

Doc. 4009

Evid

Folios 21

(25)

TRANSLATION OF DOCUMENT 1827 - PS
OFFICE OF US. CHIEF OF COUNSEL

Letter from St. v. Weissacker, dated 20 June 1939 and addressed to me;
my reply of 26 June 1939 concerning instructions by the Reich Foreign
Minister to ambassador in Tokyo.

(Signature illegible)

The State Secretary
of the Foreign Office.

Berlin, 20 June 1939.

Strictly Confidential!

Dear Friend,

For your strictly personal ^{knowledge} I am sending you enclosed a copy of instructions wired to Tokyo a few days ago. May I add at the same time for your information the Attolico has been advised of the event. It has been agreed, however, to continue the conversations on the matter under consideration in Berlin exclusively since Count Ciano has expressly designated Berlin as meeting place.

With sincere regards and

Heil Hitler!

As ever Yours

sgd. Weissaecker.

Concept:

Btsch./Kr.

Rome, 26 June 1939.

Dear Friend,

Sincere thanks for your strictly confidential letter of the 20th which has just reached me by Courier. It is an extremely valuable supplement to the intimations by Ciano and by Shiratori which I have heard concerning the development since the latter's return from Berlin. Shiratori expressed himself in a rather sceptical vein without going into any details.

Sincere regards and

Heil Hitler!

Always Yours,

(sgd.) v. Mackensen

1) By Courier

2) Mir.

State Secretary

Freiherr von We i s s a e c k e r

Foreign Office

B e r l i n .

(Double Envelope)

64536

Copy.

Berlin, 17 June 1939.

Diplogerma,

T o k y o

No. 194 of 17 June

Telegram.

Strictly personal for Ambassador.

1) Ambassador Oshima has not informed me officially of the most recent decisions by his government with regard to the alliance question until 14 June and he did so stating the following:

Japan declares her willingness to assist Germany and Italy also in a war in which Soviet-Russia does not participate, to make public this offer of assistance and to grant such military aid as lies within her realm of possibility. In certain exceptional cases, however, the common interests of the three powers might be served better by not making use of Japan's willingness. In such cases the three powers would have to come to an agreement on Japan's line of action. Japan, however, does not have the intention to limit the scope of the obligations taken upon her in the treaty by reservations of any kind whatsoever. It could be stated, therefore, that the Japanese Government is firmly resolved to conclude the pact.

2) Since in this Japanese communi^{cation} the mentioning of possible exceptional cases might at first give rise to doubts I have insisted that the meaning of this part be expressed more precisely. Subsequently, Oshima and his local associates have stated unequivocally and explicitly that according to their instructions received from Tokyo, this stipulation did not at all constitute a reservation on the part of the Japanese Government.

On the contrary, the Japanese Government wants to accept the pact and the two protocols belonging to it exactly as they have been drafted. Neither does it want to issue any statement expressing any limitations. It only wanted to mention the possibility that under certain conditions the three powers might want to agree upon a special line of action to be followed by Japan in case of a conflict. On the contrary, it was to be out of the question that the Japanese Government might be permitted to claim on its own an exception from the automatic compliance with its mutual aid obligations.

The mentioning of the possibility of special exceptional cases is not intended to mean anything different from what is provided for in the second paragraph of Article III of the pact and under item A of the supplementary secret protocol and is not supposed to add anything new to these stipulations. Therefore, the mentioning of exceptional cases has no special meaning whatsoever and does not change anything with regard to the decision of the Japanese Government to accept without limitations and reservations the mutual assistance obligations provided for in the text of the treaty.

3) I have taken notice of this interpretation of the instructions by the Japanese Government and have subsequently asked what the Japanese Government had decided with regard to the two items still unsettled, namely

- a) with regard to the draft of a note to be submitted by the Japanese Ambassador before the signing of the pact, concerning possible statements on the part of the Japanese Government in reply to diplomatic inquiries,
- b) with regard to the draft of a formulated statement to be delivered orally by the Japanese Ambassador also before the signing of the treaty concerning Japan's limited military possibilities.

In this connection I have stated in my account, with regard to item a) that the Japanese Government according to the information received by us now, has agreed, after all, with the diplomatic wording of these items as proposed by us and, therefore, would have to desist from the wording originally proposed by herself which was to designate the pact as being applicable only in case of war with Soviet-Russia. Regarding item b) I have emphasized that our draft of a formulated oral declaration constituted the maximum that Germany and Italy could accept. A formal written exchange of notes concerning Japan's limited military capacity is unacceptable to us.

On item a) Oshima shared my opinion. With regard to item b) he stated that unfortunately the Japanese Government still insisted upon not being content with an oral statement but on giving this statement the form of an exchange of notes.

I have subsequently let him know with all certainty that this was entirely unacceptable to Germany and Italy. We are thoroughly aware of Japan's present military situation and have always emphasized during negotiations that we did not expect any military actions on the part of Japan which exceeded her capacity. All details in this connection were reserved for the discussions as provided for in the supplementary secret protocol so that Japan did not bind herself to any line of action through the pact, alone. A special formal declaration by Japan would therefore be entirely superfluous.

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OFFICE OF US. CHIEF OF COUNSEL

However, we could finally accept it, if it would be made orally in the wording proposed by us, because that ^{would} not mean anything but what has always been said and stated by both sides during the negotiations. But the matter takes on an entirely different character when there is a formal exchange of written notes. Then we would have two instruments existing side by side. In one of them Japan would obligate herself to give assistance; in the other one it would at the same time be stated that at the present time and in the near future Japan would not be in a position to render such assistance. This would reverse the purpose of the treaty. It would have to be expected with certainty that such an exchange of notes would become known. But the Japanese Government thinks it important in order to make use of it in its State Council or against its opposition. However, as soon as a greater circle of persons would know about it, it would be absolutely impossible to keep it strictly secret. The enemy propaganda would then rightfully call the whole treaty worthless. It is impossible precisely from the Japanese standpoint to formally to admit to a feeble condition of Japan in this manner.

Oshima realized the correctness of this argumentation so far as he was concerned. He sent a telegram to Tokyo outlining our stand as regards the exchange of notes and also asking to confirm again the meaning of the Japanese Government's last instructions, which meaning was stated in the conversations which had taken place here.

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4) Since the Japanese Ambassador in Rome, Shiratori, is in Berlin right now, I arranged yesterday for a joint discussion between him, the Italian Ambassador and Oshima. At that meeting, Shiratori expressed himself quite firmly to the effect that so far as he was concerned the fact that Tokyo was still insisting so obstinately on an exchange of notes as regards Japan's limited military power forced him to the conclusion that his government was still making "mental reservations" with regard to the alliance. Therefore, he was sceptical as to whether his government would take into account our position which he himself absolutely shared. Under these circumstances, he personally was considering whether, in order to avoid a break-down of the negotiations, it would not be possible to establish explicitly in a secret protocol that ~~the~~ Japan's obligation to give assistance would set in automatically only if either Soviet Russia or America were to participate in the war, and that on the other hand if both countries remained neutral Japan's conduct would be determined by a consultation of the three powers. However, in this way Germany and Italy would at any rate have the gain that the treaty would contribute essentially to keeping America and Soviet Russia from participating in a European conflict.

I decidedly rejected this idea as impossible. If Japan made such a reservation, Germany and Italy would naturally make the corresponding reservation that their obligation to give assistance to Japan would automatically set in only in case of England's or France's participation in the war.

But then one would have a treaty which lost its real political effect. Only an absolutely clear alliance, not providing for individual war eventualities would have the effect of influencing America and Soviet Russia to stay out of the war. If Japan really did not want to decide in favor of such an alliance, thought should be given to the idea of not making a treaty at all.

5) I request that the position taken by me, be advocated at the conversations at that place. However, I request that the last mentioned personal proposal by Shiratori be mentioned and discussed only if it should be submitted to you from the Japanese side.

Ribbentrop (name is typed)

I, Theodore Lit, herewith certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document No. 1827-PS.

23 April 1946.

Theodore Lit

THEODORE LIT
X 046185

INTERNATIONAL PROSECUTION SECTION

Doc. No. 4009

24 May 1946

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT.

Title and Nature: Copy, Teleg^{GPM} RIBBENTROP to
Ambassador in Tokyo, re PACT of MUTUAL ASSISTANCE.

Date: 17 June 39 Original () Copy (x) Language: German

Has it been translated? Yes (x) No ()
Has it been photostated? Yes (x) No ()

LOCATION OF ORIGINAL (also WITNESS if applicable)

Marburg Doc. Center

SOURCE OF ORIGINAL: OCC, Nurnberg

PERSONS IMPLICATED: (cf. our Doc. #1062)

CRIMES TO WHICH DOCUMENT APPLICABLE: Preparations for war--
military; aggression; conspiracy; relations with US, GB,
France, etc.

SUMMARY OF RELEVANT POINTS (with page references):

1. Page numbered 64535 is a letter from Weizsaecker of the Foreign Office to Mackensen, German Ambassador in Rome, transmitting, for Mackensen's personal use only, a copy of a telegram to Tokyo. Page 64536 is Mackensen's letter to Weizsaecker acknowledging the receipt.

2. Ambassador OSHIMA explained his government's view on the pact as follows: Japan is willing to support Germany and Italy also in which Russia would not be involved. She is also willing to make this decision known. However, in some exceptional cases it might be in the interest of the three powers if Japan would not join in the war. In this case, the three powers would have to agree on Japan's position. (Page 64537).

3. Ribbentrop had protested the inclusion of the above restriction in a written protocol and pointed out that an oral agreement about this point would be sufficient. (p.64539)

4. OSHIMA declared that Japan insisted on a written agreement on this point. Ribbentrop replied that this would not be acceptable to Germany and Italy. These nations were fully aware of Japan's present military position and would

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Page 1

not request any military actions exceeding her abilities. It was also in Japan's interest not to make her present weakness known. (Pages 64539 and 64540).

5. The Japanese Ambassador SHIRATORI who was in Berlin at the time joined the negotiations. He stated his definite impression that his government made "mental reservations" to the agreement. He suggested saving the pact by a secret protocol stating that Japan would join the conflict automatically only if Russia or America would be drawn into the war. If those two countries would remain neutral, a conference of the three nations should decide on Japan's participation. This would benefit Germany and Italy as it would contribute to keeping America and Russia out of an European conflict. (Page 64541).

6. Ribbentrop rejected such a proposal. If Japan insisted on that point, Germany and Italy would have to make a reservation to come to Japan's help only in case of her war with England and France. Such a pact would have no political effect. Only a clear, all-including alliance can have the effect of keeping America and Russia out of the war. (Pages 64541 and 64542).

7. It also appears from the document that a certain wording of Japanese replies to diplomatic inquiries had been decided on which would make it appear as if the pact was directed against Russia only. (Page 64539).

8. The telegram was signed by Ribbentrop.

/A.N. Nurnberg Doc. No. 1827-PS/

INTERNATIONAL PROSECUTION SECTION

Doc. No. *4009*

Date

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT

Title and Nature: *Copy, Teleg. RIBBENTROP to Ambassador in Tokyo, re PACT of MUTUAL ASSISTANCE.*

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Has it been translated? Yes () No ()

Has it been photostated? Yes () No ()

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Marburg Doc. Center

SOURCE OF ORIGINAL: *O.C.C., Nurnberg*

PERSONS IMPLICATED: *(cf. our Doc # 1062)*

ARTICLES TO WHICH DOCUMENT APPLICABLE:

CRIMES TO WHICH DOCUMENT APPLICABLE:

Preparations for war, - Military; Aggression, Conspiracy; Relations with U.S., G.B., France, etc.

SUMMARY OF RELEVANT POINTS (with page references):

↓ Copy attached Analysis

[A.N.: Nurnberg Doc # 1827-75.]

Analyst: *CW Phelps*

Doc. No.

1827-05

Brief H. N. v. Wenzelka vom 22. 6. 39
an mich, meine Antwort vom
26. 6. 39 betr. Fortschritt der
R. A. L. an Posthalter in Tullis

Wenzelka

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DER STAATSEKRETÄR
DES AUSWÄRTIGEN AMTES

Berlin, den 20. Juni 1939.

121.64

Heute ca. 17 Uhr
Rom. 14/6 1939
Streng vertraulich!

Lieber Freund!

Zu Ihrer ausschließlich persönlichen Kenntnisnahme lasse ich Ihnen anliegend Abschrift einer vor wenigen Tagen nach Tokyo ergangenen Drahtweisung zu-gehen. Zu Ihrer Unterrichtung darf ich gleichzeitig bemerken, daß Attolico über den Vorgang unterrichtet worden ist. Es besteht jedoch Einverständnis darüber, daß Gespräche über den behandelten Gegenstand weiterhin nur in Berlin geführt werden sollen, nachdem Graf Ciano als Verhandlungsort ausdrücklich Berlin bestimmt hat.

Mit herzlichem Gruß und

Heil Hitler!

max jacob
Kleinjohann

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formulierten Erklärung über die beschränkten militärischen Möglichkeiten Japans.

Dabei habe ich zu Punkt a) meinerseits bemerkt, daß die Japanische Regierung nach ^{der} uns jetzt gemachten Mitteilung mit der von uns vorgeschlagenen Form ihrer diplomatischen Sprachregelung doch ohne weiteres einverstanden sei und auf die von ihr selbst zunächst vorgeschlagene Sprachregelung die den Vertrag mehr oder weniger deutlich als allein auf den Krieg mit Sowjet-Rußland abgestellt bezeichnen sollte, verzichten müsse. Zu Punkt b) habe ich betont, daß unser Entwurf einer formulierten mündlichen Erklärung das Äußerste sei, was Deutschland und Italien akzeptieren könnten.

Ein formeller schriftlicher Notenwechsel über die beschränkte militärische Leistungsfähigkeit Japans sei für uns unannehmer. Oshima teilte zu Punkt a) meine Auffassung. Zu Punkt b) sagte er, daß Japanische Regierung leider noch immer daran festhalte, sich nicht mit einer mündlichen Erklärung zu begnügen, sondern dieser Erklärung die Form eines Notenwechsels zu geben.

Ich habe ihm darauf mit aller Bestimmtheit eröffnet, daß dies für Deutschland und Italien völlig unannehmer sei. Wir seien uns über die gegenwärtige militärische Lage Japans durchaus klar und hätten bei Verhandlungen stets betont, daß wir keine über diese Möglichkeiten hinausgehende militärische Aktion seitens Japans erwarteten. Alle Einzelheiten in dieser Beziehung blieben den im Geheimen Zusatzprotokoll vorgesehenen Besprechungen vorbehalten, sodaß Japan sich durch Vertrag selbst noch auf keine bestimmten Aktionen festlege. Eine besondere formelle Erklärung Japans sei deshalb an sich

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Konzept:

Bsch./Kr.

Bonn, den 26. Juni 1939.

VI 76 r

Lieber Freund,

Anfrichtigen Dank für Ihren mir soeben mit Kurier zugehenden, streng vertraulichen Brief vom 20ten. Er ergänzt mir in wertvollster Weise das, was ich an Andeutungen von Ciano und von Shimotori nach seiner Rückkehr aus Berlin über die Entwicklung gehört habe. Letzterer sprach sich, ohne auf irgendwelche Einzelheiten einzugehen, recht skeptisch aus.

Mit herzlichen Grüssen
und Heil Hitler!
 stets Ihr

1) ab m.Kur.

(ges.) v. Mackensen

2) H.r.

Herrn Staatssekretär
Freiherrn von Weissacker

Auswärtiges Amt
Berlin.

(doppelter Umschlag)

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Abschrift

Berlin, den 17. Juni 1939.

Diplomata,

Tokio

Nr. 194 v. 17. 6.

Telegramm

Ausschließlich für Botschafter persönlich!

1) Botschafter Oshima hat mir erst am 14. d. M. mündliche Mitteilung über letzte Beschlüsse seiner Regierung in der Bündnisfrage gemacht und zwar in folgendem Sinne:

Japan erkläre sich bereit, auch in einem Kriege, an dem Sowjet-Rußland nicht teilnehme, Deutschland und Italien beizustehen, diesen Beistandswillen zu veröffentlichen und die in seinem Möglickeitsbereich liegende militärische Hilfeleistung zu gewähren. In besonderen Ausnahmefällen könne es allerdings in gemeinsamen Interesse der drei Mächte liegen, daß von dieser Bereitschaft Japans kein Gebrauch gemacht werde. In solchen Fällen würden sich die drei Mächte über das Verhalten Japans zu verständigen haben. Japan habe aber nicht die Absicht, die mit dem Vertrage übernommenen Verpflichtungen durch Vorbehalte irgendwelcher Art zu beschränken. Es könne also festgestellt werden, daß die Japanische Regierung den festen Entschluß zum Abschluß des Paktes gefaßt habe.

2) Da in dieser japanischen Mitteilung die Erwähnung der Möglichkeit von Ausnahmefällen zunächst zu Zweifeln Anlaß geben konnte, habe ich darauf bestanden, den Sinn dieses Teils der japanischen Mitteilung näher zu präzisieren. Oshima und seine hiesigen Mitarbeiter haben daraufhin eindeutig und bestimmt erklärt, daß es sich hierbei nach der ihnen aus Tokio

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zugegangenen Instruktion in keiner Weise um eine Reserve der Japanischen Regierung handele. Diese wolle vielmehr den Vertrag und die dazu gehörenden beiden Protokolle ohne Einschränkung so annehmen, wie sie redigiert seien. Sie wolle auch keine einschränkende Erklärung dazu abgeben. Sie habe nur die Möglichkeit erwähnen wollen, daß unter Umständen die drei Mächte in einem Konfliktsfalle über eine besondere Haltung Japans einig sein könnten. Es solle dagegen nicht die Rede davon sein, daß die Japanische Regierung allein von sich aus eine Ausnahme von dem automatischen Eintreten der Beistandspflicht in Anspruch nehmen dürfe. Die Erwähnung der Möglichkeit besonderer Ausnahmefälle solle nichts anderes besagen, als was in zweiten Absatz des Art. III des Vertrages und in Punkt A des Geheimen Zusatzprotokolls vorgesehen sei und solle diesen Bestimmungen nichts Neues hinzufügen. Die Erwähnung von Ausnahmefällen habe also ^{gar} keine besondere Bedeutung und ändere nichts an dem Beschluß der Japanischen Regierung die in dem Vertragstext vorgesehene Beistandspflicht uneingeschränkt und vorbehaltlos zu akzeptieren.

3) Ich habe von dieser Erläuterung der Instruktion der Japanischen Regierung Kenntnis genommen und habe Oshima dann weiter gefragt, was die Japanische Regierung denn jetzt hinsichtlich der beiden noch offenen Punkte beschlossen habe, nämlich

- a) hinsichtlich des Entwurfs einer von Japanischen Botschafter vor Unterzeichnung des Vertrages zu übergebenden Notiz über die etwaigen Ausführungen der Japanischen Regierung auf diplomatische Anfragen,
- b) hinsichtlich des Entwurfs einer von Japanischen Botschafter gleichfalls vor Unterzeichnung mündlich abzugebenden

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Überhaupt überflüssig. Wir könnten sie aber schließlich akzeptieren, wenn sie in der von uns vorgeschlagenen Fassung mündlich abgegeben werde, weil das nichts anderes besage, als was von beiden Seiten während der Verhandlungen schon stets gesagt und festgestellt worden sei. Durch formellen schriftlichen Notenwechsel erhalte die Sache aber einen völlig anderen Charakter. Wir hätten dann zwei nebeneinander stehende Instrumente. In dem einen verpflichte sich Japan zur Beistandsleistung; in dem anderen werde gleichzeitig festgestellt, daß Japan zu dieser Beistandsleistung jetzt und in nächster Zukunft nicht imstande sei. Das würde den Zweck des Vertrages in sein Gegenteil verkehren. Es sei bestimmt damit zu rechnen, daß ein solcher Notenwechsel bekannt würde. Die Japanische Regierung lege doch Wert auf ihn um davon in ihrem Staatsrat oder sonst ihrer Opposition gegenüber Gebrauch zu machen. Sobald aber ein größerer Kreis von Personen davon wisse, sei eine strikte Geheimhaltung völlig ausgeschlossen. Die gegnerische Propaganda werde dann mit Recht den ganzen Vertrag als wertlos hinstellen. Es sei auch gerade vom japanischen Standpunkt aus unmöglich, in dieser Form einen Schwächezustand Japans förmlich festzulegen.

Oshima erkannte diese Argumentation für seine Person als völlig richtig an. Er hat ein Telegramm nach Tokio geschickt, in dem er unseren Standpunkt hinsichtlich des Notenwechsels dargelegt und in dem er im Übrigen gebeten hat, den bei den hiesigen Unterhaltungen festgelegten Sinn der letzten Instruktion der Japanischen Regierung nochmals zu bestätigen.

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4) Da sich in diesen Tagen der Japanische Botschafter in Rom Shiratori in Berlin aufhält, habe ich gestern noch eine gemeinsame Besprechung mit ihm, dem Italienischen Botschafter und Ohima veranstaltet. Dabei äußerte sich Shiratori ziemlich bestimmt in dem Sinne, er müsse für seine Person aus der Tatsache, daß man in Tokio noch immer so hartnäckig an einen Notenwechsel über die beschränkte militärische Leistungsfähigkeit Japans festhalte, doch den Schluß ziehen, daß seine Regierung überhaupt hinsichtlich des Bündnisses noch gewisse "Mentalreservationen" mache. Er sei deshalb skeptisch, ob seine Regierung unserem Standpunkt, den er selbst durchaus teile, Rechnung tragen werde. Unter diesen Umständen sei er persönlich auf den Gedanken gekommen, ob es nicht, um ein Scheitern der Verhandlungen zu verhüten, möglich sei, in einem geheimen Protokoll ausdrücklich festzustellen, daß die japanische Beistandspflicht automatisch nur dann eintrete, wenn entweder Sowjet-Rußland oder Amerika an dem Kriege teilnehmen, um daß dagegen wenn beide Staaten neutral blieben, das Verhalten Japans in einer Konsultation der drei Mächte festzustellen sei. Auf diese Weise gewünne Deutschland und Italien doch jedenfalls soviel, daß der Vertrag wesentlich dazu beitrage, Amerika und Sowjetrußland von der Beteiligung an einem europäischen Konflikt fernzuhalten.

Ich habe diesen Gedanken mit aller Entschiedenheit als unmöglich zurückgewiesen. Wenn Japan eine solche Reserve mache, müßten Deutschland und Italien natürlich die entsprechende Reserve machen, daß ihre Beistandspflicht gegenüber Japan automatisch nur im Falle der Teilnahme Englands oder Frank-

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Frankreichs am Krieg eintrete. Dann habe man aber einen Vertrag, der seinen eigentlichen politischen Effekt einbüße. Nur ein ganz klares und nicht auf einzelne Kriegseventualitäten abgestelltes Bündnis werde die Wirkung haben, auf Amerika und Sowjetrußland im Sinne des Fernbleibens von Kriege einzuwirken. Wenn sich Japan zu einem solchen Bündnis wirklich nicht entschließen wolle, dann sei zu überlegen, ob man von einem Vertrage nicht überhaupt absieht.

5) Ich bitte, den von mir eingenommenen Standpunkt auch bei dortigen Unterhaltungen zu vertreten. Den zuletzt angeführten persönlichen Vorschlag von Shiratori bitte ich aber nur dann zu erwähnen und zu erörtern, wenn er Ihnen etwa dort von japanischer Seite entgegengebracht werden sollte.

Ribbentrop

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Doc. No. 1827-PS

OFFICE OF U.S. CHIEF OF COUNSEL
FOR THE PROSECUTION OF AXIS CRIMINALITY
Date 10 October 1945

Translation

STAFF EVIDENCE ANALYSIS

DESCRIPTION OF ATTACHED DOCUMENT (Under following headings).

Title and Nature: Telegram Ribbentrop's to the German Ambassador in Tokyo re Pact of Mutual Assistance.

Date: 17 June 1939 Original () Copy (X) Language: German

LOCATION OF ORIGINAL (also WITNESS if applicable) as of 10 October 1945:
Archives of Foreign Office in Marburg. Enclose photostat copy in request for original.

SOURCE OF ORIGINAL: D-1.

PERSONS IMPLICATED: RIBBENTROP, Joachim von.

REFERENCES TO INDEX HEADINGS (Key to Par. nos. of Summary below):

PREPARATIONS FOR WAR: Diplomatic -- PREPARATIONS FOR WAR: Military --
PREPARATIONS FOR WAR: Psychological -- AGGRESSIVE WAR, STATEMENTS AND
PLANS -- REICH GOVERNMENT AGENCIES: Foreign Office.

NECESSARY PROCESSING TO PUT IN EVIDENTIARY FORM; LEADS: von Mackensen;
von Weizsaecker.

SUMMARY OF RELEVANT POINTS (with page references):

1. Page numbered 64535 is a letter from Weizsaecker of the Foreign Office to Mackensen, German Ambassador in Rome, transmitting, for Mackensen's personal use only, a copy of a telegram to Tokyo. Page 64536 is Mackensen's letter to Weizsaecker acknowledging the receipt.

2. Ambassador Oshima explained his government's view on the pact as follows Japan is willing to support Germany and Italy also in which Russia would not be involved. She is also willing to make this decision known. However, in some exceptional cases it might be in the interest of the three powers if Japan would not join in the war. In this case, the three powers would have to agree on Japan's position. (Page 64537).

3. Ribbentrop had protested the inclusion of the above restriction in a written protocol and pointed out that an oral agreement about this point would be sufficient. (Page 64539).

4. Oshima declared that Japan insisted on a written agreement on this point. Ribbentrop replied that this would not be acceptable to Germany and Italy. These nations were fully aware of Japan's present military position and would not request any military actions exceeding her abilities. It was also in Japan's interest not to make her present weakness known. (Pages 64539 and 64540).

(over)

Doc. No. 1827-

5. The Japanese Ambassador Shiratori who was in Berlin at the time joined the negotiations. He stated his definite impression that his government made "mental reservations" to the agreement. He suggested saving the pact by a secret protocol stating that Japan would join the conflict automatically only if Russia or America would be drawn into the war. If those two countries would remain neutral, a conference of the three nations should decide on Japan's participation. This would benefit Germany and Italy as it would contribute to keeping America and Russia out of an European conflict. (Page 64541).

6. Ribbentrop rejected such a proposal. If Japan insisted on that point, Germany and Italy would have to make a reservation to come to Japan's help only in case of her war with England and France. Such a pact would have no political effect. Only a clear, all-including alliance can have the effect of keeping America and Russia out of the war. (Pages 64541 and 64542).

7. It also appears from the document that a certain wording of Japanese replies to diplomatic inquiries had been decided on which would make it appear as if the pact was directed against Russia only. (Page 64539).

8. The telegram was signed by Ribbentrop.

Analyst: Buchsbaum.

Doc. No. 1827-PS

III. (Photostatic cy in Doc. Rm.) AFFIDAVIT

I, GERARD SCHAEFER, being first duly sworn on oath, depose and say:

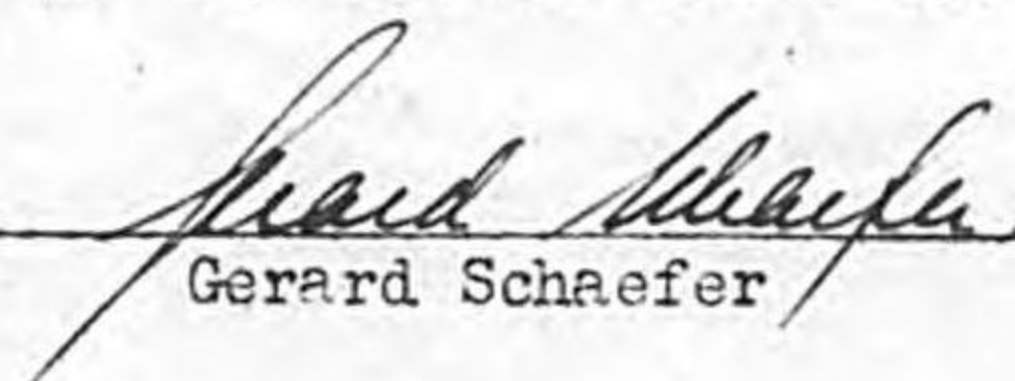
1. That I am Chief of the Documentation Division of the Office of the United States Chief of Counsel, Nurnberg, Germany, and as such have possession, custody and control of true and accurate photostatic copies of a certain original captured enemy document. That said photostatic copies have been numbered **1827-PS** by said Documentation Division.

2. That said above referred to original document was captured and obtained by military forces under the command of the Supreme Commander, Allied Expeditionary Forces, from **German Foreign Office Files and Archives.**

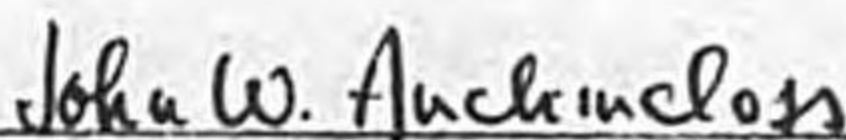
3. That said original captured enemy document after its seizure was retained by the United States Army Document Center at **Marburg, Germany,** and such above mentioned photostatic copies were delivered to, filed, numbered and processed by the Documentation Division of said Office of the United States Chief of Counsel at Nurnberg, Germany, in the manner set forth and described in detail by me in a certain affidavit made by me and dated the 15th of April 1946 captioned, "Affidavit Concerning the Capture, Processing and Preservation of German Documents", and which said affidavit I hereby verify, ratify and affirm and make a part of the herein affidavit by reference.

4. That the document to which this affidavit is attached is a true and correct photostatic copy of said original captured enemy document above referred to.

5. That said above referred to original captured enemy document is, to the best of my knowledge and belief, being held and retained by the United States Army Document Center Sub-Section in charge of captured German foreign office papers and now located in Berlin, Germany, for inspection by various authorized agencies, and that a photostatic copy of said original is hereby furnished and certified to because of the unavailability of said original document for the reasons above set forth.


Gerard Schaefer

SUBSCRIBED AND SWORN TO before me this **16th** day of **April** 1946.


John W. Auchincloss
O-2052152
Capt., JAGD.

AFFIDAVIT

I, W. P. Cumming, being first duly sworn on oath, depose and say:

1. That I am an Attache of the United States Department of State on the Staff of the United States Political Adviser on German Affairs, and as such I am a representative of the Office of Military Government for Germany (U.S.). That in my capacity as above set forth, I have in my possession, custody, and control at the Berlin Documents Center, Berlin, Germany, the original captured German Foreign Office files and archives.
2. That said original Foreign Office files and archives were captured and obtained by military forces under the command of the Supreme Commander, Allied Expeditionary Forces, and upon their seizure and capture were first assembled by said military forces at a Military Document Center at Marburg, Germany, and were later moved by authorized personnel of said Allied forces to said central documents center, above referred to, and known as the Berlin Documents Center.
3. That I was assigned to said document center at Marburg, Germany, on August 15, 1945; and said captured German Foreign Office files and archives first came into my possession and control while I was stationed at Marburg, Germany, and that thereafter the same have continued in my possession and custody and under my control.
4. That the document to which this affidavit is attached is a true and correct photostatic copy of an original German Foreign Office document which was captured from said German Foreign Office files and archives, and which came into my possession and custody and under my control in the manner above set forth.
5. That said original document, of which the attached is a photostatic copy, is being held and retained by me in order that it may be examined and inspected by various interested agencies; and a photostatic copy of said original is hereby furnished and certified to because of the unavailability of said original for the reasons above set forth.

W. P. Cumming
W. P. CUMMING

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

G. H. Garde
G. H. GARDE
Lt. Colonel, AGD
Acting Adjutant General *OH 445*