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- 34405 * On the day the third KONOYE Cabinet fell, the accused SATO visited his home to tell him about the situation in army circles. He was well acquainted with the accused SATO, having known him thirty years. Asked if SATO discussed or made any recommendation as to who should succeed KONOYE, he replied that SATO conveyed a message from the army, and by army he meant TOJO and not the General Staff, for it had nothing to do with politics.
- 34406 * Therefore, he believed it could be assumed that the message was from War Minister TOJO. At that time SATO was a colonel.

The message was that since the KONOYE Cabinet fell, the army deemed it desirable to recommend that an Imperial prince become premier. The name mentioned was Prince HIGASHIKUNI. At no time during this visit did SATO mention TOJO's name for premier.

- 34407 The affiant stated he attended a conference about October 17 to recommend a successor to KONOYE, at which he believed were WAKATSUKI, OKADA, HIROTA, HAYASHI, * HIRANUMA, YONAI, HARA, KIYOURA, and the Lord Keeper, KIDO, who presided as chairman. The affiant recalled that KIYOURA mentioned HIGASHIKUNI's name, and the affiant did not express his opinion relative to HIGASHIKUNI's becoming premier to SATO, nor to anyone else.

- 34408 * Asked if he paid absolutely no attention to the message SATO brought, he replied he just listened to his story, and nothing he said affected his opinion. At the conference on October 17 they finally recommended TOJO as premier. Never once during this visit did SATO mention TOJO's name as one who should be premier. The affiant believed it was KIDO who recommended TOJO, but
- 34409 * there was no one present absolutely against having him as premier.

The affiant stated he was familiar enough with the War Ministry to state whether the bureaus within it were on an equal level as to exercising authority. He knew TANAKA, Ryukichi, and knew that he had been used by the prosecution as a witness in the trial.

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34410 To the affiant was quoted a question in TANAKA's direct examination, in which TANAKA was asked if he remembered SATO telling him anything about the matter in which TOJO became premier. * To this question TANAKA had answered that after TOJO became premier, he came to the affiant's office and told him about the matter.

It was always the stand of the Military Service Bureau that the army, outside the War Minister himself, should not interfere in politics, and he thought SATO's visit was in connection with this matter to explain his position.

SATO told TANAKA he had seen the two generals, ABE and HAYASHI, to whom he had said that unless TOJO was made premier it would be difficult to control the army. After this was quoted, the affiant was asked if SATO made any statement about TOJO becoming premier and if he were not it would be difficult to control the army, and the affiant replied he had never heard it. There never was any indication that there would be trouble with the army unless TOJO was appointed Prime Minister.

Mr. Keller says no
communist
re: Soto

Freeman

11/21/47 not for
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as firm with
re: 41

1. Able P.D. no 2732

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2. Matsumura # 2621

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OPENING STATEMENT ON BEHALF OF SATO, Kenryo

The accused SATO will not take the stand. There are several reasons for this. I would like to set them out briefly for the benefit of the Tribunal.

The desire to save valuable time when compatible with the doing of justice dictates that this procedure be followed. Quite obviously the Prosecution has failed to substantiate the Indictment charges against this accused. Innuendos and inferences not arising from concrete evidence have never occupied a position of any merit whatsoever before any court. Certainly, therefore, counsel is entitled to the sound assumption that a different rule will not be applied before this International Tribunal.

For a trial that has shattered all precedents in history for length and complication, consuming a period of over a year and a half, and promising to envelop a two year period, the only hope for expediting matters is for counsel to rely upon his considered judgment as to whether or not to advise a defendant to take the stand. After careful study and deliberation the undisputed revelation arising from the reading of the record is that there is simply no evidence of any merit adduced against the accused SATO to warrant an individual defense. Hence this presentation will entail the offering of only a few documents designed to clarify minor issues.

The accused SATO held no office of importance until after the beginning of the Pacific war, and that was to become Chief of the Military Affairs Bureau in April, 1942. Evidence will be offered as to the occasion of this appointment. Frankly, the Prosecution has relied almost solely upon the one professional witness to emerge in this trial, General TANAKA, Ryukichi, for what evidence it has offered against this accused. The court's attention is directed to the fact that Tanaka has thus far

It would be merely repetitious for the accused to offer evidence relating to the functions and duties of the Military Affairs Bureau as this has been amply covered by documents already in evidence. We refer particularly to Exhibit No. 3439. Exhibits Nos. 270 and 2235 are one and the same, and are speeches supposed to have been made by the accused in 1938 at a policemen's conference. While these speeches have never been properly authenticated before the court, evidence will be offered to show that such speeches ~~were mere releases from the Information Bureau in the War Ministry for the information of the public, and~~ ^{had} in no way referred to any policy of the Japanese Government.

Lastly, it will be shown that in the closing period of the war, in 1945, the 37th Division in Siam, of which the accused SATO was in command, was purely an operative division, and had nothing to do with any mistreatment of civilians or prisoners of war that may have occurred in that area.

Reference is made to the following exhibits, which we respectfully request be incorporated as part of the defense of this accused:

Exhibit No. 3447: Miki, Yoshihide - relative to the November 27, 1941, meeting of Bureau Chiefs, where MUTO was supposed to have read Exhibit No. 1175, and which relates to SATO.

Exhibit No. 3034: which is an affidavit of General Kretchmer, Military Attache to Japan, relative to certain decorations given by Germany to Japanese Government officials including the accused SATO.

Exhibit No. 841: (record p.18,278) relative to the accused and the five-year plan.

Exhibits Nos. 3439 and 2238 - relative to Imperial Headquarters; also as to attendants, and explainers in Parliament.

Exhibit No. 3469: As to Greater East Asia Conference.

Appendix
Sato file

2 May 1947

MEMORANDUM TO : Mr. D. E. Sutton
FROM : Lt. K. Steiner

In view of the stress of the Japanese "non-expansion policy" by the defense the speeches by the defendant SATO held between 25 and 29 August 1938 may be of interest to you.

The following is a quotation from them:

"As an operation at the time of the outbreak of this incident, we were of the opinion that the mopping up of the Peiping-Tientsin areas--an intermediate between non-expansion and all out operation policies--by striking a blow at the Chinese 29th Army and repelling them to the south of the Yung-Ling River, the problems of Chi-tung and Chi-sha would naturally be settled.

"Therefore, the field of operation had to be expanded and our troops penetrated-- and then to Shanghai and to the fall of Nanking. Then there was the miraculous landing at (blank) by the Ianogawa Forces." (Pages 3616 to 3617)

These exhibits were introduced as Exhibit 270.

Lt. Kurt Steiner

29 January 1947

Memo to: Mr. Carlisle Higgins

From : Yale Maxon

Subject: Contention by MUTO, SATO and OKA in their motions for dismissal that they were, in effect, mere secretaries.

1. Counter evidence to the above claim is contained in Kido Diary entry for 11 August 1941, a rechecked copy of which is attached. This has never been offered in evidence.

2. Though it is arguable that the Emperor wished to exclude these individuals because of their non-importance, it is equally arguable and much more probable that the Emperor wished the vital question of war or peace to be discussed and decided at a safe distance from the fanatical exponents of expansion at any price. Why else could he not ask questions until he fully understood?

3. Perhaps it may be desired to introduce this evidence at a later stage in the trial when Kido is on the stand.

Yale Maxon

Copies to:

Capt. Robinson
Mr. Comyns-Carr
Mr. Mornane
Mr. Horwitz

August 11th, Monday, fine.

At 9:30 a.m., exchanged betrothal presents for the marriage-engagement of Takasumi and Nobuko. All the members of White Chrysanthemum Club came for congratulations.

At 10:30 went to the office.

From 10:40 until 11:40 was received in audience. Being very much worried over recent relations between Japan and the United States, the Emperor spoke to me to the following effect:

"If the conference with the President which the Premier reported to the Emperor the other day should be successful there will be nothing to worry about. But in case the United States does not accept Japan's proposals in a simple and straightforward manner, I think we must make a very serious decision.

"Previous Imperial Councils have been extremely formal, but this time I want to ask questions until I fully understand. So I suggest that it be made up for the most part of the following people and that administrative personnel such as the Chiefs of the Military Affairs Bureaus be not included: the Prime Minister, the Foreign Minister, the Finance Minister, the Ministers of the Army and the Navy, the President of the Planning Board, the Chiefs of the Army General Staff, and the Chief of the Navy General Staff. We had better add the three Gensui /Field-Marsals or Fleet Admirals/.

"Please talk over these points with the Premier too."

The above was what I was told.

At 3 p.m. Marchioness Komatsu came to see me with Nobuko and I had

a talk with them.

Invited Mr. Hironichi for supper and we dined together.

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SATO, Kenryo

Edward E. O'Neill

Mr. Comyns Carr
Attn: Mr. Humphries

3 April 1946

In accordance with the conversation had with you yesterday afternoon, there is attached hereto a brief background sketch of SATO, Kenryo. In regards to his various positions and assignments, I have only selected those which may be deemed pertinent. His personal record covering his entry into the Army up to and including his command of the 37th Division covers eight pages.

In accordance with our conversation, a more detailed report will be furnished the latter part of this week or early next week.

Respectfully,

EDWARD E. O'NEILL

SATO, Kenryo

1. Born June 1, 1895; July 1938 promoted to Colonel; March 1941 Manager of Liaison Committee of the Asiatic Development Board and Administrative official of the Manchurian Affairs Board; October 1941 promoted to Major General; April 1942 - Chief of the Military Affairs Bureau; May 1942 Manager of the Greater East Asia Construction Committee; November 1942 Member of the Liaison Committee of Greater East Asia Department; March 1945 promoted to Lt. General; April 1945 Division Commander, 37th Division; from March 1941 to September 1944 a member of the Government Committee dealing with the affairs under the jurisdiction of the War Department; from the time of his promotion to captain (Aug. 6, 1926) 'till his command of the 37th Division (Apr. 7, 1945) his assignments were directly connected with the General Staff. (N.B. The exact date of his tenure as Chief of Military Affairs Bureau is not reflected in the file, but he is known to have held that position during TOJO's premiership and he did not leave Tokyo until April 1945 when given command of the 37th Division.)

2. The Military Affairs Bureau under the TOJO Cabinet was the War Ministers administrative staff, controlling administration in occupied territories, information and propaganda services, and influencing internal administration and diplomatic intercourse. This Bureau took the lead in carrying out plans for the Pacific War and it directed the handling and administration of prisoners of war.

3. SATO, throughout his career has been closely attached to TOJO. He worked for the appointment of TOJO as premier. He, in conjunction with MUTO, most ardently advised TOJO to open hostilities in the Pacific. During his military career, he has been classified as one seeking the expansion of Japan by force, the conquest and control of Greater East Asia, and the superiority of the Asiatic race (Japanese) over Occidentals.

Mr. Higgins

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
INTERNATIONAL PROSECUTION SECTION

6 March 1946

MEMORANDUM TO: Mr. Comyns Carr
Chairman, Executive Committee

Reference : SATO, Kenryo

Point One

From Lt.-General ISHIDA, Otagoro, now interned at Sugamo, and from General TANAKA, their statements being substantially in accord, learn that SATO was Director of Military Affairs throughout the period of TOJO's regime, and was a close confidant and, in fact, shaped most policies relating to military operations, treatment of prisoners of war, etc., for TOJO. Likewise, that propaganda and information bureaus were under his control. That on, to wit, December 6, 1941 an Imperial Decree was issued calling for the setting up of prisoner of war bureau, but on, to wit, 6th of May 1942 a decision was rendered by TOJO calling for the working of white prisoners of war and their internment in Oriental countries under Japanese control in order to demonstrate the inferiority of the white race, and subsequently orders were issued directing the carrying out of this plan. It is suggested that SATO was responsible for the Imperial decree, for the decision of TOJO, and his office prepared the orders referred to. He is represented to have been the key figure in the War Ministry other than TOJO himself. By 7 March I should have a list of witnesses who can verify General TANAKA's story as to the decision on the prisoner of war policy, he himself being present, and likewise the names of witnesses who can verify the preparation of, the nature and the issuance of, the orders referred to if the orders themselves cannot be located.

Point Two

Pursuant to the Imperial decree referred to in the above paragraph, both Generals being in accord, learned there were two prisoner of war bureaus set up, both commanded by the same person. One Furyo Johokyo which had to do with disposition of foreign inquiries regarding prisoners of war, and this bureau consisted of the members of the Cabinet, reports being made direct to the Premier. There was also organized Furyo Karibu which had to do with the organization, supervision and control of prisoner of war camps and the carrying out of the orders of

SATO and TOJO. In 1941 and 1942 the Commanding Officer was Lt.-General UEMURA; 1942 to 1944 HANADA, Taira, Major-General; and from 1944 to the conclusion of the war, TAMURA, Hirochi, Lt.-General. No other organization was assigned to deal with prisoner of war problems.

Point Three

All records were ordered destroyed on or about August 15, by an oral order, source unknown. However, shortly thereafter a written order from the Minister of War directed that financial records, pay rolls, etc., be not destroyed.

Note: It is suggested that Lt.-General MUTO participated in the recommendation to adopt the prisoner of war policy subsequently adopted. It is likewise suggested that Lt.-General KATO, Hakujiro and Major-General SHIKATO, Ryoji personally participated in decision and definitely assisted the carrying of it out. These men might be useful as witnesses if apprehended and possibly as defendants in subsequent trials if such are held.

Respectfully submitted

KENNETH N. PARKINSON

3/18/46

INTERROGATION OF KOISO, Kuniaki

1. Biographical sketch of position held from 1900 to 1945.
2. Upon assuming the position of Prime Minister, the Emperor instructed him "to bring this war to a successful end, basing it upon the Imperial Constitution". Since this instruction could be interpreted two ways, KOISO undertook "to bring the war to a successful end both by means of battle and by means of peace".
3. KOISO formed the Saiko Senso Shido Kaigin (Highest War Guiding Committee) as advisor to him.
4. This committee did not issue orders decreasing the rations to prisoners of war. KOISO did not know there was such an order. He does not know who issued the order to burn Manila. He states "The method of warfare is left up to the commanding officer in that area" meaning that the commanding officer in the field has complete authority to do whatever he sees fit.
5. He never heard of the Tanaka Memorial.
6. The SAKURA-KAI and KOSAKURA-KAI were formed by young majors and lieutenant colonels to increase the budget for the Army.
7. The TOSEI-HO and KODA-HA were not groups of people but rather classifications into which military men were grouped. The

severe thinkers were the KODA-HA. He classifies the following personnel:

- | | <u>TOSEI-HO</u> | <u>KODA-HA</u> | <u>UNKNOWN</u> |
|-----|--|----------------|----------------|
| 14. | Nagata, Tetsuzan | Tojo | Itagaki, |
| | Minime, | | Honjo, |
| 15. | Tatekawa, | | |
| 8. | The Mukden Incident was a surprise to him. | | |
| 9. | When Tanaka was War Minister (September 1923 - January 1924), Army and Navy agreed on Y 900 million budget for 10 years but appropriations were about 1/2 during subsequent years. This plan was discarded when Mukden Incident occurred. The Cabinet desired to further reduce the military budget in the summer of 1931. After the fall of the Cabinet in December 1931, the budget for 1932 was increased. End 12 February. | | |
| 10. | KOISO wanted to dissolve the IRAA when he was Prime Minister but was unsuccessful. He names some personnel connected with the IRAPA. | | |
| 11. | KOISO was never a member of KOKURYUKAI, GEVYOSHA, SHIUNOSO, MIZUHO Club. | | |
| 12. | KOISO believes that "humanity, based upon Japanese moral standards " should be extended to other nations and that government leaders must have the "capacity to manage the people." | | |
| 13. | He knows nothing about the Political and Administrative | | |

Reforms Program, nor the Plan for productive capacity,
nor the War Policy Plan.

14. He enumerates the Jap military forces in Manchuria in the summer of 1931 and states that the Chinese forces far outnumbered the Jap garrison. End 18 February.
15. Orders were issued to Jap commander in Manchuria not to attack the Chinese but they disobeyed the order. No disciplinary action was taken for this disobedience. He doesn't know the place or the time.
16. As Chief of Staff of Kwantung Army, he helped the commander in bringing independence to Manchuria. End 5 March.
17. The occupation of SHANKAIKAWAN in January 1933 was a result of the Chinese evacuating the city. Both Jap and Chinese troops occupied the place and Chinese troops were withdrawn.
18. KOISO's mission as Chief of Staff of Kwantung Army was to preserve peace in Manchuria, improve communication facilities and private industry and commerce. Neither ITAGAKI nor ISHIWARA remained on Kwantung Army Staff there.
19. After the China Incident, KOISO (As Commander of Korean Army) was ordered by Tokyo to dispatch reinforcements to the North China Army.
20. When Commander of Korea, KOISO treated Korean people "as nicely as I could;" he requested additional pay for the Korean officials and didn't know why he was called "Tiger

of Korea" but knew that he was.

21. When Overseas Minister, he knows nothing of construction in Mandated Islands. He authorized laborers for the Mandated Islands from the native and Jap residents. The Navy paid all their expenses. Shunsuke KONDO was Governor of Mandated Islands in 1940.
22. No protests were brought to him concerning treatment of P. W. while KOISO was Prime Minister.

/s/ J. F. Hummel.

From Chinese Division

WITNESS: SAITO, Yaheita

IV. RELEVANCY: He was the President of the Manchurian Development Company. He is believed to be at present under detention of the Soviet Government. He will testify to the activities and duties of KOISO during his service in Manchuria.

V. PERSONAL DATA:

	1885	Born.
	1914	Graduated from Army Staff College.
July	1918	Appointed regular staff officer of the General Staff
	1920	Trip to Siberia and China.
	1923	Trip to Europe.
	1928	Further study at Staff College, another trip to China.
	1930	Colonel, Chief of the Control Section, Bureau of Supplies and Equipment, War Ministry.
8 Aug	1932	Staff Officer of the Kwantung Army
1 Aug	1933	Commander of the 6th Infantry Brigade Brigade.
	1938	Commander of the First Division, Major General.
	1940	Chief of Weapons Division, War Ministry, Lt. Gen.

VI. PROSECUTION'S EVIDENCE:

OKADA, Record p. 1825, "After the occupation of Manchuria, the Kwantung Army was the real government there, although a so-called independent government was set up there in the early part of 1932, whose independence was supposedly recognized by Japan in September of that year. This Government was completely dominated and controlled by the Kwantung Army." (Koiso was Chief of Staff, Kwantung Army, 1932-24)

TANAKA, Record 2023, "Manchuria was completely occupied by the Spring of 1933 when the occupation of Jehol was completed." (Koiso was Chief of Staff, Kwantung Army, 1932-34)

EXH. 210, Record, p. 2701, "...Japanese militarists and diplomats openly declared that the political structure of North China did not satisfy their wishes and they instigated local authorities to proclaim autonomy which the villages managed to evade."

EXH. 2,210, Record p. 15,809 KOISO received 20,000 yen under secret Manchurian fund.

*See memo attached
Prepared by Col. D. J. P. [unclear]*

- I. WITNESS: SAITO, Yaheita
- II. In behalf of Koiso, Kuniaki. to testify relative to the activity and duties of Koiso, Kuniaki, during his service in Manchuria.

V. PERSONAL DATA:

Maj. Gen. Yaheita SAITO was born 28 September 1885. While his permanent address is No. 158 Kami Takano-mura, Mitoyo-gun, Kagawa Prefecture, it appears in the Court Order (Paper 600) authorizing issuance of subpoenas in behalf of Koiso, that SAITO is "at present believed to be under detention by the Soviet Government at Chiamsu in Manchuria."

SAITO's mature life was spent in the Japanese military service where he held important positions, being assigned to the General Staff Office on 29 May 1916. From 1924 to 1928 he performed duties as inspector; thereafter until Aug. 8, 1932 he successively was a student and instructor in the Military Staff College in 1929; Chief of the Control Section, Bureau of Supplies and Equipment in 1930; Assistant Secretary and Secretary of the committee arranging the mobilization of munition industries for the Army and Navy in 1931; and on Aug. 8, 1932 a staff officer of the Kwantung Army, which post he held until Aug. 1, 1933, when he was relieved and appointed Commander of the 6th Infantry Regiment (Curriculum vitae).

VI. SUMMARY OF PROSECUTION'S EVIDENCE relating to witness or accused.

Prosecution Document 1908B (Minutes of Third Trial of Okawa, Shumei) ties Koiso into the abortive plot to overthrow the Cabinet in Japan in March 1931. The evidence showed that Koiso, who was then in the War Ministry took "charge of everything" and agreed to "represent the Army" in the attempted murder which was planned, but later "decided to suspend it." (P. 20 of minutes of trial).

During the same summer (1931) Koiso was called in to consult on the military budget, and recommended increasing it. (Case file 62 Serial 22).

Koiso was assigned as Chief of Staff of the Kwantung Army in Aug. 1932. His mission was to support three basic principles: (1) the reorganization of peace in Manchuria; (2) development of transportation and communication; (3) development of industry, mining and agriculture. (Case file 62 Serial No. 51).

As to the execution of the policy to develop Manchuria industrially it is apparent that such development was mainly for the benefit of and under the political and military control of Japan. For control of the Manchurian communications system, see Pros. Ex 231; Record p. 2919-24. For control of railways, harbors, waterways and air routes, see Record P. 4258. For control of Manchukooan industry, see Ex. 445 (Record P. 5052-5069).

VII. OTHER AVAILABLE FACTS

See document prepared by Col. Fixel re testimony of Ishimaru, Shitoma (Shizuma) in behalf of Koiso.

VIII. SUGGESTED SUBJECTS FOR CROSS-EXAMINATION

The position of Saito as a staff officer in the Kwantung Army during a part of the time Koiso was Chief of Staff, presents an opportunity to clarify the activities of Koiso in the office he held.

(a) Ordinarily a Chief of Staff does not receive or disburse army funds. It would be apropos to find out what Saito knows about the receipt and expenditure by Koiso of ¥ 1,970,000 for "secret expenditure as required" by the Army; why the fund went to the Chief of Staff instead of to the Finance Officer; what such fund was used for; what secret activities were carried on; what accounting was made of the expenditures; what were Saito's duties at the time as a staff officer; were there staff meetings at which discussions were had relative to this fund; what was discussed; who attended such meetings; what action was taken.

(b) The relationship between Saito and Koiso on the Staff; what transactions were had between them; whether Saito had knowledge of the Kwantung Army in its work in Manchuria; whether the Army secured approval or ratification of such plans from Tokyo War Ministry officials; or whether it acted independently.

(c) Was Saito ever entrusted with missions by Koiso as Chief of Staff of the Kwantung Army; what were such missions; what was done by Saito in reference thereto; was he ever given secret funds to expend; if so, what were they expended for.

(d) Where was the physical location of the 6th Inf. Regiment in 1933 when Saito assumed command; if it was in Manchuria who did he report to as commander; if to the Commanding General, Kwantung Army, were his dealings with the Chief of Staff, Koiso; what was the work the 6th Inf. Regiment did while he commanded that organization; what connections did it have with civil affairs. (explore this fully).