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INTERNATIONAL PROSECUTION SECTION

Date 14 October 1947

Dec. No. 3117 and 3118

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT

Title and Nature: Various telegrams and proposals relative to Japanese-American Negotiations

Date: 1941

Original Copy Language: Japanese

Has it been translated: Yes No

LOCATION OF ORIGINAL: Document Division

SOURCE OF ORIGINAL: Foreign Ministry

PERSONS IMPLICATED: NOMURA, Kichisaburo; TOYODA, Teijiro; MATSUOKA, Yosuke

CRIMES TO WHICH DOCUMENT APPLICABLE: Japanese-American Negotiations.

SUMMARY OF RELEVANT POINTS (with page references):

Dec. 3117 - Bound file (no title) containing various replies, proposals, and declarations relative to Japanese-American Negotiations, dated August through October 1941. All previously analyzed.

Dec. 3118 - Mimeographed pamphlet, "Revised American Proposal of 21 June and Our Final Counter Proposal Contrasted" (20 November 1941.)

This table shows Japanese differences on the following:

1. The attitude toward the European War. Japan insisted that she be allowed to interpret the provisions of the Tripartite Treaty the way she wanted in the event of American participation in the European War.
2. Disposition in the recovery of Sino-Japanese peace. Difference is immaterial.
3. Economic questions in the Pacific Ocean area. Japan insisted that the principle of non-discrimination in trade be applied throughout the world instead of being limited to the Pacific.
4. Evacuation of Japanese troops in China. Japan insisted that this take place after the signing of the peace treaty with China and that she be allowed to maintain forces in specified areas in China.

Analyst: 1st Lt. Fred F. Susukawa

Dec. No. 3117-3118
Page 1

Translator - T. HOZUMI
4/9/47

File 17, Item 28.

(1)

1. As you will have seen in the repeated telegrams sent you, our Government for the sake of maintenance of peace in the Pacific and consequent insurance of the world peace, has hitherto been communicating our conviction to the U.S.

The conversations between our Premier and the resident U.S. Ambassador, the proposals of the Foreign Affairs Minister and the succeeding various explanatory documents have primarily been intended for the purpose of facilitating the investigation by the U.S. side in bringing about the parley between two leaders, no attempt having been made to restrict or nullify our security previously offered except to avoid any future misunderstanding liable to occur in its interpretation.

Nevertheless, the U.S. Government, in spite of its excuse by reason of the tendency of general opinion of its own people, showed to our great disappointment an attitude entirely ignoring the movement of our public sentiment after four years of an extensive warfare (it is a well-known fact that our press

(2)

Comments are increasing their cooler attitudes (notwithstanding their stern resolution) and the internal situation (informations have been received that the resident U.S. Ambassador communicated to his Government his personal observation on this matter). Under the circumstances, it is our sincere desire that you will henceforth exert in guiding the U.S. Government to let it understand our ultimate purpose lying in the restoration of friendly relations between two nations.

2. The reply of our Government to the memorandum of the U.S. dated 2 inst. is shown in the annex and we trust you will do your utmost endeavors with the Secretary of State or with the President in rectifying the misinterpretation on the U.S. side, in pursuance of the purport of each item. While the proposal of the U.S. on this occasion is presumed focussed to the clear manifestation of our intention in respect of (a) re-examination of four basic principles laid down in its counter-proposals (b) the withdrawal of our forces from China and French Indo-China, we are

desirous to ascertain whether the above two points mean all and every problem meditated by the U.S. and also whether the U.S. be satisfied with our clarifications relative to i and ii of the annex. in respect of the above two points, for which you will please advise us in due course.

i - The U.S., apparently in favor of its own convenience in leading the negotiation, incorporated in its memorandum of 2 Oct. such remarks as to impress upon us an idea that its four basic principles had been accepted unconditionally by our side, which is altogether unjustifiable. For example, in our Premier's view of 6 Sept., he pointed out that the above basic principles were acceptable as a matter of policy, since there is nothing to be contended in its theory, however, in its application to the actual circumstance, certain reservation should of necessity be made and such a problem should be solved by the parley between two leaders.

ii - Regarding the clear manifestation of our intent as to the withdrawal of Japanese forces from China

(4)

and French Indo-China, our Government is prepared to give further consideration upon the following basis:-

From China, withdrawal will be effected within (Blank) years after conclusion of the peace pact.

Provided, however, in case of necessity of securing peace in the East Asia and maintaining public order in China, the withdrawal of Japanese forces shall be deferred in specified localities and for a needful period, by way of mutual agreement between Japan and China.

From French Indo-China, withdrawal will be effected as soon as the situation rendering the allied defense indispensable ceases to exist. Provided, ^{the time of} such withdrawal shall be at the latest the time of termination of the Sino-Japanese Incident.

iii - Regarding the exercise of right of self-defense, the counter-proposals are expected from the U.S. but not yet to hand. You are requested to press the U.S. on this subject, as we are prepared to make further clarification upon receipt of its

proposals.

iv - Furthermore, as to our insistence on the matter of close relation due to the geographical proximity, nothing was contrived for the modification of the basic principles. However, we must point out that in view of our insistence being a fundamental doctrine now universally accepted and of vital necessity for the economic existence of Japan, should equally be applied to the case between Japan and China.

v - The reason of our restricting the basic principle of indiscriminate international trade within the South-western Pacific had already been explained by the Foreign Affairs Minister in his proposals of 4 Sept, so that no further attempt was made to refer to this point. However, in consideration of the fact that the U.S. having no less interest than Japan toward the resources in the South-western Pacific Area, the Foreign Affairs Minister made clear in his proposal our willingness to accord to the sentiment of the U.S. Accordingly, it is quite safe to interpret the basic principle is applicable to whole Pacific

(6)

Area comprising the above restricted area and China.

VI - Our reference to the neighboring districts of French Indo-China, Thailand and the Soviet, was due to the problem of neutralization of French Indo-China and Thailand. To the inquiries from the U.S. as to our attitude toward the Soviet, we endeavored with conscience ^{to explain} our situation as far as possible.

It is, therefore, a grave misunderstanding or perversion on the part of the U.S. to treat it something like a restriction to our security. If it is at all logical that everything be coverable by the interpretation of the word "Self-defense", we have, of course, no objection to eliminate such a qualification

— END —

DATE	TEL. NO.	TITLE (If Note or Memo)	FROM	TO	IPS NO.
1 27/9/40		Announcement re bipartite pact.	KONOE		
2.		Late progress of J.-A. negotiations.			(English copy)
3. 17/8/41		American reply to the proposition of K.-R. interview (Japanese Tr.)			
4 17/8/41		Warning for further armed extension.	(Roosevelt) Grew.		
5. —		Draft of Tel. in reply to (3)	KONOE.		
(6) 25/8/41		Reply to (3) (4)			
(7)		proceedings of J.-A. negotiations.			
(8) 10/9/41		AMERICAN reply, brought by AMB. Grew			ENGLISH.
(9) "		ditto (Jap. Transl.)			
(10) 21/8/41		Japanese reply to U.S.			
(11) 25/8/41		Reply to (8)			
(12) 28/8/41		Impact of J.-A. negotia.			
(13) 2/9/41		On J.-A. - Confering			

DATE	TEL. NO.	TITLE (If Note or Memo)	FROM	TO	IPS NO.
14	14/9/41	On the Economical activities of powers in China			
15		Basic conditions of peace settlement of J.C. affairs. (by Army?)			
(15)		Basic conditions of J.C. settlement.			
15 ¹¹	6/9/41	" " (Agreement of Army, Navy & Foreign Bureau Chiefs)			
16	8/9/41	J.A. Agreement draft.			
17	9/9/41	Basic conditions of J.-C. settlement.			
18		Handwritten draft re. J.-A. negotiations.			
19	12/5/41	Japanese counter plan			
20	13/9/41	Basic conditions of J.C. settlement. (decided in inter-depart. conf.)			

If almost the same, show only differences in later drafts

DATE	TEL. NO.	TITLE (If Note or Memo)	FROM	TO	IPS NO.
21. 18/9/'41		J.A. understanding draft			
22 "		" "			<u>English</u>
(23) 20/9/'41		" " (as decided in inter-dept. mt. Conference)			
(24)		Basic Terms of peace between Japan and America.			<u>English.</u>
(25)		Joint declaration.			<u>English</u>
(26) 30/9/'41		An instruction re presentation of documents	Forgn. Mm.	NOMURA.	
(27) 2/10/41		Memorandum of U.S. (Japanese transh.)			
(28) 6/10/41		An instruction to Ambassador (?) (just a few sentences will be enough)			

(17)

Translator - T. HOZUMI
27-8-1947.

(1)

Analysis of Various Documents pertaining to Draft of an Agreement of Understanding between Japan and the U.S.

After having perused and analyzed all items of this file marked in red pencil, pertaining to the progress of negotiations for the purpose of arriving at a certain agreement of understanding between Japan and the U.S., the translator found:-

- (1) That this negotiation originated from the informal ^{item} conversations entered into at Washington among Japanese Ambassador Nomura, Secretary of State Hull, and Director of the Postal Bureau, Wolker with the major object for
- (2) (a) Preventing spread of the European War to the Pacific Area.
(b) Terminating China-Japanese Incident
(c) Prompting cooperation of Japan and the U.S. on the problems of mutual trade and economy and the tentative draft of the proposed agreement

was reported on 17 April 1941.

(2) That to this proposed draft, the following revisions were undertaken by both governments and an exhaustive investigation carried on for its conclusion.

Japanese side

U. S. side

1st revision, dated 12 May 1941

Counter-plan against
Jap. 1st revision, dated

2nd revision, dated 15 July " 21 June 1941.

details of which will be dealt with hereunder.

However, soon after despatch of the above 2nd revision by Japanese Government and prior to delivery of same to Washington Government, there occurred the alteration of the Japanese Cabinet (On 22 July 1941, Yonai Cabinet to Konoe Cabinet) and en suite the occupation of French Indo-China by Japanese forces which lead to U.S. Government to a misgiving of military aggression to the southern regions being contrived by Japanese Government. The negotiation, eventually, came to a deadlock, although no definite intention of dropping the further negotiation was manifested on the part of the U.S. Government.

In the meanwhile, the U.S. Government enforced on 26 July 1941 freezing of Japanese property and in answer to this, Japanese Government enforced application to the U.S. nationals the Foreign Exchange Control Law on 28 idem, in the sense of intensifying control on trade transactions of foreign nationals.

Summary and comparison of the proposed revision of the draft for agreement of understanding between Japan and the U.S.

Counter-plan of the U.S. Government dated 21 June 1941 re Article II - The attitude of both Governments toward the European War.

(a) The wording "Both Governments will endeavor jointly for the early restoration of the European warfare" was eliminated presumably from the consideration of the U.S. Government that it is not the time of opportunity for considering peace between Britain and Germany

(b) The U.S. Government acted on the interpretation of the objective of Tripartite Pact as "the

prevention of development of the European War without incitement."

(c) The U.S. Government insisted on insertion of the clause "The attitude of the U.S. toward European War will be solely guided and determined on the concepts of safety and defense of its own country." Against the foregoing proposals, Japanese Government in its 2nd revision dated 14 July 1941 demanded:-

(a) To restore the wording "Both Government will endeavor jointly for the early restoration of the world peace" on the specific condition of "when an opportune time arrive."

(b) With regard to Tripartite Pact, to insert the clause "In the event of spread of the European Warfare, Japan would decide entirely independently in the matter of interpretation of the Tripartite Pact and would likewise determine what actions might be taken by way of fulfilling its obligations and of safeguarding its own welfare and safety."

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

In regard to this Article, the three guiding principles of the KONOE statement, Nanking Agreement and the joint declaration of Japan, China and Manchukuo have been recognized and the proposed wording generally accepted by the U.S. Government, except that the U.S. Government proposed a supplementary stipulation titled "Japanese Annex" in which all the fundamental terms of peaceful solution have been embodied. Japanese Government, however, declined on the ground that the peaceful solution should be reached solely by the negotiation between Japan and China without intervention of any third power.

Article IV - Commerce between Japan and the U.S.

There was not much difference of opinion between two Governments as to the wording of this Article. But the U.S. Government proposed to attach "U.S. Annex" which involved, inter alia, the wording "Both Governments will allow export of goods and

(6)

commodities up to the amount of ordinary or pre-war level, provided that any material essential for the safety and defense of each nation, shall always be exempted." In fear of this clause may result in preventing procurement of the desired material, Japanese Government insisted on eliminating this clause.

Article V - Economic problems in the South Western Pacific Area.

The U.S. Government struck out the restrictive word "South-western" and concurrently insisted that both Government should cooperate so as to have a reasonable opportunity to secure through the trade process the means of acquiring those goods and commodities. To this U.S. proposal, Japanese Government agreed in its 2nd revision, dated 14 July 1941 on the condition of restoration of the restrictive word "South-western".

Article II - The policies of both nations affecting political stabilization in the Pacific Area.

In the U.S. counterplan dated 21 June 1941, it

(7)

provided both Governments to contribute to the maintenance of peace and integrity of nations in the Pacific Area and shifted the stipulation concerning Philippine reparations to Article III. It also eliminated the stipulation on the problems of Japanese immigrants on the ground that it is purely the question of internal affairs of the U.S.

In the revision of 14 July 1941, Japanese Government ^{accepted} the above counterplan but insisted on restoration of the stipulation regarding Philippine and the revival of immigrants agreement to be embodied in this draft.

— END —