief as was mentioned would be a violation of Imperial wishes and the accused would be confident that the Emperor would grant permission to make a change.

34812 \* The accused knew of no case in Japanese history where the Navy Minister discharged the Chief of Staff by going to the Emperor. It was customary and also his duty to report regularly to the Diet.

34813 \* SHIMADA had heard the accused KAYA testify that NAGANO at a liaison conference 1 November 1941 said the Navy was not confident of over a two year war. The accused heard this frequently from NAGANO and the accused shared these views. When a Minister of State was summoned by the Emperor, he merely replied to the inquiries and did not volunteer information

34814 Asked if he had set forth in his affidavit his complete views on his responsibility for naval atrocities \* he replied that it was the task of the Navy Minister in connection with POW to issue regulations for their handling in accordance with international law. It was customary to hold POW for only a short period and, therefore, regulations were few. Commanders on the spot were responsible for handling POW in accordance with the Minister's regulations. \*

34815 Necessary regulations may have been issued by Commanders on the spot on the basis of the Minister's regulations, \* and the former also was responsible for supervising those who actually handled POW. The Navy Minister cannot bear the responsibility so far as chain of command is concerned.

34816

Asked if the <sup>Navy</sup> Ministry had anything to do with the transportation of POW from the war theatres to Japan and Manchuria, he replied that

- Page  
34817 with regard to this the Minister had consultations with the Army and further gave directions to the Commander on the spot. \* Transportation would be the job of the unit commander handling transportation and it would be the same when they were transported to Japan. He received no reports about numerous deaths during these voyages. He never heard of U.S. submarines destroying ship's survivors. He never heard of anyone in the Japanese Government or General Staff or any other responsible official in the days preceding the Pacific War state his opinion that Japan was not justified in going to war.
- 34818 \* Asked if there were any civilian members of the Government who knew of the Pearl Harbor operational plans prior to 7 December 1941, he replied that the Pearl Harbor attack was highly secret and there was not supposed to be a single civilian who should have known about it beforehand.
- 34820 \* Exhibit 3573, an excerpt from the interrogation of SHIMADA was received in evidence but not read.
- 34821 \* Exhibit 3574, regulations concerning POW rations, was received in evidence to show that POW received rations on the same scale as the Japanese Navy, but the document was not read.

DIRECT EXAMINATION OF SHIGETARO SHIMADA BY MR. BRANNON

Page

34646  
34647

\*The accused identified and verified Exhibit 3565 as his affidavit. \*Affidavit stated that the accused was born in 1883, was graduated from the Naval Academy and commissioned an ensign in 1905. In 1915 he was graduated from the Naval War College and went to Italy as Assistant Naval Attaché, becoming Attaché in 1917. In 1919 he was a staff officer of a training squadron touring Europe and returned to Japan in 1920 and became a staff officer in the General Staff. Between 1920 and 1928 he held various positions at sea and ashore \* and was promoted to Rear Admiral in 1929, and became in December 1930 Chief of Staff of the Combined Fleet and First Fleet and in December 1931 Chief of the Submarine School at Kure. In February 1932 he was Chief of Staff of the Third Fleet under NOMURA. In June 1932 Chief of the Naval Information Bureau of the General Staff and later the same year Chief of the Operations Bureau. December 1934 he became Vice-Admiral. He was with the Naval General Staff as an attached officer in February 1935 and became Vice-Chief in December of the same year. In December 1937 he became C-in-C of the Second Fleet and December 1938 became C-in-C of Kure Naval Station. May 1940 he became C-in-C of the China Fleet, succeeding OIKAWA whom he later succeeded as Navy Minister. November 1940 he became a full admiral and returned to Japan from his position as Commander of the China Fleet in September 1941.

34648



Page.

34649

\* From 18 September 1946 to 27th he toured naval hospitals then became C-in-C of the Yokosuka Naval Station on 1 October. On 18 October 1941 he was appointed Navy Minister to succeed OIKAWA. In February 1944 he assumed the post of Chief of Naval General Staff in connection with the minister-ship. On July 17, 1944, he resigned as navy minister, and on 2 August resigned as Chief of Staff. He was made a naval councillor and on 20 January 1945, on his own request, was relegated to the retired list.

34650

When he became C-in-C of the Yokosuka Naval Base he had not the slightest thought of being considered as the next navy minister or even know that the KONOYE Cabinet was in danger of falling nor of the dispute between TOJO and KONOYE. His knowledge of the political situation was dependent upon newspaper information. On 17 October, less than three weeks after assuming the command of the Yokosuka Naval Base, he was ordered to report to Navy Minister OIKAWA \* and that evening OIKAWA met him telling him that he would like to recommend SHIMADA to succeed him in the new cabinet which was being formed. He said he had carefully considered all the available high-ranking officers and had concluded that SHIMADA was best qualified.

34651

SHIMADA's immediate reply was refusal and told OIKAWA that since December 1937 he had been away from Tokyo and did not feel his knowledge of the political situation at home nor of international complications could qualify him. He also told him that his past career had been at sea or connected with the General Staff and that he had never served in the ministry and stressed his distaste for politics, suggesting that OIKAWA continue in the post. The next morning SHIMADA was again summoned \* and was met by both OIKAWA and NAGANO. NAGANO urged him to reconsider the refusal telling him it was his duty to accept. SHIMADA repeated what he had told OIKAWA but NAGANO did not change his opinion. They both told him that Prince FUSHIMI had surveyed the field of candidates and suggested that SHIMADA was logical.

During the conversation several telephone calls came from cabinet formation headquarters urging that a navy minister be recommended as soon as all the other ministers had been determined. SHIMADA hesitated as to what to do realizing he was one of the few senior officers available, and because of the opinions FUSHIMI, OIKAWA, and NAGANO he reasoned that his personal dislike for the assignment must not overlie his

Page 34652 duties to serve and he reserved his earlier decision and agreed to accept \* tentatively. He then visited FUSHIMI to discuss the matter and the Prince urged SHIMADA to accept. It was thus upon these recommendations that he accepted and it was never solicited, was initially refused, and was an unwanted and unwelcome assignment.

34653 \* The prosecution's contention that SHIMADA joined the TOJO cabinet because he was, and was known to be, an active supporter of the TOJO policy, and that his participation in the conspiracy prior to October 1941 must be inferred from his joining the cabinet was entirely unwarranted. He did not know TOJO had met him only once in 1940. It would have been impossible for TOJO, an army man, to even suggest a naval man for the post since it would have met with violent opposition, not only because it was contrary to custom and to navy prestige but because of the rivalry and opposing view points of the two branches. He did not know what the TOJO policy was. OIKAWA had briefly discussed the situation at the time of SHIMADA's acceptance but did not know the problems involved.

34654 Immediately after telling OIKAWA on the morning of 18 October that he would \* accept the recommendation, he visited TOJO to lay down a prerequisite before he would officially accept. He spoke to TOJO about 11 a.m. telling him that he would insist that negotiations with the U.S. be pursued to the utmost to seek a peaceful solution of existing dangers before accepting the ministership. TOJO emphatically agreed it would be the Government's policy to start from scrap in attempting to sincerely reach a diplomatic understanding to prevent war, in accordance with the Emperor's wish.

34655 SHIMADA was quite impressed and relieved by TOJO's attitude and felt that with the army and navy in complete agreement the essential disagreement leading to the KONOYE cabinet would have disappeared and chances of success were excellent. It was then and now his honest conviction that TOJO accepted the \* ministership realizing the responsibility of his new assignment and resolving to do his utmost towards settling matters through diplomacy rather than by the sword, regardless of what previous stand he might have taken.

On October 23 TOJO told SHIMADA he was planning to call the first liaison conference and repeat his firm resolve to commence the discussions of negotiations from a clean slate and explore the maximum concessions that Japan could afford to make. Thus SHIMADA did not have the impression that he was joining a war cabinet but rather believed it was

Page an appointment in a government which, by its military strength,  
34656 control and attitude would seek to exhaust all possibilities to  
settle the dispute peacefully. \* The liaison conferences began  
on October 23 with all present exhibiting confidence that mat-  
ters could be settled by negotiations. Everyone was whole-  
heartedly in favor of peace, but the question was how to secure  
it. Long and continuous meetings were held. The vital issues  
were not of SHIMADA's creation nor had he any part in their for-  
mation.

34657 Since the problems had already crystallized, his only  
function was to adopt a solution in his new capacity. Between  
the liaison conferences and the Imperial conference of 5 Novem-  
ber 1941, his thoughts were focused on how best to ease the  
most difficult conditions of withdrawal of troops from abroad  
and reconcile this with the views of the army section of Im-  
perial headquarters. He asked himself what were the greatest  
possible concessions that Japan could afford to make. The  
greatest difficulty concerned the withdrawal of \* troops from  
China and FIC. He ascertained the sentiment in naval circles,  
other government members, and the trend of public opinion.

Since the navy had opposed and never attached a strong  
interpretation to the tripartite pact, he did not feel this  
was a problem incapable of solution if they could agree on  
other issues, regardless of the perplexing situation Japan  
found itself in. He considered the questions from the stand-  
point of the present. The best solution was a compromise  
with the U.S. and Britain and he directed efforts along this  
line. There was a strong opinion that matters had developed  
so far as to make it physically impossible to withdraw all  
the forces from China and it would be a psychological blow  
to the Japanese.

34658 It was argued that it would have amounted to a vic-  
tory for China and would raise the prestige of the U.S. and  
Britain in the Far East \* relegating Japan to dependency on  
these Powers. He thought it advisable to effect a compromise  
by a strategic withdrawal from China proper and an immediate  
one from FIC, if this could be correlated with the opposition.  
There was no doubt that Japan would then be making conces-  
sions not possible at the time of the Third KONOYE Cabinet.

On November 5, at an Imperial conference, a decision  
was made to put into effect preparations for war while at the  
same time maintaining efforts towards peace through diplomacy.  
This was not inconsistent considering Japan's plight. The  
Allies had effected an economic encirclement and they viewed  
with alarm the increasing armaments of the U.S. and could not

Page reason that such military steps were taken in contemplation of war with Germany alone. The U.S. Pacific Fleet had long before moved from its west coast base to Hawaii. The U.S. policy toward Japan had been strict \* and unsympathetic, revealing a determination to enforce their plans without compromise. U.S. military aid to China had aroused bitter feeling. The Allied Powers had carried on military conferences pointed at Japan. Considering these facts there were two solutions open, one to relieve the overall situation through diplomacy, the other to overcome by their own power the actual difficulties caused by Allied encirclement.

34659  
34660 They always considered this last measure purely defensive and to be adopted only as a last resort. He never entertained doubt that Japan nor any nation had the sovereign right to act in self-preservation and to determine for herself what events would entitle her to exercise that right. The government, with the high command studied the situation and not a single member of either group wanted war with the U.S. and Britain. \* The military knew that Japan had on its hands the China Affair, which promised no hope of being successfully terminated. To reason that we would voluntarily incur additional hostilities with the U.S. and Britain would be to attribute to them juvenile military reasoning.

34661 \* The government had carefully considered the maximum concessions that could be made, exerting every effort to reach an agreement. The High Command was faced with the problem of being called upon to carry out its function if negotiations failed. The High Command argued that the navy had about two years' supply of oil and there was no more coming. The civilian oil could not last more than six months. With the advent of December, monsoons would blow in the Formosan Straits,\*the Philippines and Malaya areas rendering military operations difficult.

34662 The High Command charged that if forced to wait until the next spring, they would be unable to risk a naval fight because of the steadily decreasing oil supply. In this setting the High Command revealed its position at the conference of November 5, arguing that if diplomatic negotiations failed and they were called upon to go into action it would have to be a step undertaken by early winter or not at all. It was thus in an atmosphere of growing desperation that the government took detailed steps for war, even though hoping for peace through negotiations.

Page            The prosecution had contended that SHIMADA admitted he knew that YAMAMOTO had prepared his plan for attacking Pearl Harbor early in 1941 and that the plan was adopted in May or June, and that SHIMADA admitted that he knew early in 1941 that the navy commenced the development of a shallow water torpedo for use at Pearl Harbor \* and that the fleet practiced the use of it during the summer of 1941. This statement was misleading for it inferred that SHIMADA knew about the Pearl Harbor plans before becoming navy minister, but this was not the case.

34663

Only after he became minister did he learn of the Pearl Harbor attack plan and of the practice and research that had gone on in the past from First Division Chief FUKUTOME of the Naval General Staff. Since the accused was serving with the fleet in China, it would have been quite improbable and impossible for him to have been informed of this vital information. Being primarily engaged with administrative duties in his cabinet, he did not direct attention to operational procedures over which he had no jurisdiction, especially since they would be worked out previously and were entirely within the hands of the Naval General Staff.

While he had within his power the ability to know exactly when the fleet headed for Pearl Harbor, he actually did not know the exact date. Operational and strategical problems were left entirely to the General Staff and Combined Fleet, \* and since all operational movements of the navy could have been called off in a matter of minutes, he did not concern himself with the location of the fleet units. The overall question was whether peace through negotiations could be reached before hostilities commenced and they were all working against the early winter deadline.

34664

The government's determination to conclude matters peacefully was further expressed with the dispatch of Ambassador KURUSU to the U.S. and there was no subterfuge or deceit attached to his going to the U.S. It was a fight against time and a redoubling of their efforts to succeed in diplomacy before being forced into hostilities. On the following day, SHIMADA was still very hopeful that peace would come through diplomacy, but began to fully appreciate the gravity of affairs. \* He was not a statesman or diplomat but still summoned all his skill to seek a solution. It was in this mixed atmosphere of doubt, hope, fear, and speculation that the Hull note of November 26 was received. This was a jarring blow. It was his prayer that the U.S. would have viewed whatever concessions as a sincere effort to avoid war and would attempt to go half way, but here was

34665

Page a harsh reply containing no recognition of Japanese endeavors toward concessions. There were no cabinet members or responsible officials of the General Staff advocating acceptance of the Hull note. The view taken was that it was impossible to do so and that this communication was an ultimatum threatening the Navy's existence. The general opinion was that acceptance of the conditions of the note would be tantamount to defeat.

34666 No nation willingly relegates itself to a secondary position if it can help it, \* but constantly seeks to preserve its rights, prestige, and dignity. As a patriotic Japanese, he was confronted with the question of whether Japan could bow to U.S. demands and yet preserve its standing in the world. It would have been treasonable to advocate a step contrary to the country's best interests. It was the Hull note that caused him to step over the boundary line of peace when the final decision was made at the Imperial Conference of 1 December 1941. Even at this time, however, there would have still been time to prevent hostilities had the U.S. recognized they were sincerely trying to reach a compromise. In later November the government had all but lost hope of peace and felt war inevitable.

34667 The contingency upon which the war or peace hinged was the attitude of the U.S.. Using the Hull note as a criterion, SHIMADA did not personally feel it was possible to expect any improvement. The navy was never confident of victory over the U.S. but they were confident they were better prepared at that \* time to fight than they would be later. Chief of Staff NAGANO had expressed this opinion several times previously, therefore NAGANO and SHIMADA, on 30 November, told the Emperor that the navy had made adequate preparation. The question of confidence of the ultimate outcome of war was not the theme of the conversation but only if they were confident of the preparation the navy had made.

The prosecution's contention that fortification of the Mandated Islands was carried out secretly for years prior to 1941 was completely unfounded. While he knew nothing of the blue-print map introduced into evidence, he could say that it was natural that desk plans be kept in reserve to meet eventualities. The U.S. must have recognized, after occupying the South Sea Islands, that there was little resembling fortifications. Defense of these islands was hurriedly carried out from immediately prior to the war with only necessary equipment installed and the converting of airfields the main objective in mind for defensive position.

Page:

34668

\* Never did he favor a change in the government in the midst of war because it would betray to the world Japan's disunity and encourage the enemy. Regarding the evidence concerning his talk with Foreign Minister TOGO concerning his resignation, his action was based upon what he felt to be the Emperor's feeling at the time. This did not mean that he did not personally feel the necessity of preserving unity.

34669 Exhibit 1273 showed that KIDO advised the Emperor to seek SHIMADA's assistance to solve the dispute between TOGO and TOJO. The prosecution had said that SHIMADA was a member of the IRAPS and that when in July, 1944, reorganization was being considered, including a change of navy minister, TOJO suggested the advisability of SHIMADA being appointed welfare minister \* in order to have a member of the society of IRAPS in the cabinet. This statement was misleading for the person referred to was SHIMADA Toshio and not the accused. This was an unfair attempt to cast SHIMADA in the role of a politician. The navy opposed involvement in politics and even when an officer served as navy minister he guarded this principle.

As minister, part of his duties entailed the issuance of regulations providing for the handling of POWs taken by the navy. In pursuance of this responsibility, the ministry would issue regulations such as exhibit 3055. After their reception it became the duties of the commanders of the various areas where prisoners might be located to follow and enforce such directives. They could issue necessary orders to fit the circumstances so long as these did not violate the ministry regulations.

34670

\* Regulations issued by himself or the ministry did not contravene accepted standards of international thought pertaining to that subject. However, evidence had revealed that on some occasions naval personnel were guilty of reprehensible conduct. He heard for the first time in the courtroom of instances where naval personnel mistreated POWs and he was shocked and ashamed. Under no conceivable interpretation of regulations and by teachings could such conduct have been tolerated. Although he was in the navy ministry, he heard nothing of these matters and lacked the command ability to control the conduct of men on the scene. But because of his supervisory position, he must assume responsibility. While it was not a chain of command responsibility, it was more a moral responsibility. He did not receive

34671

Allied protests concerning POWs, although copies \* might

NARRATIVE SUMMARY OF THE RECORD  
 5 December 1947  
 DEFENSE - SHIMADA - Direct

Page have reached the ministry but were not routed to his personal desk. Exhibit 2105 purported to be a secret order concerning submarine warfare but not even by stretching his imagination could he believe such an order was issued. If it was, it did not come from the ministry which did not issue orders of this kind. It was a matter entirely within the jurisdiction of the general staff. As to cooperation with Germany regarding submarine warfare, there was little. Two submarines were sent to Japan but only one arrived.

34672 The object was to assist Japan in building better submarines but nothing resulted from this. As to following the German policy of submarine warfare, to his knowledge nothing of this kind ever took place for it was an operational matter solely within the knowledge of the general staff. He felt that Admiral Wenneker \* in his testimony might have had adequate grounds to complain concerning the lack of cooperation with Germany, for the Navy never viewed with favor German relations. With modern methods of warfare on the seas, it was reasonable to assume that many of the old rules regarding submarine warfare became antiquated, but this was not saying any orders were issued by the ministry contrary to international law regarding submarine warfare.

34673 The prosecution had introduced a so-called speech made by him at a Diet committee on 10 February 1942. But this was not a speech but a discussion. At no time did he ever advocate cruelty to the enemy or the nationals of any countries. This was more or less an informal gathering of a minor committee whose function was to check on expenditures of Japanese budgets. The comments considered in their entirety lent a different light to the few reported words appearing in evidence. \*The committee was asking questions and he was answering them and he did not believe any statement could be called a speech.

He was explaining that the meager economy of Japan necessitated support of the war effort from occupied countries. He did not speak in terms of eliminating or exterminating individuals, but in the abstract of achieving a supply of necessary materials and the elimination of economic opposition. Regarding the question as to whether a navy favored an attack on the U.S. without a declaration of war or giving notice, it was his firm belief that in such matters he could rely upon the knowledge and skill of the foreign minister and his experts. He never felt any concern about the procedure adopted until the question was raised after the war, and never at any liaison conference or other meeting he attended was there a discussion in



34674 Page which the navy advocated an attack without notice. He did not recall notification being discussed at a liaison meeting, or the question whether notice should be given at all. He believed that as a result of consultations between the foreign office and army and naval general staffs \* that it had been decided to deliver the notification at least one hour before commencing hostilities.

Testimony of YAMAMOTO Kumaichi of the foreign office that the vice chief of staff ITO insisted on an attack without notice, and did so at a liaison conference on 2 December 1941, was in error. The accused did not recall a liaison conference on that date. Not long before his death, NAGANO and the accused were told of this contention and they voluntarily questioned all the accused who attended the liaison conference, including TOJO, SUZUKI, KAYA, HOSHINO, OKA, and MUTO. None except TOGO remembered such a thing.

The prosecution had stated that SHIMADA received awards in 1934 for services in connection with the 1931-34 China War, and in 1938 for services in connection with the Anti-Comintern Pact, and in 1940 for services in the China War, and that the award for services in connection with the Anti-Comintern Pact had special significance. However, he received this minor decoration simply because at the conclusion of the pact he was vice chief of staff.

34675 \* It was not known for high ranking officers to receive decorations on such occasions, even though they did nothing in regard to the event, as was true in his case. As to the other decorations, they depended simply upon his service and the rank he held during those times. Many other officers received similar decorations and no significance had been attached to it. As to his membership on the China Affairs Board, it was a post he took by virtue of becoming navy minister and had been a routine procedure for certain ministers to assume a vice-presidency on the board. He had no specific duties and exercised no specific function.

34676 The issuance of military currency and its connection with the navy ministry must have been inherited by him when he assumed the post for he had no recollection of approving or requesting this. It was quite possible that the matter was taken care of by subordinates. \* Significance appeared to have been attached to the fact his name appeared as a member of the Imperial General Headquarters, which was composed of the army section and navy section. The former

Page section was controlled by the chief of the army general staff and the navy section by the liaison chief. He never attended these meetings and had no right to do so. Purely operational and strategic matters were discussed and since he had no voice in such matters, it would have been inappropriate for him to attend.

34677 He came to know HOSHINO, KAYA, KIDO, KIMURA, MUTO, SATO, SUZUKI, and TOGO after becoming navy minister in October, 1941, and if he met them before he could not remember it. He met TOJO for the first time very briefly in December, 1940, and next saw him in October, 1941 when the cabinet was formed. He met SHIGEMITSU for the first time in Shanghai in 1932 and they met again in April, 1943, when he became foreign minister in the TOJO Cabinet. He met UMEZU \* in 1932 and HATA and ITAGAKI in 1940. His acquaintance with KOISO was in July, 1944, and it was only after he became navy minister that he talked with him at length. The following he met after being confined in Sugamo Prison: ARAKI, DOHIHARA, HASHIMOTO, HIRANUMA, MATSUI, MINAMI, OSHIMA, and SHIRATORI.

Page  
34678

\* On further oral examination, the accused was shown two documents and asked to identify them. He stated that he was familiar with them and that they were left among various reference data in the office of his predecessor OIKAWA, and that he had read them and made studies on the subject. Originally the documents were prepared by Foreign Office experts and were sent to the Navy Ministry from there, and were helpful in getting background knowledge of the international situation.

34679

34682

\* Exhibits 3566 and 3567, the former being the document on the formation of the anti-Japanese joint encirclement by Britain, U. S., and the Netherlands dated 16 April 1941, and the latter being the document on the Anglo-American policy of encirclement against Japan in the South Pacific and Anglo-American activities against Japan as viewed from the economic standpoint, were received in evidence.

34683

\* CROSS-EXAMINATION BY MR. BLAKENEY,  
Counsel for TOGO.

34684

Concerning the testimony in his affidavit on the U. S. note of 26 November 1941, he stated he was familiar with the answer to the note prepared and delivered to the U. S. on 8 December as Japan's final note in the negotiations. He didn't recall whether he saw the draft of the note in the Liaison Conference, nor was he positive that he had seen the document at all, but because people said YAMAMOTO read the document before the conference, he was inclined to agree. He didn't believe the testimony of his co-defendants, that copies of the document were distributed in the Liaison Conference.

34685

Asked if he hadn't been asked whether he had seen that draft in his interrogations, in which he had replied that he had, he answered that he somewhat recalled that, but his recollections were vague. When he was interrogated he had not thoroughly studied the situation on which he was being asked questions. Later, after recalling his memory, he had come to the present conclusion. \* Asked if his present recollection was that he was familiar with the note but didn't remember whether he ever saw the original or a copy, he replied that he had actually read the document for the first time after being confined in prison. He tried to trace back his memory, and concluded that he had never read the document before, but because other people said YAMAMOTO had read the document at the Liaison Conference it must be that he heard it read there.

Page  
34686

He was not interrogated by IPS at Omori Prison,  
\* but at Sugamo later.

CROSS-EXAMINATION BY MR. LOGAN,  
Counsel for KIDO.

34687 Reference was made to the affidavit which stated that SHIMADA came to know KIDO after assuming the post of Navy Minister in October 1941. In connection with this, SHIMADA stated that he might have met KIDO before this, but he didn't recall it. It was absolutely untrue that KIDO at any time prior to his accepting the Minister-ship ever spoke to him asking him to accept. If a message had ever come from KIDO asking him on KIDO's behalf to accept the position, \* he would kick the messenger out.

While SHIMADA was Navy Minister, KIDO never interfered or dictated as to what should be done in his office, and this would be totally impossible. KIDO absolutely did not try or achieve any interference or dictation over SHIMADA's office in any indirect method.

34688 SHIMADA recalled the all-day meeting of 29 November 1941, held between members of the cabinet and senior statesmen in the morning, and between some of the cabinet and elder statesmen and the Emperor for about an hour at 2 o'clock, and that later in the afternoon the morning session was resumed with the Emperor not present. \* SHIMADA was present all day, and KIDO was not present at the morning session, but was present at the hour session in mid-day when the Emperor was also there. KIDO was in attendance on the Emperor only, and said nothing in the one hour session. KIDO was not present at the afternoon session, at which the Emperor was not present. SHIMADA did not know about the meeting between the Elder Statesmen and the Emperor being suggested by KIDO to the Emperor as early as 19 November 1941 so the Emperor could get everyone's views.

34689 \* The accused was quoted a part of Admiral OKADA's testimony wherein OKADA stated that after the morning session they were given a luncheon, and after it each submitted their dissuading opinion to the Throne. Asked if he agreed with this statement, he replied that the Senior Statesmen present expressed the opinion as to whether there could be found any means to avert war.

34690 \* OKADA's statement was correct when he said that none of the Elder Statesmen supported or encouraged war at the meeting, especially WAKATSUKI, KONOYE, HIRANUMA, and OKADA.

Page: In his affidavit SHIMADA had stated that he believed his appointment in the TOJO Cabinet was an appointment in a government which by its very nature in military strength, control and attitude would seek to exhaust the last possibilities in a peaceful effort to settle the grave international dispute. Asked what was meant by the term "by its very military strength", he replied that the most difficult question was that of withdrawal of troops. The General Staff of the Army had a very large voice in this matter, and it was one in which negotiations were required between the General Staff and the government.

34691 \* The purpose of his meaning in the affidavit was that in order to bring about a settlement it would be necessary first to effect a powerful control over the Army General Staff, for unless that were done it would be difficult. Asked if he meant that when TOJO took office as Premier his position became entirely different from his previous one when he was merely War Minister, he replied that TOJO as War Minister in the KONOYE Cabinet was entirely on a different position when he became TOJO, the Premier. As Premier, he must listen to and coordinate the opinions of the Cabinet Ministers, and would have more frequent opportunity for audiences with the Emperor, and the Emperor's repeated wishes for peace would impress itself upon the Premier's mind.

34693 Exhibit 3560, \* which had been introduced during the cross-examination of the witness OIKAWA, (T. 34595), being an article from the Asahi Shimbun dated 9 September 1941, in which SHIMADA reported on war conditions to the Throne, was read by the prosecution before proceeding with SHIMADA's cross-examination.

34694 \* The exhibit stated that SHIMADA, former C-in-C of the Chinese Area Fleet, triumphantly returned to Tokyo station, where he was received by the Aide-de-camp to the Emperor, Navy Minister OIKAWA, Chief of the Navy General Staff NAGANO, Vice-Chief ITO, etc. He then proceeded to the palace under military escort. \* An Imperial audience was granted SHIMADA, OIKAWA, and NAGANO. SHIMADA, after expressing his greetings, made a detailed report to the Emperor about war conditions during his one and a half year's service in Chinese coastal blockade operations, the Navy eagles (T.N. pilots) bombing of Chungking and the hinterlands of China, the occupation of FIC, the morale of officers and men in the front, etc., after which the Emperor rewarded SHIMADA for his meritorious service.

34695

Page

CROSS-EXAMINATION BY CAPTAIN ROBINSON.

34696

\* Reference was made to the affidavit where it stated that at the Imperial Conference of December 1, SHIMADA stepped over the boundary line of peace and joined in the final decision for war. The accused stated that at that time he was Navy Minister, and as such was also a state minister, holding that position on the preceding day, November 30, 1941. As Navy Minister and State Minister, it was his function to advise the Emperor so far as matters relating to the Navy were concerned.

34697

There was no occasion in which he and Chief of Staff NAGANO were summoned to an Imperial audience on November 30, 1941, to advise the Emperor. \* Reminded that in his affidavit he had stated that on that occasion he, with NAGANO, advised the Emperor that the Navy had made preparations. he was asked if there was not such a conference.

34698

\* After explaining that it had been suggested in the first question that they went to the palace to advise the Emperor, but this was not so and they went in response to a summons, he changed his answer and said that he was summoned in audience before the Emperor on November 30. At that time they did not advise him.

Reminded that in his own words that he and NAGANO told the Emperor the Navy had made adequate preparations, he explained that because the inquiry from the Emperor was to that effect, they replied to it.

34699

\* The accused was told that in KIDO's testimony, Exhibit 3340. (T. 31046). KIDO stated that he requested that the Navy Minister and Chief of the Naval General Staff be called at once, and the true intention of the Navy be ascertained to the Emperor. KIDO had also stated that at 6.35 he was summoned and told that the Navy Minister and Chief of Staff had answered the question, and so he instructed the Emperor to proceed as planned. Asked to what subject KIDO referred in his testimony, SHIMADA replied that his understanding was that he was summoned to the palace, and responded to inquiries from the Throne. The instructions were to inform the Premier that the Emperor had approved convening an Imperial Conference the next day, 1 December.

34700

\* This was the same occasion as the one referred to in his affidavit, where he told the Emperor that the Navy had made adequate preparations. In his affidavit, SHIMADA had said that the question of confidence in the ultimate outcome was not the theme of their conversation, but only whether they were confident in the preparations the Navy had made.

Page

34701 Asked if he meant that he was advising the Emperor that the Navy was prepared for an Imperial Conference, he replied that the inquiry from the Throne to NAGANO was, what were the state of the operations plans for preparations. To SHIMADA, the inquiry was what were the state of preparations so far as the Navy was concerned. To these questions both NAGANO and SHIMADA replied that the preparations \* were completed. After hearing the answers, the Emperor instructed KIDO to convey the Emperor's words to the Premier, TOJO, that the meeting might be convened as scheduled, because the Emperor had previously told TOJO to postpone the meeting for the time being. At that time they didn't tell the Emperor that the Navy was never confident of achieving victory over the U. S.

34702 The inquiry from the Emperor was, are your preparations as Navy Minister complete, and to that he had responded that every possible effort was being made in connection with personnel and materials. \* Asked preparations for what, he replied war preparations.

Asked if when he told the Emperor that he was confident of the Navy preparations if he made it clear to him that he was advising him that the Navy was prepared to start a war but was not confident it could not be brought to victory, he replied that such points were considered and studied by the Liaison Conference, and were supposed to have been reported to the Throne by TOJO. They did not investigate whether or not the Throne was advised to this effect.

34704 When he had stated in his affidavit that preparations were adequate, he meant they were adequate for war \* with the U. S. and Britain. At that time the Emperor did not say to him and NAGANO that it was his understanding that in executing the Pearl Harbor operations the U. S. would be duly notified prior to the commencement of armed action.

34705 The accused was asked if he was aware that Premier HIGASHIKUNI, on 8 October 1945, forwarded to Headquarters of the U. S. Armed Forces in the Pacific, \* an official reply to questions asked him at a press conference on September 18, and that HIGASHIKUNI had stated then that regarding the question of whether the Emperor knew of the plan to attack Pearl Harbor before it was made, although the Emperor had heard from NAGANO of the general outline of the operations, he had not been told of the details of execution. It was the Emperor's understanding that in executing operations, the U. S. would be duly notified prior to armed action.

Page

34706 SHIMADA was asked if this was an accurate statement of the Emperor's understanding with the Navy as obtained in this conference with himself and NAGANO. He replied that all that he had previously said took place \* at the audience of 30 November, when inquiries were addressed by the Throne. Other than this, there was nothing else.

Asked if he knew that the Emperor did have that understanding with the Navy, he replied that such matters were operational and if mentioned to the Throne it would have been by the Chief of Staff NAGANO, but he didn't know to what extent such a matter was brought up.

34707 When shown a document, the accused was told it was a copy of a press release from U. S. General Headquarters, releasing the letter received from Premier HIGASHIKUNI. \* He was asked if it was not an authentic statement of the situation, being the words which had been quoted to him. The accused repeated that not being in a position to speak about operational matters, he didn't know anything about it.

34708 \* Asked if he was suggesting that the Emperor understood the U. S. would not be notified prior to the armed action, he replied that the question had two parts, apparently. The first was to what extent did the Emperor know about the operational plans for an attack on Pearl Harbor, and he had replied as he did because it was in this connection. The second point of the question was in connection with notifying the U. S., and with regard to this, not being his responsibility but that of the Foreign Office he did not know.

34709 The accused was asked if, as Navy Minister and Minister of State, it was not his duty as State Minister to advise the Emperor in regard to the Navy. He stated that \* even in matters relating to the Navy, if it was a question of operations it was the responsibility of the Naval High Command and not his own, as was shown in Article 11 of the Constitution. Asked if as Navy Minister it was not his responsibility to see that the attack did not take place before the Emperor's command was complied with, or if he was contending that all this responsibility could be placed on the Chief of Staff, who was not a State Minister, \* he replied that the Navy did everything that could be done. The operations were to be commenced according to a fixed schedule, and before that sufficient notification was to be sent to the U. S., and in that

34710

34711 \* manner the necessary arrangements were made.



Page Asked if as Navy Minister it was not his responsibility to see that the attack did not take place before the Emperor's command was complied with, he answered that this thing could not be disposed of by the Navy Minister alone, so he could not say yes or no. \* In so far as Navy operations were concerned, they were to be handled by the Navy. So far as notifying the U. S., it would be in the hands of the Foreign Office.

34712

He did not deny that it was the Emperor's understanding that in executing operations at Pearl Harbor, \* the U. S. would be duly notified. This was not only the Emperor's policy, but that of the government. The matter of notification was under the jurisdiction of the Foreign Office.

34713

34716  
December 8, 1947

After being handed the document containing Premier HIGASHIKUNI's statement to U. S. General Headquarters after the war's end, the accused was shown a part of it which stated that the Emperor affixed his signature to the Rescript at 11.30 a. m. 8 December 1941. SHIMADA stated that this was correct. \* The Rescript was issued to the Japanese people to express the Imperial will. The Rescript read to the effect that "We hereby declare war on the U. S. and Britain".

34717

Asked if this was not the declaration of war delivered to the U. S. on December 8, he replied he knew nothing about such diplomatic procedure. The attack on Pearl Harbor had commenced about seven or eight hours previously. The delivery of the Japanese notification \* was arranged so it would take place at 1 p. m. Washington time 7 December.

34718

Asked what word he had received from Pearl Harbor, he replied that he heard of the first report only by telephone and didn't have exact recollection, but recalled the report was to the effect that the attack was carried out well. He received this from his private secretary about 5 a. m. The secretary reported to him in accordance with the telegram, probably addressed to the C-in-C of the Combined Fleet, YAMAMOTO, which he thought was intercepted. \* It was supposed to have been sent by the commander of the task force, Admiral NAGUMO. At that time he did not know that the notification had not been delivered to the U. S. before the attack, but heard of this after Ambassador NOMURA returned to Japan in 1942.

34719

Page

34720            Asked if he reported the attack to the Emperor, he replied that this was the duty of the Chief of Staff.  
\* He did not know when the Emperor learned that his command that notification be delivered before the attack had not been complied with.

34722            \* Asked if he had not previously stated that he knew this had been the Emperor's understanding and policy and if he was not interested in finding out whether the Emperor's wishes had been complied with and if it was a matter of no concern to him, he replied it was not a matter of no concern, but was of the utmost importance not only to him but to the government.

                 Asked why he didn't check up on it to find out whether the Emperor's wishes had been complied with, he replied that this was the important task of the Foreign Ministry, in which they had utmost confidence.

34723            Asked if he was placing the responsibility then entirely upon TOGO with regard to performing this wish of the Emperor, he replied that in deciding it the Foreign \* Office and others concerned participated in the decision. After the time had been fixed there was nothing others not directly concerned could do or help in the matter of its delivery.

                 Asked if he meant that he was not directly concerned as a State Minister to cooperate with TOGO and see that the matter was carried out, he replied that although it was a matter of the utmost concern, there was nothing he could do about it because the task of having the note delivered from the Foreign Office to the Ambassador on the spot was entirely a Foreign Office matter, and others outside could do nothing about it.

                 Asked if he therefore did nothing in advance or after the attack in regard to the delivery of the notice, he replied he was only anxious, but had no desire to interfere in a task belonging to the Foreign Office.

Page

34724 Told that in his affidavit he had stated that Foreign Minister TOGO said he remembered that Vice-Chief of Staff ITO had tried to prevent the Foreign Office from \* sending any notice, he was asked if that was his view also. He replied that this was not the case. It was the Emperor's desire that notification be given in advance. This was also the government policy in strict observance of international law.

It had been the navy tradition to adhere strictly to international law, and those in the navy never held such petty views or ideas as to take advantage of the opposite party by violating international law, not to mention Admirals NAGANO and ITO, the accused had never heard that there was anyone in the navy who dared entertain such ideas.

Asked if he had not heard Admiral Richardson's testimony that NAGANO and YAMAMOTO insisted that the utmost secrecy be observed in the attack on Pearl Harbor, he replied that he didn't know from whom Richardson heard of such a thing, but there could be no possibility of his knowing this.

Page

- 34725 \* Asked if he denied there was any member of the Navy who did not think that the notification procedure should be avoided to prevent the failure of the Pearl Harbor plan, he replied that at no time had he heard such information. YAMAMOTO, one of those most concerned about strict adherence to international law before the attack took place, was very much concerned about giving advance warning and repeatedly insisted on making that matter certain. Members of the Pearl Harbor attack units who testified said that when they approached the Hawaiian Islands for the attack, they went resolved to meet a most bitter situation because the enemy would be there waiting. This was the impression of the Navy as a whole.
- 34726 \* The accused stated that he knew about the attack on Kota Bahru, Hong Kong and Shanghai on 7 Dec. 1941 and knew that no notification was given Britain before these attacks. Sometime in November the combined Fleet called together staff officers for consultations at Iwakuni. Due to some accident pertaining to a unit in the south, no staff officer from that unit which later carried on the attack on Kota Bahru, attended the conference. For this reason, the unit undertaking the Singapore operations attacked shortly before the time of
- 34727 the delivery of the note to the U.S. at 1:00 pm and this \* was a matter concerning which SHIMADA felt only the profoundest regret. He believed that the attack on Shanghai began with ample time provided for, and the same was true with Hongkong. He knew that in fact there was no note delivered in Washington at 1:00 pm. Asked if he knew that the note delivered later that day was merely a statement that there was no use to carry on negotiations further, he replied that with regard to the notification delivered to the U.S., it was his understanding that the Japanese intentions were fully expressed therein. Asked if that might be true and still the note might not have complied with the Hague Convention, he replied that he could not say as to this but at the time it was his understanding that Japan's intent was fully expressed in the
- 34728 notification. He \* had read the Hague Convention III requiring notification before the commencement of hostilities.
- 34729 \* Asked if he knew that this convention required that before one government shall commence hostilities, it shall give a previous explicit warning in the form of either a declaration of war or an ultimatum, stating conditions and reasons. He answered that since he was a layman, he had no ability to argue the matter. He would say that already before that date they had received from the U.S. the Hull Note of 26 Nov. which was taken in Japan as being in effect an ultimatum. By this note, Japan, against her wish, was driven into war for self-defense.

SH. MADA  
Shimada - Cross

Page

34731

34732

\* Asked if he was in the Navy in 1914 at the attack of Tsingtao, he replied that at that time he was in Tokyo as a student in the staff college. Asked if a Tokyo newspaper was incorrect in stating he was in Tsingtao, he replied he had never seen such a report.

34733

\* At about 7:30 a.m. on Dec. 8, 1941, he might have been in the Imperial Palace but had no exact recollection and he might have been attending a meeting of the Inquiry Committee of the Privy Council then. He had forgotten the exact words he used in the meeting but reported on the operational situation in the Hawaiian area, and then he attended a meeting of the Privy Council immediately after the approval of the Rescript declaring war.

(Reference was made to Exhibit 1241.)

34734

\* In his affidavit he had stated that the vital issues were not of his creation and he then added that the greatest difficulty concerned the negotiations preceding Pearl Harbor attack had to do with withdrawal of troops in China and FIC. Asked if it was in pursuance of this troops and military installations were selected as targets but he did not remember where, he recalled that the point of attack was the Shanghai and Nanking areas. Asked if the Asahi Shimbun account was correct, that this was the first time in history that a trans-oceanic battle had been carried out, he replied that he did not recall.

34737

Asked if while Vice Chief of Staff in July 1937, he transmitted to Admiral HASEGAWA orders to carry out the bombing of Nanking by Naval planes, he replied that directions were supposed to have been given in regard to bombing military targets and the air force in and around Nanking. Asked why he said "supposed to have been given" and if he did not brief HASEGAWA in Tokyo, he replied he used the words because his recollection was very vague. It might be that this bombing was the first time in history that the capital of any country had been subjected to air bombs, but he did not know.

34738

\* He did not recall exactly if it was the HASEGAWA Unit which on 17 Dec. 1937 bombed and sank the U.S. Ship Panay because at that time he was no longer Vice C/S. He did not know if HASEGAWA was still carrying out his instructions.

34739

\* The accused was appointed Commander of the China Area Fleet on 1 May 1940. He didn't remember exactly when he proclaimed the blockade of the China coast, but the previous proclamation continued in effect and when he considered it necessary he repeated it about May 7, 1940. In Aug. 1940 he strengthened the blockade by adding other places.

Page

The primary purpose was to prevent military supplies from going to Chungking, but the blockade covered all shipping. He notified the diplomatic and other organs of the Third Powers of the blockade but it never entered his mind that the purpose was to starve the Chinese people into submission. It was only natural that the blockade did cut off not only imports of scrap iron, steel and oil, but also food supplies because troops eat food. Asked if this were not an actual case of economic strangulation, he replied that the circumstances were such that it could not be done to that extent.

While he was Commander of the China Area Fleet, he did not order the bombing of cities but the bombing of military installations and armed forces.

34741 Asked if on Oct. 10, 1940, a naval air unit made the forty-second bombing attack \* on Chungking, he said it wasn't the city itself but important military activities there.

Asked if on the Double Ten Festival of Oct. 10, 1940, he visited a naval air base and encouraged the fliers who had been bombing Chungking, he replied that was a natural duty as a commander of a fleet, and that he did so.

Asked if Japan had declared war on China prior to this time, he replied it was the China Incident so there could not have been a declaration of war.

34743 After completing his term as Chief of the China Fleet, he returned to Tokyo on 15 Sept. 1941. Subsequent to the interview with the Emperor and on the same day, he did not recall issuing a statement that as Chief of the China Fleet, he had intensified the blockade and air operations against the Chungking regime. He did not remember at that time stating that although the China Incident had been making steady progress, the confrontation between Chiang and Japan had assumed serious proportions suggestive of an aggravated tension in the international situation.

When shown an excerpt from the Osaka Mainichi for 16 Sept. 1941, he stated he did not recall making the statement set forth there after his name.

34744 \* He never recalled using the term "Chiang supporting powers" in suggesting an aggravated tension if they did not quit assisting China, nor did he recall ever using that term, nor recall an interview using the term "Holy War."

8 December 1947  
 SHIMADA  
 Shimada - Cross

Page About 16 Nov. 1941, as Navy Minister, he reported on the  
 34745 war situation at the beginning of the Diet Session. \* Asked if in  
 the speech he stated that the Navy was blockading 28 miles of China  
 coast, he replied he didn't recall the contents of the report.

34746 When shown an excerpt from the Asahi Shimbun of 17 Nov.  
 1941, he was asked if the facts in the document were substantially  
 true as a report of the speech he made on that occasion, he replied  
 that being a press report he could not say that it was true. \* He  
 did not recall stating on that occasion that the situation in the  
 Chungking area in particular had included some 40 attacks day and  
 night and there would be no occasion for him to use the expression  
 "day and night." He did not remember telling the Diet that early  
 in March, surprise attacks upon several strategic points on the coast  
 of the Kwantung Province had been made in cooperation with the army.  
 34747 Asked if those events had not actually occurred, he replied \* he  
 had a faint recollection that a sudden foray was carried out to seize  
 weapons being brought in on the coast of Kwantung Province. He did  
 not remember telling the Diet that surprise landing operations were  
 made at no less than 26 places to complete the coast blockade or  
 remember saying then that Japanese Naval Units had advanced into  
 South FIC in the latter part of July.

Asked how many aircraft carriers were used in these surprise  
 landings, he replied he did not recall there being any carriers.

34749 \* In his affidavit in connection with his activity in China,  
 he had spoken of the essential disagreement leading to the fall of the  
 KONOYE Cabinet. Asked if this essential disagreement was between  
 those who wished to continue negotiations while preparing for war  
 with the U.S. and those who wished to drop negotiations and proceed  
 to war immediately, he replied he did not know the matter in detail  
 but thought that Admiral OIKAWA's testimony sufficiently explained  
 that matter.

34750 \* He did not recall a talk made by himself as Navy Minister  
 published in the Tokyo Mainichi on 7 July 1942, in which he said sub-  
 stantially that the Great East Asia War arose as a natural consequence  
 to round off the China Incident. He did not recall, nor would there  
 have been any occasion for him asking in that talk "What makes us  
 feel more reassured than ever is the way our friends, the Germans and  
 Italians, are enlarging their wonderful war results in Europe."

34751 When shown an extract from the Tokyo Mainichi for 7 July  
 1942 and asked if that article did not quote a speech made by him,  
 he stated that in the headline it stated a "gist" of an interview  
 by himself. It was doubtful whether such a news item had accurately  
 \* reported what he said and he had no recollection of it.

8 December 1947

SHIMADA

Shimada - Cross

Page

- 34752 \* He could not tell whether it was accurate or not. He did not recall saying that war to annihilate the U.S. and Britain by closely united Japan, Germany and Italy was progressing strongly toward victory. Asked if he could not find in the article a statement of the Three Demands which he favored and which made impossible the success of diplomatic negotiations with the U.S., namely, the conquest of China, domination of Greater East Asia, and the Axis alliance, he replied there could not have been any occasion for him to say any such thing because such an idea never entered his mind.
- 34753 \* In his affidavit he mentioned a Navy shortage of oil as one reason which the High Command charged would prevent concessions to the U.S. He had no positive recollection as to how many tons of oil the Navy had on hand. It was his business as Navy Minister to deal with materiel and personnel \* for operations. It was not true that one reason urged for making war on U.S. was economic strangulation with regard to oil. They obtained most of the 2-year supply of oil they had stored up from the U.S. and Netherlands but he did not remember in what proportions. Asked if, when he voted for war, he did it on the ground of economic strangulation by the U.S. and Britain as a matter of self-defense, he replied that in making a decision for war, an opponent was required and only upon the conduct and attitude of the opponent could a decision for war be made. \* No decision for war could be made on the basis of economic strangulation. However, economic strangulation was one of the causes which led to the war. The decision was based upon the final attitude which the U.S. took at a critical moment as result of the economic blockade but economic strangulation was not the sole reason. Part of this economic strangulation was the U.S. refusal to provide millions of tons of oil to the Navy.
- 34754
- 34755
- 34756 Asked if, when he voted for war, he considered it in part just grounds for an attack on the U.S. \* as self-defense, and that the U.S. failed to supply Japan with enough oil to feed the planes and ships which would be used and were used later to destroy American lives at Pearl Harbor, he replied that the question of oil mentioned was not a deciding factor but was an indirect cause.
- 34758 \* The question of oil was very vital and of great importance to the armed forces for if there was no oil, warships, tanks, and airplanes, etc. would be useless. Heavy industry also depended to a very great degree on oil and if the supplies were stopped they would not be able to function as desired. From the standpoint of national defense alone, it would not be an exaggeration to say it was based upon adequate oil. Asked again whether the oil embargo



Page was one of the factors which caused him to vote for war, he replied \*  
34759 that it was one of the factors but not the fundamental one.

Generally, he was familiar with the Japanese proposal of Nov. 20, handed by NOMURA to Hull (Exhibit 1245-H). He remembered that in the proposal, it read that the U.S. shall supply Japan a required quantity of oil. Asked who made the decision to include this requirement, he stated that the Navy had a big voice in the matter and he himself emphasized the necessity. Actually the various arrangements were made by the officials in charge and he expressed his views to them.

34760 \* At the time he did not consider the question of the quantity of oil profoundly. He was most concerned with whether the U.S. while understanding the purport of the demand would approach Japan in bringing about a settlement. He was not concerned whether U.S. offered to supply one million tons or 500,000 in response to Japan's demands for two million.

34761 \* Asked if two million tons was the amount he mentioned in requesting this sentence he included in the proposal of Nov. 20, he replied that he had a vague recollection that the quantity was four

34762 million tons per annum. \* Asked if by this statement he meant that the Navy having two years' supply had 8 million tons in storage at the time, he replied that was not his meaning. The quantity demanded was not for the Navy alone but included civilian and Army needs. Although the Navy had a 2 years' supply of oil, he did not recall the exact figure of the quantity in storage, but it may have been 4 to 6 million tons. \* Asked 34763 if the requirement with regard to oil was one which the U.S. had to meet if Japan was not going to attack, he replied it was not a question of oil alone. He didn't believe he could state it so flatly. Asked if NOMURA and KURUSU had come back without that provision being met, if the decision would have been acceptable to him, he replied that the matter of oil might be regarded as a basic condition forcing them to decide on war, but it was not a deciding factor.

34764 Asked if the words the U.S. "shall" supply Japan with oil were not the language of a demand, he replied that \* this proposal of the 20th of November was not a basic cause of war although the prosecutor seemed to be suggesting it was. In his affidavit, he had stated that he was confronted with the question of whether Japan could bow to U.S. demands. Asked where the U.S. made any demands upon Japan, he replied that the demands were in the Hull note of 26 Nov. 1941, one of 34765 which was that Japan \* should withdraw entirely from the continent.

Also, the Hull note had a lot of statements on the premise that everything

8 December 1947

SHIMADA

Shimada - Cross

Page Japan had done so far was wrong. If Japan submitted to the demands as presented, she was obliged to cancel everything she had been doing up to that date.

34766 \* Asked if it was not true that Hull accompanied the note by oral proposals for financial cooperation between Japan and U.S., he  
34767 replied \* that he did not recall what Hull said.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI. Sadao, et al



Sworn Deposition

Deponent: Shigetaro SHIMADA

Having first duly sworn an oath as shown on attached sheet and in accordance with the procedure followed in my country I hereby depose as follows:

1. (a) My name is Shigetaro SHIMADA. I was born in Tokyo in 1883, entered the Naval Academy in 1901 and graduated as a mid-shipman in 1904. In August, 1905 I was commissioned an ensign. In 1913 I entered the Naval War College as a lieutenant and graduated in 1915 as a lieutenant commander.  
(b) I then went to Italy as Assistant Naval Attache in the spring of 1916. In December of 1917 I became Naval Attache there and remained until the end of World War I. In 1919 I became a staff officer of a training squadron and toured Europe, returning to Japan in 1920 at which time I became a staff officer in the Naval General Staff.  
(c) I was promoted to the rank of commander in 1920 and assigned to the HYUGA as second in command for one year from the latter portion of 1922. At the end of 1923 I became an instructor in the Naval War College and at the end of the following year, 1924, was promoted to the rank of captain. In 1926 I became Commander of the Seventh Submarine Unit consisting of three submarines. In August of 1928 I was assigned as Captain of the cruiser TAMA. In December of that year I was removed to the post of Commander of the battleship HIEI.

(d) I was promoted to the rank of Rear Admiral in November of 1929 and at that time became Chief of Staff of the Second Fleet. In December of 1930 I was appointed Chief of Staff of the Combined Fleet and First Fleet, and in December of 1931 became Chief of the Submarine School at Kure. In February of 1932 I became Chief of Staff of the Third Fleet serving under Commander in Chief NOMURA (later ambassador to the United States). In June, 1932 I became Chief of the Naval Information Bureau of the Naval General Staff and later in November of the same year became Chief of the Operations Bureau. In December, 1934 I had become a vice admiral.

(e) I was with the Naval General Staff as an attached officer in February, 1935 and became Vice Chief of the Naval General Staff in December of the same year. In December, 1937 I then became Commander in Chief of the Second Fleet and in December, 1938 was removed to the Kure Naval Station as Commander in Chief.

(f) In May of 1940 I became Commander in Chief of the China Fleet succeeding Admiral OIKAWA whom I later succeeded as Navy Minister. In November, 1940 I became a full Admiral. I served in the last mentioned position until September, 1941 at which time I returned to Japan. From September 18th, 1941 until September 27th I made a tour of naval hospitals visiting the sick and wounded and then assumed the post of Commander in Chief of the Yokosuka Naval Station on October 1st, 1941.

(g) On October 18th, 1941 I was appointed Navy Minister, succeeding Admiral OIKAWA, Koshiro. Later, in February of 1944, I also assumed the post of Chief of Naval General Staff in connection with the Ministership. On July 17th, 1944 I resigned the post of Navy Minister and later, on August 2nd, 1944, I resigned as Chief of Naval General Staff. I was made a naval councillor and on January 20th, 1945, upon my request,

was relegated to the retired list.

2. (a) At the time I assumed my new post as Commander in Chief of the Yokosuka Naval Base I had not the slightest idea or thought that I would be considered as the next Navy Minister. I did not even know that the KONOYE Cabinet was in danger of falling and of course knew nothing of the dispute between the War Minister and the Premier. Actually, my knowledge of the political situation was dependent upon information obtained from newspapers.

(b) On October 17th, less than three weeks after assuming the command of the Yokosuka Naval Base, I was ordered to report to the Navy Minister in Tokyo. Upon arriving at the official residence of the Navy Minister that evening I was met by Admiral OIKAWA. He then told me he would like to recommend me as his successor for the Navy Ministership under a new cabinet which was being formed. He said that he had carefully considered all of the available high ranking naval officers and had come to the conclusion that I was best qualified for the post.

(c) My immediate reply was a refusal to accept the recommendation. I told him that since December of 1937 I had been away from Tokyo, a period of four years, on routine naval assignments and hence did not feel that my knowledge of the political situation at home nor of present international complications was such as to qualify me. I also related to him that my past career in the Navy had largely been on the sea or connected with the Naval General Staff and that I had never served in the Navy Ministry. And lastly I emphatically stated my distaste for politics and desire not to become involved in that line of work. I suggested that he continue on in the post and I did not question him further on this point. Thereupon I excused myself and returned to my Tokyo

Home.

(d) On the following morning, October 18th, 1941, I was again summoned to the Navy Minister's official residence where both Admiral OIKAWA and the Chief of Naval General Staff, Admiral NAGANO, were awaiting me. This time Admiral NAGANO urged me to reconsider my refusal of the recommendation as next Navy Minister and told me he felt it was my duty as a high ranking full admiral and the man best qualified to accept. While I again told him the same things I had told Admiral OIKAWA he did not change his opinion. They then told me that Prince FUSHIMI, the oldest and most highly respected of naval officers and a Prince of the Blood, had surveyed the field of candidates and suggested that I was the logical candidate.

(e) It so happened that during our conversation several telephone calls came in from the Cabinet Formation Headquarters urging that a candidate for Navy Minister be recommended as soon as possible since all of the other ministers of the new cabinet had been determined. I recall hesitating and being greatly perplexed as to what to do. Fully realizing that I was actually one of the few senior naval officers available for the high position and because of the joint opinions of Prince FUSHIMI, Admiral OIKAWA and Admiral NAGANO I reasoned that my personal dislike for the assignment must not override my obligation to serve as best I could and I reversed my earlier decision and agreed tentatively to accept the recommendation.

(f) I then excused myself and went to visit Prince FUSHIMI personally. There I discussed the matter of acceptance or refusal of the Ministership and the Prince himself urged me to accept the post. It was thus upon the recommendation and insistence of the outgoing Navy Minister, the Chief of Naval General Staff and Fleet Admiral Prince FUSHIMI that I

accepted the assignment. It was never solicited, initially refused and in fact was an unwanted and unwelcome assignment.

3. (a) The statement made in the course of this trial by the Prosecution that, "It is submitted that the defendant joined the TOJO Cabinet because he was, and was known to be, an active supporter of the TOJO policy and that his participation in the conspiracy prior to October 1941 must be inferred from his joining the cabinet at that juncture" is utterly unwarranted and not founded upon fact. In the first place I did not know TOJO, having met him only once and for a few moments in Shanghai in 1940. Again, it would have been impossible for the Premier, an Army man, to even suggest a certain individual in the Navy for the post of Navy Minister since it would have met with violent opposition, not only because it was a step contrary to custom and prejudicial to naval prestige invading the province of the Navy, but because of the natural rivalry and opposing viewpoints of the two branches of the armed service. Of course the fact of the matter is that I did not know what the TOJO policy was. Admiral OIKAWA had briefly discussed the then existing situation at the time of my acceptance of the recommendation for the Navy Ministership but I certainly did not fully know the problems involved.
4. (a) Immediately after informing Admiral OIKAWA on the morning of October 18th that I would accept the recommendation I went to visit Lt. General TOJO. The purpose of my visit was to lay down a prerequisite which must be agreed to before I would officially accept the Ministership. It was approximately 11 A.M. that morning when I spoke to him personally and told him that I would insist that negotiations with the United States be pursued to the utmost with the firm determination to seek a peaceful solution to the then existing

differences between our countries before accepting the cabinet post of Navy Minister. The use of the words "United States" does not preclude Great Britain and the Netherlands for we spoke of the United States as the negotiating power for the others.

(b) TOJO emphatically agreed that it would be the policy of the government to start from scratch in attempting to wholeheartedly and sincerely reach a diplomatic understanding to the end of preventing war in accordance with the Emperor's wish. I was quite impressed and relieved by his attitude and felt that with the Army and Navy in complete agreement on this important point, the essential disagreement leading to the fall of the KONOYE Cabinet had disappeared and chances for our success were excellent. Consequently I would be remiss in relating the truth if I did not say that it was then and still is my honest conviction that TOJO accepted the Ministership realizing the full responsibility of his new assignment and resolving to do his utmost toward settling matters through diplomatic channels rather than by the sword regardless of what previous stand he might have taken.

(c) As evidence of the thinking of the new Premier, I recall a particular incident shortly thereafter. On October 23rd before any liaison meeting had been called a ceremony for the war dead was held at the Yasukuni Shrine. TOJO called and suggested that I appear ten minutes earlier than scheduled saying he would like to talk to me. This I did and he then told me he was planning to call the first Liaison Conference that day and reiterated his firm resolve to commence the discussion of negotiations with America from a clean slate and to explore deeply into the maximum concessions Japan could afford to make to the United States.



5. (a) Thus I did not have the impression that I was joining a war cabinet under which the nation would be plunged into the bitter and tragic struggle that followed but rather I believed it was an appointment in a government which by its very military strength, control and attitude would seek to exhaust the last possibilities in a peaceful effort to settle the grave international dispute.

5. (a) Liaison Conferences began on October 23rd with all present exhibiting confidence that matters could be settled by negotiations. Every one moreover was whole heartedly in favor of peace but the question was how to secure it. Long and continuous meetings were held. The vital issues then present were not of my creation nor had I even a minor part in their formation unless my lifelong career in the Navy qualifies me as responsible. Therefore since the problems had already crystallized, my only function was to attempt a solution of them in my new capacity as Navy Minister. Thus followed the most taxing assignment and trying days of my life.

(b) In the period between the Liaison Conferences and the Imperial Conference of November 5th, 1941 I recall that all my thoughts were focused on the following two problems:

(1) How best to ease the most difficult conditions of withdrawal of troops from abroad and to reconcile this fact with the views of the Army Section of the Imperial General Headquarters.

(2) What were the greatest possible concessions that Japan could afford to make in its endeavor to reach an understanding with the United States.

The greatest difficulty concerned the withdrawal of troops from China and French Indo-China. I studied the issue deeply. I ascertained the general sentiment in naval circles, fully

observed the thinking of other government members and the trend of public opinion at the time. Since the Navy had opposed and had never attached a strong interpretation to the Tri-Partite Pact I did not feel that that was a problem incapable of solution if a meeting of the minds could be achieved as to the other issues. Regardless of how Japan found itself in such a perplexing international situation my consideration of the questions was from the approach of the present. The best solution therefore was a compromise with the United States and Great Britain with each side giving ground. Consequently I directed my efforts along this line of action in a sincere attempt to avoid the possible tragic effect of hostilities.

(c) There was a strong prevailing opinion that matters had developed so far as to make it physically impossible to withdraw all of our forces from China and that it would have been a psychological blow which would stun the Japanese people. It was argued that it would have amounted to a victory for China over Japan and would have raised the prestige and standing of the United States and Great Britain in the Far East thereby relegating Japan to a position of being dependent upon these two powers for its economic existence and position as a world power. Therefore my thinking at that time was that it would be advisable to effect a compromise by a strategic withdrawal of our forces over a period of time from China proper and to effect an immediate withdrawal from French Indo China if this could be correlated with the opposition to such a step. There was no doubt that Japan then would be making deep concessions which had not been possible to make at the time of the Third KONOYE Cabinet.

7. (a) On November 5th at an Imperial Conference a decision was made to put into effect preparations for war while at the same time steadfastly maintaining our efforts toward peace through diplomacy. This was not inconsistent reasoning considering the plight of Japan at that time. The Allies had effected an economic encirclement of Japan with a result more telling than we dared admit to the world. We viewed with alarm the increasing armaments of the United States and could not reason that such military steps were taken in contemplation of war with Germany alone. The American Pacific Fleet had long before moved from its west coast base to Hawaii and there stood as a threat to Japan. The United States policy toward Japan had been strict and unsympathetic, revealing a determination to enforce their demands without compromise. The American military and economic aid to China had aroused the bitterest of feeling among the Japanese people. The Allied Powers had carried on military conferences which were pointedly directed against Japan. It was a tight, tense and trapped feeling that Japan had at that time.

(b) Considering these facts which have already been laid before the Tribunal there were two solutions open to Japan. One being to relieve the over-all situation through diplomacy, hoping that a give and take policy on the part of the United States and Japan would answer the problems. The other was to overcome by our own power the actual and impending difficulties caused by the Allied encirclement. At all times we considered this last measure to be purely defensive and to be adopted only as a last resort. I never entertained a doubt that Japan or any other nation had the sovereign right to act in self preservation and to determine for herself what accumulation of events would entitle her to exercise

that right. The Government working in conjunction with the High Command studied the situation seriously. Not a single member of either group wanted war with the United States and Great Britain. The military men knew too well that Japan had on its hands the China Affair of over four years duration and which promised no hope of being successfully terminated. Therefore to reason that we would voluntarily incur additional hostilities with such powers as the United States and Great Britain would be to attribute to us unthinkably juvenile military reasoning.

(c) The Government had been carefully considering the maximum amount of concessions that could be made and was exerting every effort to reach an agreement with the United States thereby performing its proper function. On the other hand the High Command was faced with the problem of being called upon to carry out its function if peace negotiations failed. Their situation was simply a practical one. The High Command argued that the Navy had approximately a two year supply of oil on hand. There was no more coming in. The civilian oil could not have lasted more than six months. With the advent of December, northeasterly monsoons would blow with force in the Formosan Straits, the Philippines and Malaya areas rendering military operations difficult. They charged that if forced to wait until the following spring they would be unable to risk a naval fight if called upon to do so by the government because of the steadily decreasing oil supply.

(d) It was in this setting that the High Command revealed its position at the Imperial Conference of November 5th and argued that if diplomatic negotiations failed and they were called upon to go into action it would have to be a step taken by early winter or they would not be able to act at all. It was then in an atmosphere of growing desperation

brought on by the factors which I have described that caused the government to take detailed steps for war even though they hoped for and still felt peace possible through negotiations.

3. (a) Regarding the so-called Pearl Harbor Attack Plan, the Prosecution stated in its summary, "SHIMADA has admitted that he knew that YAMAMOTO had prepared his plan for the attack early in 1941 and that the plan was adopted in May or June. (Transcript p. 10,194) He also admitted that he knew that early in 1941 the Navy commenced the development of a shallow water torpedo because the water at Pearl Harbour was shallow and that the fleet practised the use of this torpedo during the summer of 1941." This is misleading for it tends to infer that I knew about the Pearl Harbor plans before I assumed the Navy Ministership. Such is not the case. It was after my appointment to the post of Navy Minister that I first learned of the Pearl Harbor Attack Plan and of the practice and research that had gone on in the past. I learned of this from the First Division Chief of the Naval General Staff FUKUTOME. Since I was serving with the Fleet in China it would have been quite improbable and in fact impossible for me to have been informed of such vital information. Being primarily engaged with the administrative functions attached to my cabinet post I did not direct my attention to the operational procedures over which I had no jurisdiction, especially since they had been worked out prior to my becoming Navy Minister and were entirely within the hands of the Naval General Staff.

(c) While I of course had within my power the ability to know exactly when the Fleet headed for Pearl Harbor I actually did not know the exact date. Stressing that the

operational and strategic problems were left entirely to the General Staff and the Combined Fleet I can only say that because I did know definitely all operational movements of the Navy could have been called off in a matter of minutes I did not concern myself with the location of the various fleet units at any given time. The over-all question was whether or not peace through negotiations could be reached before hostilities commenced, and as I said before, the early winter deadline was what we were all working against.

9. (a) The Government's determination to peacefully conclude matters was further expressed with the dispatch of Ambassador KURUSU to the United States to contribute to the immediate solution of difficulties. There was no subterfuge or deceit attached to his going to the United States. It was a fight against the time element and a redoubling of our efforts to succeed in diplomacy before we were forced into hostilities. Unless this point is clearly understood and believed a great injustice will result. In the days that followed I was still very hopeful that peace would eventually come through some diplomatic arrangement. It was during this time that I began to fully appreciate the gravity of affairs. This complicated situation weighed heavily on my mind. Each day I went to the shrine to ask for divine guidance so I might serve the Emperor in bringing about his fervent desires for peace. I was not a statesman nor a diplomat but I tried to borrow upon all of the skill and reasoning I possessed to seek a solution. It was in this mixed atmosphere of doubt, hope, fear and speculation that the Hull Note of November 26th was received.

(b) This was a jarring blow. It was my prayer that the United States would have viewed whatever concessions we had

made as a sincere effort to avoid war and would attempt to meet us half way thereby saving the whole situation. Here was a harsh reply from the United States Government unyielding and unbending. It contained no recognition of the endeavors we had made toward concessions in the negotiations. There were no members of the Cabinet nor responsible officials of the General Staff who advocated acceptance of the Hull Note. The view taken was that it was impossible to do so and that this communication was an ultimatum threatening the existence of our country. The general opinion was that acceptance of the conditions of this note would be tantamount to the defeat of Japan.

(c) It seems clear that no nation willingly relegates itself to a secondary position as a world power if it can help it. History to this very minute dictates that every leading power constantly seeks to preserve its rights, prestige and dignity and to this end constantly follows a policy which it deems most beneficial to itself. As a patriotic Japanese loving my country I was confronted with the question of whether or not Japan could bow to the American demands and yet preserve its standing in the world. It would have been treasonable to have advocated a step contrary to the best interests of my country.

(d) Therefore I frankly state that it was this reply of the United States that caused me to step the boundary line of peace when the final decision was made at the Imperial Conference of December 1st, 1941. Even at this twilight hour however there would still have been time to prevent hostilities had the United States recognized that we were sincerely attempting to reach a compromise. In the latter days of November the government had all but

lost hope of peace and felt that war was inevitable. The contingency upon which hinged war or peace was the attitude of the United States. Using the Hull Note as a criterion I did not personally feel it was possible to expect any improvement. The Navy was never confident of achieving victory over the United States but we were confident that we were better prepared at that time to fight than we would have been at any later date. Admiral NAGANO had several times previously, as Chief of the Naval General Staff, expressed this opinion. Hence Admiral NAGANO and I on November 30th told the Emperor that the Navy had made adequate preparations. The question of confidence in the ultimate outcome of the war was not the theme of our conversation but only whether we were confident of the preparations, which the Navy had made.

10. (a) The Prosecution statement that fortification of the Mandated Islands was carried out in secret over a period of years prior to 1941 is completely unfounded. While I knew nothing of the blueprint map introduced in evidence I can only say that it is natural that desk plans be held in reserve for this most vital geographical area in order to meet all eventualities. The United States forces must have recognized even after the occupation of the various South Sea Islands that there was little resembling fortifications. The defenses of these islands were hurriedly carried out from the time immediately prior to the commencement of war with only necessary equipment such as medium calibre guns being installed and the converting of airfields with the main objective in mind of preventing the enemy from capturing and using these strategically important islands against us.

11. (a) At no time did I favor a change in the government in



the midst of war because it would betray to the world disunity existing in Japan and would encourage our enemy towards renewing their efforts against us. Regarding Prosecution's reference to my talk with Mr. TOGO, then Foreign Minister under the TOJO Cabinet, concerning his resignation I would like to say that my action was based upon what I felt to be the Emperor's feeling at that time. This however does not mean that I did not personally feel the necessity of preserving the unity of the government at that time. The point is clearly covered in Exhibit 1273 which reveals that KIDO advised the Emperor to seek my assistance in solving the dispute between TOGO and TOJO.

(b) The Prosecution statement "It is also to be observed that SHIMADA was a member of the Imperial Rule Association Political Society and that when in July 1944 the reorganization of the Cabinet was under consideration, including a change of Navy Minister, TOJO, according to KIDO's Diary (Exhibit 1277, Transcript p. 11,376) suggested the advisability of SHIMADA being appointed Welfare Minister in order to have a member of that society in the Cabinet" is misleading. The person to whom reference is made is Mr. Toshio SHIMADA and not myself. It would seem that a cursory investigation of the circumstances would clearly have revealed this. I can not but accept the use of this excerpt as an unfair attempt to cast me in the role of a politician so as to comply with the charges in the Indictment. The Navy traditionally opposed involvement in politics and even when an officer serves as Navy Minister he guards this principle of the Navy.

12. (a) Part of my duties as Navy Minister entailed the issuance of regulations providing for the handling of prisoners taken by the Navy. In pursuance of this

responsibility the Ministry did issue these regulations, one of which is Exhibit 3055. After reception of such regulations it became the duty of the commanders in chief of the various areas wherein the prisoners might be located to follow and enforce such directives. In turn they could issue such orders as were deemed necessary to fit the immediate circumstances confronting them so long as these did not violate the provisions of the Ministry regulations.

(b) Such regulations as were issued by me or the Navy Ministry did not contravene the accepted standards of international thought pertaining to that subject. However the evidence here before the Tribunal has revealed that, on some occasions at least, naval personnel have been guilty of reprehensible conduct inviting severe and justifiable denunciation. Words of explanation given now will not cure the evil that has been done. As I sat in this court room and heard for the first time the recounting of many instances where Japanese naval personnel mistreated prisoners of war, I was both shocked and ashamed. Under no conceivable interpretation of Japanese naval regulations and teachings could such conduct have been tolerated. Although I was seated in the Navy Ministry in Tokyo, heard nothing of these matters and lacked the command ability to control the conduct of men on the scene I must nevertheless, because of my supervisory position, assume responsibility. While it is not a chain of command responsibility it certainly is more a moral responsibility such as might be felt by a father for the misconduct and misdeeds of his son. I did not receive Allied protests concerning mistreatment of prisoners of war. This is not to say that copies of

them may not have reached the Navy Ministry but certainly they were never routed to my personal desk.

13. (a) There has been placed in evidence what purports to be a secret order concerning submarine warfare - Exhibit 2105, Transcript Page 15,184. Not even by stretching my imagination can I believe that such an order was ever issued. But if it was it did not come from the Navy Ministry. The Navy Ministry did not issue orders relative to matters of this kind. It is a matter entirely within the jurisdiction of the Naval General Staff. As to cooperation between Germany and Japan regarding submarine warfare I can state that there was little. Two submarines were sent from Germany to Japan with only one of them arriving. The object was to assist Japan in building better submarines by taking advantage of the more modern German construction. Nothing however resulted from this and we did not change our ships. As to following the German policy of submarine warfare I can only say that to my knowledge nothing of this kind ever took place. Again it is a matter of operational plans which would be within the sole knowledge of the Naval General Staff, but I do not think that such a thing occurred. I feel Admiral Wenneker, whose testimony was read here, may have had adequate grounds to complain concerning our lack of cooperation with Germany for the Navy never viewed with favor our German relations. With modern methods of warfare on the seas it is reasonable to assume that many of the old rules and regulations regarding submarine warfare became antiquated. Most certainly the United States and Great Britain realized this as well as Japan. But this is not to say that any orders were issued by the Navy Ministry

which were contrary to existing international law regarding submarine warfare.

14. (a) The Prosecution has introduced in evidence a so-called speech made by me in front of a Diet Committee on February 10, 1942 after commencement of war. This was really not a speech but a discussion among twenty or thirty men. I have no way of knowing whether the contents reported are accurate, except that I at no time ever advocated cruelty to the enemy or to the nationals of any countries. As I recall it, this was more or less an informal gathering of a very minor committee whose function was to check on expenditures of past budgets. Comments which were made back and forth might, if considered in their entirety, lend a different light to the few reported words that have appeared in evidence. The Committee was addressing questions to me and I was answering. Therefore I do not believe any statement which could be called a speech was made. I was explaining that the meager economy of Japan necessitated support of the war effort from occupied countries. I did not speak in terms of eliminating or exterminating individuals but in the abstract sense of achieving the supply of necessary materials and the elimination of economic opposition.
15. (a) The question has been raised as to whether or not the Japanese Navy favored an attack on the United States without a declaration of war or the giving of notice beforehand. It was my firm belief that in respect to such matters I could rely upon the knowledge and skill of the Foreign Minister and his experts. Consequently I never felt any concern about the procedure that was adapted until the question was raised after the end of the war. Never at any Liaison Conference or other meeting that I attended was there

a discussion in which the Navy advocated an attack without notice. I do not even recall such notification was discussed at a Liaison meeting, much less the question of whether any notice should be given at all. I believe as a result of consultations between the Foreign Office, Army General Staff and Naval General Staff that it had been decided to deliver the notification at least one hour before commencement of hostilities. The testimony of Mr. Kumaichi YAMAMOTO of the Foreign Office given here August 10th, 1947, that Vice Chief of Naval General Staff ITO insisted on an attack against the United States without notice and did so at a Liaison Conference on December 2nd, 1941 is in error. I do not recall a Liaison Conference being held on December 2nd, 1941. Not long before his death Admiral NAGANO and I were told of this contention and we jointly questioned every one of the accused who had attended the Liaison Conferences including TOJO, SUZUKI, KAYA, HOSHINO, OKA and MUTO. None of them except TOGO remembered such a thing occurring.

17. (a) The Prosecution has stated that I received awards in 1934 for services in connection with the 1931 - 1934 China War and in 1938 for services in connection with the Anti-Comintern Pact and in 1940 for services in the China War and that the award to a naval officer for his services in connection with the Anti-Comintern Pact has a special significance. I wish to state that I received an award of a silver cup, which was not a high decoration, simply because at the time of the execution of the Anti-Comintern Pact I occupied the post of Vice Chief of Naval General Staff. It is not unknown for high ranking officers to receive decorations on such occasions even though they did nothing in regard to the event. I certainly did nothing toward the execution of this pact. As to the other decorations received,

they are dependent simply upon my service in the Navy and the rank that I held during the various times mentioned. Many other naval officers received similar decorations and no significance has been attached to it.

18. (a) As to my membership on the China Affairs Board (KOAIN) - I would like to say that it was a post I assumed by virtue of becoming Navy Minister. Before my term of office and in previous cabinets it was a routine procedure for the Minister of Army, Minister of Navy, Finance Minister and Foreign Minister to assume a vice-presidency on that board. I had no specific duties and exercised no specific function.
19. (a) The issuance of military currency and its connection with the Navy Ministry must have been a matter inherited by me when I assumed the post. I have no recollection whatsoever either of approving or requesting such. It is undoubtedly quite possible that such a matter was taken care of by subordinates in the Navy Ministry who handled the matter before and knew its history.
20. (a) Some significance appears to have been attached to the fact that my name appeared as a member of the Imperial General Headquarters. The Imperial General Headquarters was composed of the Army Section and the Navy Section. The Army Section was controlled by the Chief of Army General Staff. The Navy Section was controlled by the Chief of Naval General Staff. I never attended these meetings as Navy Minister and had no right to do so. Purely operational and strategic problems were discussed there and since I had no voice in such matters it would have been considered inappropriate for me to have attended.
21. (a) I came to know HOSHINO, KAYA, KIDO, KIMURA, MUTO, SATO, SUZUKI and TOGO after assuming the post of Navy Minister in October, 1941. If I met any of these men

before this time I do not remember the occasion. As I said before, I met TOJO for the first time in a very brief meeting around December, 1940 when he visited Shanghai in the course of a tour. I next saw him in October 1941 at the time of the formation of the new cabinet. I met Mr. SHIGEMITSU for the first time in Shanghai in 1932. We met again in April, 1943 when he assumed the office of Foreign Minister in the TOJO Cabinet. I met UMEZU for the first time in 1932 and HATA and ITAGAKI in 1940. My first acquaintance with Mr. KOISO was in July, 1944 when he was organizing his new cabinet. My acquaintance with Admiral OKA was slight even though we served in the Navy together and it was only after I became Navy Minister that I talked with him at any length. The following accused I met for the first time after my confinement in Sugamo Prison - ARAKI, DOHIHARA, HASHIMOTO, HIRANUMA, MATSUI, MINAMI, OSHIMA and SHIRATORI.

Defense Document 2892

On this 2nd day of December, 1947

At the International Military  
Tribunal for the Far East  
Tokyo, Japan

DEPONENT: Shigetaro SHIMADA

I, Shigetaro SHIMADA, hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At the same place.

Witness (signed) Yoshitsugu TAKAHASHI (Seal)

OATH

In accordance with my conscience I swear to tell the whole truth withholding nothing and adding nothing.

Shigetaro SHIMADA (Seal)



Prepared by: Commander Cole

Date : 3 October 1947

CHRONOLOGICAL SUMMARY OF EVIDENCE INTRODUCED BY THE  
DEFENSE PERTAINING TO THE ACCUSED SHIMADA AND OKA

(These references apply to both SHIMADA and OKA unless otherwise noted)

6 February, 1922 - Record p. 17,686 - This is an unratified treaty between the U. S. and other countries covering protection of lives of neutrals and non-combatants at sea in time of war and prohibiting the use in wartime of noxious gases and chemicals and the use of submarines as commerce destroyers. Article III provided that any person violating these rules under orders of a governmental superior shall be liable to trial and punishment as for an act of piracy. (Exhibit 2339-A) Since the treaty was not ratified by more than four powers, it never came into effect. (Exhibit 2340) NOTE - This was apparently introduced by the Defense to show that the plea of superior orders is available as a defense.

23 August, 1923 - Record p. 26,434. An excerpt from "Laws and Ordinances Concerning the Organization of Naval Stations" (a Naval General Staff order of this date) showed that commanders of naval stations were directly subordinate to the Throne and under the direction of the Navy Minister as to administrative matters only and under the direction of the Chief of Staff on planning war operations. (Exhibit 2985) The purpose of this evidence apparently is to show that SHIMADA and OKA had no control over Naval Stations as to war operations.

26 March, 1923 - Record p. 26,435 - An excerpt from "Laws and Ordinances Concerning the Organization of Auxiliary Naval Stations" (Naval General Staff Order of this date) contains similar provisions with respect to the Commander in Chief of auxiliary naval stations. (Exhibit 2986)

1926-1941 - record p. 26,505 - Defense witness MUKAWA, Nisaburo testified (Exhibit 2994) that there were no military personnel or installations on Palau from 1926 to 1938. In 1941 there were still no installations. (Record p. 26,506)

17 November, 1930 - Record p. 17,755 - Defense witness MITARAI, Tatsuo testified that on this date Premier HAMAGUCHI was shot by a member of the AIKOKUSHA because of anger at the result of the London Naval Conference and that no military or naval officers were connected with the affair. (Record p. 17,767)

January-February, 1932 - Record p. 19,586 - Defense witness KITaura, Toyoo, former Navy Captain testified (Exhibit 2421) that he took part in the 1st Shanghai Incident as a staff officer of the 1st Overseas Fleet. The Navy landing party was numerically inferior and hence Navy bombing planes were sent to their assistance but strict orders were given not to bomb non-military objectives. (Record p. 19,590) Reference: - SHIMADA was Chief of Staff of the 3rd Fleet after 2 February, 1932, and presumably participated in this Incident. OKA was attached to the Navy General Staff and the Navy Minister on this date and had no other known connection with the Shanghai Incident.

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA)

January - May, 1932 - Record p. 19,578 - Defense witness SAMEJIMA, Tomoshige, former Vice Admiral, testified (Exhibit 2420) that he was Chief of Staff of the Naval Special Landing Party which landed at Shanghai to protect Japanese residents. The Japanese had no intention of starting a war and the Shanghai Incident was an entirely unforeseen incident caused by provocation on the part of the Chinese. A truce agreement was concluded on 5 May, 1932. (Record p. 19,584) Reference: - From 2 February, 1932, until 28 June, 1932, SHIMADA was Chief of Staff of the 3rd Fleet and presumably participated in the Incident as shown by the fact that he was one of the signers of the May 5th Armistice Agreement.

1 February, 1932 - Record p. 19,596 - Defense witness TANGE, Kanji testified (Exhibit 2422) that he was Captain of the Cruiser HIRATO at the time of the Nanking Incident on 1 February, 1932. He was ordered by Admiral SHIOZAWA, Commander of the 1st Overseas Service Squadron to protect the residents of Nanking with the utmost care. The Japanese cruisers were fired on by the Chinese batteries on shore on the night of 1 February and returned the fire. (Record p. 19,602) The naval landing party did not land on the shore but on the floating hulk of the Nisshin Steamship Company where Japanese residents had taken refuge. (Record p. 19,606) Reference: SHIMADA was Chief of Staff of the 3rd Fleet after 2 February, 1932 and presumably participated in this Incident.

5 May, 1932 - Record p. 19,572 - The Agreement for Cessation of Hostilities Around Shanghai signed on this date stated that both Japanese and Chinese authorities have given a cease fire order. Japanese troops are to withdraw to the International Settlement and the extra-Settlement roads as before the incident of 28 January, 1932. Reference: Rear Admiral SHIMADA, Chief of Staff of the 3rd Fleet, was one of the signers of this agreement. (Exhibit 2419)

15 May, 1932 - Record p. 26,444 - Defense witness SHIMIZU, Mitsumi, testified (Exhibit 2987) that after the 15 May Incident the Navy put some 30 naval officers on the reserve list who were sympathetic with the young officers. The Navy Minister issued instructions to all officers to abide by the Imperial Edict not to participate in politics. In addition, witness, in the absence of the Personnel Bureau Chief, issued oral instructions to the Navy as a whole at the Chief of Staff's conference to the same effect. No written evidence can be found of either of these instructions. (Record p. 26,445) There is no available evidence that either SHIMADA or OKA participated in this Incident.

1933 - Record p. 25,437 - An excerpt from "Peace and War" stated that in 1933 the U. S. Navy had fallen below the tonnage allowed by treaty. Roosevelt in that year allocated funds from the NIRA for the purpose of constructing and equipping 32 naval vessels. No such program had been undertaken since 1916. (Exhibit 2842)

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA)

1933-1941 - Record p. 26,467 - Defense witness YOSHIDA, Hidemi, attached to the 1st Section of Naval Affairs Bureau from 1941 to 1945 testified (Exhibit 2990) that the Naval Affairs Bureau contended that the Mandated Islands constituted Japan's first line of defense and hence the Navy desired sufficient military installations within treaty limitations. It was decided that the islands could not be fortified because of treaty restrictions, but the South Sea Board set up many peace time installations later converted into war time assets. In 1933 the Navy surveyed farms on Saipan and Pagan for forced landing fields. In 1934 the Bureau began operating aerial communications between the islands and called on the Navy for assistance. The Navy concluded that such assistance by the Navy for cultural and industrial purposes could not be criticized as purely military installations under the treaty. Hence, 13 airfields were built from 1934 to 1941 scattered over the islands of Palau, Saipan, Pagan, Tinian, Truk, Ponape, Wotje, Kwajalein, Jaluit and Taroa. Harbor facilities, wireless stations, barracks, gun emplacements for test firings, etc. were also constructed. Witness stated that Admiral Richardson was in error in stating that there were supply bases on the islands prior to 5 November, 1941. Combined Fleet Order No. 1 in referring to "allowances" etc. did not mean that such supplies were actually present on the islands. (Record p. 26,479) Witness was told by one MIWA that there was no airfield on Wotje in the summer of 1940. The blueprint submitted by Admiral Richardson (Exhibit 1253-C) did not represent the factual situation on Wotje but was only a plan. (Record p. 26,484) The Japanese Navy distinguishes between "naval bases" and "available spot". The designation in Order No. 1 of eight islands as "naval bases" was a mistake. (Record p. 26,486) NOTE: It is submitted that OKA as Chief of No. 1 Section, Naval Affairs Bureau, from 15 January, 1938 to 15 October, 1940, must have participated in the planning and execution of the fortification of the Mandated Islands under the guise of cultural and industrial development as described by the witness YOSHIDA. SHIMADA, as Vice Chief of Naval General Staff (11 October, 1935 to 1 December, 1937) must have been aware of this fortification.

1933 - 1936 - Record p. 26,489 - Defense witness HAYASHI, Hisao testified (Exhibit 2991) that he was Chief of the South Seas Board from 1933 to 1936 and during that time there were no military installations on the Mandates. Airfields and harbors were constructed for purely civilian purposes, however. The Board never took any measures to prohibit foreign travellers from visiting the islands although witness was told that the N. Y. K. would not accept such passengers due to difficulties of food and hotels. (Record p. 26,491-4).

1933 - 1941 - Record p. 26,529 - Defense witness WAKAMATSU, Makoto testified (Exhibit 2998) that his original statement (Exhibit 884, Record p. 9091) was never read to him in Japanese and contained numerous errors. He denied that on Saipan there were numerous military installations, trenches, warehouses, guns, etc. prior to 7 December 1941.

1933 - 1945 - Record p. 26,495 - Defense witness KONDO, Shunsuke testified (Exhibit 2992) that he was Chief of South Seas Bureau from April 1940 to November 1943 and that the ten-year plan for the Mandates which started construction of harbors, airfields, etc. sometime before 1940 was not in contemplation of war but for cultural and commercial purposes. None of the projects were made at the request of the Navy but some technical assistance was provided by the Navy. (Record p. 26,495-8)

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA)

15 November 1934 - Record p. 27,177 - A communication from the Vice Minister of the Navy to the Vice Minister of Foreign Affairs this date (Exhibit 3043) stated that the Navy Ministry had concluded that it was advisable to refrain from recommending to the Throne ratification of the Geneva Convention because (a) Japanese soldiers do not expect to become prisoners, hence the treaty in substance is unilateral; (b) lenient treatment of POWs will enlarge the extent of air raid danger; <sup>and</sup> in the case of Japanese soldiers will interfere with Japanese military discipline. (Record p. 27,180)

1934 - 1940 - Record p. 24,915. A study by the United States Foreign Economic Administration dated October, 1945 (Exhibit 2768) stated that in 1940 Japanese naval ships launched were 150,000 tons, and merchant ships 208,000 tons. In 1939 the respective figures were 119,000 - 343,000; in 1938, 54,000 - 439,000; in 1937, 52,000 - 487,000; in 1936, 53,000 - 306,000; in 1935, 40,000 - 146,000; in 1934, 38,000 - 155,000. (Record p. 24,915)

1935 - 1941 - Record p. 26,657 - Defense witness KONDO, Nobutake testified (Exhibit 3006) that the usual Navy procedure in planning and effectuating its armament program was as follows: The annual national defense plan was formulated by the 1st Section, 1st Division of General Staff. After work by other sections the draft was deliberated at a preliminary conference with the Navy Ministry. At this conference, national strength and difficulties of execution were minutely examined and considerable changes made. After an understanding was reached, an official report of the conference was sent by the Chief of Staff to the Navy Minister and the latter set forth his opinions on the prospects of the execution. After the budget was decided, the execution order was issued by the Navy Minister and the various government organs began work. (Record p. 26,657-9) NOTE - It is submitted that SHIMADA as Vice Chief of the Naval General Staff (2 December 1935 to 1 December 1937), and OKA as Chief of 1st Section, Naval Affairs Bureau (15 January 1938 to 15 October, 1940), assisted the Chief in planning and executing Japan's naval armament expansion program during their tenure of office.

1934 - 1941 - Record p. 26,499 - Defense witness OBARA, Junichi testified (Exhibit 2993) that Tinian was not fortified prior to December 8, 1941, and even afterward there were no effective defenses. The airfield was begun in 1934 and completed in 1935. (Record p. 26,499 - 26,502)

6 May, 1936 - Record p. 18,183 - A document entitled Report on Examination of the Revision of Imperial Ordinance on Organizing the War Ministry, dated 6 May, 1936, recommended that Ministers and Vice-Ministers of the War and Navy Ministry be limited to general officers on active service. (Exhibit 2367) NOTE: Prosecution Exhibit 93 shows that this recommendation was enacted by Imperial Ordinance No. 64 on 18 May, 1936.

27 July, 1937 - Record p. 21,497 - Defense witness ENOMOTO, Juji, testified (Exhibit 2541) that as legal adviser to the Navy Ministry he compiled a pamphlet entitled "Criteria in Air Fighting" which was issued on 27 July, 1937, for the guidance of the Naval General Staff and the Navy Ministry. (Exhibit 2542). This pamphlet which was sent for reference but had the force of an order was distributed to the Headquarters of the Combined, 2nd and 3rd Fleets, the 1st, 2nd and 3rd Naval Air Forces and various other units. It specified which

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA)

objects were proper bombing targets in order to avoid unnecessary damage or possible conflict with third powers. Bombing of a city was stated to be not permissible when its object was to intimidate the civilian population, to destroy an object of non-military value or to cause injury to non-combatants. (Record p. 21,520) Reference: On the date of issue of this pamphlet, SHIMADA was Vice Chief of the Naval General Staff but is not shown to have had any other connection with this pamphlet. However, the pamphlet was issued by the Navy Ministry Secretariat for the use of the Naval General Staff. OKA was Captain of the Warship ZINGEI at the time and presumably had no connection with the issuance of the pamphlet.

24 September, 1937 - Record p. 21,522 - Defense witness ENOMOTO, Juji, testified (Exhibit 2541) that he prepared a pamphlet entitled "Observations on Aerial Bombing By Japanese Navy Department" which was distributed, through the initiative of YAMAMOTO, Vice Minister of the Navy, to Headquarters of the Combined Fleet, 1st, 2nd and 3rd Air Fleets and various other units. (Exhibit 2543) This document was sent by way of information but had the force of an order and was designed to prevent laxity in the application of the original set of regulations issued on 27 July 1937. It stated that only military objectives may be bombed. (Record p. 21,522) Reference: SHIMADA was Vice chief of the Naval General Staff and OKA was Captain of the warship ZINGEI on this date.

15 October, 1937 - Record p. 21,528 - A confidential communication from the Chief of the Military Affairs Bureau, Navy Ministry, and the Director of 1st Division, Naval General Staff to the Chief of Staff, Third Fleet dated 15 October, 1937 stated that in view of present international relations, when dealing with Chinese POWs special attention must be paid to invite no pretext for censure under international law. POWs are to be dealt with as follows: The names and units of POWs, including those killed are to be notified to the Chinese; attention is to be given to the sick and wounded; the personal belongings of a deceased POW are to be delivered to the Chinese. (Record p. 21,528) Reference: On this date SHIMADA was Vice Chief of the Naval General Staff and may claim that the document was issued by his authority. OKA was Captain of the Warship ZINGEI and consequently had no connection with this document. NOTE - Prosecution Exhibit 255 (Record p. 3,435) an excerpt from MUTO's Interrogation with reference to the Army Military Affairs Bureau stated that it was finally decided in 1938 that because the Chinese conflict was officially known as an incident, Chinese captives would not be regarded as prisoners of war.

21 November, 1937 - Record p. 21,530 - Defense witness ENOMOTO, Juji, testified (Exhibit 2541) that in November, 1937, further rules of conduct concerning visit and seizure of shipping were distributed to various sections of the Navy. (Record p. 21,509) A communication from the Chief, 1st Section Naval General Staff and the Chief, Military Affairs Bureau, Navy Ministry dated 21 November, 1937, to the Chiefs of Staff of the China Seas Fleet and the 4th Fleet containing instructions concerning the visit and capture of vessels stated that vessels clearly belonging to Third Powers shall not be stopped or searched but vessels of doubtful ownership or whose registry was changed to that of another country under circumstances warranting suspicion that the transfer was fictitious shall be detained temporarily pending instructions from Tokyo. (Record p. 21,530 et seq.) Reference: SHIMADA

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the  
ACCused SHIMADA and OKA)

was Vice Chief of Naval General Staff on this date and may claim that this document was issued by his authority. OKA was Captain of the warship ZINGEI and consequently had no connection with the issuance of the document.

1937 - Record p. 26,663. Defense witness KONDO, Nobutake testified (Exhibit 3006) that after the failure of the 1936 London Conference Japan launched the Third Supplementary Program calling for construction of two battleships (18 inch guns and 64,000 tons displacement) 2 carriers, 18 destroyers and 14 submarines, a total of 36 ships with total tonnage of 233,000 tons. Japan by reason of its limited budget tried to fulfill its defense obligations with super-battleships. (Record p. 26,663) On cross-examination witness stated that the Third Supplementary Program was drafted in 1937. (Record p. 26,692) Reference: SHIMADA as Vice Chief of Naval General Staff (prior to 1 December, 1937) and OKA as Chief of No. 1 section, Naval Affairs Bureau (after 15 January 1938) presumably participated in this program.

1937 - 1941 - Record p. 26,517. Defense witness GOTO, Yuzuru, testified (Exhibit 2996) that he was a naval engineer at Palau in 1937-1938 and at Saipan in 1939-1941. There were no military installations while he was on Palau and Saipan. Some natives were used as laborers but were paid reasonable wages and were not forced to work. There were no gun emplacements, barracks, air raid shelters, etc. (Record p. 26,517-20)

28 January, 1938 - Record p. 25,441 - An excerpt from "Peace and War" stated that on this date Roosevelt recommended strengthening national defense. Because of the building up of armaments in other countries he recommended substantial increases in military and naval armaments, including 20% in the existing naval program and two additional battleships and cruisers during 1938. The President's proposals were adopted by Congress. (Exhibit 2843)

March, 1938 - Record p. 21,874 - Defense witness KAWAMOTO, Yoshitaro, testified (Exhibit 2576) that due to the confused conditions in China the commander of the North China Garrison Army informed the War Ministry in December, 1937 of the need of establishing a company to exploit important industries in North China. The matter was approved in the Diet in March, 1938, and the company established toward the end of 1938. Its principal object was economic coalition, forming the key note to the co-existence and co-prosperity of China and Japan. The profit was to be divided equally between China and Japan. The company did not always aim at profit but was inclined to disregard deficits in developing industry. (Record p. 21,877) The exports of coal and iron to Japan was under 50% of total North China production and there was still a surplus to satisfy North and Middle China. (Record p. 21,880) This testimony is designed to show that the North and Central China Development Companies (OKA had been appointed supporter to the Organizing Committee of said Companies on 30 April, 1938) were really beneficial to China and were not merely instruments for economic exploitation.

November, 1938 - Record p. 26,863 - Defense witness KONDO, Nobutake, testified (Exhibit 3014) that the occupation of Hainan Island was planned while witness was with the Naval General Staff around November, 1938. Witness had charge of drafting the plan. Subsequently, the occupation of the island on February 10, 1939,

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA)

was a mixed operation between Army and Navy. The Navy part was handled by witness as Commander-in-Chief of the Fifth Fleet. The occupation of Hainan was purely strategic and was not planned as part of the attack on the U. S. nor was it planned to occupy the island permanently. (Record p. 26,867) Reference: - OKA was Chief of No. 1 Section, Bureau of Naval Affairs at this time and may have participated in the planning for this occupation. SHIMADA was Commander of the Kure Naval Station (15 November 1938 to 15 April 1940) and apparently had no connection with the occupation of Hainan.

December, 1938 - Record p. 21,949 - Defense witness OIKAWA, Genshichi, testified (Exhibit 2579) that the North and Central China Development Companies were established to accomplish the economic rehabilitation of China under Japanese guidance in the form of a joint enterprise. (Record p. 21,952 et seq.) Japan's economic policy in China reflected her sincere efforts for China's rehabilitation and in the opinion of witness did not constitute economic aggression. (Record p. 21,959) Reference: - OKA was appointed supporter to the Organizing Committee of said companies on 30 April, 1938. SHIMADA was Commander of Kure Naval Station 15 Nov. 1938 to 15 April 1940 and hence apparently had no connection with this matter.

10 December, 1938 - Record p. 26,434 - An excerpt from "Ordinance Concerning Combined Naval Flying Corps", Article 4, (Exhibit 2984) stated that the Commandant of the Combined Naval Air Command, directly subordinate to the throne, shall command the Combined Naval Air Command under him. He is to be in charge of naval administration subject to orders from the Navy Minister and on planning war operations shall receive directions from the Chief of Naval General Staff.

1938 - 1940 - Record p. 26,507 - Defense witness SUZUKI, Sugura, testified (Exhibit 2995) that he never saw any military fortifications on the Mandates while he was making inspection trips from 1938 to 1940. In 1940 he submitted a plan to the Naval General Staff setting forth his ideas on defense preparation in the islands. The blueprint of Wotje may be the result. (Record p. 26,511-13)

4 January, 1939 - Record p. 25,451 - An excerpt from "Peace and War" stated that on this date President Roosevelt asked for more than half a billion dollars for equipment, particularly aircraft, to strengthen the air defense of U. S., Alaska, Hawaii, Porto Rico and Canal Zone. (Exhibit 2845)

1939 - Record p. 26,665 - Defense witness KONDO, Nobutake, testified (Exhibit 3006) that after the passage of the 2nd Vinson Plan in May, 1938 and the outbreak of war in 1939, Japan started on its Fourth Supplementary Program calling for construction of two battleships, 1 carrier, 6 cruisers, 24 destroyers, 26 submarines, etc. This Fourth Program was started from the beginning of 1939 and was made necessary because the General Staff advised that the U. S. was about to build 3 capital ships, 40,000 tons of carriers, 70,000 tons of cruisers and 40,000 tons of destroyers and submarines.

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA)

January - May, 1940 - Record p. 25,469 - An excerpt from "Peace and War" stated that in January, 1940, Roosevelt asked for an appropriation of \$1,800,000,000. By May he requested further appropriations. On 16 May he wanted the U. S. geared to turn out 50,000 planes a year and he requested \$1,000,000,000 for modernizing the Army and Navy equipment. In his message of 31 May he asked for over a billion dollars for national defense. These requests were granted as was his request for 5 million dollars in July. (Exhibit 2846)

August, 1940 - Record p. 26,522 - 6. Defense witness IWASAKI, Asashichi testified (Exhibit 2997) that as assistant engineer in the naval construction division of Yokosuka Naval Station he received in August 1940 a routine order from the General Staff to prepare a blueprint of building construction on Wotje and completed the work in three days. This blueprint was only a planning map and not an execution plan as shown by the kind of paper used. It shows only the location of objectives to be achieved and not the dimensions necessary for construction. There is a discrepancy between the blueprint and the aerial photos of Wotje (Exhibits 6254-A, B, and C). Reference: SHIMADA as Commander of the China Area Fleet from 1 May, 1940, to 1 September 1941, presumably had no connection with this blueprint. However, it is submitted that OKA as Chief of No. 1 Section, Naval Affairs Bureau (15 January 1938 to 15 October 1940) must have known of it.

22 September, 1940 - Record p. 26,869 - Defense witness ABE, Katsue, testified (Exhibit 3015) that as Chief of the Naval Affairs Bureau from October 1939 to Oct. 1940, he presented the Navy in conferences with the Army and Foreign Office as to securing the cooperation of French Indo-China in blocking the supply route to China. An agreement was reached on 22 September, 1940 for the occupation of French Indo China. (Record p. 26,879) Reference: - OKA was Chief of the No. 1 Section, Bureau of Naval Affairs, from 15 January, 1938 to 15 October, 1940 and may have assisted witness in these negotiations. SHIMADA as Commander of the China Area Fleet (1 May 1940 to 1 September 1941) may have known of the negotiations.

31 December, 1940 - Record p. 26,650 - A tabulation of U. S. Navy personnel showed that on this date the total personnel was 280,000 and discounting Marine Corps and Coast Guard it had 215,000 as compared to 228,000 for Japan. (Exhibit 3004)

1940 - 1945 - Record p. 26,554 - Defense witness Admiral WENNEKER testified (Exhibit 2999) that as German Naval Attache from 1940 to 1945 he observed an utter lack of cooperation between Germany and Japan in submarine warfare. Germany tried to get Japan to use submarines to attack merchant shipping but the proposal was rejected. Germany did send two submarines. The first reached Kure and was inspected but never duplicated by the Japanese. The second was lost on the way to Japan. (Record p. 26,554-7)

January, 1941 - Record p. 25,493 - An excerpt from "Peace and War" stated that during this month Roosevelt called for eleven billion dollars for national defense raising to 28 billion dollars the estimated outlay begun in May, 1940. (Exhibit 2847)



(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA)

January 1941 - Record p. 25,495 - An excerpt from "Peace and War" stated that the Lend-Lease Bill was presented to Congress in January, 1941, and was signed on 11 March, 1941. (Exhibit 2848)

March, 1941 - Record p. 26,677 - Defense witness KONDO, Nobutake testified that the Japanese Navy had no preparations to move to the south of East Asia especially Hong Kong, around September, 1939, contrary to the statement of OSHIMA in Exhibit 509. Witness stated that at the end of February or first of March, 1941 he attended a luncheon given by Admiral WENNEKER at which OTT was present and the question of an attack on Singapore was raised. Witness denied that in March, 1941 the Japanese Navy had any concret plans for an attack on Singapore contrary to the statement of OTT in Exhibit 576. (Record p. 26,682)

17 April, 1941 - Record p. 25,684 - A telegram from Nomura to Konoye on this date stated (Exhibit 2870) that Hull had offered to begin negotiations with a draft which is being cabled separately. It is believed that an understanding on this basis would not be contradictory to the Tripartite Pact. Nomura asked for instructions allowing him to proceed with the negotiations according to plan, leaving all defects to be remedied at the Conference. (Record p. 25,685) Reference: OKA as Chief of the Naval Affairs Bureau (after 15 October 1940) must have been fully aware of the Japanese American negotiations at all times - However, SHIMADA was Commander of the China Area Fleet prior to 1 September, 1941 and presumably had no knowledge until he joined the TOJO Cabinet on 18 October, 1941.

18 April, 1941 - Record p. 25,686 - A telegram from Nomura to Konoye on this date set forth (Exhibit 2871) the main points of a tentative draft understanding reached with Hull. It was to contain provisions (a) making clear that the obligations of the Tripartite Pact were in no way affected; (b) the U. S. would offer good offices but would not intervene as to the China Affair and negotiations would be conducted by Japan directly with China; (c) the withdrawal of troops from China will be based on an agreement between Japan and China, and (d) interpretation and application of Open Door Principle is left for future consultation. (Record p. 25,686, et seq.)

18 April, 1941 - Record p. 25,694 - An excerpt from the Memoirs of Konoye stated (Exhibit 2866) that Nomura's dispatch was received in Tokyo and Konoye summoned a joint conference of high governmental and military leaders including the Navy Minister and the Director of the Military Affairs Bureau of the Navy (OKA). The consensus of opinion was that acceptance of the American proposal was the speediest way toward disposal of the China Affair. The participants of the Conference favored acceptance but proposed certain conditions - (1) It was to be made clear that there was no infringement of the Tripartite Pact; (2) the object of Japanese-U. S. cooperation was promotion of world peace and not to permit the U. S. to give more aid to Britain. After Foreign Minister MATSUOKA's return from Siberia, further joint conferences were held on 22 April and 3 May. The latter conference approved MATSUOKA's revised proposal which eliminated an item concerning naval and air strength and shipping of Japan and U. S. in the Pacific, added a new clause covering the mediation of Japan and the U. S. between Britain and Germany, omitted Japan's declaration not to carry on a southward military advance and also omitted the agreement as to Japanese-U. S. conversations. (Record p. 25,700)

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA)

April 1941 - Record p. 25,540 - An excerpt from Exhibit 50 of the Pearl Harbor Committee entitled "American-Dutch-British conversations - Singapore, April, 1941" stated (Exhibit 2851-A) that the conditions in it apply only in event of a war between the Axis and the U. S. and Britain. The collapse of Japan will occur as the result of economic blockade, naval pressure and air bombardment. (Record p. 25,548) In addition to the defensive value of Luzon, it has a greater offensive value. It was recommended that the defense of Luzon be strengthened and every effort be made to maintain a bombing force there in addition to the one in China (Record p. 25,549) Britain has already taken steps to organize Chinese guerrilla forces and it is recommended that the U. S. do likewise. Subversive activities in Japan and its territories are being organized by Britain and it is recommended that the U. S. undertake them and coordinate them closely with Britain. (Record p. 25,550)

May, 1941 - Record p. 26,668 - Defense witness KONDO, Nobutake testified (Exhibit 3006) that in May, 1941, the Emergency Supplementary Program went into effect calling for 9 medium and 9 small submarines. This was necessitated by U. S. steps in mobilizing the Philippines Reserve, declaring martial law in Pearl Harbor and holding conferences with Britain and Australia for reinforcing the Philippine Army.

27 May, 1941 - Record p. 25,560 - An excerpt from the Pearl Harbor Investigation contains Hull's address stating that on this date Roosevelt proclaimed an unlimited national emergency. (Exhibit 2852)

27 May, 1941 - Record p. 25,723 - In a speech delivered this date Roosevelt stated (Exhibit 2876) that an agreement was made with Britain in September, 1940 for the trade of fifty destroyers for eight off-shore bases. The Americans will decide for themselves when and where their interests are attacked or security threatened. The armed forces are being placed in strategic military position. The U. S. will not hesitate to use its armed forces to repel attack. He had therefore issued a proclamation that an unlimited national emergency exists and requires the strengthening of defenses to the utmost limit. (Record p. 25,724)

May - December, 1941 - Record p. 26,705 - Defense witness MIYO, Tatsukichi, testified (Exhibit 3007) that around May, 1941, Combined Fleet Headquarters submitted a plan of attack on Pearl Harbor in event of a war with the U. S. but it was viewed with great scepticism by the General Staff. (Record p. 26,710) In July, 1941 economic steps by the U. S. cut off Japan's oil. As a result in September, 1941, witness and his colleagues in the Operations Section of General Staff received orders to formulate preparations against the U. S., England and Holland. The Combined Fleet re-submitted its plan of attack on Pearl Harbor. After chart maneuvers in September showed the plan to be plausible and at the insistence of Admiral YAMAMOTO the plan was adopted by the General Staff. (Record p. 26,717). The Navy was unprepared for war as seen by the fact that the air base construction corps was not organized until November. Imperial Headquarters Naval Directive No. 5 ordered the Commander of the Combined Fleet to recall all forces and return home if negotiations with the U. S. reached an agreement. Combined Fleet Order No. 1 contained a similar provision. The submarines were ordered to refrain from attack until they knew the aerial offensive had been launched. (Record p. 26,729)

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the  
Accused SHIMADA and OKA)

4 July, 1941 - Record p. 25,743 - An excerpt from the Konoye Memoirs states (Exhibit 2866) that on this date Konoye sent a letter to MATSUOKA asking that steps be taken to adjust relations with the U. S. Naval leaders state that fighting the U. S. and the Soviets together offers almost insurmountable difficulties. As a result of this letter negotiations were resumed and joint conferences were held on July 10th and 12th. However, MATSUOKA's attitude became increasingly uncooperative and it appeared he was opposed to the negotiations. At the joint conference on the 12th the Army and Navy made a joint statement which differed from MATSUOKA's in that it stated that Japan's attitude toward the European war should be determined according to treaty obligations and the question of self-defense. The three Konoye Principals should form the basis for dealing with the Chinese question. America could recommend an Armistice but should not intervene and Japan should reserve her right to use armed forces in the Pacific in case of need. (Record p. 25,747)  
Reference: On 4 July, 1941, OKA was Chief of the Naval Affairs Bureau and may claim that he was one of the "naval leaders" referred to by Konoye who opposed MATSUOKA.

5 July, 1941 - Record p. 25,732 - NOMURA's conversation with the State Department on this date stated that Mr. Hamilton brought up press reports that Japan was planning to acquire naval and air bases in French Indo China and Thailand to enable it to threaten the Burma Road, Singapore and the Dutch East Indies. NOMURA answered that one had only to read the papers to see suggestions on plans for the encirclement of Japan; that the U. S. was aiding Chiang Kai-shek in various ways, including the dispatch of U. S. pilots to Chungking; that U. S. supplies were being sent to the Netherlands East Indies and American squadrons were visiting Australia. He alluded to the possibility of an executive order embargoing petroleum products to Japan from the U. S. and remarked that if Japan was shut off from U. S. sources of oil she must obtain them elsewhere. (Record p. 25,733)

18 July - 16 October, 1941 - Record p. 26,149 - Defense witness YAMAMOTO, Kumaichi, stated on cross-examination that OKA, as Chief of the Naval Affairs Bureau, attended the Liaison Conferences during the 3rd Konoye Cabinet.

31 July, 1941 - Record p. 10,184 - An excerpt from the KIDO Diary this date states that the Emperor told KIDO that Admiral NAGANO had reported that they should try to avert war as much as possible. NAGANO seemed much opposed to the Tri-Partite Alliance and felt that it made adjustment of diplomatic relations with the U. S. impossible. In case of war with the U. S. the supply of oil would be only sufficient for one and a half years. NAGANO was doubtful if Japan would even win such a war to say nothing of sweeping victory as in the Russo-Japanese war. (Exhibit 1125) This is a Prosecution Exhibit referred to by Defense in its presentation of evidence.

4 August, 1941 - Record p. 25,767 - An excerpt from KONOYE's Memoirs states (Exhibit 2866) that Konoye called in the War and Navy Minister on this date and told them he had decided to surmount the crisis by a meeting with President

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA)

Roosevelt. Neither the War nor Navy Minister could give an immediate reply. However, before the day was over the Navy expressed complete accord and anticipated the success of the conference. (Record p. 25,771) Reference: - OKA was Chief of the Naval Affairs Bureau at this time.

August, 1941 - Record p. 25,565 - The testimony of Admiral Turner at the Pearl Harbor inquiry stated (Exhibit 2853-A) that the "American-Dutch-British Conversations" (Exhibit 2851-A) contained features objectionable to the U. S. and was rejected in toto on 3 July, 1941. (Record p. 25,566) As a result a new agreement was proposed in August, 1941 which was closer to U. S. ideas. Negotiations proceeded and finally a new agreement was approved by the Chief of Naval Operations on December 7th. None of these plans contained a political or definite military agreement. It was a plan of action based on the assumption that should the U. S. enter the war these papers would be effective. However, none of them were ever presented to the Secretary of War, Navy or the President, although all of them as well as the Secretary of State knew that the conversations were being held. (Record p. 25,568)

August, 1941 - Record p. 26,668 - Defense witness KONDO, Nobutake, testified (Exhibit 3006) that in August, 1941 an Emergency Armament Program was executed calling for 1 carrier, 2 cruisers, 26 destroyers, 33 submarines, etc. (Record p. 26,669) Witness stated that testimony by Prosecution witness Admiral Richardson, to the effect that Japan's exertions toward building carriers were in preparation for aggressive war was in error since the carriers were built for defensive war in home waters. Due to the scarcity of flat land in Japan for air fields, it was necessary to have carriers for use in home waters. To utilize carriers offensively it is necessary to have attending warships which the Japanese Navy did not have. (Record p. 26,676)

24 September 1941 - 6 December, 1941 - Record p. 26,106 - Defense witness YAMAMOTO, Kunaichi stated (Exhibit 2915) that Japanese consuls stationed abroad had the duty of reporting from time to time such information concerning the politics, economy, finance, military affairs, etc. as they considered of interest to the Japanese Government. Other government offices frequently requested the use of the facilities of the Foreign Ministry for investigations which they desired to conduct; when received, such requests were dealt with by the Foreign Ministry as routine business. These instructions to the consuls although issued in the name of the Foreign Minister were never seen by him but were sent to the Cable Section for dispatch. It was in accordance with this system that at the request of the Navy in 1941 consular reports on merchant and naval shipping of the U. S., the Netherlands and other nations were requested and obtained from the consuls. This type of message went not only to Honolulu (Exhibits 1254, 1256-1264) and to Batavia (Exhibit 1330) but also to Portland, Seattle, Vancouver, Panama, Manila and elsewhere. The reports were transmitted direct to the naval officials who had asked for them. (Record p. 26,106) This testimony is designed to clear TOGO of knowledge of the reports but it clearly shows that SHIMADA or OKA or both had originated such requests and were cognizant of the reports received pursuant thereto from the consuls.

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA)

7 October, 1941 - Record p. 10, 232 - An excerpt from KIDO's Diary this date stated that TOMITA, Chief Secretary to the Cabinet told KIDO that the Army was of the opinion that there was no room left for continuance of the negotiations with the U. S. but the Navy held the reverse view. (Exhibit 1143) This is a Prosecution Exhibit referred to by Defense in its presentation of evidence.

12 October, 1941 - Record p. 25,863 - An excerpt from the Konoye Memoirs stated (Exhibit 2913) that prior to the conference of 12 October, the Chief of the Military Affairs Bureau of the Navy (OKA) notified the Chief Secretary of the Cabinet that the Navy does not desire a rupture in the negotiations. It desired to avoid war, but it could not come out in the open and say so. At the conference Navy Minister OIKAWA said that the time had come to determine on peace or war. He would like to leave the decision entirely up to the Premier, and if they were to seek peace they should go all the way for it. Even if they made a few concessions, they should proceed with the policy of bringing the negotiations to fruition. Konoye favored continuing the negotiations but TOJO raised objections. (Record p. 25,863-8)

13 October, 1941 - Record p. 25,909 - Defense witness YAMAMOTO, Kumaichi testified (Exhibit 2915) that in October TOJO made a strong request to Konoye and Toyoda to present their views on the pending negotiations and on stationing troops in China. Accordingly, witness drew up the opinion of the Foreign Minister concerning the Japanese-American negotiations dated 13 October, 1941 (Exhibit 2916). This document proposed an understanding with the U. S. under which a secret protocol would provide for the withdrawal of troops from China within two years at the latest except that troops will be stationed for five years in a part of North China and Mengchiang as well as Hainan Island. (Record p. 25,915) This document was presented to KONOYE and TOJO.

17 October, 1941 - Record p. 25,868 - An excerpt from the diary of Konoye stated (Exhibit 2914) that at a meeting of the Senior Statesmen to pick a succeeding cabinet (date not stated but presumably held on 17 October, 1941) KONOYE stated that the Army felt that war was inevitable and negotiations were useless but that the Cabinet contended that negotiations had not reached a hopeless state. The outstanding problem is the withdrawal of troops from China. The Cabinet's position therefore is that diplomatic negotiations should be continued for a longer period, and that the stationing of troops is a very necessary consideration, but if success or failure hangs on this one problem, the cabinet feels it would be better to agree to the American formula for the withdrawal of troops and secure stationing of troops in China for a specified period. (Record p. 25,873)

18 October, 1941 - Record p. 25,919 - Defense witness YAMAMOTO, Kumaichi, testified (Exhibit 2915) that following Konoye's resignation on 16 October the TOJO Cabinet was formed on 18 October with TOGO as Foreign Minister. TOGO told the witness that he at first refused the post until he was told by TOJO that his cabinet would work for a successful conclusion of the negotiations by reconsidering various questions, including the stationing of troops in China, without being bound by the Imperial decision of 6 September. (Record p. 25,919). SHIMADA entered the TOJO Cabinet as Navy Minister on this date.

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA)

17 October, 1941 - Record p. 25,940 - a telegram from TOYODA to NOMURA this date (Exhibit 2919) states that the former Cabinet had resigned due to internal disagreement of views, the most important being the question of withdrawal of troops. The future cabinet will not change in regard to continuing all negotiations under predetermined principles.

18 October, 1941 - Record p. 17,695 - A chart setting forth the composition of Japanese Cabinets from 1927 to 1945 shows that SHIMADA became Navy Minister on 18 October, 1941. (Exhibit 2344)

18 October - 7 December, 1941 - Record p. 25,908 - Defense witness YAMAMOTO, Kumaichi testified (Exhibit 2915) that after the formation of the TOJO Cabinet, as Director of the Bureau of East Asiatic Affairs and of the Bureau of American Affairs he always attended the Liaison Conferences between the government and the High Command. He also stated that all important points of policy in connection with the Japanese-American negotiations were decided in the Liaison Conferences and that most of the diplomatic telegrams, including all important ones, were sent to the Army and Navy Ministries and the General Staffs (Record p. 25,908). This shows that SHIMADA as Navy Minister received copies of all important telegrams and as a member of the Liaison Conferences helped to decide all important points of policy in connection with the U. S. Japanese negotiations. It is submitted that <sup>the</sup> same is true of OKA who as Chief of the Naval Affairs Bureau must have seen copies of such telegrams and probably attended all such Liaison Conferences.

21 October, 1941 - Record p. 25,920 - A telegram from TOGO to NOMURA on this date (Exhibit 2917) stated that the new Cabinet's policy as stated by TOJO at the first liaison conference would be to reconsider the problem without being bound by the decision of 6 September.

23 October to early November, 1941 - Record p. 25,921 - Defense witness YAMAMOTO, Kumaichi, testified (Exhibit 2915) that Liaison Conferences were held almost daily from around 23 October to early November at which debates over Japanese-U.S. negotiations took place. TOGO always insisted that it was necessary to succeed in the negotiations but the Chief of the Army General Staff contended that concessions concerning the stationing of troops in China must absolutely not be made and that there being almost no room left for concession from the decision of 6 September, the members should even accept the opening of hostilities at that time. Foreign Minister TOGO vigorously rejected this contention and Premier TOJO reproved the Army Chief of General Staff and repeated his (TOJO's) words given at the opening Conference that reconsideration could be given without being bound by the decision of 6 September. (Record p. 25,922) On cross-examination, witness stated that among the regular members attending the Liaison Conferences beginning 17 October was the Navy Minister SHIMADA. MUTO as Chief of the Military Affairs Bureau and OKA as Chief of the Naval Affairs Bureau attended as secretaries. (Record p. 26,146 and 26,148) The secretaries had no power to vote (Record p. 26,153). The work of the secretaries was the gathering and preparation of subjects for discussion at the Liaison Conference and also the summing of subjects already discussed. Secretaries could not express their own opinions. (Record p. 26,160)

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA)

24 October, 1941 - Record p. 26,111. A telegram from NOMURA to TOGO this date (Exhibit 2959) mentioned an interview between WAKASUGI and Welles in which Welles pointed out that persons in responsible positions in Japan have been making bellicose statements. For example, the Navy spokesman had said in a statement that the Japanese Navy was itching for action. This irritated the U. S. and injured the continuance of negotiations. (Record p. 26,112)

29 October, 1941 - Record p. 26,980 - An instrument referring to the issuance of military currency for use in southern areas (Exhibit 3026) stated that the present issue of military currency is only a preparatory measure for an unexpected event in the future. Handling procedures for such currency will be established by the Minister of Finance in consultation with the War and Navy Ministers. (Record p. 26,980) SHIMADA was Navy Minister on this date.

1 November, 1941 - Record p. 24,853 - Defense witness OKADA, Kikusaburo, testified (Exhibit 2767) that when the TOJO Cabinet was formed on 16 October, 1941 a thorough-going investigation of the national strength was instituted with the Planning Board as the center. The report of the Planning Board was as follows: (1) in case war was avoided, civil demands for oil could be met for three years by dipping into the military stock but after that it would be difficult; (2) in case of war, the oil difficulties might be overcome by securing it from newly occupied areas. (Record p. 24,885) This report of the Planning Board was approved by the Liaison Conference on 1 November and on 5 November it was reported to the Imperial Conference. (Record p. 24,889) On direct examination witness stated that the estimate was agreed to by the ministers who were present at the Liaison Conference on 1 November, 1941, including the War and Navy Ministers (Record p. 24,896). On cross-examination witness stated that the Liaison Conference of 1 November, 1941, was attended by (among others) the Navy Minister and the Director of the Naval Affairs Bureau. (Record p. 24,898) Reference: - SHIMADA was Navy Minister on this date and OKA was Director of the Naval Affairs Bureau.

1 and 2 November, 1941 - Record p. 25,922 - Defense witness YAMAMOTO, Kumaichi stated (Exhibit 2915) that at the Liaison Conferences of 1 and 2 November, 1941 it was decided over the objections of the General Staff to work for successful conclusion of the negotiations on the basis of proposals "A" and "B". They would decide on war for self-preservation and defense if the negotiations failed despite diplomatic efforts. They would try to complete military preparations against eventualities, provided that they would be stopped if a settlement was reached. (Record p. 25,923) In the course of the negotiations the General Staff maintained that there was no hope of a successful conclusion of the negotiations and insisted that, since war was inevitable, it was necessary to commence it during November. The General Staff also opposed a time limitation on the stationing of troops in China but Foreign Minister TOGO insisted that negotiations would fail unless the period was limited; after hot discussions the General Staff at last agreed to the decision (Record p. 25,922 and 25,941). On the policy to be adopted in case both Proposal "A" and "B" were rejected by the U. S., the Liaison Conference had a hot discussion. Foreign Minister TOGO argued that Japan should exercise patience at least until American participation in the European War. This was strongly opposed by the High Command which argued that the freezing

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA, Contd)

measures were depleting Japan's vital resources, especially in the case of petroleum and that the stock of petroleum even for military use was so small that the Japanese Navy would be faced with the impossibility of discharging its functions, if the worst came within a year and a half. As a result the Conference finally decided that negotiations should be continued with the determination to fight America in self-defense if negotiations failed. (Record p. 25,949-51) OKA and SHIMADA presumably participated in this decision.

(About) 1 November, 1941 - Record p. 26,154 - Defense witness YAMAMOTO, Kumaichi on cross-examination by defense counsel for OKA and SHIMADA stated that at a certain Liaison Conference around 1 November Admiral NAGANO stated to him that the Navy did not want war and if the Foreign Office would take full responsibility to conclude negotiations with the U. S. then NAGANO would support the Foreign Minister and oppose any decision for war. The witness replied that TOGO could not guarantee such a thing. (Record p. 26,155)

4 November, 1941 - Record p. 25,961 - A telegram from TOGO to NOMURA on this date (Exhibit 2924) stated that the proposals decided at the Liaison Conferences and now awaiting final sanction at the Imperial Conference represent Japan's final effort to reach a successful conclusion to negotiations. (NOTE - The same telegram was introduced in evidence as Prosecution Exhibit 1164)

4 November, 1941 - Record p. 25,966 - A telegram from TOGO to NOMURA this date (Exhibit 2925) sets forth Proposal A representing Japan's final concessions as decided by the Liaison Conference of 1 and 2 November, 1941. Troops in China will be withdrawn within two years, in accordance with the agreement to be entered into, except that in specified areas in North China, Mengchiang and Hainan Island they are to be stationed for such period as necessary. If the U. S. inquires, reply is to be made that the approximate goal is 25 years. NOMURA is to state that Japan respects the territorial integrity of French Indo China (Record p. 25,967)

5 November, 1941 - Record p. 25,971 - A telegram from TOGO to NOMURA on this date states that the proposals were approved by the Imperial Conference and he is to begin negotiations immediately. (Exhibit 2926) Proposal B is to be presented as a last resort to save the situation if proposal A fails (Record p. 25,972).

5 November, 1941 - Record p. 26,477 - Defense witness YOSHIDA, Hidemi testified (Exhibit 2990) that on 5 November, 1941 the Japanese Navy decided to construct defense works on the Mandates. On cross-examination, witness stated that the order of 5 November, 1941 came separately from the Chief of the Naval General Staff and Navy Minister SHIMADA. This was the first time the Navy Minister had drawn up written plans for such fortifications. (Record p. 26,487)

5 November - 26 November, 1941 - Record p. 26,056 - Defense witness YAMAMOTO, Kumaichi stated (Exhibit 2915) that the meetings of the Liaison Conference after 5 November considered questions in connection with the Japanese-U.S. negotiations and also the measures to be taken in event negotiations failed. Matters concerning military operations, however, were kept absolutely secret and were never once brought up for discussion in the Liaison Conference. Prosecution Exhibits



(Chronological Summary of Evidence Introduced by the Defense Pertaining to the  
Accused SHIMADA and OKA, Contd)

1175 and 1169 relating to war were drawn up by the conference but were preparatory drafts discussed and adopted merely against a time when war might prove to be inevitable and not as the result of any decision for war at the time. (Record p. 26,057)

7 November, 1941 - Record p. 25,987 - A telegram from NOMURA to TOGO this date states that NOMURA and WAKASUGI called on Hull and Ballantine and presented Japan's proposal for a settlement. (Exhibit 2928) Hull asked NOMURA what Japan would think if China's highest authority pledged to the government and people of Japan China's sincere friendship and confidence and desired the restoration of friendly relations. (Record p. 25,989)

9 November, 1941 - Record p. 25,998 - A telegram from TOGO to NOMURA (Exhibit 2930) this date states that HULL's suggestion for a pledge of friendship from Chiang Kai-shek might be an effective means of contributing to peace with China. NOMURA was directed to find out further details. (Record p. 25,999)

10 November, 1941 - Record p. 25,927 - A memo by Grew on this date (Exhibit 2918) gives the details of a conversation with TOGO on which the latter stated that the new Cabinet would continue with the project of establishing a Greater East Asia as a contribution toward world peace. The cabinet had re-examined the position and the new proposal comprises the maximum possible concessions. (Record p. 25,931) The new proposal made it clear that the stationing of troops in China was not to be unlimited. If the U. S. was to ask how long the period would be, the reply would be given that it was to be approximately 25 years. (Record p. 25,939)

10 November, 1941 - Record p. 26,000 - A telegram from TOGO to NOMURA this date (Exhibit 2932) suggests that the U. S. proffer its good offices in accordance with the suggestion of Hull and leave details to direct negotiations between Japan and U. S.

10 November, 1941 - Record p. 25,999 - A telegram from TOGO to NOMURA (Exhibit 2931) again directs NOMURA to negotiate with the U. S. concerning Hull's proposal set forth in Exhibit 2928.

10 November, 1941 - Record p. 25,975 - Memo by Hull states that NOMURA and WAKASUGI called on Roosevelt and presented Japan's proposal. (Exhibit 2927)

12 November, 1941 - Record p. 26,015 - An oral statement handed by Hull to NOMURA this date (Exhibit 2935) referred to Japan's written statement of 28 August, 1941 evidencing a desire and intent to pursue peaceful courses and asked for a clarification of Japan's position in view of the fact that a new Cabinet was in office. (Record p. 26,015)

13 November, 1941 - Record p. 25,991 - A telegram from NOMURA to TOGO this date stated that in a conversation with Hull the latter indicated that the U. S. might tender its good offices in any negotiations between Japan and China. (Exhibit 2929) Defense witness YAMAMOTO testified that NOMURA's telegram was considered encouraging by Tokyo and NOMURA was instructed that Japan welcomed Hull's suggestion and was ready to carry it out by negotiating with Chiang Kai-shek. (Record p. 25,992)

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA, Contd)

15 November, 1941 - Record p. 26,006 - A telegram from NOMURA to TOGO on 16 November stated he had conferred with Hull on 15 November. (Exhibit 2934) Hull raised several objections to the Japanese proposal including the following-(a) although the preamble manifested Japan's intention to establish peace in the whole area of the Pacific, the text confined it to the Southwestern Pacific; (b) Hull expressed doubt as to whether Japan could conclude a peace agreement while adhering to the TriPartite Pact; (c) Hull submitted a new proposal concerning commercial agreements. (Record p. 26,007, et seq.) The defense witness YAMAMOTO stated (Exhibit 2915) that Hull's various objections gave rise to doubt in Japanese circles of U. S. sincerity in the negotiations. (Record p. 26,005)

16 November, 1941 - Record p. 26,022 - A telegram from TOGO to NOMURA this date (Exhibit 2936) states that the points enumerated in Hull's oral statement of 12 November are all contained in the September 6 and 25 proposals and the present Cabinet does not object to acknowledgement provided it is understood that they presuppose the consummation of the negotiations. (Record p. 26,022)

17 November, 1941 - Record p. 26,023 - An oral statement from NOMURA to Hull this date re Hull's oral statement of 12 November states that all points quoted by Hull are embodied in the proposals of September 6 and 25 and Japan has no objection to confirming them provided that if negotiations fail Japan is not bound on such points. (Exhibit 2937)

17 November, 1941 - Record p. 26,025 - A telegram from TOGO to NOMURA this date stated that they did not object to applying the Japanese proposal to the entire Pacific Area. (Exhibit 2938)

17 - 20 November, 1941 - Record p. 26,028 - Defense witness YAMAMOTO, Kumaichi stated (Exhibit 2915) that Foreign Minister TOGO reported to the Liaison Conference that there was no prospect of U. S. acceptance of Proposal "A" and the presentation of "B" was authorized. NOMURA was accordingly directed to present it, which was done on the 20th of November, 1941. (Record p. 26,028) Reference: OKA and SHIMADA as members of the Liaison Conferences presumably authorized this action.

26 November - 1 December, 1941 - Record p. 26,058 - Defense witness YAMAMOTO, Kumaichi stated (Exhibit 2915) that upon receipt of the U. S. note of 26 November, it was felt by those conversant, including the attendants at the Liaison Conference, that it was clear that hope of a successful conclusion of negotiations with the U. S. was almost lost. (Record p. 26,058) Reference: - OKA and SHIMADA presumably attended these conferences.

(About) 27 November, 1941 - Record p. 26,288 - Defense witness YAMAMOTO, Kumaichi on cross-examination admitted that Exhibit 2975 and 2975-A, a document entitled "Outline of Future Diplomatic Measures", was written by him subsequent to reading the U. S. memo of 26 November. This document stated that the U. S. proposal of 26 November was completely unacceptable. "Although it will be necessary to break off negotiations at a proper time, they should make it their main object for the time being to strictly guard lest the real intentions of Japan be perceived." (Record p. 26,298) The witness stated that this document was a work draft and that the sentence quoted did not mean that Japan had any intention of deceiving anyone and had nothing to do with a surprise attack. (Record p. 26,303)

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the  
Accused SHIMADA and OKA, Contd)

30 November, 1941 - Record p. 27,297 - Naval General Staff Directive No. 15 from NAGANO to YAMAMOTO stated that in case war breaks out with the U. S., Britain and Holland the policy in the annex will be the guide in the conduct of sea communication destruction warfare. (Exhibit 3058-A) The annex referred to was destroyed in the air raid of May, 1945 (Exhibit 3059). Although no copy of the annex was supplied by the Defendants, it is to be noted that Defense witness TOMIOKA, Sadatoshi testified from memory that said instructions of 30 November, 1941 stated that it was lawful to attack unarmed enemy merchant ships in the area between Hawaii and the west coast of the U. S. In other cases, unless circumstances were unavoidable, time must be given for the crew and passengers to seek safety. (Record p. 27,296). NOTE - Directive No. 15 was abolished by Directive No. 61 (Exhibit 3054-C - see entry below under date of 1 March 1942)

30 November, 1941 - Record p. 26,432. An excerpt from "Imperial Ordinance Concerning the Organization of the Fleet" (Exhibit 2983) enacted this date states that the Commander in Chief of the Combined Fleet, directly subordinate to the Emperor, shall command the fleet. He shall receive orders from the Navy Minister on administrative affairs and directions from the Chief of Staff on planning war operations. Same applies to a commander of a fleet. (Record p. 26,433)

December, 1941 - Record p. 27,374 - Defense witness YAMAMOTO, Yoshio testified (Exhibit 3066) that during the war instructions concerning handling of POWs were issued by the Navy Ministry to Headquarters, Naval Base, Minor Naval Stations and Fleet but all copies were destroyed in air raid fires. In December, 1941, instructions were issued that supervision of POWs was to be in Army hands but that the Navy was to administer them until turned over to the Army. (Record p. 27,376)

1 December, 1941 - Record p. 26,072 - Defense witness YAMAMOTO stated (Exhibit 2915) that at the Imperial Conference on the afternoon of this date the commencement of hostilities was decided upon. TOJO stated at this conference (Exhibit 2954) that the government in accordance with the decision of 5 November had taken all possible steps to adjust relations with the U. S. while the Army and Navy had made efforts to complete their preparations. The U. S. had not shown any sign of concession and had served new demands such as unconditional over-all withdrawal of Japanese troops, withdrawal of recognition of Nanking and nullification of the Tripartite Pact. If Japan submits, not only her prestige but her existence would be endangered. Japan has no other way but to wage war against the U. S., Britain, and Holland to secure her existence and self-defense. (Record p. 26,074) At the same conference TOGO stated (Exhibit 2955) that so long as the U. S. refused to change its attitude the present negotiations could not be concluded. The U. S. proposals of 26 November was unreasonable, constituted a marked retrogression from the previous proposals of the U. S. and entirely disregarded the course of negotiations for over half a year. If Japan accepted it she would be in an international position inferior even to that held before the Manchurian incident and its very existence would be endangered. Hence, the U. S. proposal is entirely unacceptable and unless the U. S. withdraws it, it is almost impossible to realize fully Japan's claims by continuing further the negotiations. (Record p. 26,075-93)

2 December, 1941 - Record p. 26,093 - Defense witness YAMAMOTO, Kumaichi stated (Exhibit 2915) that at the Liaison Conference this date the question of the procedure for opening hostilities first came up for discussion. Foreign Minister TOGO said that the usual formalities must be observed. After discussion TOGO said that at least a notification of termination of negotiations must be given prior to hostilities as requested by NOMURA (Exhibit 2915). The conference adjourned without decision. (Record p. 26,093) On cross-examination witness stated that at this conference Admiral ITO, Vice Chief of Naval General Staff, made a strong request that in view of the need of conducting a surprise attack and inflicting heavy damage on the enemy at the opening of hostilities, the Navy High Command wanted to have the negotiations left alone and unruptured, at the time of the opening of hostilities. TOGO opposed this on the ground that notice of severance of relations was absolutely necessary. As a result, it was decided that the question should be left to TOGO and ITO for consultation. (Record p. 26,135) Subsequently, on further cross-examination witness stated that Admiral ITO's opinion was the opinion of the Naval High Command. (Record p. 26,292)

3 December, 1941 - Record p. 26,095 - Defense witness YAMAMOTO, Kumaichi stated (Exhibit 2915) that the Liaison Conference on this date reached a decision concerning the procedure for opening war, the decision being that a notification closing negotiations would be given at Washington. (Record p. 26,095) On cross-examination the witness stated that on 2 December an informal decision was reached between Foreign Minister TOGO and the Vice Chiefs of the Army and Navy Staffs. This decision which was that the time of delivery should be 12:30 (Washington time) December 7th was reported to the Liaison Conference held on 3 December. (Record p. 26,126) The Vice Chief of the Naval General Staff was ITO. (Record p. 26,128)

4 December, 1941 - Record p. 26,096 - Defense witness YAMAMOTO, Kumaichi stated (Exhibit 2915) that in accordance with the decisions of various Liaison Conferences he drafted the notification closing negotiations and submitted it to the Army and Navy Ministries who made some suggestions and changes and it was then brought to the Liaison Conference of 4 December, 1941 and copies submitted to the participants. In its final form (Exhibit 1245-K) it was approved by the Conference. "It was the belief and conclusion of the participants in the Liaison Conference that the intention not only of breaking off the negotiations but of severing relations and going to war was, in the circumstances then prevailing, clearly expressed in the concluding words of the document: 'Thus, the earnest hope of the Japanese Government to adjust Japanese-American relations and to preserve and promote the peace of the Pacific through cooperation with the American Government has finally been lost. The Japanese Government regrets to have to notify the American Government it cannot but consider that it is impossible to reach an agreement through further negotiations.'" (Record p. 26,096)

5 December, 1941 - Record p. 26,096 - Defense witness YAMAMOTO, Kumaichi testified (Exhibit 2915) that he was told by TOGO that the draft of the notification closing negotiations or the gist of it was reported by TOGO to the Cabinet meeting on 5 December, 1941. Reference: - SHIMADA was a member of the Cabinet on this date.

6 December, 1941 - Record p. 26,096 - Defense witness YAMAMOTO, Kumaichi stated (Exhibit 2915) that at the Liaison Conference on this date Foreign Minister TOGO reported that the time for delivery of the notification to the U. S. Government was fixed at 1 P.M. Washington time, 7 December which would be in advance of the commencement of hostilities. No members of the Liaison Conference except those

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA, Contd)

concerned with military operations knew when or where operations would commence. TOGO advised witness to send the notification in ample time to be delivered without fail at 1 P.M. on 7 December. The time of dispatch being also a matter of concern to the Navy, it was after consultation with Navy officials concerned that the earliest time for dispatching the message was decided. (Record p. 26,097) The Liaison Conference also decided that since the U. S. Government would notify Britain immediately upon receipt of the notice of termination of negotiations, no delivery of the note to Britain was necessary. (Record p. 26,106)

7 December, 1941 - Record p. 26,142 - Defense witness YAMAMOTO, Kumaichi, on cross-examination admitted that he gave instructions that the 14th section of the notice of termination of negotiations be held up and not sent to Washington until sometime after the first 13 were sent. He denied that the purpose of this delay was to enable the time of delivery to be synchronized more nearly with the bombing of Pearl Harbor. When asked whether he didn't know that the first 13 parts were sent at 12:20 A.M. (Tokyo time) December 7 and the 14th part at 4 P. M. on the 7th the witness stated it was only later that he knew when the telegrams arrived in Washington. (Record p. 26,143)

7 December, 1941 - Record p. 26,612 - An affidavit of A. B. Ray, Production Analyst in charge of Ships Statistics Section of Bureau of Ships, U. S. Navy dated 23 January, 1947 shows U. S. Navy vessels under construction and on hand as of 7 December, 1941. (Exhibit 3001) This affidavit as corrected by supplemental affidavit (Exhibit 3002) shows that the U. S. Navy had 22 carriers under construction as of 7 December, 1941 and had seven carriers and one escort carrier on hand as of the same date.

7 December, 1941 - Record p. 26,676 - Defense witness KONDO, Nobutake testified (Exhibit 3006) that on this date Japan had 10 carriers of which the Kasuga Maru was a slow moving converted merchant ship, the Hosho was an outdated, overaged small carrier used only for training purposes and two small carriers could carry only a limited number of small aircraft. Japan had only 6 carriers which could be used for fleet action and their cruising radius was far shorter than that of U. S. ships.

7 December, 1941 - Record p. 26,616 - Defense witness YOSHIDA, Hidemi testified (Exhibit 3003) that he had prepared a Comparative Table of Naval Vessels On Hand Between the U. S. and Japan as of 7 December 1941, which showed (Exhibit 3003-A) that the U. S. had on hand 8 carriers with a total tonnage of 162,600 tons and Japan had on hand 10 carriers with a total tonnage of 152,970 tons. Another table of vessels under construction showed (Exhibit 3003-B) that the U. S. had under construction 22 carriers (total tonnage 442,300) and Japan had 4 carriers (total tonnage 77,860). In preparing these charts witness listed carrier escorts, and carriers converted from cruisers as aircraft carriers. He listed as Japanese carriers both carriers and carriers converted from merchant ships. (Record p. 26,619) On cross-examination witness identified the four Japanese aircraft carriers under construction on 7 December 1941, as the SHOHO, JUNYO, HIYO and TAIHO. He identified the eight U. S. carriers on hand as of 7 December as Lexington, Saratoga, Enterprise, Ranger, Yorktown, Wasp, Hornet, and Long Island. (Record p. 26,629) The date used for Japanese ships under construction was the date of the laying of the keel or of conversion. (Record p. 26,642)

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA, Contd)

8 December, 1941 to June, 1942 - Record p. 27,289. Defense witness TOMIOKA, Sadatoshi testified (Exhibit 3057) that the submarine warfare fell into three stages. The first stage (from 8 December 1941 to June 1942) was when they worked havoc on communications coordinating with fleet operations. It was started by Instruction #15 from NAGANO to YAMAMOTO drafted on 30 November, 1941 (Exhibit 3058-A). The primary object was to watch and pursue U. S. fleet movements and the destruction of communication lines was secondary. In destroying communications the feeling of the Japanese Navy to respect human lives and abide by law and regulation was clarified in instruction No. 15 of 30 November, 1941 and Instruction No. 60 of 1 March 1942. This policy was never altered. (Record p. 27,291) NOTE - The effect of this testimony is considerably weakened by the fact that instruction No. 15 of 30 November, 1941 (Exhibit 3058-A) was abolished by Exhibit 3054-C and the instruction No. 60 of 1 March 1942 was abolished by Exhibit 3054-B. Instruction No. 61 (Exhibit 3054-O) not mentioned by witness also contains a provision directing that every possible means be taken to rescue human lives after a sinking. However, Instruction No. 61 is addressed only to the Commander in Chief of the China Area Fleet and various Naval Stations and not to the Combined Fleet or other fleets. Significantly it was not addressed to the South-Western Area Fleet under which the submarines operated in the Indian Ocean.

1941 - Record p. 25,413 - Defense witness ISHIBASHI, Tansan testified (Exhibit 2841) that Japanese Navy extraordinary expenditures which were 343 billion yen for 1921 decreased to 107 million yen for 1925. In 1931 it dropped to 88 million yen. Beginning with 1932 and up to 1940 the Army and Navy extraordinary expenditures showed some gradual expansion. Army extraordinary expenditures increased from 225 million yen in 1932 to 319 million yen in 1936 and that of the Navy from 172 million yen to 331 million yen. The Army and Navy extraordinary expenditures did not witness a very rapid increase even after the China Incident of 1937. In 1938 the army expenditures decreased to 357 million yen while the Navy came up to 764 million yen in 1940. After 1941 the arms expenses for both Army and Navy suddenly jumped to such a great amount as could not be compared to those of 1940. The same great expansion is also indicated by the changes in the total of military expenditures since 1941. The witness stated that it can be seen that both the Army and Navy of Japan began their armament expansion with the outbreak of the Pacific War. (Record p. 25,431)

1941 - Record p. 26,652 - An excerpt from the Pearl Harbor Inquiry, showed that there was an increase of U. S. Navy appropriations from \$358,000,000 in 1932 to \$3,549,000,000 in 1941. (Exhibit 3005)

1941 - Record p. 27,275 - Navy Ministerial Notification No. 33 (1904) as amended by Notification No. 407 (1941) on Treatment of Prisoners of War stated (Exhibit 3055) that in case a POW is guilty of disobedience he may be confined and bound if necessary. A POW who attempts to desert or disobeys shall be subject to disciplinary punishment. Naval stations or other naval authorities on receiving POWs shall detain them in any temporary camp available having adequate facilities to prevent them from desertion until transportation or redelivery is possible. Commanders of stations or other authorities shall hand over at designated places the POWs under their care together with the other items to the Army authorities who are to receive the POWs. (Record p. 27,275-8) Reference: - There is no evidence connecting this document

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA, Contd)

with OKA or SHIMADA except the fact that it is a Navy Ministerial Notification.

1941 - 1945 - Record p. 27,278 - Report on POW administration/made to SCAP by Central Liaison Office stated that in principle all POWs captured by the Navy were to be handed over to the Army. But until such time there were cases of temporary naval supervision in improvised camps where the POWs were placed under regulations of war to be treated the same as regular POWs. The organization having the administrative authority over such POWs was the party designated by the commander of a Major or Minor Naval Station or operational forces who was usually the commander of the defense area in question. The Navy Minister had over-all administration of temporary POW camps. (Record p. 27,280) (Exhibit 3056)

1941 - 1945 - Record p. 27,354 - Defense witness TAKATA, Toshitane testified (Exhibit 3065) that since 8 December, 1941 Section One of the Naval Affairs Bureau handled matters pertaining to POWs. (Record p. 27,359) The Navy Minister had authority to make rules for the administration of POWs and drafted rules and regulations relating to them. The directors of the Naval Affairs Bureau, Accounts and Supplies and Legal Bureau and Medical Supplies Bureau were aides to the Navy Minister in this connection. Commanders of naval stations, guardships, and fleet were in a position to enforce the administration of POWs on the basis of these regulations (Record p. 27,363) Witness stated the Navy Ministry was not consulted by the General Staff with regard to operation orders or submarine operations. In operational zones, in case of actual engagement or emergency, matters concerning POWs were disposed of as operational matters. (Record p. 27,364) Reference: This testimony shows that SHIMADA with OKA as his aide had authority to make regulations concerning POWs.

1941 - 1945 - Record p. 27,335 - Defense witness ARIMA, Shizuka (Gen) testified (Exhibit 3063) that the Navy had no special stock of medical goods for POWs but seriously ill POWs were allowed to enter a Navy hospital without discrimination. (Record p. 27,336) The chain of command concerning medical business in the Navy included the Chief of the Medical Bureau who commanded his subordinates indirectly in the name of the Navy Minister. Commanders of Naval Districts, guard districts and fleet headquarters were under the control of the Ministry. (Record p. 27,339) The death of POWs from disease in Japan was a grave matter but many Japanese soldiers died from diseases also. POWs suffered because of their resistance to disease being less. They were more susceptible to bacterial infection in an unfamiliar climate and also due to the fact the Japanese did not understand medical English since most Japanese doctors were educated in German medical techniques. (Record p. 27,343-7)

1941 - 1945 - Record p. 27,787 - Defense witness WATANABE, Yasuji testified (Exhibit 3103) that because of U. S. submarine action Japan's approximately 6,300,000 tons of merchant ships in December, 1941 dropped to about 1,500,000 tons in August, 1945. During the war about 8,100,000 tons of Japanese shipping were sunk or damaged. As a result the maintenance of southern supply routes became difficult. The losses resulted in miserable living conditions for the people. Fertilizer shortages decreased the grain harvest and there was a 10% cut in staples. Japanese food supply, both at home and overseas became serious. In 1945 transportation districts were limited to Manchuria, Korea and Northern China. In May 1945 transportation capacity was reduced 75%. (Record p. 27,787-93)

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA, Contd)

1941 - 1945 - Record p. 27,376 - Defense witness YAMAMOTO, Yoshio testified (Exhibit 3066) that as there were quite a number of deaths at Sasebo temporary prison camp from December, 1942 to the spring of 1943 orders were issued to the Sasebo Naval Station to investigate the state of affairs and attention was called to the accommodations and food situation. In October, 1943, a directive was issued to transfer to the Army a considerable number of prisoners from Sasebo. In December, 1944 instructions were issued to survey and report on the conditions of POWs outside Japan but due to difficulties in traffic and communications many reports did not reach Tokyo. Further instructions were sent but reports still did not arrive. During the war POWs captured by the Navy were stationed at Wake, Rabaul, Ambon, Macassar and Haiphong. Witness had not received any reports that POWs in those areas had been mistreated. (Record p. 27,378)

1941 - 1945 - Record p. 27,370 - Defense witness TAKATA, Toshitane testified (Exhibit 3065) that Ofuna temporary prison camp was established by Yokosuka Naval Station. Witness learned of it for the first time shortly before he resigned as Chief of Section One, Naval Affairs Bureau (July, 1942) when the station submitted to the Ministry a request for appropriations for its construction. Witness stated that during his tenure of office (15 November 1940 to 14 July 1942) no reports were received concerning mistreatment of POWs at Ofuna. (Record p. 27,370) On cross-examination, witness admitted that the Navy Ministry did provide funds for the establishment of the Ofuna Camp, but denied that any reports were received as to number, names and rank of the POWs at Ofuna. (Record p. 27,373)

1941 - 1945 - Record p. 27,383 - Defense witness YAMAMOTO, Yoshio testified (Exhibit 3066) that the temporary camp at Ofuna was administered by Yokosuka Naval Station. Witness thinks the Commanding Officer of the Minor Naval Station in Yokosuka appointed a subordinate as superintendent of the camp. Yokosuka Station made a report as to the names, rank, and other designations of the personnel at Ofuna. No report was ever received during witnesses' tenure as Chief of No. 1 Section, Bureau of Naval Affairs (14 July 1942 to 9 July 1945) that the POWs at Ofuna were mistreated or received inadequate medical treatment. (Record p. 27,383)

8 January to 31 October, 1942 - Record p. 27,146 - Defense witness KUDO, Tadao testified (Exhibit 3040) that contact with foreign countries in regard to POWs and internees was chiefly handled in the Third Section, Treaty Bureau of which he was Chief from January to October, 1942. Protests were sent by the Foreign Ministry to the authorities concerned and on receipt of the reply it was sent to the country concerned. (Record p. 27,152) No protests concerning treatment of prisoners on Wake were received by him although inquiries concerning conditions were received. It was not known at all that ill-treatment of POWs was carried out there as testified to by the witness Stewart. (Record p. 27,153)

29 January, 1942 - Record p. 27,126 - A letter from the Foreign Minister to the Swiss Minister (Exhibit 1490) stated that Japan strictly observes the Geneva Convention of 1929 re Red Cross but did not ratify the convention re treatment of POWs of 1929. It is therefore not bound by said Convention but will apply mutatis mutandis the provisions of the convention to U. S. POWs in its power. (Record p. 27,126) Defense witness MATSUMOTO, Shun-Ichi stated (Exhibit 3039)



(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA, Contd)

that Foreign Minister TOGO out of humanitarianism wanted Japan to abide by the Geneva Convention as far as circumstances permitted. As a result, witness consulted Army and Navy officers and Exhibit 1490 was prepared. (Record p. 27,135) Japan did not formally ratify or join the convention but communicated its intent through neutral countries. (Record p. 27,137)

29 January, 1942 - Record p. 27,126 - A letter from Foreign Minister TOGO to the Argentine Minister (Exhibit 1496) stated that Japan will apply mutatis mutandis the provisions of the Geneva Convention to British, Canadian and Australian POWs.

January, 1942 - Record p. 26,559 - Defense witness NOMURA, Naokuni testified (Exhibit 3000) that as a military member of the Mixed Technical Commission set up under the Tripartite Pact he left for Berlin in December, 1940, and stayed until 1943. The Committee met only two or three times and its existence was only nominal. In January, 1942, the Military Agreement between Japan, Italy and Germany was concluded by which Japan was to destroy the enemy in the Pacific and Indian Oceans east of Longitude 70 degrees east and Germany and Italy were to destroy the enemy in the Atlantic, Mediterranean and Indian Ocean west of Longitude 70 degrees east. Germany and Italy made repeated requests for Japan to intensify its activities in the Indian Ocean including offensive action toward American shipping. The witness always explained that the Japanese submarines were being used chiefly in main fleet operations. (Record p. 26,573) Reference: On 23 January, 1941, OKA was appointed a member of the Mixed Experts Commission set up under the Tripartite Pact in Tokyo.

January, 1942 - Record p. 27,365 - Defense witness TAKATA, Toshitane testified (Exhibit 3065) that the Navy Minister issued the order for the movement of the Nitta Maru in transporting POWs from Wake to Japan and China in January, 1942. At the time the Nitta Maru reached Wake a telegram was received from the Commander on the spot saying that many POWs wished voluntarily to remain there. The international law specialist advised the Navy Minister that if the POWs voluntarily signed a contract agreeing to work not connected with combat they could remain. At the time witness left Section One in July, 1942, the POWs contracts had not been received. Witness had no knowledge as to the execution of several POWs on board the Nitta Maru. (Record p. 27,365-8) Reference: SHIMADA was Navy Minister on this date. OKA as Chief of the Naval Affairs Bureau handled matters re POWs and hence must have known of the transportation of POWs on the Nitta Maru.

5 February, 1942 - Record p. 24,925 - Defense witness OKADA, Kikusaburo testified (Exhibit 2767) that on this date an Imperial Ordinance transferred the jurisdiction of construction and repair of merchant vessels to the Navy Ministry. General schedules only were to be set up by the Navy Ministry but allocations and raw materials for specific yards were to be handled by the Industrial Management Corporation and the Shipbuilding Control Association. Members of the Shipbuilding Control Association were designated by the Navy Ministry. (Record p. 24,929)

24 February, 1942 - Record p. 27,128 - Exhibit 1471 stated that the Foreign Ministry gave assurances that Japan would do all in its power to extend good treatment to POWs but could not offer a standard of living equal to that of the U. S. because conditions were so different.

1 March, 1942 - Record p. 27,274 - Naval General Staff Directive No. 60 from NAGANO to YAMAMOTO this date (Exhibit 3054-A) stated that in operations by

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the  
Accused SHIMADA and OKA, Contd)

surface craft, it should be made a rule that attacks be preceded if possible by due visit and search and every effort be made to rescue lives if circumstances warrant the sinking of the vessels. As a rule persons of armed forces, including civilians, armed men, mariners, technicians, important government officials shall be taken prisoners of war. NOTE - Exhibit 3054-C was abolished by Exhibit 3054-B dated 22 June, 1942.

1 March 1942 - Record p. 27,387 - Naval General Staff Directive No. 61 this date from NAGANO to the Commander of the China Seas Fleet and the Commanders of various naval stations stated (Exhibit 3054-C) that in dealing with foreign shipping due process shall be taken in accordance with the law. If a sinking shall be made without due process because of some forced circumstance, every possible means shall be taken to rescue lives. Persons of the armed forces, either armed men or civilians, higher grade mariners, technicians, government officials of enemy countries or of Chiang Kai-shek shall be taken POWs. (Record p. 27,389) NOTE - Exhibit 3054-C abolished Directive No. 15 (Exhibit 3058-A) which was referred to in Exhibits 3057 and 3052. Exhibit 3054-C was apparently never rescinded but it is significant that it was not addressed to the Combined Fleet or to the South-Western Area Fleet. Under the latter were the submarines which operated in the Indian Ocean.

April, 1942 - Record p. 26,554-7. Defense witness Admiral WENNEKER testified (Exhibit 2999) that he visited Saipan and Palau in April 1942 and saw absolutely no fortifications.

26 May, 1942 - Record p. 27,902 - A communication this date from Military Police Commander NAKAMURA to Chief of Staff SUGIYAMA (Exhibit 3129) stated that attached was a report of the investigation of 8 officers and men who took part in a raid on Japan on 18 April, 1942. Forwarding addresses included OKA and SHIMADA. The attached report contains interrogations of the airmen in which they alleged by confess machine-gunning school children at a school in Nagoya and also admit indiscriminate bombing of non-military objectives.

22 June, 1942 - Record p. 27,313 - Naval General Staff Directive No. 107, from NAGANO (Navy General Staff) to YAMAMOTO (Combined Fleet) this date states that every effort shall be made to destruct and disturb enemy sea communications. (Exhibit 3054-B) NOTE - This directive abolishes Directive No. 60 (Exhibit 3054-A) which included a provision, after attack by surface ships, about rescuing lives. Directive No. 107 contains no such provision.

June 1942 to March 1943 - Record p. 27,292 - Defense witness TOMIOKA, Sadatoshi testified (Exhibit 3057) that the second stage of submarine warfare from June 1942 to March 1943 placed primary importance on destruction of maritime communication lines. The bulk of the submarine force was allocated for this purpose. Main water areas for such attacks were southeastern coast of Africa, northwestern part of Indian Ocean, eastern coast of Australia and Cook's strait area. These operations were initiated by Instruction 107 (Exhibit 3054-B) from Chief of Staff NAGANO to YAMAMOTO. (Record p. 27,293)

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA, Contd)

June, 1942 - November 1943 - Record p. 27,440 - Defense witness INADA, Nasazuni testified (Exhibit 3072) that POWs used on the Burma-Siam Railway were never cruelly treated. All that could be afforded was done to maintain their working power. On cross-examination witness admitted that he had never personally inspected the Burma-Thailand prison camps and hence could not say of his own knowledge that such POWs were never cruelly treated. (Record p. 27,440) Reference: OKA and SHIMADA were members of Imperial Headquarters which made the decision to use POWs in constructing the Burma-Siam Railway.

October, 1942 - Record p. 27,282 - Defense witness TOMIOKA, Sadatoshi testified (Exhibit 3057) that as Chief of 1st Section, Naval General Staff he sent Lt. Commander OKADA to Kwajalein and other places on a tour of inspection in October, 1942. The 1st Section did not handle POWs and witness did not know at that time that Admiral ABE held POWs. Accordingly, witness gave OKADA no instructions or orders as to POWs. Witness could not recall anything as to the statement by ABE that OKADA told ABE that the disposition of central authorities was to execute prisoners. Such an order as ABE mentioned would have been written and not oral and would have been transmitted through fleet headquarters instead of direct to ABE. (Record p. 27,284-87)

October, 1942 - Record p. 27,381. Defense witness YAMAMOTO, Yoshio testified (Exhibit 3066) that neither he nor anyone else in the Naval Affairs Bureau instructed Admiral ABE through Commander OKADA or any one else to execute the prisoners on Kwajalein. The Bureau was not aware that there were POWs on Kwajalein at that time.

1942 - 1945 - Record p. 23,492 - Defense witness FUJITA, Masamichi, former Navy Captain in the Bureau of Naval Affairs from June 1942 to the end of the war, testified (Exhibit 2689) that the Navy Ministry made every effort to maintain friendly relations with the Soviet and hence made many concessions in regard to inspection and internment of ships. Soviet ships entering prohibited areas were intercepted and searched in strict accordance with international law. (Record p. 23,507) The Sergei Kirov and the Angarstrov were thus searched. On the Angarstrov the ship's papers were missing but the ship was released because instructions were not to mar relations with the Soviet. The Angarstrov was subsequently (1 May, 1942) sunk by a submarine at a place where no Japanese submarines were operating. (Record p. 23,509) The Soviet ships Kamenetz Potolsh and the Ingul were interned because there was reasonable ground to suspect their nationality (Record p. 23,511). Exhibit B to the affidavit of FUJITA shows that part of the 2nd submarine squadron, the 5th Submarine Squadron, and the 8th Submarine Squadron operated in the Indian Ocean in April, 1942, (Record p. 23,518) On cross-examination the witness stated that the orders to adjust the attitude of Japanese authorities to Soviet shipping were issued by the Navy Minister and from him they went to the Chief of the Naval Affairs Bureau, then to witness' section chief and then to witness. (Record p. 25,530) NOTE - This testimony was designed to refute Prosecution evidence concerning unlawful search and bombing by Japanese forces of Soviet merchant ships (Exhibits 795-A, 778, 812-A and 813 to 824 incl.)

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA, Contd)

January, 1943 to December, 1944 - Record p. 27,245. Defense witness YAMAMOTO, Chikao, former Chief of 1st Section, Naval Department of Imperial Headquarters from January 1943 to December, 1944, testified (Exhibit 3052) that during his tenure as Chief of the 1st Section no German official or Japanese Naval officer in Germany had ever notified Tokyo of Germany's request for cooperation in submarine warfare. He had never heard that Germany requested Japan in 1943 to adopt the policy of killing all persons on board allied vessels except a few for information. The Japanese Navy never adopted such a policy as shown by (a) Staff directive of 30 November, 1941, and (b) Directive #60 of 1 March, 1942, which warned that in submarine warfare ample time for retirement should be given to crew members and passengers unless circumstances otherwise dictated. The humanitarian spirit of the Navy remained unchanged. (Record p. 27,258) NOTE - The directive of 30 November, 1941, was rescinded by Directive #61 (Exhibit 3054-C). Directive #60 was rescinded by Directive No. 107 (Exhibit 3054-B).

5 or 6 March, 1943 - Record p. 26,577 - Defense witness NOMURA, Naokuni testified (Exhibit 3000) that he heard from OSHIMA of the negotiations with Hitler for the gift of two German submarines. OSHIMA telegraphed Tokyo and asked that the Navy Minister be advised of the matter. About 5 or 6 March, 1943 witness received a telegram from the Navy Minister stating that the Navy would accept Hitler's offer with gratitude and instructing witness to discuss with the German Navy the question of navigation of the submarines. (Record p. 26,579)

March, 1943 - Record p. 26,573 - Defense witness NOMURA, Naokuni, testified (Exhibit 3000) that the gift of two submarines to Japan originated with Hitler and was utterly unconditional. No request was made for increased submarine on the part of Japan. The main object was to improve Japanese submarine-building technique. One submarine was lost en route. The other reached Japan but brought no practical benefit since it was felt that this type of submarine with its inferior underwater speed would not meet Japanese purposes. Witness never heard of any suggestion from OSHIMA or anyone else as to the German policy of annihilating crew members of enemy vessels. (Record p. 26,576) Witness returned to Japan on one of the two German submarines. They sank enemy merchantmen en route. (Record p. 26,580) On cross-examination witness said that the name of the submarine was the U-71 and that they torpedoed merchant ships east of Madagascar. One night attack was carried out in the Indian Ocean. As to the other submarine sunk en route, Japan sent a crew of about 30 men to Germany where they were trained to operate the submarine. (Record p. 26,593) Witness admitted a conversation with Ribbentrop on April 18, 1943 but denied that he said Japan would order its submarines to wipe out enemy tonnage. (Record p. 26,597)

25 March, 1943 - Record p. 27,270 - General Staff Directive No. 209 from Chief of Naval General Staff NAGANO to YAMAMOTO (Combined Fleet) this date stated that the operational policy for the Third Phase of Submarine Warfare should be to demolish hostile naval and air forces, to destroy enemy sea traffic lines, etc. (Exhibit 3053-A) The operational policy of the Combined Fleet as based on Imperial Naval Operational Policy should be (as to Submarine warfare) to place stress upon the destruction of enemy sea traffic. The main emphasis of such sea traffic destruction should be directed against U. S. and Australian communication routes in the Southern Pacific and eastern part of the Indian Ocean. (Exhibit 3053-B)

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the  
Accused SHIMADA and OKA, Contd)

25 March, 1943 to August, 1945 - Record p. 27,293 - Defense witness TOMIOKA, Sadatoshi testified (Exhibit 3057) that the third stage of submarine warfare was initiated by Instructions 209 on 25 March, 1943, which emphasized destruction of maritime communication lines, supplying advanced bases by part of the submarine forces and performing coordinated operations with German submarines in the Indian Ocean. Annihilation of enemy crew members was never planned or indicated by Imperial Headquarters as it was against the spirit of the Japanese Navy. The Germans never made such a request when witness was at the Naval General Staff. Witness never heard of 1st Submarine Flotilla Order of 20 March, 1943. (Record p. 27,295)

March, 1943 to August 1945 - Record p. 27,245 - Defense witness YAMAMOTO, Chikao testified (Exhibit 3052) that the Third Phase of Submarine Warfare which started in March, 1943 could be broken down to three periods. The first period (from late March, 1943 to October, 1943) placed emphasis on destruction of maritime traffic, cooperation with German submarines in the Indian Ocean area and supply to outlying bases. The plan for this period was drafted by witness and was a directive from NAGANO to YAMAMOTO dated 25 March, 1943. The second period began with an unaltered operational principle but the coming of German submarines into the Indian Ocean made necessary a demarkation of the German and Japanese submarine field of operations. As a result NAGANO's order of 4 October, 1943 (prepared by witness) set 70 degrees longitude as the line. The third period started in August, 1944. The Navy had become too tightly occupied with operations in the Philippines to direct submarines for sea traffic destruction and submarines were withdrawn from the Indian Ocean. Admiral MITO was transferred from the 1st Submarine Squadron to the Navy Ministry on 29 March, 1943. Witness never saw Top Secret 1st Submarine Force Order No. 2 issued by MITO on 20 March, 1943. (Record p. 27,245-260) On cross-examination witness denied hearing of the machine-gunning of survivors of the Jean Nicolle and other Allied ships in the Indian Ocean but admitted hearing that the Allies had protested against such tactics. (Record p. 27,261) Witness denied that he had ever heard of the execution of 65 survivors of the Behar or of Britain's protest. (Record p. 27,267)

4 October, 1943 - Record p. 27,312 - Imperial Headquarters Directive 282 from NAGANO to KOGA, Commander of Combined Fleet, states that the boundary between German and Japanese submarines in the Indian Ocean is set at 70 degrees longitude. (Exhibit 3060-A) This exhibit is undated but the testimony of YAMAMOTO, Chikao states it was dated 4 October, 1943. (Record p. 27,255)

October, 1943 - Record p. 27,379 - Defense witness YAMAMOTO, Yoshio, testified (Exhibit 3066) that about October, 1943, a report from Admiral SAKAIBARA on Wake with regard to the prisoners came to the 4th Fleet and at the same time a telegraphic report came to the Navy Ministry, Naval General Staff and Combined Fleet. The report was that a landing by U. S. troops was expected, the POWs thereupon noted and were shot. The Navy Ministry was not in a position to take action but watched to see what action would be taken by the Commander of the 4th Fleet. Communications between Wake, Truk and Tokyo were by wireless and sea-borne traffic could not be conducted because of danger. The occupation of Wake became imminent and hence there was no way to summon the Commanding Officer of Wake to

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA, Contd)

the headquarters of the 4th Fleet for investigation. (Record p. 27,379-81) It is submitted that this testimony shows that OKA and SHIMADA knew of the execution of prisoners on Wake shortly after it happened. This failure to take any action or even order an investigation renders them liable.

1943 - Record p. 24,616 - Defense witness Alfred F. Kretschmer testified (Exhibit 2751) that he was German Military Attache in Tokyo from 4 December, 1940 to 8 May, 1945. The general military and economic commissions were assembled twice, first in 1943 before Mussolini's fall and second in 1944. Both were empty propaganda performances intended to camouflage the fact that nothing was done in Tokyo which could be called cooperation between the German and Japanese high commands. (Record p. 24,616) Reference: - OKA was appointed a member of the Mixed Experts Commission on 23 January, 1941.

1943 - 1945 - Record p. 27,349 - A communication dated 6 December, 1945 from the 2nd Demobilization Bureau to SCAP stated (Exhibit 3064) that almost all Japanese submarines operating in the Indian Ocean were lost with few survivors, hence it was difficult to ascertain facts concerning the merchant ship sinkings in the Indian Ocean. There were 9 such submarines operating on the Indian Ocean during this period (1943-1945) All except the I-162 were reported missing and the captain of the I-162 was killed in action. A comparison between the movements of the Japanese submarines and the date and place of each sinking as shown in Table No. 2 shows that no submarine may be suspected of these sinkings except three (I-27, I-166 and RO-110) which were lost with their crews so no further investigation can be conducted. (Record p. 27,352) The three suspected submarines were the I-27 (maneuvering at the time of the sinking of the British Chivalry, Sutlej, Ascot, Nancy Moller, Tjisalak, and Richard Hovey), the I-166 (maneuvering at the time of the sinking of the British Chivalry, Nancy Moller, Tjisalak, Richard Hovey and Jean Nicollet) and the RO-110 (sank one ship in Bay of Bengal in December, 1943 which may have been the Daisy Moller).

1943 - 1945 - Record p. 27,378 - Defense witness YAMAMOTO, Yoshio testified (Exhibit 3066) that he did not know that the U. S. on 21 August, 1943 sent a list of 400 prisoners on Wake and made inquiries concerning POWs on Wake between October, 1943 and July, 1945.

1943 - 1945 - Record p. 27,382 - Defense witness YAMAMOTO, Yoshio, Chief of Section One, Naval Affairs Bureau, testified (Exhibit 3066) that he did not remember the date and number of the protests received in connection with the sinking of ships in the Indian Ocean and atrocities on survivors but the Naval Affairs Bureau did receive some. The matter was referred to the Naval General Staff as involving operations. Since they reached the conclusion that Japanese submarines were not involved in the protests, a reply to such effect was sent to the Foreign Office.

15 July, 1944 - Record p. 26,414 - A "Chart of the Organization of the Japanese Navy (as of July 15, 1944) - Excerpt from the Collection of the Naval Regulations" was introduced in evidence in connection with the testimony of Defense witness SAWAMOTO. (Exhibit 2981) The Chart indicates that even Minor Naval Stations are on the same footing as the Navy Ministry in so far as their relation to the Emperor, i. e. they are all connected with the Emperor and the Cabinet by a "Direct Subordination Line".

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA, Contd)

GENERAL

NOTE - The following general references cover the whole period of the Indictment as a rule.

General (Imperial Conference) - Record p. 17,870. An excerpt from the interrogation of the accused TOJO stated (Exhibit 2348) that Imperial Conferences were held with important Ministers of State depending on the problem. In cases involving the prerogative of military command, the Army and Navy Chiefs of Staff attended. The Imperial Conferences had no responsibility as such. All who attended had responsibility in their official capacity but not in their capacity as a member of the Conference. The custom existed since the Russo-Japanese War and was a gathering of individuals holding responsible positions, to effect an interchange of views. Matters were not officially decided there. After discussion they were brought up at the Cabinet meeting where official action was taken. (Record p. 17,871) Reference: SHIMADA as Vice Chief of the Naval General Staff and subsequently Navy Minister was a member of the Imperial Conferences. OKA as Chief of the Bureau of Naval Affairs after 15 October, 1940 was also a member. (Record p. 682)

General (Cabinet - Record p. 17,752 - Defense witness OKADA, Tadahiko testified that cabinet members have collective responsibility and each member from the Premier down is responsible for the decisions of the Cabinet as a whole. Reference: SHIMADA as Navy Minister was a member of the Cabinet from 18 October, 1941 to 17 July, 1944.

General - (Privy Council) - Record p. 17,563-5 - Defense witness FUJITA, Tsuguo testified that the Privy Council is never policy forming and never exercises legislative functions (contrary to the statement by Brigadier Nolan in his opening statement, Record p. 548). If the Privy Council withheld its approval from an unimportant enactment or bill the government would withdraw the bill. If the bill happened to be an important one, it would either be changed or it might cause the resignation of the Cabinet. (Record p. 17,584) Reference: Both SHIMADA and OKA attended meetings of the Privy Council.

General - (Liaison Conference) - Record p. 17,556 - Defense witness FUJITA, Tsuguo testified that the Liaison Conference is composed of representatives of the Supreme Command and the Cabinet. The Liaison Conference discusses matters but final decision is made later either at the Cabinet or at the Supreme Command organs depending on the nature of the matter (Record p. 17,556) - The members of the Liaison Conference following an agreement of opinions or views there, return to their respective posts and there carried out the decisions reached in connection with matters pertaining to their particular jurisdiction. (Record p. 17,585) The decisions of the Liaison Conference were unanimous. Witness did not know if the decisions of the Liaison Conference were invariably approved by the Cabinet when referred back to that body. (Record p. 17,586) reference: Both OKA and SHIMADA were members of the Liaison Conference.

General - (Navy Administration) - Record p. 26,413 - Defense witness SAWAMOTO, Yorio testified (Exhibit 2980) as to the administrative set-up of the Japanese Navy. Naval administration was under the Navy Minister and naval operations were under the Chief of the Naval General Staff. Both the Navy Minister and the Chief of Navy General Staff were directly subordinate to the Emperor so there

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA, Contd)

was no question of one being superior or subordinate to the other. (Record p. 26,416) The Navy Minister was a civilian official and his appointment and dismissal were decided by the Premier's report to the Throne, like other ministers. The Chief of the Naval Affairs Bureau was appointed like other bureau chiefs and the Navy Minister had complete control. (Record p. 26,417) The Naval Affairs Bureau handled navy administration in general, armaments, national defense policy, international regulations, public relations and dissemination of naval knowledge. (Record p. 26,418) The Chief of the Naval General Staff was under the direct command of the Emperor and participated in the secrets of the War Council and controlled the General Staff. Naval strength was planned by the General Staff since it constituted the basis of operational planning but the Navy Ministry demanded the budget and handled the equipment of military strength. Hence, it was necessary for the Staff to consult the Ministry in the first instance. The actual procedure was for the Chief of Staff to plan affairs in naval strength and discuss it with the Minister including consultations on important items of supplementing naval strength, dispatch preparations and national defense logistics. Further planning and execution of operations was exclusively in charge of the Staff, so the Ministry had no part. (Record p. 26,421) The Navy Minister had an office in Imperial General Headquarters but did not thereby become an organ of it or subordinate to the Chief of Staff. (Record p. 26,424) Administration of occupied areas was controlled by the several commanders under orders from the Navy Minister. (Record p. 26,425-6)

General - (Navy Administration) - Record p. 17,539 - The Defense witness FUJITA, Tsuguo testified that the rules and regulations governing the Navy Ministry and the Naval General Staff were enacted in 1933 (Record p. 17,550). He stated that purely Supreme Command matters (such as mobilization plans, operations plans, battle array and field service regulations) are handled by the General Staffs. Purely administrative matters (such as organization of institutions and schools, accounts of the Army and Navy, recruiting and requisitioning) are handled by the respective War and Navy Ministers. Mixed matters (such as the decision on the size of the standing army and navy and the plan of national defense) are called such because on the one hand it is a General Staff matter and on the other a matter relating to military administration. These mixed matters are handled in the Navy by consultations between the Chief of the Naval General Staff and the Navy Minister. (Record p. 17,552) It is submitted that this evidence shows that Navy Minister SHIMADA and his subordinate OKA must have had knowledge of such mixed matters handled by the Chief of Naval General Staff NAGANO.

General - (Naval Administration) - Record p. 26,430 - Excerpts from "Rules Governing Business Contacts Between the Naval Ministry and Naval General Staff" (Exhibit 2982) enacted 1 October, 1933 shows that on matters of military strength, strategical dispatch of armed forces, tactical and strategical duties and movements of fleets, order of battle in time of war, military maneuvers and exercises, etc. the Chief of Naval General Staff will make a draft, conduct negotiations with the Navy Minister and then seek Imperial Sanction. (Record p. 26,430) It is submitted that this evidence shows that Navy Minister SHIMADA and his subordinate OKA must have had knowledge of such matters handled by negotiations between the Navy Minister and the Chief of Naval General Staff.



(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA, Contd)

General - (Naval Administration) - Record p. 26,438 - Defense witness SHIMIZU, Mitsumi, former Chief of Personnel Bureau, Navy Ministry, stated (Exhibit 2987) that the appointment of Bureau Chiefs was done by the Personnel Bureau Chief submitting the three best candidates to the Minister who then made a choice taking the opinion of the Vice Minister into consideration. Commanders of fleets and minor naval stations were appointed (simultaneously with the regular December annual personnel shifts) by the Navy Minister through the selection of an appointment plan tentatively drafted by the Chief of Personnel Bureau (Record p. 26,441) Promotion of officers was handled by a promotion conference held each autumn attended by all fleet commanders, Fleet admirals, Members of War Council, Vice Minister, Vice Chief of Staff, etc. The Navy Minister presided. (Record p. 26,442) On cross-examination witness stated that the Promotion Conference could not direct the retirement of officials but could approve relegation of an officer to the reserves and then the Navy Minister could issue the orders. Dismissals which were enacted during the year, that is, when Promotion Conferences were not held, were decided by the Navy Minister without taking it up with the Conference. (Record p. 26,446) NOTE - This evidence was introduced by the Defense apparently to show that the accused reached their official positions by virtue of a normal, routine process of promotion and not by reason of their activities pursuant to any conspiracy. Insofar as the evidence show that SHIMADA as Navy Minister had the authority to dismiss subordinate Navy officers, his failure to do so as in the case of Admiral ABE (who had reported to SHIMADA that he had executed 98 prisoners of war and internees on Wake Island) or even to order an inquiry as to the facts of such case puts him in the position of condoning that atrocity.

General - Record p. 26,454- Defense witness YANO, Shikazo testified (Exhibit 2989) that great care was taken in the education of naval officers. There were lectures on morals, psychology, and philosophy to train the individual to be a model citizen as well as a good soldier. There was no teaching of cruelty and hatred of enemies or desire for war. (Record p. 26,458)

INTERNATIONAL PROSECUTION SECTION

17 October 1947

MEMORANDUM TO ALL CONCERNED:

The attached Chronological Summary re SHIMADA, dated 1 October, 1947, brings up to date the Summary dated 9 July, 1947, which was previously distributed. Please destroy all copies of previous Summary.

Encl: As above stated

C. T. COLE  
Commander, USN

Prepared by: Commander Cole

Date : 1 October 1947

CHRONOLOGICAL SUMMARY OF EVIDENCE INTRODUCED BY THE  
PROSECUTION PERTAINING TO THE ACCUSED SHIMADA

I - References dealing with the period prior to 18 October 1941.

1 December, 1930 - Record p. 778 - SHIMADA was appointed Chief of Staff of the 1st and Combined Fleets. (Exhibit No. 124)

1 December 1931 - SHIMADA was appointed President of the Naval Submarine School. (Exhibit #124) The records do not show whether he relinquished his appointments as Chief of Staff.

2 February, 1932 - Record p. 778 - SHIMADA was appointed Chief of Staff of the Third Fleet. (Exhibit #124) It may be assumed that he relinquished at this time the Chief of Staff appointments previously held (if he had not already done so) and possibly the Submarine School appointment.

28 June, 1932 - Record p. 778 - SHIMADA was appointed to the Naval General Staff and additionally as a member of the Naval Technical Council. (Exhibit #124)

29 April, 1934 - Record p. 779 - SHIMADA was decorated with the Imperial Order of the Double Rays of the Rising Sun and the Third Class Imperial Order of the Golden Kite for meritorious services in the Incident of the years 1931-1934. (Exhibit #124) There is no direct evidence connecting SHIMADA with the conspiracy until he joined the TOJO Cabinet in October, 1941. However, the award of this decoration shows that he must have rendered substantial services during the Manchurian Incident.

September and October, 1934 - Record p. 9,219. Excerpts from a Japanese document dated September and October, 1934 entitled "Guidance of Public Opinion Re 1935 London Naval Limitations Conference" show that just prior to the London Conference of 1935 the Japanese Navy Ministry was organizing propaganda to insure the termination of the Naval Treaties of 1922 and 1930 (Exhibit 912). On this date OKA and SHIMADA were presumably attached to the Naval General Staff. Accordingly, they must have known of this attempt to terminate the Naval Treaties.

29 October, 1934 - Record p. 11,179 - On this date a conversation between the U. S. and Japanese delegates to the London Naval Conference was held at which Admiral YAMAMOTO stated that the Japanese were willing to abolish aircraft carriers whereas "if they (the Japanese) had aggressive designs in the Far East, nothing would be more useful than the retention of aircraft carriers". (Exhibit 1250) Prosecution witness Admiral Richardson testified that YAMAMOTO stated the official Japanese view that carriers were essentially aggressive naval arms. (Record p. 11,178) On this date SHIMADA and OKA were presumably attached to the Naval General Staff. Accordingly, it is submitted that they must have been aware of this.

(Chronological Summary of Evidence Introduced by the Prosecution Pertaining to the Accused SHIMADA, Contd)

13 November, 1934 - Record p. 9,197 - On this date Secretary of State Hull wired Chairman Davis of the U. S. delegation to the London Naval Conference stating that the only construction to be placed on the Japanese thesis is that it represents a desire to obtain overwhelming supremacy in the Orient. (Exhibit 58)

2 December, 1935 - Record p. 779 - SHIMADA was appointed Vice-Chief of the Naval General Staff. (Exhibit #124) It may be assumed that he held this post until 30 November, 1937.

10 December, 1935 - SHIMADA was appointed a member of the Investigation Council of National Resources. (Exhibit #124)

15 January, 1936 - Record p. 11,181. At a meeting of delegates to the London Naval Conference on this date NAGANO proposed a common upper limit for "those categories which are generally recognized to be predominantly offensive in character - namely, capital ships, aircraft carriers (in the event of their non-abolition) and 'A' Class Cruisers". (Exhibit 1251-A) Prosecution witness Admiral Richardson testified that NAGANO stated the official Japanese view that carriers were the principal type of aggressive naval arms. (Record p. 11,181) It is submitted that OKA and SHIMADA as members of the Naval General Staff must have shared in this view.

15 January, 1936 - Record p. 9,217 - On this date Admiral NAGANO, Chairman of the Japanese delegation to the London Naval Conference sent a communication to the Chairman of the Conference stating that the Japanese delegation can no longer usefully continue their participation in the deliberations of the Conference. (Exhibit 58) On this date OKA and SHIMADA as members of the Naval General Staff must have been aware of the withdrawal of Japan from the Conference and presumably shared in the decision.

18 May, 1936 - Record p. 684 - Imperial Ordinance No. 64, this date, states that persons to be appointed Navy Minister and Vice Minister shall be admirals on active service. (Exhibit 93)

30 June, 1936 - Record p. 9,542 - Exhibit 977 is an outline of the State policy by the War and Navy Ministries dated 30 June, 1936, which states that Japan's fundamental policy consists in advancing and developing in the Southern Seas as well as obtaining a firm position in the East Oriental Continent; the guiding principle must be to realize the spirit of the "Imperial Way" by a consistent policy of overseas expansion. There is no direct evidence to connect SHIMADA with this document. However, at the time this policy was agreed on, SHIMADA was Vice-Chief of the Naval General Staff and consequently it may be assumed that he was aware of and participated in the decision embodied in Exhibit 977.

(Chronological Summary of Evidence Introduced by the Prosecution Pertaining to the Accused SHIMADA, Contd)

30 June, 1936 - Record p. 9,548 - This document restates with some clarification the State policy set forth in Exhibit 977. (Exhibit 978) SHIMADA was Vice Chief of the Naval General Staff at this time and the same considerations apply as to his responsibility for the decision reached.

7 August, 1936 - Record p. 2,727 - A document entitled "Important Decisions re International and National Policies - Basic Principle of National Policy, 7 August 1936" decided by the Premier, Foreign, Finance, War and Navy Minister dealt with the policy necessary to secure the position of the Japanese Empire on the East Asia Continent. The fundamental principles of Japan's continental policy are stated to be intensification of national defense of Japan and Manchukuo to eradicate the Soviet menace and at the same time to prepare against Britain and America. (Exhibit 216) NAGANO was Navy Minister at this time. SHIMADA was Vice Chief of the Naval General Staff and hence must have been aware of this policy decision.

11 August 1936 - Record p. 9,549 - This document likewise restates the State policy set forth in Exhibit 977. (Exhibit 979) SHIMADA was Vice Chief of the Naval General Staff and the same considerations apply as to his responsibility for the decision reached.

11 August, 1936 - Record p. 2728 - A document entitled "Important Decisions Re International and National Policies - The Second Administrative Policy Toward North China" decided by the Ministries concerned states that the main purpose of Japan's policy toward North China is to set up an anti-communistic and pro-Japanese area, to improve national defense against invasion by Russia and to guide local politics and make the Nanking Government recognize the characteristic feature of North China. (Exhibit 217) Although not so stated it can be assumed that the Navy Ministry helped to decide this policy (as in the case of Exhibit 216 above mentioned); SHIMADA was Vice Chief of the Naval General Staff and hence must have known of this policy decision.

25 November, 1936 - Record p. 5,967 - On this date a Privy Council meeting was held at which Navy Minister NAGANO attended and the draft of the Anti-Comintern Pact was unanimously approved. (Exhibit 485) SHIMADA as Vice Chief of the Naval General Staff attended this meeting and is responsible for the decision taken.

25 November, 1936 - Record p. 5,934 - The Anti-Comintern Pact was concluded on this date with attached secret agreements. (Exhibit 36 and 480)

20 January, 1937 - Record p. 9,158-B - Exhibit 909-A is a report of a meeting of the Privy Council held on 20 January, 1937, at which it was decided that due to the importance of the South Seas Islands in the national defense of the Empire naval officers could be appointed as administrative officials in the South Seas Islands. This Exhibit was offered to show that the decision was made in furtherance of Japan's plan for fortifying the Mandated Islands. SHIMADA did not attend this meeting and there is no direct evidence to connect him with it. However, SHIMADA was Vice Chief of the Navy General Staff at this time and it may be assumed that he knew and approved of the decision.

(Chronological Summary of Evidence Introduced by the Prosecution  
Pertaining to the Accused SHIMADA, Contd)

20 February, 1937 - Record p. 2,745 - A document entitled "The 3rd Administrative Policy Toward North China", dated 20 February, 1937, again stated Japan's intentions toward China. The principle object is to make Manchukuo pro-Japanese and anti-Comintern, prepare the defense against the USSR, establish friendship with China and thus obtain materials for munition industries. (Exhibit 218) Although not so stated it can be assumed that the Navy Ministry joined in making this decision as in the case of Exhibit 216 mentioned above under date of 7 August, 1936. On this date SHIMADA was Vice Chief of the Navy General Staff and hence must have known of this policy decision.

16 April, 1937 - Record p. 2748 - A document entitled "Important Decisions Re International and National Policies - Plans for Guiding North China" decided by the Foreign, Finance, War and Naval Ministries on 16 April, 1937 again advocates a pro-Japanese and anti-Comintern China, the guidance of the Nanking regime to recognize the special position of North China, and the development of natural resources and communications. (Exhibit 219) SHIMADA was Vice Chief of the Naval General Staff and must have known of this policy decision.

11 November, 1937 - Record p. 9,240 - On this date the keel was laid for the Japanese battleship YAMATO which had a displacement of 64,000 tons and main batteries of nine 18 inch guns as compared with the 1936 treaty limit of 35,000 tons and 16 inch guns. (Exhibit 913) SHIMADA (as Vice Chief of Naval General Staff until 1 December 1937) must have known of this battleship. It is true that Japan was not a party to the Naval Treaty of 1936 but the construction of this battleship in secret after refusing to give assurances (see letter of HIROTA to Grew dated 12 February, 1938) is evidence of Japan's aggressive intentions.

20 November, 1937 - Record p. 14,553 - Imperial Headquarters was established to plan military operations and tactics and achieve uniformity between the Army and Navy in connection with the China Incident. (Extract from Interrogation of TOJO, Exhibit 1979-A) SHIMADA as Vice Chief of the Naval General Staff was presumably an important member (Record p. 14,293).

20 November, 1937 - Record p. 779 - SHIMADA was appointed a member of the Navy Preparedness Board of the Imperial Headquarters. (Exhibit #124)

1 December, 1937 - Record p. 9,253 - A chart entitled "Ships in Japanese Navy, Light Cruisers, Heavy Cruisers" shows that three heavy cruisers were commissioned on this date having a displacement of 8,500 tons and 8 inch guns as compared with the 1936 treaty limit of 8,000 tons and 6 inch guns. It is submitted that SHIMADA (as Vice Chief of Naval General Staff until 1 December 1937) must have known of this. Although Japan was not a party to the 1936 treaty the construction of such cruisers in secret and accompanied by a refusal to give assurances (see letter HIROTA to Grew dated 12 February, 1938) is evidence of Japan's aggressive intentions.

1 December, 1937 - Record p. 779 - SHIMADA was relieved of current duties and appointed commander of the 2nd Fleet. (Exhibit #124) He held this appointment until 15 November 1938. (Exhibit #124)

(Chronological Summary of Evidence Introduced by the Prosecution Pertaining to the Accused SHIMADA, Contd)

12 February, 1938 - Record p. 9,236 - On this date the accused HIROTA, as Foreign Minister, in answer to a note from Secretary Hull requesting assurances that Japan was not constructing nor acquiring any capital ships or cruisers not in conformity with the London Naval Treaty of 1936, sent a communication in reply which declined to give any such assurances. (Exhibit 58) It is submitted that OKA (as Chief of No. 1 Section, Bureau of Naval Affairs) must have known of this communication and must also have known that the Japanese on 4 November, 1937, had laid the keel of the battleship YAMATO and would shortly, on 29 March, 1938, lay the keel of the battleship, MUSASHI, both of which exceeded the limits of the Treaty. SHIMADA (as Vice Chief of the Naval General Staff until 1 December, 1937) must have known at least of the YAMATO and perhaps also of HIROTA's communication to Grew.

2 November, 1938 - Record p. 779 - SHIMADA was awarded a set of silver cups for meritorious service in connection with the Anti-Comintern Pact of Japan and Germany. (Exhibit #124) This award is significant since it related to a purely political pact having no connection with Naval duties. It indicates that SHIMADA actively participated in the matter even though behind the scenes.

15 April, 1940 - Record p. 780 - SHIMADA was appointed to serve on the Naval General Staff. (Exhibit #124)

29 April, 1940 - Record p. 780 - SHIMADA was decorated with the Imperial Military Order of the Golden Kite, 2nd Class and the Grand Cordon of the Rising Sun for meritorious service in the China Incident. (Exhibit #124)

1 May, 1940 - Record p. 780 - SHIMADA was appointed Commander of the China Area Fleet. (Exhibit #124)

15 November, 1940 - Record p. 780 - SHIMADA was promoted to Admiral. (Exhibit #124)

April, 1941 - Record p. 11,751 - This document is the gist of Imperial Headquarters Army and Navy policy decided in early April, 1941, concerning measures to be taken in the South. This document shows that Imperial General Headquarters had decided that in certain circumstances it would be necessary to resort to arms in carrying out national policy in the South. (Exhibit 1305) SHIMADA did not become a member of the TOJO Cabinet and consequently of Imperial General Headquarters until 18 October, 1941. However, by joining the Cabinet at that time he adopted the policy which it was pledged to carry out including the above decision.

2 July, 1941 - Record p. 6,566 - Exhibit 588 sets forth the resolution adopted at the Imperial Conference on 2 July 1941, which states that Japan will step up her Southward advance and will accomplish the execution of the schemes against French Indo China and Thailand for which purpose preparations shall be made for a war with Britain, and the United States. SHIMADA was not a member of the Cabinet at this time. However, by joining the Cabinet on 18 October, 1941, he adopted the policy which it was pledged to carry out including the resolution set forth above. (Exhibit 588)

1 September, 1941 - Record p. 780 - SHIMADA was relieved of current duties and appointed Commander of the Yokosuka Naval District. (Exhibit #124)

(Chronological Summary of Evidence Introduced by the Prosecution Pertaining to the Accused SHIMADA, Contd)

6 September, 1941 - Record p. 6,566 - Exhibit 588 sets forth the resolution adopted at the Imperial Conference of 6 September, 1941, which states that Japan will execute her Southern advance policy and if by early October the negotiations with the United States were unsuccessful Japan will go to war with the U. S., Britain and the Netherlands. SHIMADA was not a member of the Cabinet at this time. However, by joining the Cabinet on 18 October, 1941, he adopted the policy which it was pledged to carry out including the above resolution. (Exhibit 588)

6 and 7 September, 1941 - Record p. 7,988 - Exhibit 809, ATIS Research Report entitled "Japan's Decision to Fight" shows that on 6 and 7 September, 1941, at the Naval War College, the problem of attacking Pearl Harbor was debated. (Exhibit 809, p. 4, 5) It is inconceivable that SHIMADA did not know about this since four high ranking officers of the Navy Ministry attended the War Games and one of them (FUJII, Shigeru) is stated to have been SHIMADA's private secretary. (Exhibit 809, p. 5)

7 October, 1941 - Record p. 10,232 (Translation corrected at p. 10,668) An extract from KIDO's Diary on this date shows that there was dissension between the Army and Navy concerning the Washington Parley which the Navy wanted to continue and the Army to stop. A meeting of the Premier, War and Navy Ministers was held to settle Japan's national policy with respect to war with the U. S. (Exhibit 1143)

11 October, 1941 - Record p. 10,250 - Exhibit 1148 is a statement dictated by Prince Konoye setting forth the facts pertaining to the resignation of the 3rd Konoye Cabinet. It states that on 11 October, 1941, OKA, Chief of the Naval Affairs Bureau, told Konoye that with the exception of the Naval General Staff the brains of the Navy did not want a Japanese-American war but that in view of the Imperial Conference decision the Navy would not say so. (Exhibit 1148, p. 2)

12 October, 1941 - Record p. 10,250 - At a conference of Premier Konoye with the War Minister, Navy Minister, Foreign Minister and President of the Planning

(Contd next page)



(Chronological Summary of Evidence Introduced by the Prosecution Pertaining to the accused SHIMADA, Contd)

Board, TOJO stated that there was absolutely no hope for a successful conclusion of the diplomatic negotiations, since it was impossible to withdraw the troops from China. Navy Minister OIKAWA stated that the Navy would leave the question of whether there was any hope for a successful conclusion of diplomatic negotiations in the hands of the Premier and the Foreign Minister and would comply with that decision. OIKAWA said that if there was any hope for a successful conclusion of negotiations he wanted it continued. Konoye also wanted negotiations continued. (Exhibit #1148) Further discussions took place which made it clear that the Navy's refusal to commit itself prevented the deadlock from being broken. TOJO then suggested a clean slate with everyone resigning and a new Cabinet being formed under Prince HIGASHIKUNI. (Exhibit #1148)

16 October, 1941 - Record p. 10,269 - Konoye presented to the Emperor the resignation of his Cabinet. (Exhibit #1148)

II. References dealing with the period from 18 October, 1941 to August, 1945 -

18 October, 1941 - Record p. 780 - SHIMADA was appointed Navy Minister in the TOJO Cabinet (Exhibit #124). It is apparent that OIKAWA was dropped as Navy Minister because he sided with Konoye against TOJO. KIDO recommended to the Emperor that TOJO should be instructed that close cooperation between the Army and Navy was necessary. (Exhibit 2250 and Exhibit 1154) It is apparent that SHIMADA was appointed Navy Minister because he was a supporter of TOJO.

18 October, 1941 - Record p. 10,301 - Exhibit 1157-A is an extract from the interrogation of TOJO in which he stated that from the time he became Premier in October, 1941, he and the members of his Cabinet worked and acted in accordance with the principles stated (a) by Matsuoka as Foreign Minister in the Diet on 20 January, 1941, when he said that "the aim of all Japanese foreign policy is that of enabling all nations of the world each to take its own proper place in accordance with the spirit of Hakko Ichin, the ideal which inspired the foundation of our empire. The object of the Three-Power Pact, concluded between Japan, Germany and Italy, on September 27 last, is none other than the realization of the same great ideal. \* \* \* The pact states that Germany and Italy recognize and respect the leadership of the Japanese in the establishment of a new order in Greater East Asia" and (b) by the Tri-Partite Pact (Exhibit 1157-A). This indicates that SHIMADA was an active supporter of TOJO's militaristic and expansionist policy.

18 October, 1941 - Record p. 10,308 - TOJO in an interrogation said that after he became Premier he continued the policy laid down at the Imperial Conference of 6 September, 1941, to negotiate for peace on the one hand and on the other to prepare for war. (Exhibit 1158-A)

October, 1941 - (Exact date unknown) - Record p. 7,359 to 7,399 - The witness Kazuo YATSUGI, formerly Chief of the Bureau of Business of the National Policy Investigation Association (Kokusaku Kenkyu kai Jim ukyoku cho) testified that in October, 1941, a Committee for Administrative Measures submitted a report to the Navy Minister, among others. (Record p. 7,365) This report (Exhibit 684) stated that since Japan will inevitably expand in the near future either southward or northward, the committee was formed to study and discuss problems

(Chronological Summary of Evidence Introduced by the Prosecution pertaining to the accused SHIMADA, contd)

and forward the results to the Government. (Record p. 7,407) Although SHIMADA had no connection with this association the fact that the report was submitted to the Navy either just before or just after he became Navy Minister is significant.

18 October to 2 November, 1941 - Record p. 10,316 - Exhibit 1163 is a telegram from Foreign Minister TOGO to NOMURA dated 2 November, 1941, which shows that from the formation of the new Cabinet to 2 November, 1941 a number of Liaison Conferences were held to consider fundamental policy for the improvement of relations between Japan and America. (Exhibit 1163) The names of those present are not stated but an extract from TOJO's interrogation (Exhibit 1119-A, record p. 10,173) indicates that the Navy Minister normally had the right to attend such Liaison Conferences.

22 October, 1941 - Record p. 10,312 - Ambassador NOMURA in a telegram to Foreign Minister TOGO on 22 October, 1941 stated that he felt that he too should go out with the former Cabinet and expressed a desire to discontinue his work in Washington which he described as "this hypocritical existence, deceiving other people." He asked for permission to return to Japan stating " \* \* \* as a man of honor this is the only way that is open for me to tread." (Exhibit 1161) This indicates that the policy of the new TOJO Cabinet was to bring about war. SHIMADA as an important member of the Cabinet must have been aware of this.

(About) 29 October, 1941 - Record p. 10,314 - An entry in Marquis KIDO's diary dated 29 October, 1941 indicates that a Liaison Conference was held on or about this date. The names of those present are not known but Exhibit 1119-A indicates that the Navy Minister normally had the right to attend Liaison Conferences. (Exhibit 1162)

(About) 30 October, 1941 - Record p. 11,923 and 11,928. Exhibits 1328 and 1329 contain a list of questions and answers drawn up for the Liaison Conference held at the end of October, 1941. The names of those present is not stated but Exhibit 1119-A indicates that the Navy Minister normally had the right to attend. Moreover, Exhibit 1328 indicates that the matter was considered by the Navy Ministry among others. The answer to question #3 discussed the various possibilities if war broke out in the South during the autumn. (Record p. 11,928) The answer to question No. 3 stated that there was no possibility of restricting Japan's opponents to Britain and the Netherlands. (Record p. 11,931)

31 October, 1941 - Record p. 8,457 - Exhibit 852 (Communication 9, p. 16) is a communication sanctioned 31 October, 1941, from the Chief of the Financial Bureau, the Head of the Treasury Division and the Acting Head of the Foreign Affairs Division addressed to Prime Minister TOJO and Navy Minister SHIMADA among others which sets up the method of procedure for issuance of military currency notes in foreign denominations to defray war expenditures in the event of a military operation in southern regions and requests the approval of the addressees thereon. (Exhibit 852, p. 16, 17) Communication No. 10, p. 18 to 24 (Record p. 8,458) is a communication sanctioned 31 October, 1941, from the same persons to War Minister TOJO and Navy Minister SHIMADA among

(Chronological Summary of Evidence Introduced by the Prosecution pertaining to the accused SHIMADA, Contd)

others which refers to the institution of procedures for handling military currency in foreign denominations for the southern regions and asks the approval of the addressees thereon. The military currency notes are called Military Currency Notes of 1941 and their denominations are Gulden, Dollars and Pesos. The areas in which they are to be used are Dutch East Indies, British Malay, British Borneo, Thailand and Philippines. (Exhibit 852, p. 18 to 24)

End of October or early November, 1941 - Record p. 10,461 - In his interrogation NAGANO said he approved of the YAMAMOTO Plan to attack Pearl Harbor at the end of October or early in November after the plan had been perfected by preliminary maneuvers at sea and on paper. (Exhibit 1197-A) It is inconceivable that Navy Minister SHIMADA did not know about the plan, at least from the time he became Navy Minister. This is confirmed by Exhibit 809, p. 67.

4 November, 1941 - Record p. 10,330- On 4 November, 1941, the Cabinet issued instructions (most secret) to the Board of Information entitled "Policy for Guiding Public Opinion on British and American Problems" which states that "such news and speeches as will enable the enemy to perceive our war preparations and strategic activities" shall be excluded. (Exhibit 1167) SHIMADA is not mentioned by name but as a member of the Cabinet he undoubtedly participated in deciding the policy.

4 November, 1941 - Record p. 10,318 - A telegram from TOGO to NOMURA on this date indicates that a Liaison Conference was probably held on or about 4 November at which a counter proposal was adopted for resumption of Japanese-American negotiations. (Exhibit 1164) The names of those present were not stated but SHIMADA probably attended. (See Exhibit 1119-A listing usual members)

5 November, 1941 - Record p. 10,332 - An entry in KIDO's Diary shows that on 5 November, 1941, an Imperial Conference was held at which the policy toward the U.S., England and the Netherlands was decided. (Exhibit 1168) SHIMADA is stated to have been present at this Conference. (Exhibit 1107)

5 November, 1941 - Record p. 10,333 et seq. - Exhibit 1169 sets forth the policies decided at the Imperial Conference of 5 November, 1941, as follows:-

- (1) When it is recognized that the Japanese-American negotiations are ended and war is inevitable (probably after 25 November) Germany and ITALY are to be informed without delay of Japan's intention to open hostilities against the U. S. and Britain and negotiations are to be opened for this participation in the war.
- (2) Intentions toward Britain to be kept secret.
- (3) Negotiations with Netherlands East Indies to be opened in order to conceal intentions.
- (4) Negotiations to be continued with Russia.
- (5) Request Thailand to allow passage of troops but dispatch troops even if consent is not forthcoming.

(Chronological Summary of Evidence Introduced by the Prosecution Pertaining to the Accused SHIMADA, Contd)

(6) Philippines, Netherlands East Indies (in part) and Burma to be made independent.

5 November, 1941 - Record p. 10,346 - A telegram was sent from Tokyo to Washington on this date stating that November 25th was the deadline for concluding an arrangement. (Exhibit 1171)

5 November, 1941 - Record p. 10,347 - On this date NAGANO issued the order which caused the Pearl Harbor plan to be put into operation. (Exhibit 809, p. 75)

5 November, 1941 - Record p. 11,196 - On this date YAMAMOTO pursuant to NAGANO's order issued Combined Fleet Top Secret Operation Order No. 1 setting forth operations in the war against the U. S., Britain and the Netherlands including an attack on Pearl Harbor. (Exhibit 1252)

5 November, 1941 - Record p. 8539 - 8542 - The witness J. G. Liebert testified that in 1937 a special "War Expenditures Account" was included in the Budget to cover the direct war expenditure and that this account steadily increased between 1937 and 1941. (Record p. 8539 - 8540) Exhibit 859 shows that expenditure on this account was authorized by certain ministers. On 5 November, 1941, SHIMADA as Navy Minister authorized an expenditure of 28,800,000 yen excess over Budget. (Exhibit 859, p. 19)

7 November, 1941 - Record p. 11,193 - On this date Y day (approximate date for commencement of operations) was fixed as December 8 by Combined Fleet Top Secret Operation Order #2 issued by YAMAMOTO. (Exhibit 1252, p. 55)

10 November, 1941 - Record p. 10,193 - SHIMADA in his interrogation admitted that NAGANO on 10 November, 1941, issued Striking Force Operation Order No. 1 which ordered all forces to complete battle preparations by 20 November, 1941. (Exhibit 1128-A) This is confirmed by Exhibit 809, p. 10 (Record p. 10,349).

11 November, 1941 - Record p. 9,361 and 10,363 - Exhibit 1175 is a draft adopted at the Liaison Conference on this date setting forth "Principal Reasons Alleged for the Commencement of Hostilities against the United States and Britain". This draft indicates that war was regarded as inevitable because "there is a fundamental opposition between the assertions of Japan and the United States in regard to the establishment of a lasting peace in the Far East". Exhibit 919 is the Liaison Conference Decision Plan adopted on 11 November, 1941, which states that "Japan will execute a swift war by force of arms and will overthrow the American, British and Dutch bases in East Asia and in the South Western Pacific, thereby ensuring herself a strategically dominant position". The names of the persons attending the conference are not stated but SHIMADA probably was present. (See Exhibit 1119-A listing those who usually attended)

12 November, 1941 - Record p. 10,373 - Exhibit 1176 is a Foreign Office document entitled "General Outline for Hastening the Conclusion of War Against the U.S., Great Britain, Netherlands and the Chung King Regime" which states that a "No-Separate-Peace-Agreement" shall be concluded with Germany and Italy. There is no