

## Item 44

Berlin, 18 September 1939

St. S. No. 734

The Japanese Ambassador today had me inform him in detail about the situation, talked about USHI, Take's visit, congratulated us on the progress of the Polish campaign, etc. Finally slightly bashful he came out with the enclosed paper, which is dated 26 August, and regarding which he said the following:

As everybody knows, I dissuaded OSHIMA at the end of August from the idea of making the sharp protest with which he had been ordered by the Japanese Government, in regard to the inconsistency of the German-Russian Non-Aggression Pact with the secret treaty between Germany and Japan. He followed my advice out of consideration for the German Government in the critical phase of that time. But it had not been possible for him to act directly contrary to his Government. Therefore, he merely telegraphed to his government, saying he had followed its order. But in fact he - OSHIMA - had postponed the fulfillment of the demarche till now. He had waited until the end of the Polish campaign, and he believed the step would be not so grave any more now, especially after he had arbitrarily deprived the order from Tokyo of its severity. So he asked /me/ to take note of the enclosed memorandum.

I read the memorandum which is indeed no longer very important, but still accepted it only personally and not officially for information. OSHIMA wishes to explain this matter himself if he meets the Reich Foreign Minister in the near future. Then he will add that this paper could disappear in our documents according to our judgment. He thought an explanation, especially of a legal nature would not be good nor well-timed.

Finally, I told the Ambassador that his conception, as everybody knows, does not agree with ours and I had hoped that the matter was finally concluded. However, I am still ready to prepare the Reichs Foreign Minister for the fact that he - OSHIMA - considers it his duty to put a formal end to this matter in some form or other.

I did not consider it right to refuse the Ambassador the study of the note since OSHIMA is evidently honestly endeavoring to put an end to the matter.

(signed) WEIZSAECKER  
/136134-5/

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 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 Germany 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.

s/ W. P. Cumming  
W. P. CUMMING

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

s/ G. H. Garde  
G. H. GARDE  
Lt. Colonel, AGD  
Acting Adjutant General

OFFICE OF MILITARY  
GOVERNMENT FOR GERMANY (U.S.)