Exhibit #

OPENING STATEMENT ON BEHALF OF
KAYA, Okinori

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## OPENING STATEMENT OF KAYA, Okinori

In this brief opening statement of the defendant Kaya it is necessary to preface what we have to say by pointing out that not only is there a paucity of evidence against him to sustain the charges of the Prosecution under the Indictment; but except for the fact as has been shown, that he held conventional administrative offices during the Konoye and Tojo Cabinets, and performed his duties in a conventional and routine manner, there is nothing in the record to sustain the charges against him. The evidence will show that he entered the Finance Ministry as a young man out of college through competitive civil service examination, and that his entire career was spent in that department of the Government, with the exception of his service as President of the North China Development Company. We believe wo are sustained in this statement by the tenuous argument of the Prosecution made on this defendant's motion for dismissal. Without apology, we nevertheless feel that we must meet the issues raised by the Prosecution in a negative way.

In GROUP ONE: CRIMES AGAINST PLACE of the Indictment, the defendant Kaya is charged with all the Counts except those concerning initiation and prosecution of a wer of aggression against French Indo-China and Soviet Russia, and the initiation of the Manchurian Incident. The evidence will show that the first position that this accused held, although it cannot be said of any power, was when he became Vice-Minister of Finance in February 1937, followed by his short tenure as Minister of Finance in June 1937, which continued only until May 1938, a period of less than a year, and his evidence will indicate that he conducted his office as an office of state; and that he did not participate in a conspiracy as charged,

and had no connection with one whatever. It is, of course, contended that no conspiracy existed, but if there was one, the evidence will indicate that he was not a party to it. The Prosecution has not tendered any evidence against the defendant Kaya in connection with the attacks against Soviet Russia or French Indo-China nor in connection with the Manchurian Incident. In his personnel record it stated that he was an official of the Finance Ministry but he was out of the Government about a year before the border disputes with Soviet Russia took place as claimed by the Prosecution, and it was about two years after he resigned from the Government that the French Indo-China development took place. When the Tri-Partite Pact was signed he was not a member of the Government and there is of course no evidence to indicate any connection on his part in either the negotiation or the signing of the Pact. For some time prior and after the occurrence of the Manchurian Incident he was a minor official of the Finance Ministry. The evidence will show that when the matter of military budgets came before him for consideration, he exerted, within his limited powers, every effort to slash them and prevent them from increasing.

The Prosecution has charged that he was party to the planning of a huge-scale war of aggression but not only did he have nothing to do with it, (and there is no evidence to indicate that he did) but he knew nothing about the Five Year Plan for Ammunition Industries and Five Year Plan for Heavy Industries said to have been established in May and June of 1938. The Cabinet of which he was a member did not adopt such plans nor did he have anything to do with their adoption nor with putting them in effect.

The evidence will show that what the defendant did in office during the time he became Vice-Minister of Finance in

February, 1937 up to the time he resigned as Finance Minister in May, 1938 was to establish measures to combat the turmoil and uncertainty that were troubling the economy of the country before he assumed his post and which became aggravated on account of the China Incident. But he did try to avoid radical changes. The prevailing tendency at that time was for a strong foreign policy, and at home the abolition of status quo in favor of radical changes. His moderate policy, therefore, was regarded in disfavor and for that reason he was asked to resign his post as Finance Minister. He resigned because of this difference in views.

The evidence will show that the defendant Kaya was Presigent of the North China Development Company from August 1939 to October 1941. He was appointed as its administrative head and acted in that capacity pursuant to law. It will be pointed out that the approval of the Prime Minister was required when either making or revising regulations, increasing capital and the carrying on of the functions of this company. The evidence will show that it was under the direction and supervision of the China Affairs Board and he was not permitted to act on his own initiative.

The evidence will show Mr. Keya had a strong desire to avoid war long before he became a member of Tojo's Cabinet.

He had no connection with the Imperial Conferences of July and September, 1941 nor did he know anything about these conferences. In October, 1941, when Tojo requested him to become the Finance Minister, he did so only after receiving the assurance from Tojo that the new Cabinet would endeavor to maintain peace and would adopt policies to that end.

After joining the Cabinet, the defendant Kaya worked toward the amicable settlement of the Japanese-American negotiations. He endeavored to prevent war even if the negotiations

were not successful. However, the conditions at the time were beyond his power to prevent war. Dissatisfied as he was with the outcome, he did not resign from his post because he could not do so as a loyal citizen of the country. However, he assented to the decision for war because he clearly recognized that the war was inevitable.

Under GROUP TWO of the Indictment, MURDER, the defendant Kaya is charged with Counts 37 to 47. The evidence will show that Mr. Kaya did not plan a war of aggression nor knowingly agreed to it. He was not a party to any plan to open hostilities without first giving notice, nor did he give silent approval to such a plan. He was not a party to any plan to wage battles in breach of laws or land warfare, nor did he give his consent nor silent approval to such acts. The record is replete that the Supreme Command was independent of the Cabinet and therefore a civilian Cabinet officer could have no responsibility in relation to the waging of battles. Civilian members of the Cabinet had no voice in war operations. The attacks on Hankow and Canton took place long after he resigned his post as Finance Linister.

As to GROUP THREE; CONVENTIONAL WAR CRIMES AND CHIMES
AGAINST HUMANITY, the defendant is charged with all three
counts. However, the treatment of prisoners of war was a metter outside his jurisdiction. He was not informed nor consulted on the matter of illegal treatment of prisoners of war
and it was a matter with which he was charged with no responsibility and in the nature of negative presentation we state
the Prosecution did not directly or indirectly offer evidence
to indicate any responsibility on the part of Mr. Kaya in relation to these counts in the Indictment.

In fine, the evidence to be offered by the accused will show that he is a career public servent; that such duties and functions he performed were either as a member of the Capinet or in an administrative capacity and not otherwise all of which were performed as a state official essential in carrying out the functions of government.

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述 號

R 起しるは申之祭て監無い係ま訴摘簡 對訴たとと立等が交合いる兩方狀方際 す衆語信のにのつた望と導内。のるに るの診が懲對軍た人温い電師又中等被 侵窮點るにした北でしあるにそにを告 路一にのに、は気め大事除在れ提必資 **関類對でよ**源 登崩り 滅でいつの 起要 彦 学 しめつ深濃酸 一省あててみしとの の一之りて側に付たにりははでて思曹 立平をま、がよ社に入る、典なるふ頭 に和否すす酸つの例つす彼週くるも願 並に定。で且て証外た、に的、の遊 に對すがにつ明長的の質對役之告 室する然と紹かをにて屋し人ま話ら行 行るもしのににし彼らはてとできりふ 及罪の滯點かさたがり大満して褒玄 びして深にたれ事後ま學さて知づす當 るるが事し出れ回らけ 洲中り 滞で多して身て類れる即立 加 重 寒にまきる陰らるて頭のゐ的た證ちし に我をりにお來若るに 。し々為な過たず年告型事の屋 OT 立 てのしせぎ大つに訴題窒欲に 淀 蛋 、原たうな靈としをり、如關は 我述のなら当大て支の卽 に憲 はた同ので意意持 間は 任 すい 務質をは 8 訴印 因及 以以 蓝色文 ROL

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と原り池

照とい祭せに之彼大会 支続は簡が彼るは 調定官はつ宗對かしふしら周はは認部 殿 ただソにてもなれず返決決の を満て治政なものかたるめい官師 何 音察と景意る はつる大てでに 等退れ質め官は言いで液行た如凝短一就に 憩つかにての述か對め合はとき省期九任於 鉢たには後主べら前り質れと共を間三して 間前腺彼約限て延印ま屋な等 同國で七ま告 攻世にかを謀家一 係は二とら出 がのが殴ケはりがよう 何つ登設の年六たさ 彼或岛府 年吴玄岛及。 等た強に役に月かれ るつ部につしりび 之とには所添か之て 万阿 なてたま物 に誤よーとたらは 原 間 つが世別 競動つ具しな一有な のをいって政・ん琴 真さてしてか 九 万 た通ふ員か府對。變 しれ示な指つ三な らじ事でら部ソ領等 なてすか導た八地同 化て宝な距內固層化 かるでつしの年位意 差大をくつの境の調 つるめたたで三と告 出流示・た人紛徑し たのり夢のら月はは さ省す從出で学歴て のです。でりま云、 れの意つ來は勃中猿 であせ及めまでへ ま一般て夢な幾に告 ありうびるす大な物 し小は後でくるは望 るま。とどの意い た言勿がる、で後量 夢す勿のと又大も一 時と問協り又のがに がが学共、彼臣の九 しめ定まりた大型 置も 南夏はをで三 彼てりのし印一意意 源し共謀に自しあ七 は動ま変た関ケ省す に 同語彼分まり年 自寄せ多。通年言る よる態にがのしま二 ・分数ん乃三も間定反 つつ意も起所たし月

てたと闘誘鵯がた

のし。至国彼はで證

九彼王昭定が 彼人愛努う彼為本意 は気草めとがめのし彼でが年和示。陰阻ら となにな思いの深た告彼そ前十分後察止れ く登しつつ温温時がもの壁三量は官せた ・すたたた鏡を玄昭と一に年畿とはかる 深そる。か派を音で羽れ員つ五もれ、と福 の激當ら問河しの十がをき月あれて変変限 相為瑪特行歷立的第二級な女とり位置し內 湿の状のつぼす 胸年用しし六弦無ななに かに打大た上る文に二にてて月世間大しか ら彼歌夢ののと部か月もいるにん奈穏たい 学はをはで手と事い大叉た後殿一で戻して 微大震動的段で變て凝重內は定。あのと、 はるの彼次施門何さ彼り意の登 た大し強ま皆りたが官には等ればる高語力 ・会め官たると間た上し記はを でため欧。沿しに庭り川北知と記た計画整 的る玄策然かた惡とし孫等す惡の一些緣し 0化し時がのるを計旦のにて 地しにしる してかな計所ら重つ一示と 位た向彼ら する。つなのて行らか壁はるでに意言さの 深つ昭っをな草間が暴れ! の漢だて証は たた羽た探か事係と活て めか后端は 國と十の用つ工がれてい制 らりな学 内と三でした葉な作るまで 濛彼 る 同 のは年あるの五かふるすに 要の言葉選 動・三りせで年つ祭と。努 京温內草化 指征月まんる計たが申 る処でを没 不の大すでり壁のある れなは禁立 安記だっしなとみつれ まるごりつ 羽在大九方豆なたま し政端よで 制前臣。。エらとし 瑜

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でイがせ京 た局部或動た立四 。の可はし。に十壁 受沖彼ずし領 語程に、て産 管を更て彼何一議 し学大角居氏 磨更改居は毎年の 下ししまと説十 たの競とりは の目入のま にた しの係月す で的臣可し頭 必要資化 宣世迄所 つは本。社ず北に めにに競沈に り叶らに。內 て滑をこの、支よ まふん就復問 ・満着の經叉開る 彼る領位營之發と す成態ではの · 競 它 何 一 图 自れし社上の宣、 を問動干破 らま がの割社液 張るも九に のす又意首立の告 るた知百成 發 のは国長に感覚 と時ら四る 意宝金大と鼠泉屋 に遠趾巨しすでは いな十二 三のののてるる。 ふ彼か一り 保はつ年差 い示感宣任法り一 置新た七か てす影響命章ま千 を 内 ° 月前 行所を下せのした 動に管でら宝。百 夏 徳 一 及 か 能が干びら すよむるれた。 办平九九鼠 るる物つ、に宝九 ら和百月季 定と合て独る歴年 行を三のの 許 " 作 干 氏 八 て離十個同 さ空は親に異は月 成绩一价品 れ社・危害してか まは徳をくまのら じす年でも める十龍藩 世對理野寶世堂一 てに月に烈 ん支大け裕ん社千

で事臣たででの九

し弱のり行し設百

就努度温化

任め係係詩

長ま示はか陸計をがれ、戦の職と併交 いせず内、戦費幾らて起のでしがし渉告 三間ん記閣るををせてい訴決ある出戦が ので嫁よ行任默ずれる狀識りせ來爭成屋 り動掛談しにす第になんまを功 は 後しは けして同、二質しでせ防し た多強に K ・分立同よた開意と興成たしん止な閣 例 寒にし意うて戦しれ1し、たでせく員 0 腑て又ととすなに殺ま彼しんてと 口 3 及ついはすもるかつ人しはそたともな 旗てま歌るめ如つい「た戦の。し、 の 争 故 て 戦た の果いす認如り何たてに 雏 爭 後 のはかも まかを何まなとは於 VC 及 は 避彼 すら異なせると質て 對 1 當之 けはる す、文へるん計を屋被 道 難酸結時れ米 內官た計で養務氏告 VC 3 のを い家果 登しに像が質 内と 攻 閣 對 のに狀間渉 閉とにたもに愛居 彼勢 避 ・参よ略 忠. は 員 \$ \$ 文 る 和 良ははす 與つ戦訴 Z 彼官はある 罪 な不彼る 明 してを 因 がは、開り與彼 か氏繭のとに ま示計三 は 戦な 作 K にと足力と 努 にせる法せし輩七 戦 被 つ 認してを K 80 對んせ律んませし 5 職てあ以努ま 對してんにですず四 T 臣 てカレ し飾り てして造し、或七 は ま 端 ま 如 質たし背た彼はに L 林 T 出し 何 至 任、たし。はそよ を幾 告 た來たとし 辞 音 段れり 72 な競 は かながもた彼 酸又初と卵 Ri き 高 らか彼す。 は めかに知を と司叉 は 訴

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す要りけ争藏賀 あ接た受項 関うすたでが省屋積るにつけて 内則るゞあ無に氏察ともそまあよ でちに 単り 追向が 駆と 貫しせりり ましつ大かを屋てんま罪 務や彼然に 目つか告常すたて敷設示氏性でしを 。當出大塚すが質した問 の例 更た助 と争め堤的時で臣と證起上た。は しのた田の然軍れでし場部消。 て何職す行し用てなてを狀極 報れ務る敗此進度か提提に的そはる 行か及競争手質つつ出出於陳れ符ま すでび酸粉酸のたたししけ遊は劈す るめ順は手は収事當たてるで彼の。 つ能彼癥既扱が時軍い、はか不 ててはがだに手明、用なとめ貢法併 の政一職け智順か日通いれり任取し 任治閣務で屋側で本質とらまを扱作 務機僚的あ氏定あ陸のとのす負の 砂 能とにりがにり軍件を訴がは件の 能、し公ま説簡、かに述因うさに敢 で運て供し任す檢ら關べに私れつ扱 は營ょでたしる察其して馳共てきは たにああった實團軍て遺跡はる通彼 時任が用はきし梅な知の か對るつ はを提貨明ま、祭いも管 つしかた たて及器 準糾出準和す如伽事受轉 の必行を 備州し帰十。何が項け で要政證 がしたの六な直でずに あ鉄上明 出て粉命年 る接め又屬 りく職致 來居城分一 貧にり相す まべ務し てるはか月 任もな談る

店だ 戦大

も間しも事

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