

Exhibit 2970

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al.

-vs-

ARAKI Sadao, et al.

- Defendants -

A F F I D A V I T

RUFUS S. BRATTON

RUFUS S. BRATTON, being first duly sworn, upon oath deposes and says

Q What is your name?

A Rufus S. Bratton, Colonel, United States Army.

Q What is your present position?

A Deputy Chief of CIS, G-2, GHQ SCAP.

Q What was your position in the month of December 1941?

A Chief of the Far Eastern Section, Military Intelligence Division, War Department General Staff, Washington, D. C.

Q What, in general, were your duties at that time?

A I supervised the work of the Far Eastern Section of the Military Intelligence Division, and specifically was the custodian and processor of the Japanese diplomatic messages, which were being intercepted and translated by the Army and the Navy. I had charge of that material from the time it reached the Military Intelligence Division.

Q Was it your responsibility to make delivery or dissemination of that intercepted diplomatic correspondence?

A It was my responsibility. I had some officer assistants who helped me in processing the material and occasionally in distributing it.

Q When did you first learn that orders had been issued to Japanese Embassies and consulates to destroy their codes and documents?

A On 3 December we had intercepted orders from Tokyo to the Embassy to that effect, and I had sent one of my officers to the Embassy and he reported that they were burning their papers in the back yard.

Q Whom did you notify of this fact?

A General Sherman Miles, my superior officer and Chief of Military Intelligence, and General Leonard T. Gerow, Chief of the War Plans Division of the General Staff. The intercepted message was sent to the usual recipients of this material, which included the Secretary of State and the Chief of Staff. Distribution to the Secretary of the Navy and the President was at that time the responsibility of the Navy.

Q Did you and Generals Miles and Gerow discuss the meaning of this destruction of codes?

A Yes, we agreed that it meant at the least a break in diplomatic relations and probably war.

Q Do you remember the so-called pilot message, which appears in evidence in this case as Exhibit 1,216 and which I am having handed to you?

A I do.

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- Q When did this message first come to your attention?
A Some time around 2 o'clock of the afternoon of Saturday, 6 December 1941.
- Q Did you discuss the matter with anyone on that Saturday afternoon?
A Yes; with General Miles and with General Gerow. In addition, that message was distributed to the Chief of Staff, the Secretary of War and the Secretary of State.
- Q Are you familiar with the 14-part message which was later received in accordance with this pilot message, in evidence here as Exhibit 1,245-K, which is being handed to you?
A I am.
- Q When did you first see any parts of this message?
A That message began to come into my office in the late afternoon or early evening of 6 December, and the first 13 parts had arrived completely between 9 and 10 o'clock that evening.
- Q To whom did you make distribution of those 13 parts?
A To the Secretary of State, by delivery of the locked pouch containing them to the night duty officer in the State Department some time after 10 o'clock that night. I also advised General Miles by telephone of the contents, and was told by him that he had seen the 13 parts.
- Q When did you first see the 14th part of the message?
A The 14th part was delivered to me at my office in the War Department 8:15 or 8:30 on the morning of Sunday, 7 December.
- Q What distribution of it was made by you?
A It was delivered immediately to the State Department by me or my assistant, Colonel Dusenbury.
- Q When did you first see the message ordering 1 o'clock delivery of the memorandum contained in the 14-part message, Exhibit 1,218, which is being shown to you?
A At just about 9 o'clock of the morning of 7 December.
- Q Whom did you notify of receipt of this message?
A Generals Miles and Gerow, and General Marshall, Chief of Staff.
- Q Do you know whether General Marshall had read the 14-part message?
A At 11:25 that morning Generals Miles and Gerow and I met with General Marshall in his office. He then read, in our presence, the complete 14-part message and the 1 o'clock delivery message.
- Q Was the significance of the 1 o'clock delivery discussed?
A At General Marshall's request each of us gave him his evaluation of it, which was that we concurred in believing that it meant Japanese hostile action against some American installation in the Pacific at or shortly after 1 o'clock that afternoon.
- Q What did General Marshall do as a result of this conversation?
A He called Admiral Stark, Chief of Naval Operations, on the telephone, and after consultation with him wrote out in his own hand a warning message to be sent to Hawaii, the Philippines, Panama and other American outposts in the Pacific.
- Q I am having handed to you Defence Document no. 1500-E-6. Please examine this document and state whether it is a copy of the message at that time prepared and sent by General Marshall?
A This is the message which General Marshall wrote and which at his order I took to the War Department Message Center for coding and transmission.

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Q Were you advised by the chief of the message center how long it would take for delivery of that message to the addressees?

A Colonel French, the chief of the message center, told me that it would be in the hands of the addressees within 30 or 40 minutes, which fact I reported to General Marshall.

Q What time was it then?

A It was then 11:58 A.M.

FURTHER the affiant saith not.

At Tokyo, this 18 August 1947

/s/ R. S. Bratton

Subscribed and sworn to before me, the undersigned authority, on this 18 August 1947, at Tokyo.

/s/ Worth D. White
Capt. Inf.
Summary Court Officer