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SUMMARY OF JAPAN-AMERICAN NEGOTIATIONS DURING
FOREIGN MINISTER ARITA'S TENURE OF OFFICE (FROM NOV.
1938 UNTIL JULY 1939)

(September 2nd 1941)

- I. Prior to Minister ARITA assuming his duties as Foreign Minister in November 1938 Ambassador GREW remarked to Premier KONOYE (concurrently holding the post of Foreign Minister) on October 3rd that he wished to discuss orally regarding problems that the U. S. President felt as possessing direct interests, and after stating that, notwithstanding that the respecting of American rights and interests in China as well as the Open-Door Policy as well as Principle of Equal Opportunity had been definitely guaranteed by the former Minister (T.N. Foreign Minister); he regretted to have to declare that the infringing of American rights and interests had not ceased and that the Open Door Policy was still being ignored, and after citing some instances such as Exchange Control and Trade Restrictions etc. in North China, he demanded that prompt and effective measures be taken in order to carry out the guarantee that had been duly made. (Annexed Document No. 1). To this Minister KONOYE replied that Japan's China Policy as well as foreign policy remained unchanged, and that Japan's assertion with regard to the respecting of foreign rights and interests relative to China as well as the maintenance of the Open Door Policy and the Principle of Equal Opportunity remained unchanged, adding that, although in point of fact, there had been cases at times which were not settled satisfactorily due to military strategic necessity or other reasons, he was striving to settle matters as satisfactorily as possible upon the conditions returning to their normal state. He also stated that, with regard to commercial and tradal problems, he wished to, after studying same, comply with the Ambassador's request at the earliest possible opportunity.

Ambassador Grew subsequently sent a note embodying the same contents as the foregoing paragraph. (Annexed Document No. 2).

- II. p.2 The manner of reply to the aforesaid American Ambassador's note was studied ever since the appointment of ARITA as Foreign Minister and although it had been decided to put off the said reply until conditions had become settled for awhile as it happened to be just before the fall of Canton with the capitulation of Hankow being close at hand, so that the state of affairs was changing rapidly, in view of this matter representing problems which, after all, possess an important bearing to the Nine-Power Pact, after studying the draft of the reply based on the policy of:

1.3

(a) Avoiding all phraseology whatsoever that would reaffirm the principles of the Open Door and Equal Opportunity based on the Nine-Power Pact,

(b) Making them understand that, although the existing rights and interests of Third Powers will be respected, this is not being done as a corollary of the Nine-Power Pact.

(c) Making them understand that the standard laws governing the future economic activities by Third Powers in New China shall be established in conformity with the new conditions, a reply was sent on November 18th to the following effect, in addition to giving explanations to each of the instances cited in the American note and clarifying the point that their claims regarding Infringement of Rights and Interests were unjustified, viz.:

(1) It is hoped that, inasmuch as military activities are being conducted on a unprecedented scale in East Asia, the United States will note the fact that there may be times when difficulties may occur in executing our intention regarding the respecting of American rights and interests,

(2) The Empire believes that it will not solve urgent problems of the moment or aid towards the establishing of permanent peace in East Asia by attempting to gauge the present and future state of affairs by ideas or principles in their original form that were applied to the pre-incident state of affairs, especially at this time when the Empire is dashing ahead with the Establishment of a New Order in East Asia and when new conditions are setting in in East Asia.

(3) Should any Third Power or Powers participate in the gigantic task of Reconstruction of East Asia in the fields of enterprises and trade by appreciating the afore-mentioned points, the Empire shall have no objection whatsoever towards same. (Annexed Document No.3).

III. p.4 When Minister ARITA invited Councillor Dooman of the U. S. Embassy at Tokyo on November 19th and asked about the impressions regarding the recent Japanese Reply, Dooman replied that Ambassador Grew's impression regarding the said Reply seemed to be that "It represented a wholesale denial of the American Demands," whereupon Minister ARITA explained that it would be excusable if the Open Door policy and the principle of Equal Opportunity were applied to the entire world from the start, but it is extremely illogical to apply same today to China only. ARITA then went on to say that his predecessor gave his guarantee regarding the

p.5 respecting of the said principles by being of the belief that the actual prevailing conditions could be made to harmonize with the Open Door Policy and the Principle of Equal Opportunity, but that, in his own opinion, it was no longer possible to expect the said harmony, at the same time explaining the great pains taken by Japan in regard to the said reply, to which Dooman stated that it was extremely regrettable that there were over 300 cases recently remaining unsettled despite their having no connections with military actions and being extremely trivial matters, and that the recent official American note was the result of the American commercial concerns in various parts of China exerting severe pressure on their Home Government, at the same time pointing out that the United States did not make any reference to the Nine-Power Pact.

IV. On inviting Ambassador Grew to Tokyo subsequently on the 21st of the same month and conferring with him on the same principle as per the foregoing paragraph, Grew declared as follows after making the introductory remark that what he would be saying today would not be in the nature of any reply whatsoever to the Japanese Note of the 18th:-

(1) The United States Government has never attempted to exploit China nor extend American influences in China. The United States Government's interpretation of "Open Door" is totally different from the foregoing. In other words, the Principle of Equal Opportunity in regard to Commerce has always been the actual basic principle of the United States.

(2) All of the treaties concerning the Far East embodying the said principle, and to which the United States is a signatory, were concluded for the purpose of preventing the occurrence or likely occurrence of international friction in the Far East, and the United States Government is intent upon checking the present day trend of international anarchy as well as contributing towards the adjustment of international relations as well as restoration of international order, and it is the advocacy of the United States that this object can be attained by peaceful negotiations and agreements as well as by faithful fulfillment of international agreements.

p.6

(3) The Commercial Policy of the United States lies in aiming at international concord by striving for the expansion of foreign trade by means of removing obstacles lying in the way of the international distribution of commodities. I believe that the frequent instances of other countries trying to gain most-favored footings do not contribute towards establishing prosperity in the United States and the world.

(4) On November 3rd Premier KONOYE stated that "Japan will cooperate with any Third Power that appreciates Japan's real intentions and adopts a policy that conforms to the new state of affairs," but what is the concrete meaning of this statement? Surely he does not mean the kind of co-operation whereby, as is being generally rumored, Americans can not engage in trade in China without going through the hands of Japanese merchants.

(5) Minister ARITA expressed his wish that the United States should allow Japan sufficient time to see what the results would be, but there is a limit to the patience of the American people. Considering it impossible to pacify public opinion, the Government has, to begin with, demanded the liberation of the Lower Yangtze region as well as the suspension of bombing of and other interference with churches and their properties situated at considerably far-off distances from the scene of military operations. (Annexed Document No. 4).

p.7 To the foregoing Minister ARITA explained that, in regard to Item (4) of the foregoing paragraph, it is difficult, as was made plain in the last part of our Reply dated the 18th, it was impossible for Japan to recognize the unconditional application of Equal Opportunity and Open Door at the present day when the state of affairs in China has become changed, but that Japan possesses the desire to cooperate with Third Powers in the event of the foregoing becoming understood, at the same time remarking in connection with the rumours as specified at the end of the said paragraph that such a thing was totally impossible and could also not be put into practice, whereupon Grew stated that he felt relieved on hearing the foregoing.

p.8 Minister ARITA further explained that the assertion that Japan's Open Door Policy and Principle of Equal Opportunity might clash with the respecting of rights and interests of Third Powers implied that measures necessary for fostering the closer relationship of Japan and China as well as for ensuring Japan and China's rights of existence might at times necessitate eliminating the application of the aforesaid Principles to some extent, so that there was still considerable room left for economic activities of other countries.

As Grew then asked as to what was meant by the New Order, Minister ARITA replied that same implies the establishing of co-operation between Japan, Manchoukuo, and China in regard to Politics, Economy, and Culture, meaning, as for example, that Political Co-operation is indispensable for exterminating the Anti-Japanese Policy as well as Pro-Communist Policy that have so far been the causes of unrest in the Orient, whereas, furthermore, in regard to Economic Cooperation, it may become necessary, as mentioned above, to

eliminate, to some extent, the application of the Open Door and Equal Opportunity Principles.

Furthermore, on Grew remarking that he considered it necessary for Japan to make some sort of gesture in order to pacify the excited feelings of the general public in the United States, the Minister replied that, although he recognized the need of same on principle, he was not in a position to say any more as the question of Liberation of the Yangtze River had already been replied to.

- V. On December 8th Minister ARITA invited Grew, and after having explained as follows regarding the unanswered points of the foregoing Clause IV, handed to him a written note embodying the said points (Annexed Document No. 5.)

p. 9

(1) Referring to the views of the United States as per the former part of Item 2 of the foregoing Clause IV, the application, in their original form, of the various treaties which were concluded at the time for the purpose of preventing international disputes in the Orient would, with the general change of conditions in the world, as well as the new state of affairs that is developing in the Far East, rather hamper the bringing about of Peace and Universal Prosperity.

(2) Equal Opportunity in regard to Commerce is what the Empire has been hitherto demanding of the world, and although we agree, on principle, to the opinion of the United States that Equal Opportunity in regard to Commerce will bring about World Peace, but, as things are at present, good quality and low-priced Japanese goods are meeting with discriminatory treatment all over the world. As regards the gaining of a most-favoured footing by one country in other countries as per Item (3) of the foregoing Clause IV, the Most-Favoured relations between the British Empire with her colonies as well as co-mutually among her colonies were pointed out, at the same time asserting that the contention that in the case of the British Empire it is unavoidable as it applies to a single political unit but that the establishing of economic relations between Japan, Manchoukuo, and China similar to those within the British Empire can not be recognized in view of the said three countries not constituting a single political unit, can not be tolerated.

(3) Moreover, it was reiterated that it was Japan's belief that it would by no means contribute towards stabilizing the world to let an economic unit like that of Japan exist on one hand against such large economic units of the British Empire,

the United States and the Soviet Union on the other, and that, as the relations of Japan, Manchoukuo and China in regard to mutual economic cooperation emanated from the afore-mentioned idea, same would not conflict with the prosperity of the world. This collaboration has for its objects:-

(a) In regard to the field of enterprise, the guaranteeing of supply of products that are indispensable from the standpoint of national existence. To attain this object there may be enterprises that require the granting of special monopolistic rights in order to foster their development. In regard to such enterprises, Third Powers will be welcomed, within the sphere of the plans of Japan, Manchoukuo, and China, to participate in regard to capital, technical resources, but the establishment of competitive enterprises shall not be recognized.

(b) Furthermore, in regard to the field of foreign trade, it shall be the principle not to make any special discriminatory treatment by enforcing Customs tariffs or other export and import counter-measures.

To this, Grew remarked that he believed it to be the stand of the United States Government that it could not recognize any one-sided alterations to any treaties or other agreements until the necessary procedure regarding alteration of same be taken conjointly by the countries concerned, after which he stated that it would be desirable to prove by actual facts that Japan will not show discriminatory treatment.

p.11

VI. On December 26th Grew was invited and told that it was regrettable that, whereas it had already been made clear on repeated occasions that Japan entertained no intention of closing the Chinese Market, the editorial tone of some of the American newspapers and magazines went to show that Japan's real intention was not being understood, whereupon Grew stated that, although the said newspapers and magazines were not necessarily expressing the views of the Government, it was nevertheless true that the American public in general were feeling greatly uneasy regarding Japan's actions in China, also adding that the use of restrictive phraseology, on the occasion of the previous interview such as having stated that it would be necessary to give protection to "certain" industries and "special" enterprises is liable to create uneasiness regarding Actual Treatment. To this the Minister replied that such restrictions should not be interpreted in a broad sense, whereupon Grew again expressed his desire to have the foregoing demonstrated by actual facts.

p.12

On that occasion Ambassador Grew remarked that it was regrettable

to have issued a statement like that of November 3rd regarding the Open Door and Equal Opportunity in China notwithstanding that same had been guaranteed by Foreign Minister CHU as well as Minister KONOYE, whereupon the Minister repeated the same explanation that he had made to Councillor Dooman on November 19th.

VII. On December 31st Ambassador Grew visited the Vice-Minister (adding that, although he had visited the Vice-Minister due to Minister ARITA being away on a trip, he wished it to be understood that same would have the same results as having visited the Minister) and handed him an official note expressing the views of the United States in regard to Japan's Reply to the United States under date of November 18th. The Vice-Minister asked for an explanation of the main points of the said note, to which Grew explained that same expresses the views of the United States Government as follows:-

(1) The so-called New State of Affairs in the Far East can not be created only by Japan's ex-parte Declaration, but should be recognized only by means of a Conference.

(2) It is true that the Powers including the United States possess special rights in China, and although the United States has always been advocating that such discriminatory special rights should be abolished and that China should be granted an equal (T.N. original says UNEQUAL) position, it is believed that such changes in the state of affairs should also be effected at a Conference of the Powers, and also added that, as the United States possesses special interest in the state of affairs in the Far East, the United States would announce same at the first opportunity. (Annexed Document No. 6).

VIII. Ever since then, the conversations between the Minister and Ambassador Grew became suspended, but on the occasion of Ambassador Grew's temporary return to the United States (T.N. the original specifies KICHO implying return to Japan, probably an error) in May 1939, Minister ARITA handed the said Ambassador a note as per Annexed Document, and Premier HIRANUMA also requested him to convey a message addressed to Secretary of State Hull. (Annexed Documents Nos. 7 and 8.)

C E R T I F I C A T E

I.P.S. Doc. No. 1573

Statement of Source and Authentication

I, ODO Nagaharu, hereby certify that I am officially connected with the Japanese Government in the following capacity: Assistant Chief of the Archives Section, Japanese Foreign Office, and that as such official I have custody of the document hereto attached consisting of 13 pages, dated 2 Sept. 1941, and described as follows:

Summary of Japanese-American Negotiations During Foreign Minister ARITA's Term of Office (from Nov. 1938 until July 1939).

I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): Foreign Ministry.

Signed at TOKYO on this
31st day of October, 1946.

(s) Nagaharu Odo (SEAL)

Ass. Chief, Archives Section
Official Capacity

Witness: (s) M. Emura

Statement of Official Procurement

I, RICHARD H. LARSH, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at TOKYO on this
31 day of October, 1946

(s) Richard H. Larsh
NAME

Witness: Eric W. Fleisher, 2nd Lt. AUS Investigation Division, ILS
Official Capacity

DEFENSE CHARGER OUT SLIP NO. 1

Date _____

Description of Material:

IPS Doc. No. _____

I, the undersigned representative of the Defense Panel have withdrawn the material listed above. It is agreed that this withdrawal is temporary and for the purpose of inspection only, and that the complete material will be returned not later than seven (7) days from this date.

Signature

C E R T I F I C A T E

I, HAYASHI Kaoru, hereby certify that I am officially connected with the Japanese Government in the following capacity, CHIEF, ARCHIVES SECTION, FOREIGN MINISTRY, and that the supplementary documents numbered 1 to 8, referred to in the International Prosecution Section document No, 1573 entitled", "SUMMARY OF JAPAN-AMERICAN NEGOTIATION DURING FOREIGN MINISTER ARITA'S TERM OF OFFICE (from November 1938 until July 1939), are no longer in existence in the files of the FOREIGN OFFICE.

Signed at Tokyo on this
4th day of November, 1946.

K. Hayashi
Signature of Official

Witness: Nagahama Odo

Chief, Archives Section, Foreign Office
Official Capacity

Statement of Official Procurement

I, John CURTIS, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this
4th day of November, 1946.

J. A. Curtis 2d Lt.
Name

Witness: R. Allen

Investigator
Official Capacity.

C E R T I F I C A T E

I.P.S. Doc. No. 1573

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Signed at TOKYO on this
31st day of October, 1946.

(s) Nagaharu Odo (SEAL)

Ass. Chief, Archives Section
Official Capacity

Witness: (s) M. Emura

Statement of Official Procurement

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Signed at TOKYO on this
31 da. of October, 1946

(s) Richard H. Larsh
NAME

Witness: Eric W. Fleisher, 2nd Lt. AUS Investigation Division, I.S.
Official Capacity

1573

EXHIBIT NO. "989"

No 1

有田外務大臣在任中 (自昭和十三年十一月至昭和十四年七月)
ニ於ケル日米交渉概要

(昭和一三、九、二)
就任前

一、昭和十三年十一月有田大臣外務大臣トシテ就任前
十月三日ワシントン大使ハ近衛兼攝外相ニ對シ米國
大統領カ直接ニ利害關係ヲ感シ居ル問題ニ付
所語致度前任大臣ヨリ在支米國權益並門戶
開放機會均等主義、尊重ニ付明確ニ保障アリ
タルニ拘ラス遺憾ナク米國權益ノ侵害ハ止マシ門戶
開放主義ハ依然トシテ無視セラレ居ルコトヲ認メサルヲ得
ストテ北支ニ於ケル為替管理、貿易制限等ノ事例
ヲ擧ゲタル上即時且有効ナル手段ヲ講ジ以テ従来ノ
保障ヲ履行サレシメトテ要請スト述ヘタルニ對シ(別紙第一)
近衛大臣ヨリ帝國、對支方針並ニ對外方針ハ不変
ニシテ支那ニ關スル外國權益尊重門戶開放機會
均等ノ維持ニ關スル帝國ノ主張ハ不動ノモノナリ唯
實際上軍作戦上ノ必要其他ノ理由ニテ時ニ満足
ナル解決ヲ見ガレモノモナリタルカ事態カ正常ニ復スル
ニ從ヒ出ルルタケ満足ナル解決ヲ得ル様努力アリ通
商上並ニ貿易上ノ問題ニ付研究、上成ルヘク早キ
機會ニ即希望ニ添フ様解決致度旨述ヘタリ

次イテ「ワシントン」ハ使
送付越セリ(別紙)

前頁商標内容一書翰ヲ
RETURN TO ROOM 361

COPY

1573

二前記米國大使書翰ニ付テハ有田大臣就任

以來回答方研究中ナリニカ當時廣東攻略

直前ニシテ又漢口陷落ニ迫リ事態ハ急遽ニ

變化ヲ遂ケツワアリタルヲ以テ一應事態ノ落着ク

ヲ待ツコトトスル處本件ハ結局九箇國條約ト

重要ナル關係ヲ有スル問題トシテ以テ

(一)九箇國條約ヲ根據トスル門戶開放機會均等

ノ原則ヲ再確認スルカ如キ辭句ハ一切之ヲ辭ス

ルコト

(二)既存ノ邦三國權益ハ之ヲ尊重スヘキモ右ハ

九箇國條約ノ「コロラ

No 2

リ山トシテ之ヲナスモノニ非サルコトヲ了解セシム

(四) 将来新支那ニ於ケル第三國ノ経済活動ヲ律スル規程ハ
自ラ新シク情勢ニ即應ジテ樹立セラルヘキモノナルコトヲ了解
セシムルコト

ヲ方針トシテ回答草案研究ノ結果十一月八日未明表示ノ
各事則ニ行テ没明ヲ加ヘ先方ノ權益侵害ナリトス主張者
ヲサシテ明ニシル上

(一) 東亞ニ於テハ未嘗有ノ軍事行動行ハレワアルヲ以テ吾國
權益尊重ノ意思固ヲ実行スル上ニ時トシテ之ヲ生スルコトヲ
ルハ諒承アル所旨

(二) 帝國ハ東亞新秩序ノ建設ニ適宜ニシツアル次第ニテ
東亞ノ天地ニ新シク情勢ノ展開シツアル時事変前ノ
事態ニ適用アリシル觀念ハ仍舊原則ヲ以テ其ノ儘現
在及今後ノ事態ヲ律セントスルコトハ当然ノ問題解決ヲ
應ズル所以ニ非サルニシテラス 東亞恒久平和ノ確立ニ資スルモ
ノニ非サルコトヲ信スル所旨

No. 3
(三) 才三國ニ於テ右ノ趣旨ヲ了解シ上企業貿易ノ諸
分野ニ亘リ東亞再建ノ大業ニ參加スルニ於テハ吾國
ニシテ何等ノ之ニ反對ノ意向ナキ

旨回答セリ(別紙才三)

三百余ニ上リ居ル處支那各地ノ米國商社力喧シク本國ヲ壓迫
 七レ結果先般ノ米國公文トナリクシテ文ヲ減シ遺憾ナリト
 述ヘ米國則モ九箇國條約ヲ云々セサリシ次第ヲ指摘セ

四. 次イテ同月二十一日在京「グレイ」大使ヲ招致シ前項同様ノ
 趣旨ヲ會談セル處「ハ本日中上ケル所ハ何等十八日附ノ
 日本側公文ニ對スル回答ノ性質ヲ有スモノニ非スト前置シタ

ル後

(一) 支那ノ榨取及支那於レ勢力範圍ノ問題ニ付テハ米國政府
 ハホク嘗テ右ノ如キ^{權利}ヲ企圖シタルコトナシ米國政府ノ解スル門
 戶開放ハ右ノ如キモノトハ全然趣ヲ異ニス即チ通商上ノ機
 會均等主義^ニ米國ノ根本原則ヲ示シナリ。

(二) 右根本原則ヲ具體化セル極東ニ關スル諸條約ニシテ米國
 ノ加入シ居ルモノハ凡テ極東ニ於テ發生シヌハ發生ノ俟テ國際
 間ノ摩擦ヲ防クコトヲ企圖シテ結ハレタルモノニシテ米國政
 府ハ現下ノ國際的無政府ノ傾向ヲ阻止シ國際肉肉^的調
 整及國際秩序ノ恢復ニ貢獻シ度キ意向ナルカ右カ平和的
 交渉及協定並ニ國際取極^的誠實ナル履行ニ依リテ達成セラ
 ルヘキコトハ米國ノ唱道シ居ル所ナリ。

Doc. 1573

No 6

(三) 米國、通商政策ハ國際間ノ物資流通ニ對スル障礙、
除去後リ外國貿易ノ擴張ヲ因リ以テ國際的調和ヲ回
ルニ在ルニ屢々他國ニ於テ特惠的也歩ヲ察カントスルカ如
キハ米國及世界ノ繁榮ヲ確立スル所以ニ非スト信スル
四) 十月三日、近衛首相ハ第三國ニシテ日本ノ真意ヲ諒得シ
新事態ニ適應スル政策ヲ採ルニ於テハ日本ハ之ト協カスヘシト
言ハレタカ其ノ具體的の内容如何尙間ニ傳ハル如ク日本商人
ノ手ヲ經サレバ米人ハ支那ニ於テ貿易レ得ストイフ如キ協力
ニハ非ヤルシ

(五) 有田大臣カ米國側ニ於テ諸スニ時ヲ以テスル様希望セルモ米
國民ノ忍耐ニモ限度アリ政府モ輿論ニハ打撈ヲ難シトシ先ツ
揚子江下流地域ノ開放並ニ軍事行動ヲ去ルコト迄ニ遠キ
地域ニ於テハ教會並ニ其ノ財産ニ對スル爆撃及其他ノ干渉ノ
停止ヲ要請セリ

Doc. 1573

No. 7

(別紙第四)

右ニ對シ有田大臣ヨリ前項ノ四ニ付テ右ハ
 十日附我方回答ノ手段ニテ明ナル如ク支那
 ニ於ケル事態変更セル今日概然均等
 門戸開放ノ無條件適用ハ日本トシテ之ヲ
 認ムルト困難ナルカ右諒解セラルルニ於テハ
 日本トシテハ中三國トノ協力ヲ希望スルノ意
 ナル旨説明シ又同項末尾ノ噂ニ關シ
 右ノ如キコトハ合然有リ得ス又実行レ
 得ルコトニ至テ非スト述ハタルニテハ右ヲ聽
 キテ安心セリト述ハカリ

更リ有田大臣ヨリ日本ノ門戸開放概然
 均等主義ト中三國ノ權益尊重ト
 衛英ノハント為スハ日支關係ノ緊密化

庚

並ニ日英生存確保、必要ニ基ク措置カ時
 トシテ右主義適用ノ或ル範圍ニ於テ排除
 スルコトアルヘシト、意味ニテ外國ノ經濟活動
 ニ大ナル範圍殘カレ居ル譯ナリト説明
 セル處「ブレ」新秩序トハ何ノ意味スルヤト
 問ヘルヲ以テ有田大臣ヨリ右ハ日獨英三國間
 ノ改修、經濟、文化ノ協力ヲ確立スルコトニテ
 例ヘハ今日近東洋不安ノ原因ナリシ排日
 政策及反共政策、根絶ヲ期スルコトハ改修
 的協力ニ缺クハカラサルモノニテ又經濟的協力
 ニ於テハ前述ノ通り或程迄近門戸開放
 政策均等ノ適用ヲ排除スルコトアルヘシト
 云フカ如キ協力ノ意味スルモノナリト念ヘリ
 尚「ブレ」米國民一般ノ感情興奮シ居ルニ
 付之カ鎮靜、為日本側ヨリ何等カ「ブレ」
 チュアーレヲ示スコト必要ト思考スト述ヘタルニ
 對シ大臣ヨリ右ノ必要ハ主義トシテ之ヲ認ムル
 事揚子江南放問題、如キハ既ニ回答有リ
 今日ハ是レ以上言ハスト答ヘナリ
 五、十月八日「ブレ」大使、來訪ヲホシテ前記四ノ未回答
 ノ英「ブレ」有田大臣ヨリ右ノ通シ述ヘ其「ブレ」
 書物ヲ手交ナリ（前記中五）（一）前記四、（二）前記

ノ米側見解ニ対シテ締約當時ニ東洋ニ於ケル國際

紛争防止ヲ目的トシテ作ラレタル諸條約モ世界ニ於ケル一般情勢ノ變化ト東亞ニ發展シツツアル新情勢ノ下ニ於テ之ヲ其ノ儘適用スルハ却テ平和ト一般ノ繁榮ヲ齎ス不所以ニ非ス

(2) 商業上ノ機會均等ハ從來帝國主義界ニ向テ要求スル所ニテ商業上ノ機會均等カ世界ノ平和ヲ齎ストナス米側見解ハ原則トシテ贊成ナルモ現状ニ於テハ良貨低廉ノ日本品ハ世界到ル所ニテ差別待遇ヲ受ケツツ有前記四ノ(三)ノ一國ノ他國ニ於ケル特惠的地位云々ニ付テハ英本國ト其屬領相^{乃至屬領}互内ノ特惠關係ヲ指摘シ英帝國ハ一政治的單位ナシハ巴ムヲ得サルモ日滿支然ラサルヲ以テ右三國內ニ英帝國內ニ於ケルガ如キ經濟關係ノ樹立セラルル事ヲ容認シ得ストノ論ハ首肯シ得ズ

(3) 更ニ英帝國^{米國}及蘇聯ノ如キ大經濟單位カ存シ

他方日本ノ如キ經濟單位ヲ存セシメントスルガ如キハ決シテ世界ヲ安定セシムル所以ニ非ストスルハ日本ノ信念ニテ日滿支經濟相互協力ノ關係ハ右ノ趣旨ヨリ發出セルモノニテ世界ノ繁榮ト

矛盾スルモノニ非ズ本協力ノ目的トスル所ハ(4) 企業ノ分野ニ於テハ國家存立上ノ分缺

ナル生産物ノ供給ヲ確保ヤントスルニアリ
 右目的ノ為ニ独占的特權ヲ与ヘ其ノ
 發展ヲ阻ルル必要ノアル企業モアルニ
 此種企業ニ付テハ中三國カ日滿支側
 ノ計画ノ範圍内ニ於テ資本技術及
 物質上ノ参加ヲオスルトハ之ヲ歡迎スルモ
 競争的企業ノ設立ハ認めサルナリ
 (ハ)又貿易ノ分野ニ於テハ平常状態^内
 アリテハ關稅其他ノ輸出入制^度上
 特殊ノ差別待遇ヲオササルヲ以テ原則
 トナス

右ニ對シテハ條約其他ノ約束ニ依リテ
 定メタルトハ關係國カ集メテ之ヲ変更
 スル手續ヲ取ル迄ハ一方的ニ変更スルコト
 ヲ承認レ得サルコトハ米國政府ノ建前
 ナリト見料ストルニ對シテ更ニ日本カ差別待
 遇ヲオササルコトヲ

DOC 1513

事實に依り証明スルコト望ミシキ旨述(タリ)

六、十二月二十六日「グ」ヲ招致シ先般未屢次我方

ヨリ支那市場ヲ閉鎖スル意ヤキコトヲ明ニシ

来リタルニ拘ラス米國ノ新聞雜誌等ノ論

調カ我カ眞意ヲ解セ尤モノアルハ遺憾ナリ

ト述ヘタル處「グ」ハ右新聞雜誌ハ使スレモ

政府ノ意向ヲ代辯スルモ是非但シ米國民一般

カ日本ノ支那ニ於テ行動ニ付多大ノ不安ヲ懷

キ居ルハ事實ニテ前回会谈ニ於テモ例ハハ

「或ル種」ノ工業「特別」ノ企業ニ付テハ保護

ヲ加ル必要アリト述ヘタルカ如キ制限的ニ用辭

ヲ有スル爲實際ノ待遇ニ関シ不安ヲ生スルカ

ナト述ベタルヲ以テ大臣ヨリ斯ル制限ハ決テ広ク

解釋セントスルモ是非スト説明セル處「グ」ハ重シク

右ヲ實際ニ於テ示ス様希望セリ

其際「グ」大使ハ支那ニ於テ門戶開放機會

均等ニ關シテハ前任褚大臣ノ保障アリ近衛

大臣モ右保障ヲ享ヘラレシト拘ラス

No

11

十一月三日ノ如キ声明ヲ發セシハ遺憾ナリト述ヘタルヲ以テ大臣ヨリ十一月十九日「ドウーマン」參事官ニ對シテシタル同様ノ説明ヲ繰返シタリ

七月三日「ワグネル」大使次官ヲ來訪シ（有田大臣旅行中ニ）爲次官ヲ來訪セルモ效果ハ大臣ニ對スルモノト同様ナルモノト諒解アリタキニ目附言コリ

十一月十日附ノ我カ對米回答ニ對スル米國側ノ見解ヲ表示セル公文ヲ手交セルヲ以テ次官ヨリ右公文ノ要點ノ説明ヲ求メタル處「ワグネル」大使ハ右ハ「東亞」新事態ナルモノハ日本側

ノ一方的宣言ニ依リ作り出サレルモノニ非スレテ会谈ニ依リテコソ認めラルルト「米國」含ム列國カ支那ニ各種ノ特權ヲ有シ居ルハ事實ナルモ斯

ル不平等の特權ヲ排シ出萊得ル限リ速カニ支那ニ不平等的地位ヲ與フルトハ米國ノ豫テ

ヨリ主張ニ來レル所ナルカ斯ル事態ノ變更モ列國ノ會議ニ於テ爲サルヘキモノナリト信スル

米國政府ノ見解ヲ開陳セルモノナリト説明シ本件ハ米國カ極東ノ事態ニ特別ノ関心ヲ有スルヲ以テ米國ハ最初ノ機會ニ之ヲ發表スルニ目附言セリ

(別紙才六)

No 13

DOC1573

八爾末大臣及「グ」大使會談ハ停止セラ
ルニ至リタルカ昭和十四年五月「グ」大使ハ
一時歸朝ニ際シ有田大臣ハ同大使ハ別紙
ノ如キ書物ヲ手交シ又平沼首相ヨリモ
「ル」國務長官宛「メ」ジ「レ」ノ傳達
方ヲ依頼セリ別紙ヲセ「ハ」

證明書

国際文書局

典據及ビ公正ニ関スル證明

第一五七三號

Doc 1573

余、尾戸長春、余が下記資格於テ、即チ日本外務省文書課長代理トシテ、日本政府トハ的関係ニ在ルモノナルコト、竝ニ該官吏トシテ余が茲ニ添附セラルタル、十三頁ヨリ成ル、千九百四十六年、昭和十六年、九月二日附、下記題名、即チ有田外務省在任中、(昭和十三年十月)自昭和十四年七月)ニ於テ、日米交渉概要ノ文書保管ニ任ジ居ルコトヲ茲ニ證明ス。余、更ニ添附記録及ビ文書が日本政府ノ公文書ナルコト、竝ニ右が下記名稱ノ省又部局ノ公文書類及ビ綴一部ナルコトヲ證明ス。若シテ綴者號又引用其ノ他公文書類又綴ニ於テ、該文書、正規所在ノ公文名稱ヲモ特記ス(外務省)

千九百四十六年、昭和二十一年ノ十月三十一日

東京ニ於テ署名

當該官吏署名欄
右者、公的資格

尾戸長春(署名)(印)
文書課長代理
エム、江村(署名)

公式入手ニ関スル證明

余、RICHARD H. LARSH、余が聯合國最高指揮官總司令部ニ關係アルモノナルコト、竝ニ記題名ノ文書ハ余が務上、日本陸軍上記署名官吏ヨリ入手シタルコトヲ茲ニ證明ス。
千九百四十六年、昭和二十一年ノ十月三十一日
東京ニ於テ署名

氏名欄 RICHARD H. LARSH

右者、公的資格 國際檢察部調査課
證人 ELLIOTT M. FLEISHER

合衆國陸軍少尉
エリック、ダブリュー、フライシャー(署名)

SUMMARY OF JAPAN-AMERICAN NEGOTIATIONS DURING
FOREIGN MINISTER ARITA'S TENURE OF OFFICE (FROM NOV.
1938 UNTIL JULY 1939)

(September 2nd 1941)

- I. Prior to Minister ARITA assuming his duties as Foreign Minister in November 1938 Ambassador GREW remarked to Premier KONOYE (concurrently holding the post of Foreign Minister) on October 3rd that he wished to discuss orally regarding problems that the U. S. President felt as possessing direct interests, and after stating that, notwithstanding that the respecting of American rights and interests in China as well as the Open-Door Policy as well as Principle of Equal Opportunity had been definitely guaranteed by the former Minister (T.N. Foreign Minister), he regretted to have to declare that the infringing of American rights and interests had not ceased and that the Open Door Policy was still being ignored, and after citing some instances such as Exchange Control and Trade Restrictions etc. in North China, he demanded that prompt and effective measures be taken in order to carry out the guarantee that had been duly made. (Annexed Document No. 1). To this Minister KONOYE replied that Japan's China Policy as well as foreign policy remained unchanged, and that Japan's assertion with regard to the respecting of foreign rights and interests relative to China as well as the maintenance of the Open Door Policy and the Principle of Equal Opportunity remained unchanged, adding that, although in point of fact, there had been cases at times which were not settled satisfactorily due to military strategic necessity or other reasons, he was striving to settle matters as satisfactorily as possible upon the conditions returning to their normal state. He also stated that, with regard to commercial and tradal problems, he wished to, after studying same, comply with the Ambassador's request at the earliest possible opportunity.

Ambassador Grew subsequently sent a note embodying the same contents as the foregoing paragraph. (Annexed Document No. 2).

- II. p.2 The manner of reply to the aforesaid American Ambassador's note was studied ever since the appointment of ARITA as Foreign Minister and although it had been decided to put off the said reply until conditions had become settled for awhile as it happened to be just before the fall of Canton with the capitulation of Hankow being close at hand, so that the state of affairs was changing rapidly, in view of this matter representing problems which, after all, possess an important bearing to the Nine-Power Pact, after studying the draft of the reply based on the policy of:

1.3

(a) Avoiding all phraseology whatsoever that would reaffirm the principles of the Open Door and Equal Opportunity based on the Nine-Power Pact,

(b) Making them understand that, although the existing rights and interests of Third Powers will be respected, this is not being done as a corollary of the Nine-Power Pact,

(c) Making them understand that the standard laws governing the future economic activities by Third Powers in New China shall be established in conformity with the new conditions, a reply was sent on November 18th to the following effect, in addition to giving explanations to each of the instances cited in the American note and clarifying the point that their claims regarding Infringement of Rights and Interests were unjustified, viz.:

- (1) It is hoped that, inasmuch as military activities are being conducted on a unprecedented scale in East Asia, the United States will note the fact that there may be times when difficulties may occur in executing our intention regarding the respecting of American rights and interests,
- (2) The Empire believes that it will not solve urgent problems of the moment or aid towards the establishing of permanent peace in East Asia by attempting to gauge the present and future state of affairs by ideas or principles in their original form that were applied to the pre-incident state of affairs, especially at this time when the Empire is dashing ahead with the Establishment of a New Order in East Asia and when new conditions are setting in in East Asia.
- (3) Should any Third Power or Powers participate in the gigantic task of Reconstruction of East Asia in the fields of enterprises and trade by appreciating the afore-mentioned points, the Empire shall have no objection whatsoever towards same. (Annexed Document No.3).

III. When Minister ARITA invited Councillor Dooman of the U. S. Embassy at Tokyo on November 19th and asked about the impressions regarding the recent Japanese Reply, Dooman replied that Ambassador Grew's impression regarding the said Reply seemed to be that "It represented a wholesale denial of the American Demands," whereupon Minister ARITA explained that it would be excusable if the Open Door policy and the principle of Equal Opportunity were applied to the entire world from the start, but it is extremely illogical to apply same today to China only. ARITA then went on to say that his predecessor gave his guarantee regarding the

p.5

respecting of the said principles by being of the belief that the actual prevailing conditions could be made to harmonize with the Open Door Policy and the Principle of Equal Opportunity, but that, in his own opinion, it was no longer possible to expect the said harmony, at the same time explaining the great pains taken by Japan in regard to the said reply, to which Dooman stated that it was extremely regrettable that there were over 300 cases recently remaining unsettled despite their having no connections with military actions and being extremely trivial matters, and that the recent official American note was the result of the American commercial concerns in various parts of China exerting severe pressure on their Home Government, at the same time pointing out that the United States did not make any reference to the Nine-Power Pact.

- IV. On inviting Ambassador Grew to Tokyo subsequently on the 21st of the same month and conferring with him on the same principle as per the foregoing paragraph, Grew declared as follows after making the introductory remark that what he would be saying today would not be in the nature of any reply whatsoever to the Japanese Note of the 18th:-

(1) The United States Government has never attempted to exploit China nor extend American influences in China. The United States Government's interpretation of "Open Door" is totally different from the foregoing. In other words, the Principle of Equal Opportunity in regard to Commerce has always been the actual basic principle of the United States.

(2) All of the treaties concerning the Far East embodying the said principle, and to which the United States is a signatory, were concluded for the purpose of preventing the occurrence or likely occurrence of international friction in the Far East, and the United States Government is intent upon checking the present day trend of international anarchy as well as contributing towards the adjustment of international relations as well as restoration of international order, and it is the advocacy of the United States that this object can be attained by peaceful negotiations and agreements as well as by faithful fulfillment of international agreements.

p.6

(3) The Commercial Policy of the United States lies in aiming at international concord by striving for the expansion of foreign trade by means of removing obstacles lying in the way of the international distribution of commodities. I believe that the frequent instances of other countries trying to gain most-favored footings do not contribute towards establishing prosperity in the United States and the world.

(4) On November 3rd Premier KONOYE stated that "Japan will cooperate with any Third Power that appreciates Japan's real intentions and adopts a policy that conforms to the new state of affairs," but what is the concrete meaning of this statement? Surely he does not mean the kind of co-operation whereby, as is being generally rumored, Americans can not engage in trade in China without going through the hands of Japanese merchants.

(5) Minister ARITA expressed his wish that the United States should allow Japan sufficient time to see what the results would be, but there is a limit to the patience of the American people. Considering it impossible to pacify public opinion, the Government has, to begin with, demanded the liberation of the Lower Yangtze region as well as the suspension of bombing of and other interference with churches and their properties situated at considerably far-off distances from the scene of military operations. (Annexed Document No. 4).

p.7 To the foregoing Minister ARITA explained that, in regard to Item (4) of the foregoing paragraph, it is difficult, as was made plain in the last part of our Reply dated the 18th, it was impossible for Japan to recognize the unconditional application of Equal Opportunity and Open Door at the present day when the state of affairs in China has become changed, but that Japan possesses the desire to cooperate with Third Powers in the event of the foregoing becoming understood, at the same time remarking in connection with the rumours as specified at the end of the said paragraph that such a thing was totally impossible and could also not be put into practice, whereupon Grew stated that he felt relieved on hearing the foregoing.

p.8 Minister ARITA further explained that the assertion that Japan's Open Door Policy and Principle of Equal Opportunity might clash with the respecting of rights and interests of Third Powers implied that measures necessary for fostering the closer relationship of Japan and China as well as for ensuring Japan and China's rights of existence might at times necessitate eliminating the application of the aforesaid Principles to some extent, so that there was still considerable room left for economic activities of other countries.

As Grew then asked as to what was meant by the New Order, Minister ARITA replied that same implies the establishing of co-operation between Japan, Manchoukuo, and China in regard to Politics, Economy, and Culture, meaning, as for example, that Political Co-operation is indispensable for exterminating the Anti-Japanese Policy as well as Pro-Communist Policy that have so far been the causes of unrest in the Orient, whereas, furthermore, in regard to Economic Cooperation, it may become necessary, as mentioned above, to

eliminate, to some extent, the application of the Open Door and Equal Opportunity Principles.

Furthermore, on Grew remarking that he considered it necessary for Japan to make some sort of gesture in order to pacify the excited feelings of the general public in the United States, the Minister replied that, although he recognized the need of same on principle, he was not in a position to say any more as the question of Liberation of the Yangtze River had already been replied to.

- V. On December 8th Minister ARITA invited Grew, and after having explained as follows regarding the unanswered points of the foregoing Clause IV, handed to him a written note embodying the said points (Annexed Document No. 5.)

- p. 9
- (1) Referring to the views of the United States as per the former part of Item 2 of the foregoing Clause IV, the application, in their original form, of the various treaties which were concluded at the time for the purpose of preventing international disputes in the Orient would, with the general change of conditions in the world, as well as the new state of affairs that is developing in the Far East, rather hamper the bringing about of Peace and Universal Prosperity.
 - (2) Equal Opportunity in regard to Commerce is what the Empire has been hitherto demanding of the world, and although we agree, on principle, to the opinion of the United States that Equal Opportunity in regard to Commerce will bring about World Peace, but, as things are at present, good quality and low-priced Japanese goods are meeting with discriminatory treatment all over the world. As regards the gaining of a most-favoured footing by one country in other countries as per Item (3) of the foregoing Clause IV, the Most-Favoured relations between the British Empire with her colonies as well as co-mutually among her colonies were pointed out, at the same time asserting that the contention that in the case of the British Empire it is unavoidable as it applies to a single political unit but that the establishing of economic relations between Japan, Manchoukuo, and China similar to those within the British Empire can not be recognized in view of the said three countries not constituting a single political unit, can not be tolerated.
 - (3) Moreover, it was reiterated that it was Japan's belief that it would by no means contribute towards stabilizing the world to let an economic unit like that of Japan exist on one hand against such large economic units of the British Empire,

the United States and the Soviet Union on the other, and that, as the relations of Japan, Manchoukuo and China in regard to mutual economic cooperation emanated from the afore-mentioned idea, same would not conflict with the prosperity of the world. This collaboration has for its object:-

(a) In regard to the field of enterprise, the guaranteeing of supply of products that are indispensable from the standpoint of national existence. To attain this object there may be enterprises that require the granting of special monopolistic rights in order to foster their development. In regard to such enterprises, Third Powers will be welcomed, within the sphere of the plans of Japan, Manchoukuo, and China, to participate in regard to capital, technique or resources, but the establishment of competitive enterprises shall not be recognized.

(b) Furthermore, in regard to the field of foreign trade, it shall be the principle not to make any special discriminatory treatment by enforcing Customs tariffs or other export and import counter-measures.

To this, Grew remarked that he believed it to be the stand of the United States Government that it could not recognize any one-sided alterations to any treaties or other agreements until the necessary procedure regarding alteration of same be taken conjointly by the countries concerned, after which he stated that it would be desirable to prove by actual facts that Japan will not show discriminatory treatment.

p.11

VI. On December 26th Grew was invited and told that it was regrettable that, whereas it had already been made clear on repeated occasions that Japan entertained no intention of closing the Chinese Market, the editorial tone of some of the American newspapers and magazines went to show that Japan's real intention was not being understood, whereupon Grew stated that, although the said newspapers and magazines were not necessarily expressing the views of the Government, it was nevertheless true that the American public in general were feeling greatly uneasy regarding Japan's actions in China, also adding that the use of restrictive phraseology, on the occasion of the previous interview such as having stated that it would be necessary to give protection to "certain" industries and "special" enterprises is liable to create uneasiness regarding Actual Treatment. To this the Minister replied that such restrictions should not be interpreted in a broad sense, whereupon Grew again expressed his desire to have the foregoing demonstrated by actual facts.

p.12

On that occasion Ambassador Grew remarked that it was regrettable

to have issued a statement like that of November 3rd regarding the Open Door and Equal Opportunity in China notwithstanding that same had been guaranteed by Foreign Minister CHU as well as Minister KONOYE, whereupon the Minister repeated the same explanation that he had made to Councillor Doeman on November 19th.

VII. On December 31st Ambassador Grew visited the Vice-Minister (adding that, although he had visited the Vice-Minister due to Minister ARITA being away on a trip, he wished it to be understood that same would have the same results as having visited the Minister) and handed him an official note expressing the views of the United States in regard to Japan's Reply to the United States under date of November 18th. The Vice-Minister asked for an explanation of the main points of the said note, to which Grew explained that same expresses the views of the United States Government as follows:-

(1) The so-called New State of Affairs in the Far East can not be created only by Japan's ex-parte Declaration, but should be recognized only by means of a Conference.

(2) It is true that the Powers including the United States possess special rights in China, and although the United States has always been advocating that such discriminatory special rights should be abolished and that China should be granted an equal (T.N. original says UNEQUAL) position, it is believed that such changes in the state of affairs should also be effected at a Conference of the Powers, and also added that, as the United States possesses special interest in the state of affairs in the Far East, the United States would announce same at the first opportunity. (Annexed Document No. 6).

VIII. Ever since then, the conversations between the Minister and Ambassador Grew became suspended, but on the occasion of Ambassador Grew's temporary return to the United States (T.N. the original specifies KICHO implying return to Japan, probably an error) in May 1939, Minister ARITA handed the said Ambassador a note as per Annexed Document, and Premier HIRAYAMA also requested him to convey a message addressed to Secretary of State Hull. (Annexed Documents Nos. 7 and 8.)

C E R T I F I C A T E

I.P.S. Doc. No. 1573

Statement of Source and Authentication

I, ODO Nagaharu, hereby certify that I am officially connected with the Japanese Government in the following capacity: Assistant Chief of the Archives Section, Japanese Foreign Office, and that as such official I have custody of the document hereto attached consisting of 13 pages, dated 2 Sept. 1941, and described as follows:

Summary of Japanese-American Negotiations During Foreign Minister ARITA's Term of Office (from Nov. 1938 until July 1939).

I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): Foreign Ministry.

Signed at TOKYO on this
31st day of October, 1946.

(s) Nagaharu Odo (SEAL)

Ass. Chief, Archives Section
Official Capacity

Witness: (s) M. Emura

Statement of Official Procurement

I, RICHARD H. LARSH, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at TOKYO on this
31 da. of October, 1946

(s) Richard H. Larsh
NAME

Witness: Eric W. Fleisher, 2nd Lt. AUS Investigation Division, I.S.
Official Capacity

SUMMARY OF JAPAN-AMERICAN NEGOTIATIONS DURING
FOREIGN MINISTER ARITA'S TENURE OF OFFICE (FROM NOV.
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(September 2nd 1941)

- I. Prior to Minister ARITA assuming his duties as Foreign Minister in November 1938 Ambassador GREW remarked to Premier KONOYE (concurrently holding the post of Foreign Minister) on October 3rd that he wished to discuss orally regarding problems that the U. S. President felt as possessing direct interests, and after stating that, notwithstanding that the respecting of American rights and interests in China as well as the Open-Door Policy as well as Principle of Equal Opportunity had been definitely guaranteed by the former Minister (T.N. Foreign Minister), he regretted to have to declare that the infringing of American rights and interests had not ceased and that the Open Door Policy was still being ignored, and after citing some instances such as Exchange Control and Trade Restrictions etc. in North China, he demanded that prompt and effective measures be taken in order to carry out the guarantee that had been duly made. (Annexed Document No. 1). To this Minister KONOYE replied that Japan's China Policy as well as foreign policy remained unchanged, and that Japan's assertion with regard to the respecting of foreign rights and interests relative to China as well as the maintenance of the Open Door Policy and the Principle of Equal Opportunity remained unchanged, adding that, although in point of fact, there had been cases at times which were not settled satisfactorily due to military strategic necessity or other reasons, he was striving to settle matters as satisfactorily as possible upon the conditions returning to their normal state. He also stated that, with regard to commercial and tradal problems, he wished to, after studying same, comply with the Ambassador's request at the earliest possible opportunity.

Ambassador Grew subsequently sent a note embodying the same contents as the foregoing paragraph. (Annexed Document No. 2).

- II. The manner of reply to the aforesaid American Ambassador's note was studied ever since the appointment of ARITA as Foreign Minister and although it had been decided to put off the said reply until conditions had become settled for awhile as it happened to be just before the fall of Canton with the capitulation of Hankow being close at hand, so that the state of affairs was changing rapidly, in view of this matter representing problems which, after all, possess an important bearing to the Nine-Power Pact, after studying the draft of the reply based on the policy of:

I.3

(a) Avoiding all phraseology whatsoever that would reaffirm the principles of the Open Door and Equal Opportunity based on the Nine-Power Pact,

(b) Making them understand that, although the existing rights and interests of Third Powers will be respected, this is not being done as a corollary of the Nine-Power Pact.

(c) Making them understand that the standard laws governing the future economic activities by Third Powers in New China shall be established in conformity with the new conditions, a reply was sent on November 18th to the following effect, in addition to giving explanations to each of the instances cited in the American note and clarifying the point that their claims regarding Infringement of Rights and Interests were unjustified, viz.:

(1) It is hoped that, inasmuch as military activities are being conducted on a unprecedented scale in East Asia, the United States will note the fact that there may be times when difficulties may occur in executing our intention regarding the respecting of American rights and interests,

(2) The Empire believes that it will not solve urgent problems of the moment or aid towards the establishing of permanent peace in East Asia by attempting to gauge the present and future state of affairs by ideas or principles in their original form that were applied to the pre-incident state of affairs, especially at this time when the Empire is dashing ahead with the Establishment of a New Order in East Asia and when new conditions are setting in in East Asia.

(3) Should any Third Power or Powers participate in the gigantic task of Reconstruction of East Asia in the fields of enterprises and trade by appreciating the afore-mentioned points, the Empire shall have no objection whatsoever towards same. (Annexed Document No.3).

III. p.4 When Minister ARITA invited Councillor Dooman of the U. S. Embassy at Tokyo on November 19th and asked about the impressions regarding the recent Japanese Reply, Dooman replied that Ambassador Grew's impression regarding the said Reply seemed to be that "It represented a wholesale denial of the American Demands," whereupon Minister ARITA explained that it would be excusable if the Open Door policy and the principle of Equal Opportunity were applied to the entire world from the start, but it is extremely illogical to apply same today to China only. ARITA then went on to say that his predecessor gave his guarantee regarding the

p.5 respecting of the said principles by being of the belief that the actual prevailing conditions could be made to harmonize with the Open Door Policy and the Principle of Equal Opportunity, but that, in his own opinion, it was no longer possible to expect the said harmony, at the same time explaining the great pains taken by Japan in regard to the said reply, to which Dooman stated that it was extremely regrettable that there were over 300 cases recently remaining unsettled despite their having no connections with military actions and being extremely trivial matters, and that the recent official American note was the result of the American commercial concerns in various parts of China exerting severe pressure on their Home Government, at the same time pointing out that the United States did not make any reference to the Nine-Power Pact.

IV. On inviting Ambassador Grew to Tokyo subsequently on the 21st of the same month and conferring with him on the same principle as per the foregoing paragraph, Grew declared as follows after making the introductory remark that what he would be saying today would not be in the nature of any reply whatsoever to the Japanese Note of the 18th:-

(1) The United States Government has never attempted to exploit China nor extend American influences in China. The United States Government's interpretation of "Open Door" is totally different from the foregoing. In other words, the Principle of Equal Opportunity in regard to Commerce has always been the actual basic principle of the United States.

(2) All of the treaties concerning the Far East embodying the said Principle, and to which the United States is a signatory, were concluded for the purpose of preventing the occurrence or likely occurrence of international friction in the Far East, and the United States Government is intent upon checking the present day trend of international anarchy as well as contributing towards the adjustment of international relations as well as restoration of international order, and it is the advocacy of the United States that this object can be attained by peaceful negotiations and agreements as well as by faithful fulfillment of international agreements.

p.6

(3) The Commercial Policy of the United States lies in aiming at international concord by striving for the expansion of foreign trade by means of removing obstacles lying in the way of the international distribution of commodities. I believe that the frequent instances of other countries trying to gain most-favored footings do not contribute towards establishing prosperity in the United States and the world.

(4) On November 3rd Premier KONOYE stated that "Japan will cooperate with any Third Power that appreciates Japan's real intentions and adopts a policy that conforms to the new state of affairs," but what is the concrete meaning of this statement? Surely he does not mean the kind of co-operation whereby, as is being generally rumored, Americans can not engage in trade in China without going through the hands of Japanese merchants.

(5) Minister ARITA expressed his wish that the United States should allow Japan sufficient time to see what the results would be, but there is a limit to the patience of the American people. Considering it impossible to pacify public opinion, the Government has, to begin with, demanded the liberation of the Lower Yangtze region as well as the suspension of bombing of and other interference with churches and their properties situated at considerably far-off distances from the scene of military operations. (Annexed Document No. 4).

p.7 To the foregoing Minister ARITA explained that, in regard to Item (4) of the foregoing paragraph, it is difficult, as was made plain in the last part of our Reply dated the 18th, it was impossible for Japan to recognize the unconditional application of Equal Opportunity and Open Door at the present day when the state of affairs in China has become changed, but that Japan possesses the desire to cooperate with Third Powers in the event of the foregoing becoming understood, at the same time remarking in connection with the rumours as specified at the end of the said paragraph that such a thing was totally impossible and could also not be put into practice, whereupon Grew stated that he felt relieved on hearing the foregoing.

p.8 Minister ARITA further explained that the assertion that Japan's Open Door Policy and Principle of Equal Opportunity might clash with the respecting of rights and interests of Third Powers implied that measures necessary for fostering the closer relationship of Japan and China as well as for ensuring Japan and China's rights of existence might at times necessitate eliminating the application of the aforesaid Principles to some extent, so that there was still considerable room left for economic activities of other countries.

As Grew then asked as to what was meant by the New Order, Minister ARITA replied that same implies the establishing of co-operation between Japan, Manchoukuo, and China in regard to Politics, Economy, and Culture, meaning, as for example, that Political Co-operation is indispensable for exterminating the Anti-Japanese Policy as well as Pro-Communist Policy that have so far been the causes of unrest in the Orient, whereas, furthermore, in regard to Economic Cooperation, it may become necessary, as mentioned above, to

eliminate, to some extent, the application of the Open Door and Equal Opportunity Principles.

Furthermore, on Grew remarking that he considered it necessary for Japan to make some sort of gesture in order to pacify the excited feelings of the general public in the United States, the Minister replied that, although he recognized the need of some on principle, he was not in a position to say any more as the question of liberation of the Yangtze River had already been replied to.

- V. On December 8th Minister ARITA invited Grew, and after having explained as follows regarding the unanswered points of the foregoing Clause IV, handed to him a written note embodying the said points (Annexed Document No. 5.)

p. 9

(1) Referring to the views of the United States as per the former part of Item 2 of the foregoing Clause IV, the application, in their original form, of the various treaties which were concluded at the time for the purpose of preventing international disputes in the Orient would, with the general change of conditions in the world, as well as the new state of affairs that is developing in the Far East, rather hamper the bringing about of peace and Universal Prosperity.

(2) Equal Opportunity in regard to Commerce is what the Empire has been hitherto demanding of the world, and although we agree, on principle, to the opinion of the United States that Equal Opportunity in regard to Commerce will bring about World Peace, but, as things are at present, good quality and low-priced Japanese goods are meeting with discriminatory treatment all over the world. As regards the gaining of a most-favoured footing by one country in other countries as per Item (3) of the foregoing Clause IV, the Most-Favoured relations between the British Empire with her colonies as well as co-mutually among her colonies were pointed out, at the same time asserting that the contention that in the case of the British Empire it is unavoidable as it applies to a single political unit but that the establishing of economic relations between Japan, Manchoukuo, and China similar to those within the British Empire can not be recognized in view of the said three countries not constituting a single political unit, can not be tolerated.

(3) Moreover, it was reiterated that it was Japan's belief that it would by no means contribute towards stabilizing the world to let an economic unit like that of Japan exist on one hand against such large economic units of the British Empire,

the United States and the Soviet Union on the other, and that, as the relations of Japan, Manchoukuo and China in regard to mutual economic cooperation emanated from the afore-mentioned idea, same would not conflict with the prosperity of the world. This collaboration has for its object:-

(a) In regard to the field of enterprise, the guaranteeing of supply of products that are indispensable from the standpoint of national existence. To attain this object there may be enterprises that require the granting of special monopolistic rights in order to foster their development. In regard to such enterprises, Third Powers will be welcomed, within the sphere of the plans of Japan, Manchoukuo, and China, to participate in regard to capital, technique or resources, but the establishment of competitive enterprises shall not be recognized.

(b) Furthermore, in regard to the field of foreign trade, it shall be the principle not to make any special discriminatory treatment by enforcing Customs tariffs or other export and import counter-measures.

To this, Grew remarked that he believed it to be the stand of the United States Government that it could not recognize any one-sided alterations to any treaties or other agreements until the necessary procedure regarding alteration of same be taken conjointly by the countries concerned, after which he stated that it would

p.11

be desirable to prove by actual facts that Japan will not show discriminatory treatment.

VI. On December 26th Grew was invited and told that it was regrettable that, whereas it had already been made clear on repeated occasions that Japan entertained no intention of closing the Chinese Market, the editorial tone of some of the American newspapers and magazines went to show that Japan's real intention was not being understood, whereupon Grew stated that, although the said newspapers and magazines were not necessarily expressing the views of the Government, it was nevertheless true that the American public in general were feeling greatly uneasy regarding Japan's actions in China, also adding that the use of restrictive phraseology, on the occasion of the previous interview such as having stated that it would be necessary to give protection to "certain" industries and "special" enterprises is liable to create uneasiness regarding Actual Treatment. To this the Minister replied that such restrictions should not be interpreted in a broad sense, whereupon Grew again expressed his desire to have the foregoing demonstrated by actual facts.

p.12

On that occasion Ambassador Grew remarked that it was regrettable

to have issued a statement like that of November 3rd regarding the Open Door and Equal Opportunity in China notwithstanding that same had been guaranteed by Foreign Minister CHU as well as Minister KONOYE, whereupon the Minister repeated the same explanation that he had made to Councillor Doeman on November 19th.

VII. On December 31st Ambassador Grew visited the Vice-Minister (adding that, although he had visited the Vice-Minister due to Minister ARITA being away on a trip, he wished it to be understood that same would have the same results as having visited the Minister) and handed him an official note expressing the views of the United States in regard to Japan's Reply to the United States under date of November 18th. The Vice-Minister asked for an explanation of the main points of the said note, to which Grew explained that same expresses the views of the United States Government as follows:-

(1) The so-called New State of Affairs in the Far East can not be created only by Japan's ex-parte Declaration, but should be recognized only by means of a Conference.

(2) It is true that the Powers including the United States possess special rights in China, and although the United States has always been advocating that such discriminatory special rights should be abolished and that China should be granted an equal (T.N. original says UNEQUAL) position, it is believed that such changes in the state of affairs should also be effected at a Conference of the Powers, and also added that, as the United States possesses special interest in the state of affairs in the Far East, the United States would announce same at the first opportunity. (Annexed Document No. 6).

VIII. Ever since then, the conversations between the Minister and Ambassador Grew became suspended, but on the occasion of Ambassador Grew's temporary return to the United States (T.N. the original specifies KICHO implying return to Japan, probably an error) in May 1939, Minister ARITA handed the said Ambassador a note as per Annexed Document, and Premier HIRANUMA also requested him to convey a message addressed to Secretary of State Hull. (Annexed Documents Nos. 7 and 8.)

C E R T I F I C A T E

I.P.S. Doc. No. 1573

Statement of Source and Authentication

I, ODO Nagaharu, hereby certify that I am officially connected with the Japanese Government in the following capacity: Assistant Chief of the Archives Section, Japanese Foreign Office, and that as such official I have custody of the document hereto attached consisting of 13 pages, dated 2 Sept. 1941, and described as follows:

Summary of Japanese-American Negotiations During Foreign Minister ARITA's Term of Office (from Nov. 1938 until July 1939).

I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): Foreign Ministry.

Signed at TOKYO on this
31st day of October, 1946.

(s) Nagaharu Odo
(SEAL)

Ass. Chief, Archives Section
Official Capacity

Witness: (s) M. Emura

Statement of Official Procurement

I, RICHARD H. LARSH, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at TOKYO on this
31 day of October, 1946

(s) Richard H. Larsh
NAME

Witness: Eric W. Fleisher, 2nd Lt. AUS Investigation Division, I.S
Official Capacity

INTERNATIONAL PROSECUTION SECTION

Doc. No. *1573*Date 29 April 46

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT.

✓ Title and Nature: *Record of conversations and communications mainly between Foreign Minister ARITA, and American Ambassador GREW, re KONOYE'S declaration concerning Japan's attitude toward China and New Order in East Asia*

Date: *Nov-Dec 38* Original (x) Copy () Language: *Japanese*

Has it been translated? Yes () No (x)

Has it been photostated? Yes () No (x)

LOCATION OF ORIGINAL (also WITNESS if applicable) as of _____:

Document Division

SOURCE OF ORIGINAL: *Foreign Ministry*

PERSONS IMPLICATED:

ARITA, TANI

CRIMES TO WHICH DOCUMENT APPLICABLE:

Violation of Nine Power Treaty

SUMMARY OF RELEVANT POINTS (with page references):

These conversations and communications arose chiefly because of an address delivered on 3 Nov. 38 by KONOYE upon occasion of celebration of Emperor MEIJI'S birthday in which he expressed views re China and New Order in East Asia. (KONOYE'S speech not included in file)

I Conversation between GREW and KONOYE, 3 Oct. 38.

- 1. GREW stated that President ROOSEVELT was concerned over fact that despite guarantees to contrary:

 - a. Open Door Policy disregarded by Japan.*
 - b. American rights and interests in China being infringed

 - 1) Control of foreign exchange*
 - 2) Restrictive import system in North China.**
 - c. ROOSEVELT demands prompt and effective measures by**

Analyst *Lt. Lt. Blumberg*

Doc. No.

WAW

Japan to keep her promises.

2. KONOYE replied that:

- a. Japan's Chinese and foreign policy remains unchanged.
- b. Because of military operations, certain cases of protest were probably not satisfactorily settled.
 - 1) It would strive toward satisfactory settlement.

II Communique from Japanese Foreign Office to American Embassy 18 Nov. 38 would so as not to re-affirm the principle of "Open Door" (Basis of 9 Power Treaty):

1. Existing rights and interests of third countries to be respected with express understanding it is not done as corollary to Nine Power Treaty.
2. Normal laws measuring economic activities of third countries in North China in future to be adjusted in accordance with new conditions prevailing.
3. Due to unprecedented military actions, delay might arise in execution of American designs re rights and interests.
4. Japan has no objections to third country's participation in reconstruction, trade or enterprise if coinciding with plans for establishment of new order in East Asia.

III Conversation between ARITA and Counsellor DORMAN of U.S. Embassy 19 Nov. 38

1. DORMAN stated that GREW felt American demands were being denied.
 - a. More than 300 unsettled protests which have neither connections with Japanese military actions nor are too big to settle promptly.
2. ARITA said if Open Door and Equality of Opportunity Principles were applied to entire world it might be a different story but that it is quite illogical to apply these principles to China only.
 - a. Doesn't seem to be harmoniously accorded with present state of affairs in China.

IV Conversation between ARITA and GREW 21 Nov. 38

1. Grew stated that U.S. has never attempted to

^{visit}
extract China nor extend American sphere of influence.

- 15-9-38
- a. Equality of commercial opportunity, basic principle desired by U.S.
 - b. Treaties concerning Far East can be fulfilled through peaceful negotiation and faithful adherence by signatory nations.
 - c. U.S. not a subscriber to doctrine that any one country strive toward "most favored nation" policy re China.
 - d. American public opinion adversely aroused over Japanese policies re China.

2. ARITA supported KONOYE'S declaration "Should a third country or countries understand Japan's real intention and adopt policy adaptive to new state of affairs, Japan will cooperate with them." (Does not elaborate upon what Japan's real intention is)

V Conversation between ARITA and GREW 8 Dec 38.

1. ARITA stated that former treaties re China were outmoded, and that stabilization could not evolve through formation of huge economic units by British Empire, U.S., and U.S.S.R. on one hand and confinement of Japan to small economic unit.

- a. Japan's belief that cooperation between Japan, MANCHUKUO, China would not conflict with world-wide prosperity.

VI Conversation between ARITA and GREW 26 Dec. 38

1. ARITA stated it was regrettable American press and magazines didn't understand Japan's real intentions despite Japan's repeated declarations that she had no desire to close China's markets to foreign products.

2. GREW stated press and magazine comment not necessarily representative of governmental opinion, but it was true Americans in general felt uneasy about Japanese activities in China.

INTERNATIONAL PROSECUTION SECTION

Doc. No. _____

Date _____

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT.

Title and Nature:

Date: _____ Original () Copy () Language: _____

Has it been translated? Yes () No ()

Has it been photostated? Yes () No ()

LOCATION OF ORIGINAL (also WITNESS if applicable) as of _____:

SOURCE OF ORIGINAL:

PERSONS IMPLICATED:

CRIMES TO WHICH DOCUMENT APPLICABLE:

SUMMARY OF RELEVANT POINTS (with page references):

Analyst _____

Doc. No. _____

VII GREW's visit to TANI, Vice Foreign Minister,

31 Dec. 38, to tender official document stating:

1. So-called "New Order of East Asia" cannot be created by Japanese "ex-parte" declaration but should be recognized first through negotiations with other countries concerned.

2. U.S. an advocate that countries meet in conference aimed toward relinquishment of special rights and interests in China so as to enable China to obtain equality of position among nations.

3. Because of U.S. growing concern over state of affairs in China Far East, U.S. deems it wise to publicize her real intentions listed above at this time.

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Conversation between ARITA and Grew

I. HACHIRO ARITA assumed the office of the Ministry for Foreign Affairs in November, 1938.

Prior to that time, the American Ambassador Grew called on Prime Minister KONOYE (who was then also in additional charge as Foreign Minister) on October 3rd, and made the following statement.

"President Roosevelt has a concern in the regrettable fact that the 'Open-Door Policy' has been disregarded as Japan and American rights and interests are being infringed, notwithstanding that American rights and interests in China, 'Open-Door Policy' and as Equality of Opportunity had been definitely guaranteed by the former Foreign Minister of Japan."

He cited such examples as the control of foreign exchange and the Restrictive Import System in North China, and demanded prompt and effective measures to be taken by Japan in order to keep its promise.

To this, KONOYE replied that Japan's Chinese policy, as well as general foreign policy remained unchanged, and that Japan's assertion with regard to the

esteem upon foreign rights and interests and the maintenance of the 'Open-Door Policy' and Equality of Opportunity were also unchanged. For the reason of military operations, certain cases of protests may not have been satisfactorily settled. However,

with the condition returning to normalcy, he was striving to have those cases settled satisfactorily. Concerning the pending problems connected with trading and transportation, he would comply with his request as soon as they were fully investigated. Ambassador Grew confirmed this conversation by letter. (p. 1. 2)

II. The Japanese Foreign Office has been considering writing a formal reply to Ambassador Grew. But, as it was shortly before the fall of Canton and Hankow and as the state of affairs was changing rapidly, the Foreign Office decided it would stall the reply till the condition was fairly settled.

Inasmuch as this matter had important connections with the Nine Power Treaty, the draft of ^{the} reply was drawn up on the following principles —

(a) that such wording as if it would

re-affirm the principle of 'Open-Door Policy' and Equality of Opportunity which were the basis of the Nine Power Treaty, ^{should} be avoided;

(b) that the existing rights and interests of third countries ~~shall~~ be respected with the express understanding that it is not done so as the corollary of Nine Power Treaty;

(c) and that normal laws ~~by which to measure the economic activities of third countries are to be dealt~~ ^{shall} in New China in the future, be adjusted in accordance with a new condition that will prevail there.

The reply was dispatched to the American Embassy on November 18th, by way of explanation of each instance complained by the United States, and clarifying the unreasonableness of the American assertion that those instances were the proof of infringement of American rights and interests; ~~also added~~ the following comments were also added:

(1) It is hoped that the United States will ^{understand} ~~appreciate~~ the fact that an unprecedented military action is being taken in East Asia and that,

as a consequence, hindrance may arise in executing
our intention of ~~the~~ ^{esteeming} American rights and
interests. (p. 3)

(2) Japan believes, it will not ~~only help~~ solve
present-day problems, nor will it ~~help~~ establish
permanent peace in East Asia, if any attempt
should be made to judge the present and future
state of affairs with the idea or principle which
was applied to pre-Incident state of affairs, when
Japan is dashing forward to establish New Order
in East Asia and an old condition is being
transformed into new one in East Asia. (p. 3)

(3) Should a third country or countries
participate in a great work of reconstruction
of East Asia, in the fields of enterprises and
trading with its ^{above} fore-mentioned understanding,
Japan will have no objection. (p. 3. 4)

III. When ARITA invited the Councillor Dorman
of the U.S. Embassy on November 19th, and asked
"What are the U.S. Ambassador's
impressions were, Dorman replied 'Apparently,

Mr. Grew is impressed that the ^{whole} American demands have been denied. ARITA freed his mind to him, saying "It may be a different story, if Open-Door Policy and Equality of Opportunity Principle should be applied to the whole world. But, it is quite illogical to apply those principles to China only.

My predecessor must have guaranteed ^{the esteem upon} those principles because he believed ^{he could harmonize} that the present state of affairs with those principles. But, as for me, they don't seem to be harmoniously accorded with the present state of affairs."

"At the present time, there are more than three hundred unsettled cases of protest," Dotman said, "which ^{neither} have connections with your military actions nor are too big matters to settle promptly.

American traders in various localities in China have been pressing their government for ^{the} helping in solving their difficulties. Hence, ~~that memorandum,~~ ^{that memorandum,} ~~to our regret!~~ ^{that's why} ~~we~~ intentionally avoided and explained ^{to refer the matter to Nine Power Treaty.} (p. 4. 5) in which the Nine Power Treaty was not pointed out by the U. S. Government.

IV. On November 21st, ARITA invited Grew

preparing remarks
to his office and told him the things of the same
significance. Grew, making ~~the preparation~~ ^{preparatory} remarks
that his speech of today is not a reply to ARITA's
official document dated November 18th, said the
following things:

(1) "The United States has never attempted to
extract China nor to extend American sphere of influence
in China. As far as our understanding is
concerned, Open-Door Policy has never been
intended to do such things. Commercial equality
of opportunity is the basic principle that the
United States wishes to be esteemed upon.

(2) "The treaties concerning Far East which
embody the said basic principle, ^{and} to which
the United States is a signatory, were
concluded for the purpose of preventing
international frictions from occurring or from fear
of occurring in Far East, and the United States
is anxious to contribute to ^{(impediment of the tendency of} international anarchy,
^{adjustment of} international relations and recovery of
international order. It is the United States'
advocacy that this object can be carried

through by ^{peaceful} peaceable negotiation ^{and agreement} as well as faithful fulfilment of international arrangement.

(p. 5, 6)

(3) "American commercial policy is to strive for expansion of foreign trade by eliminating obstacles of ^{international} circulation of goods, and for contriving an international harmony.

It is not the way to bring prosperity to the United States nor ^{that any one country} to the whole world ^{trys} to receive the most-favored nation treatment. (p. 6)

(4) "On November 3rd, Prime Minister KONOYE said 'Should a third country or countries understand Japan's real intentions and adopt a policy adaptative to the new state of affairs, Japan will co-operate with them'. But, just what did he mean to say it? Rumor has it that Americans cannot trade in China unless they handle merchandise through Japanese hands. Surely he did not mean to say such an unreasonable thing? (p. 6)

(5) ~~Grew~~ ^{continued} ^(on) Once you said 'Give us time and see what the result will be.' But, there is a

limit to the patience of the Americans. The U. S. government could not suppress public Opinion, and that was why we demanded that the lower Yangtze (river) ^{shall} be liberated and ~~military action~~ ~~there be suspended~~, and that bombing and other disturbances to churches and their properties at distant places ^{aparting from the military actions} shall be suspended. (p. 6. 7)

To Question No. 4, ARITA explained that, though it was distressing for Japan to recognize unconditional application of Open-Door Policy and Equality of Opportunity now that the state of affairs in China has changed great deal, Japan would gladly co-operate with any third country, if the latter well understood the changed circumstances. And, in respect of the rumor, he flatly denied the truth of such rumor, and said that it would be impossible and infeasible to practice it either. Hearing his denial, GREW said that he felt relieved for the present.

ARITA further explained that Japan's assertion that Open-Door Policy and Equality of Opportunity are contradictory with the esteem upon the rights and interests of third countries was meant to say

that, due to the vital interest in each other of Japan, ~~and~~ ^{sometimes} China ^{it} might ^{sometimes} ~~that it will be~~ ^{China} necessarily ^{to} eliminate to some extent the application of those principles, ~~and~~ ~~it~~. However, there was a vast room left for economic activities of other countries.

"What is the meaning of New Order?" asked Grew.

"It is to intensify the co-operation," ARITA replied, "in politics, economics and culture ^{among} between Japan, Manchukuo and China." "Citing an example," he continued, "it is a political co-operation to eradicate Anti-Japanese Policy and Pro-Communist Policy which have been the causes of uneasiness of the Orient, and it is also an economical co-operation to eliminate to some extent the application of Open-Door Policy and Equality of Opportunity."

Grew told him that American people in general ^{about the KONOYE declaration} were excited and therefore it was deemed necessary for ^{Japan} to make some sort of gesture in order to calm them down. ARITA replied that he noted the suggestion as a principle but that ^{to the question of} the liberation of the lower Yangtze, ^{he said} Japan had already made a reply already. And he did not say any more. (p. 8)

V. On December 8th, ARITA invited Grew and explained further about the ~~Ambassadors~~ questions which were asked by the Ambassador on November 21st. (Chapter IV)

(1) Referring to Question No. 2, ARITA said that those old treaties which had been concluded for the purpose of preventing international dissection from arising in the Orient would not bring peace and prosperity ^{now,} if applied as they were written, a long time ago, because the aspect of affairs in East Asia has also changed ^{just} as the general aspect of the world's affairs have changed. (p. 8. 9)

(2) "Equality of Commercial Opportunity is what Japan hitherto demanded of the world. However," ARITA said, "under the present circumstances, cheap but fine Japanese goods are being treated discriminately." (p. 9)

Referring to Question No. 3. regarding the most-favored nation treatment of one country in another. ARITA said that Japan cannot affirm the American theory that the United States cannot tolerate such a special economic relation to be

established ^{among} ~~between~~ Japan, Manchukuo and China as existing between British Isles and its subject states, because the British Empire is one political unit ^{but} and the said three countries are not. (p. 9)

(3) ARITA reiterated that it is not the way to stabilize the world to let the British Empire, the United States and the Soviet Union form large economic units, and on the other hand, to confine Japan to a small economic unit. This was Japan's belief, and the co-operation between Japan, Manchukuo and China originated in this belief which ~~is~~ would not conflict with the world-wide prosperity. According to ARITA, the purpose of this co-operation was as follows:

(a) In the field of enterprise, the three countries want to acquire such products as indispensable for each nation's existence. There may be some sort of enterprises to which a monopoly should be given, but the three countries will welcome the participation of a third country, provided however that that country furnish with

capital, technicals or resources within the limit of their plan. But, the three countries will not recognize the establishment of a competitive enterprise. (p. 10)

(b) In the field of foreign trade, the three countries make it the principle not to make any discriminative treatment in levying import and export tariffs in normal time. (p. 10)

To the above explanation of ARITA's, Grew expressed his own view.

"Grew. 'I do not believe that the United States will recognize an alteration, by a unilateral[?] act, of any treaty or agreement, until all other parties concerned go through the procedure of the alteration of treaty. And I hope that Japan will prove as a matter of fact that it will not make discriminative treatment to third^{PARTY} countries.' " (p. 10.)

VI. On December 26th, ARITA invited Grew and told him that it was regrettable that the tone of the American press and magazines did ^{seem to} not understand Japan's real intention, in spite of the

repeated declaration that Japan had had no intention to close the market of China ~~for~~^{of} foreign products. Grew's answer was that the press and the magazines did not necessarily represent the governmental opinion, and that however, it was true that American people in general felt uneasy about Japan's activities in China. "Citing an example," Grew said, "you told me in our recent conversation that it was necessary to give protection to a certain industry or a particular enterprise. Such wording might have caused the uneasiness about actual treatment."

"No! Such limitation should not be interpreted in a broad sense," explained ARITA. Grew again said he hoped that Japan would demonstrate it as a matter of fact.

Concerning Open-Door Policy and Equality of Opportunity in China, which were previously guaranteed by the former ^{Japanese} Foreign Minister as well as Prince KONOYE, Grew regretted that ARITA issued such a statement as he did on November 3rd. ARITA repeated the explanation similar to that which he had made to the Councillor Dorman on November

19th. (p. 11)

VII. On December 31st, Grew visited the Vice Foreign Minister ^{TANI} (ARITA was on a trip at this time) and handed to him an official document containing the opinion of the U. S. government on Japan's previous reply dated November 18th.

Grew explained the contents of the document as follows:

(1) "The so-called New Order of East Asia cannot be created by Japan's ex-parte declaration, but it should be recognized ^{first} through negotiation with other countries concerned. (p. 12)

(2) "It is true, too, that certain countries including the United States retain special rights and interests in China. However, it has been advocated by the United States that such privileges of inequality be eliminated as soon as possible so that China be given an equal position. And the alteration of such illogical condition should also be made at the conference of all the countries concerned. Since the United States has special concern over the state of affairs

of the Far East, the U.S. government has given
out its real intention at this first opportunity.
(p. 12)

VIII. Ever since then, the conversation between
ARITA and Grew was altogether discontinued,
until sometime in May, 1939, when he was
ordered to return to the United States on ~~the~~ leave,
~~for~~ leave. (p. 13)

INTERNATIONAL PROSECUTION SECTION

Doc. No. 1573

9 May 1946

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT.

Title and Nature: Record of conversations and communications mainly between Foreign Minister ARITA, and American Ambassador Grew, re KONOYE's declaration concerning Japan's attitude toward China and New Order in East Asia.

Date: Nov-Dec Original (x) Copy () Language: Japanese
1938

Has it been translated? Yes () No (x)
Has it been photostated? Yes () No (x)

LOCATION OF ORIGINAL (also WITNESS if applicable) as of:

Document Division

SOURCE OF ORIGINAL: Foreign Ministry

PERSONS IMPLICATED: ARITA, TANI

CRIMES TO WHICH DOCUMENT APPLICABLE: Violation of Nine-Power Treaty

SUMMARY OF RELEVANT POINTS (with page references):

These conversations and communications arose chiefly because of an address delivered on 3 Nov 38 by KONOYE upon occasion of celebration of Emperor MEIJI's birthday in which he expressed views re China and New Order in East Asia. (KONOYE's speech not included in file.)

I. Conversation between Grew and KONOYE, 3 Oct 38.

1. Grew stated that President Roosevelt was concerned over fact that despite guarantees to contrary:
a. Open Door Policy disregarded by Japan.
b. American rights and interests in China being infringed.

- 1) Control of foreign exchange
- 2) Restrictive import system in North

China.

c. Roosevelt demands prompt and effective measures by Japan to keep her promises.

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2. KONOYE replied that:

a. Japan's Chinese and foreign policy remains unchanged.

b. Because of military operations, certain cases of protest were probably not satisfactorily settled.

1) Would strive toward satisfactory settlement.

II. Communique from Japanese Foreign Office to American Embassy, 18 Nov 38, worded so as not to re-affirm the principle of "Open Door" (Basis of 9-Power Treaty):

1. Existing rights and interests of third countries to be respected with express understanding it is not done as corollary to Nine-Power Treaty.

2. Normal laws measuring economic activities of third countries in North China in future to be adjusted in accordance with new conditions prevailing.

3. Due to unprecedented military actions, delay might arise in execution of American designs re rights and interests.

4. Japan has no objections to third country's participation in reconstruction, trade or enterprise if coinciding with plans for establishment of new order in East Asia.

III. Conversation between ARITA and Councillor DORMAN of U. S. Embassy, 19 Nov. 38.

1. DORMAN stated that Grew felt American demands were being denied.

a. More than 300 unsettled protests which have neither connections with Japanese military actions nor are too big to settle promptly.

2. ARITA said if Open Door and Equality of Opportunity Principles were applied to entire world it might be a different story but that it is quite illogical to apply these principles to China only.

a. Doesn't seem to be harmoniously accorded with present state of affairs in China.

IV. Conversation between ARITA and Grew, 21 Nov 38.

1. Grew stated that U.S. has never attempted to extract China nor extend American sphere of influence.

a. Equality of commercial opportunity, basic principle desired by U.S.

b. Treaties concerning Far East can be fulfilled through peaceful negotiation and faithful adherence by signatory nations.

c. U.S. not a subscriber to doctrine that any one country strive toward "most favored nation" policy re China.

d. American public opinion adversely aroused over Japanese policies re China.

2. ARITA supported KONOYE's declaration, "Should a third country or countries understand Japan's real intention and adopt policy adaptive to new state of affairs, Japan will cooperate with them." (Does not elaborate upon what Japan's real intention is.)

V. Conversation between ARITA and Grew, 8 Dec 38.

1. ARITA stated that former treaties re China were outmoded, and that stabilization could not evolve through formation of huge economic units by British Empire, U.S., and U.S.S.R. on one hand and confinement of Japan to small economic unit.

a. Japan's belief that cooperation between Japan, MANCHUKUO, China would not conflict with world-wide prosperity.

VI. Conversation between ARITA and Grew, 26 Dec. 38.

1. ARITA stated it was regrettable American press and magazines didn't understand Japan's real intentions despite Japan's repeated declaration that she had no desire to close China's markets to foreign products.

2. Grew stated press and magazine comment not necessarily representative of governmental opinion, but it was true Americans in general felt uneasy about Japanese activities in China.

VII. Grew's visit to TANI, Vice Foreign Minister, 31 Dec 38 to tender official document stating:

1. So-called "New Order of East Asia" cannot be created by Japanese "ex-parte" declaration but should be recognized first through negotiations with other countries concerned.

2. U.S. advocate that countries meet in conference aimed toward relinquishment of special rights and interests in China so as to enable China to obtain equality of position among nations.

3. Because of U.S. growing concern over state of affairs in Far East, U.S. deems it wise to publicize her real intentions listed above at this time.

DOCUMENT
No. 1573

Translated by FEGEN

Summary of JAPAN - AMERICAN Negotiations during
Foreign Minister ARITA's Tenure of Office (From Nov.
1938 until July 1939).

(September 2nd 1941).

I. Prior to MINISTER ARITA assuming his duties as FOREIGN
p.1)

MINISTER in November 1938 Ambassador GREW remarked
to Premier KONOYE (concurrently holding the post of
FOREIGN MINISTER) on October 3rd that he wished to

discuss orally regarding problems that the ~~U.S.~~ ^{U.S.} PRESIDENT

felt as possessing direct interests, and after stating that,
notwithstanding that ^{the respecting of} AMERICAN rights and interests in CHINA

as well as the Open-Door Policy as well as Principle

of Equal Opportunity had been definitely guaranteed

by the former Minister (T.N. Foreign Minister), he regretted

to have to declare that ^{the infringing of} AMERICAN rights and interests had not ceased and that the Open Door Policy was still being ignored, and after citing some instances such as Exchange Control and Trade Restrictions etc. in North China, he demanded that prompt and effective measures be taken in order to carry out the guarantee that had been duly made. (Annexed document No. 1)

To this Minister KONOYE replied that JAPAN's CHINA Policy as well foreign policy remained unchanged, and that JAPAN's assertion with regard to the respecting of foreign rights and interests relative to CHINA as well as

3-

the maintenance of the Open Door Policy and the Principle of Equal Opportunity remained unchanged, adding that, although, in point of fact, there had been cases at times which were not settled satisfactorily due to military strategic necessity or other reasons, he was striving to settle matters as satisfactorily as possible upon the conditions returning to their normal state. He also stated that, with regard to commercial and trade problems, he wished to, after studying same, comply with the Ambassador's request at the earliest possible opportunity.

Ambassador GREW subsequently sent a note embodying

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the same contents as the foregoing paragraph (Annexed Document No. 2.).

p. 12.)

II. The manner of reply to the aforesaid AMERICAN

Ambassador's note was studied ever since the appointment

of ARITA as Foreign Minister, and although it had been

decided to put off the said reply until conditions had

become settled for awhile as it happened to be just

before the fall of CANTON with the capitulation of HANKOW

being close at hand, so that the state of affairs was

changing rapidly, in view of this matter representing

problems which, after all, possess an important bearing

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to the Nine-Power Pact, after studying the draft of the reply based on the policy of:

(a) Avoiding all phraseology whatsoever that would re-affirm the principles of the Open Door and

Equal Opportunity based on the Nine-Power Pact,

(b) Making them understand that, although the existing rights and interests of Third Powers will be respected,

this is not being done as a corollary of the Nine-

p.3)

Power Pact,

(c) Making them understand that the standard laws

governing the future economic activities by Third Powers

8-

in NEW CHINA shall be established in conformity with the new conditions, a reply was sent on November 18th to the following effect, in addition to giving explanations to each of the instances cited in the AMERICAN NOTE and clarifying the point that their ~~assumptions~~ claims regarding Infringement of Rights and Interests were unjustified, viz:-

(1) It is hoped that, inasmuch as military activities are being conducted on ^a ~~an~~ unprecedented scale in EAST ASIA

~~East Asia~~, the ~~the~~ UNITED STATES will note the

fact that there may be times when difficulties may

occur in executing our intention regarding the respecting
of AMERICAN rights and interests,

(2) The EMPIRE believes that it will not solve ^{urgent} problems
of the moment or aid towards ~~the~~ the establishing of
permanent peace in EAST ASIA ~~by~~ by attempting to
gauge the present and future state of affairs by ideas
or principles ~~that were applied~~ in their original form
that were applied ^{to} the pre-INCIDENT state of affairs,
especially
~~establish~~ at this time when the EMPIRE is dashing
ahead with the ~~task of~~ Establishing^{ment} of a NEW
ORDER in EAST ASIA and when new conditions are

-8-

setting in in EAST ASIA.

(3) Should any THIRD POWER or POWERS participate in the gigantic-task of Reconstruction of EAST ASIA in the fields of enterprises and trade by appreciating the afore-mentioned ^{points} ~~purports~~, the EMPIRE shall have no objection whatsoever towards same. (Annexed Document No. 3).

III. When Minister ARITA invited Councillor DOOMAN of
p. 4.)
the U.S. EMBASSY at TOKYO on November 19th and asked about the impressions regarding the recent JAPANESE Reply, DOOMAN replied that Ambassador GREW's im-

9-

pression regarding the said Reply seemed to be that

"It ~~was~~ represented a wholesale denial of the AMERICAN

Demands," whereupon Minister ARITA explained that it

would be excusable if the OPEN DOOR Policy and the Principle

of EQUAL OPPORTUNITY were applied to the entire world

from the start, but it is extremely illogical to apply same

to-day to CHINA only. ARITA then went on to say that his

predecessor gave his guarantee regarding the respecting of

the said principles by being ~~made~~ of the belief that the

actual prevailing conditions could be made to harmonize

with the OPEN DOOR Policy and the Principle of EQUAL

OPPORTUNITY, but that, in his own opinion, it was no

longer possible to expect the said harmony, at the

same time explaining the great pains taken by ~~the~~

JAPAN in regard to the said reply, to which DOOMAN
p. 5.)

stated that it was extremely regrettable that there

were over 300 cases recently ~~left~~ remaining unsettled
despite their

having no connections with military actions ~~and~~ ^{being} ~~were~~

extremely ~~minor~~ ~~trivial~~ affairs trivial matters, and ~~that~~ the

that the recent official AMERICAN note was the result of

the AMERICAN commercial concerns in various parts of CHINA

exerting severe pressure on their Home Government, at

the same time pointing out that the UNITED STATES did not make any reference to the NINE-POWER PACT.

IV. On inviting Ambassador GREW to TOKYO subsequently on the 21st of the same month and conferring with him

on the same principle as per the foregoing paragraph,

GREW ~~remarked~~ ^{declared} as follows after making the introductory

remark that what he would be saying to-day ~~was not in the~~ ^{will}

would not be in the nature of ~~a~~ ^{any} reply whatsoever to

the JAPANESE Note of the 18th :-

(1) The UNITED STATES ^{Government} has never attempted to exploit

CHINA nor extend AMERICAN influence in CHINA. The

~~interpretation of "OPEN"~~ UNITED STATES government's

interpretation of "OPEN DOOR" is totally different

from the foregoing. ^{In other words,} ~~That is to say,~~ the Principle of

EQUAL OPPORTUNITY in regard to Commerce has ^{always} been

the ^{actual} ~~very~~ basic principle of the UNITED STATES.

^{all of} (2) ~~The~~ treaties concerning the FAR EAST embodying the

said Principle, and to which the UNITED STATES is a

signatory, were concluded for the purpose of preventing

the occurrence or likely occurrence of international

friction in the FAR EAST, and the UNITED STATES

Government
is intent upon checking the present-day trend of

international anarchy as well as contributing towards the adjustment of international relations as well as restoration of international order, and it is the advocacy of the UNITED STATES that this object can be attained by peaceful negotiations and agreements as well as by faithful fulfillment of international agreements.

p.6)

(3) The Commercial Policy of the UNITED STATES lies in aiming at international concord by striving for the expansion of foreign trade by means of removing obstacles lying in the way of the

international distribution of commodities. I believe that the frequent instances of other countries trying to gain most-favoured footings do not contribute towards establishing prosperity in the UNITED STATES and the world.

- (4) On November 3rd Premier KONOYE stated that "JAPAN ^{will} ~~would~~ co-operate with any THIRD POWER that appreciates JAPAN's real intentions and adopts ~~for~~ a policy that conforms to the new state of affairs," but what is the concrete meaning of this statement? Surely he does not mean the kind of co-operation whereby,

as is being generally rumoured, AMERICANS cannot engage in trade in CHINA ~~under~~ without going through the hands of JAPANESE merchants.

(5) Minister ARITA expressed his wish that the UNITED STATES should allow JAPAN sufficient time to see what the results would be, but there is a limit to the patience of the AMERICAN people. Considering it impossible to ~~appease~~ ^{pacify} public opinion, the Government has, to begin with, demanded the liberation of the LOWER YANGTZE region as well as the suspension of bombing ~~and~~ of and other interference with

churches and their properties situated at considerably far-off distances from the scene of military operations. (Annexed Document No. 4).

p. 7) To the foregoing Minister ARITA explained that, in regard to Item (4) of the foregoing paragraph, it is difficult, as was made plain in the last part of our Reply dated the 18th, it was impossible for JAPAN to recognize the unconditional application of ~~the~~ EQUAL OPPORTUNITY and OPEN DOOR at the present day when ~~a change~~ the state of affairs in CHINA has become changed, but that JAPAN possesses the

desire to cooperate with THIRD POWERS in the event of the foregoing becoming ~~app~~ understood, at the same time remarking ~~that~~ in connection with the rumours as specified at the end of the said paragraph that such a thing was ~~not~~ totally impossible and could also not be put into practice, whereupon GREW stated that he felt relieved on hearing the foregoing.

Minister ARITA further explained that the assertion that JAPAN'S OPEN-DOOR Policy and Principle of EQUAL OPPORTUNITY might clash with the respecting of rights

and interests of THIRD POWERS implied that measures necessary for ~~making~~ fostering the closer relationship of JAPAN and CHINA as well as for ~~the~~ ensuring

p. 8.) JAPAN and CHINA's rights of existence might at times necessitate ^{eliminating} ~~the exclusion~~ of the application of the aforesaid Principles to some extent, so that there was still considerable room left for economic activities of other countries.

As GREW then asked as to what was meant by the NEW ORDER, Minister ARITA replied that same implies the ^{establishing} ~~intensifying~~ of ~~the~~ co-operation between ^{JAPAN,} MANCHOUKHO.

and CHINA in regard to Politics, Economy and Culture, meaning, as for example, that Political Co-operation is indispensable for exterminating the Anti-JAPANESE Policy as well as Pro-COMMUNISTIC Policy that have so far been the causes of unrest in the ORIENT, whereas, furthermore, in regard to Economic Co-operation, it may become necessary, as ~~already~~ mentioned above, to eliminate, ^{to some extent,} the application of ~~the~~ the OPEN DOOR and EQUAL OPPORTUNITY Principles.

Furthermore, on GREW remarking that he considered it necessary for JAPAN to make some sort of

gesture in order to pacify the excited feelings of the general public in the UNITED STATES, the ~~MINISTER~~ MINISTER replied that, although he recognized the need of same on principle, he was not in a position to say any more as ~~the~~ the question of Liberation of the YANGTZE River had already been replied to.

V. On December 8th Minister ARITA invited GREW, and after having explained as follows regarding the unanswered points of the foregoing Clause II, handed to him a written note embodying the said points (Annexed Document

No. 5).

(1) Referring to the ~~open~~ views of the UNITED STATES
the former part of
p. 9.) as per Item 2 of the foregoing Clause IV, the
in their original form,
application, of the various treaties which were concluded
at the time for the purpose of preventing international
disputes in the ^{ORIENT} ~~East~~ world, with the general change
of conditions in the world as well as the new state
of affairs that is developing in the FAR EAST, ~~to~~
rather hamper the bringing about of Peace and
Universal Prosperity.

(2) EQUAL OPPORTUNITY in regard to Commerce is

what the EMPIRE has been ^{hitherto} demanding of the world,
and although we agree, on principle, to the opinion of
the UNITED STATES that EQUAL OPPORTUNITY in
regard to Commerce will bring about World Peace,
but, as things are at present, good quality and low-
priced Japanese goods are meeting with discriminatory
treatment all over the world. As regards the
gaining of a Most-Favoured Footing by ^{one country} ~~one country~~
in other countries as per Item (3) of the ~~above~~ foregoing
Clause IV, the Most-Favoured relations between the BRITISH
EMPIRE with her ^{Colonies} ~~Dependencies~~ as well as ~~between~~ co-mutually

among her Colonies were pointed out, at the same time asserting that the contention that in the case of the BRITISH EMPIRE it is unavoidable as ~~some countries~~ it ~~ref~~ applies to a single political unit but that the establishing of economic relations between JAPAN, MANCHOU KUO and CHINA similarly to those within ~~the~~ [the BRITISH EMPIRE cannot be recognized in view of the said three countries not constituting ~~as~~ a single political unit, cannot be tolerated.

(3) Moreover, it was reiterated that it was JAPAN's belief that it ~~was~~ ^{would} by no means ~~be the best way of~~

contribute towards stabilizing the world to let an economic unit like that of JAPAN exist on one hand against such large economic units of the BRITISH EMPIRE, ^{the} UNITED STATES and the SOVIET UNION on the other, and that, as the ~~mutual economic co-operation~~ relations of JAPAN, MANCHOUKVO and CHINA in regard to mutual economic co-operation emanated from the afore-mentioned idea, same ^{would} ~~do~~ not conflict with the prosperity of the world. This collaboration has for its object:-

(a) In regard to the field of enterprise, the guaranteeing

p. 10)

of supply of products that are indispensable from the standpoint of national existence. To attain this object there may be enterprises that require the granting of ~~some~~ special monopolistic rights in order to foster their development. In regard to such enterprises, Third Powers will be welcomed, ~~to participate~~ within the sphere of the plans of JAPAN, MANCHOUKHO and CHINA, to ~~form~~ participate ~~by firms~~ in regard to capital, techniques or resources, but the establishment of competitive enterprises shall not be recognized.

(b) Furthermore, in regard to the field of foreign trade, ~~it~~ it shall be the ~~the~~ principle not to make any

special

discriminatory treatment by enforcing a Customs

tariffs or other export and import counter-measures.

To this, GREW remarked that he believed it to be the stand of the UNITED STATES Government that it could not recognize any one-sided alterations to any treaties or other agreements until the necessary procedure regarding alteration of same be taken ~~to~~ conjointly by the countries

concerned, ~~and that~~ after which he stated that it would

p. 11.)

be desirable to prove by actual facts that JAPAN will not showing discriminatory treatment.

VI. On December 26th GREW was invited and told that

it was regrettable that, ~~whereas it had already been~~

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whereas it had already been made clear on ^{repeated} several occasions that JAPAN entertained no intention of closing the ~~market~~ CHINESE Market, the editorial tone of some of the AMERICAN newspapers and magazines went to show that JAPAN's real intention was not being understood, whereupon GREW stated that, although the said newspapers and magazines were ~~did not necessarily acting as the~~ expressing the views of the Government, it was nevertheless true that the AMERICAN public in general were feeling greatly uneasy regarding JAPAN's actions in CHINA, also adding that the use of restrictive ^{phraseology} ~~phrases~~ expressions

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on the occasion of the previous interview such as having

stated that it ~~was~~ ^{would be} necessary to give protection to

"certain" industries and "special" enterprises ~~has~~

is liable to create uneasiness regarding actual

Treatment. To this the MINISTER replied that such

restrictions should not be interpreted in a ~~wide~~ ^{broad} sense,

whereupon GREW again expressed his desire to have the

foregoing demonstrated by actual facts.

On that occasion Ambassador GREW remarked that it

p. 12)

was regrettable to have issued a Statement like that of

November 3rd regarding the "OPEN DOOR" and "EQUAL
in CHINA

OPPORTUNITY notwithstanding that ~~the~~ same had been

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guaranteed by Former Minister CHU as well as Minister KONOYE, whereupon the MINISTER repeated the ^{same} ~~similar~~ explanation that he had made to Councillor DOOMAN on November 19th.

VII. On December 31st Ambassador GREW visited the VICE-MINISTER (adding that, although he had visited the Vice-Minister due to Minister ARITA being away on a trip, he wished it to be understood that same would have the same results as having visited the Minister) and handed him an official Note expressing the views of the UNITED STATES in regard to JAPAN's Reply to the UNITED STATES under date of November 18th. The VICE-MINISTER asked

for an explanation of the main points of the said Note, to which GREW explained that same expresses the views of the UNITED STATES Government. as follows:-

(1) The so-called NEW STATE OF AFFAIRS IN THE

FAR EAST ~~should not~~ ^{cannot} be ~~recognized~~ ^{created} only by JAPAN's

ex-parte Declaration, but should be recognized

only ~~after~~ by means of a Conference.

(2) It is true that the POWERS including the

UNITED STATES possess special rights in CHINA,

and although the UNITED STATES has always been

advocating that such ~~discriminatory~~ ~~special~~

special rights should be abolished and that CHINA

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should be granted an equal /T.N. original says
~~an~~ UNEQUAL position, it is believed that such
changes in the state of affairs should also be
effected at a Conference of the Powers,
and also added that, as the UNITED STATES
possesses special interest in the state of affairs in
the FAR EAST, the UNITED STATES would announce
same at the first opportunity. (Annexed Document
No. 6).

p. 13.) VIII.) Ever since then, the conversations between
the MINISTER and Ambassador GREW became
suspended, but on the occasion of Ambassador

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GREW's temporary return to the UNITED STATES

/T.N. the original specifies KICHO ~~implies~~ implying

return to JAPAN, probably ~~an~~ an error/in May

1939 Minister ARITA handed the said ~~and~~

AMBASSADOR a Note as per Annexed Document,

and Premier HIRANUMA also requested him to

convey a message ^{addressed} to Secretary of State HULL.

(Annexed Documents Nos. 7 and 8).

證明書

「ワシントン」文書局 第 號
國際 檢 察 部 第一五七三 號

典據及ビ公正ニ關スル證明

余、林 榊 ^榊ハ余ガ下記ノ資格ニ於テ、即チ外務省
文書課長 トシテ、日本政府ト公的関係ニ在ル

モノナルコト、竝ニ該官吏トシテ余ガ茲ニ添附セラ
レタル、十三 頁ヨリ成ル、千九百四十一年ノ昭和

及東亞ニ於ケル新秩序ニ關スル近衛聲明ニ關シ本トシテ有日外務
大臣ト米國大使カールソンノ會談及書面ノ記録ノ文書ノ
保管ニ任ジ居ルコトヲ茲ニ證明ス。

余ハ更ニ添附ノ記録及ビ文書ガ日本政府ノ公文書ナ
ルコト、竝ニ右ガ下記名簿ノ省又ハ部局ノ公式書類
及ビ綴ノ一部ナルコトヲ證明ス。(若シアラバ綴番號又
ハ引用、其ノ他公式書類又ハ綴ニ於ケル該文書ノ成規所在ノ公式名
簿ヲモ特記スベシ)

外務省

千九百四十六年ノ昭和二十一年ノ九月二十三日
東京ニ於テ署名
dett blank

當該官吏署名欄 林 (署名) 印

右ノ者ノ公的資格 文書課長

證 人 梶 戸 辰 春 (署名)

公式入手ニ關スル證明

余、Richard H. Lanch ^{Richard H. Lanch}ハ、余ガ聯合國最高指揮官總司令
部ニ關係アルモノナルコト、竝ニ上記題名ノ文書ハ
余ガ公務上、日本政府ノ上記署名官吏ヨリ入手シタ
ルモノナルコトヲ茲ニ證明ス。

千九百四十六年ノ昭和二十一年ノ九月二十五日

東京ニ於テ署名

dett blank

氏 名 欄 Richard H. Lanch (署名)

右ノ者ノ公的資格 調査官 I.P.S.

證 人 梶 戸 辰 春 (署名)

(checked by K. TAMADA)

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「ワシントン」文書局 第 號
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余、林 毅 香 ハ余ガ下記ノ資格ニ於テ、即チ外務省
文書課長 トシテ、日本政府ト公的關係ニ在ル
モノナルコト、竝ニ該官吏トシテ余ガ茲ニ添附セラ
レタル、十三 頁ヨリ成ル、千九百四十一年ノ昭和
十六 年ノ九月二日 附、下記題名、即チ中國ニ對スル日本ノ態
度及東亞ニ於ケル新秩序ニ關スル近衛聲明ニ關シ主トシテ有田外務
大臣ト米國大使ケル^ト間ニ交換セタル會議及書面ノ記録
保管ニ任ジ居ルコトヲ茲ニ證明ス。

余ハ更ニ添附ノ記録及び文書ガ日本政府ノ公文書ナ
ルコト、竝ニ右ガ下記名稱ノ省又ハ部局ノ公式書類
及び綴ノ一部ナルコトヲ證明ス。(若シアラバ綴番號又
ハ引用、其ノ他公式書類又ハ綴ニ於ケル該文書ノ成規所在ノ公式名
稱ヲモ特記スベシ)

外務省

千九百四十六年ノ昭和二十一年ノ 月 日

ニ於テ署名

當該官吏署名欄

右ノ者ノ公的資格

證 人

公式入手ニ關スル證明

余、
ハ、余ガ聯合國最高指揮官總司令
部ニ關係アルモノナルコト、竝ニ上記題名ノ文書ハ
余ガ公務上、日本政府ノ上記署名官吏ヨリ入手シタ
ルモノナルコトヲ茲ニ證明ス。

千九百四十六年ノ昭和二十一年ノ 月 日

ニ於テ署名

氏 名 欄

右ノ者ノ公的資格

證 人

證明書
「ワシントン」文書局 第一號
國際檢察部 第一五七三號

典據及び公正ニ關スル證明

余、尾戸長春ハ余ガ下記ノ資格ニ於テ、即チ外務省
文書課主席事務官トシテ、日本政府ト公的關係ニ在ル
モノナルコト、竝ニ該官吏トシテ余ガ茲ニ添附セラ
レタル、十三頁ヨリ成ル、千九百四一年ノ昭和
十六年ノ九月二日附、下記題名、即チ有田外務大
臣在任中（自昭和十三年十月
至昭和十四年七月）ニ於ケル日米交渉概要ノ文書ノ
保管ニ任ジ居ルコトヲ茲ニ證明ス。

余ハ更ニ添附ノ記録及び文書ガ日本政府ノ公文書ナ
ルコト、竝ニ右ガ下記名稱ノ省又ハ部局ノ公式書類
及び綴ノ一部ナルコトヲ證明ス。（若シアラバ綴番號又
ハ引用、其ノ他公式書類又ハ綴ニ於ケル該文書ノ成規所在ノ公式名
稱ヲモ特記スベシ）

千九百四十六年ノ昭和二十一年ノ十一月三十一日

東京

ニ於テ署名

尾戸長春



當該官吏署名欄ニ尾戸長春
右ノ者ノ公的資格外務大臣官房文書課長代理

人 江村元則

公式入手ニ關スル證明

余、ハ、余ガ聯合國最高指揮官總司令
部ニ關係アルモノナルコト、竝ニ上記題名ノ文書ハ
余ガ公務上、日本政府ノ上記署名官吏ヨリ入手シタ
ルモノナルコトヲ茲ニ證明ス。

千九百四十六年ノ昭和二十一年ノ 月 日

ニ於テ署名

氏名欄

右ノ者ノ公的資格

證人