

EXHIBIT No. 3343

(29)

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al	}	AFFIDAVIT
-vs-		of
ARAKI, Sadao, et al		SAKUDA, Kotaro

I, SAKUDA, Kotaro make oath and say as follows:

1. I, SAKUDA, Kotaro, have been elected to the House of Representatives six times consecutively and have served continuously as a Representative from 1938 to April, 1946. I adhered to the Rikken Minseito (Minseito Party) from before my election to the House of Representatives up to the dissolution of the political parties during the war. I was one of the leading members of the now defunct Minseito Party, serving as Chief of the Department of Party Affairs, manager of the party's Parliamentary members and executive member of the Party successively. And when the Shimpoto (Progressive Party) was organized in late 1945 I was one of its executive members. In addition, I was Parliamentary Vice-Minister of Education under the ABE Cabinet of 1939. Because of my activities I acquired a large circle of friends in political circles. I have conferred with Marquis KIDO on innumerable occasions since 1937.

2. In order to understand Marquis KIDO's position, I believe it relevant to outline briefly the events concerning the Decline of Political Party Influences in Japanese Political Circles.

When I was elected to the House of Representatives for the first time in 1928, it was the hey-day for political parties with the universal manhood suffrage system being enforced by abolishing the tax-payment restriction. The Army looked askance at this new political evolution, having established its influence firmly as it did since the Meiji Restoration of 1868. As might be anticipated, the militarists made a back-hit at the political parties. It was levelled at the HAMAGUCHI Cabinet, a party Cabinet, in 1929 accusing it of an infringement of the prerogative of the high command in concluding the London Naval Treaty. The London Naval Treaty question served as a signal for a general attack on the political parties by the militarists. With the passage of time the militarist onslaught against the political parties gathered momentum until it began to be overwhelming, carrying everything before it. By mobilizing the Reservists Association, whose large membership of Army Reservists was spread all over the country, the Army not only made elaborate

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preparations for crushing the political parties, but also let loose increasingly vigorous propaganda warfare against the latter. Such was the fury of the militarist onslaught that the political parties became helpless. All partymen could do nothing to vindicate their position, still less to hold a speechifying meeting against the militarists. In such an atmosphere, the March Incident of 1931, October Incident of 1931, the May 15th Incident of 1932 and other terroristic cases cropped up one after another in quick succession. On top of all started the Manchurian Incident.

3. Since then, the emergence of a party Cabinet was absolutely negated by the Army. This attitude of the Army had its legal background in the system of limiting the Ministers of the Fighting Services to Army and Navy officers, which was in force from the promulgation of the Rikugun Shokusei (Law Governing the organization of the Army) and Jimushotai (Regulations for performance of Routine Duties) in 1876 up to Japan's surrender. It is true that in deference to the growing public demand for the adoption of a system of choosing the Ministers of the Fighting Services from among civilian officials as a precursor of increasing influences, gained by political parties, the old system of limiting the Ministers of the Fighting Services to Army and Navy officers in active service was abolished under the YAMAMOTO Cabinet in

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1913 and instead a new system which permitted selection of the Ministers of the Fighting Services from among retired servicemen was adopted. Under the HIROTA Cabinet in 1936, however, the Army revived the old system of limiting the Ministers of the Fighting Services to a general, lieutenant-general, admiral or vice-admiral in active service falling back on its extended influences. The Army and Navy were in a position to refuse to name the Ministers of War and the Navy for a Cabinet which failed to reach an understanding with them. The Army did everything in its power to firmly establish this system and made the most of it for the purpose of placing all Prime Ministers designate at its mercy in forming a new Cabinet.

Since 1936, it became absolutely impossible for any influential person to organize a new Cabinet if he ignored the Army's intentions. All the political partymen, including myself became entirely helpless. We had to remain mere onlooker at every Cabinet change. The Diet was gradually paralyzed until it degenerated into a formalistic organ, aimed at camouflaging national unity, after hostilities started between Japan and America. The Government became the Army's puppet to all intents and purposes; while various important policies were formulated and executed without the knowledge of the

Government. It was done by the so-called iaiku joso or by the Army leaders, who had direct access to the Emperor as they pleased to submit their reports to the Throne. In this way, Japan's political power passed into the hands of the Army.

4. Japan's political machinery was set in motion by the advices offered by the Ministers of State to the Emperor on the conduct of State affairs, by advices offered by the Army and Navy authorities on the conduct of military and naval affairs, and by advise offered by the Minister of the Imperial Household on the conduct of Court affairs. The official duties of the Lord Keeper of the Privy Seal were beyond these matters. That is to say, the Lord Keeper of the Privy Seal was called upon by his official duties to attend on the Emperor constantly and offer him counsel on his soitoku gyokusei (cultivation of Imperial virtues), or put in common parlance, to advise him on his character build. All advices, offered by those responsible, were never rejected by the Emperor, who accepted all their petitions under any circumstances in accordance with the guiding principle of constitutional government. To accept the decisions of those responsible officials has been a fundamental procedure for many years in Japan in accordance with the concept of good constitutional government. No Emperor under constitutional government has ever refused to follow governmental decisions

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until in terminating the war in August, 1945, the Emperor for the first time enforced his will on the government.

It was very important for the Emperor to have a well-balanced understanding of current events, to which point the Lord Keeper of the Privy Seal had to pay closer attention and he gave the Emperor information or advice when asked.

It was not legally provided but after Prince SAIONJI died it became the custom for the Lord Keeper of the Privy Seal, after hearing the opinions of Senior Statesmen in conference, to recommend a succeeding Prime Minister to the Throne in response to an Imperial inquiry. The theory and reasoning for this is that when a cabinet resigns there is no cabinet official in office and thus no responsible government official. So the Lord Keeper of the Privy Seal bridges the gap between the cabinets by carrying out the Imperial Inquiry as aforesaid. His official duties and position called upon the Lord Keeper of the Privy Seal to have well-balanced and accurate information on and understanding of both home and foreign politics, economic, ideological and all other questions. Here I should like to refer to some facts which will show what preparations Marquis KIDO made for those purposes during his tenure of office as Lord Keeper of the Privy Seal. His basic ideas about political operation and evolution which

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information I obtained in numerous conversations I had with him are as follows:

I often heard from Marquis KIDO during my many years of acquaintanceship with him that his basic idea about political operation consisted in untrammelled growth of political parties and sound development of constitutional government. In May, 1940, when the drive for a new political structure, sponsored by Prince KONOYE was reaching a climax, I had an interview with Marquis KIDO and urged him to restore the then erratic Japanese politics to the normal orbit, hand in hand with Prince KONOYE. On that occasion, I had an opportunity to hear Marquis KIDO's view on this question for more than an hour. The Marquis, who was worried most about the Army's advance on the political field stressed in his talk with me that Japan's constitutional government could be established firmly only when the Diet recovered its lost authority. He went on to say to this effect:

"As a matter of fact, there are various groups which want to have Prince KONOYE emerge as leader of a new political party with me as Vice President. For instance, one group is trying to form a new political party from the old ones; another with the Army in the center is attempting to form a Nazified party in accordance with the one-state one party principle; and still another with the rightists in the center are endeavoring.

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form a party. After all, it is impossible to expect them to come to an agreement. Even if they do, it will be of no use, in case the so-called new political party carries favor with the Army. On the contrary, if it is against the Army, the latter may possibly launch a coup-d'etat immediately. Anyhow, the most cautious preparations will be called for." The question was dropped by Marquis KIDO as he became Lord Keeper of the Privy Seal within a few weeks. On that occasion in May 1940, however, I was able to fully understand Marquis KIDO's ideas about the Diet and political parties. I also discerned that the Marquis foresaw the meaninglessness and importance of what later emerged as the Taisei Yokusan Kai (Imperial Rule Assistance Association), which was later set up because of the possibility of military influence. At the same time, the Marquis who correctly appraised the real value of the Army's political influence held that such a party it would court a revolution at once to overthrow this "force" with another "force". Therefore, I know he racked his brains to establish real parliamentary government in Japan, by gradually restraining the Army. Later, Marquis KIDO's Diet-first idea was fully manifested in an episode, which took place toward the end of the TOJO Cabinet in 1944 when Japan lost Saipan to America, so that

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her eventual defeat was manifest to everybody. At that time, I keenly felt it meaningless to exact further sacrifices from the people. I thought that the situation could not be saved without the TOJO Cabinet resignation en bloc. But there was no way of giving expression to the public opinion as there is now, nor was the Diet a proper organ for denouncing General TOJO, being reduced to his puppet as it was. In consequence, I arrived at a conclusion that the only way available for overthrowing the TOJO Cabinet would be to request Marquis KIDO, then Lord Keeper of the Privy Seal, to petition the Emperor for Imperial intervention against the Cabinet. Therefore, I approached Marquis KIDO with the request, which however, was flatly rejected by him. It would be a Court coup d'etat, and absolutely not in accordance with constitutional government he said, to persuade the Emperor to change the Cabinet on the part of a Lord Keeper of the Privy Seal. The Marquis continued:

"It is only on the floor of the Diet that one can express his political opinions lawfully. If the Diet is to be really concerned over the war situation, it should take action, expressing its lack of confidence in the Government."

I was ashamed that the Diet men, including myself were spineless, while strongly impressed with Marquis KIDO's idea about the Diet again.

Marquis KIDO's Mental Attitude in Recommending a Succeeding Prime Minister to the Throne was revealed to me by him on many occasions.

I had frequent conversations with Marquis KIDO after his assumption of the post of Lord Keeper of the Privy Seal during and after a Cabinet change, so that I was able to get acquainted with his ideas about the Cabinet or new Cabinet. Marquis KIDO's ideas about the Diet and political parties, already mentioned, represented his ideas about the Cabinet, too. In recommending a succeeding Prime Minister to the Throne in response to an Imperial inquiry, the Marquis was actuated by the desire to choose a statesman, pursuing the great middle course, who would be able to restore government to its normal orbit, by gradually restraining the Army. He would not welcome an anti-Army Cabinet, though it would have been impossible to form one under the circumstances, then prevailing, as it would be destined to come to a head-on clash with the Army. Nor would he welcome a "yes-Cabinet" which would be at the Army's beck and call, as none could foresee what would become of Japan's government under such a Cabinet.

As a case in point, I should like to touch on Marquis KIDO's attitude toward General UGAKI, which was said to have been criticized by some people. General UGAKI was frequently mentioned as the candidate for the succeeding Prime Minister

at many Cabinet changes, but he failed to be chosen. I myself always supported General UGAKI as candidate for the succeeding Prime Minister on those occasions when he was mentioned. On the strength of my interviews with Marquis KIDO, I learned that he regarded General UGAKI with an open mind, not being prejudiced against or in favor of the latter. But he was pessimistic about the possibility of the anti-UGAKI Army faction supporting General UGAKI, by changing its former attitude, in case he was recommended to the Throne as succeeding Prime Minister again even if he concurrently was War Minister. It may be recalled that in 1937 when the HIROTA Cabinet resigned en bloc, General UGAKI was commanded by the Emperor to form a succeeding Cabinet, but his efforts to form a new Cabinet ended in a failure, as the result of the Army's refusal to permit any general to join his projected Cabinet as War Minister. This was a notorious case. There was a movement for making General UGAKI form a new Cabinet later, it is true; but it could not be admitted that the Army leaders' opposition to General UGAKI disappeared. If the Army was not pacified in favor of him, Marquis KIDO argued that it would be impossible for General UGAKI to form a new Cabinet. And this was the reason by the Marquis contended that it would be impossible to recommend General UGAKI to the

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Throne as succeeding Prime Minister. A section of the public charged that Marquis KIDO during his tenure of office as Lord Keeper of the Privy Seal deliberately opposed the choice of General UGAKI as succeeding Prime Minister from his ill feeling toward the latter, but this is not only a gross misunderstanding of the fact, but also a manifestation of utter failure to appreciate the painstaking preparations made by the Marquis in recommending a succeeding Prime Minister to the Throne.

I have always found from my own experience and observations, and from information I obtained from others that Marquis KIDO scrupulously and consistently acted in respect for law. I know of my own knowledge that in expectation that State affairs be conducted by the Emperor on counsel offered by the Minister of State, and military affairs on the counsel offered by the responsible military and naval authorities, during his tenure of office as Lord Keeper of the Privy Seal took every possible care not to offer advice to the Emperor on political and military affairs unless requested by the Emperor. Handicapped as he was, he spared no efforts to terminate hostilities so as to restore peace.

I am not sure when Marquis KIDO began to believe in Japan's inevitable defeat, but I never heard him say that the war would end in a victory for Japan, though I met him scores of times during the war. He invariably talked about now and when peace should be sought. His efforts in the cause of peace after the

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Potsdam Declaration were inspiring to others. Immediately after information on the Potsdam Declaration was received I met him when he asked me about the trend of public opinion. Setting aside opposition the Army might offer to peace moves, he wondered what attitude the people would take in case they were suddenly brought face to face with Japan's surrender contrary to the victory story with which they had hitherto been fed by the Army's fake propaganda. In reply, I advised him to take peace moves without a moment's delay, assuring him that there would not be a single Japanese desirous of a continuance of the war. I also had an interview with him immediately after atomic bombs were dropped on Hiroshima City. He told me he was very much worried about the fact that Army circles were still advocating a decisive battle with the invading Americans on the Japanese mainland in defiance of the desperate turn of the war situation. On that occasion, I stressed to him that the best course under the prevailing circumstances be pursued at the risk of one's own life in stead of adhering to legal provisions or usage if the country was to be saved from her impending ruin. Setting aside the question how he had made up his mind at that time, it was not long before Japan surrendered unconditionally, thanks to Imperial intervention. The extraordinary efforts and activities, put forth by Marquis KIDO, were responsible for it, as is now well known to all Japanese.

After the Army became the political center, in 1937, all information on the home and foreign situation was either fabricated or garbled, so that it was found extremely difficult to grasp the situation. For instance, almost none of those "rich" friends of mine, who were members of the TOJO Cabinet had a correct knowledge of the real war situation, all believing in the war reports, made public by the Army from ulterior motives. Yet Marquis KIDO was possessed of accurate information on both the home and foreign situation, thanks, possibly, to the fact that he had some close friends among various circles, who were all men of personality with the State's interests uppermost in their minds. This provides an eloquent commentary on Marquis KIDO's lofty personality. On my part, I made it a rule to seek an interview with and report to him on every remarkable happening in parliamentary and party quarters. And every time when I sought an interview with him he would readily meet me whether he would be at his home, official residence or villa at Zushi and carefully listen to my reports and many times ask me various questions. He was unswerving in his devotion to his duty as well as to his respect for the Diet in the midst of an atmosphere, surcharged with sentiments attaching preponderating importance to the Army and belittling the Diet.

In short, from my association with him, from his acts, conduct and speech and from opinions obtained from others who know him well, it is my firm belief that Marquis KIDO is a man of personality, integrity and wisdom, being a pacifist, and out and steadfastly believing in parliamentary government.

On this 6 day of Feb., 1947

At I.M.T.P.E.

DEPONENT SAKUDA, Kotaro (seal)

I, HOZUMI, Shigetaka, hereby certify that the above statement was sworn by the Depoent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At same place

Witness: (signed) HOZUMI, Shigetaka (seal)

OATH

In accordance with my conscience I swear to tell the whole truth withholding and adding nothing.