

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI, Sadao, et al

CROSS-INTERROGATORY FOR "R. EUGEN OTT

IN BEHALF OF THE PROSECUTION

Question 1: Attached hereto is Paper No. 2 consisting of a photostatic copy of a telegram in the German text bearing date 23 January, 1940, and number "46 vom 22. 1.", signed OTT, the copy of the affidavit of W. F. Cumming, bearing date the 23rd day of April 1946, showing the telegram to be a captured German document, and the certificate of Yale Maxon that the said telegram and affidavit are true and accurate copies of the original documents now in his possession. Will you please examine this telegram and state whether or not it was sent by you, or under your direction, to the German Foreign Ministry or any other division or officer of the German Government in Germany.

Answer: I sent it to the German Foreign Ministry.

Question 2: Will you please state whether copies of the said telegram were sent to Washington, Shanghai and Hsingking by you or under your direction, and, if so, to whom was the said telegram sent at these places?

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Answer: I sent the said telegrams to the German Ambassador in Washington, ~~Chang~~ d'Affairs in Shanghai and Minister in Hsingking. I used to inform the German offices mainly concerned on matters of importance of Japan.

Question 3: Please file said Paper No. 2 in evidence as a part of your testimony and mark it "Eugen Ott, Exhibit No. 2." (In filing Paper No. 2 as an exhibit please state for the record: "I herewith file in evidence Paper No. 2, consisting of a photostatic copy of a telegram dated 23 January 1940, the affidavit of W. P. Cumming bearing date 23 April 1946, and the certificate of Yale Maxon bearing date 15 August 1947, marked by me, Eugen Ott, Exhibit No. 2.")

Answer: I herewith file in evidence Paper No. 2 consisting of a photostatic copy of a telegram dated 23 January 1940, the affidavit of W. P. Cumming bearing date 23 April 1946 and the certificate of Yale Maxon bearing date 15 August 1947, marked by me, Eugen Ott, Exhibit No. 2.

/s/ Eugen Ott

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI Sadao, et al

CROSS-INTERROGATORY FOR MR. EUGEN OTT
IN BEHALF OF THE PROSECUTION

Question 1: Attached hereto is Paper No. 3 consisting of a photostatic copy of a telegram in the German text bearing date 26 January 1940, bearing frame numbers 136234 and 136235, signed OTT, the copy of the affidavit of W. F. Cumming, bearing date the 23rd day of April 1946, showing the telegram to be a captured German document, and the certificate of Yale Maxon that the said telegram and affidavit are true and accurate copies of the original documents now in his possession. Will you please examine this telegram and state whether or not it was sent by you, or under your direction, to the German Foreign Ministry or any other division or officer of the German Government in Germany.

Answer: I sent this telegram to the German Foreign Minister personally on account of the situation involved, concerning the Duke of Koburg visit.

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Question 2: Please file said Paper No. 3 in evidence as a part of your testimony and mark it "Eugen Ott, Exhibit No. 3." (In filing Paper No. 3 as an exhibit please state for the record: "I herewith file in evidence Paper No. 3, consisting of a photostatic copy of a telegram dated 26 January 1940, the affidavit of W. F. Cumming bearing date 23 April 1946, and the certificate of Yale Maxon bearing date 15 August 1947, marked by me, Eugen Ott, Exhibit No. 3.")

Answer: I herewith file in evidence Paper No. 3, consisting of a photostatic copy of a telegram dated 26 January 1940, the affidavit of W. F. Cumming bearing date 23 April 1946, and the certificate of Yale Maxon bearing date 15 August 1947, marked by me, Eugen Ott, Exhibit No. 3.

/s/ Eugen Ott

Translated by
Defense Language Branch

Eugen Ott

Exhibit No. 1

Telegram (Secret cipher process)

Tokyo, the	31th, December 1939.	12.20 o'clock
Arrived:	31th, " "	3.00 "

No. 797 of 30.12.

In reference to the telegraphic report No. 791)
of 29 Dec. and Nr. 777) of 18 Dec.

The Japanese Government is functioning in this year-end under the heaviest foreign and domestic political pressures. The three big problems of the Japanese foreign policy; settlement of the China question, understanding with America, and adjustment with Russia, are yet to be solved. The announcement of the opening of the Yangtse up to NANKING did not bring about the change of the American attitude which had been sought after. The American Ambassador brought forward further demands with the ostensible objectives of the independence and freetrade of China, at least of Central and South China. He is said to have demanded especially: gradual withdrawal of the troops except 3 garrisons to be left in North China, guarantee for the open door and the treaty-rights

of foreign nations accompanied by the dissolution of the monopolistic Japanese development company. The American attitude gave rise to disillusion after the initial high expectations which were nurtured by the intentional optimism of the Government. In order to avert the American pressure, the idea is being advocated of late in some circles (group garbled) to solve the China incident by making concessions to Chiang Kai-shek, to negotiate, if possible, with him concerning peace by abandoning the KONOYE declaration, and to utilize WANG CHIANG WEI as a more mediator for that purpose. The Army, particularly the China Army, was however till recently still determined to establish a new central Government under WANG CHIANG WEI, although he (apparently the word 'demands' is missing) a great amount of independence and is always grappling with serious personnel difficulties. The negotiations with Russia are restricted on the details (settlement of the Manchurian border, fishing treaties), without touching the fundamental question of the Japan - Russian adjustment, in particular the Russian attitude toward China. Minor counter claims of Russia, such as payment of the outstanding debt of 6 millions yen of the South Manchurian Railway, are causing difficulties.

In domestic politics a surprising move of 270 out of the totalling 466 Diet members created a new situation. The

action is supported by all the small parties and numerous members of the principal parties, who came to the opening of the Diet from their election wards under the direct impression of dangerous popular sentiment. The popular sentiment caused by the foreign trade policy, the worsening of food and supply situation as a result of the China Incident, particularly by the rise of rice prices and failure of the Government in distributing essential necessities of life. The Cabinet is determined, as is reported, to remain in office defying the move of Diet Majority, and is trying to break up the opposition group by negotiations with party leaders. However, the party leaders are hardly ready to take a stand against the actions of their fraction members, for they fear the further splitting of their parties. Therefore, the resignation of the Cabinet in the middle of January prior to the reopening of the Diet session is commonly expected. Even the pro-Anglo-Saxon press is begging to give up the Government which they heretofore despite all the failures (1 group garbled) (2 group garbled). The Court-circle (1 group garbled) to keep the Cabinet, is visibly shaken. According to a late information, the Court circle is endeavoring to prepare a coalition Cabinet with the participation of the Diet parties for the purpose of arresting a drastic change of the course.

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As the candidate for the post of the Premier, General UGAKI, well known in Berlin, as the Foreign Minister of the KONOYE Cabinet, is mentioned. As the foreign political pressure and serious internal differences continue to exist, neither a coalition cabinet capable of action ~~nor the~~ ^{and still less an} affiliation with any of the European power-groups is to be expected for the time being. According to the views of Ambassadors OSHIMA and SHIRATORI, who are working hard for overthrowing the present Cabinet, two or three more transit cabinets will be needed in order to bring about a drastic change of the course.

Duplicates to Shanghai and Hsuigking,

Ott

AFFIDAVIT

I, W.P. Cumming, being first duly sworn on oath, depose and say:

1. That I am an Attache of the United States Department of State on the Staff of the United States Political Adviser on German Affairs, and as such I am a representative of the Office of Military Government for Germany (U.S.). That in my capacity as above set forth, I have in my possession, custody, and control at the Berlin Documents Center, Berlin, Germany, the original captured German Foreign Office files and archives.

2. That said original Foreign Office files and archives were captured and obtained by military forces under the command of the Supreme Commander, Allied Expeditionary Forces, and upon their seizure and capture were first assembled by said military forces at a Military Document Center at Marburg, Germany, and were later moved by authorized personnel of said Allied forces to said central documents center, above referred to, and known as the Berlin Documents Center.

3. That I was assigned to said document center at Marburg, Germany, on August 15, 1945; and said captured German Foreign Office files and archives first came into my possession and control while I was stationed at Marburg, Germany, and that thereafter the same have continued in my possession and custody and

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under my control.

4. That the document to which this affidavit is attached is a true and correct photostatic copy of an original German Foreign Office document which was captured from said German Foreign Office files and archives, and which came into my possession and custody and under my control in the manner above set forth.

5. That said original document, of which the attached is a photostatic copy, is being held and retained by me in order that it may be examined and inspected by various interested agencies, and a photostatic copy of said original is hereby furnished and certified to because of the unavailability of said original for the reasons above set forth.

(Signed) W. P. Cumming
W. P. CUMMING

subscribed and sworn to before me this 23rd day of April 1946

(Signed) G. H. Garde
G. H. GARDE
Lt. Colonel. A.G.D.
Acting Adjutant General

(Stamp) Office of Military
Government for Germany
(U.S.)

C E R T I F I C A T E

I, the undersigned Yale Maxon, Chief, Document Division, International Prosecution Section, Tokyo, Japan, hereby certify that the attached telegram, signed OTT, bearing date 31 December 1939, bearing frame numbers 136212 to 136215, inclusive, and the affidavit by W. P. Cumming bearing date the 23rd day of April 1946 appended thereto, are true and accurate copies of the originals thereof which are now in my official custody.

Given under my hand this 15th day of August 1947

Yale Maxon
Chief, Document Division
International Prosecution Section
Tokyo, Japan

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Exh. No.

Translated by
Defense Language Branch

Telegram (Secret cipher process)

Eugen Ott

Exhibit No. 2

Tokyo :	23 Jan., 1940	3 hours
Received:	23 " "	10 "

Nr. 46 of 22.1.

urgent!

The minute of the investigation brought to light the fact that none of the arrested 21 Germans belongs to the active German military forces. The list of the arrested persons indicates, that the British aimed at the officers of the ship and trained technicians; besides, a 55 years old warehouse-watchman was detained. According to the testimony of the first officer Fock, who escaped the arrest by hiding, the agent of the Standard Oil in New York declared prior to the departure that the British Consul-General notified him to the effect that the voyage of the former German employees of the Standard Oil would be unobjectionable.

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As the first step I informed the Foreign Minister of this fact by a note, and asked the Japanese Government for the earliest announcement of its decision, stressing the unlawful character of the British action which is contrary to the international-law. I am endeavouring as the highest objective of my further action to achieve the release of the arrested persons. I have already presented these views for the time being unofficially to the Foreign Ministry of Japan. Step-by-step-tactics alone are in view of the Japanese mentality the only ones with prospect of success; this also corresponds to the urgent advices by ambassadors OS----- and Shir----- (Group garbled).

The Foreign Office and the Naval authorities are now occupied with the interrogation of the Japanese captain and other investigations in detail. Foreign Office spokesman announced at the today's press conference that a sharp protest would be the minimum measures Japan would take similar statement was given by a representative of the Naval Ministry to the Naval Attache.

Japanese press and public express unanimously deep sympathy toward the German seamen and denounce indignantly the British action. Japanese and American eye-witnesses of the incident take strongly party for the Germans. Duplicates to Washington, Shanghai, Hsinking.

Ott

AFFIDAVIT

I, W.P. Cumming, being first duly sworn on oath, depose and say:

1. That I am an Attache of the United States Department of State on the Staff of the United States Political Adviser on German Affairs, and as such I am a representative of the Office of Military Government for Germany (U.S.). That in my capacity as above set forth, I have in my possession, custody, and control at the Berlin Documents Center, Berlin, Germany, the original captured German Foreign Office files and archives.

2. That said original Foreign Office files and archives were captured and obtained by military forces under the command of the Supreme Commander, Allied Expeditionary Forces, and upon their seizure and capture were first assembled by said military forces at a Military Document Center at Marburg, Germany, and were later moved by authorized personnel of said Allied forces to said central documents center, above referred to, and known as the Berlin Documents Center.

3. That I was assigned to said document center at Marburg, Germany, on August 15, 1945; and said captured German Foreign Office files and archives first came into my possession and control while I was stationed at Marburg, Germany, and that thereafter the same have continued in my possession and custody and

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under my control.

4. That the document to which this affidavit is attached is a true and correct photostatic copy of an original German Foreign Office document which was captured from said German Foreign Office files and archives, and which came into my possession and custody and under my control in the manner above set forth.

5. That said original document, of which the attached is a photostatic copy, is being held and retained by me in order that it may be examined and inspected by various interested agencies, and a photostatic copy of said original is hereby furnished and certified to because of the unavailability of said original for the reasons above set forth.

(Signed) W. P. Cumming
W. P. CUMMING

Subscribed and sworn to before me this 23rd day of April 1946

(Signed) G. H. Garde
G. H. GARDE
Lt. Colonel. A.G.D.
Acting Adjutant General

(Stamp) Office of Military
Government for Germany
(U.S.)

C E R T I F I C A T E

I, the undersigned Yale Maxon, Chief, Document Division, International Prosecution Section, Tokyo, Japan, hereby certify that the attached telegram, signed OTT, bearing date 23 January 1940, and number "46 vom 22. 1.", and the affidavit by W. P. Cumming bearing date the 23rd day of April 1946 appended thereto, are true and accurate copies of the originals thereof which are now in my official custody.

Given under my hand this 15th day of August 1947

/S/ Yale Maxon
Chief, Document Division
International Prosecution Section
Tokyo, Japan

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Eugen Ott

Exhibit No. 3

Telegram (Secret cipher process)

Tokio, 26 Jan. 1940

9.50 hours

Received: 26 " "

19:30 "

distributed

No. 62 of 26. 1.

Most urgent!

U St. S. Pol
Dir. Kult
Dg. Pol
H. Stahmer

For the Foreign Minister

To telegram of 18. No. 39 x)

x) Pol. VIII 53.

I hear confidentially that the Japanese Foreign Office instructed Ambassador Murusu to ask the German Foreign Office to put off the planned visit of Duke of Coburg till March or better April, on the ground that the time is not sufficient to prepare for such a high visit, and all the influential political persons are being occupied too much with the Diet. As no special missions from any foreign countries have been considered for the occasion of the national foundation anniversary, the Foreign Office asked to call the visit of Duke of Coburg as friendship mission. I expressed to a confident my personal anxiety that the Japanese conduct could cause strong annoyance in Berlin. I see the deeper reason for this strange attitude in the petty apprehension of the Japanese Government that the exclusive representation of Germany by a special mission might damage the neutral status of Japan in the eyes of third powers. In

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addition, the court circle is strongly agitated by the Anti-British wave caused by the "ASAMAMARU" incident, and fears the intensification of the pro-German feeling of people by the visit of the Duke at the present moment. The fact that, as I learned most confidentially the Government considered shortly before the ASAMA case to prepare a pompous reception for the Duke as the guest of the state, justifies also this assumption.

Ambassador OSHIMA also pointed to the Anti-British movement as the main reason for the sudden, a formally most unpleasant, retreat of the Japanese Government from the promise apparently given in Berlin. As a matter of fact, he sees, however, in this postponement of the journey possible advantage for our policy, as the Anti-British movement will be enabled to develop to the full extent, if it is not burdened with the suspect of being under German influence. According to a information received just now, the movement is spreading to broad party circles and could result in bitter fights in the Diet in February and March, probably bringing about the collapse of the Government. OSHIMA recommends to postpone the journey till April-May (group garbled), but to reserve the decision as to the final time-table.

I also propose to examine the following itinerary: Arrived in Japan a week later, immediate continuation of the trip to America and friendship visit to Japan on the way back. I would be grateful in any case, for the realizing of Stahmer's information journey.

Ott

AFFIDAVIT

I, W.P. Cuning, being first duly sworn on oath, depose and say:

1. That I am an Attache of the United States Department of State on the Staff of the United States Political Adviser on German Affairs, and as such I am a representative of the Office of Military Government for Germany (U.S.). That in my capacity as above set forth, I have in my possession, custody, and control at the Berlin Documents Center, Berlin, Germany, the original captured German Foreign Office files and archives.

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under my control.

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(Signed) W. P. Cumming
W. P. CUMMING

subscribed and sworn to before me this 23rd day of April 1946

(Signed) G. H. Garde
G. H. GARDE
Lt. Colonel. A.G.D.
Acting Adjutant General

(Stamp) Office of Military
Government for Germany
(U.S.)

C E R T I F I C A T E

I, the undersigned Yale Maxon, Chief, Document Division, International Prosecution Section, Tokyo, Japan, hereby certify that the attached telegram, signed OTT, bearing date 26 January 1940, bearing frame numbers 136254 and 136255, and the affidavit by W. P. Cumming bearing date the 23rd day of April 1946 appended thereto, are true and accurate copies of the originals thereof which are now in my official custody.

Given under my hand this 15th day of August 1947

/s/Yale Maxon
Chief, Document Division
International Prosecution Section
Tokyo, Japan