

Interrogation of ODAWARA, Kenji -- 13 July 1948.

Q. About HAYATSU, Kyujiro--was he paid regularly every month?

A. There were certain men in a peculiar position who held the position as branch managers but who were actually merchants on their own from Shanghai. It would have been funny to give them a monthly wage so they were given a semi-annual bonus for cooperating with the KODAMA Organ--men such as HAYATSU and INOUE. I believe there were two or three other such men.

Q. Did you determine the amount that they should be given as a bonus?

A. KODAMA, Yoshio determined the amount.

Q. But you paid them, is that right?

A. Yes.

Q. Were all those bonuses to special employees paid by the end of the war?

A. Yes.

Q. Is your 500,000 yen frozen in the bank?

A. 250,000 yen of it is frozen.

Witness dismissed at 1645 hours,  
13 July 1948.

中田 平健次

\_\_\_\_\_  
ODAWARA, Kenji

Oath of Interpreter:

I swear that I truly translated the questions and answers from English into Japanese and from Japanese to English.

*Yoshiaki Ogita*  
\_\_\_\_\_  
Yoshiaki OGITA, Interpreter.

Subscribed and sworn to before me this 21 day of July 1948.

*James Deutch*  
\_\_\_\_\_  
WAR CRIMES PROSECUTOR.

Interrogation of ODAWARA, Kenji -- 13 July 1948.

Personally appeared before me the above-named ODAWARA, Kenji and made oath to the truth of the foregoing statement which has been translated from English into Japanese.

21 July 1948  
DATE

Israel Deutch  
WAR CRIMES PROSECUTOR

INTERROGATION OF

SOMA, Naomasa

Date and Time: 21 June 1948, 1025 hours to 1130 hours.  
Place: Room 300, War Ministry Building, Tokyo, Japan.  
Present: SOMA, Naomasa  
Mr. Frank G. O'Neill, Interrogator  
Mr. Edward P. Monaghan  
Mr. Hiroshi MATSUDA, Interpreter  
Miss Jewel E. Newman, Stenographer

Questions by: Mr. O'Neill.

Q. Well, now, SOMA, there was in the KODAMA Organ at the time you were there a Chinese interpreter and liaison man between KODAMA and the Chinese. What was his name?

A. While I was with YOSHIDA and KODAMA back in 1942 I do not remember any Chinese working with us. KODAMA may have had connections with Chinese friends but in our business I do not remember any friends which took any active part.

Q. What was this business that KODAMA got tied up in in front of the SHIN-A Hotel when some Chinese were massacred back there in 1942?

A. I cannot recall any incident on or about 1942 but I remember an incident way back in 1936 or 1937 in this SHIN-A Hotel.

Q. What was that incident?

A. Way back in 1936 this hotel--which later officially became known as the SHIN-A Hotel, at that time was the headquarters of the Japanese special organ and various incidents occurred in connection with this operation, but at that time when this incident which I referred to happened I don't think that KODAMA was in Shanghai.

Q. What was the incident--what happened?

A. As I remember, the incident was concerned with the special organ under the leadership of Col. USADA who had rounded up the entire

Interrogation of SOMA, Naomasa -- 21 June 1948.

Chinese element in the concession area and massacred them.

As we could not get near to this place I did not know any further details except from what I heard at the time. I think that Col. USADA was investigated at the time and some understanding was made with the Chinese Government concerning the massacre. I think this hotel was actually named the SHIN-A Hotel after 1938 when a Japanese manager took over the running of the hotel.

Q. By the way, who was the manager of the Broadway Mansion?

A. After it was taken over by the Japanese Army its manager had been Japanese. Before this I think it was run by a foreigner--maybe an American. I can't recall the name of the manager but if I check up with my records I think I can recall his name.

Q. Do that, please, when you go back to your office.

Q. What was the name of KODAMA's most bitter enemy in Shanghai?

A. The BANWA group hated him the most.

Q. What was the name of the president of the BANWA group when you were there?

A. I can't recall his name but I think I can find out for you if you give me time. I remember one person by the name of KABAYAMA, Ainosuke who was the son of Admiral KABAYAMA.

Q. Was this boy a civilian or was he a naval officer?

A. He was a civilian at the time.

Q. What was his duty in the BANWA Company?

A. I think he was one of the directors and, as I remember, the BANWA Company was made up of both Japanese and Chinese stockholders.

Q. Do you know KODAMA's wife?

A. Yes, I know her by face and I think she lives at Megura.

Q. Were Col. HORI and KODAMA friends?

A. He was President of the SHOWA Trading Company. I don't know if they were good friends but they knew each other--they had occasion to meet each other.

Interrogation of SOMA, Naomasa -- 21 June 1948

Q. Where was the main office of the SHOWA Trading Company in Shanghai?

A. It was on the same street where Broadway Mansion was.

Q. Did the SHOWA Trading Company have any other function in addition to buying for the Army?

A. As I understand they did everything KODAMA had to do in buying and selling. They used to buy import planes from European countries and they used to sell planes to China and, of course, gather foods such as rice that China needed. Maybe you know the whole story, but if you don't it may help. This army buying agency in China was the SHOWA, of course, but this organization was established by Cabinet decision and the understanding was that this organ was to buy for the Japanese Army and Navy air forces--raw materials. But when they decided on establishing this organ the Navy Minister was not present and when the Navy Minister learned of this he didn't like the idea of the Army more or less sponsoring the organ of buying everything for the Navy and some influential men of the Navy circle got together and established a more or less separate concern over on the other side in China--Shanghai--as a private enterprise. And this is how the Navy's BANWA Company was organized. And when KODAMA got into the field there was great dissension in the Navy circles because KODAMA was representing the Naval air forces and they tried every means to get rid of KODAMA but as the war progressed the air force became the mainstay of Japan so they could not get rid of KODAMA because the air force had a lot to say and, therefore, I believe that this BANWA group hated KODAMA most.

Q. Did KODAMA have any Koreans working for him in Shanghai?

A. No, he never had any Koreans under him. Only in connection with MIZUTA they put him where he had Koreans under him.

Witness dismissed at 1130 hours.

INTERROGATION OF

OTSUKA, Kyoshi

Date and Time: 10 June 1948, 1430 hours to 1630 hours  
Place: Room 300, War Ministry Building, Tokyo, Japan.  
Present: OTSUKA, Kyoshi  
Mr. Frank G. O'Neill, Interrogator  
Mr. Edward P. Monaghan  
Mr. Hiroshi MATSUGA, Interpreter  
Miss Jewel E. Newman, Stenographer

Questions by: Mr. O'Neill.

Q. What is your name?

A. Kyoshi OTSUKA.

Q. And your present address?

A. 41 Sakuragaoka  
Hodogaya-Ku  
Yokohama

Q. When did you arrive in China--on what date?

A. I was in Shanghai from December 1938 to June 1942.

Q. What was the name of your organization--what military organization?

A. I was with the Shanghai Kempei Tai.

Q. And your rank was what?

A. Up to 1940 I was a captain and in 1940 was promoted to a major.

Q. What were the names of the successive commanding officers of the Shanghai  
Kempei Tai?

A. 1938 - 1939 - KANAYA, Koichi (Col.)  
1939 - 1940 - MIURA, Saburo (Maj. Gen.)  
1940 - 1942 - NOMI, Kakuro (Maj. Gen.)  
1942 - KINOSHITA, Eiichi (believed to<sup>be</sup> presently in Shikoku)  
(one day only when I returned to Japan)

Q. When you left Shanghai where did you go?

A. I went to Nanking and served with the Kempei-Tai detachment there and  
then returned to a post in the War Ministry at Tokyo and stayed here  
until the end of the war.

- Q. What was the next higher echelon?
- A. The next higher echelon was the Nanking Kempei Tai which, in turn, was under the Central Japanese Army which was, in turn, under the China Expeditionary Forces. There were, of course, many branches under our Shanghai detachment.
- Q. Did the Kempei Tai in Shanghai have jurisdiction over Japanese civilians who committed crimes involving either Chinese nationals or Japanese nationals?
- A. The Kempei Tai had jurisdiction only over civilians connected with the Army or other Japanese civilians in China who were under the jurisdiction of the Consular Police.
- Q. Was KODAMA under the Kempei Tai or the Consular Police?
- A. KODAMA was a Navy man--civilian employee--and they had no jurisdiction over him. Because of difficulties which may arise between the Army and Navy all naval civilians were left up to the Navy to take care of but if they were turned over for trial the Kempei Tai did the investigating and trying them.
- Q. Can you name some one who remained with the Army after you left?
- A. Yes, Lt. Col. NOGUCHI, Masao and his address is:
- 10-8 Fukushima Dayu, Minami Machi,  
Honeyama-cho  
Fushimi-Ku  
Kyoto
- Q. What rumors did you hear about KODAMA?
- A. I don't remember any particular remarks concerning KODAMA but there was much criticism upon the Navy for using a man like DODOMA who resorted to such highhanded methods to accomplish his end. I remember that he used the name of the Navy to accomplish his business there and because the Navy being of the occupation force there he was able to make people to come through with whatever enterprise he was after.

- Q. Who occupied Shanghai--did the Navy occupy Shanghai or did the Army occupy it?
- A. Actually, Shanghai was an army occupation area but because of the fact that the Navy had this landing force in Shanghai even before the war and they were the force that looked after these concessions--the international settlement. So when it came to actual supervision in Shanghai it was the Navy landing force that had charge of the sector. For this reason, the Army, although it was supposed to have been in their area, had no power in this settlement.
- Q. What is the naval organization which has the same function as the Kempei Tai?
- A. There isn't anything to compare with the Kempei Tai in the Navy. The Kempei Tai, actually, was the organization that had to look after both the Army and the Navy, but in Shanghai, because of the fact that the Navy was well established there the Kempei Tai did not have power over the Navy. It was left up to the Navy to look after its own cases.
- Q. What Naval organ would investigate a case which was imposed against, shall we say, KODAMA?
- A. It seems that the Kempei Tai was the organ that was supposed to have looked after any trouble<sup>that</sup> arose. KODAMA's affairs would have been investigated if the Navy authorities had turned him over to them but since they didn't do it they had nothing to do with KODAMA's affairs while he was there and the organ that investigated KODAMA must be the Unit Commander to which he was attached.
- Q. Who would that be?
- A. I do not know the setup of the Navy well enough to say which branch or section would investigate matters of this sort, but I think there is a police organ under the Commander-in-Chief of the Shanghai Landing Forces. After 1942--I don't know--but there may be cases when the Kempei Tai actually took part in some of these investigations.



Q. Who introduced KODAMA to you?

A. I actually don't know KODAMA personally and I think I had a short chat with him only once, but I remember KODAMA coming to the Kempei Tai office/<sup>quite</sup>often and I have seen him in conference with a certain Col. HAYASHI, Hidezumi, my immediate superior.

Q. What is his address?

A. He went to China and he is not in Japan.

Q. Where in China?

A. He is being detained by the French authorities in French Indo-China.

Q. Was he a close friend of KODAMA's in Shanghai?

A. Yes, he was.

Q. What was HAYASHI's position?

A. He was my immediate superior. I must explain that the Military Police Detachment is broken into three sections...the Administrative Section, then the section which deals with military police matters, and the third section which deals with subversive matters and deals with the civilians of the occupied country and this section usually operated in plain clothes. I was a member of this section and the aforesaid HAYASHI was the head of this section. About 1942 HAYASHI was replaced by Lt. Col. OGATA, Izumi.

Q. Where does he live?

A. I don't know his address; I think he is in Japan.

A. Was he also a close friend of KODAMA's?

A. I don't know whether they were friends but as he was the Chief of the Toko Section I think they had connections. A certain NOGUCHI was Chief of the Military Police Section and under him there was the Economic Branch of it and since KODAMA was in business I think that he had some kind of connections with him.

Q. Did you see KODAMA in Nanking?

A. Yes, at Nanking he was the head of the TOKO Section and KODAMA dropped in to pay his respects once.

Q. At Shanghai did you think it looked well to see a terrorist, blackmailer and a murderer such as KODAMA was, to be hanging around police headquarters?

A. I personally didn't like men like KODAMA who followed this system but I don't know what reason he visited my immediate superior so I can't say anything from their meeting.

Q. Can you give me the names of several influential Chinese in Shanghai who knew KODAMA--that KODAMA had relations with.

A. I do not know anybody who may have known KODAMA.

Q. Give me the names of a couple of Chinese friends of yours, or confederates, or people who knew pretty well what was going on in Shanghai--that you knew<sup>that</sup> could tell me a little bit what was going on in China.

A. I don't know of any of my Chinese friends who knew anything about KODAMA or not but, of course, if I were sent to Shanghai and looked into the matter may be I could name some of them who would know KODAMA but at the present I don't know anybody I think would know anything about him.

Q. Did the Shanghai Police Department continue to function under the Japanese occupation?

A. Yes. I doubt if any old central government people are in office or in the area because when Chiang Kai-shek's regime took over they were all prosecuted or had to move out.

Q. Did the Shanghai Kempei Tai conduct an investigation of communistic activities in Shanghai?

A. Yes.

Q. Who was the head of that investigation?

A. I did it myself.

Q. Do you remember the names of any communists that you investigated?

- A. Yes, I remember one MEI KWON LA and the Japanese pronunciation is MEI KORA. He lived at Wusih--between Nanking and Shanghai.
- Q. Were there any Japanese communists in Shanghai while you were there?
- A. Yes, in the hills and in the unoccupied part of China there was a Japanese called NOZAKA, Sanzo, alias OKANO, Susuno.
- Q. Is there anything else you might think of that might help us gather the true facts on KODAMA--either for or against him?
- A. I don't think I know anything more. As I stated previously I did not like this man KODAMA.

Witness dismissed at 1630 hours.

\_\_\_\_\_  
OTSUKA, Kyoshi

Oath of Interpreter:

I swear that I truly translated the questions and answers from English into Japanese and from Japanese to English.

\_\_\_\_\_  
Hiroshi MATSUGA, Interpreter.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 1948.

\_\_\_\_\_  
WAR CRIMES PROSECUTOR

Personally appeared before me the above-named OTSUKA, Kyoshi and made oath to the truth of the foregoing statement which has been translated from English into Japanese.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
WAR CRIMES PROSECUTOR

Subject: Robinson Rodama Investigation in China.

3 original  
304 copies

To : Tol Chabuter, Chief, Legal Section  
Chief, WCTD.

1. The following named persons were interviewed in ~~Szechwan~~ China. A summary of the information obtained is set forth in (TAB A).

a  
B  
C  
etc.

2. Col ~~Se~~ Hayashi, former Japanese Kempai Tai officer in Shanghai, now being held by French authorities at Saigon was interviewed and a statement taken (TAB B).

3. Major A. M. Eggers, commanding officer, C.I.C, New Asia hotel was interviewed and his office conducted an investigation of their files ~~and through various contacts~~ the K.K. in Shanghai. (TAB C)

4. Mr. Robert Kobe, assistant Chief External Security Detachment (formerly OSS) 841 Avenue Pasteur, interviewed 28 Aug 1948 and agreed to make a search of their record in regard to K.K. On 20 Sept 48 they furnished a report on the K.K. (TAB D)

~~5. Copy English translation of the ~~for~~ War Crimes Trial of held by the Chinese~~

5. The Japanese associates of the K.K. in ~~Hankow~~ Hankow were tried by the Chinese for War Crimes. ~~on 11th of 1948~~

II

\* They were found not guilty. (TAB E)

6 → ~~Since no evidence~~

§ 79 in my opinion the evidence compiled is insufficient to warrant trial of the accused and accordingly his release as a War Criminal Suspect is recommended.

Frank G. Dull  
Prosecutor.

6 → Attached as TAB E <sup>in a separate folder</sup> is a copy of all ~~additional~~ <sup>F in a P</sup> statements obtained in addition to basic file furnished by I. P. S.  
copy names.

(1)

SAIGON

Colonel Hayashi, former Japanese Kempai Tai Officer, presently confined and held by the French Military Authorities was interviewed 14 Aug 48 at the Saigon French Prison (See Hayashi's translated statement). *at Shanghai.*

SHANGHAI

Mr. L. N. K. Yek, merchant, 395 Woosung Road, contacted 25 Aug 48 gave the address of Huang Yih-Zai.

Mr. Huang Yih-Zai, broker, 16 Honan Road, interviewed 25 Aug 48, stated that he had met Kodama on several occasion and was familiar with the KK as he had done some trading and selling to the organization.

He further stated that his knowledge of the KK was limited to Shanghai, but was aware of the fact that the organization operated in several of the larger cities of China. He said that the Japanese Navy and Army had several purchasing agencies in China, but the KK appeared to be the most powerful and influential. Huang stated that it was his experience ~~with the~~ KK that it was fair ~~to~~ and he had no justifiable reason to deplore any of their actions. At no time, he said, did he hear of the mistreatment of Chinese civilians by the KK.

Inspector Dow King Yong, Foreign Affairs Section, C. I. D., Police Department, interviewed 25 Aug 48, advised these investigators that an investigation of the KK and its members, as well as a check of police records located in Shanghai, the former International Settlement and the French Concession would be conducted. On 13 ~~Sept~~ <sup>Sept</sup> 4<sup>th</sup> Mr. Dow was again contacted and he stated that their investigation and check of records had revealed no information of a criminal nature pertaining to the KK or its members. He further stated that Chinese holding official positions under the Japanese occupation ~~had~~ <sup>been</sup>

(over)

tried ~~xxxx~~ and sentenced for collaboration or have disappeared  
from Shanghai

*[Faint, illegible text]*

*[Faint, illegible text]*

*[Faint, illegible text]*

*[Faint, illegible text]*

*[Faint, illegible text]*

*[Faint, illegible text]*

*[Faint, illegible text]*

*[Faint, illegible text]*

*[Faint, illegible text]*

*[Faint, illegible text]*

(over)

FENG CHEN WEI, Broker, 116 Tong Shang Road interviewed 26 Aug 48 stated that he did not know KODOMA, personally but was intimately acquainted with KOSHIMIZU, ISAMU, the KK representative in Hangchow. FENG said that he worked for General TAI LI, whom he claimed was a counter part to General DONAVON, ~~and~~ head of OSS. Feng indicated that he had an office next door to KOSHIMIZU in the same building. It is the opinion of FENG that ~~KKK~~ KODOMA could not be charged with any crimes in or around Hangchow, as KOSHIMIZU ~~conducted himself as~~ <sup>was a</sup> ~~gentlemanly~~ ~~and~~ and his method of doing business appeared to be fair. FENG claimed that he had heard that KODOMA was a ruthless business man and may have ordered the members of his organ to obtain materials at any cost, but at no time did he hear that the organ was responsible for murder of Chinese. FENG claimed that his principle mission with TAI LI was to assist the smuggling of loyal Chinese out of Shanghai through Hangchow to the interior.

MAJOR W. M. EGGERS, Commanding Officer, Counter Intelligence Corps, ~~New Asia Hotel~~, interviewed 27 Aug 48 stated that his office would conduct an investigation into the activities of the KK and on 13 Sept 48 the following report was submitted. ~~(see report Tab A)~~

Mr. ROBERT KOKE, Assistant Chief External Security Detachment (formally OSS) 841 Avenue Pétain, interviewed 28 Aug 48 stated that a check of their records would be conducted. On 20 Sept 48 the following report was submitted by Mr. KOKE. ~~(see report)~~ TAB B.

MR. FENG PING NANG 116 Tong Shang Road, Father of FENG CHEN WEI and retired Industrilist interviewed 25 Aug 48, stated that he was acquainted with the KK but had never met K. He said that K was known as ~~an~~ <sup>an influential man</sup> among the Japanese Navy Circles. He stated that he had



not heard of any atrocities committed by the KK, however, to be as successful as KODOMA in such a short length of time he must have *been* resorted to many methods of ruthlessness. FENG claimed that he retired nine years ago from business due to illness and at no time did he have any dealings with the KK.

MR FENG stated that he was willing to cooperate and assist these investigators in gathering evidence and suggested a dinner party ~~to~~ to which he would invited <sup>influential Chinese and</sup> some old "China Hands". On 22 Sept 48 the following named persons and these investigators met at the home of MR FENG: MR A. P. MORTCHOIR former ~~XXXXXXXXXX~~ Comptroller, International Settlement, MR. PIERRE PFANNER Importer and Exporter, MR. R. WOLFER Silk Merchant, MR. S. P. CHENG Former Governor General of Formosa, MR. P. YANG, Editor China Express, <sup>J. Y.</sup> ~~XXXXXXXXXX~~ GENERAL/HUANG, Judge of High Court. (Discussion to be supplied by Mr. O'neil)

MR "PICK" EUGENE HOVENS, formerly Russian Military Attache (1926-28) and presently confined at Ward Road Jail, awaiting trial for collaboration, interviewed 21 Sept 48 stated that he worked for the Japanese Navy as an ~~interpreter~~ <sup>interpreter</sup> during their occupation of Shanghai. He said he had no definite information concerning the KK; that he did not know KODOMA but knew several members of the organization <sup>name of the</sup>

NOTE: HOVENS furnished the following Japanese to contact in Japan as possible leads, Capt. Otani Chief of Staff, Navy Command. Mr. Yamamoto, (fnu) Business Expert, (fnu) Capt./Kobeto, Chief of Navy Intelligence Lt. Oguchi (fnu), Secretary, Admiral Oka, Professor Ekushima (fnu), Foreign office employee.

NANKING

GENERAL NSU NEIH LAO, Supreme Judge Advocate, Chinese Army, interviewed 2 Sept 48 stated that he would have his office conduct an investigation into the activities of the Kodama Organ. On 10 Sept 48 NSU reported that a check made of all available records reflected no information concerning KODAMA or members of his organization.

Chief of Police, CHEN DAH NEE, interviewed 5 Sept 48 stated that a check of the Nanking Police records and persons contacted reflected no information concerning the KODAMA-KIKAN or its members.

WUHU

5

Mr. George Horton, resident of Wuhu for forty years, president of school for Chinese youth, interviewed 6 Sept 48 stated that he was living in Wuhu during the Japanese occupation and knew of many inhuman acts committed by the Japanese Army and Navy but was not familiar with with the KK. He said that it was his observation that the Chinese possessed an inherent fear of the Japanese and the use of force or intimidation would be unnecessary to secure commodities on the part of the Japanese. He said that many shortages existed in staple goods and food and the Chinese were <sup>eager</sup> ~~happy~~ to ~~either~~ barter or sell their commodities for sugar, matches, salt, clothing, etc., which the Japanese had a generous supply.

Dr. Steiman K, M, Korean M. D. interviewed 5 Sept 48 stated that he was well acquainted with the representative of the KK. He said that it was his opinion that the Japanese and the Chinese got along very well and <sup>at</sup> not time did he ever hear of any <sup>bad</sup> acts committed by the KK. He stated that the KK manager, Mr. Yamada, Isamu came to his office many times for social visits and professional advice. Kim declared that in 1938 the Japanese troops proceeded through Wuhu enroute to Nanking leaving behind thousands of murdered Chinese and wanton destruction, however, after 1941 the Chinese and the Japanese were more or less reconciled to each other.

Miss Francis Culley, Chief Nurse, Wuhu General Hospital, interviewed 4 Sept 48, stated in substance:

I have lived in Wuhu for the past <sup>eighteen</sup> ~~twenty~~ years, with the exception of the those years that I spent in the States just before the beginning of the Pacific War. I returned to Wuhu in 1946. At the present time I am the acting Supt. of the Hospital for the reason that Dr. W. T. Waters

6.

is on her vacation. Dr. Waters was here all during the Japanese occupation and has told me many ~~xxxx~~ stories about the conduct of the Japanese and Navy forces, however, I do not recall Dr. Waters ever mentioning the name of the Kodama Kikan. Wuhu is known ~~xxxxxxx~~ as the bread basket of China and the is the center of much trade, consequently, the Japanese would have many of their merchants and traders located here for ~~xxxxx~~ obvious reasons. I do not recall ~~xxxxxxx~~ of hearing of any incidents in which Japanese ~~xxx~~ civilian business representatives were involved.

MR. Peter Cha, Chief, Foreign Affairs Department, The Archives District Police Bureau, interviewed 5 Sept 48 stated that the records of the Wuhu Police Dept reflected no information concerning the KK. ~~Note:~~ These ~~investigators~~ <sup>check</sup> with the assistance of Mr. Cha <sup>see</sup> conducted a neighborhood ~~xxxxxxx~~ where the KK maintained offices. ~~This check~~ <sup>covered</sup> ~~xxxxxxx~~ <sup>with</sup> several persons, including the former owner of the building occupied by the KK representative, and ~~all~~ stated that they knew no derogatory information concerning the KK

HANKOW

General Jin Ching Pong, Chief of Police, interviewed 8 Sept 48 stated that he had been recently appointed to his position and knew nothing about the KK. ~~Note:~~ The Gneral delegated Mr. Shelley S. L. Yang, Chief, Foreign Affairs Section, Police Dept. to review all available records and on 9 Sept 48 these Investigators were given the court records of the Hankow Military Tribunal for War Crimes, which ~~xxxxxxx~~ tried former members of the KK and found them innocent. *see Tab E F*

Mr. John Simon Kress, 30 Dupree Road, interviewed 8 Sept 48, stated

7.

that he had lived in Hankow for the past thirty eight years and was presently engaged in the exporting of pig bristles. He said that the Japanese came to him several times with various business propositions, including the KK representative, Mr. Mizuguchi, but not having any inclination to deal with the Japanese, he declined all their offers. He said that he went to live in the country in the later part of 1943 and lost track of the ~~operation~~ Chinese doing business with the Japanese. ~~xxxxxxvxdxtkvtvaxxfarxv~~ He stated that it was his opinion that the Chinese merchants, traders and brokers were willing customers of the Japanese and to his recollection recalled no incidents of a serious nature involving business dealings. He said that many Chinese whom he knew to be dealing the KK have disappeared from Hankow for fear of being arrested for collaboration.

Mr. Sam Tsivian, proprietor, MY DEAR FOOD PRODUCTS CO., 97 Poyang St., interviewed 8 Sept 48 stated that the KK had offices located in the Lutheran Mission Building, one block from his store and knew several members of the KK by sight as he frequently patronized his place of business. He said that it was his impression that the Chinese people were willing parties in doing business with the Japanese; that the Japs completely dominated all phases of business in and around Hankow, and their very presence was sufficient <sup>to</sup> cause a hesitant or reluctant Chinese merchant to deal with them. He said that ~~xxxxxxv~~ the KK had the reputation for paying the highest prices for their commodities as the competition between the various Japanese companies supplying supplies to the Army and Navy was very keen. He further stated that he had never heard of any serious incidents involving the KK.

Mr. C. H. Chen, presently employed by the Hankow Bus Company, interviewed 8 Sept 48 stated that prior to 1945 he was a broker, dealing in non-ferrous metals and ~~was~~ had transacted business with the Mr. Mizuguchi, Kiyoshi, ~~xxxxxx~~ ~~representative~~ the manager of the KK in Hankow. Chen said that ~~at times~~ ~~was~~ <sup>did not</sup> did he have the feeling that he was being intimated or coerced into selling or trading his commodities to the KK. He claimed that it was the policy of the KK to solicit the good will of the Chinese traders as the competition among the purchasing agents for the Japanese Army and Navy was highly competitive. He said that he had heard ~~xxxx~~ of incidents where the Chinese were forced to turn over their commodities ~~to~~ in the country and the use of troops were employed, but as far as the KK was concerned no criticism could be made.

Mr. I. J. Lehnas, Soviet Russian, presently employed by the Texas Oil Co., Ltd., interviewed 8 Sept 48, Stated that he was employed by ~~the~~ Shanghai Municipal Government from 1941 to the end of the war, as an engineer. He said that he was not acquainted with the Kodama, but knew his Shanghai manager, Yoshida, Hikataro. He said that the KK maintained offices in the Broadway Mansion Hotel and the had the reputation of being the biggest and most powerful purchasing agency in China. He stated that ~~he~~ knowledge of the business methods used by the KK did not qualify him to pass judgement. He said that he received the impression that the KK was engaged in collecting intelligence as Kodama made many trips between Shanghai and Tokyo.

HANGCHOW

Mr. Chow Ziang-Yien, Mayor, interviewed 15 Sept 48, stated that he he had been mayor of Hangchow since 1928, with the exception of the years Hangchow was occupied by the Japanese. He said the he was not familiar with the KK and could not offer any information concerning it. ~~NOTE:~~ Mr. Chow, unkown to these investigators, gave a story to the local press, explaining our mission and requested if anyone possessing information concerning the KK should come forward. ~~A~~

*responses were received. An unknown person telephoned the Mayor and said he had intimate knowledge of the atrocities committed by K.K. - an appointment was made but over the phone, but the informant did not appear*

Mr. Wang Woo Crue, former president of the Hangchow Chamber of Commer, 1939-1943, presently serving a fifteen year sentence for collaboration, interviewed 16 Sept 48, ~~stated~~ <sup>slightly</sup> at the Checking Province Jail, Hangchow, stated that he was/faimiliar with the name KK, but had no information as to its operation. He said that he was not acquainted with Kodama or any members of the organization.

Hayashi, Hidzumi

兒玉總士夫 関係陳述書

予、未嘗知兒玉氏ノ事、業經進行上ニ大ニ影響、與、或、關係人物トハ  
判斷シ、ト、彼、對、於、其、從、事、關、心、有、リ、ト、見、テ、予、同、氏、ト、接、觸、シ、既、ニ、十、年  
以、上、過、去、ニ、同、氏、關、心、予、語、氣、全、然、的、相、當、薄、ヲ、得、テ、就、中、日、時、間、特、  
甚、ニ、予、ノ、諒、解、シ、レ、ル、度、ナ、リ、

1) 予、職務關係事項

- A. 上海ニ在任期間 支那派遣軍上海憲兵隊本部特高課長
- B. 上海在任期間 自1938年5月2日正午頃 至1942年2月7日午前9時頃
- C. 東京ニ在任期間 東京憲兵隊本部先任主任兼總務課長  
(註) 先任佐官トシテ、隊長ニ對シテ、最高補佐官、意、ニ、東京憲兵隊ニ在任ノ職名トシ、一般司令部ニ在任ノ參謀長ニ相當スルニシテ、得、テ、
- D. 東京在任期間 自1942年2月18日午後6時頃 至1944年1月25日午前7時頃

2) 兒玉氏ト、接觸ニ關スル事項

- A. 接觸ノ動機  
後述スル一、回、面談以前、於、テ、予、彼、氏、名、ヲ、識、シ、タ、リ、ト、見、テ、予、親、友、ト、支、那、派、遣  
軍參謀岡田芳政中佐(辻政信中佐トシテ、知、ル、ル、ト、見、テ)「支、那、政、治、ニ、關、ス、ル、事、實、ト、是、非、一、度、  
取、取、ル、様、蓋、シ、タ、リ、ト、稱、シ、突、然、予、上海憲兵隊本部ニ來、訪、シ、  
彼、一、直、高、級、長、官、ト、見、テ、予、彼、氏、ト、信、賴、シ、親、友、ト、接、觸、シ、タ、リ、ト、見、テ、予、  
シ、テ、比、較、的、好、感、ヲ、持、ツ、初、回、面談ヲ、行、ヒ、  
岡田中佐ガ、果、シ、テ、彼、氏、ノ、意、見、ヲ、取、取、ル、ト、勸、メ、タ、リ、ト、見、テ、予、事、實、ニ、關、シ、其、後、予、確、シ、ク、  
シ、タ、リ、

B. 接觸期間 自1940年頃 至1944年1月頃

- C. 面談回数及其內容、骨子  
第1回 1940年秋頃、於、上海憲兵隊本部  
a. 彼、氏、語  
岡田芳政中佐、辻政信中佐、外務省前情報部長河相達夫氏等、ト、相、當、信、賴、  
受、テ、相、當、親、密、ニ、交、際、シ、タ、リ、ト、見、テ、予、又、同、氏、等、委、囑、シ、タ、リ、日、本、内、地、及、現、地、管、局、間、連、絡、  
ニ、關、ス、ル、任、務、ヲ、從、テ、日、本、支、那、間、ヲ、行、ヒ、  
b. 予、氏、語  
日、本、國、民、及、シ、テ、政府、支、那、對、シ、テ、認、識、極、ク、貧、弱、ニ、シ、テ、汪、精、衛、政、權、ニ、對、シ、テ、  
府、態度、不、適、當、ト、見、テ、予、斯、レ、テ、折、角、樹、立、ス、ル、汪、政、權、ニ、對、シ、テ、日、本、國、民、眼、ニ、對、シ、テ、  
偏、政、權、ト、見、テ、予、如何、ニ、汪、精、衛、氏、ノ、努、力、ス、ル、之、レ、ニ、據、リ、支、那、事、變、ヲ、解決、シ、  
總、理、的、ト、見、テ、  
日、本、ノ、蔣、分、石、氏、及、シ、テ、國民黨、對、シ、テ、支、那、國、民、信、賴、ヲ、輕、視、シ、又、支、那、國、民、日、本、對、シ、  
感情、眞、相、ヲ、認、識、ス、ル、支、那、對、シ、テ、各、種、虛、置、ヲ、許、シ、レ、ル、遺憾、ト、  
見、テ、

第2回 1941年秋頃、於、上海憲兵隊本部  
憲兵大衆黨總裁 笹川良一(予、1932年春、知、己、岡、柄、氏)ノ、來、訪、ニ、  
兒、玉、氏、  
a. 兒、玉、氏、語  
長、久、間、衛、無、沙、汰、致、シ、タ、リ、。今日、笹川先生、才、伴、ヲ、致、シ、タ、リ、ト、見、テ、  
予、之、レ、對、シ、テ、簡、單、ニ、社、交、的、辭、令、ヲ、以、テ、應、答、シ、  
第3回 1942年夏、1943年初、於、東京憲兵隊本部  
當時、彼、上海、ニ、在、留、シ、タ、リ、ト、見、テ、予、友、人、ガ、予、ニ、對、シ、テ、托、送、シ、タ、リ、上海、產、物  
(菓子、日用品、類、少量)ヲ、持、テ、予、來、訪、シ、。其、際、彼、亦、上海、上、座、ト、稱、シ、予、菓子、類、ヲ、





配下、青年。而此其青年達、却、福家氏。其、非、説得、彼、逆、福家氏、陳謝、之、立、去、ル、事、件、真、相、也。此、頃、予、兒、玉、氏、對、輕、侮、威、感、予、平、常、接、觸、之、知、人、對、岩、井、氏、吹、聴、が、虚、構、の、旨、を、傳、へ、初、め、り。

1941年夏頃 中支那派遣隊司令部(在南京)第二課長(譯音易、稍、不、正、確)森安少佐(註、氏、予、小、學、生、時、代、の、知、人、ニ、シ、氏、以、前、東、京、軍、隊、在、勤、中、の、兒、玉、氏、と、面、識、が、有、り、た、ら、し、)の、突、如、上、海、に、在、り、予、電、話、の、兩、人、の、次、の、如、く、交、話、を、し、り。

- M. 「林! 貴様、兒玉=就、何、言、つ、た、の、ぞ、」
- H. 「別、何、也、……」
- M. 「兒玉が貴様=就、何、言、つ、た、の、ぞ、! 南京、本、日、兒、玉、一、林、中、佐、ト、テ、怪、し、い、人、の、コ、ト、上、海、へ、行、つ、た、林、中、佐、即、ち、斬、つ、た、ル、ト、言、つ、た、ら、ん、だ、か、ぞ、! 貴、様、氣、が、附、り、ぞ、!」
- H. 「ッ、判、り、有、難、い、! 兒玉が怒、り、説、私、ハ、心、當、り、な、い、併、し、こ、の、件、決、し、心、配、を、し、る、! 彼、奴、言、つ、た、の、が、間、違、つ、た、ら、ん、だ、ぞ、!」
- M. 「併、し、林、! 細、新、な、ら、ん、だ、ぞ、!」
- H. 「ム、ム、ヤ、ラ、ル、様、子、の、お、終、り、の、結、核、が、安、心、に、ぞ、! ヲ、兒、玉、早、上、海、來、て、東、和、洋、行、に、泊、つ、た、ら、ん、だ、! 未、だ、私、が、斬、つ、た、ら、ん、だ、居、り、の、心、配、に、ぞ、! 有、難、い、!」

此、會、話、の、終、り、の、時、予、不、圖、數、日、前、兒、玉、氏、名、義、を、予、に、呈、呈、し、る、一、雜、誌、を、思、出、し、獨、微、苦、笑、の、聲、を、得、り、し、其、雜、誌、名、記、憶、の、内、容、從、因、係、の、國、家、主、義、団、體、活、動、状、況、を、掲、載、し、て、居、り、更、に、其、雜、誌、に、彼、が、予、對、し、て、御、前、見、賜、度、の、と、添、書、を、し、り、予、岩、井、説、否、定、さ、る、に、對、し、兒、玉、氏、極、く、不、快、感、を、懷、し、り、予、對、し、て、雜、誌、を、呈、呈、し、南京、に、於、て、林、の、斬、つ、た、ら、ん、だ、極、言、を、帶、上、海、に、傳、へ、り、何、等、に、對、し、心、境、が、對、し、予、一、種、の、憫、憐、の、感、を、始、め、り、其、頃、彼、著、書、獄、中、獄、外、一、部、人、士、間、に、可、成、愛、護、さ、れ、彼、小、英、雄、視、せ、ら、れ、予、此、時、以、來、彼、對、予、の、尊、敬、感、を、完、全、消、滅、さ、す、至、り、其、後、暫、く、予、街、頭、を、偶、然、岩、井、副、領、事、に、遭、遇、し、彼、常、に、予、に、寧、ろ、模、倣、さ、る、を、予、兒、玉、君、が、私、を、殺、す、の、言、を、し、る、ソ、レ、夫、の、貴、方、が、色、を、止、し、下、す、有、難、い、の、言、を、し、る、ト、皮、肉、の、交、り、模、倣、を、し、る、ト、口、岩、井、氏、解、の、條、を、ト、面、持、つ、て、立、去、り、り。

C. 後期、感情。

以上、如、き、事、件、數、月、後、(1941年、秋、に、記、憶、を、稍、不、正、確、に) 國、粹、大、衆、黨、總、裁、笹、川、良、一、氏、内地、に、上、海、に、渡、來、し、予、本、訪、を、以、て、豫、知、已、間、柄、に、一、夕、彼、と、夕、會、は、り、其、際、兒、玉、氏、閉、口、笹、川、氏、予、次、の、如、く、話、を、し、り。

- S. 「林、君、! 兒、玉、君、と、夫、の、御、前、見、賜、度、の、ぞ、」
- H. 「何、の、言、ひ、ぞ、! 笹、川、君、ト、シ、テ、御、前、見、賜、度、の、ぞ、」
- S. 「兒、玉、私、が、ミ、テ、予、に、一、人、ト、シ、テ、予、に、仲、の、可、愛、い、女、と、シ、テ、ぞ、! 實、林、君、の、才、訪、を、し、る、時、兒、玉、を、予、に、來、し、て、予、に、對、し、て、彼、奴、一、林、君、に、斬、つ、た、ら、ん、だ、何、故、の、尋、ね、ず、と、一、人、ト、シ、テ、林、君、に、絶、對、尊、敬、さ、る、私、人、ト、シ、テ、林、君、に、嫌、ひ、を、し、る、ト、言、ひ、の、ぞ、私、ハ、一、人、ト、シ、テ、尊、敬、さ、る、人、が、私、人、ト、シ、テ、尊、敬、さ、る、出、來、り、の、言、ひ、考、へ、方、が、可、成、い、や、い、か、ぞ、君、の、考、へ、間、違、つ、た、ら、ん、だ、大、林、君、に、對、し、予、前、誤、解、が、林、君、に、度、々、指、導、を、仰、つ、た、が、一、ト、言、つ、た、置、つ、た、ら、ん、だ、何、の、問、題、が、予、に、生、じ、ら、れ、た、ら、ん、だ、若、彼、に、色、を、止、す、と、予、に、對、し、て、私、と、の、間、接、的、に、予、に、對、し、て、予、に、對、し、て、御、前、見、賜、度、の、ぞ、」

茲、於、て、予、從、前、状、況、を、率、直、に、述、ぶ、と、予、笹、川、氏、即、座、に、ソ、レ、ハ、兒、玉、が、他、人、に、對、し、て、予、に、對、し、て、予、に、對、し、て、林、君、の、才、訪、を、し、る、時、今、予、に、對、し、て、凡、そ、の、水、洗、つ、た、ら、ん、だ、會、つ、た、ら、ん、だ、

ト、應、へ、り、其、翌、日、頃、笹、川、氏、兒、玉、氏、を、同、伴、し、予、に、本、訪、を、し、之、即、前、記、兒、玉、氏、予、に、二、回、面、談、を、し、り。

予、笹、川、氏、依、賴、を、拒、否、さ、る、に、對、し、兒、玉、氏、對、予、の、懷、念、予、の、感、情、何、等、に、悲、し、い、に、な、り、予、排、撃、の、言、を、し、る、觀、念、抱、き、予、に、積、極、的、に、彼、を、指、導、せ、ら、れ、予、に、氣、持、を、以、て、予、に、對、し、て、今日、之、を、予、に、約、言、を、し、る、笹、川、氏、依、賴、さ、る、に、後、予、彼、對、予、の、禮、儀、正、し、冷、接、觸、を、受、け、る、

- 4) 兒、玉、氏、予、に、大、に、関、心、を、抱、き、る、理、由、
- 日本、國、家、主、義、団、體、青、年、會、に、於、て、比、較、的、的、著、明、な、人、物、或、は、興、味、を、持、つ、指、導、的、的、な、力、を、有、る、人、物



如ク裝ニ我等檢察當局ヲ瞞着スルニ極メ都合ヨキニ状態ナリ。否ヤリトモナリ。亦此等斯レ  
狀態ヲ利用シ我等眼ヲ瞞着スル犯罪、其ヲ起シ、努力、足ラザレバ亦否ヤリトモナリ。

B. 兒玉氏ノ政治的ニ意義ヲ殺人ノ計画ニ或レ之ヲ實行スルニトシテ、  
兒玉氏ヲ一ツ、暴力団員、如ク評スル者ナキハ、予信スル所ニヨリ、彼、抱持スル根本思想、能  
ク「國家主義」或「日本主義」ニモナリ。——假リ、ソノ思想ニ未熟ナレ、——從テ彼ノ暴力ヲ  
行使シタリシニ、夫レ、抑々、難ク愛國心、發動ニ至ルニ言ヒ得ルニ、限定セザルニハ、  
蓋シ、愛國心ヲ標榜スル、彼ノ大義名分、無視ニ或、私利私欲ニ基キ、暴力ヲ發動セシ、彼、政治的  
生命、完全ニ而テ即時、消滅スルニ。彼、如何ニ、激憤家トシテ、斯レ、愚ニ、狂ニ、限リ、絶對ニ、以  
テ、予、信スルニモナリ。從テ、彼ノ暴力ヲ、發動スルニ、目標、少ク、政治的ニ、或種、重要意義ヲ有ス  
者ニ、向テ、行ハレ、一ツ、朝鮮人ニ、對シ、而テ、物質的ニ、基礎ニ、於テ、暴力ヲ、發動スルニ、予、夢ニ、想  
像ニ、得、サレ、モ、ナリ。

C. 兒玉氏ノ使用ニ、或、關係ニ、支那人、カ、私人行爲、其、責、兒玉氏、轉嫁、スル、事、有、得、ナリ。  
予、兒玉氏、何時、何、如何、目的、以テ、岩井、機、關、或、海軍、關係、業務、ニ、從事、スル、事、共、經  
緯、ヲ、全然、承、知、セ、ル、ニ、彼、先、ツ、岩井、機、關、ニ、對シ、後、海軍、關係、部、隊、ニ、出入、スル、事、ト、シ、テ、予、信  
ス。彼、岩井、機、關、在、任、中、機、關、性質、上、相當、知、人、ノ、支、那、人、中、得、ル、事、亦、想像、ニ、難、ク、ナ  
ル、ニ、彼、此、等、支、那、人、話、ヲ、聞キ、相、當、支、那、事情、ニ、精通、ス、至、リ、タ、ル、ニ、其、後、彼、海、軍、部、隊、ニ、出、入  
ス、ル、時、代、假、シ、彼、業務、海、軍、用、物、資、收、集、ル、事、岩井、機、關、當、時、知、ル、合、合、支、那、人、ヲ、使、テ、  
利用、シ、テ、行、ハ、レ、ト、想像、ス。ソ、支、那、人、中、不、良、分、子、ニ、含、メ、ラ、レ、タ、ル、ニ、  
日本、軍、占、領、地、域、内、不、良、支、那、人、カ、日本、軍、或、日本、官、憲、或、日本、人名、義、ヲ、利用、シ、テ、財、物、的、罪、犯、行  
ニ、對シ、其、例、教、學、ニ、服、ス、兒玉氏、ニ、斯、レ、支、那、人、カ、彼、名、義、ヲ、利用、シ、テ、行、ハ、レ、ト、想像、ス。

6) 兒玉氏、犯行、ヲ、調査、スル、一、方法。  
予、先、般、兒玉氏、犯行、調査、一、方法、トシ、盛文顯 (Cheng wen-i) 王茂亭 (Wang mu-  
ting) 兩氏、訊、テ、知、ル、事、甲、並、シ、タ、ル、ニ、兩氏、等、カ、假、リ、承、知、シ、テ、行、ハ、レ、ト、果、シ、夫、レ、道、ヲ、予、  
疑、念、ヲ、抱、ク、ニ、  
予、体験、ニ、ヨリ、一、般、支、那、市民、警察、或、司法、官、憲、取、扱、事、件、ニ、事件、ニ、關係、ル、場合、方、テ、極  
力、之、ニ、介、入、セ、ル、事、努力、ニ、習、性、ヲ、有、ス。從、テ、彼、等、多、ク、場合、新、ヲ、承、知、セ、ル、事、  
ト、進、ム、事、常、例、ト、ス。此、處、我、等、全、ク、想像、以、上、ナリ。甚、ク、場合、市、井、ニ、於、テ、被害、者、ト、シ、  
テ、人物、カ、官、憲、對、シ、被害、者、ト、シ、テ、世、間、對、シ、被害、者、ト、シ、テ、苦、衷、ヲ、述、ベ、ル、事、  
從、テ、兒玉氏、犯行、調査、スル、兒玉氏、許、於、或、岩井、機、關、於、テ、支、那、人、カ、徹、底、的、調  
査、此、等、支、那、人、カ、ソ、ノ、行、狀、及、兒玉氏、行、狀、ヲ、檢、討、セ、ル、比、較、的、容、易、ニ、目的、ヲ、達、シ、得、  
テ、予、信、ス。尚、此、際、彼、等、中、短、期、間、内、ニ、富、裕、者、ト、シ、テ、行、ハ、レ、ト、及、行、方、不  
明、者、カ、能、ク、索、出、ス、ル、事、極、メ、重要、ト、信、ス。

1948年8月17日 西貢ニ於テ 認ム。

第三十八軍參謀 陸軍憲兵大佐 柿 孝 澄

Translated by J. Iwanaga  
checked by K. SOMA

Statement regarding <sup>MR.</sup> KODAMA, Yoshio

I have never judged Mr. KODAMA  
~~as having any great influence~~  
~~to be such a person as to have an~~  
~~important bearing upon the performance~~  
~~of my duty or, <sup>having connection</sup> any ~~relation~~ with it,~~  
and I have never ~~been~~ <sup>had any</sup> deeply <sup>admiration</sup> concerned  
for him in the past.

~~in him~~ Furthermore, my contact with  
him <sup>was</sup> a matter of <sup>over four years ago</sup> ~~part of more than~~  
~~four years~~ and, <sup>as a whole,</sup> ~~in general~~ I have, <sup>only</sup> a

very faint recollection of him. Please  
~~understand~~ ~~that~~ understand that my memory of the dates  
is especially dim.

been reviewed before this Tribunal was an accident. Each of them was planned. From beginning to end each and every act was the product of planning, and each of them was planned by these men or some of them in furtherance of the great overall common plan in which all of them had joined. We can search the entire record and we will not find a single action that was taken without premeditation and calm deliberation. Not a single word of the history of Japan could be written if the word plan and its synonyms were eliminated from our vocabularies.

99. Not even the very first event was an accident. From the very beginning a group of officers in the army and certain civilians had a common plan to expand Japan's empire to the Asiatic continent and to take over for Japan the wealth of that continent. They first planned to move into the strategically and economically vital part of China known as Manchuria. They tried to have the government of Japan undertake their project. When this failed, they determined to do it themselves by killing Chang Tso-lin, the ruler of Manchuria. When this failed to achieve the desired result, they planned and carried out a program of propaganda within Japan to build up popular support for their project. At the same time incidents in Manchuria between Japanese and natives fomented and magnified. As the time grew ripe for taking action, since it was apparent that the government in

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(1.) Particulars concerning my duty

A. Duty in SHANGHAI <sup>T.N.</sup> / Post / Chief of Special Police Section

of SHANGHAI <sup>KEMPEITAI</sup> Gendarmerie Headquarters,

The <sup>KEMPEITAI</sup> Gendarmerie dispatched to Central China.

B. Period of service in SHANGHAI

From about noon, March 8, 1938

to about 9 A.M., February 7, 1942.

C. Duty <sup>T.N.</sup> / Post / in TOKYO

Senior Field Officer and concurrently

Chief of General Affairs Section

at the <sup>KEMPEITAI</sup> Gendarmerie Headquarters,  
TOKYO

(Remark) Senior Field Officer means the  
highest assistant to the commander

been reviewed before this Tribunal was an accident. Each of them was planned. From beginning to end each and every act was the product of planning, and each of them was planned by these men or some of them in furtherance of the great overall common plan in which all of them had joined. We can search the entire record and we will not find a single action that was taken without premeditation and calm deliberation. Not a single word of the history of Japan could be written if the word plan and its synonyms were eliminated from our vocabularies.

99. Not even the very first event was an accident. From the very beginning a group of officers in the army and certain civilians had a common plan to expand Japan's empire to the Asiatic continent and to take over for Japan the wealth of that continent. They first planned to move into the strategically and economically vital part of China known as Manchuria. They tried to have the government of Japan undertake their project. When this failed, they determined to do it themselves by killing Chang Tso-lin, the ruler of Manchuria. When this failed to achieve the desired result, they planned and carried out a program of propaganda within Japan to build up popular support for their project. At the same time incidents in Manchuria between Japanese and natives fomented and magnified. As the time grew ripe for taking action, since it was apparent that the government in

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and <sup>it is</sup> a name of position existing only

at the TOKYO <sup>KEMPEITAI</sup> Gendarmery. It may <sup>be</sup> said

to be equivalent to a chief of staff

<sup>at any</sup> the headquarters in general.

#### D. Period of service in TOKYO

From about 6 P.M., February 13, 1942

to about 9 A.M., January 25, 1944.

#### (2) Particulars <sup>concerning</sup> ~~regarding~~ my contact with

Mr. KODAMA

#### A. Motive for getting into contact.

Before our first conversation of which I intend

to state later, I did not (know even) his

name. However, he suddenly called on me

planning and preparing aggressive war at a time and place which were free from the haste and urgency of battle conditions. of responsibility. The defendant HATA denies any

responsibility for the demand of the death sentence in the 86. Superiors blame their subordinates. When confronted with documents which are official documents of executive branches of the government which they headed at for the 13th Army. No one has claimed that General HATA, the time the documents were prepared, the defendants deny any knowledge of them and say that they were the work of their subordinates. They claim they have not seen a document because their seals do not appear on the face of it. When they are shown documents bearing their seals, they blandly state the seals were imposed by their subordinates and they themselves never saw the documents. It is inconceivable that these defendants would ask this Tribunal to believe they never saw these documents which they say were prepared by their subordinates. These were not minor documents or routine matters. They were documents of utmost importance on the most vital matters being considered by the Japanese government. Moreover, the responsibility for an act of any department under the laws of Japan ultimately falls on the head of the department. If he failed to properly supervise his subordinates, who prepared the document, he is as liable for the criminal act by reason of omission as if he had himself prepared the document. It is certainly reasonable to inquire why

HATA included this provision in the order if he had no authority to act.

1. Ex. 38,441; Ex. 3868, T. 38, 29

2. T. 38,620 - The pertinent remark of the President of the Tribunal

3. Ex. 3834-5, T. 38,058-60

4. T. 38,060

5. Ex. 27,452-3

6. Ex. 1591, T. 14,662, 14,663

The <sup>KEMPEITAI</sup> Gendarmerie Headquarters in SHANGHAI,

saying that he was suggested by Lt. Colonel

OKADA, Yoshimasa, a staff officer of the

Expeditionary Army to China, and an intimate

friend of mine (it might have been Lt. Colonel

TSUJI, Masanobu) to be sure to hear

"my" opinion on political affairs in China."

Although he <sup>did not bring</sup> ~~brought me~~ a letter of

introduction, I judged him to be a person

who was in contact with my reliable intimate

friend and I made my first interview

with comparatively good feeling. As

power would not move in the direction desired, they planned to take over the government of Japan in March 1931. When this plan failed to achieve its purpose, they planned to go ahead on their own and to present the government with a fait accompli which it would have to accept. They had within the government fellow conspirators who could assure that the government would accept. Accordingly, they prepared plans to occupy by military force all of Manchuria to be put into effect as an ostensible measure of self-defense upon the happening of an incident. To ensure that an incident would occur, they planned and prepared the necessary incident. On the night of September 18, 1931, they implemented their plan by creating their planned incident and then taking military action in accordance with plan. As planned, they disregarded the directives of the government to stop their schemes but continued to advance day by day. Within three months they had achieved their complete military objective and were in military control of every strategically vital point in all of Manchuria. The government was forced to accept the results.

100. With the military objective attained, the conspirators planned to consolidate their gains. They planned to stir up an independence movement and have Manchuria declare itself independent. They planned the

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to whether Lt. Colonel OKADA <sup>had</sup> actually

suggested <sup>to</sup> Mr. KODAMA <sup>that he</sup> ~~to~~ hear my opinion,

I have never confirmed ~~it~~.

B. Period I was in contact with him

From about 1940 to about January 1944.

C. <sup>The</sup> Number of times of conversations and a gist

of their contents.

The 1st <sup>T.N.</sup> / interview / I remember <sup>this</sup> as <sup>m</sup> about autumn

of 1940. At SHANGHAI <sup>KEMPEITAI</sup> Gendarmerie Headquarters

a. His words

I am enjoying good confidence of

Lt. Colonel OKADA, Yoshimasa, Lt. Colonel

has seen the plans drafted by the Planning Board and the evidence shows that they were put into effect. If there had been any doubt as to the importance of the Planning Board, the Ordinance establishing it would completely eliminate that doubt. Article 1 of that Ordinance provides:<sup>a</sup>

"The Board of Planning shall be under the jurisdiction of the Prime Minister and take charge of the following affairs:

1. Drafting of plans concerning the expansion and employment of the total national resources in times of peace and war and reporting of such plans, together with reasons therefor, to the Prime Minister.
2. Investigation of the gists of proposals which are submitted by the Ministers to the Cabinet Council and which have an important bearing upon the expansion and employment of the total national resources in times of peace and war and reporting, together with its opinion, to the Cabinet through the Prime Minister.
3. Reporting, together with its opinion, to the Cabinet through the Prime Minister with reference to the control of budget for important matters related to the expansion and employment of the total national resources in times of peace and war.
4. Adjustment and coordination of affairs of various government offices with regard to the making and execution of a national mobilization plan.
5. Matters concerning the making of a plan for the utilization of the territory and matters concerning the control of affairs of various Government offices as needed by the plan for the utilization of the territory."

Under the Ordinance creating it, the Planning Board was the planning and coordinating organ of the Japanese Government with respect to Japan's total national resources in both times of peace and war. SUZUKI's evaluation of his function

TSUNJI, Masanobu, KAWAI, Tatsuo, former

Chief of Information Department of The

Ministry of Foreign Affairs and others,

with whom I am very friendly

associated. In compliance <sup>to</sup> of their

requests, I often act <sup>as</sup> ~~for~~ liaison

between the home and local

authorities. Therefore, I make trips

between Japan and China.

b. My words.

The Japanese people and government have

extremely poor knowledge of China,

establishes beyond doubt that the real government of Manchukuo was in the hands of the General Affairs Board and that the Chief of that Board, always a Japanese, was the real governing head of Manchukuo, HOSHINO modestly claims that he was only one of twenty-seven bureau chiefs. In passing it might be noted that after developing at length that he was, as head of the Board, a Manchukuo official who was criticized for being pro-Manchurian, he gives away the whole story of Japan's position in Manchuria by stating that when he was appointed minister without portfolio and President of the Planning Board in the Japanese Government, the appointment was a <sup>a</sup> promotion. No doubt his promotion was in recognition of his services for Japan in Manchuria. HOSHINO was unimportant as President of the Planning Board and as Minister of State. What has been said about SUZUKI on this point applies equally to HOSHINO. He was unimportant as the Director of the Total War Research Institute. This has been considered previously. He was also unimportant as Chief Cabinet Secretary in the TOJO Cabinet. He was only to take down telephone calls and notes for TOJO. Is it at all credible that a man who had directed the affairs of the vast territory of Manchukuo, who had been in charge of the important Planning Board and who had been a cabinet minister was chosen to do work that any competent junior clerk could do? Or is it that TOJO who had worked with HOSHINO in



and the attitude of the Japanese

7

Government toward the Government of

WANG CHING-WEI is ~~improper~~ <sup>not right</sup>.

~~If so~~ <sup>thus</sup>, the WANG'S Government which

was established ~~by~~ <sup>through great</sup> efforts will

~~look like~~ <sup>appear as merely</sup> a puppet government to

the eyes of the Chinese people, and

it is almost ~~hopeless~~ <sup>impossible</sup> to settle the

China Incident ~~even by any~~ <sup>no matter how</sup> endeavours

of Mr. WANG CHING-WEI strive to do so.

It is ~~a matter of~~ <sup>regretful</sup> that Japan

~~considers~~ <sup>takes</sup> various measures ~~against~~ <sup>against</sup> China,

power would not move in the direction desired, they planned to take over the government of Japan in March 1931. When this plan failed to achieve its purpose, they planned to go ahead on their own and to present the government with a fait accompli which it would have to accept. They had within the government fellow conspirators who could assure that the government would accept. Accordingly, they prepared plans to occupy by military force all of Manchuria to be put into effect as an ostensible measure of self-defense upon the happening of an incident. To ensure that an incident would occur, they planned and prepared the necessary incident. On the night of September 18, 1931, they implemented their plan by creating their planned incident and then taking military action in accordance with plan. As planned, they disregarded the directives of the government to stop their schemes but continued to advance day by day. Within three months they had achieved their complete military objective and were in military control of every strategically vital point in all of Manchuria. The government was forced to accept the results.

100. With the military objective attained, the conspirators planned to consolidate their gains. They planned to stir up an independence movement and have Manchuria declare itself independent. They planned the

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despising the confidence of the Chinese

people in <sup>Mr</sup> CHIANG KAI-SHEK and <sup>the</sup> National

Party, and ignoring the real feeling of the

Chinese people toward Japan.

The end / <sup>T.N</sup> interview / I remember this as in

about autumn of 1941. At SHANGHAI

<sup>KEMPEITAI</sup>  
Gendarmerie Headquarters.

When SASAKAWA, Ryōichi, President of

The Nationalist Masses Party (a friend

of mine since Spring of 1932) visited

me, Mr. KODAMA accompanied Mr. SASAKAWA.

a. Mr. KODAMA'S words

power would not move in the direction desired, they planned to take over the government of Japan in March 1931. When this plan failed to achieve its purpose, they planned to go ahead on their own and to present the government with a fait accompli which it would have to accept. They had within the government fellow conspirators who could assure that the government would accept. Accordingly, they prepared plans to occupy by military force all of Manchuria to be put into effect as an ostensible measure of self-defense upon the happening of an incident. To ensure that an incident would occur, they planned and prepared the necessary incident. On the night of September 18, 1931, they implemented their plan by creating their planned incident and then taking military action in accordance with plan. As planned, they disregarded the directives of the government to stop their schemes but continued to advance day by day. Within three months they had achieved their complete military objective and were in military control of every strategically vital point in all of Manchuria. The government was forced to accept the results.

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Excuse me for my long silence. Today <sup>9</sup>

I came here accompanying Mister

SASAKAWA, Lt. Colonel, I ask for

your good guidance in the future

to. To those words, I merely responded with

simple social address.

The 3rd / <sup>T.N.</sup> interview / Some time between summer  
of 1942 and the beginning of 1943.

At TOKYO <sup>KEMPEITAI</sup> Gendarmerie Headquarters.

It seems that he had then been staying in

SHANGHAI, and he called on me with

gifts from

SHANGHAI souvenirs (cakes and a few

daily necessities) which one of my friends

power would not move in the direction desired, they planned to take over the government of Japan in March 1931. When this plan failed to achieve its purpose, they planned to go ahead on their own and to present the government with a fait accompli which it would have to accept. They had within the government fellow conspirators who could assure that the government would accept. Accordingly, they prepared plans to occupy by military force all of Manchuria to be put into effect as an ostensible measure of self-defense upon the happening of an incident. To ensure that an incident would occur, they planned and prepared the necessary incident. On the night of September 18, 1931, they implemented their plan by creating their planned incident and then taking military action in accordance with plan. As planned, they disregarded the directives of the government to stop their schemes but continued to advance day by day. Within three months they had achieved their complete military objective and were in military control of every strategically vital point in all of Manchuria. The government was forced to accept the results.

100. With the military objective attained, the conspirators planned to consolidate their gains. They planned to stir up an independence movement and have Manchuria declare itself independent. They planned the

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in SHANGHAI asked him to bring with <sup>10</sup>him.

On that opportunity, he presented me

with some cakes too, describing them

gifts from

as SHANGHAI, ~~London~~.

P. 2

Our conversation lasted for only about

10 minutes almost in formality, but he

disclosed that he was then, <sup>in SHANGHAI,</sup> engaged

in some business relating to the Navy.

As I was little concerned <sup>with</sup> the matter,

I did not try to hear anything about

<sup>nature</sup> ~~contents~~ of his business and other things,

but he used such words as to describe

committed by these defendants themselves, regardless of whether they formulated the specific policy with respect to such substantive offenses. They have even gone to the extent of boldly stating that nowhere was there any official record produced of speeches or addresses made by them, although such speeches and addresses have been introduced into evidence. HATA is one to make this rash statement.<sup>a</sup> Yet, the record showed several speeches made by him before the Diet Committees in which he stated that the Nine Power Pact should not be allowed to interfere with Japan's operations in China, outlined the purposes of the China Affair which included the crushing thoroughly of the Chiang Kai-shek Government, pledged that when the Wang Regime was established that the army must lend as much help as possible to the new government, affirmed that the army would give every possible assistance, especially military help, to the Wang Regime, and concluded that Japan would concentrate all her ability to exclude any third power which would consistently interfere with the new order in East Asia.<sup>b</sup>

98. These defendants would have us believe that they were powerless puppets inextricably caught in a web of inevitability and victims of a series of untoward and wholly unforeseen accidents. Yet the evidence shows that in this entire case there was not a single event which could in any way be deemed an accident. Not one of the events which have

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97a. Defense Summation N-4, p. 47, T. 43,315  
b. Ex. 3832, T. 38,015; Ex. 3833, T. 38,025



himself to be <sup>working to</sup> ~~on the duty for~~ collecting 11

materials necessary for the Navy. However,

I cannot swear that my recollections

~~his memory of mine can hardly be~~

~~are~~ correct.

The 4th <sup>T.N.</sup> interview December of 1943 or

January of 1944. At TOKYO

<sup>KEMPEITAI</sup> Gendarmes' Headquarters.

It seems that as IWATA, Fumio (a

prominent person among the rightist

groups in Japan) whom he had worshipped

died, he was staying in TOKYO to

wind up his <sup>T.N.</sup> IWATA'S affairs. Although

I cannot recollect his motive for visiting

committed by these defendants themselves, regardless of whether they formulated the specific policy with respect to such substantive offenses. They have even gone to the extent of boldly stating that nowhere was there any official record produced of speeches or addresses made by them, although such speeches and addresses have been introduced into evidence. HATA is one to make this rash statement.<sup>a</sup> Yet, the record showed several speeches made by him before the Diet Committees in which he stated that the Nine Power Pact should not be allowed to interfere with Japan's operations in China, outlined the purposes of the China Affair which included the crushing thoroughly of the Chiang Kai-shek Government, pledged that when the Wang Regime was established that the army must lend as much help as possible to the new government, affirmed that the army would give every possible assistance, especially military help, to the Wang Regime, and concluded that Japan would concentrate all her ability to exclude any third power which would consistently interfere with the new order in East Asia.<sup>b</sup>

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97a. Defense Summation N-4, p. 47, T. 43,315  
b. Ex. 3832, T. 38,015; Ex. 3833, T. 38,025

me, it seems that he came to express 12

compliments on the occasion of his

succession of a part of business managed

by Mr. IWATA, Fumio (I ~~remember it~~ <sup>recall</sup>)

<sup>a</sup> ~~mean~~ - YAMATO SHIMBUN / <sup>T.N</sup> YAMATO Newspaper,

but <sup>my recollection</sup> ~~his memory~~ is a little <sup>hazy</sup> ~~blurry~~). Therefore,

our formal ~~the~~ conversation ended

in a few minutes, but I remember he

said at that time, "Lt. Colonel, ~~→~~

~~ask you to~~ <sup>please</sup> give me ~~some~~ guidance

~~the same~~ as ~~for~~ Mr. KONOMI."

"Mr. KONOMI" means Mr. KONOMI, Ujitoshi,

committed by these defendants themselves, regardless of whether they formulated the specific policy with respect to such substantive offenses. They have even gone to the extent of boldly stating that nowhere was there any official record produced of speeches or addresses made by them, although such speeches and addresses have been introduced into evidence. HATA is one to make this rash statement.<sup>a</sup> Yet, the record showed several speeches made by him before the Diet Committees in which he stated that the Nine Power Pact should not be allowed to interfere with Japan's operations in China, outlined the purposes of the China Affair which included the crushing thoroughly of the Chiang Kai-shek Government, pledged that when the Wang Regime was established that the army must lend as much help as possible to the new government, affirmed that the army would give every possible assistance, especially military help, to the Wang Regime, and concluded that Japan would concentrate all her ability to exclude any third power which would consistently interfere with the new order in East Asia.<sup>b</sup>

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97a. Defense Summation N-4, p. 47, T. 43,315  
b. Ex. 3832, T. 38,015; Ex. 3833, T. 38,025

and Mr. KONOMI is <sup>also</sup> a person who

worshipped Mr. IWATA, Fumio. From

The latter part of March, 1938, I

was under judgement that Mr. KONOMI

was a dangerous character, and

from about 1940 I was insisting on

The prohibition of his passage to China.

But, in about November of 1943, Mr. KONOMI

vowed repentance <sup>in</sup> for the future, through  
intermediation of my friend

Mr. FUKUYA, Toshiichi who <sup>was</sup> formerly the

President of <sup>the</sup> TAIRIKU SHIMPOSHA / <sup>T.N.</sup> Continent

Newspaper / and was then a member

committed by these defendants themselves, regardless of whether they formulated the specific policy with respect to such substantive offenses. They have even gone to the extent of boldly stating that nowhere was there any official record produced of speeches or addresses made by them, although such speeches and addresses have been introduced into evidence. HATA is one to make this rash statement.<sup>a</sup> Yet, the record showed several speeches made by him before the Diet Committees in which he stated that the Nine Power Pact should not be allowed to interfere with Japan's operations in China, outlined the purposes of the China Affair which included the crushing thoroughly of the Chiang Kai-shek Government, pledged that when the Wang Regime was established that the army must lend as much help as possible to the new government, affirmed that the army would give every possible assistance, especially military help, to the Wang Regime, and concluded that Japan would concentrate all her ability to exclude any third power which would consistently interfere with the new order in East Asia.<sup>b</sup>

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97a. Defense Summation N-4, p. 47, T. 43,315  
b. Ex. 3832, T. 38,015; Ex. 3833, T. 38,025

14  
of the House of Representatives, and

called on me to ask for my

advice and admonition. Therefore,

I frankly expressed <sup>(to him,)</sup> my opinions,

and he was deeply moved. This

must have appeared to the eyes

of the third persons as a favorable

turn suddenly taken in the relation

between <sup>myself</sup> and Mr. KONOMI.

Mr. KODAMA'S words I have just quoted

seems to have had been <sup>uttered</sup> ~~spoken out~~

owing to the above-stated event.

committed by these defendants themselves, regardless of whether they formulated the specific policy with respect to such substantive offenses. They have even gone to the extent of boldly stating that nowhere was there any official record produced of speeches or addresses made by them, although such speeches and addresses have been introduced into evidence. HATA is one to make this rash statement.<sup>a</sup> Yet, the record showed several speeches made by him before the Diet Committees in which he stated that the Nine Power Pact should not be allowed to interfere with Japan's operations in China, outlined the purposes of the China Affair which included the crushing thoroughly of the Chiang Kai-shek Government, pledged that when the Wang Regime was established that the army must lend as much help as possible to the new government, affirmed that the army would give every possible assistance, especially military help, to the Wang Regime, and concluded that Japan would concentrate all her ability to exclude any third power which would consistently interfere with the new order in East Asia.<sup>b</sup>

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97a. Defense Summation N-4, p. 47, T. 43,315  
b. Ex. 3832, T. 38,015; Ex. 3833, T. 38,025





and unjust accusations against the prosecution. The prosecution's answer to the motions to dismiss at the close of the prosecution case has been treated as a definitive statement of the prosecution's entire case rather than a hurriedly prepared statement of the main evidence against each defendant to show that a prima facie case had been established. Paragraphs K-1 to K-3 of the Prosecution Summation have been treated not for what they are, a statement showing that each of the defendants in this case was a formulator of Japan's aggressive policy, but for what they are not, a statement that persons who were not formulators of Japan's policy were guilty of no crime. The prosecution statement merely says that in this case no one who was not a formulator of policy has been charged. It does not state that such persons could not be charged with and convicted of the crimes. The prosecution would have no authority to make such a statement for the simple reason that the Charter, which is binding upon it, holds to the contrary. Even if the prosecution could make and had made a statement of that nature, it would be of no importance in this case. The evidence shows that each of the defendants was a formulator of policy, a conspirator, a participant in the common plan. As such, they are guilty not only of the conspiracy but also of each of the substantive offenses which they themselves or any of their co-conspirators committed, including therein any substantive offense

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16

as the 1st stage, the period ~~to~~ <sup>until</sup> the 2nd  
interview as the middle stage and the  
rest as the latter stage.

A. My <sup>impression during</sup> ~~feeling at~~ the 1st stage.

During the 1st interview, Mr. KODAMA, listening

to my opinions on China, gradually looked

⇒ deeply impressed and <sup>eventually</sup> ~~at last~~ he was

moved to tears and expressed his  
with me.)

entire agreement. Entertaining fears for

the future of China Incident, he <sup>told</sup> ~~said~~ to me,

"If there is any job in which even ~~such a~~

person, <sup>such</sup> as I can be of any service, to you,

and unjust accusations against the prosecution. The prosecution's answer to the motions to dismiss at the close of the prosecution case has been treated as a definitive statement of the prosecution's entire case rather than a hurriedly prepared statement of the main evidence against each defendant to show that a prima facie case had been established. Paragraphs K-1 to K-3 of the Prosecution Summation have been treated not for what they are, a statement showing that each of the defendants in this case was a formulator of Japan's aggressive policy, but for what they are not, a statement that persons who were not formulators of Japan's policy were guilty of no crime. The prosecution statement merely says that in this case no one who was not a formulator of policy has been charged. It does not state that such persons could not be charged with and convicted of the crimes. The prosecution would have no authority to make such a statement for the simple reason that the Charter, which is binding upon it, holds to the contrary. Even if the prosecution could make and had made a statement of that nature, it would be of no importance in this case. The evidence shows that each of the defendants was a formulator of policy, a conspirator, a participant in the common plan. As such, they are guilty not only of the conspiracy but also of each of the substantive offenses which they themselves or any of their co-conspirators committed, including therein any substantive offense

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17  
please don't hesitate to use me. ~~it~~

and your further guidance in the future

will be much appreciated." His attitude

~~looked~~ <sup>appeared</sup> overwhelmed with inspiration.

However, as I did not consider my

own opinions so excellent, I had

~~big~~ <sup>much</sup> doubt as to whether my opinions

really moved him so deeply as

was shown in his expression. ~~But~~ <sup>Could</sup>

~~the~~ <sup>the</sup> expression and attitude ~~mean~~ <sup>he displayed</sup>

be a piece of drama unnaturally

played by him for the purpose of

of particular items of evidence and have distorted them to an extent that their original meaning is no longer recognizable. They have seized upon every word uttered by the prosecution including questions asked on cross-examination to establish their non-responsibility. An offer to limit the issues with respect to a particular defendant in the interest of saving time, which was not accepted and which was recognized as not binding by the Tribunal<sup>a</sup>, is made the basis of a lengthy unwarranted argument<sup>b</sup>, containing unfounded

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97a. T. 35,950-56

- b. Defense Summation N-23, pp. 1-8 - This same argument has been repeated in this same summation at least 17 times (pp. 1,2,3, 5,6,7,8,10,11,29,30,40,43,48,94,108,109). This argument is based upon an offer of the chief of counsel made at T. 35,347 to limit the issues with respect to the evidence to be offered on behalf of this defendant in order to save time. This offer was never accepted and the question was raised by the Tribunal of the right of the chief of counsel to thus limit the issue (T. 35,357). Thereafter counsel on behalf of the defendant TOGO proceeded to introduce evidence in the same manner as if the offer had never been made. In the course of the cross-examination of the defendant TOGO the question of the effect of the offer was raised by counsel for the defendant TOGO (T. 35,950) and it was there made clear by the President of the Tribunal that the offer in no way bound anyone. The President stated (T. 35,955):

"We did not regard that as amounting to any arrangement binding either the defense or the court. I can only repeat that. I should say binding counsel or the court because you are included, too, Mr. Keenan."

Throughout the colloquy between the court and the chief of counsel the latter made it perfectly clear that the prosecution was not abandoning anything (T. 35,955). The situation is therefore the common one where an offer of stipulation has been made and rejected and should be treated as it is in any court of law following the professional canons as a matter which cannot be made the subject of comment.

18  
approaching me or giving me a

good <sup>impression</sup> feeling? May I judge him

as a person of very strong sense of

justice, admitting his expression as

it is? If he is such a person

as to be so deeply moved by my

opinions of this sort, he must be

called an abnormally excitable and

sensitive man. Can such a person

protect justice, calmly gazing

at it? These were doubts I had

after the 1st interview.

of particular items of evidence and have distorted them to an extent that their original meaning is no longer recognizable. They have seized upon every word uttered by the prosecution including questions asked on cross-examination to establish their non-responsibility. An offer to limit the issues with respect to a particular defendant in the interest of saving time, which was not accepted and which was recognized as not binding by the Tribunal<sup>a</sup>, is made the basis of a lengthy unwarranted argument<sup>b</sup>, containing unfounded

97a. T. 35,950-56

- b. Defense Summation N-23, pp. 1-8 - This same argument has been repeated in this same summation at least 17 times (pp. 1,2,3, 5,6,7,8,10,11,29,30,40,43,48,94,108,109). This argument is based upon an offer of the chief of counsel made at T. 35,347 to limit the issues with respect to the evidence to be offered on behalf of this defendant in order to save time. This offer was never accepted and the question was raised by the Tribunal of the right of the chief of counsel to thus limit the issue (T. 35,357). Thereafter counsel on behalf of the defendant TOGO proceeded to introduce evidence in the same manner as if the offer had never been made. In the course of the cross-examination of the defendant TOGO the question of the effect of the offer was raised by counsel for the defendant TOGO (T. 35,950) and it was there made clear by the President of the Tribunal that the offer in no way bound anyone. The President stated (T. 35,955):

"We did not regard that as amounting to any arrangement binding either the defense or the court. I can only repeat that. I should say binding counsel or the court because you are included, too, Mr. Keenan."

Throughout the colloquy between the court and the chief of counsel the latter made it perfectly clear that the prosecution was not abandoning anything (T. 35,955). The situation is therefore the common one where an offer of stipulation has been made and rejected and should be treated as it is in any court of law following the professional canons as a matter which cannot be made the subject of comment.



Checked by J. Swanga  
phase

p. 2)

My impression  
B. Sentiment during the middle period.

~~Two incidents occurred~~ Same time

Just after the first interview, namely,  
there had occurred two incidents, namely,

1. The case of SEPPUKU / suicide by

disembowelment / by a young

Japanese at the Municipal  
Cosmopolitan Police

Bureau in the International Settlement.

(Note) It was <sup>which occurred</sup> <sup>each</sup> <sup>an</sup> ~~the~~ <sup>incidents</sup> in 1938

and 1939, where <sup>young</sup> the Japanese

~~young man~~ <sup>having</sup> presented a written

<sup>disposition</sup>  
to blame his political management

memorial to the Chief of the general

Department

Affairs of the Municipal Cosmopolitan

has a right to retain, in which event they are wars of self-defense. If we apply the test, only Japan had something to gain from a war with the Western Powers. The defense have presented no answer to this question. They have avoided and ignored this problem. They have done so because under all the evidence, including that offered by the defense, there can be no answer other than the one given by the prosecution. Any attempt to have answered it would have led solely and inevitably to a repudiation of the plea of self-defense.

72. With the failure of the attempt to interpose self-defense as a justification, the defendants abandon all efforts to justify the criminal acts committed, and assert certain personal defenses against their liability for the criminal acts committed. Although the personal defenses advanced are many and varied they readily fall into a two-fold pattern. On the one hand where it is completely impossible to escape personal responsibility, they assert that they had no criminal intent. On the other hand wherever at all possible, they deny any and all personal responsibility for the acts committed. In both cases they have failed in all respects.

73. In order to show that the defendants had no criminal intent the defense relies upon the proposition that these men hated war and desired only peace. To establish this proposition they point to a number of speeches and statements which

---

Police Board, committed, suicide

turning out, ~~SEARCH~~

on his way home

at the Board (may well be called

fanatic)

incident

2. The case when an apology was

demanded persistently

from Mr. FUKUIE, Toshiichi, President  
YA

of the TAIRIKU SHIMPO SHA / Continent

News Company, who had <sup>published</sup> ~~been~~

the above <sup>incident</sup> ~~case~~ in the newspaper.  
Some time after the first interview,

when I heard that these two <sup>incidents</sup> ~~cases~~ were

started

carried out by a group of young

men under the guidance of Mr

has a right to retain, in which event they are wars of self-defense. If we apply the test, only Japan had something to gain from a war with the Western Powers. The defense have presented no answer to this question. They have avoided and ignored this problem. They have done so because under all the evidence, including that offered by the defense, there can be no answer other than the one given by the prosecution. Any attempt to have answered it would have led solely and inevitably to a repudiation of the plea of self-defense.

72. With the failure of the attempt to interpose self-defense as a justification, the defendants abandon all efforts to justify the criminal acts committed, and assert certain personal defenses against their liability for the criminal acts committed. Although the personal defenses advanced are many and varied they readily fall into a two-fold pattern. On the one hand where it is completely impossible to escape personal responsibility, they assert that they had no criminal intent. On the other hand wherever at all possible, they deny any and all personal responsibility for the acts committed. In both cases they have failed in all respects.

73. In order to show that the defendants had no criminal intent the defense relies upon the proposition that these men hated war and desired only peace. To establish this proposition they point to a number of speeches and statements which

---

<sup>and</sup>  
KODAMA) I began to entertain most

unpleasant  
~~uncomfortable~~ feelings against him.

Later, I heard by chance that Mr.

IWAI, Eiichi, Vice-Consul of the Japanese

Consulate-General in SHANGHAI, who

was utilizing

Mr. KODAMA, in his service, made known

to his friends that "Mr. KODAMA called

and blamed

to account that the TAIRIKU SHIMPO ~~had~~

<sup>for</sup> ~~blamed~~ the Municipal Metropolitan Police

<sup>incident</sup>  
Bureau (a young man's disembowelment

mentioned above), until <sup>finally</sup> at last he

forced the President to make an

an immaterial consideration as it is in any criminal trial.

59. For the most part the defenses offered affirmatively are personal defenses. However, there is one defense that has been offered on behalf of all the defendants which goes to the existence of the crime itself. This is that all of Japan's wars from 1931 to 1945 were not wars of aggression but were in fact wars of self-defense. The proposition is stated in many forms and in various guises, but in each instance the basic underlying contention is self-defense.

60. The defense is raised for the first time with respect to the wars in China. The contention is that conditions in China were so chaotic and unsettled that they had become a menace to Japanese rights in that portion of China known as Manchuria. This contention both begins and ends at this point although it is neither the beginning nor the end. It entirely overlooks the fact that the conditions complained of were nothing new. It was the existence of these unsettled conditions attendant on China's emergence as a Modern State, making China an easy prey for an aggressor, that had led the other powers in a series of treaties culminating in the Nine-Power Treaty, to which Japan was a signatory, to guarantee the sovereignty and territorial integrity of China. To get around this obvious fact the defense propound a most curious argument that China, the object of the treaty, had forfeited the right to the protection given by the Nine-Power Treaty. While

---

apology" I was so indignant that

I began to feel more displeased with

both of Mr. IWAI and <sup>Mr.</sup> KODAMA. At the time,

Mr. FUKUYA and Mr. KODAMA had never

seen each other, and it was the young

men under Mr. KODAMA who

forced Mr. FUKUYA to apologize regarding

the Municipal Cosmopolitan Police

P. 3. incident.

Board ~~Case~~. These young men, however,

were reasoned <sup>into compliance</sup> with by Mr. FUKUYA on

contrarily <sup>to</sup> their mistake and apologized to

Mr. FUKUYA on their ~~return~~, and went

has a right to retain, in which event they are wars of self-defense. If we apply the test, only Japan had something to gain from a war with the Western Powers. The defense have presented no answer to this question. They have avoided and ignored this problem. They have done so because under all the evidence, including that offered by the defense, there can be no answer other than the one given by the prosecution. Any attempt to have answered it would have led solely and inevitably to a repudiation of the plea of self-defense.

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73. In order to show that the defendants had no criminal intent the defense relies upon the proposition that these men hated war and desired only peace. To establish this proposition they point to a number of speeches and statements which

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truth  
away. This ~~is~~ <sup>is</sup> the actual fact of the

incident. <sup>Since</sup> ~~about~~ <sup>harbored ill-feelings</sup> that time I thought

~~meanly~~ <sup>toward</sup> Mr. KADAMA, and began to

tell my friends who were usually in

touch with me that what Mr. Iwai was

saying ~~talking~~ about was false.

About in the summer of 1941, I had

a telephone call from Major MORIYASU

Chief of the Second Section (not very sure

of the number of the Section), ~~the~~

Headquarters of ~~the~~ KEMPEITAI) dispatched

to ~~the~~ Central China (in NANKING).

has a right to retain, in which event they are wars of self-defense. If we apply the test, only Japan had something to gain from a war with the Western Powers. The defense have presented no answer to this question. They have avoided and ignored this problem. They have done so because under all the evidence, including that offered by the defense, there can be no answer other than the one given by the prosecution. Any attempt to have answered it would have led solely and inevitably to a repudiation of the plea of self-defense.

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(note. He and I <sup>have</sup> had been friends

since we were primary school ~~boys~~ <sup>students</sup>.

It seemed that he had known Mr. KODAMA

MA <sup>the times</sup> since ~~when~~ <sup>he was</sup> ~~in~~ <sup>serving</sup> ~~the~~ ~~army~~

(The KEMPEITAI in TOKYO.) We talked

on the phone as follows:

M. "HAYASHI! Did you say anything

about KODAMA?"

H. "Nothing <sup>in</sup> particular. ---"

M. "KODAMA is very angry with you!"

Coming <sup>to</sup>  
KODAMA says to NANKING — Colonel

HAYASHI is quite <sup>an</sup> outrageous man.

an immaterial consideration as it is in any criminal trial.

59. For the most part the defenses offered affirmatively are personal defenses. However, there is one defense that has been offered on behalf of all the defendants which goes to the existence of the crime itself. This is that all of Japan's wars from 1931 to 1945 were not wars of aggression but were in fact wars of self-defense. The proposition is stated in many forms and in various guises, but in each instance the basic underlying contention is self-defense.

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I'll stay here next time I go to SHANGHAI

— "Be careful."

H. "I see. Thank you. I happen to

know ~~of~~ the reason why KODAMA is angry.

But please ~~don't~~ <sup>do not</sup> worry about this

matter on any account. What he says is

wrong."

M. "But HAYASHI, he <sup>is</sup> ~~is~~ <sup>sharp.</sup> ~~is~~ <sup>sharp.</sup>"

I can assure you that I

H. "Don't worry. He shall never be

killed ~~so~~ <sup>by him</sup> so easily. ~~Moreover,~~ <sup>And</sup>

KODAMA is already in SHANGHAI, staying

<sup>at</sup> with the TOWA Company. He has not come

ately failing to provide the necessary system for the distribution of information.

95. Occasionally, some of the defendants attempt to eliminate their liability for atrocities by producing evidence to show that they had taken steps to prevent the atrocities. The evidence they produce is insufficient to establish their contention. For example, the denial in the POW Summation that Japanese Naval Headquarters adopted and carried out a policy of ruthless killing of ship crews is based on a misquotation of the evidence. They cite Naval General Staff Directive No. 15<sup>a</sup> and purportedly quote from it certain language indicating that "time must be given for crew and passengers to seek safety." The quotation is actually from the testimony of defense witness TOMIOKA,<sup>b</sup> who gave his recollection of what Directive No. 15 stated. In fact, Directive No. 15 was destroyed by fire in 1945 and the copy in evidence is a reconstruction from memory made by Japanese officials of the Second Demobilization Bureau,<sup>c</sup> and does not contain the language which the witness professed to remember as part of it. Moreover, the defense failed to state that Directive No. 15 which was dated 30 November 1941, was rescinded on 1 March 1942 by Directive No. 61.<sup>d</sup> The defense also cited Naval General Staff Directives No. 60<sup>e</sup> and No. 61,<sup>f</sup> and quoted language from such directives indicating that "every possible means shall be taken to

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- 95a. Ex. 3058-A, T. 27,301  
 b. T. 27,296  
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 f. Ex. 3054-C, T. 27,389

to bid me yet Don't worry. Thank you.

When the conversation was over, I happened to think of a magazine presented to me under the name of MR. KODAMA a few days ago, and could not help <sup>sardonically</sup> smiling ~~at~~ <sup>myself</sup>.

I do not recall the name of the magazine, but in it was given the conditions of activities of the nationalist group he was concerned <sup>with</sup>. Furthermore, <sup>there</sup> was an accompanying note asking me "to let him know my opinion". <sup>he was</sup> While feeling very disagreeable with me for my

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denying what Mr. IWAI had said, Mr.

KODAMA presented me <sup>with</sup> a magazine. He

<sup>in NANKING</sup>

went so far as to say that he must kill

HAYASHI, but when returning to

SHANGHAI he dared not do anything.

I began to take ~~a sort of pity~~ <sup>for his</sup> ~~on this~~

<sup>being in</sup>

~~such~~ <sup>to</sup> state of mind. At that time

"In Prison, Out of Prison", written

by Mr. KODAMA, was considerably

popular <sup>among a certain</sup> ~~with some~~ group of men

and although he was looked upon as a

little hero, but my high regard for

ately failing to provide the necessary system for the distribution of information.

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him has completely died out since

then. Some time later, I happened to

see Mr. IWAI, the Vice-Consul, <sup>on</sup> the

street. He greeted me <sup>as</sup> politely as usual,

but I <sup>responded</sup> greeted him with <sup>bitter irony</sup> rather cutting

~~remarks~~, saying, "I heard that Mr.

KODAMA <sup>is attempting</sup> ~~intended~~ to kill me and

<sup>are trying</sup> ~~you tried~~ <sup>by all means.</sup> to stop him. I thank

you." Then Mr. IWAI walked away,

with a <sup>look</sup> ~~looking~~ as if he did not understand

what I meant."

My impression <sup>during</sup> ~~at~~ the latter phase  
C. ~~sentiment~~ in the latter period.

ately failing to provide the necessary system for the distribution of information.

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Several months after such <sup>events,</sup> incidents,

(I ~~remember~~ <sup>think</sup> ~~had~~ it was in autumn, 1941,

but not quite sure) Mr. SASAKAWA,

Ryōichi, President of the KOKUSHI

TAISHŪTŌ / Nationalist Movement Party

came to SHANGHAI from ~~to~~ Japan

proper, and visited me. <sup>I was</sup> ~~I had known~~

acquainted with him, <sup>dinner</sup> ~~had~~ already, I had <sup>with him</sup>

one evening. <sup>On that occasion</sup> ~~Had~~ Mr. SASAKAWA

and I talked about Mr. KODAMA

as follows:

S " Mr. HAYASHI, Do you know KODAMA,

ately failing to provide the necessary system for the distribution of information.

95. Occasionally, some of the defendants attempt to eliminate their liability for atrocities by producing evidence to show that they had taken steps to prevent the atrocities. The evidence they produce is insufficient to establish their contention. For example, the denial in the POW Summation that Japanese Naval Headquarters adopted and carried out a policy of ruthless killing of ship crews is based on a misquotation of the evidence. They cite Naval General Staff Directive No. 15<sup>a</sup> and purportedly quote from it certain language indicating that "time must be given for crew and passengers to seek safety." The quotation is actually from the testimony of defense witness TOMIOKA,<sup>b</sup> who gave his recollection of what Directive No. 15 stated. In fact, Directive No. 15 was destroyed by fire in 1945 and the copy in evidence is a reconstruction from memory made by Japanese officials of the Second Demobilization Bureau,<sup>c</sup> and does not contain the language which the witness professed to remember as part of it. Moreover, the defense failed to state that Directive No. 15 which was dated 30 November 1941, was rescinded on 1 March 1942 by Directive No. 61.<sup>d</sup> The defense also cited Naval General Staff Directives No. 60<sup>e</sup> and No. 61,<sup>f</sup> and quoted language from such directives indicating that "every possible means shall be taken to

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Yoshida?"

H. "Yes, I know him. How are you

~~connected~~  
~~related~~ with him?"

S. "KODAMA is one of those men whom

I look after. He is <sup>is</sup> rather a nice fellow.

To tell ~~of~~ the truth, ~~asked~~  
By the way, I ~~asked~~ KODAMA to accompany

me when I was coming here to see you,

but he said, "I won't go to MR. HAYASHI."

<sup>when</sup> I asked him why, he replied, "As a

public man I ~~fully~~ <sup>fully</sup> respect MR.

HAYASHI, but I dislike him as a

private individual." <sup>then</sup> I told him

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that, "It <sup>is</sup> ~~was~~ funny that one cannot,

respect, as a private individual,

a man whom one can respect

as a public man. <sup>I think</sup> You are wrong.

It is <sup>due to</sup> your misunderstanding with

Mr. HAYASHI. You should <sup>go to</sup> see

Mr. HAYASHI, <sup>often</sup> and ask for <sup>his</sup> guidance."

Was there any trouble <sup>between you?</sup> among fellows

are thoughtless in many ways, but as

he is <sup>a man</sup> ~~connected~~ with me, I <sup>ask you</sup> ~~look to~~

to give him your good <sup>advice</sup> for his guidance for my

sake."

ately failing to provide the necessary system for the distribution of information.

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Then, I frankly ~~explained to~~ <sup>explained to</sup> him what

had happened before Mr SASAGAWA<sup>K</sup>

said on the spot, "Oh, it's KODAMA who

is to blame. Absurd! I will <sup>shortly</sup> call on

<sup>together with</sup> you ~~with~~ KODAMA, and then I hope

<sup>then</sup> you will let bygones be bygones and

see him." The next day Mr

SASAGAWA<sup>K</sup> came to see me <sup>accompanied</sup> with Mr

KODAMA. This was the second interview

with Mr. KODAMA <sup>(as already)</sup> stated above

I did not reject Mr SASAGAWA<sup>K</sup>'s request,

but the feelings I entertained toward Mr.

ately failing to provide the necessary system for the distribution of information.

95. Occasionally, some of the defendants attempt to eliminate their liability for atrocities by producing evidence to show that they had taken steps to prevent the atrocities. The evidence they produce is insufficient to establish their contention. For example, the denial in the POW Summation that Japanese Naval Headquarters adopted and carried out a policy of ruthless killing of ship crews is based on a misquotation of the evidence. They cite Naval General Staff Directive No. 15<sup>a</sup> and purportedly quote from it certain language indicating that "time must be given for crew and passengers to seek safety." The quotation is actually from the testimony of defense witness TOMIOKA,<sup>b</sup> who gave his recollection of what Directive No. 15 stated. In fact, Directive No. 15 was destroyed by fire in 1945 and the copy in evidence is a reconstruction from memory made by Japanese officials of the Second Demobilization Bureau,<sup>c</sup> and does not contain the language which the witness professed to remember as part of it. Moreover, the defense failed to state that Directive No. 15 which was dated 30 November 1941, was rescinded on 1 March 1942 by Directive No. 61.<sup>d</sup> The defense also cited Naval General Staff Directives No. 60<sup>e</sup> and No. 61,<sup>f</sup> and quoted language from such directives indicating that "every possible means shall be taken to

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- 95a. Ex. 3058-A, T. 27,301  
 b. T. 27,296  
 c. Ex. 3059, T. 27,303  
 d. Ex. 3054-C, T. 27,389  
 e. Ex. 3054-A, T. 27,274  
 f. Ex. 3054-C, T. 27,389

KODAMA did not ~~suffer any change~~.

though I did not ~~intend~~ ~~to~~ ~~to~~ his absolute expulsion, I have never,

up to the present day,

~~never~~ felt <sup>positively</sup> inclined to guide him

~~politely~~ ~~up to the present~~, In other

words, after I was requested by Mr.

SASAGAWA, I <sup>treated him</sup> ~~behaved~~ ~~just~~ ~~politely~~ and

~~politely~~ but ~~politely~~ <sup>but coolly</sup> ~~with~~ I came in

~~touch with him~~

4 The reason why I was <sup>never</sup> ~~not~~ interested

in MR. KODAMA.

(Judging by common sense)  
it may be most incomprehensible

ately failing to provide the necessary system for the distribution of information.

95. Occasionally, some of the defendants attempt to eliminate their liability for atrocities by producing evidence to show that they had taken steps to prevent the atrocities. The evidence they produce is insufficient to establish their contention. For example, the denial in the POW Summation that Japanese Naval Headquarters adopted and carried out a policy of ruthless killing of ship crews is based on a misquotation of the evidence. They cite Naval General Staff Directive No. 15<sup>a</sup> and purportedly quote from it certain language indicating that "time must be given for crew and passengers to seek safety." The quotation is actually from the testimony of defense witness TOMIOKA, who gave his recollection of what Directive No. 15 stated. In fact, Directive No. 15 was destroyed by fire in 1945 and the copy in evidence is a reconstruction from memory made by Japanese officials of the Second Demobilization Bureau, and does not contain the language which the witness professed to remember as part of it. Moreover, the defense failed to state that Directive No. 15 which was dated 30 November 1941, was rescinded on 1 March 1942 by Directive No. 61.<sup>d</sup> The defense also cited Naval General Staff Directives No. 60<sup>e</sup> and No. 61<sup>f</sup>, and quoted language from such directives indicating that "every possible means shall be taken to

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that I, Chief of the Special <sup>Police Section</sup> ~~Service Department~~

~~ment~~ of the KEMPEITAI, should not have

been <sup>very</sup> ~~much~~ interested in Mr. KODAMA,

a character

who was comparatively well known

among the young men of the Japanese

nationalist organizations, a character

who in <sup>some meaning</sup> ~~a sense~~ had <sup>guiding</sup> ~~leading~~

influence, and who ~~was~~ <sup>was</sup> connected with the

~~in the case of~~ attacking <sup>on</sup> the former

Premier HIRANUMA, <sup>in a manner</sup> ~~in other words~~, the

existence of this dangerous character.

~~any~~ ~~sentence~~. However, I

did not think much of what was

and civilians because they claim that they had no knowledge that the atrocities had been committed, thus intimating that if they had had that knowledge, they would have taken the action necessary to rectify that condition. The various conventions impose upon the government, and therefore its members, the duty of seeing that the laws and customs of warfare are obeyed. If they had neither actual knowledge nor an opportunity to obtain knowledge of violations of the rule, this defense might be of some validity. However, where the information was available to them within their own government, the absence of actual knowledge is of no importance. The evidence shows that the several protecting powers carried out their duties faithfully by giving notice to the Foreign Minister. They had no duty to ascertain each responsible member of the government. The distribution of the information is a matter solely within the power of the recipient state. If these members did not actually receive these notices, the failure to receive them was due to no fault of the complaining and protecting powers but was solely due to the negligence of these defendants as members of a government, in not providing for a system of distribution of these important matters which they had to have in order to adequately perform their duties. If these members of the government can be absolved of responsibility because the matter was not distributed due to defects in their own system, any government could nullify the obligation of its members by deliber-

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called the nationalist organizations in

Japan, either in intellectual sphere or

in the phase of actual movement. In

other words, not only ~~they~~ <sup>they</sup> were not against

the Japanese Army authorities at the time,

<sup>also</sup> but they had no leading influence on

the Army since the <sup>Feb. 26th</sup> ~~22nd~~ Incident. I

judged, too, that they were completely

under control of the ordinary Japanese

police authorities.

Mr. KODAMA's <sup>words</sup> ~~speech~~ and <sup>moves</sup> ~~manner~~

in NANKING, for instance, ~~was~~ <sup>were</sup> dangerous

and civilians because they claim that they had no knowledge that the atrocities had been committed, thus intimating that if they had had that knowledge, they would have taken the action necessary to rectify that condition. The various conventions impose upon the government, and therefore its members, the duty of seeing that the laws and customs of warfare are obeyed. If they had neither actual knowledge nor an opportunity to obtain knowledge of violations of the rule, this defense might be of some validity. However, where the information was available to them within their own government, the absence of actual knowledge is of no importance. The evidence shows that the several protecting powers carried out their duties faithfully by giving notice to the Foreign Minister. They had no duty to ascertain each responsible member of the government. The distribution of the information is a matter solely within the power of the recipient state. If these members did not actually receive these notices, the failure to receive them was due to no fault of the complaining and protecting powers but was solely due to the negligence of these defendants as members of a government, in not providing for a system of distribution of these important matters which they had to have in order to adequately perform their duties. If these members of the government can be absolved of responsibility because the matter was not distributed due to defects in their own system, any government could nullify the obligation of its members by deliber-

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~~was~~ ~~ones~~ directly concerned with myself

but I did not feel it <sup>any danger</sup> ~~dangerous~~ at

all. It ~~was not because~~ <sup>does not mean that</sup> I particularly

<sup>a particular friendship</sup>  
~~had friendly feelings with him, or~~  
<sup>enjoyed</sup> ~~good feelings with~~

~~their nationalist organizations, were favorably~~

~~disposed toward me.~~ <sup>It was because</sup> I simply took

~~what he said as mere big talk,~~ <sup>that</sup> he had

~~to make in order to keep his face, and~~

<sup>judged</sup> ~~thought~~ there was practically no

~~danger about it.~~

On the other hand, the business to

which I attached importance during

and civilians because they claim that they had no knowledge that the atrocities had been committed, thus intimating that if they had had that knowledge, they would have taken the action necessary to rectify that condition. The various conventions impose upon the government, and therefore its members, the duty of seeing that the laws and customs of warfare are obeyed. If they had neither actual knowledge nor an opportunity to obtain knowledge of violations of the rule, this defense might be of some validity. However, where the information was available to them within their own government, the absence of actual knowledge is of no importance. The evidence shows that the several protecting powers carried out their duties faithfully by giving notice to the Foreign Minister. They had no duty to ascertain each responsible member of the government. The distribution of the information is a matter solely within the power of the recipient state. If these members did not actually receive these notices, the failure to receive them was due to no fault of the complaining and protecting powers but was solely due to the negligence of these defendants as members of a government, in not providing for a system of distribution of these important matters which they had to have in order to adequately perform their duties. If these members of the government can be absolved of responsibility because the matter was not distributed due to defects in their own system, any government could nullify the obligation of its members by deliber-

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