

ROUGH DRAFT  
7 June 46

In March 1941, just as I was about to proceed to China to assume the post of Counsel<sup>or</sup> of Embassy there, I was instructed by the Secretary of State to remain in Washington for consultation in connection with a suggestion which had been informally brought to the attention of the President and the Secretary of State through the medium of private Americans and Japanese that the Japanese Government would welcome an opportunity to alter its political alignments and modify its attitude toward China. It was represented that if an agreement could be achieved with the U. S. which would offer Japan security, this would enable the moderate elements in Japan to gain control of the domestic political situation there. It was further represented that there was adequate support in the Japanese Government for an agreement with the U. S. which would provide, among other things, for practical nullification of Japan's alliance with the Axis and for settlement of the conflict between China and Japan on terms which would give complete recognition by Japan of the "open door" in China, provided that Japan received similar treatment elsewhere in the Far East. It was also represented that the Japanese people were weary of the hostilities with China and that most elements in Japan were prepared for a recasting of Japan's policies along liberal and peaceful lines.

On April 9, there was referred to me, and other Far Eastern Advisers of the Secretary of State, a document containing a draft of a proposal for a general settlement in the Pacific area which was received by the Secretary of State from the private persons above referred to. This document, although it contained many abstract affirmations of Japan's peaceful intent, seemed to contain no provisions which was inconsistent with the program and the policies Japan had been consistently pursuing. Inasmuch, however, as the

document had not been presented as an official proposal of the Japanese Government, no action was taken thereon, but on May 12, the Japanese Ambassador presented <sup>under</sup> as instructions a new proposal similar in its general scope and provisions to the document of April 9. That document was therefore given intensive study in the Department of State. It appeared to carry out a concept of a joint overlordship by Japan and the U. S. of the Pacific area, with apparent little thought for the rights and interests of countries other than Japan and the U. S. The first two sections of the document, which were introductory and general in character, contained affirmations in abstract terms of peaceful intent and of a purpose to promote international cooperation. In reference to Japan's position with regard to its alliance with the Axis, the proposal contained a statement, which, in no way indicating any purpose on Japan's part of loosening its ties with the Axis, was a re-statement of Japan's previously proclaimed position that the alliance with the Axis Powers was designed to prevent the nations which were not then directly affected by the European War from engaging in that war. The proposal also contained an undertaking on the part of the U. S. to request that the Government of China negotiate with Japan a settlement of the hostilities in China; a mutual undertaking by the U. S. and Japan that ~~if~~ each would supply, so far as possible, commodities which the other required; a mutual undertaking that steps would be taken to bring about resumption of normal trade relations between the U. S. and Japan; and an undertaking by the U. S. that, Japan's expansion in the southwest Pacific being declared to be of a peaceful nature, the U. S. would cooperate in facilitating the production and procurement by Japan of natural resources which Japan needed. In connection with the undertaking on the part of the U. S. to request that China negotiate with Japan, it was explained separately by the Japanese that the U. S. would be expected also to agree to discontinue aid to the National Government of the Republic of China in case the latter should decline to enter into such negotiations. The terms which Japan intended to propose to China were

indicated only through reference to the "Konoye principles". Inasmuch as the "Konoye principles" had been made the basis of a so-called treaty between Japan and the Wang Ching-wei Regime in November 1940 which had placed Japan in a position of overlordship with respect to the Wang Regime, the Secretary of State sought to induce the Japanese to state precisely the terms which they had in mind as a basis of Japan's negotiations with China, but the Japanese Ambassador and his associates constantly avoided making definite commitments by constant resort to vague generalities. In the course of conversations with me and other officers of the Department, Colonel Hideo Iwakuro, the Special Military Adviser of the Japanese Ambassador, explained that the areas where stationing of Japanese troops in China was contemplated under a provision for "defense against Communistic activities through collaboration of the two countries [China and Japan]" included Inner Mongolia and the adjacent regions of China proper, comprehending a line of communication to the sea as far south at Tsintau<sup>2</sup> (spelling?) which thus meant Japanese military domination of the five northern provinces of Hopei, Shantung, Shansi, Chahar, and Suiyuan, with an aggregate area of more than 400,000 square miles and an estimated population of more than 80,000,000. The Military Adviser declared to me that this stationing of Japanese troops in China was an absolute condition of any settlement with China.

Notwithstanding the various objectionable features of the Japanese Government, in view of the world situation, the Government of the U. S. decided to explore thoroughly every possible means, starting with the Japanese proposals, of coming to an agreement. The Secretary of State on numerous occasions at which I was present emphasized to the Japanese ~~XXXXXXXXXX~~ Ambassador that this Government was aware of the difficult internal situation which the Japanese Government faced and was prepared to be patient and to give the Japanese Government ample time to bring Japanese public opinion into line in support of a liberal broad-gauge program, such as the Secretary of State and the Japanese Ambassador had been discussing in their conversations. The Japanese representatives expressed surprise that

this Government should raise with them the points in regard to the terms of settlement which Japan proposed with China as they regarded the settlement of the China Affair as a matter which concerned only China and Japan. The Secretary of State pointed out in numerous conversations that a peaceful settlement between Japan and China was an essential element in furthering the objective which the U. S. and Japan had in mind, namely, the peace of the Pacific, and that if the U. S. should, as the Japanese proposed, suggest that China enter negotiations with Japan, this Government could not divest itself of a certain degree of responsibility with regard to the basis of the proposed negotiations and the general conformity of Japan's proposed terms with the principles which this Government supports. On May 28, in response to questions asked by the Secretary of State, the Japanese Ambassador indicated that withdrawal of the Japanese troops from China following a settlement with China, would not include Japanese troops retained in China for "cooperative defense against Communism", and that he was unable to state how many troops Japan would propose retaining or to define the precise areas in which those troops would be stationed. The Japanese Ambassador, in reply to further questions by the Secretary of State, said that he did not believe that the Far East had progressed to a point where other <sup>arrangements</sup> areas would be feasible. The Secretary of State also, on May 28, made it clear that the Japanese proposed formula with reference to Japan's relations to the Axis did not adequately clarify Japan's peaceful intention toward the U. S., should the U.S. through acts of self-defense become involved in war with Germany. He emphasized that such clarification was needed, especially to off-set statements being made by Japanese officials in defense of justification of Japan's Axis obligations and that if we made an agreement with Japan, critics would, unless the Japanese Government had adequately clarified its attitude on this point, assert that there was no assurance as to Japan's position vis a vis the U. S.

The question of what Japan meant by "economic cooperation" between

China and Japan was also discussed. As the informal conversations proceeded, it was evident that Japan intended to retain a preferred economic position for itself in China, while at the same time trying to obtain for ~~it~~ itself in the southwestern Pacific area economic rights, such as it was unwilling that a third Power should enjoy in China. The Secretary of State made it clear that retention by Japan of a preferred position in China would be inconsistent with the principle of non-discrimination in international commercial relations to which this Government was committed, which it believed to be essential for a lasting peace in the Pacific, and which the Japanese had said they approved.

On June 6, the Secretary of State informed the Japanese Ambassador that he had received the impression, from the successive Japanese revisions of their proposal and from recent manifestations of the Japanese Government's attitude, that the Japanese Government was disposed (1) to stress Japanese alignment with the Axis; (2) to avoid giving a clear indication of an intention to place Japan's relations with China on a basis which would contribute to a lasting peace in the Far East; and (3) to veer away from clear-cut commitments in regard to policies of peace and of non-discriminatory treatment which were the fundamentals of a sound basis for peace in the Pacific.

The Japanese pressed for a complete reply to their proposals of May 12. Accordingly, on June 21, the Ambassador was given <sup>the American Government's</sup> our views in the form of a tentative redraft of their proposals. In that redraft there was suggested a formula which would make clear that Japan was not committed to take action against the U. S. should the latter be drawn by self-defense into the European war. It was proposed that a further effort be made to work out a satisfactory

solution of the question of the stationing of Japanese troops in China and of the question of economic cooperation between China and Japan. There also was eliminated any suggestion that the U. S. would discontinue aid to the Chinese Government. Various other suggested changes were proposed in the interest of clarification or for the purpose of harmonizing the proposed settlement with our stated principles.

On June 22, ~~the~~ Germans attacked the Soviet Union, and in July the American Government began receiving reports that a large Japanese military movement into southern Indo-China was imminent. This Japanese movement threatened the Philippine Islands and British and Dutch possessions in the western Pacific area. It also threatened vital trade routes. Officers of the Department of State immediately brought these reports to the attention of the Japanese Ambassador, pointed out the inconsistency between such a military movement and the conversations which were then proceeding, and requested information as to the facts. On July 23, the Japanese Ambassador stated in explanation that Japan needed to secure an uninterrupted source of supplies and to insure against encirclement of Japan militarily. The Acting Secretary of State, Mr. Welles, replied that the agreement, which was being discussed between American and Japanese representatives, would give Japan far greater economic security than she could gain by occupying Indo-China. He pointed out that the U. S. policy was the opposite of an encirclement policy. He said that the U. S. could only regard the action of Japan as constituting notice that Japan was taking the last step by proceeding on a policy of expansion and conquest in the region of the South Seas. He told the Ambassador, under instructions from the Secretary of State, that under those circumstances, the Secretary could not see any basis for pursuing further the conversations with the Japanese Ambassador. Thereafter,

no conversations were held on the subject of a general agreement with Japan until in August when the Japanese Government took a new initiative. During August and September, the Japanese Government successively offered various proposals and formulas in connection with a settlement between Japan and the U. S. and there took place a series of discussions between representatives of the two governments. On September 27, the Japanese Ambassador presented to the Secretary of State a complete new draft of the Japanese proposals and urged that an early reply be made. The new redraft did not indicate any modification of the attitude of the Japanese Government on fundamental points. On October 2, the Secretary of State gave to the Japanese Ambassador a memorandum of an "oral statement" revealing significant developments in the conversations and explaining this Government's attitude toward various points in the Japanese proposals which did not appear to this Government to be consistent with the principles to which <sup>the United States</sup> ~~this country~~ was committed. In this it was stated that it was the President's earnest hope that discussions of the fundamental questions might be so developed that a meeting between heads of the two governments, which the Japanese Government had earlier proposed, could be held, and that it was likewise the President's hope that the Japanese Government shared the conviction of <sup>the American</sup> ~~this~~ Government that, if the Governments of Japan and of the U. S. were resolved to give practical and comprehensive application to the principles upon which the conversations were based, the two governments could work out a rehabilitation of their relations and contribute to the bringing about of a lasting peace in the Pacific area.

The Japanese, soon after receiving this Government's memorandum of October 2, redoubled their emphasis upon the need of haste in reaching an agreement. They offered new formulas for dealing with limited and specific problems, and they stated that Japan had now

placed all of its cards on the table and they had gone as far as they could in the direction of making so-called "concessions". In their new formulas, there was not discernable any evidence that the Japanese Government was moving even one step toward committing itself to courses of peace and that it contemplated receding even one step from insistence upon full attainment of its declared objectives - which were, in effect, political, economic, and cultural domination of the entire western Pacific and China. After the new Japanese Cabinet, headed by General Tojo, came into office on October 17, the Japanese became even more insistent in urging upon this Government a quick decision on the Japanese Government's proposals, but, while pressing this Government for a decision, the Japanese Government showed no willingness to effect any fundamental modification of the Japanese position and no desire to apply practically in actual situations the basic principles of justice and equity essential to the building of a lasting peace in the Pacific.

On November 15, Mr. Saburo Kurusu, whom the Japanese Government had decided to send to assist the Japanese Ambassador in the conversations, reached Washington. Shortly thereafter, on November 20, the Japanese Ambassador and Mr. Kurusu presented to the Secretary of State a proposal which, on its face, was extreme. The Japanese asked that the United States agree to cease giving aid to China; that the United States desist from augmenting its military forces in the western Pacific; that the U. S. help Japan obtain products of the Netherlands East Indies; that the U. S. undertake to resume commercial relations with Japan; that the U. S. undertake to supply to Japan "a required quantity of oil"; while Japan on her part would be free to continue her military operations in and against China and to keep her troops in Indo-China and to attack the Soviet Union, would have her funds unfrozen, would be able to buy with comparative freedom from the U. S., would be assured adequate supplies of oil, and would be under no obligation to remove her troops from Indo-China until



she should have completed her conquest of China or conditions of peace satisfactory to her had been established "in the Pacific area".

Before and after presenting that proposal, Ambassador Nomura and Mr. Kurusu talked emphatically about the urgency of the situation and intimated vigorously that this was Japan's last word and if an agreement along those lines was not quickly concluded ensuing developments might be most unfortunate.

What Japan asked in that proposal would, had it been agreed to by the U. S., have meant condonement by the U. S. of Japan's past aggressions, assent by the U. S. to unlimited courses of conquest by Japan in the future, abandonment by the U. S. of its whole past position in regard to the most essential principles of its foreign policy in general, betrayal by the U. S. of China, and acceptance by the U. S. of a position as a silent partner aiding and abetting Japan in her effort to create a Japanese hegemony in and over the western Pacific and eastern Asia.

Acceptance by us of the Japanese proposal of November 20 would have placed Japan in a commanding position in her movement to acquire control of the entire western Pacific area; would have destroyed our chances of asserting and maintaining our rights and interests in the Pacific; and in its final analysis would have meant a most serious threat to our national security. She also clung to her vantage point in Indo-China which threatened the security of the countries to the south and menaced vital trade routes. Their conditional offer to withdraw troops from southern Indo-China to northern Indo-China was meaningless as they could have brought those troops back to southern Indo-China within a day or two, and furthermore they placed no limit on the number of troops they might continue to send there.

On November 26, the Secretary of State made a reply to the Japanese representatives in the form of two documents, the first, an outline in a tentative form of a proposed basis for agreement between the U. S. and Japan, and the second, an explanatory statement in regard to it. In connection with the Japanese proposals of November 20 for a modus vivendi, it was stated that the American Government most earnestly desired to afford every opportunity for the continuance of discussions with the Japanese Government, directed toward working out a broad-gauge program of peace throughout the Pacific area. Our Government stated that, in its opinion, some features of the Japanese proposal of November 20 conflicted with the fundamental principles which formed a part of the general settlement under consideration and to which each Government had declared it was committed. Our Government suggested that further effort be made to resolve the divergencies of views in regard to the practical application of the fundamental principles already mentioned. Our Government stated that with this object in view, it offered for the consideration of the Japanese Government a plan of a broad but simple settlement covering the entire Pacific area, <sup>which</sup> as one practical exemplification of the program, this Government envisaged as something to be worked out during our future conversations. The proposed basis for agreement consisted of two sections. In Section 1, there was outlined a mutual declaration of policies and principles which followed closely the line of what had been presented to the Japanese on several previous occasions beginning in April. In Section 2, there were outlined under 10 points proposed steps to be taken by the two governments. Our position, as summed up in the 10-point program, was nothing new to the Japanese. We had been discussing with them throughout months of conversations broad-gauged principles, practical applications of which were along the lines of the 10-point program. The 10-point program/~~was~~<sup>also</sup> summed up many of the general and special benefits which might accrue to Japan if she renounced the course of aggression; such as, enhancement of her national security

through participation in a multilateral non-aggression pact and through measures calculated to stabilize the situation in the Far East, including the abrogation by the powers of extra-territoriality in China and the giving of mutual pledges regarding respect for the integrity of Indo-China; and an advantageous economic program: a generous ~~xxxxxx~~ trade agreement with the U. S., removal of the freezing regulations, and an agreement upon the plan for a stabilization of the dollar-yen rate. What Japan was asked to do in return was to give practical application to the professions she had made of her peaceful intent by agreeing to withdraw her armed forces from China and Indo-China, to support no regime in China other than the National Government of China, and to agree not to interpret any agreement to which she was a party in such a way as to conflict with the establishment and ~~xxxxxxx~~ preservation of peace throughout the Pacific area.

On December 2, the President directed that inquiry be made at once of the Japanese Ambassador and Mr. Kurusu in regard to the reasons for continued Japanese troop movements into Indo-China. On December 5, the Japanese Ambassador called and presented to the Under Secretary of State, Mr. Welles, a reply to the President's inquiry of December 2 containing the specious statement that Japanese reinforcements had been sent to Indo-China as a precautionary measure against Chinese troops in bordering Chinese territory. On December 6, President Roosevelt telegraphed a personal appeal to the Emperor of Japan that the "tragic possibilities" in the situation be avoided.

On Sunday, December 7, at about 12 o'clock noon, the Secretary of State, in response to a telephone request from the Japanese Ambassador, made an appointment to receive the Ambassador and Mr. Kurusu at 1 p.m. Shortly after 1 p.m., the Ambassador and Mr. Kurusu asked by telephone that the appointment be postponed

until 1:45 p.m. They arrived at the Department of State at 2:05 p.m., and were received by the Secretary at 2:20 p.m. The Japanese Ambassador said that he had been instructed by his Government to deliver a paper at 1 p.m., but that difficulty in decoding the message had delayed him. He then handed the Secretary a document, the text of which is contained on Pages 380 to 384 of Foreign Relations, Japan - 1931 - 1941, Vol. II. The Secretary of State read this paper, turned to the Japanese Ambassador, and said, "I must say that in all my conversations with you [the Japanese Ambassador] during the last nine months I have never uttered one word of untruth. This is borne out absolutely by the record. In all my fifty years of public service I have never seen a document that was more crowded with infamous falsehoods and distortions -- infamous falsehoods and distortions on a scale so huge that I never imagined until today that any government on this planet was capable of uttering them".

The Ambassador and Mr. Kurusu then took their leave without making any comment.

This interview took place more than an hour after the Japanese armed forces had struck without warning at American territory in the heart of the Pacific.

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al. )

- AGAINST - )

ARAKI, HADAO, et al. )

AFFIDAVIT

I, Joseph W. Ballantine, having been duly sworn on oath, depose and say:

I entered the Foreign Service of the United States in June 1909, and thereafter served continuously up to date at various diplomatic and consular posts and in the Department of State. From 1909 until 1928 I served continuously either at the American Embassy at Tokyo or in consular posts in the Japanese Empire. From 1928 to 1930 I served in the Department of State. From 1930 to 1934 I served as Consul General at Canton, China; from 1934 to 1936 I served as Consul General at Mukden, Manchuria; from July to December 1936 I served temporarily at the American Embassy in Tokyo as First Secretary; and from March 1937 to date I have served continuously in the Department of State. Up to September 20, 1945 I was on duty in the Office of Far Eastern Affairs of the Department of State. Between December 1944 and September 1945 I was Director of that office. Since September 1945 my position has been that of Special Assistant to the Secretary of State.

The matters herein deposed to are mainly within my personal knowledge, otherwise they are matters with which I am familiar from records of the Department of State.

During practically all of my career in the foreign service, I have dealt with Far Eastern Affairs and have followed closely the course of Japanese-American relations. Up until 1931 the relations between the United States and Japan were generally friendly and the American Government and people consistently had an attitude of good will toward the government and people of Japan. The Japanese occupation of Manchuria caused an impairment of these relations.

It is essential to an understanding of the true significance of the conversations which took place in 1941 between the representatives of the Japanese and American Governments looking to a peaceful settlement of the Pacific question to have clearly in mind the background of the political situation in and relating to the Far East.

Almost from the outset of Japan's emergence as a modern state she had been pursuing a policy of military aggrandisement. For the most part, except during certain brief periods when forces of moderation appeared to be in the ascendancy, the intervals between one aggressive step and the next were but periods of consolidation.

In 1895, following Japan's successful war against China, Japan annexed Formosa and tried unsuccessfully to establish a foothold in Manchuria.

In 1905, after the Russo-Japanese war, Japan established herself securely in Manchuria by acquiring a lease of the Kwantung territory and ownership of the South Manchuria Railway. At that time Japan also acquired southern Sakhalin.

In 1928, following the advent of the Tanaka cabinet in 1927, Japan adopted a so-called "positive" policy toward China under which it manifested an increasing disposition to intervene in China's internal affairs.

In 1931 Japan invaded Manchuria and subsequently established there a puppet regime under the name of "Manchukuo." By that action, which was a flagrant violation of the Nine Power Treaty, Japan broke completely away from the policy of cooperation agreed upon in the Washington Conference treaties.

The opposition of the American Government to Japan's course was reflected in the identic notes which the United States Government delivered to the Japanese and the Chinese Governments, dated January 7, 1932, stating that the United States could not admit the legality of any situation de facto; that it did not intend to recognize any treaty or agreement between China and Japan which might impair U. S. treaty rights, including those relating to Chinese sovereignty and the open door policy; and that it did not intend to recognize any situation, treaty, or agreement brought about contrary to the Kellogg Pact.

Although the United States was not a member of the League of Nations, it cooperated with the League in relation to the Manchurian question.

In a note addressed to the Secretary of State dated February 21, 1934, Mr. Hirota, Japanese Minister for Foreign Affairs, stated that he believed that no question existed between the United States and Japan "that is fundamentally incapable of amicable solution." The Secretary of State in his reply expressed concurrence in that view and emphasized the belief of the American Government in adjustments of questions by pacific means. The exchange of messages in question is quoted on pp. 127 - 129 inclusive, Foreign Relations of the United States - Japan, 1931 - 1941, Volume 7.

Nevertheless, on April 17, 1934, the Japanese Foreign Office spokesman gave out a truculent official statement known as the "Ammu" statement. In that statement, Japan made clear a purpose to compel China to follow Japan's dictate and to permit other countries to have relations with China only as Japan allowed. A copy of that statement is annexed as Exhibit A.

On December 29, 1934, while Hirota was still Foreign Minister, Japan gave formal notice of its intention to withdraw at the end of 1936 from the Naval Limitation Treaty signed at Washington on February 6, 1922. Following the giving of that notice, Japan proceeded energetically to increase her armaments, preparatory to launching her invasion in China.

In July 1937, with Hirota again Foreign Minister, Japan deliberately took advantage of a minor incident between Chinese and Japanese forces at a point near Peiping and began flagrantly to invade China on a huge scale. She poured into China immense armies which spread fan-like over great areas, including industrial and other key centers. These armies raped, robbed, murdered and committed all kinds of lawless acts. Particularly barbarous were the outrages in Nanking following occupation of that city by Japanese military on December 13, 1937. Public opinion in the United States was shocked by those outrages.

Subsequent to the renewed Japanese armed attack on China, beginning on July 7, 1937, relations between the United States and Japan steadily deteriorated. The Japanese military forces completely disregarded in their acts suggestions made by the United States and other governments that reasonable consideration be given by them to the safety, rights and interests of nationals of third countries in China. American public opinion became outraged by the methods and strategy employed by the Japanese military and became gradually more and more critical of Japan. The United States Government looked with thorough disfavor upon the current manifestations of Japanese foreign policy and upon the methods employed by the Japanese military in pursuit of their policy.

On August 10, 1937, the United States made an offer of American good offices in the dispute between Japan and China, but the attitude of the Japanese Government was such that nothing came of it.

On October 6, 1937, the American Government protested that the action of Japan in China was inconsistent with the principles which should govern relationships between nations and was contrary to the provisions of the Nine Power Treaty and of the Briand-Kellogg Pact.

In November 1937 the United States participated with eighteen other nations in a conference held at Brussels to "study peaceable means of hastening the end of the regrettable conflict which prevails" in the Far East. The conference was held in accordance with a provision of the Nine Power Treaty of 1922. The repeated refusals of the Japanese Government to participate in the conference effectively prevented efforts to bring about an end to the conflict by mediation and conciliation. On November 24 the conference suspended its sittings.

On December 12, 1937, Japanese aircraft bombed and sank the U.S.S. Panay in the Yangtze River.

To gain public support in Japan for its program of military expansion, slogans were used, such as "the new order in Greater East Asia" and "the East Asia Co-Prosp erity Sphere." The United States and other countries were charged with attempting to choke Japan's development. That charge was entirely unfounded except as it applied to American and British opposition to Japan's courses of aggression.

On July 26, 1939, the Government of the United States notified the Japanese Government of its intention to terminate the Treaty of Commerce and Navigation of 1911. It was felt that this treaty was not affording adequate protection to American commerce either in Japan or in Japanese occupied portions of China, while at the same time the operation of the most-favored-nation clause of the treaty was a bar to the adoption of retaliatory measures against Japanese commerce. The treaty therefore terminated on January 26, 1940.

During the entire period of the undeclared war between Japan and China there was on the part of the Japanese Government and the Japanese authorities in China flagrant disregard for and violation of American rights and interests and the jeopardizing of American lives. American property was invaded, occupied, and taken over by the Japanese military authorities. In many instances American property was bombed and American citizens placed in jeopardy of their lives. Discriminatory restrictions were placed upon American enterprise and trade in China. Japanese censorship of and interference with American mail and telegrams and restrictions upon freedom of trade, residence and travel by Americans subjected American interests to continuing serious inconveniences and hardships. Notwithstanding repeated representations and protests by the American Government and notwithstanding repeated and categorical assurances by the Japanese Government that equality of opportunity or the Open Door in China would be maintained and that American rights would be respected, violations of American rights and interests continued.

The imposition by the Japanese authorities of restrictions upon the movement and activities of Americans in China operated to place Japanese interests in a preferred position in China and was discriminatory in its effect upon legitimate American interests. The imposition by the Japanese authorities of exchange controls, compulsory currency circulation, tariff revision and monopolistic promotion implied an assumption on the part of the Japanese authorities that the Japanese Government or the regimes established and maintained in China by Japanese armed forces were entitled to act in China in a capacity such as flows from rights of sovereignty and to disregard the established rights and interests of other countries, including the United States.

The Japanese Prime Minister, in a public statement November 3, 1938, said in part: "All countries of the world should have a clear recognition regarding the new situation in the Far East. History shows clearly that peace and independence in China have been frequently menaced as the result of the struggle for supremacy among foreign Powers which was based on imperialistic ambitions. Japan sees the necessity of effecting a fundamental revision in this situation and desires to establish a new peace fabric in Far East on the basis of justice. It goes without saying that Japan will not exclude cooperation of foreign Powers. Neither she intends to damage the legitimate rights of the third Powers in China. If the Powers understand the real intentions of Japan and devise a policy in accordance with the new situation in the Far East, Japan does not grudge to cooperate with them for peace in the Far East." He did not, however, define what he meant by policies "in accordance with the new situation in the Far East." (U. S. Foreign Relations - Japan - 1931-1941, Vol. II, page 480.)

In September 1939 the Government of the United States protested to the Japanese Government against a large-scale propaganda campaign against Western nations, including the United States, undertaken by Japanese agencies in areas of China under Japanese control. In pronouncements and manifestos issued by puppet regimes at Peiping and Hanking it was sought to persuade Chinese people that the difficulties and burdens which the hostilities had brought upon the native population should be blamed upon the Western nations, including the United States. Strong anti-American feeling was fostered in various places, anti-American parades were organized, and anti-American banners and posters were displayed.



In August and September 1940 it came to the knowledge of the Department of State that Japan had concluded an agreement with Vichy France under which Japanese troops moved into northern Indo-China. The Acting Secretary of State on September 20, 1940, informed the Japanese Ambassador that the Ambassador himself could be under no misapprehension as to the very serious disquiet and very open opposition which the action threatened by Japan in Indo-China would create in the minds of the members of the United States Government and on the part of public opinion generally in the United States.

In September 1940, Japan entered into the Tripartite Pact with Germany and Italy. In the view of the Government of the United States that alliance was aimed directly at the United States. It was designed to discourage the United States from taking adequate measures of self-defense until both Japan and Germany had completed their program of conquest in Asia and Europe, when they could turn on the United States then standing alone. The Secretary of State in commenting on September 30, 1940, to the British Ambassador on the subject of that alliance observed that the relations among Germany, Italy and Japan, each having a common objective of conquering certain areas of the world and each pursuing identical policies of force, devastation, and seizure, had been during recent years on the basis of complete understanding and of mutual cooperation for all practical purposes.

After the autumn of 1940 it became clearly apparent that the Japanese military leaders had embarked upon a program for the conquest of the entire Far East and Western Pacific area. That program was referred to by euphemistic slogans such as the "New Order in Greater East Asia" and "the Greater East Asia Co-prosperity Sphere." They went out with force and entered into collaboration with Hitler to establish a new world order, arrogating to themselves a sphere which embraced an area occupied by nearly half of the population of the world.

During all these years the Government of the United States consistently sought to remind the Japanese Government of the traditional friendship and mutually profitable relations between the two countries and to keep before the Japanese Government in the most tactful manner possible the principles which should form the basis of worthwhile relationships between nations. The Government of the United States also sought to dissuade Japan from her courses by pointing the way to just and honorable alternatives which would have assured Japan what she professed to seek - national security and economic prosperity.

It was also necessary to bear in mind in entering upon the conversations with the Japanese in 1941, Japan's long record of duplicity in international dealings.

In 1904, Japan guaranteed Korea's independence and territorial integrity. In 1910, Japan annexed Korea.

In 1908, Japan pledged with the United States to support the independence and integrity of China and the principle of equal opportunity there. In 1915, Japan presented to China the notorious "twenty-one demands."

In 1918, Japan entered into an inter-allied arrangement whereby forces, not exceeding above 7,000 by any one power, were to be sent to Siberia to guard military stores which might be subsequently needed by Russian forces, to help the Russians in the organization of their own self-defense, and to aid the evacuating Czechoslovakian forces in Siberia. The Japanese military saw in this enterprise an opportunity in which they were eventually unsuccessful, to annex eastern Siberia and sent more than 70,000 troops.

In the Nine-Power Treaty of 1922, Japan agreed to respect China's sovereignty, independence and territorial and administrative integrity. Japan also agreed to use its influence to establish the principle of equal opportunity there. Japan's whole course in China since 1931 of military occupation and economic domination was in violation of those pledges.

On November 21, 1932, Mr. Matsuda, then Japanese delegate to the League of Nations, said: "We want no more territory." By the end of 1932 Japanese forces had occupied the whole of Manchuria and in subsequent years they moved southward and westward occupying a vast area of China.

On July 27, 1937, Prince Konoye, then Japanese Premier, said: "In sending troops to North China, of course, the Government has no other purpose, as was explained in its recent statement, than to preserve the peace of East Asia." In order to "preserve the peace of East Asia," Japanese forces for four years had carried warfare and suffering over the greater part of China.

On October 28, 1937, the Japanese Foreign Office said, "Japan never looks upon the Chinese people as an enemy . . ." Japan showed its friendly feeling for China by bombing Chinese civilian populations, by burning Chinese cities, by making millions of Chinese homeless and destitute, by mistreating and killing civilians, and by acts of horror and cruelty.

On April 15, 1940, Mr. Arita, then Japanese Minister for Foreign Affairs, said the "Japanese Government cannot but be deeply concerned over any development . . . that may affect the status quo of the Netherlands East Indies." Following the occupation of the Netherlands by Germany that spring, Japan sent a Commercial Commission to the Indies which asked concessions so far reaching that, if granted, they would have reduced the Indies practically to a Japanese colony.

After the renewal of Japan's undeclared war against China in July 1937, Japanese civilian leaders time and again gave assurances that American rights would be respected. Time and again the Japanese military acted in violation of those assurances.

Time and again the Japanese gave assurances that American lives and property in China would be respected. Yet there were reported in steadily mounting numbers cases of bombing of American property with consequent loss or endangering of American lives.

Time and again, the Japanese gave assurances that American treaty rights in China would be respected. Unnumbered measures infringing those rights were put into effect in Japanese occupied

areas. Trade monopolies were set up, discriminatory taxes were imposed, American properties were occupied, and so on. In addition, American nationals were assaulted, arbitrarily detained, and subjected to indignities.

In 1931-1933, while Japan was carrying forward its program of aggression, the American Government was moving steadily ahead in advocacy of world support of sanctity of treaties and peaceful processes.

On May 16, 1934, the Secretary of State had a general conversation with Japanese Ambassador Saito, one of many conversations in which he endeavored to convince the Japanese that their best interests lay in following policies of peace.

Three days later, the Secretary of State talked again with the Japanese Ambassador. During the conversation, the Ambassador repeated the formula which his Government had been putting forward publicly for some weeks to the effect that Japan had a superior and special function in connection with the preservation of peace in Eastern Asia. The Secretary of State brought to the Japanese Ambassador's attention the clear implications contained in the Japanese formula of the intention on the part of Japan to exercise an overlordship over neighboring nations and territories.

During the winter of 1940 and the spring of 1941, it was apparent that the Japanese military leaders were starting on a mission of conquest of the entire Pacific area west of a few hundred miles of Hawaii and extending to the South Seas and to India. The Japanese were out with force in collaboration with Hitler to establish a new world order, and they thought they had the power to compel all peaceful nations to come in under that new order in the half of the world they had arrogated to themselves.

In March 1941, just as I was about to proceed to China to assume the post of Counselor of Embassy there, I was instructed by the Secretary of State to remain in Washington for consultation in connection with a suggestion which had been informally brought to the attention of the President and the Secretary of State through the medium of private Americans and Japanese that the Japanese Government would welcome an opportunity to alter its political alignments and modify its attitude toward China. It was represented that if an agreement could be achieved with the U. S. which would offer Japan security, this would enable the moderate elements in Japan to gain control of the domestic political situation there. It was further represented that there was adequate support in the Japanese Government for an agreement with the U. S. which would provide, among other things, for practical nullification of Japan's alliance with the Axis and for settlement of the conflict between China and Japan on terms which would give complete recognition by Japan of the "open door" in China, provided that Japan received similar treatment elsewhere in the Far East. It was also represented that the Japanese people were weary of the hostilities with China and that most elements in Japan were prepared for a recasting of Japan's policies along liberal and peaceful lines.

welcoming these suggestions, but also with the history as above summarized in mind, the President and the Secretary of State during March and April, 1941, several times discussed with the Japanese Ambassador the subject of effecting an improvement in the relations between the United States and Japan.

On May 12, the Japanese Ambassador presented as under instructions a proposal for a general settlement between the two countries covering the entire Pacific area. A copy of that document is annexed as Exhibit B. The terms which Japan intended to propose to China were indicated only through reference to the "Konoye principles." Inasmuch as the "Konoye principles" had been made the basis of a so-called treaty between Japan and the Wang Ching-wei Regime in November 1940, which had placed Japan in a position of overlordship with respect to the Wang Regime, the Secretary of State sought to induce the Japanese to state precisely the terms which they had in mind as a basis of Japan's negotiations with China, but the Japanese Ambassador and his associates constantly avoided making definite commitments by constant resort to vague generalities. In the course of conversations with me and with other officers of the Department, Colonel Hideo Iwakura, the Special Military Adviser of the Japanese Ambassador, explained that the areas where stationing of Japanese troops in China was contemplated under a provision for "defense against Communist activities through collaboration of the two countries [China and Japan]" included Inner Mongolia and the adjacent regions of China proper, comprehending a line of communication to the sea as far south as Tsingtao which thus meant Japanese military domination of the five northern provinces of Ipeai, Shantung, Shansi, Chahar, and Suiyuan, with an aggregate area of more than 400,000 square miles and an estimated population of more than 80,000,000. This territory was in addition to Manchuria and the province of Jehol which Japan had brought under her control some years earlier. The Military Adviser declared to me that this stationing of Japanese troops in China was an absolute condition of any settlement with China.

Notwithstanding the various objectionable features of the Japanese Government's proposal, in view of the world situation the Government of the U. S. decided to explore thoroughly every possible means, starting with the Japanese proposals, of coming to an agreement. The Secretary of State on numerous occasions at which I was present emphasized to the Japanese Ambassador that this Government was aware of the difficult internal situation which the Japanese Government faced and was prepared to be patient and to give the Japanese Government ample time to bring Japanese public opinion into line in support of a liberal broad-gauge program, such as the Secretary of State and the Japanese Ambassador had been discussing in their conversations. The Japanese representatives expressed surprise that this Government should raise with them the points in regard to the terms of settlement which Japan proposed with China as they regarded the settlement of the China affair as a matter which concerned only China and Japan. The Secretary of State pointed out in numerous conversations that a peaceful settlement between Japan and China was an essential element in furthering the objective which the U. S. and Japan had in mind, namely, the peace of the Pacific, and that if the U. S. should, as the Japanese

proposed, suggest that China enter negotiations with Japan, this Government could not divest itself of a certain degree of responsibility with regard to the basis of the proposed negotiations and the general conformity of Japan's proposed terms with the principles which this Government supports. On May 28, in response to questions asked by the Secretary of State, the Japanese Ambassador indicated that withdrawal of the Japanese troops from China following a settlement with China, would not include Japanese troops retained in China for "cooperative defense against Communism," and that he was unable to state how many troops Japan would propose retaining or to define the precise areas in which those troops would be stationed. The Japanese Ambassador, in reply to further questions by the Secretary of State, said that he did not believe that the Far East had progressed to a point where other arrangements would be feasible. The Secretary of State also, on May 28, made it clear that the Japanese proposed formula with reference to Japan's relations to the Axis did not adequately clarify Japan's peaceful intention toward the U. S., should the U. S. through acts of self-defense become involved in war with Germany. He emphasized that such clarification was needed, especially to off-set statements being made by Japanese officials in justification of Japan's Axis obligations and that if we made an agreement with Japan, critics would, unless the Japanese Government had adequately clarified its attitude on this point, assert that there was no assurance as to Japan's position vis a vis the U. S.

The question of what Japan meant by "economic cooperation" between China and Japan was also discussed. As the informal conversations proceeded, it was evident that Japan intended to retain a preferred economic position for herself in China, while at the same time trying to obtain for herself in the southwestern Pacific area economic rights such as it was unwilling that a third power should enjoy in China. The Secretary of State made it clear that retention by Japan of a preferred position in China would be inconsistent with the principle of non-discrimination in international commercial relations to which this Government was committed, which it believed to be essential for a lasting peace in the Pacific, and which the Japanese had said they approved.

On June 6, the Secretary of State informed the Japanese Ambassador that he had received the impression, from the successive Japanese revisions of their proposal and from recent manifestations of the Japanese Government's attitude, that the Japanese Government was disposed (1) to stress Japanese alignment with the Axis; (2) to avoid giving a clear indication of an intention to place Japan's relations with China on a basis which would contribute to a lasting peace in the Far East; and (3) to veer away from clear-cut commitments in regard to policies of peace and of non-discriminatory treatment which were the fundamentals of a sound basis for peace in the Pacific.

The Japanese pressed for a complete reply to their proposals of May 12. Accordingly, on June 21, the Ambassador was given the American Government's view in the form of a tentative redraft of their proposals. A copy of that document is appended as Exhibit C. There is annexed as Exhibit D a comparison in parallel columns between such provisions of the Japanese proposal of May 12 and the American counterdraft of June 21, as represented material and essential differences.

On June 22, Germany attacked the Soviet Union, and in July the American Government began receiving reports that a large Japanese military movement into southern Indo-China was imminent. This Japanese movement threatened the Philippine Islands and British and Dutch possessions in the western Pacific area. It also threatened vital trade routes. Officers of the Department of State immediately brought these reports to the attention of the Japanese Ambassador, pointed out the inconsistency between such a military movement and the conversations which were then proceeding, and requested information as to the facts. On July 23, the Japanese Ambassador stated in explanation that Japan needed to secure an uninterrupted source of supplies and to insure against encirclement of Japan militarily. The Acting Secretary of State, Mr. Welles, replied that the agreement, which was being discussed between American and Japanese representatives, would give Japan far greater economic security than she could gain by occupying Indo-China. He pointed out that the United States policy was the opposite of an encirclement policy. He said that the United States could only regard the action of Japan as constituting notice that Japan was taking the last step to proceeding on a policy of expansion and conquest in the region of the South Seas. He told the Ambassador, under instructions from the Secretary of State, that under those circumstances, the Secretary could not see any basis for pursuing further the conversations with the Japanese Ambassador.

On July 24, President Roosevelt made a proposal to the Japanese Government that Indo-China be regarded as a "neutralized" country. That proposal envisaged Japan's being given the fullest and freest opportunity of assuring for herself a source of food supplies and other raw materials which - according to Japanese accounts - Japan was seeking to obtain. The Japanese Government did not accept the President's proposal, and large Japanese forces were moved into southern Indo-China.

The Japanese move into southern Indo-China was an aggravated, overt act. It created a situation in which the risk of war became so great that the United States and other countries concerned were confronted no longer with the question of avoiding such risk but from then on with the problem of preventing a complete undermining of their security. It was essential that the United States make a definite and clear move in self-defense.

Accordingly, on July 26, 1941, President Roosevelt issued an executive order freezing Chinese and Japanese assets in the United States. That order brought under the control of the Government all financial and import and export trade transactions in which Chinese or Japanese interests were involved. The British and Netherlands Governments took similar steps. The effect of this was to bring about very soon virtual cessation of trade between the United States and Japan.

Thereafter, on August 3, the Japanese Ambassador inquired whether it might not be possible for the responsible heads of the two governments to meet with a view to discussing means for reaching an adjustment of views. After reviewing briefly the steps which had led to a discontinuance of the informal conversations, the Secretary of State said it remained to the Japanese Government to decide whether it could find means of shaping its policies along lines which would make possible an adjustment of views.

On August 28 the President was given a message from the Japanese Prime Minister, Prince Konoze, urging that a meeting of the heads of the two Governments be arranged to discuss all important problems by Japan and the United States covering the entire Pacific area. Accompanying that message was a statement containing assurances, with several qualifications, of Japan's peaceful intent. Copies of the message and accompanying statement are annexed as Exhibit E.

The President in his reply given on September 3 suggested that there take place immediately in advance of the proposed meeting preliminary discussions on fundamental and essential questions on which agreement was sought and on the manner in which the agreement would be applied. A copy of this reply is annexed as Exhibit F.

It was felt by the American Government that the President could go to such a meeting only if there were first obtained tentative commitment offering some assurance that the meeting could accomplish good. Neither Prince Konoze nor any of Japan's spokesmen provided anything tangible. They held on to the threat against the United States implicit in the Tripartite Alliance. They would not state that Japan would refrain from attacking the United States if it became involved through acts of self-defense in the European War. The Japanese had already refused to agree to any preliminary steps toward reverting to peaceful courses, as for example adopting the President's proposal of July 24 regarding the neutralization of Indo-China. Instead they steadily moved on with their program of establishing themselves more firmly in Indo-China. They would not budge from their insistence in any peace agreement with China upon terms based on principles which were embodied in a so-called treaty of 1940 with the puppet Wang Ching-wei regime at Nanking and which included the stationing for an indefinite period of large bodies of Japanese troops in wide areas of China and the control by Japan of strategic industries and economic facilities in China - terms which would have given Japan a permanent stranglehold over China. Inasmuch as months of closeup conversations with the Japanese had failed to move them on these points, it would have been illusory to expect that a meeting between the President and the Prime Minister would have resulted in Japan's giving dependable pledges such as would have assured a peaceful settlement. It was clear that unless the proposed meeting produced concrete and clear-cut commitments toward peace, the Japanese would have distorted the significance of such a meeting in such a way as to have a discouraging effect upon the Chinese; if it had resulted merely in endorsing general principles, the Japanese in the light of their past practice could have been expected to utilize such general principles in support of any interpretation which Japan might choose to place upon them; and if it did not produce an agreement, the Japanese leaders would have been in position to declare that the United States was responsible for the failure of the meeting.

On September 6 the Japanese Ambassador presented a new draft of proposals. These proposals were much narrower than the assurances given in the statement communicated to the President on August 28. A copy of this proposal is annexed as Exhibit G.

On September 25, the Japanese Government presented to Ambassador Crew a complete new draft of the Japanese proposals and urged that an early reply be made. The new redraft did not indicate any modification of the attitude of the Japanese Government on fundamental

points. A copy of this proposal is annexed as Exhibit H. The Japanese Government had separately on September 22 communicated to Ambassador Grew a statement in regard to the terms of peace which it proposed to offer China. A copy of that statement is annexed as Exhibit I.

On October 2, the Secretary of State gave to the Japanese Ambassador a memorandum of an "oral statement" revealing <sup>heretofore</sup> significant developments in the conversations and explaining this Government's attitude toward various points in the Japanese proposals which did not appear to this Government to be consistent with the principles to which the United States was committed. A copy of that "oral statement" is annexed as Exhibit J. JMB

The Japanese, soon after receiving this Government's memorandum of October 2, redoubled their emphasis upon the need of haste in reaching an agreement. They offered new formulas for dealing with limited and specific problems, and they stated that Japan had now placed all of its cards on the table and they had gone as far as they could in the direction of making so-called "concessions." In their new formulas, there was not discernible any evidence that the Japanese Government was moving even one step toward committing itself to courses of peace and that it contemplated receding even one step from insistence upon full attainment of its declared objectives - which were, in effect, political, economic, and cultural domination of the entire western Pacific area and China. After the new Japanese Cabinet, headed by General Tojo, came into office on October 17, the Japanese became even more insistent in urging upon this Government a quick decision on the Japanese Government's proposals, but, while pressing this Government for a decision, the Japanese Government showed no willingness to effect any fundamental modification of the Japanese position and no desire to apply practically in actual situations the basic principles of justice and equity essential to the building of a lasting peace in the Pacific.

Although throughout the conversations with the Japanese representative, the Secretary of State repeatedly made it clear that the American Government would consult with the Governments of the United Kingdom, Australia, China and the Netherlands before entering into actual negotiations with the Japanese Government affecting the interests of those governments, at no time did the Secretary of State make any statement to Japanese representative which would have warranted the Japanese in assuming that in the informal conversations the Secretary of State was delegated to speak or act for the other powers mentioned.

On November 15, Mr. Saburo Kurusu, whom the Japanese Government had decided to send to assist the Japanese Ambassador in the conversations, reached Washington. Shortly thereafter, on November 20, the Japanese Ambassador and Mr. Kurusu presented to the Secretary of State a proposal which, on its face, was extreme. A copy of that proposal is annexed as Exhibit K.

Before and after presenting that proposal, Ambassador Ibarura and Mr. Kurusu talked emphatically about the urgency of the situation and intimated vigorously that this was Japan's last word and if an agreement along those lines was not quickly concluded ensuing developments might be most unfortunate.



Acceptance by the American Government of the Japanese proposal of November 20 would have meant condonement by the United States of Japan's past aggressions, assent by the United States to unlimited courses of conquest by Japan in the future, abandonment by the United States of its whole past position in regard to the most essential principles of its foreign policy in general, betrayal by the United States of China, and acceptance by the United States of a position as a silent partner aiding and abetting Japan in her effort to create a Japanese hegemony in and over the western Pacific and eastern Asia; it would have destroyed the chances of asserting and maintaining American rights and interests in the Pacific; and in its final analysis would have meant a most serious threat to American national security. Japan also clung to her vantage point in Indo-China which threatened the security of the countries to the south and menaced vital trade routes. Their conditional offer to withdraw troops from southern Indo-China to northern Indo-China was meaningless as they could have brought those troops back to southern Indo-China within a day or two, and furthermore they placed no limit on the number of troops they might continue to send there.

On November 26, the Secretary of State made a reply to the Japanese representatives in the form of two documents, the first, an outline in a tentative form of a proposed basis for agreement between the United States and Japan, and the second, an explanatory statement in regard to it. A copy of that document is annexed as Exhibit 1.

Although, it subsequently appeared, the Japanese treated the November 26th proposal as finally disposing of the question of negotiating a peaceful settlement covering the Pacific area, they kept up the appearance of continuing negotiations right down to December 7.

On December 2, the President directed that inquiry be made at once of the Japanese Ambassador and Mr. Furusu in regard to the reasons for continued Japanese troop movements into Indo-China. On December 5, the Japanese Ambassador called and presented to the Under Secretary of State, Mr. Welles, a reply to the President's inquiry of December 2 containing the specious statement that Japanese reinforcements had been sent to Indo-China as a precautionary measure against Chinese troops in bordering Chinese territory. On December 6, President Roosevelt telegraphed a personal appeal to the Emperor of Japan that the "tragic possibilities" in the situation be avoided. At the President's express direction the message was sent in the "gray" code, a non-confidential code which the Japanese would have no difficulty in deciphering. In order to assure prompt decoding and delivery by Ambassador Crow of that message, a brief telegram was sent him shortly in advance to be ready for a message to the Emperor which was being put on the wires. The alerting message was dispatched on December 6 at 8 p.m.; the message to the Emperor at 9 p.m. There is annexed as Exhibit II a copy of the message to the Emperor. The press was informed by the White House at about 7.40 pm on December 6 of the fact that a message to the Emperor was being dispatched.

On Sunday, December 7, at about 12 o'clock noon, the Secretary of State, in response to a telephone request from the Japanese Ambassador, made an appointment to receive the Ambassador and Mr. Kurusu at 1 p.m. Shortly after 1 p.m., the Ambassador and Mr. Kurusu asked by telephone that the appointment be postponed until 1:45 p.m. They arrived at the Department of State at 2:05 p.m., and were received by the Secretary at 2:20 p.m. The Japanese Ambassador said that he had been instructed by his Government to deliver a paper at 1 p.m., but that difficulty in decoding the message had delayed him. He then handed the Secretary a document, a copy of which is annexed as Exhibit H.

The Japanese message was not a declaration of war with reasons or an ultimatum. It was not even a declaration of intention to sever diplomatic relations.

The allegations in the Japanese message are contrary to fact. Since the outset of the conversations between the two governments, the effort of the Japanese Government was directed toward inducing the United States to surrender its basic policy, while the Japanese Government maintained intact its policy of aggression and force. The inimitable policy of the Japanese Government to ensure the stability of East Asia was predicated upon establishing at the outset a complete Japanese military and economic stranglehold over China, calling for Japanese control over strategic Chinese industries and facilities, referred to euphemistically in terms such as "economic cooperation with China," and retention in large areas of China for an indefinite period of large Japanese garrisons to protect Japan's holdings, a stipulation cloaked under the innocent sounding provision "joint-defense against Communism." These terms were embodied in the so-called "treaty" of 1940 between Japan and the puppet Wang Ching-wei regime. The Japanese Government sought to obtain American assent to the imposition of these terms on the Chinese Government. At no time did the Japanese Government budge from insistence upon those terms, and for the Japanese Government to speak of making the utmost concessions is a monstrous distortion of the facts. It was because of this intransigent position of the Japanese Government that it would heed no suggestion looking toward an amicable adjustment of its differences with China. The contention that the Japanese Government's proposal of September 25 was based upon the American proposal is not sustained by a comparison of the two proposals. An analysis of the essential characteristic of the Japanese proposal of November 20 has already been presented above.

Refusal on the part of China to come to agreement with Japan on Japan's terms was due not to failure on the part of China to understand Japan's true intentions, as alleged, but to the fact that Japan's true intentions were clearly understood by China. The American policy of assisting the Chinese Government was inspired by a desire to prevent Japan from coercing China with a peace settlement under which China would become completely dominated by Japan. The policy of the United States and its friends, including the imposition of freezing measures, was one of self-defense against the publicly proclaimed Japanese policy of general aggression. The offer of the Government of the United States, contained in its proposal of June 21, under which the "President of the United States will suggest to the Government of China that the Government of China and the Government of Japan enter into a negotiation on a basis

mutually advantageous and acceptable for a termination of hostilities and resumption of peaceful relations' was of course made contingent upon Japan's entering into a general agreement along the lines of the June 21 proposal and was never withdrawn. The American Government's proposal of November 26 represented a practical application of principles which had been under discussion during months of negotiations, and was nothing new; it offered Japan various benefits which would have been welcomed by any country bent on pursuing peaceful courses. Such delay as occurred in the conversations arose entirely from the firm adherence of the Japanese Government to its fixed policies of aggression. It is not clear what is meant by the Japanese contention that the American proposal for a multilateral non-aggression pact was far removed from the realities of East Asia, unless it was that the proposal conflicted with the Japanese plan for establishing Japanese domination of the entire Western Pacific area. The charge that the United States was scheming for an extension of the war was, on its face, preposterous. The charge that the United States, in conjunction with Great Britain, was exercising economic pressure in order to deal with international relations refers obviously to the freezing measure which was resorted to as a necessary measure of self-defense after Japan had launched its large-scale forward military movement into Southern Indo-China so as to imperil the security of American, British and Dutch territory. The charge that the United States desired to maintain and strengthen its alleged dominant position in China is, on its face, absurd as the United States never sought nor did it ever have a dominant position in China or in the Far East. With regard to the contention that the United States sought to obstruct the creation by Japan of a new order in East Asia, it is of course true that the United States was consistently opposed to Japan's pretensions to the arrogation to itself of a position of military dominance throughout the Far East and the Western Pacific area.

The Secretary of State read the Japanese document, turned to the Japanese Ambassador, and said, "I must say in all my conversations with you ~~the Japanese Ambassador~~ during the last nine months I have never uttered one word of untruth. This is borne out absolutely by the record. In all my fifty years of public service I have never seen a document that was more crowded with infamous falsehoods and distortions - infamous falsehoods and distortions on a scale so huge that I never imagined until today that any government on this planet was capable of uttering them."

The Ambassador and Mr. Kurusu then took their leave without making any comment.

This interview, as later appeared, took place more than an hour after the Japanese armed forces had struck without warning at Pearl Harbor and over two hours after an actual Japanese landing in Malaya and four hours after they had crossed the boundary of the International Settlement at Shanghai. These facts were not mentioned by Nomura and Kurusu.

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JOSEPH W. BALLANTINE

Subscribed and sworn to before me this 24th day of June, 1946.

"Amanu Statement"

"Unofficial Statement by the Japanese Foreign Office  
April 17, 1934.

"The following is an English translation unofficially issued by the Japanese Foreign Office of the unofficial statement issued by the Foreign Office on April 17, 1934, known as the 'Amanu Statement':

"Owing to the special position of Japan in her relations with China, her views and attitude respecting matters that concern China, may not agree in every point with those of foreign nations: but it must be realized that Japan is called upon to exert the utmost effort in carrying out her mission and in fulfilling her special responsibilities in East Asia.

"Japan has been compelled to withdraw from the League of Nations because of their failure to agree in their opinions on the fundamental principles of preserving peace in East Asia. Although Japan's attitude toward China may at times differ from that of foreign countries, such difference cannot be evaded, owing to Japan's position and mission.

"It goes without saying that Japan at all times is endeavoring to maintain and promote her friendly relations with foreign nations, but at the same time we consider it only natural that, to keep peace and order in East Asia, we must even act alone on our own responsibility and it is our duty to perform it. At the same time, there is no country but China which is in a position to share with Japan the responsibility for the maintenance of peace in East Asia. Accordingly, unification of China, preservation of her territorial integrity, as well as restoration of order in that country, are most ardently desired by Japan. History shows that these can be attained through no other means than the awakening and the voluntary efforts of China herself. We oppose therefore any attempt on the part of China to avail herself of the influence of any other country in order to resist Japan: We also oppose any action taken by China, calculated to play one power against another. Any joint operations undertaken by foreign powers even in the name of technical or financial assistance at this particular moment after the Manchurian and Shanghai Incidents are bound to acquire political significance. Undertakings of such nature, if carried through to the end, must give rise to complications that might eventually necessitate discussion of problems like fixing spheres of influence or even international control or division of China, which would

Exhibit "A" - cont'd - Affidavit of Joseph W. Ballantine

"be the greatest possible misfortune for China and at the same time would have the most serious repercussion upon Japan and East Asia. Japan therefore must object to such undertakings as a matter of principle, although she will not find it necessary to interfere with any foreign country negotiating individually with China on questions of finance or trade, as long as such negotiations benefit China and are not detrimental to the maintenance of peace in East Asia.

"However, supplying China with war planes, building aerodromes in China and detailing military instructors or military advisers to China or contracting a loan to provide funds for political uses, would obviously tend to alienate the friendly relations between Japan and China and other countries and to disturb peace and order in East Asia. Japan will oppose such projects.

"The foregoing attitude of Japan should be clear from the policies she has pursued in the past. But, on account of the fact that positive movements for joint action in China by foreign powers under one pretext or another are reported to be on foot, it is deemed not inappropriate to reiterate her policy at this time."

(Papers Relating to the Foreign Relations of the United States - Japan: 1931 - 1941, Volume I, p. 224-225.)

EXHIBIT "B" - Affidavit of Joseph W. Ballantine, 24 June 1946

"Draft Proposal Handed by the Japanese Ambassador (Nomura) to the Secretary of State on May 12, 1941.

"Confidential Memorandum Agreed Upon Between the Government of the United States of America and the Government of Japan.

"The Governments of the United States and of Japan accept joint responsibility for the initiation and conclusion of a general agreement disposing the resumption of our traditional friendly relations.

"Without reference to specific causes of recent estrangement, it is the sincere desire of both Governments that the incidents which led to the deterioration of amicable sentiment among our peoples should be prevented from recurrence and corrected in their unforeseen and unfortunate consequences.

"It is our present hope that, by a joint effort, our nations may establish a just peace in the Pacific; and by the rapid consummation of an entente cordiale /amicable understanding/, arrest, if not dispel, the tragic confusion that now threatens to engulf civilization.

"For such decisive action, protracted negotiations would seem ill-suited and weakening. Both Governments, therefore, desire that adequate instrumentalities should be developed for the realization of a general agreement which would bind, meanwhile, both Governments in honor and in act.

"It is our belief that such an understanding should comprise only the pivotal issues of urgency and not the accessory concerns which could be deliberated at a conference and appropriately confirmed by our respective Governments.

"Both Governments presume to anticipate that they could achieve harmonious relations if certain situations and attitudes were clarified or improved; to wit:

- "1. The concepts of the United States and of Japan respecting international relations and the character of nations.
- "2. The attitude of both Governments toward the European War.
- "3. The relations of both nations toward the China Affair.
- "4. Commerce between both nations.
- "5. Economic activity of both nations in the Southwestern Pacific area.
- "6. The policies of both nations affecting political stabilization in the Pacific area.

Exhibit "B" - cont'd - Affidavit of Joseph W. Ballantine

"Accordingly, we have come to the following mutual understanding:-

"I. The concepts of the United States and of Japan respecting international relations and the character of nations.

"The Governments of the United States and of Japan jointly acknowledge each other as equally sovereign states and contiguous Pacific powers.

"Both Governments assert the unanimity of their national policies as directed toward the foundation of a lasting peace and the inauguration of a new era of respectful confidence and cooperation among our peoples.

"Both Governments declare that it is their traditional, and present, concept and conviction that nations and races compose, as members of a family, one household; each equally enjoying rights and admitting responsibilities and a mutuality of interests regulated by peaceful processes and directed to the pursuit of their moral and physical welfare, which they are bound to defend for themselves as they are bound not to destroy for others; they further admit their responsibilities to oppose the oppression or exploitation of backward nations.

"Both Governments are firmly determined that their respective traditional concepts on the character of nations and the underlying moral principles of social order and national life will continue to be preserved and never transformed by foreign ideas or ideologies contrary to these moral principles and concepts.

"II. The attitude of both Governments toward the European War.

"The Governments of the United States and Japan make it their common aim to bring about the world peace; they shall therefore jointly endeavor not only to prevent further extension of the European War but also speedily to restore peace in Europe.

"The Government of Japan maintains that its alliance with the Axis Powers was, and is, defensive and designed to prevent the nations which are not at present directly affected by the European War from engaging in it.

"The Government of Japan maintains that its obligations of military assistance under the Tripartite Pact between Japan, Germany and Italy will be applied in accordance with the stipulation of Article 3 of the said Pact.

Exhibit "B" - cont'd - Affidavit of Joseph W. Ballantine

"The Government of the United States maintains that its attitude toward the European War is, and will continue to be, directed by no such aggressive measures as to assist any one nation against another. The United States maintains that it is pledged to the hate of war, and accordingly, its attitude toward the European War is, and will continue to be, determined solely and exclusively by considerations of the protective defense of its own national welfare and security.

"III. The relations of both nations toward the China Affair.

"The Government of the United States, acknowledging the three principles as enunciated in the Konee Statement and the principles set forth on the basis of the said three principles in the treaty with the Nanking Government as well as in the Joint Declaration of Japan, Manchoukuo and China and relying upon the policy of the Japanese Government to establish a relationship of neighborly friendship with China, shall forthwith request the Chiang Kai-shek regime to negotiate peace with Japan.

"IV. Commerce between both nations.

"When official approbation to the present Understanding has been given by both Governments, the United States and Japan shall assure each other to mutually supply such commodities as are, respectively, available or required by either of them. Both Governments further consent to take necessary steps to the resumption of normal trade relations as formerly established under the Treaty of Commerce and Navigation between the United States and Japan.

"V. Economic activity of both nations in the Southwestern Pacific area.

"Having in view that the Japanese expansion in the direction of the Southwestern Pacific area is declared to be of peaceful nature, American cooperation shall be given in the production and procurement of natural resources (such as oil, rubber, tin, nickel) which Japan needs.

"VI. The policies of both nations affecting political stabilization in the Pacific area.

"a. The Government of the United States and Japan jointly guarantee the independence of the Philippine Islands on the condition that the Philippine Islands shall maintain a status of permanent neutrality. The Japanese subjects shall not be subject to any discriminatory treatment.

"b. Japanese immigration to the United States shall receive amicable consideration - on a basis of equality with other nationals and freedom from discrimination.



Exhibit "B" - cont'd - Affidavit of Joseph W. Ballantine

"Addendum.

"The present Understanding shall be kept as a confidential memorandum between the Governments of the United States and of Japan.

"The scope, character and timing of the announcement of this Understanding will be agreed upon by both Governments.

\* \* \* \* \*

[Annex]

"Oral Explanation For Proposed Amendments to the Original Draft.

"II. Par. 2

Attitude of Both Governments toward the European War.

"Actually the meaning of this paragraph is virtually unchanged but we desire to make it clearer by specifying a reference to the Pact. As long as Japan is a member of the Tripartite Pact, such stipulation as is mentioned in the Understanding seems unnecessary.

"If we must have any stipulation at all, in addition, it would be important to have one which would clarify the relationship of this Understanding to the aforementioned Pact.

"III.

China Affair.

"The terms for China-Japan peace as proposed in the original Understanding differ in no substantial way from those herein affirmed as the 'principles of Kenee'. Practically, the one can be used to explain the other.

"We should obtain an understanding, in a separate and secret document, that the United States would discontinue her assistance to the Chiang Kai-shek regime if Chiang Kai-shek does not accept the advice of the United States that he enter into negotiations for peace.

"If, for any reason, the United States finds it impossible to sign such a document, a definite pledge by some highest authorities will suffice.

Exhibit "B" - cont'd - Affidavit of Joseph W. Ballantine

"The three principles of Prince Kono as referred to in this paragraph are:

- "1. Neighborly friendship;
- "2. Joint defense against communism;
- "3. Economic cooperation--by which Japan does not intend to exercise economic monopoly in China nor to demand of China a limitation in the interests of Third Powers.

"The following are implied in the aforesaid principles:

- "1. Mutual respect of sovereignty and territories;
- "2. Mutual respect for the inherent characteristics of each nation cooperating as good neighbors and forming a Far Eastern nucleus contributing to world peace;
- "3. Withdrawal of Japanese troops from Chinese territory in accordance with an agreement to be concluded between Japan and China;
- "4. No annexation, no indemnities;
- "5. Independence of Manchoukuo.

"III.  
Immigration to China.

"The stipulation regarding large-scale immigration to China has been deleted because it might give an impression, maybe a mistaken impression, to the Japanese people who have been offended by the past immigration legislation of the United States, that America is now taking a dictating attitude even toward the question of Japanese immigration in China.

"Actually, the true meaning and purpose of this stipulation is fully understood and accepted by the Japanese Government.

"IV.  
Naval, Aerial and Mercantile Marine Relations.

"(a) and (c) of this section have been deleted not because of disagreement but because it would be more practical, and possible, to determine the disposition of naval forces and mercantile marine after an understanding has been reached and relations between our two countries improved; and after our present China commitments are eliminated. Then we will know the actual situation and can act accordingly.

"Courtesy visit of naval squadrons.

"This proposal, (b) of IV, might better be made a subject of a separate memorandum. Particular care must be taken as to the timing, manner and scope of carrying out such a gesture.

Exhibit "B" - cont'd - Affidavit of Joseph W. Ballantine

"V.  
Gold Credit.

"The proposal in the second paragraph of V. has been omitted for the same reasons as suggested the omission of paragraphs (a) and (c).

"VI.  
Activity in Southwestern Pacific Area.

"The words, in the first paragraph, 'without resorting to arms' have been deleted as inappropriate and unnecessarily critical. Actually, the peaceful policy of the Japanese Government has been made clear on many occasions in various statements made both by the Premier and the Foreign Minister.

"VIII. ~~VII.~~  
Political Stabilization in the Pacific Area.

"As the paragraph (a) implying military and treaty obligation would require, for its enactment, such a complicated legislative procedure in both countries, we consider it inappropriate to include this in the present Understanding.

"Paragraph (b) regarding the independence of the Philippine Islands has been altered for the same reason.

"In paragraph (c) ~~(d)~~ the words 'and to the Southwestern Pacific Area' have been omitted because such questions should be settled, as necessity arises, through direct negotiation with the authorities in the Southwestern areas by the Government of the United States and of Japan respectively.

"Conference.

"The stipulation for holding a Conference has been deleted. We consider that it would be better to arrange, by an exchange of letters, that a conference between the President and the Premier or between suitable representatives of theirs will be considered when both the United States and Japan deem it useful to hold such a conference after taking into due consideration the effect resulting from the present Understanding.

"Announcement.

"In regard to the statement to be issued on the successful conclusion of the present Understanding a draft will be prepared in Tokio and cabled to Washington for the consideration of the United States Government."

(Foreign Relations,  
VOL. II, p. 420-425.)

Exhibit "C" - Affidavit of Joseph W. Ballantine, 24 June 1946

"Draft Proposal Handed by the Secretary of State to the Japanese Ambassador (Nomura) on June 21, 1941.

"Unofficial, Exploratory  
and Without Commitment

[Washington,] June 21, 1941

"The Governments of the United States and of Japan accept joint responsibility for the initiation and conclusion of a general agreement of understanding as expressed in a joint declaration for the resumption of traditional friendly relations.

"Without reference to specific causes of recent estrangement, it is the sincere desire of both Governments that the incidents which led to the deterioration of amicable sentiment between their countries should be prevented from recurrence and corrected in their unforeseen and unfortunate consequences.

"It is our earnest hope that, by a cooperative effort, the United States and Japan may contribute effectively toward the establishment and preservation of peace in the Pacific area and, by the rapid consummation of an amicable understanding, encourage world peace and arrest, if not dispel, the tragic confusion that now threatens to engulf civilization.

"For such decisive action, protracted negotiations would seem ill-suited and weakening. Both Governments, therefore, desire that adequate instrumentalities should be developed for the realization of a general understanding which would bind, meanwhile, both Governments in honor and in act.

"It is the belief of the two Governments that such an understanding should comprise only the pivotal issues of urgency and not the accessory concerns which could be deliberated later at a conference.

"Both Governments presume to anticipate that they could achieve harmonious relations if certain situations and attitudes were clarified or improved; to wit:

- "1. The concepts of the United States and of Japan respecting international relations and the character of nations.
2. The attitudes of both Governments toward the European war.
3. Action toward a peaceful settlement between China and Japan.
4. Commerce between both nations.

Exhibit "C" - cont'd - Affidavit of Joseph W. Ballantine

"5. Economic activity of both nations in the Pacific area.

6. The policies of both nations affecting political stabilization in the Pacific area.

7. Neutralization of the Philippine Islands.

"Accordingly, the Government of the United States and the Government of Japan have come to the following mutual understanding and declaration of policy:

"I. The concepts of the United States and of Japan respecting international relations and the character of nations.

"Both governments affirm that their national policies are directed toward the foundation of a lasting peace and the inauguration of a new era of reciprocal confidence and cooperation between our peoples.

"Both Governments declare that it is their traditional, and present, concept and conviction that nations and races compose, as members of a family, one household living under the ideal of universal concord through justice and equity; each equally enjoying rights and admitting responsibilities with a mutuality of interests regulated by peaceful processes and directed to the pursuit of their moral and physical welfare, which they are bound to defend for themselves as they are bound not to destroy for others; they further admit their responsibilities to oppose the oppression or exploitation of other peoples.

"Both Governments are firmly determined that their respective traditional concepts on the character of nations and the underlying moral principles of social order and national life will continue to be preserved and never transformed by foreign ideas or ideologies contrary to those moral principles and concepts.

"II. The attitudes of both Governments toward the European war.

"The Government of Japan maintains that the purpose of the Tripartite Pact was, and is, defensive and is designed to contribute to the prevention of an unprovoked extension of the European war.

"The Government of the United States maintains that its attitude toward the European hostilities is and will continue to be determined solely and exclusively by considerations of protection and self-defense: its national security and the defense thereof.

"Note (There is appended a suggested draft of an exchange of letters as a substitute for the Annex and Supplement on the Part of the Government of the United States on this subject which constituted a part of the draft of May 31, 1941. For discussion of the fundamental question underlying this whole section, vide the Oral Statement handed the Japanese Ambassador on June 21.)

"III. Action toward a peaceful settlement between China and Japan.

"The Japanese Government having communicated to the Government of the United States the general terms within the framework of which the Japanese Government will propose the negotiation of a peaceful settlement with the Chinese Government, which terms are declared by the Japanese Government to be in harmony with the Konce principles regarding neighborly friendship and mutual respect of sovereignty and territories and with the practical application of those principles, the President of the United States will suggest to the Government of China that the Government of China and the Government of Japan enter into a negotiation on a basis mutually advantageous and acceptable for a termination of hostilities and resumption of peaceful relations.

"Note (The foregoing draft of Section III is subject to further discussion of the question of cooperative defense against communistic activities, including the stationing of Japanese troops in Chinese territory, and the question of economic cooperation between China and Japan. With regard to suggestions that the language of Section III be changed, it is believed that consideration of any suggested change can most advantageously be given after all the points in the annex relating to this section have been satisfactorily worked out, when the section and its annex can be viewed as a whole.)

"IV. Commerce between both nations.

"When official approbation to the present understanding has been given by both Governments, the United States and Japan shall assure each other mutually to supply such commodities as are, respectively, available and required by either of them. Both Governments further consent to take necessary steps to resume normal trade relations as formerly established under the Treaty of Commerce and Navigation between the United States and Japan. If a new commercial treaty is desired by both Governments, it would be negotiated as soon as possible and be concluded in accordance with usual procedures.

"V. Economic activity of both nations in the Pacific area.

"On the basis of mutual pledges hereby given that Japanese activity and American activity in the Pacific area shall be carried on by peaceful means and in conformity with the principle of non-discrimination in international commercial relations, the Japanese Government and the Government of the United States agree to cooperate each with the other toward obtaining non-discriminatory access by Japan and by

Exhibit "C" - cont'd - Affidavit of Joseph W. Ballantine

"the United States to commercial supplies of natural resources (such as oil, rubber, tin, nickel) which each country needs for the safeguarding and development of its own economy.

"VI. The policies of both nations affecting political stabilization in the Pacific area.

"Both Governments declare that the controlling policy underlying this understanding is peace in the Pacific area; that it is their fundamental purpose, through cooperative effort, to contribute to the maintenance and the preservation of peace in the Pacific area; and that neither has territorial designs in the area mentioned.

"VII. Neutralization of the Philippine Islands.

"The Government of Japan declares its willingness to enter at such time as the Government of the United States may desire into negotiation with the Government of the United States with a view to the conclusion of a treaty for the neutralization of the Philippine Islands, when Philippine independence shall have been achieved.

Annex 17

"Annex and Supplement on the Part of the Japanese Government.

"III. Action toward a peaceful settlement between China and Japan.

"The basic terms as referred to in the above section are as follows:

1. Neighborly friendship.
2. (Cooperative defense against injurious communistic activities--including the stationing of Japanese troops in Chinese territory.) Subject to further discussion.
3. (Economic cooperation.) Subject to agreement on an exchange of letters in regard to the application to this point of the principle of non-discrimination in international commercial relations.
4. Mutual respect of sovereignty and territories.
5. Mutual respect for the inherent characteristics of each nation cooperating as good neighbors and forming an East Asian nucleus contributing to world peace.
6. Withdrawal of Japanese armed forces from Chinese territory as promptly as possible and in accordance with an agreement to be concluded between Japan and China.
7. No annexation.
8. No indemnities.
9. Amicable negotiations in regard to Manchoukuo.

**[Annex 2]**

**"ANNEX AND SUPPLEMENT ON THE PART OF THE GOVERNMENT OF THE UNITED STATES**

**"IV. Commerce between both nations.**

"It is understood that during the present international emergency Japan and the United States each shall permit export to the other of commodities in amounts up to the figures of usual or pre-war trade, except, in the case of each, commodities which it needs for its own purposes of security and self-defense. These limitations are mentioned to clarify the obligations of each Government. They are not intended as restrictions against either Government; and, it is understood, both Governments will apply such regulations in the spirit dominating relations with friendly nations.

**[Annex 3]**

**"SUGGESTED EXCHANGE OF LETTERS BETWEEN THE SECRETARY OF STATE AND THE JAPANESE AMBASSADOR**

**"The Secretary of State to the Japanese Ambassador:**

"Excellency: In Section II of the Joint Declaration which was entered into today on behalf of our two Governments, statements are made with regard to the attitudes of the two Governments toward the European war. During the information conversations which resulted in the conclusion of this Joint Declaration I explained to you on a number of occasions the attitude and policy of the Government of the United States toward the hostilities in Europe and I pointed out that this attitude and policy were based on the inalienable right of self-defense. I called special attention to an address which I delivered on April 24 setting forth fully the position of this Government upon this subject.

"I am sure that you are fully cognizant of this Government's attitude toward the European war but in order that there may be no misunderstanding I am again referring to the subject. I shall be glad to receive from you confirmation by the Government of Japan that, with regard to the measures which this nation may be forced to adopt in defense of its own security, which have been set forth as indicated, the Government of Japan is not under any commitment which would require Japan to take any action contrary to or destructive of the fundamental objective of the present agreement, to establish and to preserve peace in the Pacific area.

"Accept, Excellency, the renewed assurances of my highest consideration.



Exhibit "C" - cont'd - Affidavit of Joseph W. Ballantine

"The Japanese Ambassador to the Secretary of State:

"Excellency: I have received your letter of June--

"I wish to state that my Government is fully aware of the attitude of the Government of the United States toward the hostilities in Europe as explained to me by you during our recent conversations and as set forth in your address of April 24. I did not fail to report to my Government the policy of the Government of the United States as it had been explained to me, and I may assure you that my Government understands and appreciates the attitude and position of the Government of the United States with regard to the European war.

"I wish also to assure you that the Government of Japan, with regard to the measures which the Government of the United States may be forced to adopt in defense of its own security, is not under any commitment requiring Japan to take any action contrary to or destructive of the fundamental objective of the present agreement.

"The Government of Japan, fully cognizant of its responsibilities freely assumed by the conclusion of this agreement, is determined to take no action inimical to the establishment and preservation of peace in the Pacific area.

"Accept, Excellency, the assurances of my most distinguished consideration.

[Annex 4]

"SUGGESTED LETTER TO BE ADDRESSED BY THE SECRETARY OF STATE TO THE JAPANESE AMBASSADOR IN CONNECTION WITH THE JOINT DECLARATION.

"Excellency: In the information conversations which resulted in the conclusion of a general agreement of understanding between our two Governments, you and your associates expressed fully and frankly views on the intentions of the Japanese Government in regard to applying to Japan's proposed economic cooperation with China the principle of non-discrimination in international commercial relations. It is believed that it would be helpful if you could be so good as to confirm the statements already expressed orally in the form of replies on the following points:

"1. Does the term 'economic cooperation' between Japan and China contemplate the granting by the Government of China to the Japanese Government or its nationals of any preferential or monopolistic rights which would discriminate in favor of the Japanese Government and Japanese nationals as compared with the Government and nationals of the United States and of other third countries? Is it contemplated that upon the inauguration of negotiations for a peaceful settlement between Japan and China the special Japanese companies, such as the North China Development Company and the Central China Promotion Company and their subsidiaries, will be divested, in so far as Japanese official support may be involved, of any monopolistic or other preferential rights that they may exercise in fact or that may inure to them by virtue of present circumstances in areas of China under Japanese military occupation?

Exhibit "C" - cont'd - Affidavit of Joseph W. Ballantine

"2. With regard to existing restrictions upon freedom of trade and travel by nationals of third countries in Chinese territory under Japanese military occupation, could the Japanese Government indicate approximately what restrictions will be removed immediately upon the entering into by the Government of Chungking of negotiations with the Government of Japan and what restrictions will be removed at later dates, with an indication in each case in so far as possible of the approximate time within which removal of restrictions would be effected?

"3. Is it the intention of the Japanese Government that the Chinese Government shall exercise full and complete control of matters relating to trade, currency and exchange? Is it the intention of the Japanese Government to withdraw and to redeem the Japanese military notes which are being circulated in China and the notes of Japanese-sponsored regimes in China? Can the Japanese Government indicate how soon after the inauguration of the contemplated negotiations arrangements to the above ends can in its opinion be carried out?

"It would be appreciated if as specific replies as possible could be made to the questions above listed.

"Accept, Excellency, the renewed assurances of my highest consideration." (Foreign Relations, Vol. II, p. 486-492.)

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Exhibit "D" • Affidavit of Joseph W. Ballantine, 24 June 1946

Table showing in parallel columns differences on essential provisions of substance between the Japanese Government's draft proposal of May 12, 1941, and the American Government's counter-draft of June 21, 1941.

\*\*\*\*\*

Japanese Government's Draft of May 12

American Government's Counter-Draft of June 21

II. The attitude of both Governments toward the European War.

II. The attitude of both Governments toward the European War.

The Governments of the United States and Japan make it their common aim to bring about the world peace; they shall therefore jointly endeavour not only to prevent further extension of the European War but also speedily to restore peace in Europe.

The Government of Japan maintains that the purpose of the Tripartite Pact was, and is, defensive and is designed to contribute to the prevention of an unprovoked extension of the European War.

The Government of Japan maintains that its alliance with the Axis Powers was, and is, defensive and designed to prevent the nations which are not at present directly affected by the European War from engaging in it.

The Government of the United States maintains that its attitude toward the European hostilities is and will continue to be determined solely and exclusively by considerations of protection and self-defense; its national security and the defense thereof.

The Government of Japan maintains that its obligations of military assistance under the Tripartite Pact between Japan, Germany and Italy will be applied in accordance with the stipulation of article 3 of the said Pact.

Note (There is appended a suggested draft of an exchange of letters as a substitute for the Annex and Supplement on the Part of the Government of the United States on this subject which constituted a part of the draft of May 31, 1941. For discussion of the fundamental question underlying this whole section, vide the Oral Statement handed the Japanese Ambassador on June 21.)

The Government of the United States maintains that its attitude toward the European War is, and will continue to be, directed by no such aggressive measures as to assist any one nation against another. The United States maintains that it is pledged to the hate of war, and accordingly, its attitude toward the European War is, and will continue to be, determined solely and exclusively by considerations of the protective defense of its own national welfare and security.

(See also suggested exchange of letters Annex 3.)

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Exhibit "D" - cont'd  
Affidavit of Joseph W. Ballantine, 24 June 1946

Japanese Government's Draft of May 12

III. The relations of both nations toward the China Affair.

The Government of the United States, acknowledging the three principles as enunciated in the Koo Statement and the principles set forth on the basis of the said three principles in the treaty with the Nanking Government as well as in the Joint Declaration of Japan, Manchoukuo and China and relying upon the policy of the Japanese Government to establish a relationship of neighborly friendship, shall forthwith request the Chiang Kai-shek regime to negotiate peace with Japan.

(Excerpt from accompanying oral explanation.)

III. China Affair.

The terms for China-Japan peace as proposed in the original Understanding differ in no substantial way from those herein affirmed as the "principles of Koo". Practically, the one can be used to explain the other.

We should obtain an understanding, in a separate and secret document, that the United States would discontinue her assistance to the Chiang Kai-shek regime if Chiang Kai-shek does not accept the advice of the United States that he enter into negotiations for peace.

If, for any reason, the United States finds it impossible to sign such a document, a definite pledge by some highest authorities will suffice.

American Government's Counter-Draft of June 21

III. Action toward a peaceful settlement between China and Japan

The Japanese Government having communicated to the Government of the United States the general terms within the framework of which the Japanese Government will propose the negotiation of a peaceful settlement with the Chinese Government, which terms are declared by the Japanese Government to be in harmony with the Koo principles regarding neighborly friendship and mutual respect of sovereignty and territories and with the practical application of those principles, the President of the United States will suggest to the Government of China that the Government of China and the Government of Japan enter into a negotiation on a basis mutually advantageous and acceptable for a termination of hostilities and resumption of peaceful relations.

Note (The foregoing draft of Section III is subject to further discussion of the question of cooperative defense against communistic activities, including the stationing of Japanese troops in Chinese territory, and the question of economic cooperation between China and Japan. With regard to suggestions that the language of Section III be changed, it is believed that consideration of any suggested change can most advantageously be given after all the points in the annex relating to this section have been satisfactorily worked out, when the section and its annex can be viewed as a whole.)

Exhibit "D" - cont'd  
Affidavit of Joseph W. Ballantine, 24 June 1946

Japanese Government's Draft of May 12

III. China Affair (cont'd)

The three principles of Prince Kono as referred to in this paragraph are:

1. Neighborly friendship;
2. Joint defense against communism;
3. Economic cooperation - by which Japan does not intend to exercise economic monopoly in China nor to demand of China a limitation in the interests of Third Powers.

The following are implied in the aforesaid principles:

1. Mutual respect of sovereignty and territories;
2. Mutual respect for the inherent characteristics of each nation cooperating as good neighbors and forming a Far Eastern nucleus contributing to world peace;
3. Withdrawal of Japanese troops from Chinese territory in accordance with an agreement to be concluded between Japan and China;
4. No annexation, no indemnities;
5. Independence of Manchoukuo.

\* \* \* \* \*

American Government's Counter-Draft of June 21

Annex and Section III

III. Action toward a peaceful settlement between China and Japan.

The basic terms as referred to in the above section are as follows:

1. Neighborly friendship.
2. (Cooperative defense against injurious communistic activities - including the stationing of Japanese troops in Chinese territory.) Subject to further discussion.
3. (Economic cooperation.) Subject to agreement on an exchange of letters in regard to the application to this point of the principle of non-discrimination in international commercial relations.
4. Mutual respect of sovereignty and territories.
5. Mutual respect for the inherent characteristics of each nation cooperating as good neighbors and forming an East Asian nucleus contributing to world peace.
6. Withdrawal of Japanese armed forces from Chinese territory as promptly as possible and in accordance with an agreement to be concluded between Japan and China.
7. No annexation.
8. No indemnities.
9. Amicable negotiations in regard to Manchoukuo.

(See also suggested exchange of letters Annex 4.)

\* \* \* \* \*

Exhibit "D" - cont'd

Affidavit of Joseph W. Ballantine, 24 June 1946

Japanese Government's Draft of May 12

IV. Commerce between both nations.

(No material difference except for Annex 2 contained in American proposal.)

\* \* \* \*

V. Economic activity of both nations in the southwestern Pacific area.

Having in view that the Japanese expansion in the direction of the Southwestern Pacific area is declared to be of peaceful nature, American cooperation shall be given in the production and procurement of natural resources (such as oil, rubber, tin, nickel) which Japan needs.

\* \* \* \*

VI. The policies of both nations affecting political stabilization in the Pacific area.

a. The Government of the United States and Japan jointly guarantee the independence of the Philippine Islands on the condition that the Philippine Islands shall maintain a status of permanent neutrality. The Japanese subjects shall not be

American Government's Counter-Draft of June 21

IV. Commerce between both nations.

\* \* \* \*

V. Economic activity of both nations in the Pacific area.

On the basis of mutual pledges hereby given that Japanese activity and American activity in the Pacific area shall be carried on by peaceful means and in conformity with the principle of non-discrimination in international commercial relations, the Japanese Government and the Government of the United States agree to cooperate each with the other toward obtaining non-discriminatory access by Japan and by the United States to commercial supplies of natural resources (such as oil, rubber, tin, nickel) which each country needs for the safeguarding and development of its own economy.

\* \* \* \*

VI. The policies of both nations affecting political stabilization in the Pacific area.

Both Governments declare that the controlling policy underlying this understanding is peace in the Pacific area; that it is their fundamental purpose, through cooperative effort, to contribute to the maintenance and the preservation of peace in the

Exhibit "D" - cont'd  
Affidavit of Joseph W. Ballantine, 24 June 1946.

Japanese Government's Draft of May 12

VI. The policies of both nations affecting political stabilization in the Pacific area. (cont'd)

subject to any discriminatory treatment.

b. Japanese immigration to the United States shall receive equitable consideration - on a basis of equality with other nationals and freedom from discrimination.

Addendum.

The present Understanding shall be kept as a confidential memorandum between the Governments of the United States and Japan.

The scope, character and timing of the announcement of this Understanding will be agreed upon by both Governments.

\* \* \* \* \*

\* \* \* \* \*

American Government's Counter Draft of June 21

VI. The policies of both nations affecting political stabilization in the Pacific area. (cont'd)

Pacific area; and that neither has territorial designs in the area mentioned.

\* \* \* \* \*

VII. Neutralization of the Philippine Islands

The Government of Japan declares its willingness to enter at such time as the Government of the United States may desire into negotiation with the Government of the United States with a view to the conclusion of a treaty for the neutralization of the Philippine Islands, when Philippine independence shall have been achieved.

\* \* \* \* \*

EXHIBIT "E" - Affidavit of Joseph W. Ballantine, 24 June 1946

**"THE JAPANESE PRIME MINISTER (PRINCE KONOYE) TO  
PRESIDENT ROOSEVELT.**

"I deeply appreciate the courtesy of Your Excellency in delivering personally to Ambassador Nomura the reply of the United States Government to the proposal of the Japanese Government regarding a meeting between your Excellency and myself.

"In the face of universal warlike turmoil Japan and the United States are the last two major Powers who hold the key to international peace. That the two nations should fall in the worst of relations at this time would mean not only a disaster in itself, but also the collapse of world civilization. Japan is solicitous for the maintenance of the peace of the Pacific and the peace of the world and she desires therefore to improve Japanese-American relations.

"The present deterioration of the Japanese-American relations is largely due, I feel, to a lack of understanding which has led to mutual suspicions and misapprehensions, and also encouraged the machinations and maneuvers of Third Powers.

"Without first eliminating such causes, it is impossible to expect adjustment of Japanese-American relations. This is why I wish to meet Your Excellency personally for a frank exchange of views.

"The preliminary informal conversations, disrupted July last, were quite appropriate both in spirit and content. But the idea of continuing those conversations and to have their conclusion confirmed by the responsible heads of the two Governments does not meet the need of the present situation which is developing swiftly and may produce unforeseen contingencies.

"I consider it, therefore, of urgent necessity that the two heads of the Governments should meet first to discuss from a broad standpoint all important problems between Japan and America covering the entire Pacific area, and to explore the possibility of saving the situation. Adjustment of minor items may, if necessary, be left to negotiations between competent officials of the two countries, following the meeting.

"Such is my aim in making the present proposal. I sincerely hope my views in this regard are fully understood and reciprocated by Your Excellency.

"Because of the nature of the meeting as stated above, I would prefer that it will take place as soon as possible.

"Tokyo, August 27, 1941.



Exhibit "E" - cont'd - Affidavit of Joseph W. Ballantine

"Statement by the Japanese Government Handed by the Japanese Ambassador (Nomura) to President Roosevelt on August 28, 1941.

"The Japanese Government has received the communication conveyed by the Secretary of State and the President of the United States to the Japanese Ambassador on August 17, 1941. The Japanese Government desires to state its views as follows:

"The Japanese Government profoundly regrets that despite the pledge it has given heretofore as well as its repeated explanations concerning Japan's actions and measures in the foreign field, the United States Government continues to entertain misgivings.

"The United States Government mentions certain situations and measures which it regards as inimical to a peaceful settlement in the Pacific area. In an atmosphere of world crisis and international confusion, it is sometimes difficult to ascertain when an event is a cause and when it is a consequence.

"When a nation is obstructed in the path of natural and peaceful development or when the means of its existence is threatened, not only is it imperative that that nation should take defensive measures, but it is also required to do so for the maintenance of a just peace. This was the motivating policy of the Japanese Government.

"Meanwhile, the United States had taken certain measures which could be interpreted in Japan as indicative of a continuing unfriendly pressure at variance with the then current amicable conversations.

"The United States Government certainly regards some of its actions as merely counter-measures against Japan's policy and procedures which were considered as conflicting with American interests and principles. On the other hand, to the Japanese Government those procedures were determined by considerations of self-protection for meeting national requirements or removing environmental and political obstacles against national security.

"With admirable modesty of mind, the Government of the United States has seemed frequently unaware that its words and policies are automatically weighted with the immense power of America's accomplished facts, natural endowment and potential might. The President of the United States, and the Secretary of State, in their own unquestioning adherence to the ways of peaceful procedures, might find it difficult to believe that other nations, anywhere, could consider themselves threatened by the United States.

"Yet, as long as there is lacking the assuagement of that possible threat, there will be some less favorably endowed (especially in essential resources) who will feel compelled to consider defensively their relations with the United States.

Exhibit "E" - cont'd - Affidavit of Joseph W. Ballantine

"In consequence, the Japanese Government welcomes the invitation by the Government of the United States to an exchange of views in regard to basic policies and attitudes as the foundation of an understanding that will condition lasting and extensive peace in the Pacific area. For such peace, the Government of Japan is ready; for such a united effort toward a peaceful settlement covering the entire Pacific situation the Government of Japan, like the Government of the United States, would be proud to make sacrifices.

"Japan's measure in Indo-China was intended to accelerate the settlement of the China Incident; and at the same time it was calculated to remove all menace to the peace of the Pacific and to secure to Japan an equitable supply of essential materials. It was a measure of self-defense the Japanese Government felt obliged to take. But the Japanese Government has no intention of threatening thereby other countries.

"Therefore, the Japanese Government is prepared to withdraw its troops from Indo-China as soon as the China Incident is settled or a just peace is established in East Asia.

"Furthermore, in order to remove all possible doubt in this regard, the Japanese Government reaffirms herewith its repeated declaration that its present action in Indo-China is not a preparatory step for military advance into neighboring territories. The Japanese Government believes the above pledge will suffice to clarify also Japan's intentions toward Thailand.

"As regards Soviet-Japanese relations, the Japanese Government declares likewise that Japan will take no military action as long as the Soviet Union remains faithful to the Soviet-Japanese neutrality treaty and does not menace Japan or Manchoukuo or take any action contrary to the spirit of the said treaty. On the other hand, the Japanese Government sincerely hope that the United States Government will avoid any action that might give rise to a fear of menace to Japan through collaboration with the Soviet Union.

"In a word, the Japanese Government has no intention of using, without provocation, military force against any neighboring nation.

"Quite properly, discussions between the Japanese Government and the Government of the United States directed toward ascertaining if there existed a basis for negotiations for a peaceful settlement covering the entire situation,--such discussions would naturally envisage the working out of a progressive program, obtainable by peaceful methods. The Japanese Government shares fully that view with the Government of the United States.

"It is also stated by the United States Government that no proposals or suggestions affecting the rights and privileges of either the United States or Japan would be considered except as these might be in conformity with the basic principles to which the United States has long been committed.

Exhibit "E" - cont'd - Affidavit of Joseph W. Ballantine

"The fundamental national policy long cherished by the Japanese Government is again in full agreement on that point.

"Regarding the principles and directives set forth in detail by the American Government and envisaged in the informal conversations as constituting a program for the Pacific area, the Japanese Government wishes to state that it considers these principles and the practical application thereof, in the friendliest manner possible, are the prime requisites of a true peace and should be applied not only in the Pacific area but throughout the entire world. Such a program has long been desired and sought by Japan itself.

"The Japanese Government now confidently hopes that from the larger viewpoint of a constructive world peace, and in the light of the current international situation, past differences may be merged in an agreement of principles and a cooperative effort based on order and justice. The meeting of the responsible heads of our respective Governments would confirm and give such sanction to our purposes that peace in the Pacific would be instituted by that meeting." (Foreign Relations, Vol. II, p. 572-575)

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EXHIBIT "F" - Affidavit of Joseph W. Ballantine, 24 June 1946

"President Roosevelt's Reply to the Japanese Prime Minister (Prince Konoye), Handed to the Japanese Ambassador (Nomura) on September 3, 1941.

"I have read with appreciation Your Excellency's message of August 27, which was delivered to me by Admiral Nomura.

"I have noted with satisfaction the sentiments expressed by you in regard to the solicitude of Japan for the maintenance of the peace of the Pacific and Japan's desire to improve Japanese-American relations.

"I fully share the desire expressed by you in these regards, and I wish to assure you that the Government of the United States, recognizing the swiftly-moving character of world events, is prepared to proceed as rapidly as possible toward the consummation of arrangements for a meeting at which you and I can exchange views and endeavor to bring about an adjustment in the relations between our two countries.

"In the statement which accompanied your letter to me reference was made to the principles to which the Government of the United States has long been committed and it was declared that the Japanese Government 'considers these principles and the practical application thereof, in the friendliest manner possible, are the prime requisites of a true peace and should be applied not only in the Pacific area but throughout the entire world' and that 'such a program has long been desire and sought by Japan itself'.

"I am very desirous of collaborating with you in efforts to make these principles effective in practice. Because of my deep interest in this matter I find it necessary that I constantly observe and take account of developments both in my own country and in Japan which have a bearing upon problems of relations between our two countries. At this particular moment I cannot avoid taking cognizance of indications of the existence in some quarters in Japan of concepts which, if widely entertained, would seem capable of raising obstacles to successful collaboration between you and me along the line which I am sure we both earnestly desire to follow. Under these circumstances, I feel constrained to suggest, in the belief that you will share my view, that it would seem highly desirable that we take precaution, toward ensuring that our proposed meeting shall prove a success, by endeavoring to enter immediately upon preliminary discussion of the fundamental and essential questions on which we seek agreement. The questions which I have in mind for such preliminary discussions involve practical application of the principles fundamental to achievement and maintenance of peace which are mentioned with more specification in the statement accompanying your letter. I hope that you will look favorably upon this suggestion."

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EXHIBIT "G" - Affidavit of Joseph W. Ballantine, 24 June 1946

"DRAFT PROPOSAL HANDED BY THE JAPANESE AMBASSADOR (NOMURA)  
TO THE SECRETARY OF STATE ON SEPTEMBER 6, 1941.

"The Government of Japan undertakes:

"(a) that Japan is ready to express its concurrence in those matters which were already tentatively agreed upon between Japan and the United States in the course of their preliminary informal conversations;

"(b) that Japan will not make any military advancement from French Indo-China against any of its adjoining areas, and likewise will not, without any justifiable reason, resort to military action against any regions lying south of Japan;

"(c) that the attitudes of Japan and the United States towards the European War will be decided by the concepts of protection and self-defense, and, in case the United States should participate in the European War, the interpretation and execution of the Tripartite Pact by Japan shall be independently decided;

"(d) that Japan will endeavor to bring about the rehabilitation of general and normal relationship between Japan and China, upon the realization of which Japan is ready to withdraw its armed forces from China as soon as possible in accordance with the agreements between Japan and China;

"(e) that the economic activities of the United States in China will not be restricted so long as pursued on an equitable basis;

"(f) that Japan's activities in the Southwestern Pacific Area will be carried on by peaceful means and in accordance with the principle of non-discrimination in international commerce, and that Japan will cooperate in the production and procurement by the United States of natural resources in the said area which it needs.

"(g) that Japan will take measures necessary for the resumption of normal trade relations between Japan and the United States, and in connection with the above-mentioned, Japan is ready to discontinue immediately the application of the foreigners' transactions control regulations with regard to the United States on the basis of reciprocity.

"The Government of the United States undertakes:

"(a) that, in response to the Japanese Government's commitment expressed in point (d) referred to above, the United States will abstain from any measures and actions which will be prejudicial to the endeavour by Japan concerning the settlement of the China Affair;

Exhibit "G" - cont'd - Affidavit of Joseph W. Ballantine

"(b) that the United States will reciprocate Japan's commitment expressed in point (f) referred to above;

"(c) that the United States will suspend any military measures in the Far East and in the Southwestern Pacific Area;

"(d) that the United States will immediately <sup>upon</sup> settlement reciprocate Japan's commitment expressed in point (g) referred to above by discontinuing the application of the so-called freezing act with regard to Japan and further by removing the prohibition against the passage of Japanese vessels through the Panama Canal." (Foreign Relations, Vol. II, p. 608-9)

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"[Enclosure 1]"

"JAPANESE PROPOSALS SUBMITTED TO THE AMERICAN AMBASSADOR IN JAPAN (GREW) ON SEPTEMBER 25, 1941

"[Tokyo,] September 25, 1941.

"The Governments of Japan and of the United States accept joint responsibility for the initiation and conclusion of a general agreement of understanding as expressed in a joint declaration for the resumption of traditional friendly relations.

"Without reference to specific causes of recent estrangement, it is the sincere desire of both Governments that the incidents which led to the deterioration of the amicable sentiment between their countries should be prevented from recurrence and corrected in their unforeseen and unfortunate consequences.

"It is the earnest hope of both Governments that, by a cooperative effort, Japan and the United States may contribute effectively toward the establishment and preservation of peace in the Pacific area and, by the rapid consummation of an amicable understanding, encourage world peace and arrest, if not dispel, the tragic confusion that now threatens to engulf civilization.

"For such decisive action, protracted negotiations would seem ill-suited and weakening. Both Governments, therefore, desire that adequate instrumentalities should be developed for the realization of a general understanding which would bind, meanwhile, both Governments in honor and in act.

"It is the belief of both Governments that such an understanding should comprise only the pivotal issues of urgency and not the accessory concerns which could be deliberated later at a conference.

"Both Governments presume to anticipate that they could achieve harmonious relations if certain situations and attitudes were clarified or improved; to wit:

- "1. The concepts of Japan and of the United States respecting international relations and the character of nations.
2. The attitudes of both Governments toward the European War.
3. Action toward a peaceful settlement between Japan and China.
4. Commerce between both nations.
5. Economic problems in the Southwestern Pacific area.
6. The policies of both nations affecting political stabilization in the Pacific area.

Exhibit "H" - cont'd - affidavit of Joseph W. Ballantine

"Accordingly, the Government of Japan and the Government of the United States have come to the following mutual understanding and declaration of policy:

"I. The concepts of Japan and of the United States respecting international relations and the character of nations.

"Both Governments affirm that their national policies are directed toward the foundation of a lasting peace and the inauguration of a new era of reciprocal confidence and cooperation between the peoples of both countries.

"Both Governments declare that it is their traditional, and present, concept and conviction that nations and races compose, as members of a family, one household living under the ideal of universal concord through justice and equity; each equally enjoying rights and admitting responsibilities with a mutuality of interests regulated by peaceful processes and directed to the pursuit of their moral and physical welfare, which they are bound to defend for themselves as they are bound not to destroy for others; they further admit their responsibilities to oppose the oppression or exploitation of other peoples.

"Both Governments are firmly determined that their respective traditional concepts on the character of nations and the underlying moral principles of social order and national life will continue to be preserved and never transformed by foreign ideas or ideologies contrary to those moral principles and concepts.

"II. The attitudes of both Governments toward the European War.

"Both Governments maintain it their common aim to bring about peace in the world, and, when an opportune time arrives, they will endeavor jointly for the early restoration of world peace.

"With regard to developments of the situation prior to the restoration of world peace, both Governments will be guided in their conduct by considerations of protection and self-defense; and, in case the United States should participate in the European War, Japan would decide entirely independently in the matter of interpretation of the Tripartite Pact between Japan, Germany and Italy, and would likewise determine what actions might be taken by way of fulfilling the obligations in accordance with the said interpretation.

"III. Action toward a peaceful settlement between Japan and China.

"Both Governments, taking cognizance of the fact that the settlement of the China Affair has a vital bearing upon the peace of the entire Pacific area and consequently upon that of the world, will endeavor to expedite a rapid realization of the settlement of the said Affair.



Exhibit "H" - cont'd - Affidavit of Joseph W. Bajlantine.

"The Government of the United States, recognizing the effort and the sincere desire on the part of the Japanese Government concerning the peaceful settlement of the China Affair, will, with the intention of facilitating the realization of the settlement, render its good offices in order that the Chungking Government may promptly enter into negotiations with the Government of Japan for a termination of hostilities and a resumption of peaceful relations, and will refrain from resorting to any measures and actions which might hamper the measures and efforts of the Government of Japan directed toward the settlement of the China Affair.

"The Government of Japan maintains that the basic general terms of peace for the settlement of the China Affair will be in harmony with the principles embodied in the Konoye statement, and those agreements between Japan and China and those matters which have been put into effect in accordance with the said statement; that the economic cooperation between Japan and China will be carried on by peaceful means and in conformity with the principle of non-discrimination in the international commercial relations and also with the principle of especially close relationship which is natural between neighboring countries; and that the economic activities of third Powers in China will not be excluded so long as they are pursued on an equitable basis.

"Note: There is appended a draft of the basic terms of peace between Japan and China.

"IV. Commerce between Japan and the United States.

"Both Governments agree to take without delay measures necessary for resuming normal trade relations between the two countries.

"Both Governments guarantee each other that they will, as the first of the measures envisaged in the preceding paragraph, discontinue immediately the measures of freezing assets now being enforced, and that they will supply mutually such commodities as are, respectively, available and required by either of them.

"V. Economic problems in the Southwestern Pacific area.

"Both Governments mutually pledge themselves that the economic activities of Japan and the United States in the Southwestern Pacific area shall be carried on by peaceful means and in conformity with the principle of non-discrimination in the international commercial relations in pursuance of the policy stated in the preceding paragraph, both Governments agree to cooperate each with the other towards the creation of conditions of international trade and international investment under which both countries will have a reasonable opportunity to secure through the trade process the means of acquiring those goods and commodities which each country needs for the safeguarding and development of its own economy.

Exhibit "H" - cont'd - Affidavit of Joseph W. Ballantine

"Both Governments will amicably cooperate for the conclusion and execution of agreements with the Powers concerned in regard to the production and supply, on the basis of non-discrimination, of such specific commodities as oil, rubber, nickel, and tin.

"VI. The policies of both nations affecting political stabilization in the Pacific area.

"Both Governments, taking cognizance of the fact that it is a matter of vital importance to stabilize promptly the situation in the Southwestern Pacific area, undertake not to resort to any measures and actions which may jeopardize such stabilization. The Government of Japan will not make any armed advancement, using French Indo-China as a base, to any adjacent area thereof (excluding China), and upon the establishment of an equitable peace in the Pacific area, will withdraw its troops which are now stationed in French Indo-China.

"The Government of the United States will alleviate its military measures in the Southwestern Pacific area.

"Both Governments declare that they respect the sovereignty and territorial integrity of Thailand and Netherland East Indies, and that they are prepared to conclude an agreement concerning the neutralization of the Philippine Islands when its independence will have been achieved.

"The Government of the United States guarantees non-discriminatory treatment of the Japanese nationals in the Philippine Islands." (Foreign Relations, Vol. II, p. 637-640)

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"TEXT OF BASIC JAPANESE TERMS OF PEACE WITH CHINA

- "1. Neighborly friendship.
- "2. Respect for sovereignty and territorial integrity.
- "3. Cooperative defense between Japan and China.

"Cooperation between Japan and China for the purposes of preventing communistic and other subversive activities which may constitute a menace to the security of both countries and of maintaining the public order in China.

"Stationing of Japanese troops and naval forces in certain areas in the Chinese territory for a necessary period for the purposes referred to above and in accordance with the existing agreements and usages.

- "4. Withdrawal of Japanese armed forces.

"The Japanese armed forces which have been dispatched to China for carrying out the China Affairs will be withdrawn from China upon the settlement of the said Affairs, excepting those troops which come under point 3.

**Exhibit "H" - cont'd - Affidavit of Joseph W. Ballantine**

**"5. Economic cooperation.**

(a) There shall be economic cooperation between Japan and China, having the development and utilization of essential materials for national defense in China as its principal objective.

(b) The preceding paragraph does not mean to restrict any economic activities by third Powers in China so long as they are pursued on an equitable basis.

**"6. Fusion of the Chiang Kai-shek regime and the Wang Ching-wei Government.**

**"7. No annexation.**

**"8. No indemnities.**

**"9. Recognition of Manchoukuo."**

(Foreign Relations, Vol. II, p. 633)

**EXHIBIT "I" - Affidavit of Joseph W. Ballantine, 24 June 1946**

"TEXT OF BASIC JAPANESE TERMS OF PEACE WITH CHINA

"THE JAPANESE MINISTER FOR FOREIGN AFFAIRS (TOYODA)  
TO THE AMERICAN AMBASSADOR IN JAPAN (GREW).

- "1. Neighborly friendship.
- "2. Respect for sovereignty and territorial integrity.
- "3. Cooperative defense between Japan and China.

"Cooperation between Japan and China for the purposes of preventing communistic and other subversive activities which may constitute a menace to the security of both countries and of maintaining the public order in China.

"Stationing of Japanese troops and naval forces in certain areas in the Chinese territory for a necessary period for the purposes referred to above and in accordance with the existing agreements and usages.

- "4. Withdrawal of Japanese armed forces.

"The Japanese armed forces which have been dispatched to China for carrying out the China Affairs will be withdrawn from China upon the settlement of the said Affairs, excepting those troops which come under point 3.

- "5. Economic cooperation.

"(a) There shall be economic cooperation between Japan and China, having the development and utilization of essential materials for national defense in China as its principal objective.

"(b) The preceding paragraph does not mean to restrict any economic activities by third Powers in China so long as they are pursued on an equitable basis.

- "6. Fusion of the Chiang Kai-shek regime and the Wang Ching-wei Government.

- "7. No annexation.

- "8. No indemnities.

- "9. Recognition of Manchoukuo."

(Foreign Relations, Vol. II, p. 633)

Exhibit "I"

EXHIBIT "J" - Affidavit of Joseph W. Ballantine, 24 June 1946

"ORAL STATEMENT HANDED BY THE SECRETARY OF STATE TO THE JAPANESE  
AMBASSADOR (NOMURA) ON OCTOBER 2, 1941

"[Washington,] October 2, 1941

"Reference is made to the proposals of the Japanese Government communicated on September 6, 1941, by the Japanese Ambassador to the Secretary of State, and to statements relating thereto subsequently communicated to this Government by the Japanese Government.

"Thoughtful study has been given to the communications to which reference is made, and in connection with that study careful review has been made of other communications previously received from the Japanese Government on the same subject. On the basis of this study observations are offered as follows:

"The Government of the United States welcomed, as affording a possible opportunity for furthering the broad-gauge objectives and principles of a program of peace, the Japanese Government's suggestions made through its Ambassador here in the early part of August that there be held a meeting of the responsible heads of the Japanese Government and of the Government of the United States to discuss means for bringing about an adjustment of relations between the United States and Japan and that there be resumed the informal conversations which had been in progress between the two countries to ascertain whether there existed a basis for negotiations relative to a peaceful settlement covering the entire Pacific situation.

"Accordingly, in the reply made by the President on August 17, 1941, to the Japanese Ambassador the view was expressed that such informal conversations would naturally envisage the working out of a progressive program attainable by peaceful means; that such a program would involve the application in the entire Pacific area of the principle of equality of commercial opportunity and treatment, thus making possible access by all countries to raw materials and to all other essential commodities, and there were described the advantages which would flow to all countries, including Japan, from the adoption of such a program. In conclusion, it was stated that if the Japanese Government were in position to embark upon a peaceful program for the Pacific along the lines of the program and principles to which the United States is committed, this Government would be prepared to consider resumption of the informal exploratory discussions and would be glad to endeavor to arrange a suitable time and place to exchange views.

"In the light of the broad purposes and fundamental principles which this Government holds, it was gratifying to the President and the Government of the United States to receive the message of the Prime Minister and the statement of the Government of Japan on August 28, 1941, containing statements expressing Japan's desire and intent to pursue courses of peace

Exhibit "J" - cont'd  
Affidavit of Joseph W. Ballantine, 24 June 1946

"In harmony with the fundamental principles to which the people and Government of the United States are committed. In its statement the Japanese Government gave, with some qualifications, broad assurances of its peaceful intent, including a comprehensive assurance that the Japanese Government has no intention of using without provocation military force against any neighboring nation. The Japanese Government declared that it supported the program and principles which had been briefly outlined by the President not only as applicable to the Pacific area but also as a program for the entire world.

"The Government of the United States, while desiring to proceed as rapidly as possible with consideration of arrangements for a meeting between the heads of state, felt it desirable, in order to assure that that meeting would accomplish the objectives in view, to clarify the interpretation of certain principles and the practical application thereof to concrete problems in the Pacific area. It has not been the purpose of this Government to enter into a discussion of details; this Government has felt, however, that the clarification sought would afford a means of expediting our effort to arrive at a meeting of minds.

"On September 3, 1941, the President in giving reply to the Japanese Ambassador expressed the earnest desire of the Government of the United States to collaborate in efforts to make effective in practice the principles to which the Japanese Government made reference. The President reiterated the four principles regarded by this Government as the foundation upon which relations between nations should properly rest. Those principles are:

- "1. Respect for the territorial integrity and the sovereignty of each and all nations.
- "2. Support of the principle of non-interference in the internal affairs of other countries.
- "3. Support of the principle of equality, including equality of commercial opportunity.
- "4. Non-disturbance of the status quo in the Pacific except as the status quo may be altered by peaceful means.

"The President pointed out that in order to bring about any satisfactory settlement of Pacific questions it was highly important to reach a community of view and a clear agreement upon certain points with respect to which fundamental differences of opinion between our two Governments had developed in the informal conversations; and the President requested an indication of the present attitude of the Japanese Government with regard to those fundamental questions.

"On September 6, the Prime Minister of Japan in a conversation with the American Ambassador at Tokyo stated that he subscribed fully to the four principles above mentioned.

"The foregoing developments and assurances, together with other statements made by the Japanese Government, seemed to justify this Government in concluding that the Japanese Government might be expected to adhere to and to give practical application to a broad progressive program covering the entire Pacific area. It was therefore a source of disappointment to the Government of the United States that the proposals of the Japanese Government presented by the Japanese Ambassador on September 6, 1941, which the Japanese Government apparently intended should constitute a concrete basis for discussions, appeared to disclose divergence in the concepts of the two Governments. That is to say, those proposals and the subsequent explanatory statements made in regard thereto serve, in the opinion of this Government, to narrow and restrict not only the application of the principles upon which our informal conversations already referred to had been based but also the various assurances given by the Japanese Government of its desire to move along with the United States in putting into operation a broad program looking to the establishment and maintenance of peace and stability in the entire Pacific area.

"As has already been said, the various broad assurances given by the Japanese Premier and the Japanese Government are highly gratifying. In putting forward its attitude of peaceful intent toward other nations, the Japanese Government qualified its assurances with certain phrases the need for which is not easily understood. It is difficult to conceive of there developing under present circumstances in any of the territories neighboring French Indo-China, in Thailand or in the Soviet Union any aggressive threat or provocation to Japan. The inalienable right of self-defense is of course well recognized by all nations and there could arise in some minds a question as to just what the Japanese Government has in view in circumscribing its assurances of peaceful intent with what would seem to be unnecessary qualifying phrases.

"In the informal conversations there was tentatively arrived at a formula in regard to economic policy (Section V of the draft understanding), which provided that Japanese activity and American activity in the Pacific area shall be carried on by peaceful means and in conformity with the principle of non-discrimination in international commercial relations. In the Japanese Government's proposals of September 6 and in subsequent communications from the Japanese Government the commitments contained in that formula were restricted to the countries of the Southwest Pacific area (not the Pacific area as a whole). In reference to China, the Japanese Government states that it will respect the principle of non-discrimination, but the explanation given in regard to this point would seem to be open to the implication that the Japanese Government has in mind some limitation upon the application of this principle occasioned by reasons of Japan's geographical propinquity to China.

Exhibit "J" - cont'd  
Affidavit of Joseph W. Ballantine, 24 June 1946

"Obviously, it would not be likely to serve the purposes affirmed by the Japanese Government or by this Government if either the United States or Japan were to pursue one course or policy in certain areas while at the same time pursuing an opposite course or policy in other areas.

"This Government has noted the views of the Japanese Government in support of its desire to station troops for an indeterminate period in certain areas of China. Entirely apart from the question of the reasons for such a proposal, the inclusion of such a provision in the proposed terms of a peaceful settlement between Japan and China at a time when Japan is in military occupation of large areas in China is open to certain objections. For example, when a country in military occupation of territory of another country proposes to the second country the continued stationing of troops of the first country in certain areas as a condition for a peaceful settlement and thus for the withdrawal of the occupational forces from other areas, such procedure would seem to be out of keeping with the progressive and enlightened courses and principles which were discussed in the informal conversations and thus would not, in the opinion of this Government, make for peace or offer prospects of stability.

"It is believed that a clear-cut manifestation of Japan's intention in regard to the withdrawal of Japanese troops from China and French Indochina would be most helpful in making known--in particular to those who might be inclined to be critical--Japan's peaceful intentions and Japan's desire to follow courses calculated to establish a sound basis for future stability and progress in the Pacific area.

"With reference to the attitude of each country toward the European war, this Government has noted with appreciation the further step taken by the Japanese Government to meet the difficulties inherent in this aspect of the relations between the two countries. It is believed that it would be helpful if the Japanese Government could give further study to the question of possible additional clarification of its position.

"In the exchanges of views which have taken place between the two Governments in an effort to reach an agreement in principle upon fundamental questions in order to prepare the ground for the proposed meeting of the responsible chiefs of government, this Government has endeavored to make clear that what it envisages is a comprehensive program calling for the application uniformly to the entire Pacific area of liberal and progressive principles. From what the Japanese Government has so far indicated in regard to its purposes this Government derives the impression that the Japanese Government has in mind a program which would be circumscribed by the imposition of qualifications and exceptions to the actual application of those principles.



"If this impression is correct, can the Japanese Government feel that a meeting between the responsible heads of government under such circumstances would be likely to contribute to the advancement of the high purposes which we have mutually had in mind?

"As already stated, this Government welcomed the assurances contained in the statement of the Japanese Government which accompanied the Japanese Prime Minister's message to the President of the United States that the Japanese Government subscribed to the principles which have long been advocated by this Government as the only sound basis for stable international relations. This Government believes that renewed consideration of these fundamental principles may be helpful in our effort to seek a meeting of minds in regard to the essential questions on which we seek agreement and thus lay a firm foundation for a meeting between the responsible heads of the two Governments. The subject of the meeting proposed by the Prime Minister and the objectives sought have engaged, and continue to engage, the close and active interest of the President of the United States, and it is the President's earnest hope that discussion of the fundamental questions may be so developed that such a meeting can be held. It is also the President's hope that the Japanese Government shares the conviction of this Government that, if the Governments of Japan and of the United States are resolved to give those principles practical and comprehensive application, the two Governments can work out a fundamental rehabilitation of the relations between the United States and Japan and contribute to the bringing about of a lasting peace with justice, equity and order in the whole Pacific area." (Foreign Relations, Vol. II, p. 656-661)

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EXHIBIT "K" - Affidavit of Joseph W. Ballantine, 24 June 1946.

"Draft Proposal Handed by the Japanese Ambassador (Nomura) to the Secretary of State on November 20, 1941.

"1. Both the Governments of Japan and the United States undertake not to make any armed advancement into any of the regions in the South-eastern Asia and the Southern Pacific area excepting the part of French Indo-China where the Japanese troops are stationed at present.

"2. The Japanese Government undertakes to withdraw its troops now stationed in French Indo-China upon either the restoration of peace between Japan and China or the establishment of an equitable peace in the Pacific area.

"In the meantime the Government of Japan declares that it is prepared to remove its troops now stationed in the southern part of French Indo-China to the northern part of the said territory upon the conclusion of the present arrangement which shall later be embodied in the final agreement.

"3. The Government of Japan and the United States shall cooperate with a view to securing the acquisition of those goods and commodities which the two countries need in Netherlands East Indies.

"4. The Governments of Japan and the United States mutually undertake to restore their commercial relations to those prevailing prior to the freezing of the assets.

"The Government of the United States shall supply Japan a required quantity of oil.

"5. The Government of the United States undertakes to refrain from such measures and actions as will be prejudicial to the endeavors for the restoration of general peace between Japan and China." (Foreign Relations, Vol. II, p. 755-756)

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EXHIBIT "L" - Affidavit of Joseph W. Ballantine, 24 June 1946

"Oral Statement Handed by the Secretary of State to the Japanese Ambassador (Nomura) on November 26, 1941.

"Washington, November 26, 1941.

"The representatives of the Government of the United States and of the Government of Japan have been carrying on during the past several months informal and exploratory conversations for the purpose of arriving at a settlement if possible of questions relating to the entire Pacific area based upon the principles of peace, law and order and fair dealing among nations. These principles include the principle of inviolability of territorial integrity and sovereignty of each and all nations; the principle of non-interference in the internal affairs of other countries; the principle of equality, including equality of commercial opportunity and treatment; and the principle of reliance upon international cooperation and conciliation for the prevention and pacific settlement of controversies and for improvement of international conditions by peaceful methods and processes.

"It is believed that in our discussions some progress has been made in reference to the general principles which constitute the basis of a peaceful settlement covering the entire Pacific area. Recently the Japanese Ambassador has stated that the Japanese Government is desirous of continuing the conversations directed toward a comprehensive and peaceful settlement in the Pacific area; that it would be helpful toward creating an atmosphere favorable to the successful outcome of the conversations if a temporary modus vivendi could be agreed upon to be in effect while the conversations looking to a peaceful settlement in the Pacific were continuing. On November 20 the Japanese Ambassador communicated to the Secretary of State proposals in regard to temporary measures to be taken respectively by the Government of Japan and by the Government of the United States, which measures are understood to have been designed to accomplish the purposes above indicated.

"The Government of the United States most earnestly desires to contribute to the promotion and maintenance of peace and stability in the Pacific area, and to afford every opportunity for the continuance of discussions with the Japanese Government directed toward working out of a broad-gauge program of peace throughout the Pacific area. The proposals which were presented by the Japanese Ambassador on November 20 contain some features which, in the opinion of this Government, conflict with the fundamental principles which form a part of the general settlement under consideration and to which each Government has declared that it is committed. The Government of the United States believes that the adoption of such proposals would not be likely to contribute to the ultimate objectives of ensuring peace under law, order and justice in the Pacific area, and it suggests that further effort be made to resolve our divergences of views in regard to the practical application of the fundamental principles already mentioned.

Exhibit "L" - cont'd  
Affidavit of Joseph W. Ballantine, 24 June 1946

"With this object in view the Government of the United States offers for the consideration of the Japanese Government a plan of a broad but simple settlement covering the entire Pacific area as one practical exemplification of a program which this Government envisages as something to be worked out during our further conversations.

"The plan therein suggested represents an effort to bridge the gap between our draft of June 21, 1941 and the Japanese draft of September 25 by making a new approach to the essential problems underlying a comprehensive Pacific settlement. This plan contains provisions dealing with the practical application of the fundamental principles which we have agreed in our conversations constitute the only sound basis for worthwhile international relations. We hope that in this way progress toward reaching a meeting of minds between our two Governments may be expedited."

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"Document Handed by the Secretary of State to the Japanese Ambassador (Nomura) on November 26, 1941.

"Strictly Confidential,  
Tentative and Without  
Commitment.

Washington, November 26, 1941

"Outline of Proposed Basis for Agreement Between the United States and Japan.

"Section I

"Draft Mutual Declaration of Policy

"The Government of the United States and the Government of Japan both being solicitous for the peace of the Pacific affirm that their national policies are directed toward lasting and extensive peace throughout the Pacific area, that they have no territorial designs in that area, that they have no intention of threatening other countries or of using military force aggressively against any neighboring nation, and that, accordingly, in their national policies they will actively support and give practical application to the following fundamental principles upon which their relations with each other and with all other governments are based:

- "(1) The principle of inviolability of territorial integrity and sovereignty of each and all nations.
- (2) The principle of non-interference in the internal affairs of other countries.
- (3) The principle of equality, including equality of commercial opportunity and treatment.
- (4) The principle of reliance upon international cooperation and conciliation for the prevention and pacific settlement of controversies and for improvement of international conditions by peaceful methods and processes.

Exhibit "L" - cont'd  
Affidavit of Joseph W. Ballantine, 24 June 1946.

"The Government of Japan and the Government of the United States have agreed that toward eliminating chronic political instability, preventing recurrent economic collapse, and providing a basis for peace, they will actively support and practically apply the following principles in their economic relations with each other and with other nations and peoples:

- "(1) The principle of non-discrimination in international commercial relations.
- (2) The principle of international economic cooperation and abolition of extreme nationalism as expressed in excessive trade restrictions.
- (3) The principle of non-discriminatory access by all nations to raw material supplies.
- (4) The principle of full protection of the interests of consuming countries and populations as regards the operation of international commodity agreements.
- (5) The principle of establishment of such institutions and arrangements of international finance as may lend aid to the essential enterprises and the continuous development of all countries and may permit payments through processes of trade consonant with the welfare of all countries.

## "Section II

"Steps To Be Taken By the Government of the United States and by the Government of Japan

"The Government of the United States and the Government of Japan propose to take steps as follows:

"1. The Government of the United States and the Government of Japan will endeavor to conclude a multilateral non-aggression pact among the British Empire, China, Japan, the Netherlands, the Soviet Union, Thailand and the United States.

"2. Both Governments will endeavor to conclude among the American, British, Chinese, Japanese, the Netherland and Thai Governments an agreement whereunder each of the Governments would pledge itself to respect the territorial integrity of French Indochina and, in the event that there should develop a threat to the territorial integrity of Indochina, to enter into immediate consultation with a view to taking such measures as may be deemed necessary and advisable to meet the threat in question. Such agreement would provide also that each of the Governments party to the agreement would not seek or accept preferential treatment in its trade or economic relations with Indochina and would use its influence to obtain for each of the signatories equality of treatment in trade and commerce with French Indochina.

"3. The Government of Japan will withdraw all military, naval, air and police forces from China and from Indochina.

Exhibit "L" - cont'd  
Affidavit of Joseph W. Ballantine, 24 June 1946

"4. The Government of the United States and the Government of Japan will not support--militarily, politically, economically--any government or regime in China other than the National Government of the Republic of China with capital temporarily at Chungking.

"5. Both Governments will give up all extraterritorial rights in China, including rights and interests in and with regard to international settlements and concessions, and rights under the Boxer Protocol of 1901.

"Both Governments will endeavor to obtain the agreement of the British and other governments to give up extraterritorial rights in China, including rights in international settlements and in concessions and under the Boxer Protocol of 1901.

"6. The Government of the United States and the Government of Japan will enter into negotiations for the conclusion between the United States and Japan of a trade agreement, based upon reciprocal most-favored-nation treatment and reduction of trade barriers by both countries, including an undertaking by the United States to bind raw silk on the free list.

"7. The Government of the United States and the Government of Japan will, respectively, remove the freezing restrictions on Japanese funds in the United States and on American funds in Japan.

"8. Both Governments will agree upon a plan for the stabilization of the dollar-yen rate, with the allocation of funds adequate for this purpose, half to be supplied by Japan and half by the United States.

"9. Both Governments will agree that no agreement which either has concluded with any third power or powers shall be interpreted by it in such a way as to conflict with the fundamental purpose of this agreement, the establishment and preservation of peace throughout the Pacific area.

"10. Both Governments will use their influence to cause other governments to adhere to and to give practical application to the basic political and economic principles set forth in this agreement." (Foreign Relations, Vol. II, p. 766-770)

"President Roosevelt to Emperor Hirohito of Japan"

"Washington, 7 December 6, 1941

"Almost a century ago the President of the United States addressed to the Emperor of Japan a message extending an offer of friendship of the people of the United States to the people of Japan. That offer was accepted, and in the long period of unbroken peace and friendship which has followed, our respective nations, through the virtues of their peoples and the wisdom of their rulers have prospered and have substantially helped humanity.

"Only in situations of extraordinary importance to our two countries need I address to Your Majesty messages on matters of state. I feel I should now so address you because of the deep and far-reaching emergency which appears to be in formation.

"Developments are occurring in the Pacific area which threaten to deprive each of our nations and all humanity of the beneficial influence of the long peace between our two countries. Those developments contain tragic possibilities.

"The people of the United States, believing in peace and in the right of nations to live and let live, have eagerly watched the conversations between our two Governments during these past months. We have hoped for a termination of the present conflict between Japan and China. We have hoped that a peace of the Pacific could be consummated in such a way that nationalities of many diverse peoples could exist side by side without fear of invasion; that unbearable burdens of armaments could be lifted for them all; and that all peoples would resume commerce without discrimination against or in favor of any nation.

"I am certain that it will be clear to Your Majesty, as it is to me, that in seeking these great objectives both Japan and the United States should agree to eliminate any form of military threat. This seemed essential to the attainment of the high objectives.

"More than a year ago Your Majesty's Government concluded an agreement with the Vichy Government by which five or six thousand Japanese troops were permitted to enter into Northern French Indo-China for the protection of Japanese troops which were operating against China further north. And this Spring and Summer the Vichy Government permitted further Japanese military forces to enter into Southern French Indo-China for the common defense of French Indo-China. I think I am correct in saying that no attack has been made upon Indo-China, nor that any has been contemplated.

"During the past few weeks it has become clear to the world that Japanese military, naval and air forces have been sent to Southern Indo-China in such large numbers as to create a reasonable doubt on the part of other nations that this continuing concentration in Indo-China is not defensive in its character.

Exhibit "M" - cont'd  
Affidavit of Joseph W. Ballantine, 24 June 1946

"Because these continuing concentrations in Indo-China have reached such large proportions and because they extend now to the southeast and the southwest corners of that Peninsula, it is only reasonable that the people of the Philippines, of the hundreds of Islands of the East Indies, of Malaya and of Thailand itself are asking themselves whether these forces of Japan are preparing or intending to make attack in one or more of these many directions.

"I am sure that Your Majesty will understand that the fear of all these peoples is a legitimate fear in as much as it involves their peace and their national existence. I am sure that Your Majesty will understand why the people of the United States in such large numbers look askance at the establishment of military, naval and air bases manned and equipped so greatly as to constitute armed forces capable of measures of offense.

"It is clear that a continuance of such a situation is unthinkable.

"None of the peoples whom I have spoken of above can sit either indefinitely or permanently on a keg of dynamite.

"There is absolutely no thought on the part of the United States of invading Indo-China if every Japanese soldier or sailor were to be withdrawn therefrom.

"I think that we can obtain the same assurance from the Governments of the East Indies, the Governments of Malaya and the Government of Thailand. I would even undertake to ask for the same assurance on the part of the Government of China. Thus a withdrawal of the Japanese forces from Indo-China would result in the assurance of peace throughout the whole of the South Pacific area.

"I address myself to Your Majesty at this moment in the fervent hope that Your Majesty may, as I am doing, give thought in this definite emergency to ways of dispelling the dark clouds. I am confident that both of us, for the sake of the peoples not only of our own great countries but for the sake of humanity in neighboring territories, have a sacred duty to restore traditional amity and prevent further death and destruction in the world.

FRANKLIN D. ROOSEVELT"  
(Foreign Relations, Vol. II, p. 784-786)



EXHIBIT "N" - Affidavit of Joseph W. Ballantine, 24 June 1946

"Memorandum Handed by the Japanese Ambassador (Nomura) to the Secretary of State at 2:20 P.M. on December 7, 1941.

"1. The Government of Japan, prompted by a genuine desire to come to an amicable understanding with the Government of the United States in order that the two countries by their joint efforts may secure the peace of the Pacific Area and thereby contribute toward the realization of world peace, has continued negotiations with the utmost sincerity since April last with the Government of the United States regarding the adjustment and advancement of Japanese-American relations and the stabilization of the Pacific Area.

"The Japanese Government has the honor to state frankly its views concerning the claims the American Government has persistently maintained as well as the measures the United States and Great Britain have taken toward Japan during these eight months.

"2. It is the immutable policy of the Japanese Government to insure the stability of East Asia and to promote world peace and thereby to enable all nations to find each its proper place in the world.

"Ever since China Affair broke out owing to the failure on the part of China to comprehend Japan's true intentions, the Japanese Government has striven for the restoration of peace and it has consistently exerted its best efforts to prevent the extension of war-like disturbances. It was also to that end that in September last year Japan concluded the Tripartite Pact with Germany and Italy.

"However, both the United States and Great Britain have resorted to every possible measure to assist the Chungking regime so as to obstruct the establishment of a general peace between Japan and China, interfering with Japan's constructive endeavours toward the stabilisation of East Asia. Exerting pressure on the Netherlands East Indies, or menacing French Indo-China, they have attempted to frustrate Japan's aspiration to the ideal of common prosperity in cooperation with these regions. Furthermore, when Japan in accordance with its protocol with France took measures of joint defence of French Indo-China, both American and British Governments, wilfully misinterpreting it as a threat to their own possessions, and inducing the Netherlands Government to follow suit, they enforced the assets freezing order, thus severing economic relations with Japan. While manifesting thus an obviously hostile attitude, these countries have strengthened their military preparations perfecting an encirclement of Japan, and have brought about a situation which endangers the very existence of the Empire.

"Nevertheless, to facilitate a speedy settlement, the Premier of Japan proposed, in August last, to meet the President of the United States for a discussion of important problems between the two countries covering the entire Pacific area. However, the American Government, while accepting in principle the Japanese proposal, insisted that the meeting should take place after an agreement of view had been reached on fundamental and essential questions.

Exhibit "N" - cont'd  
Affidavit of Joseph W. Ballantine, 24 June 1946.

"3. Subsequently, on September 25th the Japanese Government submitted a proposal based on the formula proposed by the American Government, taking fully into consideration past American claims and also incorporating Japanese views. Repeated discussions proved of no avail in producing readily an agreement of view. The present cabinet, therefore, submitted a revised proposal, moderating still further the Japanese claims regarding the principal points of difficulty in the negotiation and endeavoured strenuously to reach a settlement. But the American Government, adhering steadfastly to its original assertions, failed to display in the slightest degree a spirit of conciliation. The negotiation made no progress.

"Therefore, the Japanese Government, with a view to doing its utmost for averting a crisis in Japanese-American relations, submitted on November 20th still another proposal in order to arrive at an equitable solution of the more essential and urgent questions which, simplifying its previous proposal, stipulated the following points:

"(1) The Governments of Japan and the United States undertake not to dispatch armed forces into any of the regions, excepting French Indo-China, in the South-eastern Asia and the Southern Pacific area.

(2) Both Governments shall cooperate with the view to securing the acquisition in the Netherlands East Indies of those goods and commodities of which the two countries are in need.

(3) Both Governments mutually undertake to restore commercial relations to those prevailing prior to the freezing of assets.

The Government of the United States shall supply Japan the required quantity of oil.

(4) The Government of the United States undertakes not to resort to measures and actions prejudicial to the endeavours for the restoration of general peace between Japan and China.

(5) The Japanese Government undertakes to withdraw troops now stationed in French Indo-China upon either the restoration of peace between Japan and China or the establishment of an equitable peace in the Pacific Area; and it is prepared to remove the Japanese troops in the southern part of French Indo-China to the northern part upon the conclusion of the present agreement.

"As regards China, the Japanese Government, while expressing its readiness to accept the offer of the President of the United States to act as 'introducer' of peace between Japan and China as was previously suggested, asked for an undertaking on the part of the United States to do nothing prejudicial to the restoration of Sino-Japanese peace when the two parties have commenced direct negotiations.

"The American Government not only rejected the above-mentioned new proposal, but made known its intention to continue its aid to Chiang Kai-shek; and in spite of its suggestion mentioned above, withdrew the offer of the President to act as so-called 'introducer' of peace between Japan and China, pleading that time was not yet ripe for it. Finally on November 26th, in an attitude to impose upon the Japanese Government those principles it has persistently maintained, the American Government made a proposal totally ignoring Japanese claims, which is a source of profound regret to the Japanese Government.

"4. From the beginning of the present negotiation the Japanese Government has always maintained an attitude of fairness and moderation, and did its best to reach a settlement, for which it made all possible concessions often in spite of great difficulties. As for the China question which constituted an important subject of the negotiation, the Japanese Government showed a most conciliatory attitude. As for the principle of non-discrimination in international commerce, advocated by the American Government, the Japanese Government expressed its desire to see the said principle applied throughout the world, and declared that along with the actual practice of this principle in the world, the Japanese Government would endeavour to apply the same in the Pacific Area including China, and made it clear that Japan had no intention of excluding from China economic activities of third powers pursued on an equitable basis. Furthermore, as regards the question of withdrawing troops from French Indo-China, the Japanese Government even volunteered, as mentioned above, to carry out an immediate evacuation of troops from Southern French Indo-China as a measure of easing the situation.

"It is presumed that the spirit of conciliation exhibited to the utmost degree by the Japanese Government in all these matters is fully appreciated by the American Government.

"On the other hand, the American Government, always holding fast to theories in disregard of realities, and refusing to yield an inch on its impractical principles, caused undue delay in the negotiation. It is difficult to understand this attitude of the American Government and the Japanese Government desires to call the attention of the American Government especially to the following points:

"1. The American Government advocates in the name of world peace those principles favorable to it and urges upon the Japanese Government the acceptance thereof. The peace of the world may be brought about only by discovering a mutually acceptable formula through recognition of the reality of the situation and mutual appreciation of one another's position. An attitude such as ignores realities and imposes one's selfish views upon others will scarcely serve the purpose of facilitating the consummation of negotiations.

"Of the various principles put forward by the American Government on a basis of the Japanese-American Agreement, there are some which the Japanese Government is ready to accept in principle, but in view of the world's actual conditions, it seems only a utopian ideal on the part of the American Government to attempt to force their immediate adoption.

"Again, the proposal to conclude a multilateral non-aggression pact between Japan, United States, Great Britain, China, the Soviet Union, the Netherlands and Thailand, which is patterned after the old concept of collective security, is far removed from the realities of East Asia.

"2. The American proposal contained a stipulation which states--'Both Governments will agree that no agreement, which either has concluded with any third power or powers, shall be interpreted by it in such a way as to conflict with the fundamental purpose of this agreement, the establishment and preservation of peace throughout the Pacific area'. It is presumed that the above provision has been proposed with a view to restrain Japan from fulfilling its obligations under the Tripartite Pact when the United States participates in the War in Europe, and, as such, it cannot be accepted by the Japanese Government.

"The American Government, obsessed with its own views and opinions, may be said to be scheming for the extension of the war. While it seeks, on the one hand, to secure its rear by stabilizing the Pacific Area, it is engaged, on the other hand, in aiding Great Britain and preparing to attack, in the name of self-defense, Germany and Italy, two Powers that are striving to establish a new order in Europe. Such a policy is totally at variance with the many principles upon which the American Government proposes to found the stability of the Pacific Area through peaceful means.

"3. Whereas the American Government, under the principles it rigidly upholds, objects to settle international issues through military pressure, it is exercising in conjunction with Great Britain and other nations pressure by economic power. Recourse to such pressure as a means of dealing with international relations should be condemned as it is at times more inhumane than military pressure.

"4. It is impossible not to reach the conclusion that the American Government desires to maintain and strengthen, in coalition with Great Britain and other Powers, its dominant position it has hitherto occupied not only in China but in other areas of East Asia. It is a fact of history that the countries of East Asia for the past hundred years or more have been compelled to observe the status quo under the Anglo-American policy of imperialistic exploitation and to sacrifice themselves to the prosperity of the two nations. The Japanese Government cannot tolerate the perpetuation of such a situation since it directly runs counter to Japan's fundamental policy to enable all nations to enjoy each its proper place in the world.

"The stipulation proposed by the American Government relative to French Indo-China is a good exemplification of the above-mentioned American policy. Thus the six countries,---Japan, the United States, Great Britain, the Netherlands, China and Thailand,---excepting France, should undertake among themselves to respect the territorial integrity and sovereignty of French Indo-China and equality of treatment in trade and commerce would be tantamount to placing that territory under the joint guarantee of the Governments of those six countries. Apart from the fact that such a proposal totally ignores the position of France, it is unacceptable to the Japanese Government in that such an arrangement cannot but be considered as an extension to French Indo-China of a system similar to the Nine Power Treaty structure which is the chief factor responsible for the present predicament of East Asia.

"5. All the items demanded of Japan by the American Government regarding China such as wholesale evacuation of troops or unconditional application of the principle of non-discrimination in international commerce ignored the actual conditions of China, and are calculated to destroy Japan's position as the stabilizing factor of East Asia. The attitude of the American Government in demanding Japan not to support militarily, politically or economically any regime other than the regime at Chungking, disregarding thereby the existence of the Nanking Government, shatters the very basis of the present negotiation. This demand of the American Government falling, as it does, in line with its above-mentioned refusal to cease from aiding the Chungking regime, demonstrates clearly the intention of the American Government to obstruct the restoration of normal relations between Japan and China and the return of peace to East Asia.

"5. In brief, the American proposal contains certain acceptable items such as those concerning commerce, including the conclusion of a trade agreement, mutual removal of the freezing restrictions, and stabilization of yen and dollar

Exhibit "N" - cont'd  
Affidavit of Joseph W. Ballantine, 24 June 1946

"exchange, or the abolition of extraterritorial rights in China. On the other hand, however, the proposal in question ignores Japan's sacrifices in the four years of the China Affair, menaces the Empire's existence itself and disparages its honour and prestige. Therefore, viewed in its entirety, the Japanese Government regrets that it cannot accept the proposal as a basis of negotiation.

"6. The Japanese Government, in its desire for an early conclusion of the negotiation, proposed simultaneously with the conclusion of the Japanese-American negotiation, agreements to be signed with Great Britain and other interested countries. The proposal was accepted by the American Government. However, since the American Government has made the proposal of November 26th as a result of frequent consultation with Great Britain, Australia, the Netherlands and Chungking, and presumably by catering to the wishes of the Chungking regime in the questions of China, it must be concluded that all these countries are at one with the United States in ignoring Japan's position.

"7. Obviously it is the intention of the American Government to conspire with Great Britain and other countries to obstruct Japan's efforts toward the establishment of peace through the creation of a new order in East Asia, and especially to preserve Anglo-American rights and interests by keeping Japan and China at war. This intention has been revealed clearly during the course of the present negotiation. Thus, the earnest hope of the Japanese Government to adjust Japanese-American relations and to preserve and promote the peace of the Pacific through cooperation with the American Government has finally been lost.

"The Japanese Government regrets to have to notify hereby the American Government that in view of the attitude of the American Government it cannot but consider that it is impossible to reach an agreement through further negotiations.

"[Washington,] December 7, 1941."

(Foreign Relations, Vol. II, p. 787-792.)

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#2215

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al. )

- AGAINST - )

ARAKI, SADAQ, et al. )

AFFIDAVIT

I, Joseph W. Ballantine, having been duly sworn on oath, depose and say:

I entered the Foreign Service of the United States in June 1909, and thereafter served continuously up to date at various diplomatic and consular posts and in the Department of State. From 1909 until 1928 I served continuously either at the American Embassy at Tokyo or in consular posts in the Japanese Empire. From 1928 to 1930 I served in the Department of State. From 1930 to 1934 I served as Consul General at Canton, China; from 1934 to 1936 I served as Consul General at Mukden, Manchuria; from July to December 1936 I served temporarily at the American Embassy in Tokyo as First Secretary; and from March 1937 to date I have served continuously in the Department of State. Up to September 20, 1945 I was on duty in the Office of Far Eastern Affairs of the Department of State. Between December 1944 and September 1945 I was Director of that office. Since September 1945 my position has been that of Special Assistant to the Secretary of State.

The matters herein deposed to are mainly within my personal knowledge, otherwise they are matters with which I am familiar from records of the Department of State.

During practically all of my career in the foreign service, I have dealt with Far Eastern Affairs and have followed closely the course of Japanese-American relations. Up until 1931 the relations between the United States and Japan were generally friendly and the American Government and people consistently had an attitude of good will toward the government and people of Japan. The Japanese occupation of Manchuria caused an impairment of those relations.

It is essential to an understanding of the true significance of the conversations which took place in 1941 between the representatives of the Japanese and American Governments looking to a peaceful settlement of the Pacific question to have clearly in mind the background of the political situation in and relating to the Far East.

Almost from the outset of Japan's emergence as a modern state she had been pursuing a policy of military aggrandisement. For the most part, except during certain brief periods when forces of moderation appeared to be in the ascendancy, the intervals between one aggressive step and the next were but periods of consolidation.

In 1895, following Japan's successful war against China, Japan annexed Formosa and tried unsuccessfully to establish a foothold in Manchuria.

In 1905, after the Russo-Japanese war, Japan established herself securely in Manchuria by acquiring a lease of the Kwantung territory and ownership of the South Manchuria Railway. At that time Japan also acquired southern Sakhalin.

In 1928, following the advent of the Tanaka cabinet in 1927, Japan adopted a so-called "positive" policy toward China under which it manifested an increasing disposition to intervene in China's internal affairs.

In 1931 Japan invaded Manchuria and subsequently established there a puppet regime under the name of "Manchukuo." By that action, which was a flagrant violation of the Nine Power Treaty, Japan broke completely away from the policy of cooperation agreed upon in the Washington Conference treaties.

The opposition of the American Government to Japan's course was reflected in the identical notes which the United States Government delivered to the Japanese and the Chinese Governments, dated January 7, 1932, stating that the United States could not admit the legality of any situation de facto; that it did not intend to recognize any treaty or agreement between China and Japan which might impair U. S. treaty rights, including those relating to Chinese sovereignty and the open door policy; and that it did not intend to recognize any situation, treaty, or agreement brought about contrary to the Kellogg Pact.

Although the United States was not a member of the League of Nations, it cooperated with the League in relation to the Manchurian question.

In a note addressed to the Secretary of State dated February 21, 1934, Mr. Hirota, Japanese Minister for Foreign Affairs, stated that he believed that no question existed between the United States and Japan "that is fundamentally incapable of amicable solution." The Secretary of State in his reply expressed concurrence in that view and emphasized the belief of the American Government in adjustments of questions by pacific means. The exchange of messages in question is quoted on pp. 127 - 129 inclusive, Foreign Relations of the United States - Japan, 1931 - 1941, Volume 7.

Nevertheless, on April 17, 1934, the Japanese Foreign Office spokesman gave out a truculent official statement known as the "Amanu" statement. In that statement, Japan made clear a purpose to compel China to follow Japan's dictate and to permit other countries to have relations with China only as Japan allowed. A copy of that statement is annexed as Exhibit A.

On December 29, 1934, while Hirota was still Foreign Minister, Japan gave formal notice of its intention to withdraw at the end of 1936 from the Naval Limitation Treaty signed at Washington on February 6, 1922. Following the giving of that notice, Japan proceeded energetically to increase her armaments, preparatory to launching her invasion in China.

In July 1937, with Hirota again Foreign Minister, Japan deliberately took advantage of a minor incident between Chinese and Japanese forces at a point near Peiping and began flagrantly to invade China on a huge scale. She poured into China immense armies which spread fan-like over great areas, including industrial and other key centers. These armies raped, robbed, murdered and committed all kinds of lawless acts. Particularly barbarous were the outrages in Nanking following occupation of that city by Japanese military on December 13, 1937. Public opinion in the United States was shocked by these outrages.



Subsequent to the renewed Japanese armed attack on China, beginning on July 7, 1937, relations between the United States and Japan steadily deteriorated. The Japanese military forces completely disregarded in their acts suggestions made by the United States and other governments that reasonable consideration be given by them to the safety, rights and interests of nationals of third countries in China. American public opinion became outraged by the methods and strategy employed by the Japanese military and became gradually more and more critical of Japan. The United States Government looked with thorough disfavor upon the current manifestations of Japanese foreign policy and upon the methods employed by the Japanese military in pursuit of their policy.

On August 10, 1937, the United States made an offer of American good offices in the dispute between Japan and China, but the attitude of the Japanese Government was such that nothing came of it.

On October 6, 1937, the American Government protested that the action of Japan in China was inconsistent with the principles which should govern relationships between nations and was contrary to the provisions of the Nine Power Treaty and of the Briand-Kellogg Pact.

In November 1937 the United States participated with eighteen other nations in a conference held at Brussels to "study peaceable means of hastening the end of the regrettable conflict which prevails" in the Far East. The conference was held in accordance with a provision of the Nine Power Treaty of 1922. The repeated refusals of the Japanese Government to participate in the conference effectively prevented efforts to bring about an end to the conflict by mediation and conciliation. On November 24 the conference suspended its sittings.

On December 12, 1937, Japanese aircraft bombed and sank the U.S.S. Panay in the Yangtze River.

To gain public support in Japan for its program of military expansion, slogans were used, such as "the new order in Greater East Asia" and "the East Asia Co-Prosp erity Sphere." The United States and other countries were charged with attempting to choke Japan's development. That charge was entirely unfounded except as it applied to American and British opposition to Japan's courses of aggression.

On July 26, 1939, the Government of the United States notified the Japanese Government of its intention to terminate the Treaty of Commerce and Navigation of 1911. It was felt that this treaty was not affording adequate protection to American commerce either in Japan or in Japanese occupied portions of China, while at the same time the operation of the most-favored-nation clause of the treaty was a bar to the adoption of retaliatory measures against Japanese commerce. The treaty therefore terminated on January 26, 1940.

During the entire period of the undeclared war between Japan and China there was on the part of the Japanese Government and the Japanese authorities in China flagrant disregard for and violation of American rights and interests and the jeopardizing of American lives. American property was invaded, occupied, and taken over by the Japanese military authorities. In many instances American property was bombed and American citizens placed in jeopardy of their lives. Discriminatory restrictions were placed upon American enterprise and trade in China. Japanese censorship of and interference with American mail and telegrams and restrictions upon freedom of trade, residence and travel by Americans subjected American interests to continuing serious inconveniences and hardships. Notwithstanding repeated representations and protests by the American Government and notwithstanding repeated and categorical assurances by the Japanese Government that equality of opportunity or the Open Door in China would be maintained and that American rights would be respected, violations of American rights and interests continued.

The imposition by the Japanese authorities of restrictions upon the movement and activities of Americans in China operated to place Japanese interests in a preferred position in China and was discriminatory in its effect upon legitimate American interests. The imposition by the Japanese authorities of exchange controls, compulsory currency circulation, tariff revision and monopolistic promotion implied an assumption on the part of the Japanese authorities that the Japanese Government or the regimes established and maintained in China by Japanese armed forces were entitled to act in China in a capacity such as flows from rights of sovereignty and to disregard the established rights and interests of other countries, including the United States.

The Japanese Prime Minister, in a public statement November 3, 1938, said in part: "All countries of the world should have a clear recognition regarding the new situation in the Far East. History shows clearly that peace and independence in China have been frequently menaced as the result of the struggle for supremacy among foreign Powers which was based on imperialistic ambitions. Japan sees the necessity of effecting a fundamental revision in this situation and desires to establish a new peace fabric in Far East on the basis of justice. It goes without saying that Japan will not exclude cooperation of foreign Powers. Neither she intends to damage the legitimate rights of the third Powers in China. If the Powers understand the real intentions of Japan and devise a policy in accordance with the new situation in the Far East, Japan does not grudge to cooperate with them for peace in the Far East." He did not, however, define what he meant by policies "in accordance with the new situation in the Far East." (U. S. Foreign Relations - Japan - 1931-1941, Vol. II, page 480.)

In September 1939 the Government of the United States protested to the Japanese Government against a large-scale propaganda campaign against Western nations, including the United States, undertaken by Japanese agencies in areas of China under Japanese control. In pronouncements and manifestos issued by puppet regimes at Peiping and Hanking it was sought to persuade Chinese people that the difficulties and burdens which the hostilities had brought upon the native population should be blamed upon the Western nations, including the United States. Strong anti-American feeling was fostered in various places, anti-American parades were organized, and anti-American banners and posters were displayed.

In August and September 1940 it came to the knowledge of the Department of State that Japan had concluded an agreement with Vichy France under which Japanese troops moved into northern Indo-China. The Acting Secretary of State on September 20, 1940, informed the Japanese Ambassador that the Ambassador himself could be under no misapprehension as to the very serious disquiet and very open opposition which the action threatened by Japan in Indo-China would create in the minds of the members of the United States Government and on the part of public opinion generally in the United States.

In September 1940, Japan entered into the Tripartite Pact with Germany and Italy. In the view of the Government of the United States that alliance was aimed directly at the United States. It was designed to discourage the United States from taking adequate measures of self-defense until both Japan and Germany had completed their program of conquest in Asia and Europe, when they could turn on the United States then standing alone. The Secretary of State in commenting on September 30, 1940, to the British Ambassador on the subject of that alliance observed that the relations among Germany, Italy and Japan, each having a common objective of conquering certain areas of the world and each pursuing identical policies of force, devastation, and seizure, had been during recent years on the "basis of complete understanding and of mutual cooperation" for all practical purposes.

After the autumn of 1940 it became clearly apparent that the Japanese military leaders had embarked upon a program for the conquest of the entire Far East and Western Pacific area. That program was referred to by euphemistic slogans such as the "New Order in Greater East Asia" and "the Greater East Asia Co-prosperity Sphere." They went out with force and entered into collaboration with Hitler to establish a new world order, arrogating to themselves a sphere which embraced an area occupied by nearly half of the population of the world.

During all these years the Government of the United States consistently sought to remind the Japanese Government of the traditional friendship and mutually profitable relations between the two countries and to keep before the Japanese Government in the most tactful manner possible the principles which should form the basis of worthwhile relationships between nations. The Government of the United States also sought to dissuade Japan from her courses by pointing the way to just and honorable alternatives which would have assured Japan what she professed to seek - national security and economic prosperity.

It was also necessary to bear in mind in entering upon the conversations with the Japanese in 1941, Japan's long record of duplicity in international dealings.

In 1904, Japan guaranteed Korea's independence and territorial integrity. In 1910, Japan annexed Korea.

In 1908, Japan pledged with the United States to support the independence and integrity of China and the principle of equal opportunity there. In 1915, Japan presented to China the notorious "twenty-one demands."

In 1918, Japan entered into an inter-allied arrangement whereby forces, not exceeding above 7,000 by any one power, were to be sent to Siberia to guard military stores which might be subsequently needed by Russian forces, to help the Russians in the organization of their own self-defense, and to aid the evacuating Czechoslovakian forces in Siberia. The Japanese military saw in this enterprise an opportunity in which they were eventually unsuccessful, to annex eastern Siberia and sent more than 70,000 troops.

In the Nine-Power Treaty of 1922, Japan agreed to respect China's sovereignty, independence and territorial and administrative integrity. Japan also agreed to use its influence to establish the principle of equal opportunity there. Japan's whole course in China since 1931 of military occupation and economic domination was in violation of those pledges.

On November 21, 1932, Mr. Matsuzaki, then Japanese delegate to the League of Nations, said: "We want no more territory." By the end of 1932 Japanese forces had occupied the whole of Manchuria and in subsequent years they moved southward and westward occupying a vast area of China.

On July 27, 1937, Prince Konoze, then Japanese Premier, said: "In sending troops to North China, of course, the Government has no other purpose, as was explained in its recent statement, than to preserve the peace of East Asia." In order to "preserve the peace of East Asia," Japanese forces for four years had carried warfare and suffering over the greater part of China.

On October 28, 1937, the Japanese Foreign Office said, "Japan never looks upon the Chinese people as an enemy . . ." Japan showed its friendly feeling for China by bombing Chinese civilian populations, by burning Chinese cities, by making millions of Chinese homeless and destitute, by mistreating and killing civilians, and by acts of horror and cruelty.

On April 15, 1940, Mr. Arita, then Japanese Minister for Foreign Affairs, said the "Japanese Government cannot but be deeply concerned over any development . . . that may affect the status quo of the Netherlands East Indies." Following the occupation of the Netherlands by Germany that spring, Japan sent a Commercial Commission to the Indies which asked concessions so far reaching that, if granted, they would have reduced the Indies practically to a Japanese colony.

After the renewal of Japan's undeclared war against China in July 1937, Japanese civilian leaders time and again gave assurances that American rights would be respected. Time and again the Japanese military acted in violation of those assurances.

Time and again the Japanese gave assurances that American lives and property in China would be respected. Yet there were reported in steadily mounting numbers cases of bombing of American property with consequent loss or endangering of American lives.

Time and again, the Japanese gave assurances that American treaty rights in China would be respected. Unnumbered measures infringing those rights were put into effect in Japanese occupied

areas. Trade monopolies were set up, discriminatory taxes were imposed, American properties were occupied, and so on. In addition, American nationals were assaulted, arbitrarily detained, and subjected to indignities.

In 1931-1933, while Japan was carrying forward its program of aggression, the American Government was moving steadily ahead in advocacy of world support of sanctity of treaties and peaceful processes.

On May 16, 1934, the Secretary of State had a general conversation with Japanese Ambassador Saito, one of many conversations in which he endeavored to convince the Japanese that their best interests lay in following policies of peace.

Three days later, the Secretary of State talked again with the Japanese Ambassador. During the conversation, the Ambassador repeated the formula which his Government had been putting forward publicly for some weeks to the effect that Japan had a superior and special function in connection with the preservation of peace in Eastern Asia. The Secretary of State brought to the Japanese Ambassador's attention the clear implications contained in the Japanese formula of the intention on the part of Japan to exercise an overlordship over neighboring nations and territories.

During the winter of 1940 and the spring of 1941, it was apparent that the Japanese military leaders were starting on a mission of conquest of the entire Pacific area west of a few hundred miles of Hawaii and extending to the South Seas and to India. The Japanese were out with force in collaboration with Hitler to establish a new world order, and they thought they had the power to compel all peaceful nations to come in under that new order in the half of the world they had arrogated to themselves.

In March 1941, just as I was about to proceed to China to assume the post of Counselor of Embassy there, I was instructed by the Secretary of State to remain in Washington for consultation in connection with a suggestion which had been informally brought to the attention of the President and the Secretary of State through the medium of private Americans and Japanese that the Japanese Government would welcome an opportunity to alter its political alignments and modify its attitude toward China. It was represented that if an agreement could be achieved with the U. S. which would offer Japan security, this would enable the moderate elements in Japan to gain control of the domestic political situation there. It was further represented that there was adequate support in the Japanese Government for an agreement with the U. S. which would provide, among other things, for practical nullification of Japan's alliance with the Axis and for settlement of the conflict between China and Japan on terms which would give complete recognition by Japan of the "open door" in China, provided that Japan received similar treatment elsewhere in the Far East. It was also represented that the Japanese people were weary of the hostilities with China and that most elements in Japan were prepared for a recasting of Japan's policies along liberal and peaceful lines.

welcoming these suggestions, but also with the history as above summarized in mind, the President and the Secretary of State during March and April, 1941, several times discussed with the Japanese Ambassador the subject of effecting an improvement in the relations between the United States and Japan.

On May 12, the Japanese Ambassador presented as under instructions a proposal for a general settlement between the two countries covering the entire Pacific area. A copy of that document is annexed as Exhibit B. The terms which Japan intended to propose to China were indicated only through reference to the "Konoye principles." Inasmuch as the "Konoye principles" had been made the basis of a so-called treaty between Japan and the Wang Ching-wei Regime in November 1940, which had placed Japan in a position of overlordship with respect to the Wang Regime, the Secretary of State sought to induce the Japanese to state precisely the terms which they had in mind as a basis of Japan's negotiations with China, but the Japanese Ambassador and his associates constantly avoided making definite commitments by constant resort to vague generalities. In the course of conversations with me and with other officers of the Department, Colonel Hideo Iwakuro, the Special Military Adviser of the Japanese Ambassador, explained that the areas where stationing of Japanese troops in China was contemplated under a provision for "defense against Communist activities through collaboration of the two countries [China and Japan]" included Inner Mongolia and the adjacent regions of China proper, comprehending a line of communication to the sea as far south as Tsingtao which thus meant Japanese military domination of the five northern provinces of Ippai, Shantung, Shensi, Chahar, and Suiyuan, with an aggregate area of more than 400,000 square miles and an estimated population of more than 80,000,000. This territory was in addition to Manchuria and the province of Jehol which Japan had brought under her control some years earlier. The Military Adviser declared to me that this stationing of Japanese troops in China was an absolute condition of any settlement with China.

Notwithstanding the various objectionable features of the Japanese Government's proposal, in view of the world situation the Government of the U. S. decided to explore thoroughly every possible means, starting with the Japanese proposals, of coming to an agreement. The Secretary of State on numerous occasions at which I was present emphasized to the Japanese Ambassador that this Government was aware of the difficult internal situation which the Japanese Government faced and was prepared to be patient and to give the Japanese Government ample time to bring Japanese public opinion into line in support of a liberal broad-gauge program, such as the Secretary of State and the Japanese Ambassador had been discussing in their conversations. The Japanese representatives expressed surprise that this Government should raise with them the points in regard to the terms of settlement which Japan proposed with China as they regarded the settlement of the China affair as a matter which concerned only China and Japan. The Secretary of State pointed out in numerous conversations that a peaceful settlement between Japan and China was an essential element in furthering the objective which the U. S. and Japan had in mind, namely, the peace of the Pacific, and that if the U. S. should, as the Japanese

proposed, suggest that China enter negotiations with Japan, this Government could not divest itself of a certain degree of responsibility with regard to the basis of the proposed negotiations and the general conformity of Japan's proposed terms with the principles which this Government supports. On May 28, in response to questions asked by the Secretary of State, the Japanese Ambassador indicated that withdrawal of the Japanese troops from China following a settlement with China, would not include Japanese troops retained in China for "cooperative defense against Communism," and that he was unable to state how many troops Japan would propose retaining or to define the precise areas in which those troops would be stationed. The Japanese Ambassador, in reply to further questions by the Secretary of State, said that he did not believe that the Far East had progressed to a point where other arrangements would be feasible. The Secretary of State also, on May 28, made it clear that the Japanese proposed formula with reference to Japan's relations to the Axis did not adequately clarify Japan's peaceful intention toward the U. S., should the U. S. through acts of self-defense become involved in war with Germany. He emphasized that such clarification was needed, especially to off-set statements being made by Japanese officials in justification of Japan's Axis obligations and that if we made an agreement with Japan, critics would, unless the Japanese Government had adequately clarified its attitude on this point, assert that there was no assurance as to Japan's position vis a vis the U. S.

The question of what Japan meant by "economic cooperation" between China and Japan was also discussed. As the informal conversations proceeded, it was evident that Japan intended to retain a preferred economic position for herself in China, while at the same time trying to obtain for herself in the southwestern Pacific area economic rights such as it was unwilling that a third power should enjoy in China. The Secretary of State made it clear that retention by Japan of a preferred position in China would be inconsistent with the principle of non-discrimination in international commercial relations to which this Government was committed, which it believed to be essential for a lasting peace in the Pacific, and which the Japanese had said they approved.

On June 6, the Secretary of State informed the Japanese Ambassador that he had received the impression, from the successive Japanese revisions of their proposal and from recent manifestations of the Japanese Government's attitude, that the Japanese Government was disposed (1) to stress Japanese alignment with the Axis; (2) to avoid giving a clear indication of an intention to place Japan's relations with China on a basis which would contribute to a lasting peace in the Far East; and (3) to veer away from clear-cut commitments in regard to policies of peace and of non-discriminatory treatment which were the fundamentals of a sound basis for peace in the Pacific.

The Japanese pressed for a complete reply to their proposals of May 12. Accordingly, on June 21, the Ambassador was given the American Government's view in the form of a tentative redraft of their proposals. A copy of that document is appended as Exhibit C. There is annexed as Exhibit D a comparison in parallel columns between such provisions of the Japanese proposal of May 12 and the American counterdraft of June 21, as represented material and essential differences.

On June 22, Germany attacked the Soviet Union, and in July the American Government began receiving reports that a large Japanese military movement into southern Indo-China was imminent. This Japanese movement threatened the Philippine Islands and British and Dutch possessions in the western Pacific area. It also threatened vital trade routes. Officers of the Department of State immediately brought these reports to the attention of the Japanese Ambassador, pointed out the inconsistency between such a military movement and the conversations which were then proceeding, and requested information as to the facts. On July 23, the Japanese Ambassador stated in explanation that Japan needed to secure an uninterrupted source of supplies and to insure against encirclement of Japan militarily. The Acting Secretary of State, Mr. Welles, replied that the agreement, which was being discussed between American and Japanese representatives, would give Japan far greater economic security than she could gain by occupying Indo-China. He pointed out that the United States policy was the opposite of an encirclement policy. He said that the United States could only regard the action of Japan as constituting notice that Japan was taking the last step to proceeding on a policy of expansion and conquest in the region of the South Seas. He told the Ambassador, under instructions from the Secretary of State, that under these circumstances, the secretary could not see any basis for pursuing further the conversations with the Japanese Ambassador.

On July 24, President Roosevelt made a proposal to the Japanese Government that Indo-China be regarded as a "neutralized" country. That proposal envisaged Japan's being given the fullest and freest opportunity of assuring for herself a source of food supplies and other raw materials which - according to Japanese accounts - Japan was seeking to obtain. The Japanese Government did not accept the President's proposal, and large Japanese forces were moved into southern Indo-China.

The Japanese move into southern Indo-China was an aggravated, overt act. It created a situation in which the risk of war became so great that the United States and other countries concerned were confronted no longer with the question of avoiding such risk but from then on with the problem of preventing a complete undermining of their security. It was essential that the United States make a definite and clear move in self-defense.

Accordingly, on July 26, 1941, President Roosevelt issued an executive order freezing Chinese and Japanese assets in the United States. That order brought under the control of the Government all financial and import and export trade transactions in which Chinese or Japanese interests were involved. The British and Netherlands Governments took similar steps. The effect of this was to bring about very soon virtual cessation of trade between the United States and Japan.

Thereafter, on August 8, the Japanese Ambassador inquired whether it might not be possible for the responsible heads of the two governments to meet with a view to discussing means for reaching an adjustment of views. After reviewing briefly the steps which had led to a discontinuance of the informal conversations, the Secretary of State said it remained to the Japanese Government to decide whether it could find means of shaping its policies along lines which would make possible an adjustment of views.



On August 28 the President was given a message from the Japanese Prime Minister, Prince Konoye, urging that a meeting of the heads of the two Governments be arranged to discuss all important problems by Japan and the United States covering the entire Pacific area. Accompanying that message was a statement containing assurances, with several qualifications, of Japan's peaceful intent. Copies of the message and accompanying statement are annexed as Exhibit E.

The President in his reply given on September 3 suggested that there take place immediately in advance of the proposed meeting preliminary discussions on fundamental and essential questions on which agreement was sought and on the manner in which the agreement would be applied. A copy of this reply is annexed as Exhibit F.

It was felt by the American Government that the President could go to such a meeting only if there were first obtained tentative commitment offering some assurance that the meeting could accomplish good. Neither Prince Konoye nor any of Japan's spokesmen provided anything tangible. They held on to the threat against the United States implicit in the Tripartite Alliance. They would not state that Japan would refrain from attacking the United States if it became involved through acts of self-defense in the European War. The Japanese had already refused to agree to any preliminary steps toward reverting to peaceful courses, as for example adopting the President's proposal of July 24 regarding the neutralization of Indo-China. Instead they steadily moved on with their program of establishing themselves more firmly in Indo-China. They would not budge from their insistence in any peace agreement with China upon terms based on principles which were embodied in a so-called treaty of 1940 with the puppet Wang Ching-wei regime at Nanking and which included the stationing for an indefinite period of large bodies of Japanese troops in wide areas of China and the control by Japan of strategic industries and economic facilities in China - terms which would have given Japan a permanent stranglehold over China. Inasmuch as months of closeup conversations with the Japanese had failed to move them on these points, it would have been illusory to expect that a meeting between the President and the Prime Minister would have resulted in Japan's giving dependable pledges such as would have assured a peaceful settlement. It was clear that unless the proposed meeting produced concrete and clear-cut commitments toward peace, the Japanese would have distorted the significance of such a meeting in such a way as to have a discouraging effect upon the Chinese; if it had resulted merely in endorsing general principles, the Japanese in the light of their past practice could have been expected to utilize such general principles in support of any interpretation which Japan might choose to place upon them; and if it did not produce an agreement, the Japanese leaders would have been in position to declare that the United States was responsible for the failure of the meeting.

On September 6 the Japanese Ambassador presented a new draft of proposals. These proposals were much narrower than the assurances given in the statement communicated to the President on August 28. A copy of this proposal is annexed as Exhibit G.

On September 25, the Japanese Government presented to Ambassador Grew a complete new draft of the Japanese proposals and urged that an early reply be made. The new redraft did not indicate any modification of the attitude of the Japanese Government on fundamental

points. A copy of this proposal is annexed as Exhibit H. The Japanese Government had separately on September 22 communicated to Ambassador Grew a statement in regard to the terms of peace which it proposed to offer China. A copy of that statement is annexed as Exhibit I.

On October 2, the Secretary of State gave to the Japanese Ambassador a memorandum of an "oral statement" <sup>reveling</sup> revealing significant developments in the conversations and explaining this Government's attitude toward various points in the Japanese proposals which did not appear to this Government to be consistent with the principles to which the United States was committed. A copy of that "oral statement" is annexed as Exhibit J. JWB

The Japanese, soon after receiving this Government's memorandum of October 2, redoubled their emphasis upon the need of haste in reaching an agreement. They offered new formulas for dealing with limited and specific problems, and they stated that Japan had now placed all of its cards on the table and they had gone as far as they could in the direction of making so-called "concessions." In their new formulas, there was not discernible any evidence that the Japanese Government was moving even one step toward committing itself to courses of peace and that it contemplated receding even one step from insistence upon full attainment of its declared objectives - which were, in effect, political, economic, and cultural domination of the entire western Pacific area and China. After the new Japanese Cabinet, headed by General Tojo, came into office on October 17, the Japanese became even more insistent in urging upon this Government a quick decision on the Japanese Government's proposals, but, while pressing this Government for a decision, the Japanese Government showed no willingness to effect any fundamental modification of the Japanese position and no desire to apply practically in actual situations the basic principles of justice and equity essential to the building of a lasting peace in the Pacific.

Although throughout the conversations with the Japanese representative, the Secretary of State repeatedly made it clear that the American Government would consult with the Governments of the United Kingdom, Australia, China and the Netherlands before entering into actual negotiations with the Japanese Government affecting the interests of those governments, at no time did the Secretary of State make any statement to Japanese representative which would have warranted the Japanese in assuming that in the informal conversations the Secretary of State was delegated to speak or act for the other powers mentioned.

On November 15, Mr. Saburo Kurusu, whom the Japanese Government had decided to send to assist the Japanese Ambassador in the conversations, reached Washington. Shortly thereafter, on November 20, the Japanese Ambassador and Mr. Kurusu presented to the Secretary of State a proposal which, on its face, was extreme. A copy of that proposal is annexed as Exhibit K.

Before and after presenting that proposal, Ambassador Nomura and Mr. Kurusu talked emphatically about the urgency of the situation and intimated vigorously that this was Japan's last word and if an agreement along those lines was not quickly concluded ensuing developments might be most unfortunate.

Acceptance by the American Government of the Japanese proposal of November 20 would have meant condonement by the United States of Japan's past aggressions, assent by the United States to unlimited courses of conquest by Japan in the future, abandonment by the United States of its whole past position in regard to the most essential principles of its foreign policy in general, betrayal by the United States of China, and acceptance by the United States of a position as a silent partner aiding and abetting Japan in her effort to create a Japanese hegemony in and over the western Pacific and eastern Asia; it would have destroyed the chances of asserting and maintaining American rights and interests in the Pacific; and in its final analysis would have meant a most serious threat to American national security. Japan also clung to her vantage point in Indo-China which threatened the security of the countries to the south and menaced vital trade routes. Their conditional offer to withdraw troops from southern Indo-China to northern Indo-China was meaningless as they could have brought those troops back to southern Indo-China within a day or two, and furthermore they placed no limit on the number of troops they might continue to send there.

On November 26, the Secretary of State made a reply to the Japanese representatives in the form of two documents, the first, an outline in a tentative form of a proposed basis for agreement between the United States and Japan, and the second, an explanatory statement in regard to it. A copy of that document is annexed as Exhibit I.

Although, it subsequently appeared, the Japanese treated the November 26th proposal as finally disposing of the question of negotiating a peaceful settlement covering the Pacific area, they kept up the appearance of continuing negotiations right down to December 7.

On December 2, the President directed that inquiry be made at once of the Japanese Ambassador and Mr. Kurusu in regard to the reasons for continued Japanese troop movements into Indo-China. On December 5, the Japanese Ambassador called and presented to the Under Secretary of State, Mr. Welles, a reply to the President's inquiry of December 2 containing the specious statement that Japanese reinforcements had been sent to Indo-China as a precautionary measure against Chinese troops in bordering Chinese territory. On December 6, President Roosevelt telegraphed a personal appeal to the Emperor of Japan that the "tragic possibilities" in the situation be avoided. At the President's express direction the message was sent in the "gray" code, a non-confidential code which the Japanese would have no difficulty in deciphering. In order to assure prompt decoding and delivery by Ambassador Crew of that message, a brief telegram was sent him shortly in advance to be ready for a message to the Emperor which was being put on the wires. The alerting message was dispatched on December 6 at 8 p.m.; the message to the Emperor at 9 p.m. There is annexed as Exhibit II a copy of the message to the Emperor. The press was informed by the White House at about 7.40 pm on December 6 of the fact that a message to the Emperor was being dispatched.

On Sunday, December 7, at about 12 o'clock noon, the Secretary of State, in response to a telephone request from the Japanese Ambassador, made an appointment to receive the Ambassador and Mr. Kurusu at 1 p.m. Shortly after 1 p.m., the Ambassador and Mr. Kurusu asked by telephone that the appointment be postponed until 1:45 p.m. They arrived at the Department of State at 2:05 p.m., and were received by the Secretary at 2:20 p.m. The Japanese Ambassador said that he had been instructed by his Government to deliver a paper at 1 p.m., but that difficulty in decoding the message had delayed him. He then handed the Secretary a document, a copy of which is annexed as Exhibit H.

The Japanese message was not a declaration of war with reasons or an ultimatum. It was not even a declaration of intention to sever diplomatic relations.

The allegations in the Japanese message are contrary to fact. Since the outset of the conversations between the two governments, the effort of the Japanese Government was directed toward inducing the United States to surrender its basic policy, while the Japanese Government maintained intact its policy of aggression and force. The immutable policy of the Japanese Government to ensure the stability of East Asia was predicated upon establishing at the outset a complete Japanese military and economic stranglehold over China, calling for Japanese control over strategic Chinese industries and facilities, referred to euphemistically in terms such as "economic cooperation with China," and retention in large areas of China for an indefinite period of large Japanese garrisons to protect Japan's holdings, a stipulation cloaked under the innocent sounding provision "joint-defense against Communism." These terms were embodied in the so-called "treaty" of 1940 between Japan and the puppet Wang Ching-wei regime. The Japanese Government sought to obtain American assent to the imposition of those terms on the Chinese Government. At no time did the Japanese Government budge from insistence upon those terms, and for the Japanese Government to speak of making the utmost concessions is a monstrous distortion of the facts. It was because of this intransigent position of the Japanese Government that it would heed no suggestion looking toward an amicable adjustment of its differences with China. The contention that the Japanese Government's proposal of September 25 was based upon the American proposal is not sustained by a comparison of the two proposals. An analysis of the essential characteristic of the Japanese proposal of November 20 has already been presented above.

Refusal on the part of China to come to agreement with Japan on Japan's terms was due not to failure on the part of China to understand Japan's true intentions, as alleged, but to the fact that Japan's true intentions were clearly understood by China. The American policy of assisting the Chinese Government was inspired by a desire to prevent Japan from coercing China with a peace settlement under which China would become completely dominated by Japan. The policy of the United States and its friends, including the imposition of freezing measures, was one of self-defense against the publicly proclaimed Japanese policy of general aggression. The offer of the Government of the United States, contained in its proposal of June 21, under which the President of the United States will suggest to the Government of China that the Government of China and the Government of Japan enter into a negotiation on a basis

mutually advantageous and acceptable for a termination of hostilities and resumption of peaceful relations" was of course made contingent upon Japan's entering into a general agreement along the lines of the June 21 proposal and was never withdrawn. The American Government's proposal of November 26 represented a practical application of principles which had been under discussion during months of negotiations, and was nothing new; it offered Japan various benefits which would have been welcomed by any country bent on pursuing peaceful courses. Such delay as occurred in the conversations arose entirely from the firm adherence of the Japanese Government to its fixed policies of aggression. It is not clear what is meant by the Japanese contention that the American proposal for a multilateral non-aggression pact was far removed from the realities of East Asia, unless it was that the proposal conflicted with the Japanese plan for establishing Japanese domination of the entire Western Pacific area. The charge that the United States was scheming for an extension of the war was, on its face, preposterous. The charge that the United States, in conjunction with Great Britain, was exercising economic pressure in order to deal with international relations refers obviously to the freezing measure which was resorted to as a necessary measure of self-defense after Japan had launched its large-scale forward military movement into Southern Indo-China so as to imperil the security of American, British and Dutch territory. The charge that the United States desired to maintain and strengthen its alleged dominant position in China is, on its face, absurd as the United States never sought nor did it ever have a dominant position in China or in the Far East. With regard to the contention that the United States sought to obstruct the creation by Japan of a new order in East Asia, it is of course true that the United States was consistently opposed to Japan's pretensions to the arrogation to itself of a position of military dominance throughout the Far East and the Western Pacific area.

The Secretary of State read the Japanese document, turned to the Japanese Ambassador, and said, "I must say in all my conversations with you the Japanese Ambassador during the last nine months I have never uttered one word of untruth. This is borne out absolutely by the record. In all my fifty years of public service I have never seen a document that was more crowded with infamous falsehoods and distortions - infamous falsehoods and distortions on a scale so huge that I never imagined until today that any government on this planet was capable of uttering them."

The Ambassador and Mr. Kurusu then took their leave without making any comment.

This interview, as later appeared, took place more than an hour after the Japanese armed forces had struck without warning at Pearl Harbor and over two hours after an actual Japanese landing in Malaya and four hours after they had crossed the boundary of the International Settlement at Shanghai. These facts were not mentioned by Nomura and Kurusu.

*Joseph W. Ballantine*  
JOSEPH W. BALLANTINE

Subscribed and sworn to before me this 24th day of June, 1946.

*Arthur A. Sandusky*  
Captain, J.A.G.D.

"Amau Statement"

"Unofficial Statement by the Japanese Foreign Office  
April 17, 1934.

"The following is an English translation unofficially issued by the Japanese Foreign Office of the unofficial statement issued by the Foreign Office on April 17, 1934, known as the 'Amau Statement':

"Owing to the special position of Japan in her relations with China, her views and attitude respecting matters that concern China, may not agree in every point with those of foreign nations: but it must be realized that Japan is called upon to exert the utmost effort in carrying out her mission and in fulfilling her special responsibilities in East Asia.

"Japan has been compelled to withdraw from the League of Nations because of their failure to agree in their opinions on the fundamental principles of preserving peace in East Asia. Although Japan's attitude toward China may at times differ from that of foreign countries, such difference cannot be evaded, owing to Japan's position and mission.

"It goes without saying that Japan at all times is endeavoring to maintain and promote her friendly relations with foreign nations, but at the same time we consider it only natural that, to keep peace and order in East Asia, we must even act alone on our own responsibility and it is our duty to perform it. At the same time, there is no country but China which is in a position to share with Japan the responsibility for the maintenance of peace in East Asia. Accordingly, unification of China, preservation of her territorial integrity, as well as restoration of order in that country, are most ardently desired by Japan. History shows that these can be attained through no other means than the awakening and the voluntary efforts of China herself. We oppose therefore any attempt on the part of China to avail herself of the influence of any other country in order to resist Japan: We also oppose any action taken by China, calculated to play one power against another. Any joint operations undertaken by foreign powers even in the name of technical or financial assistance at this particular moment after the Manchurian and Shanghai Incidents are bound to acquire political significance. Undertakings of such nature, if carried through to the end, must give rise to complications that might eventually necessitate discussion of problems like fixing spheres of influence or even international control or division of China, which would

Exhibit "A" - cont'd - Affidavit of Joseph W. Ballantine

"be the greatest possible misfortune for China and at the same time would have the most serious repercussion upon Japan and East Asia. Japan therefore must object to such undertakings as a matter of principle, although she will not find it necessary to interfere with any foreign country negotiating individually with China on questions of finance or trade, as long as such negotiations benefit China and are not detrimental to the maintenance of peace in East Asia.

"However, supplying China with war planes, building aerodromes in China and detailing military instructors or military advisers to China or contracting a loan to provide funds for political uses, would obviously tend to alienate the friendly relations between Japan and China and other countries and to disturb peace and order in East Asia. Japan will oppose such projects.

"The foregoing attitude of Japan should be clear from the policies she has pursued in the past. But, on account of the fact that positive movements for joint action in China by foreign powers under one pretext or another are reported to be on foot, it is deemed not inappropriate to reiterate her policy at this time." (Papers Relating to the Foreign Relations of the United States - Japan: 1931 - 1941, Volume I, p. 224-225.)

EXHIBIT "B" - Affidavit of Joseph W. Ballantine, 24 June 1946

"Draft Proposal Handed by the Japanese Ambassador (Nomura) to the Secretary of State on May 12, 1941.

"Confidential Memorandum Agreed Upon Between the Government of the United States of America and the Government of Japan.

"The Governments of the United States and of Japan accept joint responsibility for the initiation and conclusion of a general agreement disposing the resumption of our traditional friendly relations.

"Without reference to specific causes of recent estrangement, it is the sincere desire of both Governments that the incidents which led to the deterioration of amicable sentiment among our peoples should be prevented from recurrence and corrected in their unforeseen and unfortunate consequences.

"It is our present hope that, by a joint effort, our nations may establish a just peace in the Pacific; and by the rapid consummation of an entente cordiale /amicable understanding/, arrest, if not dispel, the tragic confusion that now threatens to engulf civilization.

"For such decisive action, protracted negotiations would seem ill-suited and weakening. Both Governments, therefore, desire that adequate instrumentalities should be developed for the realization of a general agreement which would bind, meanwhile, both Governments in honor and in act.

"It is our belief that such an understanding should comprise only the pivotal issues of urgency and not the accessory concerns which could be deliberated at a conference and appropriately confirmed by our respective Governments.

"Both Governments presume to anticipate that they could achieve harmonious relations if certain situations and attitudes were clarified or improved; to wit:

- "1. The concepts of the United States and of Japan respecting international relations and the character of nations.
- "2. The attitude of both Governments toward the European War.
- "3. The relations of both nations toward the China Affair.
- "4. Commerce between both nations.
- "5. Economic activity of both nations in the Southwestern Pacific area.
- "6. The policies of both nations affecting political stabilization in the Pacific area.



Exhibit "B" - cont'd - Affidavit of Joseph W. Ballantine

"Accordingly, we have come to the following mutual understanding:-

"I. The concepts of the United States and of Japan respecting international relations and the character of nations.

"The Governments of the United States and of Japan jointly acknowledge each other as equally sovereign states and contiguous Pacific powers.

"Both Governments assert the unanimity of their national policies as directed toward the foundation of a lasting peace and the inauguration of a new era of respectful confidence and cooperation among our peoples.

"Both Governments declare that it is their traditional, and present, concept and conviction that nations and races compose, as members of a family, one household; each equally enjoying rights and admitting responsibilities and a mutuality of interests regulated by peaceful processes and directed to the pursuit of their moral and physical welfare, which they are bound to defend for themselves as they are bound not to destroy for others; they further admit their responsibilities to oppose the oppression or exploitation of backward nations.

"Both Governments are firmly determined that their respective traditional concepts on the character of nations and the underlying moral principles of social order and national life will continue to be preserved and never transformed by foreign ideas or ideologies contrary to these moral principles and concepts.

"II. The attitude of both Governments toward the European War.

"The Governments of the United States and Japan make it their common aim to bring about the world peace; they shall therefore jointly endeavor not only to prevent further extension of the European War but also speedily to restore peace in Europe.

"The Government of Japan maintains that its alliance with the Axis Powers was, and is, defensive and designed to prevent the nations which are not at present directly affected by the European War from engaging in it.

"The Government of Japan maintains that its obligations of military assistance under the Tripartite Pact between Japan, Germany and Italy will be applied in accordance with the stipulation of Article 3 of the said Pact.

Exhibit "B" - cont'd - Affidavit of Joseph W. Ballantine

"The Government of the United States maintains that its attitude toward the European War is, and will continue to be, directed by no such aggressive measures as to assist any one nation against another. The United States maintains that it is pledged to the hate of war, and accordingly, its attitude toward the European War is, and will continue to be, determined solely and exclusively by considerations of the protective defense of its own national welfare and security.

"III. The relations of both nations toward the China Affair.

"The Government of the United States, acknowledging the three principles as enunciated in the Kono Statement and the principles set forth on the basis of the said three principles in the treaty with the Nanking Government as well as in the Joint Declaration of Japan, Manchoukuo and China and relying upon the policy of the Japanese Government to establish a relationship of neighborly friendship with China, shall forthwith request the Chiang Kai-shek regime to negotiate peace with Japan.

"IV. Commerce between both nations.

"When official approbation to the present Understanding has been given by both Governments, the United States and Japan shall assure each other to mutually supply such commodities as are, respectively, available or required by either of them. Both Governments further consent to take necessary steps to the resumption of normal trade relations as formerly established under the Treaty of Commerce and Navigation between the United States and Japan.

"V. Economic activity of both nations in the Southwestern Pacific area.

"Having in view that the Japanese expansion in the direction of the Southwestern Pacific area is declared to be of peaceful nature, American cooperation shall be given in the production and procurement of natural resources (such as oil, rubber, tin, nickel) which Japan needs.

"VI. The policies of both nations affecting political stabilization in the Pacific area.

"a. The Government of the United States and Japan jointly guarantee the independence of the Philippine Islands on the condition that the Philippine Islands shall maintain a status of permanent neutrality. The Japanese subjects shall not be subject to any discriminatory treatment.

"b. Japanese immigration to the United States shall receive amicable consideration - on a basis of equality with other nationals and freedom from discrimination.

Exhibit "B" - cont'd - Affidavit of Joseph W. Ballantine

"Addendum.

"The present Understanding shall be kept as a confidential memorandum between the Governments of the United States and of Japan.

"The scope, character and timing of the announcement of this Understanding will be agreed upon by both Governments.

\* \* \* \* \*

[Annex]

"Oral Explanation For Proposed Amendments to the Original Draft.

"II. Par. 2

Attitude of Both Governments toward the European War.

"Actually the meaning of this paragraph is virtually unchanged but we desire to make it clearer by specifying a reference to the Pact. As long as Japan is a member of the Tripartite Pact, such stipulation as is mentioned in the Understanding seems unnecessary.

"If we must have any stipulation at all, in addition, it would be important to have one which would clarify the relationship of this Understanding to the aforementioned Pact.

"III.

China Affair.

"The terms for China-Japan peace as proposed in the original Understanding differ in no substantial way from those herein affirmed as the 'principles of Kono'. Practically, the one can be used to explain the other.

"We should obtain an understanding, in a separate and secret document, that the United States would discontinue her assistance to the Chiang Kai-shek regime if Chiang Kai-shek does not accept the advice of the United States that he enter into negotiations for peace.

"If, for any reason, the United States finds it impossible to sign such a document, a definite pledge by some highest authorities will suffice.

Exhibit "B" - cont'd - Affidavit of Joseph W. Ballantine

"The three principles of Prince Kono as referred to in this paragraph are:

- "1. Neighborly friendship;
- "2. Joint defense against communism;
- "3. Economic cooperation--by which Japan does not intend to exercise economic monopoly in China nor to demand of China a limitation in the interests of Third Powers.

"The following are implied in the aforesaid principles:

- "1. Mutual respect of sovereignty and territories;
- "2. Mutual respect for the inherent characteristics of each nation cooperating as good neighbors and forming a Far Eastern nucleus contributing to world peace;
- "3. Withdrawal of Japanese troops from Chinese territory in accordance with an agreement to be concluded between Japan and China;
- "4. No annexation, no indemnities;
- "5. Independence of Manchoukuo.

"III.  
Immigration to China.

"The stipulation regarding large-scale immigration to China has been deleted because it might give an impression, maybe a mistaken impression, to the Japanese people who have been offended by the past immigration legislation of the United States, that America is now taking a dictating attitude even toward the question of Japanese immigration in China.

"Actually, the true meaning and purpose of this stipulation is fully understood and accepted by the Japanese Government.

"IV.  
Naval, Aerial and Mercantile Marine Relations.

"(a) and (c) of this section have been deleted not because of disagreement but because it would be more practical, and possible, to determine the disposition of naval forces and mercantile marine after an understanding has been reached and relations between our two countries improved; and after our present China commitments are eliminated. Then we will know the actual situation and can act accordingly.

"Courtesy visit of naval squadrons.

"This proposal, (b) of IV, might better be made a subject of a separate memorandum. Particular care must be taken as to the timing, manner and scope of carrying out such a gesture.