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DIRECT EXAMINATION OF OKA, Takazumi,
by Mr. Roberts.

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* The accused identified and verified exhibit 3473 as his affidavit. The affidavit stated that the accused was born in 1890, was admitted to the Naval Academy in 1908, and until 1923 studied as a student in various naval schools, in addition to being a member stationed in France for military research, and instructor in naval schools and the Naval College. He was decorated for merit in April 1934 for the Manchurian Incident, and in May 1942 for the China Incident. These awards were the same as those made to thousands of naval men. In addition, the awards made to him were below those made to the most meritorious.

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The fact he was decorated was no indication of his participation in the conspiracy. * The fact that thousands of naval men received the same awards should be sufficient to destroy this contention. At the time the Manchurian Incident broke out he was a member of Section 2 of Division 1 of the Naval General Staff, which was concerned only with armaments and not military operations. Therefore, he did not participate in the Manchurian Affair.

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In October the same year he was assigned for duty in the General Staff and concurrently in the Navy Ministry, and was transferred to the Investigation Section, which was temporarily organized. From October 1932 to April 1934 he was in Paris and Geneva as a member of the delegation on the League of Nations Permanent Military Commission and as a member of the Disarmament Commission. Upon his return to * Japan he served in the Temporary Investigation Section of the Navy Ministry. After a term at sea on December 1, 1937, he was assigned in the General Staff concurrently in the Ministry.

During this period he was not connected with any current problems. Therefore, with respect to the Manchurian Incident and conclusion of the Anti-Comintern Pact and the outbreak of the China Incident, he did not participate and knew nothing directly in connection with the navy attitude concerning them. From 15 January 1938 to 14 October, 1939 he was Chief of Section 1 of the Naval Affairs Bureau. When he assumed this position, it was six months after the outbreak of the China Incident and after the fall of Nanking.

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During this time his appointment as secretary to the Manchurian Affairs Board was routine and merely nominal and coexistent with his tenure in that office from January 1938 to November 1939. He recalled attending no meetings of the board.

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* Secretaries to the Manchurian Affairs Board and Councillors to it were appointed from the navy, and the accused, in view of his navy duties, was appointed to these positions. Primarily, the navy had little to do with the Manchurian Affairs, and the accused did not do any actual work.

The National General Mobilization Law was enacted in early April 1939, and was brought about in view of the situation which called for the production of war materials in conformity with the expansion of the China Incident. The operation of the law was in the Planning Board's hands, and only in case some matter of interest to the navy was a reference made to Section 2, and at that time the accused, as Chief of the Section, was not connected in any way.

He never heard that the law was set forth in any way for preparing for a war of aggression.

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The Cabinet Information Board with which he was connected while he was Chief of Section I was different and on a very small scale compared with the Information Board at the time of the surrender and was utilized only for the exchange of information among Section Chiefs from each Ministry who gathered once a week. No discussions touched upon the strengthening of the Anti-Comintern Pact or International questions, nor was the gathering in a position to discuss these matters. He did not believe the chief of the Board was permitted to participate in a discussion of these problems. He became Chief of the Third Division in the Naval General Staff on 15 October 1939, was promoted to Rear Admiral on 1 Dec. 1939, and held the post until 15 Oct. 1940. The Third Division had charge of gathering and investigating intelligence, was not connected with operations or the disposition of current problems.

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The accused did not participate in the Japanese-NEI Negotiations or the Japan-FIC Protocol, the advance into North FIC or the Tripartite Pact. * He became Director of the Naval Affairs Bureau on 15 Oct. 1940 and served there until 18 July 1944. That he served as Director of the General Affairs Bureau concurrently as charged in the personal history section of the indictment was a mistake, as there was no such bureau in the Ministry.

On 1 Dec. 1942 he became a Vice Admiral. 18 July 1944 he was appointed Navy Vice Minister, serving as such until 5 Aug. 1944. On 9 Sept. 1944 he was appointed Commander of the Shanghai Naval Station, and retired on 23 June 1945. As set forth in regulations, the NAB, like other bureaus in the Ministry, received orders from the Minister who performed its routine functions under the Vice Minister's supervisor. The director, like other directors, assumed responsibility in his official duties only to the Minister.

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* With reference to matters pertaining to the Navy Minister's decision, the Director and Bureau Chief merely performed routine procedure as they were consistently regarded as nothing more than organs in the nature of aides to the Minister. They could be considered as part and parcel of the Minister, and therefore the Director of the NAB was never in position to assume any independent responsibility vis-a-vis outside contacts. He became Director after the Tripartite had been signed. The China Incident had been considerably expanded, relations with U.S. and Britain had become strained. Japan was economically embarrassed and it was a time when something should have been done, coping with the situation through diplomatic channels.

He was informed that Foreign Minister MATSUOKA had planned to turn U.S. relations to the better on the basis of the Three Power Alliance, but with a lapse of time, MATSUOKA's diplomacy took an

Page 33387 opposite turn and relations with the U.S. were in an inverse proportion to the Japanese-German rapprochement. Because the U.S. negotiations which started in the Spring of 1941 did not progress satisfactorily, MATSUOKA was forced to resign. The 3rd KONOYE Cabinet was formed and KONOYE poured his full strength in the negotiations and to that end TOYODA was chosen Foreign Minister. At that time Navy Minister OIKAWA held high hopes that the negotiations would be concluded and exerted everything in his power to that end. As Director of the NAB, the accused had charge of routine handling of the matter and exerted his best efforts toward the successful conclusion thereof.

33388 The outbreak of the European War, U.S.-British aid to China, the Tripartite Pact, and MATSUOKA's policy, vis-a-vis U.S. involved many delicate problems with regard to the negotiations. Public opinion, and that within the government and Supreme Command, was high * and fear existed that if a misstep was made a great disturbance would be created.

As for the Navy Ministry it was most vital that a compromise in the negotiations should be reached. So it constantly cooperated with KONOYE, who entertained an ardent hope to find a way to resume relations with U.S. Upon appointment of NOMURA as Ambassador and TOYODA as Foreign Minister as being most appropriate to readjust relations, OIKAWA did everything to support them. The accused knew that OIKAWA urged KONOYE to use his political judgment in arriving at a decision in the negotiations and the Navy gave its whole hearted support.

33389 With respect to domestic procedure, first of all the Foreign Office drafted the plan of negotiations. Upon the basis of this plan, it was deliberated upon by various quarters, including the Supreme Command and a unanimous decision was reached which would be telegraphed to the Ambassador, * but because of the situation in the country, it was difficult to formulate a drastic plan. * was not within the province of the department of the accused.

The construction of Exhibit 1115 (T. 16970) was denied by KIDO (T. 31238) and was borne out by Exhibit 1207-A, an extract from TOGO's interrogation. The latter was with reference to a note written by the Foreign Office concerning negotiations in which the statement appeared that the note was written by the Foreign Office but the responsibility rested with the participating members of the Liaison Conferences.

In Exhibit 1207-A also appeared the statement that as TOGO had said previously, members of a Liaison Conference responsible for the study and discussions were TOGO, SHIMADA, SUGIYAMA, NAGANO, TSUKADA, ITO, KAYA, SUZUKI, and the three secretaries, HOSHINO, MUTO, and OKA.

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* As to Cabinet members, they were responsible for Cabinet decisions, even on matters outside their respective offices. This was also confirmed in the testimony of YAMAMOTO (T. 25901). The idea that a Bureau Director could possibly be responsible for drafting a complete government formula was preposterous. It was this erroneous conception which had led the prosecution to build a fallacious understanding of his real duties.

About Aug. 1941, KONOYE announced his intention of personally conferring with Roosevelt to find a way for compromise. Because the negotiations made no headway, OKA presumed that KONOYE felt no opportunity should be lost as it was realized this was the most appropriate way to bring about a successful conclusion of the negotiations.

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* The Navy had confidence in KONOYE and believed that if he were clothed with full power and given wide discretion, a drastic proposal could be formulated and pave the way for concluding the negotiations. OKA was ordered by the Navy Minister secretly to have a merchant ship stand by and made preparations for it to sail at any time. However, the contemplated interview did not materialize because it seemed the U.S. first desired to fix the basic principles, after which to put the finishing touch at the conference which was contrary to KONOYE's intention. The Navy then took the view that with respect to the negotiations, the withdrawal of troops from China and elsewhere would not be prejudicial. OKA understood that Admiral YAMAMOTO also suggested this to KONOYE as did OIKAWA. It seemed there was strong opposition within a quarter of the Supreme Command to such a move. Utmost caution was required not to bring about dissension between the army and navy, and it was dealt with as a political issue among the Ministers. OKA believed this was a reason why the Navy Minister maintained that it should be entrusted to the Premier. The position of the Navy in opposing war had at all times been well defined. As late as the Third KONOYE Cabinet, it remained adamant that war should be avoided if possible.

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A quotation from the memoirs of KONOYE (T.10254) showed that KONOYE stated that OIKAWA had said "Let the decision as to whether there was hope for a successful conclusion of the negotiations be left in the hands of the Premier and Foreign Minister and as for the Navy, she would comply with that decision. If there was hope for a successful conclusion of the negotiations, they wanted them to be continued. OIKAWA added that if they were to rely on negotiations, they should be carried out thoroughly. They wanted success at all costs and a decision of the Prime Minister, and they wished to comply with this decision.

KONOYE made an additional remark (T.10263) and said that in the meantime it became known that since the Navy had not the will to

Page fight but couldn't say so herself, she was appealing to the Premier through OKA by way of Chief Secretary TOMITA for the Premier to express it. As an outcome, MUTO of the MAB, called on TOMITA requesting the Navy be asked to make a definite statement. When TOMITA relayed this to OKA, he stated the Navy could say no more and that she would comply * with the Premier's decision. Although the above statements were not exactly correct, they proved that at the time when the negotiations were carried on between the Premier and Navy Minister it was clear that his participation in the negotiations were official acts as Liaison Officer and he was merely delivering the messages of higher officials. The Navy Minister stated that KONOYE's resignation would bring about hopelessness in the conclusion of the negotiations and desired he should assume a tenacious attitude.

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KONOYE also entertained a strong determination and in early October OKA heard from TOMITA that KONOYE was determined to attempt to continue the negotiations and under no circumstances would he resign. OKA was encouraged, but in mid-October the resignation of the Cabinet suddenly took place. OKA was informed by the Navy Minister that after the cabinet meeting on Oct. 14, it was proposed to hold a conference of the Premier and the Foreign, War and Navy Ministers. During the cabinet meeting there was heated argument between the War and Foreign Ministers and as a result it was felt no useful purpose could be served by holding the proposed Foreign Ministers' Meeting, and it was called off.

The Navy Minister also advised OKA that it was intended in the contemplated conference of the Foreign Ministers he would reiterate the Navy's stand that it would leave the matter of war or peace in the Premier's hands.

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* That night TOMITA called on OKA, informing him of the Cabinet decision to resign en bloc. TOMITA told him he was asked by the Director of the MAB, MUTO, to inquire that if the Navy would state that it would be unable to fight, the Army could be quieted. TOMITA said he replied to MUTO that it would be difficult for the Navy to state this and OKA agreed.

Then OKA asked TOMITA about his opinion to hold the Four Ministers Conference to confer on the matter but TOMITA replied it was too late.

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The Navy became apprehensive over the prospect of the negotiations and was concerned over the next cabinet. After the resignation of the cabinet, Navy Minister OIKAWA heard from KONOYE that Prince HIGASHIKUNI should head the next cabinet * and they were wondering what the Prince's idea would be in connection with the negotiations. When the report reached them that TOMITA was commanded to form the new cabinet, they were surprised and the Navy

Page Minister and the rest of them were taken aback. OKA felt that for the War Minister to become Premier would make the prospect of negotiations all the more difficult and found it hard to understand what was in the minds of the senior statesmen. Thereafter, he discussed this with TOMITA, who said that according to KONOYE the step taken would be the best policy in coping with U.S.-Japanese relations. OKA felt the position inconsistent and was hard put to understand it.

Since TOJO was ordered to form a Cabinet, it became necessary for the Navy to exert its efforts all the more toward the negotiations. OKA thought it best for OIKAWA who was conversant with past developments to remain in the new Cabinet but he refused and SHIMADA was appointed. When SHIMADA became the new Minister, there was no change in enthusiasm with regard to the negotiations. As a condition for accepting the portfolio, SHIMADA urged TOJO that the negotiations be expedited and upon assumption of his post, he instructed the Vice Minister and Bureau Director that utmost effort should be made to avoid war with the U.S. and the way should be paved to consummate the negotiations by overcoming all difficulties. It was clear the Navy did not want war. It was their desire to bring the negotiations to a successful conclusion. No logical conclusion could be drawn from the evidence which would support charges that OKA aided, abetted or otherwise engaged in any plan of conspiracy to wage aggressive war. On the contrary, he and his superiors diligently endeavored to avoid war. He never met, and consequently never spoke to the defendants KIDO, ARAKI, DOIHARA, HATA, KOISO, MATSUI, MINAMI, OSHIMA, UMIZU, OKAWA, SHIRATORI and HIROTA.

Japan's final reply to the U.S. note was drafted by the Foreign Office and delivered to OKA by YAMAMOTO of the Foreign Office. As was customary, he ordered his subordinates to study it. OKA sensed it was inadequate as a final note and felt it would be appropriate to insert the wording that Japan reserved freedom of action. Accordingly, this wording was inserted in the draft and related to YAMAMOTO. When the draft was distributed by the Foreign Office at the Liaison Conference in early December, OKA discovered the suggested revision was not made. After the conference, he asked YAMAMOTO whether that could be regarded as the final note and he replied in the affirmative.

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* At that time OIKAWA was of the opinion that the problem of diplomatic procedure should be carried out on the Foreign Office' responsibility and because he personally lacked knowledge of such procedure, he relied on Foreign Office authorities.

The Navy Ministry was not involved in the problem concerning the despatch of the final note prior to the outbreak of the war.

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Page To his knowledge neither the discussions were had with the Navy Minister or Vice Minister nor was the Ministry asked by the General Staff pertaining to the problem, and he assumed the Foreign Office would adopt the appropriate procedure. Such being the situation, he did not give it much thought. He was vague as to the exact nature of Japan's reply and believed it to be an ultimatum and in all probability the Minister and Vice Minister thought likewise. After the war this matter became an issue and when OKA asked TOGO at Sugamo with respect to the question, was told that the reply to the U.S. was not the so-called ultimatum but a last notification.

33402 * TOGO explained that according to the circumstances at the time it had the same significance as a declaration of war. When OKA heard this explanation, he understood what YAMAMOTO meant when he said the draft was all right. With respect to the time in which the final note should be delivered to the U.S., OKA recalled that at the Liaison Conference TOJO stated it would be entrusted to consultation between the Foreign Office and Supreme Command. Later he heard it would be delivered to the U.S. in Washington one hour before the opening of hostilities. He did not remember the date nor from whom or where he heard this except he had a strong impression that it was to be delivered at this time. He was not aware that the time was changed to 30 minutes and learned for the first time after the war that Deputy Chief of the Naval General Staff ITO and the Deputy Chief of the Army General Staff called on TOGO and after consultation with him the time was altered to 30 minutes prior to the opening of hostilities.

33403 * At that time OKA had not heard from any source that the Naval General Staff entertained any idea it would commence hostilities without notice. As he thought the Foreign Office would take the proper procedure, he did not anticipate that any such question would arise and entertained no concern over its progress. Long afterward, when he learned that apparently through the fault of the Embassy in Washington the note was not delivered at the expected hour, he was much surprised.

33404 Personnel affairs were in the hands of the Navy Minister. The basis of shore service of officers was usually two years for the same service and place. When the TOJO Cabinet was formed, both the Vice Minister and Director of the NAB had served for about one year and it was not time for making a shift. It was customary not to shift the Vice Minister, much less the Director of the NAB, even if the Navy Minister was changed. Therefore, the change in personnel did not affect personnel below that of the Vice Minister and there was no precedent for such changes. Even though a cabinet other than the TOJO Cabinet had appeared or one other than SHIMADA had become Navy Minister, such appointment would not have altered the personnel. As a matter of fact, OKA offered his resignation to OIKAWA but he refused to accept it. During his service in the Navy, OKA had not

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Page 33405 once been assigned for duty in connection with operations. He had been assigned duty in connection with routine planning of an armament program several times and had been connected with it for many years. In Japan the defense plan was drafted by the Army and Navy Supreme Command and after Imperial approval, was submitted to the Premier. Its contents was not a war program but the principal objective * was planning an armament program. As for the Navy, its principal objective was planning a minimum force to cope with the strongest naval power which might attack from the Western Pacific. As far as he knew, this objective was the policy of the Naval Supreme Command which had been conceived prior to the Washington Conference without any alteration until immediately preceding the war. It would be more accurate to regard it in a defensive rather than an aggressive sense.

The General Staff studied armaments which were necessary, taking into consideration domestic conditions. It went into the details and plans for classifications, types of warships, etc., then drafted the proposal and made a request upon the Navy Ministry about every four or five years. The Ministry then investigated and considered expenditures, materials, etc. and consulted and negotiated with the General Staff and prepared a joint plan which was discussed with parties in the government. When unanimously agreed upon, it would be put into operation. The final plan was usually one-half or less than that requested by the General Staff; therefore, the actual strength of Japan's Navy was generally far below that requested by Naval General Staff.

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33407 * The result of Japan's construction after the Washington conference was insignificant compared to the American navy's and there was no way of coping with the Vinson and Stark bills. Operational authorities counteracted the American plan by utilizing the limited number of big battleships or devising midget submarines. There was considerable deficiency in the production of aircraft, domestic materials, and industrial capacity. The China incident gave further pangs to naval preparation and it was evident that they could not possibly think of operating against the United States and British navies. The general staff operational plans were not formulated as operations against the U.S. * and Britain. The accused had never seen or heard of any plan or idea to wage such a war and was convinced that they were not formulated.

It was natural for the navy to be constantly apprehensive of relations with the U.S. and Britain becoming aggravated, and the navy desired its adjustment and exerted itself towards that end. While the navy was worried about American naval expansion, the China incident extended with no prospects of termination, American-British aid to China became vigorous and economic pressure on Japan became intense, finally making her feel the threat militarily. It was believed that if these matters were allowed to follow their course the incident could never be settled and they would face a critical situation by being attacked by a third power at any time.

33409 The navy believed there was no other way than the successful conclusion of the U.S.-Japanese negotiations and made efforts to that end. The naval general staff how, if it became necessary, to wage war against the U.S. and Britain, and it was natural for it to make plans against an eventuality. The accused was unable to state exactly when the study started and what development took place because he did not participate in them, but it seemed to him that nothing was done in the general staff during 1940.

33409 In October 1941 he heard for the first time the general staff's views from ITO, deputy chief, who said that in the event of war against the U.S. and Britain, the general staff had confidence in the early stage of operations and there was a possibility of continuing the war for about a year and one half thereafter, but it could not make a definite statement after that as it depended upon what the war capacity of the nation would be. If war could not be avoided, the sooner the better, and if it should be * the next year they would be challenged by the United States and Britain and would have to submit without exchanging blows.

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33420 When OKA heard this, he felt the need of accelerating the negotiations. It was not the navy ideology or plan of operations to wage war against the U.S. and Britain, but it arose out of the China incident when the nation was faced with a critical situation. Then for the first time the matter was studied as a last resort and was not a plan of long preparation. The prosecution had contended that during the closing days of the TOJO cabinet, in July, 1944, the accused SATO and OKA had been maneuvering against YONAI and others to save the cabinet. This must have been predicated on the language of YONAI in the KIDO diary, which referred to the request TOJO made to the navy minister to sound YONAI * as to whether he would accept a portfolio in the cabinet.

33412 Since OKA was vice navy minister at the time he sounded YONAI, after being ordered to do so by navy minister NOMURA, and SATO did not accompany him. YONAI stated he could not join as a cabinet member but would be glad to assist as a military councillor. He also desired SUETSUGU as councillor to assist the chief of staff. OKA had never called on anyone other than YONAI and had not, without orders from the navy minister, conducted himself otherwise. While he was director of the NAF, with three or four exceptions, he attended the imperial liaison conferences as secretary and the investigation committee of the privy council as explain. In none of these meetings was he authorized to participate in the discussions or * exercise the right to vote.

The liaison conference was not based on government negotiations and did not make decisions. It was merely in the nature of a round table discussion for the exercise of opinions. When a concurrence was reached, the supreme command and the government would, through their specific organs, carry out their respective tasks. As official clerk, OKA was not a member of the conference and could not attach his signature to any matters taken up but could only make explanations when asked to do so, and his primary duty was to supply information.

33413 The secretary's position was different from that of the members and he was not at all responsible for matters taken up. As exhibit 1103 shows, OKA was never present without the navy minister, * and never attended without him, although it showed he did fail to attend some meetings attended by the navy minister. According to exhibit 1209. According to exhibit 1209, an extract from TOJO's interrogations concerning a similar imperial conference held on December 1 or 2nd, TOJO named those who attended those conferences saying they were the responsible people. Continuing TOJO said there were also probably

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33414 three in the capacity of secretaries who usually came. These were chief cabinet secretary HOSHINO, chief of the military affairs section of the war ministry MUTO, and chief of the military affairs section of the navy minister OKA. TOJO's remark was significant because only responsible persons who attended could be recalled by him and TOJO was not even certain that OKA was present. * The prosecution placed undue significance on his attendance at meetings of the investigation committee of the privy council, but he attended them only in the company of the navy minister as explainer. The explainer did not express himself or participate in the decisions, but merely accompanied the ministers. (Exhibits 649, 1241, 1266, 1275, and 687.)

33415 While the prosecution had stated that he had attended cabinet meetings, he never attended any nor was he privileged to do so. * It was the practice for the general staff to draw up and draft plans for operations after which the outline was shown to the minister. According to regulations, the navy minister handled all administrative matters and the vice minister, the vice minister, the director of the cabinet, the director of mobilization bureau, and others were members of his suite. Yet they did not participate in the discussions pertaining to the operations' plan or matters within the provisions of the general staff, or imperial headquarter's matters discussed at their meetings.

33416 Personnel were called in to enable them to contact headquarters when it made requests of the ministry in connection with the disposition of administration matters. OKA had not once attended a headquarter's conference nor served in headquarters. No one in the ministry was connected with the plan of operations of either headquarters or the general staff. * Headquarters was divided into an army and navy section and orders were always similarly divided. They were not simply called imperial headquarter's orders. The order pertaining to the Burma-Thailand railroad was the army section's order and it was not connected with naval operations, so that the naval general staff must not have been aware of its contents.

As for the navy ministry, beginning with the minister, no one participated in the matter, consequently any suggestion that the NAB was involved was unfounded (see exhibit 475). With reference to the tripartite alliance and the anti-comintern pact, the prosecution had alleged that as a member of the military affairs committee, he was connected with strengthening them. However, the meeting of the military affairs committee was not of vital importance. It was composed of about 15 members headed by the foreign minister, and included vice

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33417 foreign minister, foreign office bureau directors, * directors of the army and navy military affairs bureaus, chiefs of the second section of the army general staff, and the third section of the naval staff. It was a perfunctory gathering wherein attaches from the German embassy and Japanese staff officers would attend and explain events in the war. There were only two gatherings. This committee had nothing to do with the triple alliance or strengthening the anti-comintern pact.

33418 Government ministries were interrelated and many were matters which frequently required collaboration with other ministries. Every ministry created committees on such matters. The navy ministry appointed committee members depending upon the nature of the matters involved. However, as a rule, the director * or a chief of the section was chosen to serve. Actually most of these committees were merely liaison and it was sufficient if the navy knew what had taken place and where it was held in most cases. The man in charge of the matters or the section chief would attend and OKA, as bureau director, seldom attended and he did not recall even being mentioned as a member of such committees because they were too numerous.

When appointed, in many cases he accepted on condition he should not be required to attend. A similar situation prevailed with regard to council meetings where matters pertaining to important state policy were never deliberated. He was never present at these meetings. There was no special department in the navy ministry for handling POWs who, when captured, were turned over to the army. POWs captured by the navy were handled by army agencies, such as the POW information bureau.

33419 * If it became impossible to deliver POWs to the army immediately, they were provisionally turned by the naval unit on the field, or if in Japan by the naval staff. Further procedure was carried out under the commanding officer and OKA assumed the handling of the POWs was conducted according to laws and regulations. The prosecution said that he was responsible for the mistreatment of POWs by quoting testimony of SUZUKI that the note of protest respecting their treatment was dispatched to the navy ministry. However, this witness had admitted that the documents were sent to the chief of the POW information bureau and the chief of the MAB and/or vice minister of war. The only document in evidence, wherein a copy was sent to the NAB, was dated 11 April 1945, one year subsequent to his vacating the post (exhibit 2174).

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33420 A matter within the jurisdiction of the NAB is the report * of the names and rank of prisoners held by any units, and they would thus be able to furnish information to the foreign ministry. However, during his tenure as director of the NAB, he neither heard nor recalled any note of protest. With reference to alleged atrocities of naval units, he could not but help feeling sincere regret. In view of the history and education of the navy, they were incredible. Naval units were attached entirely to the channel of the supreme command. As for operational movements, the ministry had no knowledge and therefore had no knowledge concerning the orders of commanding officers or reports concerning troop movements.

33421 Thus OKA had no knowledge regarding these incidents while he was director of the NAB and learned of them for the first time in the trial. Especially the fact that the commanding officer ordered these atrocities was beyond his comprehension. While director of the NAB he had never seen any telegram or correspondence pertaining to the alleged German request with respect * to submarine warfare or consultation thereon, nor had he heard anything relating thereto. With reference to the killing of 96 POWs on Wake Island in 1943, he had no knowledge of it and learned of it for the first time during the trial.

33422 This incident concerned the combat unit on the spot and the navy ministry was not connected with it. It would be absurd to hold the director of the NAB responsible. * The same could be said with reference to POWs on Mokin wherein the prosecution quoted the testimony of rear admiral ABE to place the responsibility on the central command. This too was learned for the first time at the trial. The statement that oral instructions came from the central command was inconceivable, particularly in the light of the testimony given by TOMIOKA in exhibit 3057.

33423 The prosecution attempted to fix the responsibility for the sinking of merchant ships on the director of the NAB, but this was absurd. Needless to state, the navy ministry, much less the NAB did not participate in matters pertaining to combat strategy. There was no evidence of a policy of the central command wantonly to kill survivors of sunken ships or mistreat prisoners. Exhibit 3054-C and similar orders showed the contrary. The prosecution had an unintentional misconception of the importance of the * office held by him as director of the NAB, for this was a clerical bureau subordinate and responsible to the navy minister, and he was never in a position to determine matters of state policy.

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His presence at many policy-making conferences was always as a secretary. He was aware of stories circulating after the war concerning his alleged power and influence among a so-called "group" but there was no basis for these. He had always been opposed to groups and factions and the mere suggestion of his participating in such a group was erroneous and revolting to him. He was devoted to performing his duties in accordance with regulations and was careful to guide his actions and those of his subordinates under the best traditions of the navy.

33424 He was never in a position, politically or otherwise, and consequently did not conspire to initiate or wage any wars of aggression or commit any of the * crimes charged against him. He had spent his life in his country's service as a naval officer and never swerved from the path of duty.

33425 On further examination the accused was asked to what extent the NAB participated in handling POWs and he replied that in all the regulations of the military there was none providing for the treatment of POWs. Matters relating to them were handled as matters belonging to general naval administration. Drafts relating to these affairs were drawn up by the assistants to the navy minister and in the * navy ministry they were the NAB, the legal bureau, the intendance bureau, and sometimes the medical bureau and the munitions bureau. In many cases these rules had already been established when he came to office he had nothing to do with these matters while in office.

33426 The second matter handled was liason with various offices with regard to handling POWs and this was mainly by the NAB. The third point was demands coming to central authorities from units at the front in regard to handling of POWs. The question of funds relating to their internment, supplying clothes and medicine were generally handled by units at the front. When they found their own resources inefficient, they would make demands on the ministry which would be handled either by the intendance, medical, or the munitions bureaus. * In regard to actual supervision or control of POWs in battle areas, the fleet commander was in supreme authority. In the homeland the supreme authority was either the commander of the naval station or the commander of a minor naval station where POWs were similarly interned.

The minister's position vis-a-vis commanders was that since he led all navy men and civilians attached to the navy, he had supervisory powers.

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* CROSS EXAMINATION BY MR. BLAKENEY
COUNSEL FOR UMEZU

Reference was made to the affidavit where it was stated that the navy had little to do with the Manchurian affair and consequently did not do any actual work concerning it. The accused recalled the naval mission being established in Manchuria soon after the incident, and believed the organization later abolished and transferred its duties to the naval attache in Manchukuo. Asked whether he knew the office was established with or without consultation with the army, he replied he did not know the circumstances surrounding its establishment nor what kind of work the mission was engaged in.

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* Asked whether it was responsible to or under the jurisdiction of the C-in-C of the Kwantung army, he replied he didn't know, but judging from the structure of the mission, he believed that while it had relation with the Kwantung army, it was not under its command. He believed that the mission or naval attache's office, as it later became, had the guidance of the Manchukuan navy. Asked if it was true that the Japanese navy had priority in imports from Manchukuo of iron ore and other materials, he replied he knew nothing about that.

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* Asked if he knew that the Japanese navy had a priority for imports of diesel fuel for submarines, he replied he didn't know whether they had priority but knew that the navy did get oil from the Fushun area.

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* Asked if he knew whether the Japanese navy had officers dispatched to and stationed in the Manchukuo munitions plants, he replied he didn't know about that nor did he know that those officers were stationed there and they assumed authority to guide the production of munitions.

CROSS EXAMINATION BY MR. BLAKENEY
COUNSEL FOR TOGO

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Reference was made to the affidavit where it was stated that he learned that the final note to the U.S. would be delivered in Washington one hour before the opening of hostilities, and that it had been so decided after consultation between the foreign ministry and the supreme command, the accused was asked if this meant that he learned that the note was to be delivered at * a time which, as the naval high command knew, was one hour before the commencement of hostilities, or was it his understanding that the foreign ministry knew that the time so set was one hour before the commencement of hostilities. He

replied that in the negotiations of the naval general staff with the army general staff and the foreign ministry, he believed that the negotiations were conducted on the basis of the actual time. Asked if, while the high command knew the actual time, he had any reason to believe that the foreign minister or any foreign ministry official knew what would the actual time of attack be, he replied he didn't know.

- 33432 * He didn't believe that the time for which the attacks were scheduled were ever mention in a liason conference. He knew it himself and believed he probably heard it from the naval
33433 general staff. * The accused was reminded of his testimony that after the original decision for delivery of the final note to the U.S., the time was changed and after consultation among the vice chiefs of the naval and army general staffs with the foreign minister, the time for delivery of the note was altered to thirty minutes prior to the opening of hostilities.

- 33434 Asked if he was at that meeting, he replied he was not and he learned only after the end of the war. Asked if he had any reason to believe that the foreign minister knew or was at that meeting told at what time the attack would take place, he replied he didn't know about that. He didn't recall the points of attack ever being mentioned in the liason conference. Regarding his part in drafting or revising the final note to the U.S., he had some difficulty in recalling the details, but it came to him that the draft was originally drawn in the foreign office and then passed on to the navy minister, then he gave it to his subordinates and ordered them to study it well. This was a practice he had always done in regard to similar drafts.

- 33435 * His subordinates told him it would be better to insert words to the effect that they would reserve freedom of action. OKA agreed and immediately contacted the director of the American bureau of the foreign office YAMAMOTO informing him about it. When the note was distributed at the liaison
33436 conference, he saw no wording as he had suggested and * when the conference was concluded, he asked YAMAMOTO if it would be an ultimatum, and YAMAMOTO replied yes, that it was perfectly all right. This was his only connection with the preparation of the revision of the final note.

- 33437 He did not recall other proposed revisions which were or were not accepted and added to the note. This revision of his was a matter he had entirely forgotten until after the end of the war and * after the trial had been in progress for several months. Asked if in fact he didn't remember it until Captain SHIBA told him it had happened, he replied he knew of it before that.

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33438 Before being interned in Sugamo he was interrogated by the prosecution, who asked him if he and MUTO did not go to the foreign office and ask TOGO to have the wording changed. On being asked this sudden question, he was unable to recall the circumstances and told the prosecution to that effect. When he entered Sugamo he met TOGO who told him that he himself did not recall that * he and MUTO ever came to see him on that point. It seemed that the prosecution's question was based on the interrogation of TOGO and therefore he asked TOGO why he was asked that question.

TOGO told him that YAMAMOTO's first draft and second draft were quite different and YAMAMOTO told TOGO that the revision had been made at the request of the ministries concerned. Therefore TOGO thought the revision was made at the request of the war and navy ministries and that was why TOGO had replied as he did. This is how OKA was able to find out that the fact that he was unable to remember ever going to TOGO to ask for a revision was correct and actually he had not gone to TOGO to do so.

33439 In his interrogation he said that he believed he had not gone to see TOGO and he did not think any revision had been made. On thinking the matter over he felt that he had seen the draft somewhere. After the trial commenced he contacted his defense counsel who told him that Captain * SHIBA had said certain things, then for the first time OKA remembered what SHIBA had told him. OKA may have asked TOGO on this point in Sugamo because he wanted to know whether he had actually visited TOGO or not.

Also what he told YAMAMOTO at the liason conference was something he himself recalled. Since YAMAMOTO was also a secretary and MUTO was another, MUTO must have heard it on the same occasion. OKA asked MUTO about this and MUTO said he didn't remember it. Then he made sure once more about SHIBA's recollection of the affair, and finding out that it was sure, he wrote it in his affidavit. He didn't recall when he took up with YAMAMOTO the question of revising the draft, but believed it must have been in the beginning of December, probably after the imperial conference of 1 December.

The accused was reminded that his affidavits stated that after this wording was inserted in the draft it was related to YAMAMOTO. He now said he didn't know if this was done by telephone or messenger. He said this was as he had stated. He forgot to say before that he had also asked YAMAMOTO on this point some time ago since the trial commenced.

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33441 YAMAMOTO said that *neither OKA's proposed revision of the draft nor his talk with him as the liason conference was in his memory. After preparation of the draft had been either related or sent to YAMAMOTO, he had never talked with him nor anyone else in the foreign ministry about the matter.

33442 * Asked if when he attended the subsequent liason conference and found distributed a draft of a final note without the clause inserted, if he then called attention to that question, he replied that he didn't call anyone's attention to it except as he had mentioned before, after the conference finished. He had not mentioned the matter before the liason conference nor during the conference to the navy minister. Asked if in his interrogation he had stated he had taken no part whatever in making up the final draft or revisions thereto and had merely
33443 * read it and didn't even know when he had first read it,*he answered that he didn't recall the exact language he used in the interrogation but did reply that he knew nothing at all at that time on the general point of the preparation of the note.

33444 * At the liason conference in early December, he did not think the question of the matter of opening hostilities was discussed. In so far as he knew, he was present at all liason conferences in early December. He did not recall a discussion at one of those conferences between TOGO and vice chief of the general staff ITO concerning giving a notification to the United States before the commencement of hostilities. He did not recall giving an opposite answer to this question in his interrogation.

33445 * The accused was asked if, in his interrogation he was not asked if he recalled a discussion between TOGO and NAGANO and ITO regarding notification of the U.S. prior to any attack, to which he answered that he recalled it. The accused stated that he remembered this question but also remembered that his reply was exactly opposite to that which had just been read to him. The reply he gave to the prosecutor at that time was that he did not recall any such conversation.

33446 * To the accused was read a purported question and answer in his interrogation in which, when asked the gist of the conversation between TOGO, NAGANO, and ITO regarding notification prior to any attack he replied he didn't know what it was. The accused stated that this question and answer were correct as read. Asked why he said he didn't know the contents of any
33447 such conversation if he didn't recall it, he replied * that he

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told the prosecutor at the time in regard to the liason conference that the form in which they were conducted were such that no special subjects were decided beforehand. A more or less free exchange of views was held and people participating in that conference just talked with their neighbors on various subjects; so that not all the secretaries knew all that was going on in the liason conference. If anyone participating affirmed that he had said a certain thing to someone at the conference someone else at the conference could not deny that. He, himself, could not recall anything of that nature. His position was that if it happened he didn't know of it, and if that answer was recorded in his interrogation it was incorrect.

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* DIRECT EXAMINATION BY MR. LOGAN

Reference was made to the affidavit where it was stated that OKA was surprised when he learned TOJO was commanded to form a new cabinet and that he was hard put to understand how that would aid American-Japanese peace negotiations. The accused stated at that time he had no talks with TOJO to ascertain what his intent was at the time. He did not know what took place at the senior statesmen's conference and did not recall at that time that admirals YONAI and OKADA had opposed a navy man as a new premier.

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* Asked if in forming his opinion at that time he took into consideration that TOJO was able to control the army when peace negotiations became successful, he replied that he had never thought of that. Asked if he was of the opinion at the time that a navy man could have controlled the army if the negotiations were successful, he replied he had never thought of that either. Asked if he had changed his opinion after hearing these facts from what it was at the time they occurred, he stated that there was no difference, it was just as he stated it in his affidavit.

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Today, after hearing of all the various * facts presented before the tribunal, he could only deepen the feeling he held at the time and at that time he formed his opinion without knowing those facts.

DIRECT EXAMINATION BY MR. BRANNON
Counsel for SHIMADA

The accused stated that he denied that SHIMADA became navy minister because he was, and was known to be, a supporter of the TOJO policy. Asked if there was any element in the navy

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33451 that opposed any change of the final draft as suggested by him, he replied that the proposed change was a mere suggestion by the NAB, who just happened to think of that and suggested it to the foreign minister. It was not a strong assertion on their part. The navy minister's policy was that the * foreign office should bear full responsibility in these problems. The naval affairs bureau merely thought of the proposed change and brought it to the attention of the director of the American bureau of foreign office.

He didn't think he even told the navy minister about it. He did believe that his subordinate, before bringing this proposed change to him, did contact someone in the navy general staff. In view of the attitude of the navy ministry and the navy general staff at the time, it would have been anyone who would have opposed it. He himself passed it on to the foreign office without even bothering to tell the navy minister about it because he felt certain that SHIMADA would be certain to agree

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CROSS-EXAMINATION BY COMMANDER COLE.

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*When asked if between 1931 and 1945 he was mainly in Navy Headquarters at Tokyo or in naval duty he replied that he had spent some time at sea and was stationed for a time abroad but for the greater part he was in Tokyo. More than ten of the fourteen years from 1931 to 1945 he was attached to Navy Headquarters and he was promoted to Rear Admiral on 1 December 1939 and was promoted to Vice-Admiral, the second highest rank in the navy, on 1 December 1942.

He received a decoration for services in the China Incident. In his affidavit he had listed this and three other decorations received and in addition he had received a fifth from the Nazis Government on 9 February 1940. Asked why he omitted this Nazi decoration from his affidavit he replied he omitted several Japanese decorations also and merely listed those received for services during war. Asked if this decoration was not awarded him for services in connection with services in the conclusion of the anti-Comintern Pact he replied that he had not yet been given it but since he had nothing to do with the conclusion of the Pact he surmised it was for something else.

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*Asked if his many years in the navy's chief political bureau and his promotions, decorations and activities did not indicate that he was very successful in giving TOJO and his navy supporters, such as SHIMADA, unquestioning obedience he replied this was completely contrary to the facts. The Navy Affairs Bureau had nothing to do with politics * and only the Navy Minister had authority to participate in political affairs. In accordance with navy traditions he had never heard of a Navy Minister positively engaging in political action. The decoration referred to was granted for meritorious service in connection with the China Affairs. The number of naval officers granted decorations of Class 2 and 3 of the Order of the Golden Kite numbered several hundreds. YONAI was given Class 1 and OKA Class 4, but the decoration was received for services rendered up to April 1940. *He received his decoration later in 1942 and it had nothing to do with anything he did after April 1940 nor did it have anything to do with Premier TOJO or Navy Minister SHIMADA.

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With regard to his promotion, due to the lapse of a certain period of service he was promoted to Vice-Admiral with twenty others and there were no special circumstances in connection with this promotion. He had performed the duties of Chief of the NAB in accordance with regulations governing the functions of the Navy Minister and his department and pursuant to the orders, and at the supervision of the Vice-Minister performed his duties faithfully. *He had never received any order from anyone other than the Minister of the Navy nor was he in a position to receive orders from others. He had never received any orders from Premier TOJO nor did he recognize that the navy as a whole supported TOJO or his cabinet. He never contacted nor had intercourse with political persons outside the scope of his official functions.

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The accused was reminded that in his affidavit he had stated that there was no basis for the rumor that he had power and influence among a so-called group. Asked what group he referred to *he replied that he was not pointing to any specific group but was just referring to various individuals. Furthermore, he did not know what activities these groups engaged in. While he was Chief of Section 1 and subsequently Chief of the NAB there may have been a group of young army and navy officers who favored the use of force in dealing with China, but he knew no specific instances. He had no recollection of meetings with other members of the young officers group in which secret plans connected with the China Affair were carried out.

The accused was asked if it was not true that in June 1938 while he was Chief of Section 1 he and General KAGESA of the Military Affairs Bureau and a certain KISHI dined weekly and talked on matters concerning the China Affair. The accused recalled that

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DEFENSE - OKA - Cross

Page 33463 KISHI was KONOYE's private secretary and KAGESA was either a member of the Military Affairs Bureau *or Chief of the Military Affairs Section of this bureau. In accordance with KONOYE's orders KISHI met weekly with the Chiefs of the Naval and Military Affairs Bureaus to exchange information. OKA attended these meetings with the Vice-Minister's permission. He did not recall what was actually discussed but presumed they heard explanations with regard to China from KAGESA who was a China expert. At that time OKA was Chief of Section 1. *He thought KAGESA was the Chief of the similar section of the Military Affairs Bureau. He did not know if KISHI called this gathering a meeting of the three ministers. Asked if in June 1938 at the time of these meetings KISHI stated that KAGESA would bring over a certain Kai Tsung-wu, who until recently had been Chief of the Asia Bureau of the Chiang Government, and confined him in the army club he replied he might have but he did not remember. He did not remember KISHI stating as to the scheme devised by the young officers that it should be kept a secret and should not be mentioned to the War Minister.

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In his affidavit he had stated that as Chief of the NAB he had no authority to determine or approve matters of state policy. *He did not recall a conference with KAGESA of the Military Affairs Bureau on 30 August 1938 concerning plans for the capture of Canton. He did not think this possible because such a matter would be outside the province of the Chief of Section 1 of the NAB. Asked if as a result of that conference he and KAGESA drew up a plan for the capture of Canton, *he replied this could not be possible because such matters were outside the scope of his duties. Asked if he and KAGESA decided that the capture of Canton was only the application of overall policies and could be carried out without prior consideration by the Five Ministers' Conference, he replied that no such decision was ever made. Asked if he and KAGESA decided that to leave Canton operations to the Five Ministers' Conference might give rise to the charge that the Supreme Command's prerogative had been violated, he answered that such decision could not be made by them.

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When shown a document, appearing to be a record of the conversation between himself and KAGESA on 30 August 1938, concerning the capture of Canton he stated he had seen the document. Asked if the facts in the document were substantially * correct, he replied he had no recollection with regard to that but only presumed after glancing through it that it appeared to have some information imparted by KAGESA. Asked if it refreshed his recollection if it was recalled to him that the plan was to have land forces land east of Bias Bay to avoid friction with Britain, he replied he had no knowledge of that. He recognized the initials of officials of the East Asia Bureau and Foreign Ministry in the margin of the document. Asked if he had any reason to believe the document incorrect he stated that while his name appeared in it he had no recollection of it. As to the contents it did not say it was a decision reached as a result * of a conference among them and a glance would show that it was nothing more than information heard.

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- 33469 It appeared to him that KAGESA merely imparted information with regard to War Ministry decisions and that was a record of his report. OKA was totally unfamiliar with operational conditions at the time and so could not say whether the contents were true or false. He had absolutely no recollection of a conversation between himself and KAGESA on 30 August 1938. *He could neither deny nor could he confirm the document, he had no recollection of its contents nor familiarity with them.
- 33470 *Reference was made to the affidavit where it was stated that the NAB performed routine duties under the supervision of the Vice-Minister and the Director of the NAB was never in a position to assume independent responsibility vis-a-vis outside contacts. Asked if he meant that for all official acts as Chief, the accused SHIMADA alone was responsible, he replied that with regard to government regulations the Bureau Chief constituted merely the staff of the minister and it would amount to that legally. Asked if the bureau was the political and liaison branch of the Ministry, he replied there were no political functions in the NAB and it did not control public relations of the whole navy. Asked what other branch handled public relations, *he answered that all bureaus were the same.
- 33471 Asked if after he became Chief of the NAB on 15 October 1940 he acted in close liaison with Chief of the Military Affairs Bureau MUTO in connection with Imperial Conferences, he replied that contacts were made on matters which were within the scope of their duties. He was probably invited by the Emperor to attend the Fourth Imperial Conference on 13 November 1940 but did not remember if the purpose of the conference was to decide on proposals relative to settling the China Incident. Asked if it was not true that the invitation to attend was made on request of the cabinet he explained that the procedure by which any subject could appear in the Imperial Presence *was difficult, and no one of his own free will appeared. Even when secretaries would be in attendance their names had to be channeled through the Imperial Household Ministry. Asked if it was not true that it was decided at that time that since Imperial Conferences should consist of those bearing responsibility for advising the Emperor the Chiefs of the NAB and the MAB were invited to join in addition to the usual members, he replied he did not think so but thought that secretaries were always in attendance in the past. When shown exhibit previously marked for identification, Exh. 3455, the accused was asked if it did not state there that he as Chief of the NAB attended the Imperial Conference of 13 November 1940, *he agreed that it stated this there and when asked if in view of the fact that it was the first conference he had attended, if he remembered being there,
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he replied that he thought he attended the meeting. He could not state that the facts in the document were substantially correct, he thought he attended the meeting because he *attended most of the Imperial Conferences. Asked if he *had any reason to believe the document was not authentic he stated that this was a matter referring to the Imperial Household Department and beyond the scope of his knowledge. (The document was offered in evidence but rejected as not being sufficiently identified)

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The accused stated that he was appointed on 19 January 1939 a government commissioner on matters related to the Navy Ministry in the Diet as Chief of the First Section of the NAB. In this position he did not act as liaison between the Navy and the Diet but his duties were to provide materials and information to explainers whenever questions arose relating to matters in charge of the Navy Ministry. He was re-appointed to this position yearly from 1940 to 1943. It was a duty attached to the Chief of * the NAB. ~~He does not~~ ~~have any~~ recollection of having anything to do with the organization of the IRAA in 1941 and did not recall in March 1941 drafting with MUTO a joint plan for its reorganization. It was not true that at that time he strongly opposed the weakening of the IRAA and favored a single party system. When shown a document purporting to be a newspaper article dated 26 March 1941 stating that he and MUTO were drafting a joint plan for the reorganization of the IRAA he was asked if the article was substantially correct and he replied that he had no recollection.

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*With regard to the IRAA he was unfamiliar with it at the time of its establishment because he was not then Chief of the NAB. After he became Chief he became a councillor of that body because the Navy was asked that he be ~~to~~ ~~one~~ because the government as a whole was to participate but as far as the Navy was concerned it had little interest in the IRAA and there was no evidence of the Navy engaging in any activities with reference to the IRAA. Matters of the kind referred to in the document were completely outside of his recollection. Asked if it refreshed his recollection if it was recalled to him that he and MUTO as * Chiefs of the Naval and Military Affairs Bureaus had an interview with Cabinet Secretary TOMITA about March 26, at which a detailed account of the government's plan of reorganization of the IRAA was given, he replied there was absolutely no such case. Asked if he denied that he had taken any part in this joint Navy-Army plan for reorganization of the IRAA, he replied that what

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Page appeared in the newspaper was completely outside his recollection. Asked if it were not true that he and MUTO presented the joint plan to the Cabinet Executive Secretary TOMITA on 27 March 1941, he replied he had hardly any interest in the IRAA and no recollection concerning it. When shown a document * the accused agreed that something to the effect of an Army-Navy plan of re-organization of the IRAA was written in the Asahi Shimbun of 28 March 1941. *Asked if the facts stated in the article were substantially correct, he replied that he could not conceive of ever participating in matters relating to the IRAA to that extent because of his lack of interest and there was nothing in his recollection pertaining to the matter. He had no recollection of himself and MUTO interviewing TOMITA in the Prime Minister's residence on 27 March 1941 and presenting the joint plan. Asked if at the interview he and MUTO strongly urged TOMITA to be made the central figure in the IRAA to engage actively in campaigning, he replied he did not think there was anything of the kind. Asked if after the first article appeared * in the Asahi he notified the publishers they were publishing erroneous statements regarding his political activities, he answered he was seeing the article for the first time. According to navy traditions officers were not to engage in politics. Asked if after both these newspaper articles had been published he ever protested against their implicating him in political activities, he replied he had never seen the article before and did not think he did anything of the kind. Asked if he denied the facts in the article, he replied that he had no recollection whatsoever and did not know under what circumstances such an article appeared.

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* The accused stated that the NAB did not act as liaison between the General Staff and the Cabinet, nor was it the channel through which the navy made known its policy to the Cabinet and vice versa.

Reference was made to the affidavit where it was stated that OKA never attended cabinet meetings, nor was he privileged to do so. Asked if he meant that as Chief of the NAB he was disqualified to attend, or if he meant he was never invited to attend, he answered that he had no qualifications nor was he ever invited to attend. He didn't remember himself and MUTO attending an extraordinary session of the cabinet on 29 August 1941.

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* When shown an excerpt from the Tokyo Nichi Nichi for 30 August 1941, he stated it did not appear there that he attended the cabinet meeting of 29 August 1941. He then changed his answer and said that he was slightly mistaken, for he did see that it did say there was an extraordinary session of the cabinet following a regular meeting. He thought this was erroneous reporting, because this was a peculiar expression.

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* He had no recollection of Foreign Minister TOYODA reporting at the meeting in detail on the latest negotiations with the U. S. in the presence of himself and MUTO. * Asked if he denied he attended such a cabinet meeting, he stated he didn't think it was a cabinet meeting and furthermore he didn't think he was ever in attendance at a meeting in which TOYODA made a report to cabinet colleagues.

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33486 The accused stated he was not opposed to the withdrawal of troops from China, and it was not true that * he strongly insisted upon their remaining there. Asked if he had a meeting with MUTO on 6 September 1941 at the Foreign Minister's official residence at which they discussed basic conditions of settlement of the Sino-Japanese peace, he replied he had no clear recollection, but there were frequent gatherings there to discuss the Foreign Office's plan, and therefore he believed this was one of them. Asked if one of the terms agreed upon by himself and MUTO there was that Japanese troops should remain in Amoy and Hainan Islands, as well as certain districts in Mongolia and North China, he replied he didn't know the text of the decision, but that might have been the case.

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When shown a document and asked if it did not state there the basic conditions for settling the peace as discussed in a conference between himself and MUTO on 6 September 1941, he replied that was not so. It was stated in the document that for the purpose of joint defense, troops shall be stationed in Amoy and Hainan Islands, as well as certain districts of Mongolia-Sinkiang area and North China.

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Asked if it was not true that the same conditions and terms were included in exhibit 1245-F, the document containing the proposals of Japan delivered to Grew on 22 September 1941, he replied he had no clear recollection. * Asked if he admitted that the conference mentioned in the document between himself and MUTO took place on 6 September 1941, he replied he remembered neither the date nor the contents.

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It said there that MUTO and he conferred, but such a thing was impossible so far as this matter was concerned. He thought it was a Foreign Office plan discussed at a meeting sponsored by that office, with either the Vice Minister or the Director of the American Bureau presiding. If it was that conference, he thought he was in attendance. He didn't think that this was the final plan, although he didn't recall the contents. * He didn't recall the contents nor the date of the conference mentioned in the document, and although the document represented himself and MUTO as having conferred and agreeing on terms, it appeared that the document was a Foreign Office plan in connection with a conference sponsored by it, and it appeared that representatives of the army and navy were called into consultation on the plan.

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Asked if it was not true that the basic discussions regarding the stationing of troops in China arrived at at * the conference was the chief obstacle to the successful conclusion of negotiations, he replied, no, not only this.

On 6 February 1941, he probably was appointed to assist the Imperial Commissioner in arbitrating the dispute regarding the border of Indo-China and Siam. Asked if four months later, on 25 June, 1941, he participated in the liaison conference at which it was decided to station troops in Indo-China and Siam to acquire naval and air bases there, by diplomacy if possible or otherwise by armed force, he replied he didn't know whether that was entirely correct, but he did attend a liaison conference which discussed similar matters.

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- 33491 He had heard the evidence introduced which showed the total number of liaison conferences he attended from 13 January to 30 June 1941 was 24, but he didn't think this * was correct. (Exhibit 1103). Asked how many such conferences he attended after that period, he replied he thought he attended practically all liaison conferences, but there were times when he was ill and was absent. Sometimes when he was absent because of illness there were press reports to the effect he had attended liaison conferences so if the total was arrived at from newspaper reports it would be mistaken.
- 33492 * In his affidavit he had stated that he had attended Imperial and liaison conferences with the exception of three or four times due to illness. * Generally, liaison conference decisions had such weight during that period that they were always approved by the cabinet and Imperial conference. However, the liaison conference was between the high command and government, and he didn't think that purely political matters were discussed.
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- 33495 Asked if in the conference, he and MUTO made various explanations and even participated, he replied they never participated. * When he stated in his affidavit that the navy did not desire war, he shared in that attitude.
- 33496 Asked if it was not true that on 14 October 1941 when the KONOYE Cabinet was deadlock, the army offered to give way if the navy would come out definitely against war, he replied that he had written in his affidavit that he heard this from Chief Cabinet Secretary TOMITA. Asked if it was not also true that when this offer was reported to him by TOMITA he refused to do it, leaving it up to the premier, he explained that on the 14th TOMITA told him that the cabinet had reached a decision to resign en bloc, and that the Director of the MAB, MUTO, had said certain * things to which TOMITA replied to MUTO that that would be a difficult thing. Thereupon OKA said to TOMITA that it was difficult, and that the navy had constantly pursued the policy of leaving the matter to the premier.
- At that time the cabinet had already arrived at a decision to submit its resignation. Hence the matter was brought to him merely by way of information. At the time he told TOMITA that the resignation was extremely regrettable in connection with the successful culmination of the negotiations, and that if there was any room left he ask TOMITA how about calling the Four Minister's Conference together to impart the full facts to the entire cabinet.

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However, TOMITA said it was too late, because the cabinet had already decided to resign. * He didn't recall if for several days before the final draft note to Washington was approved, he and MUTO were in frequent contact with the Foreign Office in connection with drafting many revisions.

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Asked if it was not true that Admiral ITO, himself, and MUTO frequently contacted the Foreign Office to present the navy's view that no warning be given which would endanger the surprise attack, * he replied he had never contacted the Foreign Ministry to any such effect.

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* Reference was made to the affidavit where it was stated that in regard to giving the U. S. notice of the commencement of hostilities, he thought the Foreign Office would take the proper procedure and therefore he entertained no concern about this. Asked if he meant he entertained no concern for himself because he thought TOGO was alone responsible, he replied that this meaning was that diplomatic procedure was a matter under the Foreign Ministry's charge; in connection with such matters, the Navy Ministry had no responsibility. * So far as the

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authorities in his department or ministry were concerned, they would warn or give advice or propose revisions so far as such guidance occurred to them, but inasmuch as the Foreign Office was handling such matters on its own responsibility, they agreed to whatever final conclusion they reached.

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Such matters were not only outside the Navy Ministry's duties, but it had no experience in such matters. Asked if it was not true that about 4 a. m. on the morning of 8 December 1941 he telephoned TOGO, reporting on the success of the surprise attack at Pearl Harbor, he replied he didn't recall, but such a thing was possible. He was informed of the success of the attack from his subordinates, and thought they got their information from radio reports. * He didn't remember imparting such information to Foreign Minister TOGO, and the fact that his subordinates might have informed him was merely a supposition. He might have been informed about 4 a. m. that morning about the attack.

He did not deny telephoning TOGO about this, but he didn't recall it. He had stated in his affidavit that he attended meetings of the Investigation Committee of the Privy Council only as an explainer, and did not participate in the decisions.

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33502 Asked if it was not true that after every committee meeting he attended a meeting of the Privy Council itself, he replied he was not always in attendance, and he never * participated in any decisions of such Privy Council meetings. He probably attended as an explainer the meetings of the Investigation Committee on 8 December 1941, at 7.30 a. m., at which the bill for declaring war was unanimously adopted.

He didn't recall on 8 December 1941, after this meeting ended, a Privy Council meeting which heard the report of the Investigation Committee and discussed the measure proposing a declaration of war. He didn't recall attending this meeting of the Privy Council, but probably did so as an explainer.

33503

* Asked if at this meeting, he or other committee members were asked to retire prior to the decision, he replied that at any meeting of the Investigation Committee when a decision was taken the explainers were not there. Asked if at this meeting he was not present and joined in the unanimous decision in favor of a declaration of war, he replied there was no case of his participating in the decision, but he had no recollection as to whether he attended.

33504

When shown a document, the accused was asked if it did not state that he and MUTO attended a Privy Council meeting on 8 December 1941, and he replied in it he was included among those present. * Asked if the facts in the document were correct, he replied that he could not say whether it was correct, but it appeared to be a document of the Privy Council. (The document was offered, but rejected on the grounds of insufficient identification.)

33505

Reference was made to the affidavit where it was stated that no special department in the Navy Ministry existed for handling POWs, and the accused was asked if it was not true that the NAB handled matters relating to POWs subsequent to 7 December 1941. He replied that it handled liaison work within the country relating to POWs. * In connection with them, if there were matters requiring contact with the army, they handled that. If there were matters requiring liaison with the Foreign or Home Office, they handled this also, and in accordance with needs, they handled liaison with naval units having POWs in their hands. The navy kept POWs in temporary camps prior to turning them over to the army in some cases. Asked how long they retained these POWs before turning them over, he replied he didn't know the details.

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33506 Reminded that he had testified that the Navy Minister had supervisory powers over local commanders of naval stations in the supervision and control of POWs, he stated it seemed the meaning was a little different. The highest authority in connection with the supervision of POWs were commanders of naval stations, fleets, and naval * guard areas. The Minister supervised naval commanders and others in like positions in his capacity as one supervising personnel.

Asked if it was not true that he, as Chief of the NAB, issued orders concerning POWs held in these temporary camps, he replied he had no recollection of the NAB issuing such orders.

33507 With reference to the 98 American civilians captured on Wake in December 1941 and later executed in 1943, he, as Chief of the NAB, had no supervisory control over such civilians. * Asked if as chief he could have ordered their transfer from the temporary camp on Wake to a POW camp in Japan, he replied he didn't quite remember the circumstances, but remembered after being informed there were POWs on Wake saying it would not be wise to hold them in a distant island, but it would be better to transfer them to the homeland. His recollection was that they were sent to the homeland after consultation with other navy ministry bureaus and departments. In such matters the NAB had no authority to issue orders.

33508 He didn't recall about 30 November 1943 ordering 38 POWs to be transferred from the Ofuna temporary camp to the Army POW camp at Tokyo. Such matters were purely routine and handled by his subordinates, either in his name or in the name of the NAB, and there were many such * matters not within his knowledge. Liaison work within Japan which the bureau handled when necessary, was one of the items requiring internal liaison work. Whenever demands came from the field for the transfer of POWs to the army, the NAB performed the liaison work.

33509 When shown a document, the accused was asked to state whether it was not a secret order issued by the Chief of the NAB while OKA held office to the Chief of the MAB concerning the transfer of 38 POWs from Ofuna POW camp. He stated this was not an order, but an item requiring liaison work. Such matters were handled in his name or in the name of the bureau, and he did not then see any * documents of this kind nor had he any recollection of this. This was not an order but an inquiry in connection with liaison work.

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It may be that the document was issued by the NAB while he was chief, but he did not have sufficient data to confirm it. There appeared to be a copy of the seal of the POW Information Bureau but not the seal itself on the document, and under the words Chief of the Naval Affairs Bureau was a square indicating the chief's seal, but was not the seal itself.

33510

Asked if he had any reason to believe that the facts in the document were not substantially correct, he replied he did not know because he did not personally handle the matter and because he had no recollection of it. * He had no recollection as Chief of the NAB of ever ordering the transfer of POWs from the South Seas to camps in Japan.

33511

Asked if it was not true that about 19 October 1942, as Chief of the NAB, he ordered the evacuation of one thousand POWs from Macassar to Sasebo Naval Station, he replied that such matters were handled in accordance with requests made by the authorities in the field. He was not informed of such a matter, nor did he recall anything pertaining to it. He did not recall on the same date directing that Sasebo Naval Station turn these one thousand POWs over to the army and that they should be used for work at a Nagasaki dockyard. He did not think there were any such directions, but didn't remember. He * had no recollection of directing on the same date that the War Ministry Control Department furnish 100 POWs for work in four factories under Navy charge at Osaka and Hiroshima.

33512

* When shown a document, he was asked to state whether it appeared to be an order from the Chief of the NAB while he held that post addressed to the Chief of the War Control Department, dated 19 October 1942, concerning 1,000 POWs to be evacuated from Macassar to Japan. He stated this, too, was not an order, but an inquiry in connection with a matter requiring liaison. There was no seal on the document, but it only said there was a seal. Inasmuch as he did not see the documents at the time, he could not confirm it.

33513

* He had never heard that POWs at Ofuna Camp were given inadequate food and medical care and were severely beaten with clubs, with the result that many died or were permanently injured. Asked if it was not also true that members of Allied submarine crews and airmen were singled out for particularly brutal treatment at Ofuna, he replied he had never heard of the kind of POWs held there nor how many, and such matters as were mentioned were never brought to his attention.

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33514 He didn't think that he ever inspected Ofuna camp or caused it to be inspected. Reference was made to the affidavit where it stated that a report covering the name and rank of all POWs held by navy units came within the NAB's jurisdiction. Asked if he meant by this that such reports were forwarded to the NAB from the naval units, he replied that he was referring to inquiries transmitted to the Navy Ministry by the Foreign Office * which were referred to in order to reply to such inquiries. It was stipulated that names, the number and the personal effects of POWs were to be directly notified to the POW Information Bureau by naval units in the field. Details were forwarded to the Ministry only upon specific request. When necessary, inquiries were made by the Ministry to provide information for the Foreign Office, and when necessary, inquiries were handled by the NAB.

33515 Asked if in the course of handling these inquiries the NAB made a report to the Foreign Minister, he stated that the list of names was known to the POW Information Bureau. If inquiries were addressed there, the information could be supplied by that department. He thought that whenever the Foreign Office required certain information it could obtain it from that bureau. When necessary, there were times when the NAB could handle inquiries and communicate to the Foreign Office, but whether it actually * did it he did not know.

The accused was reminded of evidence that from 7 December 1941 to 21 August 1945, the Foreign Ministry received forty notes from the U. S. asking for information about U. S. civilians captured by the navy on Wake Island. Asked if he ever received from the Foreign Ministry a request for information as to such POWs, he stated that he learned of these matters for the first time in the trial. He tried his hardest to recall anything about this. Such matters were purely routine. He did not know whether his subordinates even handled them. He did not mean that TOGO had failed in his duty to forward such notes.

33516

* The accused was reminded of evidence by the witness YAMAMOTO, who served as Chief of Section 1 of the NAB from 1942 until 1945, that the Bureau did receive some protests concerning atrocities on survivors of Allied merchant ships sunk by submarines in the Indian Ocean. Asked if he ever saw or heard of such protests, he replied that during his tenure he had never seen one. (Reference was made to the above testimony at T. p. 27382.)

Page
33518

* The accused was reminded of evidence that the Foreign Minister, by letters dated 12 February and 11 July 1944, forwarded notes of protest concerning treatment of POWs to the Navy Minister. Asked what action his bureau took with respect to these, he stated that not having seen them he didn't know, but the general handling of such documents was that in order to investigate into any incident, inquiries would be addressed to the unit in which the incident occurred to assemble all information pertaining to it. Only after full investigation were replies prepared. So far as these matters were concerned up to this point, they were handled through ordinary channels and required a considerable length of time.

33519

He had examined the protests in evidence during * the period he held office, and discovered that most had very little relationship with the navy. Generally, he thought that the POW Information Bureau had all the information necessary upon which to draw up replies. It was his recollection that copies sent to the Minister or Vice-Minister were sent for reference only. (Reference was made to exhibit 473 and 2173).

Asked if in view of the fact that the evidence showed that copies were received by both the Navy Minister and his subordinate, the Chief of Section 1, if he still denied that he ever saw or heard such protests, he replied that unless he saw a specific document he wouldn't know, but generally he did not think he had ever seen a protest. If copies were sent by the Foreign Office to the Navy Ministry, so many of the matters did not relate to the navy at all that it was customary not to see the protests.

33521

* The function of the Ministry with regard to territories occupied by the navy pertained to military government there. The responsibility for control over POWs resided in the naval unit exercising control, and the highest authority for control was the fleet commander of the unit controlling the POWs. * This was with regard to POWs temporarily interned by the navy prior to transfer to the army.

33522

Asked if he called those temporarily interned that he held on Wake for approximately two years, he stated that all POWs held by the navy were considered to be held temporarily. The Navy Minister had no direct authority over the control of POWs.

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33523 A part of exhibit 628 entitled "Japanese Foreign Policy" was quoted to the accused, which stated that if any important natural resources should be destroyed, all persons connected with the raw material, and government officials concerned, shall be severely punished as being responsible. * Asked if there were any discussions in the Ministry as to the means to insure that NEI oil fields should not be destroyed, he stated he had no recollection that such a discussion was held.

33524 Asked if while he was in the Ministry it discussed with Foreign Office officials the plan called "Tentative Plan for Policy Toward Southern Regions", the exhibit just referred to dated 4 October 1940, he stated that, * not having been appointed to the post of Chief of the NAB on that date, he did not know how that document was handled or what it was all about. He was appointed on October 15, 1940, but didn't recall this study draft and had no recollection of its contents. * He would not know whether they were discussed also with the General Staff.

33525

REDIRECT EXAMINATION BY MR. ROBERTS.

33526

* The accused was reminded of his cross-examination by counsel for TOGO, in which there was reference to an alleged discussion between TOGO and Admirals NAGANO and ITO, in which the accused had answered that the answer should have been that he didn't recall. To the accused was quoted a part of his interrogation in which he was asked if he recalled conversations with NAGANO and ITO in which he also supported them in their stand that the war be started with maximum effectiveness, and no notice should be given to the U. S. before attack. To this question the accused had answered that he didn't remember it.

33527

When asked if he recalled the above question and answer, he stated he did. * Additional questions and answers from his interrogation were quoted him. Asked if he had remembered a discussion between TOGO, NAGANO, and ITO, he stated he had heard after the war that there was a discussion between TOGO and ITO.

Asked what he heard, he had answered that before the attack he had not heard it, and the first time was from U. S. sources. He heard it from U. S. sources after the war, from the demobilization board.

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Asked if these questions and answers were given, he replied that it seemed different. He thought there was some mistake with regard to such matters as American sources or that he heard it after the war broke out. It appeared that the last answers are the correct ones.

The question asked in his interrogation, if it did not come from American sources, to which he had answered that it did not come from such sources, was a correct answer.

33528

* With respect to the meeting he had with KAGESA in 1938, it was in accordance with a suggestion of the premier and at the orders of the Vice-Minister and the then Chief of the NAB. The purpose of the meeting was the exchange of information, and he had the duty of reporting the information to the Vice-Minister and Chief of the NAB.

In 1941 Navy Minister OIKAWA advocated withdrawal of troops from China, and he had heard that OIKAWA advised accordingly to KONOYE. OKA supported this view.

YAMAMOTO, Yoshio, remained in his post after the accused vacated the post of Chief of the NAB and Vice-Minister.

33529

* He had never issued any order relative to the treatment of POWs, and it was not his duty to inspect or visit POW camps.

The question of the interval of the time between the delivery of the note and the attack on Pearl Harbor was never discussed at the liaison conference.

INTERNATIONAL PROSECUTION SECTION
Document Division

1 December 1947

C O R R E C T I O N

1. In accordance with the request of the Court (page 33529), Exhibit No. 120 (Personal Record of OKA) has been reprocessed to include the last page in the English copy.

2. Please destroy the English copy you have of this document and substitute the attached (marked with asterisk).

Chief, Document Processing Unit

FILE NO. 37

REPORT BY: R.H. GILLILAND
1st Lt., Inf.RE: OKA, Takasumi

DATE: 17 May 1946

STATUS: Pending

On 18 April 1946 the records of the Personnel Section, Cabinet Secretariat, were examined at the Diet Building, Tokyo.

Complete personnel records of the subject were micro-filmed. Photostatic copies, together with translation, are on file as Exhibit No. 706.

Following is a transcript of the translation:

OKA, Takasumi

DATE OF BIRTH: 11 February 1890

SOCIAL STATUS: Military Class

DOMICILE: Tokyo Prefecture

FORMER SURNAME: BEPPU

1908 Sep 14 Admitted to the Naval Academy as an officer candidate
(Naval Academy)1911 Jul 18 Awarded diploma from the above academy (Naval Academy);
Appointed as Naval Cadet (Navy Ministry);
Assigned to the battleship SOYA (Navy Ministry)

1911 Sep 9 Brought the battleship from Jinsen to Port Arthur

1911 Sep 20 Arrived at Sasebo (temporary return trip)

1911 Nov 25 Started from Yokohama and sailed for Australia

1912 Mar 28 Returned to Yokosuka

1912 Mar 29 Discharged from the battleship SOYA duty and assigned to
the warship KATORI (Navy Ministry)1912 Dec 1 Appointed as Ensign (Cabinet).
Assigned to the battleship KATORI

1913 Feb 10 Conferred the 8th Court Rank, Senior Grade

COPIES: Original to Exhibit 706
3 File No. 37

- 1914 Jan 15 Discharged from duty on the warship KATORI and assigned to the battleship HIEI (Navy Ministry)
- 1914 Dec 1 Appointed as Sub-Lieutenant (Cabinet);
Discharged from duty of the battleship HIEI;
Ordered as a regular course student in the Naval Torpedo School (Navy Ministry)
- 1915 Feb 10 Conferred the 7th Court Rank, Junior Grade
- 1915 May 26 Graduated from Naval Torpedo School;
Ordered as student in the Naval Gunnery School
- 1915 Dec 13 Graduated from gunnery school;
Assigned to the battleship URANAMI
- 1915 Nov 7 Decorated with the 6th Class Order of the Sacred Treasure;
Granted a sum of ¥200;
Awarded medal for German-Japanese War
- 1916 Apr 1 Released from duty aboard the warship URANAMI and appointed as officer attached to the first Submarine Force and also attached to Kure Defense Unit
- 1916 Dec 1 Discharged from both offices and appointed as officer to be attached to the second Submarine Force.
- 1917 Jun 9 Discharged from the Submarine Duty and appointed an officer to the command of the second Special Duty Ship Squadron
- 1917 Sep 1 Discharged from the office and appointed an officer attached to Yokosuka Naval District and also attached to Yokosuka Naval Quarters
- 1917 Dec 1 Appointed as Captain (Cabinet);
Discharged from the officer of the Yokosuka Naval District;
Ordered as a class-B student in the Naval War College (Navy Ministry)
- 1918 Jan 30 Conferred the 7th Court Rank, Senior Grade
- 1918 Apr 15 Released upon graduation and ordered as an advanced course student in the Naval Torpedo School (Navy Ministry)
- 1918 Dec 1 Graduated from Naval Torpedo School;
Appointed a submarine captain in the First Submarine Division and also an instructor in the Naval Torpedo School (Navy Ministry)
- 1919 Oct 30 Discharged from both duties and appointed a submarine captain in the 13th Submarine Division (Navy Ministry)

1919 Nov 20 Discharged from the main duty and appointed a submarine captain in the First Submarine Division and also an instructor in the Naval Torpedo School (Naval Ministry)

1919 Dec 25 Decorated with the 5th Class Order of the Sacred Treasure

1920 May 29 Discharged from both duties and appointed an officer to the 14th Submarine Division (Navy Ministry)

1920 Dec 1 Discharged from the main duty and appointed to the Captain of the 12th Submarine and also as instructor in the Naval Submarine School (Navy Ministry)

1920 Nov 1 Decorated with the 4th Class Order of the Sacred Treasure and granted a sum of ¥750 for merit in 1915-1920 War

1921 Jun 1 Discharged from both duties and appointed the acting armament officer of the 29th Submarine Division (Navy Ministry)

1921 Nov 16 Appointed acting captain of the 29th Submarine Division (Navy Ministry)

1921 Dec 1 Discharged from the office above-mentioned and ordered as Class-A student in the Naval War College (Navy Ministry)

1923 Mar 30 Conferred the 6th Court Rank, Junior Grade

1923 Oct 15 Graduated from Naval College;
Appointed a member in the Naval General Staff (Navy Ministry)

1923 Dec 1 Appointed as Lt. Comdr. (Cabinet);
Discharged from the main office and appointed as instructor in the Naval Submarine School (Navy Ministry)

1924 May 20 Discharged from the main office and appointed a resident officer in France (Navy Ministry)

1925 Jul 13 Appointed a member of the Executive Committee of Peace Treaty (Cabinet)

1925 Jul 13 Discharged from the resident officer in France (Navy Ministry)
Appointed as member in the Naval General Staff (Navy Ministry)

1926 Sep 1 Discharged from both duties and appointed an officer attached to the command of the 1st Submarine Squadron (Navy Ministry)

1926 Dec 1 Discharged from the main office and appointed Captain of class "RO" - 61st Submarine (Navy Ministry)

1927 May 20 Discharged from the main duties and appointed an officer attached to Yokosuka Naval District (Navy Ministry)

- 1927 Nov 15 Appointed staff within the Naval General Staff and also a member of the Naval Technical Council, the Naval Technical Department, as well as an instructor in the Naval Military College (Navy Ministry)
- 1927 Aug 1 Ordered as reserve personnel (Navy Ministry)
- 1928 Jul 17 Appointed as officer to be attached to the inspecting officer especially appointed by the Emperor (Navy Ministry)
- 1928 Aug 27 Discharged from the office of the inspecting officer (Navy Ministry)
- 1928 Aug 1 Conferred the 6th Court Rank, Senior Grade
- 1928 Dec 10 Appointed as Commander (Cabinet)
- 1929 Dec 28 Decorated with the 3rd Class Order of the Sacred Treasure
- 1931 Oct 10 Appointed as staff member in the Naval General Staff (Navy Ministry)
- 1931 Oct 31 Bestowed a silver cup for services in the conclusion of the London Naval Treaty
- 1932 Oct 25 Appointed as representative to the Plenipotentiary attending to the General Disarmament Conference in Geneva (Cabinet)
- 1933 Sep 1 Conferred the 5th Court Rank, Junior Grade
- 1933 Nov 15 Appointed as Captain (Cabinet);
Appointed as follower to the Imperial Naval Representative at the Standing Consultative Committee concerning Military, Naval and Airforce Problems in the League of Nations (Not registered in the Gazette)
- 1933 Nov 15 Appointed a member of the Naval General Staff (Navy Ministry)
- 1933 Dec 28 Discharged as representative to the Imperial Naval Representative at the Standing Consultative Committee concerning Military, Naval and Air Force Problems in the League of Nations (Cabinet);
Appointed an observer in the Naval General Staff and an observer in the Navy Ministry (Navy Ministry)
- 1934 Apr 26 Released from the following to the Plenipotentiary attended at the General Disarmament Conference in Geneva (Cabinet)
- 1934 Apr 29 Decorated with the Middle Cordon of the Rising Sun (for the merits in 1931-1934 Incidents)

- 1936 Dec 1 Appointed Captain of the warship ZINGEI (Navy Ministry)
- 1937 Dec 1 Appointed an observer in the Naval General Staff and also an observer in the Navy Ministry (Navy Ministry)
- 1938 Jan 15 Appointed as Chief of No. 1 Section, Bureau of Naval Affairs and also a member of the Naval Technical Council (Navy Ministry)
- 1938 Jan 18 Appointed as member of the Civil Official Ordinary Disciplinary Committee (Navy Ministry)
- 1938 Jan 21 Appointed as member of the Committee in the Information Bureau of the Cabinet (Cabinet)
- 1938 Jan 22 In charge of the Secretary to the Second Committee (Not registered in the Gazette) (Cabinet);
In charge of Secretary of the 3rd Committee (Not registered in the Gazette) (Cabinet)
- 1938 Jan 25 Appointed as secretary of the Bureau of Manchurian Affairs (Cabinet)
- 1938 Jan 23 Appointed as reserve member of the Ordinary Civil Service Limitation Committee (War Ministry)
- 1938 Jan 27 In charge of the secretary of Aviation Enterprise Investigating Committee (Communications Ministry)
- 1938 Apr 30 Appointed as supporter to the Organizing Committee of the North China Development Co., Ltd., and the Central China Development Co., Ltd. (Not registered in the Gazette) (Cabinet)
- 1938 May 18 Appointed secretary of the Committee appraising properties invested by the government of the North China Development Co., Ltd. and the Central China Development Co., Ltd. (Cabinet)
- 1938 Sep 10 Appointed secretary of the Electrical Communication Committee
- 1938 Sep 15 Conferred the 5th Court Rank, Senior Grade
- 1938 Nov 8 Released as supporter of the Organizing Committee of the North China Development Co., Ltd. and the Central China Development Co., Ltd. (Not registered in the Gazette) (Cabinet)
- 1939 Jan 19 Appointed a government commissioner on matters related to the Navy Ministry in the 74th Session of the Diet (Cabinet)

- 1939 Feb 21 Appointed secretary of the Connecting Committee of the China Affairs Bureau (Cabinet)
- 1939 May 22 Released as secretary of the 2nd Committee (Not registered in the Gazette) (Cabinet)
- 1939 Aug 2 Appointed secretary of the Overseas Colonization Investigation Council (Cabinet)
- 1939 Aug 3 Appointed secretary of the Temporary Council examining Manchurian Colonists (Cabinet)
- 1939 Oct 19 Released from member of Committee in the Information Bureau of the Cabinet;
Released from the secretary of the Electrical Communication Committee;
Released as secretary of the Temporary Council examining Manchurian Colonists (Cabinet);
Discharged as secretary of the Overseas Colonization Investigation Council (Cabinet)
- 1939 Oct 21 Released from duties as secretary of the Bureau of Manchurian Affairs (Cabinet)
- 1939 Oct 23 Released from the duties of secretary to the Committee Appraising Properties invested by the government to the North China Development Co., Ltd. and the Central China Development Co., Ltd.
- 1939 Oct 23 Released from the duties of secretary in the Connecting Committee, the China Affairs Bureau (Cabinet)
- 1939 Nov 15 Appointed as Rear Admiral (Not registered in the Gazette) (Cabinet)
- 1940 Oct 15 Appointed Chief of the Bureau of Naval Affairs, the Navy Ministry and also a member of the Board of Admirals;
Discharged from the Naval Staff in the Imperial Headquarters and was appointed member in the Department of Naval Preparedness Examination, the Imperial Headquarters T.N.
It is stated that Mr. OKA was "discharged from the Naval Staff in the Imperial Headquarters", but there is no statement that he was appointed to this post preceding this date⁷;
Appointed standing follower to the Navy Minister in the Imperial Headquarters (Navy Ministry)

- 1940 Nov 4 Appointed member of the Celebration Committee in the Cabinet;
Ordered the sub-chief of the 4th Reception Department, the
Celebration Committee in the Cabinet (Cabinet);
Decorated with the 2nd Class Order of the Sacred Treasure
according to the Notification numbered KUN-NAI-HATSU,
No. 898, dated 23 May 1940 /T.N. KUN-NAI-HATSU is a suffix
to the document number, meaning that it was issued from the
Bureau of Decorations to the internal offices - not pub-
licly to the outside./
- 1940 Nov 7 Appointed Councillor to the Bureau of General Affairs,
the Commerce and Industry Ministry;
Appointed member of the Materials and Resources
Utilization Committee (Cabinet)
- 1940 Nov 8 Appointed secretary of the National General Mobilization
Council;
Appointed secretary of the Scientific Council (Cabinet)
- 1940 Nov 14 Appointed member of the Iron Industry Committee (Cabinet)
- 1940 Nov 21 Appointed Councillor to the Cabinet Planning Board;
Appointed member of the Connecting Committee, the Bureau
of China Affairs (Cabinet)
- 1940 Nov 27 Appointed member of the Agriculture and Forestry Planning
Committee (Cabinet)
- 1940 Dec 2 Appointed member of the Central Air Defense Committee
1940 Dec 7 Appointed Councillor of the Fuel Bureau (Cabinet)
- 1940 Dec 24 Appointed Government Commissioner on matters related to the
Navy Ministry in the 76th Session of the Diet (Cabinet)
- 1940 Dec 26 Appointed Councillor of the Bureau of Southern Colonization,
the Oversea Affairs Ministry (Cabinet)
- 1941 Jan 13 Released as the Councillor of the Commerce and Industry
Ministry (Cabinet)
- 1941 Jan 17 Discharged from the duties as Secretary of the Scientific
Council;
Discharged from the duties of member to the Materials and
Resources Utilization Committee (Cabinet)
- 1941 Jan 18 Appointed Councillor of the Bureau of Manchurian Affairs;
Released from the duties of secretary to the National
General Mobilization Council (Cabinet)

- 1941 Jan 22 Released from the duties as member of the Agriculture and Forestry Planning Committee (Cabinet)
- 1941 Feb 6 Appointed follower to the Imperial Commissioner arbitrating the dispute on the border of Siam and Indo-China (Cabinet)
- 1941 Jan 23 Appointed Imperial Member in German-Italian-Japanese Mixed Experts Committee held in Tokyo (Cabinet)
- 1941 Feb 18 Discharged from the Councillor of the Fuel Bureau (Cabinet)
- 1941 Nov 15 Appointed Government Commissioner on matters related to the Naval Ministry in the 77th Session of the Diet (Cabinet)
- 1941 Dec 15 Appointed Government Commissioner on matters related to the Navy Ministry in the 78th Session of the Diet (Cabinet)
- 1941 Dec 17 Appointed Councillor of the Higher Prize Court (Cabinet)
- 1941 Dec 25 Appointed Government Commissioner on matters related to the Navy Ministry in the 79th Session of the Diet (Cabinet)
- 1941 Dec 26 Appointed Councillor in the Bureau of General Affairs, the Agriculture and Forestry Ministry (Cabinet)
- 1941 Dec 29 Appointed member of the Committee Managing Enemy Property (Cabinet)
- 1942 Feb 21 Appointed secretary of the Great East Asia Construction Council (Cabinet)
- 1941 Dec 9 Appointed Chief of the Department of Southern Administrative Affairs (Home Ministry)
- 1942 Mar 17 Appointed member of the Organizing Committee of the Southern Development Bank (Cabinet)
- 1942 Mar 27 Appointed Councillor of the Air Defense Bureau, the Home Ministry (The Bureau was abolished according to the Imperial Ordinance, No. 804, in 1945) (Cabinet)
- 1942 Apr 2 Released from the duties as member of the Organizing Committee of the Southern Development Bank (Cabinet)
- 1940 Apr 29 Decorated with the 4th Class Order of the Golden Kite; Decorated with the 2nd Class Order of the Sacred Treasure (Both for the merits of the China Incident)
- 1942 May 26 Appointed Government Commissioner on matters related to the Navy Ministry in the 80th Session of the Diet (Cabinet)

- 1942 Nov 1 Appointed member of the Connecting Committee of the Great East Asia Ministry (Cabinet);
Appointed as Vice Admiral (Cabinet)
- 1942 Nov 21 Appointed as member of the Connecting Committee, the Home Ministry (Cabinet)
- 1942 Dec 22 Appointed as member of the Committee training essential personnel for the Great East Asia (Cabinet)
- 1942 Dec 24 Appointed as Government Commissioner on matters related to the Navy Ministry in the 81st Session of the Diet (Cabinet)
- 1942 Dec 1 Conferred the 4th Court Rank, Junior Grade
- 1942 Dec 10 In charge of members of the Temporary Production Increasing Committee (Not registered in the Gazette)
- 1943 Jun 15 Appointed as Government Commissioner on matters related to the Navy Ministry in the 82nd Session of the Diet (Cabinet)
- 1943 Jul 22 Appointed as member of the Committee judging specially recovered copper articles (Cabinet)
- 1943 Aug 4 Appointed as Councillor of the Race Research Institute (Cabinet)
- 1943 Sep 6 Appointed as Investigator in the Cabinet Planning Board as an additional post;
Raised to the First Class Imperial Appointee (Cabinet);
Appointed as officer attached to the Secretariat's General Affairs Chamber, attached to the President of the Cabinet Planning Board (Cabinet)
- 1943 Sep 7 Appointed as follower to the Administrative Inspector;
Appointed as a follower to the Administrative Inspector FUJIWARA (Cabinet)
- 1943 Oct 25 Appointed as government commissioner on matters related to the Navy Ministry in the 83rd Session of the Diet (Cabinet)
- 1943 Oct 29 Released from following to the Administrative Inspector (Cabinet)
- 1943 Oct 30 Released from additional office .
- 1943 Dec 22 Appointed as Councillor in the Bureau of General Affairs, the Agriculture and Commerce Ministry (Cabinet)

- 1943 Dec 24 Appointed as government commissioner on matters related to the Navy Ministry in the 84th Session of the Diet (Cabinet)
- 1943 Dec 29 Appointed as War Supplies Officer in the War Supplies Ministry as an additional post (Cabinet)
- 1943 Dec 30 Appointed as assistant administrative inspector; Ordered as the assistant follower to the administrative inspector FUJIWARA (Cabinet)
- 1944 Jan 10 Appointed as Councillor in the Air Defense Headquarters (Cabinet)
- 1944 Jan 25 Appointed as member of the committee managing enemy property (Cabinet)
- 1944 Jan 27 Appointed as member of the Religious Culture Policy Committee (Cabinet)
- 1944 Jan 28 Appointed as member of the Price Council (Cabinet)
/Council was abolished according to the Imperial Ordinance No. 114 dated 10 March 1940./
- 1944 Apr 19 Relieved of duty as attendant to the Administrative Inspector (Cabinet)
- 1944 Jun 10 In charge of duty as member of the Wartime Food Council (Agriculture and Commerce Ministry)
- 1944 Jun 30 Appointed as Councillor in the War Supplies Ministry (Cabinet)
- 1944 Jul 18 Appointed Vice-Minister of Navy;
Received 1st Rank of Higher Civil Service (Cabinet)
- 1944 Aug 5 Relieved of post at own request (Cabinet)
- 1944 Aug 15 Relieved of concurrent duty as War Supplies Officer in the War Supplies Ministry (Cabinet)
- 1944 Sep 1 Relieved of duty as Councillor in the War Supplies Ministry (Cabinet)
- 1944 Sep 9 Appointed Commander-in-Chief of the Guard District of the Naval Station (Not registered in the Official Gazette) (Cabinet)
- 1944 Sep 16 Relieved of duty as Councillor of the Higher Prize Court (Cabinet)

1944 /indistinct/ Relieved of duty as Councillor in the Air Defense Headquarters (Cabinet)

1944 Oct 4 Relieved of duty as member of the Connecting Committee of the Home Ministry (Cabinet)

1944 Oct 20 Relieved of duty as member of the Religious Culture Policy Committee (Cabinet)

1944 Nov 21 Relieved of duty as member of the Committee training essential personnel for Greater East Asia (Cabinet)

1944 Dec 15 Conferred 4th Court Rank, Senior Grade

1944 Dec 29 Relieved of duty as member of the Connecting Committee of the Greater East Asia Ministry

1945 Feb 29 Relieved of duty as Councillor in the Bureau of General Affairs, the Agriculture and Commerce Ministry (Cabinet)

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Exh. No.

O P E N I N G S T A T E M E N T
O F O K A , T A K A Z U M I



Counsel-- S. SOMIYA - S.A. Roberts

After careful consideration of the evidence adduced concerning the defendant OKA, it is obvious that he has been indicted and is now on trial not for any acts which he committed, but rather because he occupied a certain position which the Prosecution has erroneously contended, presupposes a guilty participation in an alleged conspiracy. If this theory were correct, then thousands of career men in similar Government positions should likewise be held responsible for the alleged acts of others and they, too, should be in the prisoner's box. It will be shown that this Indictment by general sweeping statements and trial by inference is not legally sufficient to prove any participation in a conspiracy to wage aggressive war or any of the other crimes ^{on pg. 3} against this defendant.

Although ^{the} defendant OKA is included in the blanket Indictment for conspiracy to wage aggressive war in the first seventeen counts, he is not included in the specific counts numbered 18 and 19 relating to initiating a war of aggression against China on 18 September 1931, and 7th July 1937. He is likewise not included in the specific counts numbers 23, 25 and 26, relating to initiating a war of aggression against France, the U.S.S.R., the Mongolian Peoples' Republic, and in Counts numbered 33, 35 and 36 relating to waging a war of aggression

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against France, the Mongolian Peoples' Republic and the U.S.S.R. In Group Two, relating to Murder, the defendant OKA is not included in the specific counts numbered 45, 46, 47, 48, 49, 50, 51 and 52 relating to alleged murder in China and the U.S.S.R.

It is obvious that the participation of the defendant OKA in the Manchurian Affair and China Incident was based upon presumption because of a committee membership which he held and because he was decorated for "his services" in both Incidents (Record Page 16,968.)

It will be shown that OKA did not participate in either Incident, directly or indirectly, and the Awards made to him were part of general awards to many thousands of navy men. The Manchurian Affairs Committee appointment (being from January 1938 to November 1939) was an automatic perfunctory appointment coexistent with the office he occupied, wherein no action was taken by the defendant.

It will be shown that in October 1931, OKA was a member of the staff in the Research Section, Navy Ministry, and from October 1932 to April 1934, he was a member of the suite of the Japanese Naval Delegation to the League of Nations Standing Military Commission and also as a member of the suite of the Japanese Delegation to the general disarmament conference in Geneva he was stationed in Paris and Geneva. Upon his return to Japan he re-entered the Navy Ministry and served in the Temporary Research Section. That in December 1937, he was Captain of the battleship "JINGEI" and served on coastal patrol along the Japanese coast and that from December 1, 1937 up to January 14, 1938, he served

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in the Naval General Staff and concurrently in the Navy Ministry. Thus, it will be evident that he could not be involved in the Manchurian Incident, the signing of the Anti-Comintern Pact and the China Incident which occurred during the foregoing dates.

The Prosecution has placed great emphasis upon the fact that OKA was the Director of the Naval Affairs Bureau and alleges that the importance of his position is shown by the fact that he attended a number of liaison conferences, Imperial Conferences and Investigating Committee Meetings of the Privy Council. This is another erroneous presumption. The evidence will show that all of the foregoing meetings were attended by OKA in the capacity of a secretary or explainer. Although this is self-evident from the exhibits introduced by the Prosecution, we shall in addition to pointing out such disclosures in said Exhibits, also present the testimony of a former Navy Minister to incontrovertibly prove that OKA had no voice or vote at said meetings and was in no position to participate in the policies formulated therein.

We shall further prove that the aforementioned conferences and meetings were always attended by two categories of persons. One category was the members who usually occupied some cabinet or similarly high position and the other was the secretaries or explainers who were usually bureau heads attending for the purpose of assisting or presenting material to assist their superiors. We shall further prove that OKA only attended as a subordinate, never without his superior being present as a member, and always acted in a subordinate

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manner, without power to participate in the decisions or even engage in discussions except when asked. The Prosecution admitted OKA's inability to vote at these meetings (Record Page 16,972), and proceeded to say it was of little importance because the proceedings were always unanimous. It is not stated how the secretaries who did not vote showed unanimous approval. The Prosecution then stated further that "The important point that they fix him with full knowledge of the policy to be pursued, which we submit his position gave him great power of shaping, and he retained that position." This is a further presumption based on no act or acts of the defendant. The evidence will show that OKA occupied his post in a manner similar to other naval officers and that he was unable to resign of his own accord, even should he so desire.

The evidence will show that on October 15, 1940, OKA became Director of the Naval Affairs Bureau, Navy Ministry. That the Director of the Naval Affairs Bureau in the Navy Ministry, like other Bureau Directors, received his commands and orders from the Navy Minister, and it was his duty to carry out the matters decided by the Navy Minister under the supervision of the Vice Navy Minister, and he was simply one of the aides to the Navy Minister.

The proof to be adduced will also show that OKA continued as Director of the Naval Affairs Bureau after the formation of the TOJO Cabinet, even though there was a reshuffle in the Prime Minister or the Navy Minister because the custom prevailed in the Navy that such a shift should not affect the personnel ranking below that of the Vice Navy Minister.

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Thus OKA remained in his post, not of his own free will, but pursuant to the order from his superior officer to remain. Nor did OKA personally solicit the entry of Admiral YONAI in the TOJO Cabinet in order to strengthen it during the closing days of the TOJO Cabinet, but that such a solicitation was made upon the order of Admiral Nagakuni NOMURA, the then Navy Minister.

We shall prove to the satisfaction of this Tribunal that OKA at all times acted in accordance with the policies formulated by his superiors and insisted on his subordinates acting in a similar manner. It will be shown through competent witnesses that OKA expended considerable effort on behalf of the Japanese-American negotiations and worked unceasingly for the successful conclusion of such negotiations. It will be shown that because of his known sympathetic attitude he was tentatively selected as one of the attendants to the suite to accompany Prince KONOYE on his proposed meeting with President Roosevelt, and he actually participated in preparing a steamship to carry the delegates to the proposed meeting.

It will be shown that the alleged statements made by OKA and referred to by the Prosecution as proof of his power to stop the war (Record Page 16,971) were in fact messages being delivered by him for and on behalf of his superiors. This is another erroneous premise relied upon by the Prosecution which falls of its own weight. It is indeed very flattering to the accused to credit him with absolute power to plunge his nation into war, when he was only a bureau chief, but the true facts will point out the utter absurdity of his contention.

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Similarly the assertion that the formula for the American-Japanese negotiations was under the direct personal influence of OKA is based upon an erroneous conception. It will be shown that the Foreign Office was in charge of the preparation of said formula and that OKA was in no position to exercise any personal influence in drafting such an important policy. The evidence already adduced and to be adduced will show that the formula was prepared by the Foreign Office and copies were sent to all the Ministers for their suggestions. The Navy made its suggestions from time to time and in accordance with the regular routine procedure. It will be demonstrated that the foregoing presumption, which is based on Exhibit 1115 (Record Page 16,970) is erroneous and that the true interpretation of OKA's connection with said formula is limited to the procedure outlined above. It is also recalled that the Prosecution's interpretation has been corrected by the defendant KIDO on Page 31,238 of the Record.

The Prosecution also laid great emphasis upon OKA's presumed powers by stating that he attempted to bolster the TOJO Cabinet in 1944 by urging Admiral YONAI to join the Cabinet. However, the evidence will dissipate this presumption by showing the true facts through the Navy Minister who ordered OKA to make this inquiry in his behalf.

It has likewise been contended that OKA's appointment to a great number of committees was also proof of his great importance. Again it is only a presumption, based upon no proof of any specific act or acts. It will be shown that by virtue of his position as Director of the Naval Affairs Bureau, OKA was pursuant to custom and procedure automatically appointed to many committees, for the purpose of carrying out liaison

work with Bureau heads of the other Ministries. It will appear that the appointment thus accompanied the office regardless of the individual. It will be shown that he seldom, if ever, attended the meetings of the various committees referred to by the prosecution in Exhibit 120, and usually required the various section heads or the person in charge to attend to those matters with which they were directly concerned. The primary reason for such committee meetings was the exchange of information between the various ministries.

The defendant is charged with crimes against humanity in Group Three of the Indictment and the evidence again is based upon presumption.

The Prosecution alleges that the Naval Affairs Bureau had similar jurisdiction to the Military Affairs Bureau for the handling of prisoners of war. The evidence already adduced has clearly proven that Prisoners of War were handled only by the Army through the Prisoners of War Information Bureau and the Army organs. In some instances the Naval combat units would temporarily hold prisoners before turning them over to the Army and these were handled by the respective commanders of the units as a part of operations. Similarly when some prisoners were temporarily held in a Naval Station camp they were under the supervision and control of the commander of said naval station. The only requirement under the Naval regulations was that the names and the number of prisoners being held should be reported to the Navy Minister for administrative purposes. The evidence adduced and to be adduced, will convincingly prove that notices of protest were usually addressed to the Chief of the Prisoners

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of War Information Bureau and or the War Vice Minister. In only one instance was ^{it} shown that a copy of a letter was forwarded to the Naval Affairs Bureau. This was in April 1945, about one year subsequent to the defendant's vacating that office.

Insofar as the atrocities at sea were concerned, there was no proof of the fact that the Navy Ministry or its subservient Naval Affairs Bureau were ^{responsible} for or had knowledge of the acts charged. The evidence already adduced has demonstrated that no overall policy was ever adopted or pursued by the General Staff which ordered the destruction or mistreatment of prisoners and survivors but to the contrary many specific orders requiring fair treatment were introduced into evidence. It was charged that the Central Command issued verbal orders for the destruction of prisoners of war but this was emphatically denied by the General Staff Commander. However, it will appear that any attempt on the part of the Prosecution to fix any responsibility upon the defendant OKA for these acts is utterly baseless and without any foundation whatsoever.

The defendant OKA was appointed Vice Minister of the Navy on 18 July 1944 and served in this capacity until August 5, 1944.

On September 9, 1944 he was appointed Commander of the Chinkai Naval Station and served until June 1945 when he retired and was put on the reserve list.

We respectfully submit that no evidence has been introduced to substantiate the charges made against the defendant OKA and the facts to be related will clearly show that the case against him is based on

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a misconception. That the positions occupied by OKI as one of the subordinates in the Navy Ministry gave him no authority to participate in formulating important state policies. That he could not and did not participate in any conspiracy to wage a war of aggression but as a subordinate member of the fighting forces was guilty only of "faithfully serving his country", once the war began.

OKA

INTERNATIONAL PROSECUTION SECTION
DOCUMENT DIVISION

20 Nov 1947

MEMO FROM: Yale Maxon
TO : Capt. Robson, Comdr. Cole
SUBJECT : OKA, Redict examination

1. What was Robets getting at in repeating OKA's interrogation to the effect that:

"I heard forthe first time after the war that there had ben a discussion between TOGO and ITO, re timin of attack and delivery of final note."

If he meant to bring ou the truth of the above, TOJO's interrogations will sho that the question of the time of the attack and the time of he notification had been delegated by the Liaison Conferene to a three-man committee (including TOGO and ITO) and that herefore all members of the Liaison Conference including boh SHIMADA and OKA must have known about it.

2. OKA denied that he issued any orders (meirei) re POW during his term as Chief of Military Affairs Bureau. This is probably because orders (i.e. meirei - commands) are the prerogative of the High Command, the Navy General Staff or Gunreibu. Wouldn't the best thing be to attempt to point out the administration responsibility of the Navy Ministry for ordinances and directives relative to POW treatment? These are not, properly speaking, commands (meirei) but regulations.

YALE MAXON

✓ Copy Mr Subhaw

Prepared by: Commander Cole

Date : 30 October 1947

CHRONOLOGICAL SUMMARY OF EVIDENCE INTRODUCED BY THE
DEFENSE PERTAINING TO THE ACCUSED SHIMADA AND OKA

(These references apply to both SHIMADA and OKA unless otherwise noted)

6 February, 1922 - Record p. 17,686 - This is an unratified treaty between the U. S. and other countries covering protection of lives of neutrals and non-combatants at sea in time of war and prohibiting the use in wartime of noxious gases and chemicals and the use of submarines as commerce destroyers. Article III provided that any person violating these rules under orders of a governmental superior shall be liable to trial and punishment as for an act of piracy. (Exhibit 2379-A) Since the treaty was not ratified by more than four powers, it never came into effect. (Exhibit 2340) ~~SEE~~ - This was apparently introduced by the Defense to show that the plea of superior orders is available as a defense.

23 August, 1923 - Record p. 26,434. An excerpt from "Laws and Ordinances Concerning the Organization of Naval Stations" (a Naval General Staff order of this date) showed that commanders of naval stations were directly subordinate to the Throne and under the direction of the Navy Minister as to administrative matters only and under the direction of the Chief of Staff on planning war operations. (Exhibit 2985) The purpose of this evidence apparently is to show that SHIMADA and OKA had no control over Naval Stations as to war operations.

26 March, 1923 - Record p. 26,435 - An excerpt from "Laws and Ordinances Concerning the Organization of Auxiliary Naval Stations" (Naval General Staff Order of this date) contains similar provisions with respect to the Commander in Chief of auxiliary naval stations. (Exhibit 2986)

1926-1941 - record p. 26,505 - Defense witness NUKAWA, Hisaburo testified (Exhibit 2994) that there were no military personnel or installations on Palau from 1926 to 1938. In 1941 there were still no installations. (Record p. 26,506)

17 November, 1930 - Record p. 17,755 - Defense witness HIYARAI, Tatsuo testified that on this date Premier HAMAGUCHI was shot by a member of the AIKOKUSHU because of anger at the result of the London Naval Conference and that no military or naval officers were connected with the affair. (Record p. 17,767)

January-February, 1932 - Record p. 19,586 - Defense witness KITAURA, Teyoo, former Navy Captain testified (Exhibit 2421) that he took part in the 1st Shanghai Incident as a staff officer of the 1st Overseas Fleet. The Navy landing party was numerically inferior and hence Navy bombing planes were sent to their assistance but strict orders were given not to bomb non-military objectives. (Record p. 19,590) Reference: - SHIMADA was Chief of Staff of the 3rd Fleet after 2 February, 1932, and presumably participated in this Incident. OKA was attached to the Navy General Staff and the Navy Minister on this date and had no other known connection with the Shanghai Incident.

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA)

January - May, 1932 - Record p. 19,578 - Defense witness SAMEJIMA, Tomohiko, former Vice Admiral, testified (Exhibit 2420) that he was Chief of Staff of the Naval Special Landing Party which landed at Shanghai to protect Japanese residents. The Japanese had no intention of starting a war and the Shanghai Incident was an entirely unforeseen incident caused by provocation on the part of the Chinese. A truce agreement was concluded on 5 May, 1932. (Record p. 19,584) Reference: - From 2 February, 1932, until 28 June, 1932, SHIMADA was Chief of Staff of the 3rd Fleet and presumably participated in the Incident as shown by the fact that he was one of the signers of the May 5th Armistice Agreement.

1 February, 1932 - Record p. 19,596 - Defense witness TANBE, Hanji testified (Exhibit 2422) that he was Captain of the Cruiser HIRATO at the time of the Nanking Incident on 1 February, 1932. He was ordered by Admiral SHIGEMARU, Commander of the 1st Overseas Service Squadron to protect the residents of Nanking with the utmost care. The Japanese cruisers were fired on by the Chinese batteries on shore on the night of 1 February and returned the fire. (Record p. 19,602) The naval landing party did not land on the shore but on the floating hulk of the Nisshin Steamship Company where Japanese residents had taken refuge. (Record p. 19,606) Reference: SHIMADA was Chief of Staff of the 3rd Fleet after 2 February, 1932 and presumably participated in this Incident.

5 May, 1932 - Record p. 19,572 - The Agreement for Cessation of Hostilities Around Shanghai signed on this date stated that both Japanese and Chinese authorities have given a cease fire order. Japanese troops are to withdraw to the International Settlement and the extra-Settlement roads as before the incident of 28 January, 1932. Reference: Rear Admiral SHIMADA, Chief of Staff of the 3rd Fleet, was one of the signers of this agreement. (Exhibit 2419)

15 May, 1932 - Record p. 26,444 - Defense witness SHIMIZU, Mitsumi, testified (Exhibit 2987) that after the 15 May Incident the Navy put some 30 naval officers on the reserve list who were sympathetic with the young officers. The Navy Minister issued instructions to all officers to abide by the Imperial Edict not to participate in politics. In addition, witness, in the absence of the Personnel Bureau Chief, issued oral instructions to the Navy as a whole at the Chief of Staff's conference to the same effect. No written evidence can be found of either of these instructions. (Record p. 26,445) There is no available evidence that either SHIMADA or OKA participated in this Incident.

1933 - Record p. 25,437 - An excerpt from "Peace and War" stated that in 1933 the U. S. Navy had fallen below the tonnage allowed by treaty. Roosevelt in that year allocated funds from the NIRA for the purpose of constructing and equipping 32 naval vessels. No such program had been undertaken since 1916. (Exhibit 2842)

Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA

1933-1941 - Record p. 26,457 - Defense witness YOSHIDA, Hidemi, attached to the 1st Section of Naval Affairs Bureau from 1941 to 1945 testified (Exhibit 2990) that the Naval Affairs Bureau contended that the Mandated Islands constituted Japan's first line of defense and hence the Navy desired sufficient military installations within treaty limitations. It was decided that the islands could not be fortified because of treaty restrictions, but the South Sea Board set up many peace time installations later converted into war time assets. In 1933 the Navy surveyed farms on Saipan and Pagan for forced landing fields. In 1934 the Bureau began operating aerial communications between the islands and called on the Navy for assistance. The Navy concluded that such assistance by the Navy for cultural and industrial purposes could not be criticized as purely military installations under the treaty. Hence, 13 airfields were built from 1934 to 1941 scattered over the islands of Palau, Saipan, Pagan, Tinian, Truk, Pohnpei, Motje, Kwajalein, Jaluit and Tarao. Harbor facilities, wireless stations, barracks, gun emplacements for test firings, etc. were also constructed. Witness stated that Admiral Richardson was in error in stating that there were supply bases on the islands prior to 5 November, 1941. Combined Fleet Order No. 1 in referring to "allowances" etc. did not mean that such supplies were actually present on the islands. (Record p. 26,479) Witness was told by one MIHA that there was no airfield on Motje in the summer of 1940. The blueprint submitted by Admiral Richardson (Exhibit 1253-C) did not represent the factual situation on Motje but was only a plan. (Record p. 26,484) The Japanese Navy distinguishes between "naval bases" and "available spot". The designation in Order No. 1 of eight islands as "naval bases" was a mistake. (Record p. 26,486) NOTE: It is submitted that OKA as Chief of No. 1 Section, Naval Affairs Bureau, from 15 January, 1938 to 15 October, 1940, must have participated in the planning and execution of the fortification of the Mandated Islands under the guise of cultural and industrial development as described by the witness YOSHIDA. SHIMADA, as Vice Chief of Naval General Staff (11 October, 1935 to 1 December, 1937) must have been aware of this fortification.

1933 - 1936 - Record p. 26,489 - Defense witness HAYASHI, Hisao testified (Exhibit 2991) that he was Chief of the South Seas Board from 1933 to 1936 and during that time there were no military installations on the Mandates. Airfields and harbors were constructed for purely civilian purposes, however. The Board never took any measures to prohibit foreign travellers from visiting the islands although witness was told that the N. Y. K. would not accept such passengers due to difficulties of food and hotels. (Record p. 26,491-4)

1933 - 1941 - Record p. 26,529 - Defense witness WAKAMATSU, Makoto testified (Exhibit 2998) that his original statement (Exhibit 884, Record p. 9091) was never read to him in Japanese and contained numerous errors. He denied that on Saipan there were numerous military installations, trenches, warehouses, guns, etc. prior to 7 December 1941.

1933 - 1945 - Record p. 26,495 - Defense witness KONDO, Shunsuke testified (Exhibit 2992) that he was Chief of South Seas Bureau from April 1940 to November 1943 and that the ten-year plan for the Mandates which started construction of harbors, airfields, etc. sometime before 1940 was not in contemplation of war but for cultural and commercial purposes. None of the projects were made at the request of the Navy but some technical assistance was provided by the Navy. (Record p. 26,495-8)

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA)

15 November 1934 - Record p. 27,177 - A communication from the Vice Minister of the Navy to the Vice Minister of Foreign Affairs this date (Exhibit 3043) stated that the Navy Ministry had concluded that it was advisable to refrain from recommending to the Throne ratification of the Geneva Convention because (a) Japanese soldiers do not expect to become prisoners, hence the treaty in substance is unilateral; (b) lenient treatment of POWs will enlarge the extent of air raid danger, and in the case of Japanese soldiers will interfere with Japanese military discipline. (Record p. 27,180)

1934 - 1940 - Record p. 24,915. A study by the United States Foreign Economic Administration dated October, 1945 (Exhibit 2768) stated that in 1940 Japanese naval ships launched were 150,000 tons, and merchant ships 208,000 tons. In 1939 the respective figures were 119,000 - 343,000; in 1938, 54,000 - 439,000; in 1937, 52,000 - 487,000; in 1936, 53,000 - 306,000; in 1935, 40,000 - 146,000; in 1934, 38,000 - 155,000. (Record p. 24,915)

1935 - 1941 - Record p. 26,657 - Defense witness KONDO, Nobutake testified (Exhibit 3006) that the usual Navy procedure in planning and effectuating its armament program was as follows: The annual national defense plan was formulated by the 1st Section, 1st Division of General Staff. After work by other sections the draft was deliberated at a preliminary conference with the Navy Ministry. At this conference, national strength and difficulties of execution were minutely examined and considerable changes made. After an understanding was reached, an official report of the conference was sent by the Chief of Staff to the Navy Minister and the latter set forth his opinions on the prospects of the execution. After the budget was decided, the execution order was issued by the Navy Minister and the various government organs began work. (Record p. 26,657-9) NOTE - It is submitted that SHIMADA as Vice Chief of the Naval General Staff (2 December 1935 to 1 December 1937), and OKA as Chief of 1st Section, Naval Affairs Bureau (15 January 1938 to 15 October, 1940), assisted the Chief in planning and executing Japan's naval armament expansion program during their tenure of office.

1934 - 1941 - Record p. 26,499 - Defense witness OBARA, Junichi testified (Exhibit 2993) that Tinian was not fortified prior to December 8, 1941, and even afterward there were no effective defenses. The airfield was begun in 1934 and completed in 1935. (Record p. 26,499 - 26,502)

6 May, 1936 - Record p. 18,183 - A document entitled Report on Examination of the Revision of Imperial Ordinance on Organizing the War Ministry, dated 6 May, 1936, recommended that Ministers and Vice-Ministers of the War and Navy Ministry be limited to general officers on active service. (Exhibit 2367) NOTE: Prosecution Exhibit 93 shows that this recommendation was enacted by Imperial Ordinance No. 64 on 16 May, 1936.

27 July, 1937 - Record p. 21,497 - Defense witness ENOMOTO, Juji, testified (Exhibit 2541) that as legal adviser to the Navy Ministry he compiled a pamphlet entitled "Criteria in Air Fighting" which was issued on 27 July, 1937, for the guidance of the Naval General Staff and the Navy Ministry. (Exhibit 2542). This pamphlet which was sent for reference but had the force of an order was distributed to the Headquarters of the Combined, 2nd and 3rd Fleets, the 1st, 2nd and 3rd Naval Air Forces and various other units. It specified which

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA)

objects were proper bombing targets in order to avoid unnecessary damage or possible conflict with third powers. Bombing of a city was stated to be not permissible when its object was to intimidate the civilian population, to destroy an object of non-military value or to cause injury to non-combatants. (Record p. 21,520) Reference: On the date of issue of this pamphlet, SHIMADA was Vice Chief of the Naval General Staff but is not shown to have had any other connection with this pamphlet. However, the pamphlet was issued by the Navy Ministry Secretariat for the use of the Naval General Staff. OKA was Captain of the Warship ZINGEI at the time and presumably had no connection with the issuance of the pamphlet.

24 September, 1937 - Record p. 21,522 - Defense witness ENOMOTO, Juji, testified (Exhibit 2541) that he prepared a pamphlet entitled "Observations on Aerial Bombing By Japanese Navy Department" which was distributed, through the initiative of YAMAMOTO, Vice Minister of the Navy, to Headquarters of the Combined Fleet, 1st, 2nd and 3rd Air Fleets and various other units. (Exhibit 2543) This document was sent by way of information but had the force of an order and was designed to prevent laxity in the application of the original set of regulations issued on 27 July 1937. It stated that only military objectives may be bombed. (Record p. 21,522) Reference: SHIMADA was Vice chief of the Naval General Staff and OKA was Captain of the warship ZINGEI on this date.

15 October, 1937 - Record p. 21,528 - A confidential communication from the Chief of the Military Affairs Bureau, Navy Ministry, and the Director of 1st Division, Naval General Staff to the Chief of Staff, Third Fleet dated 15 October, 1937 stated that in view of present international relations, when dealing with Chinese POWs special attention must be paid to invite no pretext for censure under international law. POWs are to be dealt with as follows: The names and units of POWs, including those killed are to be notified to the Chinese; attention is to be given to the sick and wounded; the personal belongings of a deceased POW are to be delivered to the Chinese. (Record p. 21,528) Reference: On this date SHIMADA was Vice Chief of the Naval General Staff and may claim that the document was issued by his authority. OKA was Captain of the Warship ZINGEI and consequently had no connection with this document. NOTE - Prosecution Exhibit 255 (Record p. 3,435) an excerpt from HUTO's Interrogation with reference to the Army Military Affairs Bureau stated that it was finally decided in 1938 that because the Chinese conflict was officially known as an incident, Chinese captives would not be regarded as prisoners of war.

21 November, 1937 - Record p. 21,530 - Defense witness ENOMOTO, Juji, testified (Exhibit 2541) that in November, 1937, further rules of conduct concerning visit and seizure of shipping were distributed to various sections of the Navy. (Record p. 21,509) A communication from the Chief, 1st Section Naval General Staff and the Chief, Military Affairs Bureau, Navy Ministry dated 21 November, 1937, to the Chiefs of Staff of the China Seas Fleet and the 4th Fleet containing instructions concerning the visit and capture of vessels stated that vessels clearly belonging to Third Powers shall not be stopped or searched but vessels of doubtful ownership or whose registry was changed to that of another country under circumstances warranting suspicion that the transfer was fictitious shall be detained temporarily pending instructions from Tokyo. (Record p. 21,530 et seq.) Reference: SHIMADA

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was Vice Chief of Naval General Staff on this date and may claim that this document was issued by his authority. OKA was Captain of the warship ZINGEI and consequently had no connection with the issuance of the document.

1937 - Record p. 26,663. Defense witness KONDO, Nobutake testified (Exhibit 3006) that after the failure of the 1936 London Conference Japan launched the Third Supplementary Program calling for construction of two battleships (18 inch guns and 64,000 tons displacement) 2 carriers, 18 destroyers and 14 submarines, a total of 36 ships with total tonnage of 233,000 tons. Japan by reason of its limited budget tried to fulfill its defense obligations with super-battleships. (Record p. 26,663) On cross-examination witness stated that the Third Supplementary Program was drafted in 1937. (Record p. 26,692) Reference: SHINADA as Vice Chief of Naval General Staff (prior to 1 December, 1937) and OKA as Chief of No. 1 section, Naval Affairs Bureau (after 15 January 1938) presumably participated in this program.

1937 - 1941 - Record p. 26,517. Defense witness GOTO, Yuzuru, testified (Exhibit 2976) that he was a naval engineer at Palau in 1937-1938 and at Saipan in 1939-1941. There were no military installations while he was on Palau and Saipan. Some natives were used as laborers but were paid reasonable wages and were not forced to work. There were no gun emplacements, barracks, air raid shelters, etc. (Record p. 26,517-20)

28 January, 1938 - Record p. 25,441 - An excerpt from "Peace and War" stated that on this date Roosevelt recommended strengthening national defense. Because of the building up of armaments in other countries he recommended substantial increases in military and naval armaments, including 20% in the existing naval program and two additional battleships and cruisers during 1938. The President's proposals were adopted by Congress. (Exhibit 2849)

March, 1938 - Record p. 21,874 - Defense witness KAWANOTO, Yoshitaro, testified (Exhibit 2976) that due to the confused conditions in China the commander of the North China Garrison Army informed the War Ministry in December, 1937 of the need of establishing a company to exploit important industries in North China. The matter was approved in the Diet in March, 1938, and the company established toward the end of 1938. Its principal object was economic coalition, forming the key note to the co-existence and co-prosperity of China and Japan. The profit was to be divided equally between China and Japan. The company did not always aim at profit but was inclined to disregard deficits in developing industry. (Record p. 21,877) The exports of coal and iron to Japan was under 50% of total North China production and there was still a surplus to satisfy North and Middle China. (Record p. 21,880) This testimony is designed to show that the North and Central China Development Companies (OKA had been appointed supporter to the Organizing Committee of said Companies on 30 April, 1938) were really beneficial to China and were not merely instruments for economic exploitation.

November, 1938 - Record p. 26,863 - Defense witness KONDO, Nobutake, testified (Exhibit 3014) that the occupation of Hainan Island was planned while witness was with the Naval General Staff around November, 1938. Witness had charge of drafting the plan. Subsequently, the occupation of the island on February 10, 1939,

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was a mixed operation between Army and Navy. The Navy part was handled by witness as Commander-in-Chief of the Fifth Fleet. The occupation of Hainan was purely strategic and was not planned as part of the attack on the U. S. nor was it planned to occupy the island permanently. (Record p. 26,867) References - OKA was Chief of No. 1 Section, Bureau of Naval Affairs at this time and may have participated in the planning for this occupation. SHIMADA was Commander of the Kure Naval Station (15 November 1938 to 15 April 1940) and apparently had no connection with the occupation of Hainan.

December, 1938 - Record p. 21,949 - Defense witness OKAWA, Genshichi, testified (Exhibit 2579) that the North and Central China Development Companies were established to accomplish the economic rehabilitation of China under Japanese guidance in the form of a joint enterprise. (Record p. 21,952 et seq.) Japan's economic policy in China reflected her sincere efforts for China's rehabilitation and in the opinion of witness did not constitute economic aggression. (Record p. 21,959) References - OKA was appointed supporter to the Organizing Committee of said companies on 30 April, 1938. SHIMADA was Commander of Kure Naval Station 15 Nov. 1938 to 15 April 1940 and hence apparently had no connection with this matter.

10 December, 1938 - Record p. 26,434 - An excerpt from "Ordinance Concerning Combined Naval Flying Corps", Article 4, (Exhibit 2984) stated that the Commandant of the Combined Naval Air Command, directly subordinate to the throne, shall command the Combined Naval Air Command under him. He is to be in charge of naval administration subject to orders from the Navy Minister and on planning war operations shall receive directions from the Chief of Naval General Staff.

1938 - 1940 - Record p. 26,507 - Defense witness SUGI, Suguru, testified (Exhibit 2995) that he never saw any military fortifications on the Mandates while he was making inspection trips from 1938 to 1940. In 1940 he submitted a plan to the Naval General Staff setting forth his ideas on defense preparation in the islands. The blueprint of Rotje may be the result. (Record p. 26,511-13)

4 January, 1939 - Record p. 25,451 - An excerpt from "Peace and War" stated that on this date President Roosevelt asked for more than half a billion dollars for equipment, particularly aircraft, to strengthen the air defense of U. S., Alaska, Hawaii, Porto Rico and Canal Zone. (Exhibit 2845)

1939 - Record p. 26,665 - Defense witness KOMDO, Nobutake, testified (Exhibit 3006) that after the passage of the 2nd Vinson Plan in May, 1938 and the outbreak of war in 1939, Japan started on its Fourth Supplementary Program calling for construction of two battleships, 1 carrier, 6 cruisers, 24 destroyers, 26 submarines, etc. This Fourth Program was started from the beginning of 1939 and was made necessary because the General Staff advised that the U. S. was about to build 3 capital ships, 40,000 tons of carriers, 70,000 tons of cruisers and 40,000 tons of destroyers and submarines.

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January - May, 1940 - Record p. 25,469 - An excerpt from "Peace and War" stated that in January, 1940, Roosevelt asked for an appropriation of \$1,800,000,000. By May he requested further appropriations. On 16 May he wanted the U. S. geared to turn out 50,000 planes a year and he requested \$1,000,000,000 for modernizing the Army and Navy equipment. In his message of 31 May he asked for over a billion dollars for national defense. These requests were granted as was his request for 5 million dollars in July. (Exhibit 2846)

August, 1940 - Record p. 26,522 - 6. Defense witness IWASAKI, Amashichi testified (Exhibit 2997) that as assistant engineer in the naval construction division of Yokosuka Naval Station he received in August 1940 a routine order from the General Staff to prepare a blueprint of building construction on Wotje and completed the work in three days. This blueprint was only a planning map and not an execution plan as shown by the kind of paper used. It shows only the location of objectives to be achieved and not the dimensions necessary for construction. There is a discrepancy between the blueprint and the aerial photos of Wotje (Exhibits 6254-A, B, and C). Reference: SHIMADA as Commander of the China Area Fleet from 1 May, 1940, to 1 September 1941, presumably had no connection with this blueprint. However, it is submitted that OKA as Chief of No. 1 Section, Naval Affairs Bureau (15 January 1938 to 15 October 1940) must have known of it.

22 September, 1940 - Record p. 26,869 - Defense witness ABE, Katsumi, testified (Exhibit 3015) that as Chief of the Naval Affairs Bureau from October 1939 to Oct. 1940, he presented the Navy in conferences with the Army and Foreign Office as to securing the cooperation of French Indo-China in blocking the supply route to China. An agreement was reached on 22 September, 1940 for the occupation of French Indo China. (Record p. 26,879) Reference: - OKA was Chief of the No. 1 Section, Bureau of Naval Affairs, from 15 January, 1938 to 15 October, 1940 and may have assisted witness in these negotiations. SHIMADA as Commander of the China Area Fleet (1 May 1940 to 1 September 1941) may have known of the negotiations.

31 December, 1940 - Record p. 26,650 - A tabulation of U. S. Navy personnel showed that on this date the total personnel was 280,000 and discounting Marine Corps and Coast Guard it had 215,000 as compared to 228,000 for Japan. (Exhibit 3004)

1940 - 1945 - Record p. 26,554 - Defense witness Admiral WENNEKER testified (Exhibit 2999) that as German Naval Attache from 1940 to 1945 he observed an utter lack of cooperation between Germany and Japan in submarine warfare. Germany tried to get Japan to use submarines to attack merchant shipping but the proposal was rejected. Germany did send two submarines. The first reached Kure and was inspected but never duplicated by the Japanese. The second was lost on the way to Japan. (Record p. 26,554-7)

January, 1941 - Record p. 25,493 - An excerpt from "Peace and War" stated that during this month Roosevelt called for eleven billion dollars for national defense raising to 26 billion dollars the estimated outlay begun in May, 1940. (Exhibit 2847)

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January 1941 - Record p. 25,495 - An excerpt from "Peace and War" stated that the Lend-Lease Bill was presented to Congress in January, 1941, and was signed on 11 March, 1941. (Exhibit 2848)

March, 1941 - Record p. 26,677 - Defense witness KONDO, Yobutake testified that the Japanese Navy had no preparations to move to the south of East Asia especially Hong Kong, around September, 1939, contrary to the statement of OSHIMA in Exhibit 509. Witness stated that at the end of February or first of March, 1941 he attended a luncheon given by Admiral WENNERGER at which OIT was present and the question of an attack on Singapore was raised. Witness denied that in March, 1941 the Japanese Navy had any concrete plans for an attack on Singapore contrary to the statement of OIT in Exhibit 576. (Record p. 26,682)

17 April, 1941 - Record p. 25,684 - A telegram from Nomura to Konoze on this date stated (Exhibit 2870) that Hull had offered to begin negotiations with a draft which is being cabled separately. It is believed that an understanding on this basis would not be contradictory to the Tripartite Pact. Nomura asked for instructions allowing him to proceed with the negotiations according to plan, leaving all defects to be remedied at the Conference. (Record p. 25,685) Reference: OKA as Chief of the Naval Affairs Bureau (after 15 October 1940) must have been fully aware of the Japanese American negotiations at all times - However, SHIMADA was Commander of the China Area Fleet prior to 1 September, 1941 and presumably had no knowledge until he joined the TOJO Cabinet on 18 October, 1941.

18 April, 1941 - Record p. 25,686 - A telegram from Nomura to Konoze on this date set forth (Exhibit 2871) the main points of a tentative draft understanding reached with Hull. It was to contain provisions (a) making clear that the obligations of the Tripartite Pact were in no way affected; (b) the U. S. would offer good offices but would not intervene as to the China Affair and negotiations would be conducted by Japan directly with China; (c) the withdrawal of troops from China will be based on an agreement between Japan and China, and (d) interpretation and application of Open Door Principle is left for future consultation. (Record p. 25,686, et seq.)

18 April, 1941 - Record p. 25,694 - An excerpt from the Memoirs of Konoze stated (Exhibit 2866) that Nomura's dispatch was received in Tokyo and Konoze summoned a joint conference of high governmental and military leaders including the Navy Minister and the Director of the Military Affairs Bureau of the Navy (OKA). The consensus of opinion was that acceptance of the American proposal was the speediest way toward disposal of the China Affair. The participants of the Conference favored acceptance but proposed certain conditions - (1) It was to be made clear that there was no infringement of the Tripartite Pact; (2) the object of Japanese-U. S. cooperation was promotion of world peace and not to permit the U. S. to give more aid to Britain. After Foreign Minister MATSUOKA's return from Siberia, further joint conferences were held on 22 April and 3 May. The latter conference approved MATSUOKA's revised proposal which eliminated an item concerning naval and air strength and shipping of Japan and U. S. in the Pacific, added a new clause covering the mediation of Japan and the U. S. between Britain and Germany, omitted Japan's declaration not to carry on a southward military advance and also omitted the agreement as to Japanese-U. S. conversations. (Record p. 25,700)

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April 1941 - Record p. 25,540 - An excerpt from Exhibit 50 of the Pearl Harbor Committee entitled "American-Dutch-British conversations - Singapore, April, 1941" stated (Exhibit 2851-A) that the conditions in it apply only in event of a war between the Axis and the U. S. and Britain. The collapse of Japan will occur as the result of economic blockade, naval pressure and air bombardment. (Record p. 25,543) In addition to the defensive value of Luzon, it has a greater offensive value. It was recommended that the defense of Luzon be strengthened and every effort be made to maintain a bombing force there in addition to the one in China (Record p. 25,549) Britain has already taken steps to organize Chinese guerrilla forces and it is recommended that the U. S. do likewise. Subversive activities in Japan and its territories are being organized by Britain and it is recommended that the U. S. undertake them and coordinate them closely with Britain. (Record p. 25,550)

May, 1941 - Record p. 26,668 - Defense witness KONDO, Nobutake testified (Exhibit 3006) that in May, 1941, the Emergency Supplementary Program went into effect calling for 9 medium and 9 small submarines. This was necessitated by U. S. steps in mobilizing the Philippines Reserve, declaring martial law in Pearl Harbor and holding conferences with Britain and Australia for reinforcing the Philippine Army.

27 May, 1941 - Record p. 25,560 - An excerpt from the Pearl Harbor Investigation contains Hull's address stating that on this date Roosevelt proclaimed an unlimited national emergency. (Exhibit 2852)

27 May, 1941 - Record p. 25,723 - In a speech delivered this date Roosevelt stated (Exhibit 2876) that an agreement was made with Britain in September, 1940 for the trade of fifty destroyers for eight off-shore bases. The Americans will decide for themselves when and where their interests are attacked or security threatened. The armed forces are being placed in strategic military position. The U. S. will not hesitate to use its armed forces to repel attack. He had therefore issued a proclamation that an unlimited national emergency exists and requires the strengthening of defenses to the utmost limit. (Record p. 25,724)

May - December, 1941 - Record p. 26,705 - Defense witness MIYO, Tatsukichi, testified (Exhibit 3007) that around May, 1941, Combined Fleet Headquarters submitted a plan of attack on Pearl Harbor in event of a war with the U. S. but it was viewed with great scepticism by the General Staff. (Record p. 26,710) In July, 1941 economic steps by the U. S. cut off Japan's oil. As a result in September, 1941, witness and his colleagues in the Operations Section of General Staff received orders to formulate preparations against the U. S., England and Holland. The Combined Fleet re-submitted its plan of attack on Pearl Harbor. After chart maneuvers in September showed the plan to be plausible and at the insistence of Admiral YAMAMOTO the plan was adopted by the General Staff. (Record p. 26,717). The Navy was unprepared for war as seen by the fact that the air base construction corps was not organized until November. Imperial Headquarters Naval Directive No. 5 ordered the Commander of the Combined Fleet to recall all forces and return home if negotiations with the U. S. reached an agreement. Combined Fleet Order No. 1 contained a similar provision. The submarines were ordered to refrain from attack until they knew the aerial offensive had been launched. (Record p. 26,729)

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4 July, 1941 - Record p. 25,743 - An excerpt from the Konoys Memoirs states (Exhibit 2866) that on this date Konoys sent a letter to MATSUOKA asking that steps be taken to adjust relations with the U. S. Naval leaders state that fighting the U. S. and the Soviets together offers almost insurmountable difficulties. As a result of this letter negotiations were resumed and joint conferences were held on July 10th and 12th. However, MATSUOKA's attitude became increasingly uncooperative and it appeared he was opposed to the negotiations. At the joint conference on the 12th the Army and Navy made a joint statement which differed from MATSUOKA's in that it stated that Japan's attitude toward the European war should be determined according to treaty obligations and the question of self-defense. The three Konoys Principals should form the basis for dealing with the Chinese question. America could recommend an Armistice but should not intervene and Japan should reserve her right to use armed forces in the Pacific in case of need. (Record p. 25,747) Reference: On 4 July, 1941, OKA was Chief of the Naval Affairs Bureau and may claim that he was one of the "naval leaders" referred to by Konoys who opposed MATSUOKA.

5 July, 1941 - Record p. 25,732 - NOMURA's conversation with the State Department on this date stated that Mr. Hamilton brought up press reports that Japan was planning to acquire naval and air bases in French Indo China and Thailand to enable it to threaten the Burma Road, Singapore and the Dutch East Indies. NOMURA answered that one had only to read the papers to see suggestions on plans for the encirclement of Japan; that the U. S. was aiding Chiang Kai-shek in various ways, including the dispatch of U. S. pilots to Chungking; that U. S. supplies were being sent to the Netherlands East Indies and American squadrons were visiting Australia. He alluded to the possibility of an executive order embargoing petroleum products to Japan from the U. S. and remarked that if Japan was shut off from U. S. sources of oil she must obtain them elsewhere. (Record p. 25,733)

18 July - 16 October, 1941 - Record p. 26,149 - Defense witness YAMAGUCHI, Kumaichi, stated on cross-examination that OKA, as Chief of the Naval Affairs Bureau, attended the Liaison Conferences during the 3rd Konoys Cabinet.

31 July, 1941 - Record p. 10,124 - An excerpt from the KIDO Diary this date states that the Emperor told KIDO that Admiral HAGANO had reported that they should try to avert war as much as possible. HAGANO seemed much opposed to the Tri-Partite Alliance and felt that it made adjustment of diplomatic relations with the U. S. impossible. In case of war with the U. S. the supply of oil would be only sufficient for one and a half years. HAGANO was doubtful if Japan would even win such a war to say nothing of sweeping victory as in the Russo-Japanese war. (Exhibit 1125) This is a Prosecution Exhibit referred to by Defense in its presentation of evidence.

4 August, 1941 - Record p. 25,767 - An excerpt from KONOYS's Memoirs states (Exhibit 2866) that Konoys called in the War and Navy Minister on this date and told them he had decided to surmount the crisis by a meeting with President

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Roosevelt. Neither the War nor Navy Minister could give an immediate reply. However, before the day was over the Navy expressed complete accord and anticipated the success of the conference. (Record p. 25,771) Reference: - OKA was Chief of the Naval Affairs Bureau at this time.

August, 1941 - Record p. 25,565 - The testimony of Admiral Turner at the Pearl Harbor inquiry stated (Exhibit 2853-A) that the "American-Dutch-British Conversations" (Exhibit 2851-A) contained features objectionable to the U. S. and was rejected in toto on 3 July, 1941. (Record p. 25,566) As a result a new agreement was proposed in August, 1941 which was closer to U. S. ideas. Negotiations proceeded and finally a new agreement was approved by the Chief of Naval Operations on December 7th. None of these plans contained a political or definite military agreement. It was a plan of action based on the assumption that should the U. S. enter the war these papers would be effective. However, none of them were ever presented to the Secretary of War, Navy or the President, although all of them as well as the Secretary of State knew that the conversations were being held. (Record p. 25,568)

August, 1941 - Record p. 26,668 - Defense witness KONDO, Nobutake, testified (Exhibit 3006) that in August, 1941 an Emergency Armament Program was executed calling for 1 carrier, 2 cruisers, 26 destroyers, 33 submarines, etc. (Record p. 26,669) Witness stated that testimony by Prosecution witness Admiral Richardson, to the effect that Japan's exertions toward building carriers were in preparation for aggressive war was in error since the carriers were built for defensive war in home waters. Due to the scarcity of flat land in Japan for air fields, it was necessary to have carriers for use in home waters. To utilize carriers offensively it is necessary to have attending warships which the Japanese Navy did not have. (Record p. 26,676)

24 September 1941 - 6 December, 1941 - Record p. 26,106 - Defense witness YAMAMOTO, Kunaichi stated (Exhibit 2915) that Japanese consuls stationed abroad had the duty of reporting from time to time such information concerning the politics, economy, finance, military affairs, etc. as they considered of interest to the Japanese Government. Other government offices frequently requested the use of the facilities of the Foreign Ministry for investigations which they desired to conduct; when received, such requests were dealt with by the Foreign Ministry as routine business. These instructions to the consuls although issued in the name of the Foreign Minister were never seen by him but were sent to the Cable Section for dispatch. It was in accordance with this system that at the request of the Navy in 1941 consular reports on merchant and naval shipping of the U. S., the Netherlands and other nations were requested and obtained from the consuls. This type of message went not only to Honolulu (Exhibits 1254, 1256-1264) and to Batavia (Exhibit 1330) but also to Portland, Seattle, Vancouver, Panama, Manila and elsewhere. The reports were transmitted direct to the naval officials who had asked for them. (Record p. 26,106) This testimony is designed to clear TCGO of knowledge of the reports but it clearly shows that SHIMADA or OKA or both had originated such requests and were cognizant of the reports received pursuant thereto from the consuls.

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7 October, 1941 - Record p. 19, 232 - An excerpt from KIDO's Diary this date stated that TOMITA, Chief Secretary to the Cabinet told KIDO that the Army was of the opinion that there was no room left for continuance of the negotiations with the U. S. but the Navy held the reverse view. (Exhibit 1143) This is a Prosecution Exhibit referred to by Defense in its presentation of evidence.

12 October, 1941 - Record p. 25,863 - An excerpt from the Kenoye Memoirs stated (Exhibit 2913) that prior to the conference of 12 October, the Chief of the Military Affairs Bureau of the Navy (OKA) notified the Chief Secretary of the Cabinet that the Navy does not desire a rupture in the negotiations. It desired to avoid war, but it could not come out in the open and say so. At the conference Navy Minister OKARA said that the time had come to determine on peace or war. He would like to leave the decision entirely up to the Premier, and if they were to seek peace they should go all the way for it. Even if they made a few concessions, they should proceed with the policy of bringing the negotiations to fruition. Kenoye favored continuing the negotiations but TOJO raised objections. (Record p. 25,863-8)

13 October, 1941 - Record p. 25,909 - Defense witness YAMAMOTO, Kumaichi testified (Exhibit 2915) that in October TOJO made a strong request to Kenoye and Toyoda to present their views on the pending negotiations and on stationing troops in China. Accordingly, witness drew up the opinion of the Foreign Minister concerning the Japanese-American negotiations dated 13 October, 1941 (Exhibit 2916). This document proposed an understanding with the U. S. under which a secret protocol would provide for the withdrawal of troops from China within two years at the latest except that troops will be stationed for five years in a part of North China and Mengchiang as well as Hainan Island. (Record p. 25,915) This document was presented to KENOYE and TOJO.

17 October, 1941 - Record p. 25,868 - An excerpt from the diary of Kenoye stated (Exhibit 2914) that at a meeting of the Senior Statesmen to pick a succeeding cabinet (date not stated but presumably held on 17 October, 1941) KENOYE stated that the Army felt that war was inevitable and negotiations were useless but that the Cabinet contended that negotiations had not reached a hopeless state. The outstanding problem is the withdrawal of troops from China. The Cabinet's position therefore is that diplomatic negotiations should be continued for a longer period, and that the stationing of troops is a very necessary consideration, but if success or failure hangs on this one problem, the cabinet feels it would be better to agree to the American formula for the withdrawal of troops and secure stationing of troops in China for a specified period. (Record p. 25,873)

18 October, 1941 - Record p. 25,919 - Defense witness YAMAMOTO, Kumaichi, testified (Exhibit 2915) that following Kenoye's resignation on 16 October the TOJO Cabinet was formed on 18 October with TOGO as Foreign Minister. TOGO told the witness that he at first refused the post until he was told by TOJO that his cabinet would work for a successful conclusion of the negotiations by reconsidering various questions, including the stationing of troops in China, without being bound by the Imperial decision of 6 September. (Record p. 25,919). SHIMADA entered the TOJO Cabinet as Navy Minister on this date.

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17 October, 1941 - Record p. 25,940 - a telegram from TOYODA to NOMURA this date (Exhibit 2919) states that the former Cabinet had resigned due to internal disagreement of views, the most important being the question of withdrawal of troops. The future cabinet will not change in regard to continuing all negotiations under predetermined principles.

18 October, 1941 - Record p. 17,695 - A chart setting forth the composition of Japanese Cabinets from 1927 to 1945 shows that SHIMADA became Navy Minister on 18 October, 1941. (Exhibit 2344)

18 October - 7 December, 1941 - Record p. 25,908 - Defense witness YAMAMOTO, Kumaichi testified (Exhibit 2915) that after the formation of the TOJO Cabinet, as Director of the Bureau of East Asiatic Affairs and of the Bureau of American Affairs he always attended the Liaison Conferences between the government and the High Command. He also stated that all important points of policy in connection with the Japanese-American negotiations were decided in the Liaison Conferences and that most of the diplomatic telegrams, including all important ones, were sent to the Army and Navy Ministries and the General Staffs (Record p. 25,908). This shows that SHIMADA as Navy Minister received copies of all important telegrams and as a member of the Liaison Conferences helped to decide all important points of policy in connection with the U. S. Japanese negotiations. It is submitted that this is true of OKA who as Chief of the Naval Affairs Bureau must have seen copies of such telegrams and probably attended all such Liaison Conferences.

21 October, 1941 - Record p. 25,920 - A telegram from TOGO to NOMURA on this date (Exhibit 2917) stated that the new Cabinet's policy as stated by TOJO at the first Liaison conference would be to reconsider the problem without being bound by the decision of 6 September.

23 October to early November, 1941 - Record p. 25,921 - Defense witness YAMAMOTO, Kumaichi, testified (Exhibit 2915) that Liaison Conferences were held almost daily from around 23 October to early November at which debates over Japanese-U.S. negotiations took place. TOGO always insisted that it was necessary to succeed in the negotiations but the Chief of the Army General Staff contended that concessions concerning the stationing of troops in China must absolutely not be made and that there being almost no room left for concession from the decision of 6 September, the members should even accept the opening of hostilities at that time. Foreign Minister TOGO vigorously rejected this contention and Premier TOJO reproved the Army Chief of General Staff and repeated his (TOJO's) words given at the opening Conference that reconsideration could be given without being bound by the decision of 6 September. (Record p. 25,922) On cross-examination, witness stated that among the regular members attending the Liaison Conferences beginning 17 October was the Navy Minister SHIMADA. MUTO as Chief of the Military Affairs Bureau and OKA as Chief of the Naval Affairs Bureau attended as secretaries. (Record p. 26,146 and 26,147) The secretaries had no power to vote (Record p. 26,153). The work of the secretaries was the gathering and preparation of subjects for discussion at the Liaison Conference and also the summing of subjects already discussed. Secretaries could not express their own opinions. (Record p. 26,160)

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24 October, 1941 - Record p. 26,111. A telegram from NOMURA to TOGO this date (Exhibit 2959) mentioned an interview between WAKASUGI and Welles in which Welles pointed out that persons in responsible positions in Japan have been making bellicose statements. For example, the Navy spokesman had said in a statement that the Japanese Navy was itching for action. This irritated the U. S. and injured the continuance of negotiations. (Record p. 26,112)

29 October, 1941 - Record p. 26,980 - An instrument referring to the issuance of military currency for use in southern areas (Exhibit 3026) stated that the present issue of military currency is only a preparatory measure for an unexpected event in the future. Handling procedures for such currency will be established by the Minister of Finance in consultation with the War and Navy Ministers. (Record p. 26,980) SHIMADA was Navy Minister on this date.

1 November, 1941 - Record p. 24,853 - Defense witness OKADA, Kikuzaburo, testified (Exhibit 2767) that when the TOJO Cabinet was formed on 16 October, 1941 a thorough-going investigation of the national strength was instituted with the Planning Board as the center. The report of the Planning Board was as follows: (1) in case war was avoided, civil demands for oil could be met for three years by dipping into the military stock but after that it would be difficult; (2) in case of war, the oil difficulties might be overcome by securing it from newly occupied areas. (Record p. 24,885) This report of the Planning Board was approved by the Liaison Conference on 1 November and on 5 November it was reported to the Imperial Conference. (Record p. 24,889) On direct examination witness stated that the estimate was agreed to by the ministers who were present at the Liaison Conference on 1 November, 1941, including the War and Navy Ministers (Record p. 24,896). On cross-examination witness stated that the Liaison Conference of 1 November, 1941, was attended by (among others) the Navy Minister and the Director of the Naval Affairs Bureau. (Record p. 24,898) References: - SHIMADA was Navy Minister on this date and OKA was Director of the Naval Affairs Bureau.

1 and 2 November, 1941 - Record p. 25,922 - Defense witness YAMAMOTO, Kuniichi stated (Exhibit 2915) that at the Liaison Conferences of 1 and 2 November, 1941 it was decided over the objections of the General Staff to work for successful conclusion of the negotiations on the basis of proposals "A" and "B". They would decide on war for self-preservation and defense if the negotiations failed despite diplomatic efforts. They would try to complete military preparations against eventualities, provided that they would be stopped if a settlement was reached. (Record p. 25,923) In the course of the negotiations the General Staff maintained that there was no hope of a successful conclusion of the negotiations and insisted that, since war was inevitable, it was necessary to commence it during November. The General Staff also opposed a time limitation on the stationing of troops in China but Foreign Minister TOGO insisted that negotiations would fail unless the period was limited; after hot discussions the General Staff at last agreed to the decision (Record p. 25,922 and 25,941). On the policy to be adopted in case both Proposal "A" and "B" were rejected by the U. S., the Liaison Conference had a hot discussion. Foreign Minister TOGO argued that Japan should exercise patience at least until American participation in the European War. This was strongly opposed by the High Command which argued that the freeing

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measures were depleting Japan's vital resources, especially in the case of petroleum and that the stock of petroleum even for military use was so small that the Japanese Navy would be faced with the impossibility of discharging its functions, if the worst came within a year and a half. As a result the Conference finally decided that negotiations should be continued with the determination to fight America in self-defense if negotiations failed. (Record p. 25,949-51) OKA and SHIMADA presumably participated in this decision.

(About) 1 November, 1941 - Record p. 26,154 - Defense witness YAMAMOTO, Kumaichi on cross-examination by defense counsel for OKA and SHIMADA stated that at a certain Liaison Conference around 1 November Admiral NAGANO stated to him that the Navy did not want war and if the Foreign Office would take full responsibility to conclude negotiations with the U. S. then NAGANO would support the Foreign Minister and oppose any decision for war. The witness replied that TOGO could not guarantee such a thing. (Record p. 26,155)

4 November, 1941 - Record p. 25,961 - A telegram from TOGO to NOMURA on this date (Exhibit 2924) stated that the proposals decided at the Liaison Conferences and now awaiting final sanction at the Imperial Conference represent Japan's final effort to reach a successful conclusion to negotiations. (NOTE - The same telegram was introduced in evidence as Prosecution Exhibit 1154)

4 November, 1941 - Record p. 25,966 - A telegram from TOGO to NOMURA this date (Exhibit 2925) sets forth Proposal A representing Japan's final concessions as decided by the Liaison Conference of 1 and 2 November, 1941. Troops in China will be withdrawn within two years, in accordance with the agreement to be entered into, except that in specified areas in North China, Hengchiang and Hainan Island they are to be stationed for such period as necessary. If the U. S. inquires, reply is to be made that the approximate goal is 25 years. NOMURA is to state that Japan respects the territorial integrity of French Indo China (Record p. 25,967)

5 November, 1941 - Record p. 25,971 - A telegram from TOGO to NOMURA on this date states that the proposals were approved by the Imperial Conference and he is to begin negotiations immediately. (Exhibit 2926) Proposal B is to be presented as a last resort to save the situation if proposal A fails (Record p. 25,972).

5 November, 1941 - Record p. 26,477 - Defense witness TOSHIDA, Hidemi testified (Exhibit 2990) that on 5 November, 1941 the Japanese Navy decided to construct defense works on the Mandates. On cross-examination, witness stated that the order of 5 November, 1941 came separately from the Chief of the Naval General Staff and Navy Minister SHIMADA. This was the first time the Navy Minister had drawn up written plans for such fortifications. (Record p. 26,487)

5 November - 26 November, 1941 - Record p. 26,056 - Defense witness YAMAMOTO, Kumaichi stated (Exhibit 2915) that the meetings of the Liaison Conference after 5 November considered questions in connection with the Japanese-U.S. negotiations and also the measures to be taken in event negotiations failed. Matters concerning military operations, however, were kept absolutely secret and were never once brought up for discussion in the Liaison Conference. Prosecution Exhibits

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1175 and 1169 relating to war were drawn up by the conference but were preparatory drafts discussed and adopted merely against a time when war might prove to be inevitable and not as the result of any decision for war at the time. (Record p. 26,057)

7 November, 1941 - Record p. 25,987 - A telegram from NOMURA to TOGO this date states that NOMURA and WAKASUGI called on Hull and Ballantine and presented Japan's proposal for a settlement. (Exhibit 2928) Hull asked NOMURA what Japan would think if China's highest authority pledged to the government and people of Japan China's sincere friendship and confidence and desired the restoration of friendly relations. (Record p. 25,989)

9 November, 1941 - Record p. 25,998 - A telegram from TOGO to NOMURA (Exhibit 2930) this date states that HULL's suggestion for a pledge of friendship from Chiang Kai-shek might be an effective means of contributing to peace with China. NOMURA was directed to find out further details. (Record p. 25,999)

10 November, 1941 - Record p. 25,927 - A memo by Crow on this date (Exhibit 2918) gives the details of a conversation with TOGO on which the latter stated that the new Cabinet would continue with the project of establishing a Greater East Asia as a contribution toward world peace. The cabinet had re-examined the position and the new proposal comprises the maximum possible concessions. (Record p. 25,931) The new proposal made it clear that the stationing of troops in China was not to be unlimited. If the U. S. was to ask how long the period would be, the reply would be given that it was to be approximately 25 years. (Record p. 25,939)

10 November, 1941 - Record p. 26,000 - A telegram from TOGO to NOMURA this date (Exhibit 2932) suggests that the U. S. proffer its good offices in accordance with the suggestion of Hull and leave details to direct negotiations between Japan and U. S.

10 November, 1941 - Record p. 25,999 - A telegram from TOGO to NOMURA (Exhibit 2931) again directs NOMURA to negotiate with the U. S. concerning Hull's proposal set forth in Exhibit 2928.

10 November, 1941 - Record p. 25,975 - Memo by Hull states that NOMURA and WAKASUGI called on Roosevelt and presented Japan's proposal. (Exhibit 2927)

12 November, 1941 - Record p. 26,015 - An oral statement handed by Hull to NOMURA this date (Exhibit 2935) referred to Japan's written statement of 28 August, 1941 evidencing a desire and intent to pursue peaceful courses and asked for a clarification of Japan's position in view of the fact that a new Cabinet was in office. (Record p. 26,015)

13 November, 1941 - Record p. 25,991 - A telegram from NOMURA to TOGO this date stated that in a conversation with Hull the latter indicated that the U. S. might tender its good offices in any negotiations between Japan and China. (Exhibit 2929) Defense witness YAMAMOTO testified that NOMURA's telegram was considered encouraging by Tokyo and NOMURA was instructed that Japan welcomed Hull's suggestion and was ready to carry it out by negotiating with Chiang Kai-shek. (Record p. 25,992)

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15 November, 1941 - Record p. 26,006 - A telegram from NOMURA to TOGO on 16 November stated he had conferred with Hull on 15 November. (Exhibit 2934) Hull raised several objections to the Japanese proposal including the following-(a) although the preamble manifested Japan's intention to establish peace in the whole area of the Pacific, the text confined it to the Southwestern Pacific; (b) Hull expressed doubt as to whether Japan could conclude a peace agreement while adhering to the TriPartite Pact; (c) Hull submitted a new proposal concerning commercial agreements. (Record p. 26,007, et seq.) The defense witness YAMAMOTO stated (Exhibit 2915) that Hull's various objections gave rise to doubt in Japanese circles of U. S. sincerity in the negotiations. (Record p. 26,005)

16 November, 1941 - Record p. 26,022 - A telegram from TOGO to NOMURA this date (Exhibit 2936) states that the points enumerated in Hull's oral statement of 12 November are all contained in the September 6 and 25 proposals and the present Cabinet does not object to acknowledgement provided it is understood that they presuppose the consummation of the negotiations. (Record p. 26,022)

17 November, 1941 - Record p. 26,023 - An oral statement from NOMURA to Hull this date re Hull's oral statement of 12 November states that all points quoted by Hull are embodied in the proposals of September 6 and 25 and Japan has no objection to confirming them provided that if negotiations fail Japan is not bound on such points. (Exhibit 2937)

17 November, 1941 - Record p. 26,025 - A telegram from TOGO to NOMURA this date stated that they did not object to applying the Japanese proposal to the entire Pacific Area. (Exhibit 2938)

17 - 20 November, 1941 - Record p. 26,028 - Defense witness YAMAMOTO, Kumaichi stated (Exhibit 2915) that Foreign Minister TOGO reported to the Liaison Conference that there was no prospect of U. S. acceptance of Proposal "A" and the presentation of "B" was authorized. NOMURA was accordingly directed to present it, which was done on the 20th of November, 1941. (Record p. 26,028) References: OKA and SHIMADA as members of the Liaison Conference presumably authorized this action.

26 November - 1 December, 1941 - Record p. 26,058 - Defense witness YAMAMOTO, Kumaichi stated (Exhibit 2915) that upon receipt of the U. S. note of 26 November, it was felt by those conversant, including the attendants at the Liaison Conference, that it was clear that hope of a successful conclusion of negotiations with the U. S. was almost lost. (Record p. 26,058) References: - OKA and SHIMADA presumably attended these conferences.

(About) 27 November, 1941 - Record p. 26,288 - Defense witness YAMAMOTO, Kumaichi on cross-examination admitted that Exhibit 2975 and 2975-A, a document entitled "Outline of Future Diplomatic Measures", was written by him subsequent to reading the U. S. note of 26 November. This document stated that the U. S. proposal of 26 November was completely unacceptable. "Although it will be necessary to break off negotiations at a proper time, they should make it their main object for the time being to strictly guard lest the real intentions of Japan be perceived." (Record p. 26,298) The witness stated that this document was a work draft and that the sentence quoted did not mean that Japan had any intention of deceiving anyone and had nothing to do with a surprise attack. (Record p. 26,303)

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30 November, 1941 - Record p. 27,297 - Naval General Staff Directive No. 15 from NAGANO to YAMAMOTO stated that in case war breaks out with the U. S., Britain and Holland the policy in the annex will be the guide in the conduct of sea communication destruction warfare. (Exhibit 3058-A) The annex referred to was destroyed in the air raid of May, 1945 (Exhibit 3059). Although no copy of the annex was supplied by the Defendants, it is to be noted that Defense witness TONICKA, Sadatoshi testified from memory that said instructions of 30 November, 1941 stated that it was lawful to attack unarmed enemy merchant ships in the area between Hawaii and the west coast of the U. S. In other cases, unless circumstances were unavoidable, time must be given for the crew and passengers to seek safety. (Record p. 27,296). NOTE - Directive No. 15 was abolished by Directive No. 61 (Exhibit 3054-C - see entry below under date of 1 March 1942)

30 November, 1941 - Record p. 26,432. An excerpt from "Imperial Ordinance Concerning the Organization of the Fleet" (Exhibit 2969) enacted this date states that the Commander in Chief of the Combined Fleet, directly subordinate to the Emperor, shall command the fleet. He shall receive orders from the Navy Minister on administrative affairs and directions from the Chief of Staff on planning war operations. Same applies to a commander of a fleet. (Record p. 26,433)

December, 1941 - Record p. 27,374 - Defense witness YAMAMOTO, Yoehie testified (Exhibit 3066) that during the war instructions concerning handling of POWs were issued by the Navy Ministry to Headquarters, Naval Base, Minor Naval Stations and Fleet but all copies were destroyed in air raid fires. In December, 1941, instructions were issued that supervision of POWs was to be in Army hands but that the Navy was to administer them until turned over to the Army. (Record p. 27,376)

1 December, 1941 - Record p. 26,072 - Defense witness YAMAMOTO stated (Exhibit 2915) that at the Imperial Conference on the afternoon of this date the commencement of hostilities was decided upon. TOJO stated at this conference (Exhibit 2954) that the government in accordance with the decision of 5 November had taken all possible steps to adjust relations with the U. S. while the Army and Navy had made efforts to complete their preparations. The U. S. had not shown any sign of concession and had served new demands such as unconditional over-all withdrawal of Japanese troops, withdrawal of recognition of Hankow and nullification of the Tripartite Pact. If Japan submits, not only her prestige but her existence would be endangered. Japan has no other way but to wage war against the U. S., Britain, and Holland to secure her existence and self-defense. (Record p. 26,074) At the same conference TOJO stated (Exhibit 2955) that so long as the U. S. refused to change its attitude the present negotiations could not be concluded. The U. S. proposals of 26 November was unreasonable, constituted a marked retrogression from the previous proposals of the U. S. and entirely disregarded the course of negotiations for over half a year. If Japan accepted it she would be in an international position inferior even to that held before the Manchurian incident and its very existence would be endangered. Hence, the U. S. proposal is entirely unacceptable and unless the U. S. withdraws it, it is almost impossible to realize fully Japan's claims by continuing further the negotiations. (Record p. 26,075-93)

2 December, 1941 - Record p. 26,093 - Defense witness YAMAMOTO, Kumaichi stated (Exhibit 2915) that at the Liaison Conference this date the question of the procedure for opening hostilities first came up for discussion. Foreign Minister TOGO said that the usual formalities must be observed. After discussion TOGO said that at least a notification of termination of negotiations must be given prior to hostilities as requested by NOMURA (Exhibit 2915). The conference adjourned without decision. (Record p. 26,093) On cross-examination witness stated that at this conference Admiral ITO, Vice Chief of Naval General Staff, made a strong request that in view of the need of conducting a surprise attack and inflicting heavy damage on the enemy at the opening of hostilities, the Navy High Command wanted to have the negotiations left alone and unruptured, at the time of the opening of hostilities. TOGO opposed this on the ground that notice of severance of relations was absolutely necessary. As a result, it was decided that the question should be left to TOGO and ITO for consultation. (Record p. 26,135) Subsequently, on further cross-examination witness stated that Admiral ITO's opinion was the opinion of the Naval High Command. (Record p. 26,292)

3 December, 1941 - Record p. 26,095 - Defense witness YAMAMOTO, Kumaichi stated (Exhibit 2915) that the Liaison Conference on this date reached a decision concerning the procedure for opening war, the decision being that a notification closing negotiations would be given at Washington. (Record p. 26,095) On cross-examination the witness stated that on 2 December an informal decision was reached between Foreign Minister TOGO and the Vice Chiefs of the Army and Navy Staffs. This decision which was that the time of delivery should be 12:30 (Washington time) December 7th was reported to the Liaison Conference held on 3 December. (Record p. 26,126) The Vice Chief of the Naval General Staff was ITO. (Record p. 26,126)

4 December, 1941 - Record p. 26,096 - Defense witness YAMAMOTO, Kumaichi stated (Exhibit 2915) that in accordance with the decisions of various Liaison Conferences he drafted the notification closing negotiations and submitted it to the Army and Navy Ministries who made some suggestions and changes and it was then brought to the Liaison Conference of 4 December, 1941 and copies submitted to the participants. In its final form (Exhibit 1245-K) it was approved by the Conference. "It was the belief and conclusion of the participants in the Liaison Conference that the intention not only of breaking off the negotiations but of severing relations and going to war was, in the circumstances then prevailing, clearly expressed in the concluding words of the document: 'Thus, the earnest hope of the Japanese Government to adjust Japanese-American relations and to preserve and promote the peace of the Pacific through cooperation with the American Government has finally been lost. The Japanese Government regrets to have to notify the American Government it cannot but consider that it is impossible to reach an agreement through further negotiations.'" (Record p. 26,096)

5 December, 1941 - Record p. 26,096 - Defense witness YAMAMOTO, Kumaichi testified (Exhibit 2915) that he was told by TOGO that the draft of the notification closing negotiations or the gist of it was reported by TOGO to the Cabinet meeting on 5 December, 1941. Reference: - SHIMADA was a member of the Cabinet on this date.

6 December, 1941 - Record p. 26,096 - Defense witness YAMAMOTO, Kumaichi stated (Exhibit 2915) that at the Liaison Conference on this date Foreign Minister TOGO reported that the time for delivery of the notification to the U. S. Government was fixed at 1 P.M. Washington time, 7 December which would be in advance of the commencement of hostilities. No members of the Liaison Conference except those

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concerned with military operations knew when or where operations would commence. TCGO advised witness to send the notification in ample time to be delivered without fail at 1 P.M. on 7 December. The time of dispatch being also a matter of concern to the Navy, it was after consultation with Navy officials concerned that the earliest time for dispatching the message was decided. (Record p. 26,077) The Liaison Conference also decided that since the U. S. Government would notify Britain immediately upon receipt of the notice of termination of negotiations, no delivery of the note to Britain was necessary. (Record p. 26,106)

7 December, 1941 - Record p. 26,142 - Defense witness YAMAMOTO, Kumaichi, on cross-examination admitted that he gave instructions that the 14th section of the notice of termination of negotiations be held up and not sent to Washington until sometime after the first 13 were sent. He denied that the purpose of this delay was to enable the time of delivery to be synchronized more nearly with the bombing of Pearl Harbor. When asked whether he didn't know that the first 13 parts were sent at 12:20 A.M. (Tokyo time) December 7 and the 14th part at 8 P. M. on the 7th the witness stated it was only later that he knew when the telegrams arrived in Washington. (Record p. 26,143)

7 December, 1941 - Record p. 26,612 - An affidavit of A. B. Ray, Production Analyst in charge of Ships Statistics Section of Bureau of Ships, U. S. Navy dated 23 January, 1947 shows U. S. Navy vessels under construction and on hand as of 7 December, 1941. (Exhibit 3001) This affidavit as corrected by supplemental affidavit (Exhibit 3002) shows that the U. S. Navy had 22 carriers under construction as of 7 December, 1941 and had seven carriers and one escort carrier on hand as of the same date.

7 December, 1941 - Record p. 26,676 - Defense witness KONDO, Nobutake testified (Exhibit 3006) that on this date Japan had 10 carriers of which the Kasuga Maru was a slow moving converted merchant ship, the Hosho was an outdated, overaged small carrier used only for training purposes and two small carriers could carry only a limited number of small aircraft. Japan had only 6 carriers which could be used for fleet action and their cruising radius was far shorter than that of U. S. ships.

7 December, 1941 - Record p. 26,616 - Defense witness YOSHIDA, Hideaki testified (Exhibit 3003) that he had prepared a Comparative Table of Naval Vessels On Hand Between the U. S. and Japan as of 7 December 1941, which showed (Exhibit 3003-A) that the U. S. had on hand 8 carriers with a total tonnage of 162,600 tons and Japan had on hand 10 carriers with a total tonnage of 152,970 tons. Another table of vessels under construction showed (Exhibit 3003-B) that the U. S. had under construction 22 carriers (total tonnage 442,300) and Japan had 4 carriers (total tonnage 77,860). In preparing these charts witness listed carrier escorts, and carriers converted from cruisers as aircraft carriers. He listed as Japanese carriers both carriers and carriers converted from merchant ships. (Record p. 26,619) On cross-examination witness identified the four Japanese aircraft carriers under construction on 7 December 1941, as the SHORO, JUNYO, HIYO and TAIHO. He identified the eight U. S. carriers on hand as of 7 December as Lexington, Saratoga, Enterprise, Ranger, Yorktown, Wasp, Hornet, and Long Island. (Record p. 26,629) The date used for Japanese ships under construction was the date of the laying of the keel or of conversion. (Record p. 26,642)

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8 December, 1941 to June, 1942 - Record p. 27,289. Defense witness TOMIOKA, Sadatoshi testified (Exhibit 3057) that the submarine warfare fell into three stages. The first stage (from 8 December 1941 to June 1942) was when they worked havoc on communications coordinating with fleet operations. It was started by Instruction #15 from HAGANO to YAMAMOTO drafted on 30 November, 1941 (Exhibit 3058-A). The primary object was to watch and pursue U. S. fleet movements and the destruction of communication lines was secondary. In destroying communications the feeling of the Japanese Navy to respect human lives and abide by law and regulation was clarified in instruction No. 15 of 30 November, 1941 and Instruction No. 60 of 1 March 1942. This policy was never altered. (Record p. 27,291) NOTE - The effect of this testimony is considerably weakened by the fact that instruction No. 15 of 30 November, 1941 (Exhibit 3058-A) was abolished by Exhibit 3054-C and the instruction No. 60 of 1 March 1942 was abolished by Exhibit 3054-B. Instruction No. 61 (Exhibit 3054-G) not mentioned by witness also contains a provision directing that every possible means be taken to rescue human lives after a sinking. However, Instruction No. 61 is addressed only to the Commander in Chief of the China Area East and various Naval Stations and not to the Combined Fleet or other fleets. Significantly it was not addressed to the South-Western Area Fleet under which the submarines operated in the Indian Ocean.

1941 - Record p. 25,413 - Defense witness ISHIBASHI, Tansan testified (Exhibit 2841) that Japanese Navy extraordinary expenditures which were 343 billion yen for 1921 decreased to 107 million yen for 1925. In 1931 it dropped to 88 million yen. Beginning with 1932 and up to 1940 the Army and Navy extraordinary expenditures showed some gradual expansion. Army extraordinary expenditures increased from 225 million yen in 1932 to 319 million yen in 1936 and that of the Navy from 172 million yen to 331 million yen. The Army and Navy extraordinary expenditures did not witness a very rapid increase even after the China Incident of 1937. In 1938 the army expenditures decreased to 357 million yen while the Navy came up to 764 million yen in 1940. After 1941 the arms expenses for both Army and Navy suddenly jumped to such a great amount as could not be compared to those of 1940. The same great expansion is also indicated by the changes in the total of military expenditures since 1941. The witness stated that it can be seen that both the Army and Navy of Japan began their armament expansion with the outbreak of the Pacific War. (Record p. 25,431)

1941 - Record p. 26,652 - An excerpt from the Pearl Harbor Inquiry, showed that there was an increase of U. S. Navy appropriations from \$398,000,000 in 1932 to \$3,549,000,000 in 1941. (Exhibit 3005)

1941 - Record p. 27,275 - Navy Ministerial Notification No. 33 (1904) as amended by Notification No. 407 (1941) on Treatment of Prisoners of War stated (Exhibit 3055) that in case a POW is guilty of disobedience he may be confined and bound if necessary. A POW who attempts to desert or disobey shall be subject to disciplinary punishment. Naval stations or other naval authorities on receiving POWs shall detain them in any temporary camp available having adequate facilities to prevent them from desertion until transportation or redelivery is possible. Commanders of stations or other authorities shall hand over at designated places the POWs under their care together with the other items to the Army authorities who are to receive the POWs. (Record p. 27,275-G) Reference: - There is no evidence connecting this document

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with OKA or SHIMADA except the fact that it is a Navy Ministerial Notification.

1941 - 1945 - Record p. 27,278 - Report on POW administration (Exhibit 3056) made to SCAP by Central Liaison Office stated that in principle all POWs captured by the Navy were to be handed over to the Army. But until such time there were cases of temporary naval supervision in improvised camps where the POWs were placed under regulations of war to be treated the same as regular POWs. The organization having the administrative authority over such POWs was the party designated by the commander of a Major or Minor Naval Station or operational forces who was usually the commander of the defense area in question. The Navy Minister had over-all administration of temporary POW camps. (Record p. 27,280)

1941 - 1945 - Record p. 27,354 - Defense witness TAKAYA, Toshitane testified (Exhibit 3065) that since 8 December, 1941 Section One of the Naval Affairs Bureau handled matters pertaining to POWs. (Record p. 27,359) The Navy Minister had authority to make rules for the administration of POWs and drafted rules and regulations relating to them. The directors of the Naval Affairs Bureau, Accounts and Supplies and Legal Bureau and Medical Supplies Bureau were aides to the Navy Minister in this connection. Commanders of naval stations, guardships, and fleet were in a position to enforce the administration of POWs on the basis of these regulations (Record p. 27,363) Witness stated the Navy Ministry was not consulted by the General Staff with regard to operation orders or submarine operations. In operational zones, in case of actual engagement or emergency, matters concerning POWs were disposed of as operational matters. (Record p. 27,364) Reference: This testimony shows that SHIMADA with OKA as his aide had authority to make regulations concerning POWs.

1941 - 1945 - Record p. 27,335 - Defense witness ARIMA, Shizuka (Gen) testified (Exhibit 3069) that the Navy had no special stock of medical goods for POWs but seriously ill POWs were allowed to enter a Navy hospital without discrimination. (Record p. 27,336) The chain of command concerning medical business in the Navy included the Chief of the Medical Bureau who commanded his subordinates indirectly in the name of the Navy Minister. Commanders of Naval Districts, guard districts and fleet headquarters were under the control of the Ministry. (Record p. 27,339) The death of POWs from disease in Japan was a grave matter but many Japanese soldiers died from diseases also. POWs suffered because of their resistance to disease being less. They were more susceptible to bacterial infection in an unfamiliar climate and also due to the fact the Japanese did not understand medical English since most Japanese doctors were educated in German medical techniques. (Record p. 27,343-7)

1941 - 1945 - Record p. 27,787 - Defense witness WATANABE, Yasuji testified (Exhibit 3109) that because of U. S. submarine action Japan's approximately 6,300,000 tons of merchant ships in December, 1941 dropped to about 1,500,000 tons in August, 1945. During the war about 8,100,000 tons of Japanese shipping were sunk or damaged. As a result the maintenance of southern supply routes became difficult. The losses resulted in miserable living conditions for the people. Fertilizer shortages decreased the grain harvest and there was a 10% cut in staples. Japanese food supply, both at home and overseas became serious. In 1945 transportation districts were limited to Manchuria, Korea and Northern China. In May 1945 transportation capacity was reduced 75%. (Record p. 27,787-93)

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1941 - 1945 - Record p. 27,376 - Defense witness YAMAMOTO, Yoshie testified (Exhibit 3066) that as there were quite a number of deaths at Sasebo temporary prison camp from December, 1942 to the spring of 1943 orders were issued to the Sasebo Naval Station to investigate the state of affairs and attention was called to the accommodations and food situation. In October, 1943, a directive was issued to transfer to the Army a considerable number of prisoners from Sasebo. In December, 1944 instructions were issued to survey and report on the conditions of POWs outside Japan but due to difficulties in traffic and communications many reports did not reach Tokyo. Further instructions were sent but reports still did not arrive. During the war POWs captured by the Navy were stationed at Wake, Rabaul, Ambon, Macassar and Haiphong. Witness had not received any reports that POWs in these areas had been mistreated. (Record p. 27,378)

1941 - 1945 - Record p. 27,370 - Defense witness TAKATA, Toshitane testified (Exhibit 3065) that Ofuna temporary prison camp was established by Yokosuka Naval Station. Witness learned of it for the first time shortly before he resigned as Chief of Section One, Naval Affairs Bureau (July, 1942) when the station submitted to the Ministry a request for appropriations for its construction. Witness stated that during his tenure of office (15 November 1940 to 14 July 1942) no reports were received concerning mistreatment of POWs at Ofuna. (Record p. 27,370) On cross-examination, witness admitted that the Navy Ministry did provide funds for the establishment of the Ofuna Camp, but denied that any reports were received as to number, names and rank of the POWs at Ofuna. (Record p. 27,373)

1941 - 1945 - Record p. 27,383 - Defense witness YAMAMOTO, Yoshie testified (Exhibit 3066) that the temporary camp at Ofuna was administered by Yokosuka Naval Station. Witness thinks the Commanding Officer of the Minor Naval Station in Yokosuka appointed a subordinate as superintendent of the camp. Yokosuka Station made a report as to the names, rank, and other designations of the personnel at Ofuna. No report was ever received during witnesses' tenure as Chief of No. 1 Section, Bureau of Naval Affairs (14 July 1942 to 9 July 1945) that the POWs at Ofuna were mistreated or received inadequate medical treatment. (Record p. 27,383)

8 January to 31 October, 1942 - Record p. 27,146 - Defense witness KUDO, Tadao testified (Exhibit 3040) that contact with foreign countries in regard to POWs and internees was chiefly handled in the Third Section, Treaty Bureau of which he was Chief from January to October, 1942. Protests were sent by the Foreign Ministry to the authorities concerned and on receipt of the reply it was sent to the country concerned. (Record p. 27,152) No protests concerning treatment of prisoners on Wake were received by him although inquiries concerning conditions were received. It was not known at all that ill-treatment of POWs was carried out there as testified to by the witness Stewart. (Record p. 27,153)

29 January, 1942 - Record p. 27,126 - A letter from the Foreign Minister to the Swiss Minister (Exhibit 1490) stated that Japan strictly observes the Geneva Convention of 1929 re Red Cross but did not ratify the convention re treatment of POWs of 1929. It is therefore not bound by said Convention but will apply mutatis mutandis the provisions of the convention to U. S. POWs in its power. (Record p. 27,126) Defense witness MATSUMOTO, Shun-Ichi stated (Exhibit 3039)

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that Foreign Minister TOGO out of humanitarianism wanted Japan to abide by the Geneva Convention as far as circumstances permitted. As a result, witness consulted Army and Navy officers and Exhibit 1490 was prepared. (Record p. 27,135) Japan did not formally ratify or join the convention but communicated its intent through neutral countries. (Record p. 27,137)

29 January, 1942 - Record p. 27,126 - A letter from Foreign Minister TOGO to the Argentine Minister (Exhibit 1496) stated that Japan will apply *mutatis mutandis* the provisions of the Geneva Convention to British, Canadian and Australian POWs.

January, 1942 - Record p. 26,559 - Defense witness NOMURA, Naokuni testified (Exhibit 3000) that as a military member of the Mixed Technical Commission set up under the Tripartite Pact he left for Berlin in December, 1940, and stayed until 1943. The Committee met only two or three times and its existence was only nominal. In January, 1942, the Military Agreement between Japan, Italy and Germany was concluded by which Japan was to destroy the enemy in the Pacific and Indian Oceans east of Longitude 70 degrees east and Germany and Italy were to destroy the enemy in the Atlantic, Mediterranean and Indian Ocean west of Longitude 70 degrees east. Germany and Italy made repeated requests for Japan to intensify its activities in the Indian Ocean including offensive action toward American shipping. The witness always explained that the Japanese submarines were being used chiefly in main fleet operations. (Record p. 26,573) Reference: On 28 January, 1941, OKA was appointed a member of the Mixed Experts Commission set up under the Tripartite Pact in Tokyo.

January, 1942 - Record p. 27,365 - Defense witness TAKATA, Tochtane testified (Exhibit 3065) that the Navy Minister issued the order for the movement of the Nitta Maru in transporting POWs from Wake to Japan and China in January, 1942. At the time the Nitta Maru reached Wake a telegram was received from the Commander on the spot saying that many POWs wished voluntarily to remain there. The international law specialist advised the Navy Minister that if the POWs voluntarily signed a contract agreeing to work not connected with combat they could remain. At the time witness left Section One in July, 1942, the POWs contracts had not been received. Witness had no knowledge as to the execution of several POWs on board the Nitta Maru. (Record p. 27,365-8) Reference: SHIMADA was Navy Minister on this date. OKA as Chief of the Naval Affairs Bureau handled matters re POWs and hence must have known of the transportation of POWs on the Nitta Maru.

5 February, 1942 - Record p. 24,925 - Defense witness OKADA, Kikusaburo testified (Exhibit 2767) that on this date an Imperial Ordinance transferred the jurisdiction of construction and repair of merchant vessels to the Navy Ministry. General schedules only were to be set up by the Navy Ministry but allocations and raw materials for specific yards were to be handled by the Industrial Management Corporation and the Shipbuilding Control Association. Members of the Shipbuilding Control Association were designated by the Navy Ministry. (Record p. 24,929)

24 February, 1942 - Record p. 27,128 - Exhibit 1471 stated that the Foreign Ministry gave assurances that Japan would do all in its power to extend good treatment to POWs but could not offer a standard of living equal to that of the U. S. because conditions were so different.

1 March, 1942 - Record p. 27,274 - Naval General Staff Directive No. 60 from NAGANO to YAMAMOTO this date (Exhibit 3054-A) stated that in operations by

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surface craft, it should be made a rule that attacks be preceded if possible by due visit and search and every effort be made to rescue lives if circumstances warrant the sinking of the vessels. As a rule persons of armed forces, including civilians, armed men, mariners, technicians, important government officials shall be taken prisoners of war. NOTE - Exhibit 3054-C was abolished by Exhibit 3054-B dated 22 June, 1942.

1 March 1942 - Record p. 27,387 - Naval General Staff Directive No. 61 this date from NAGANO to the Commander of the China Seas Fleet and the Commanders of various naval stations stated (Exhibit 3054-C) that in dealing with foreign shipping due process shall be taken in accordance with the law. If a sinking shall be made without due process because of some forced circumstance, every possible means shall be taken to rescue lives. Persons of the armed forces, either armed men or civilians, higher grade mariners, technicians, government officials of enemy countries or of Chiang Kai-shek shall be taken POWs. (Record p. 27,389) NOTE - Exhibit 3054-C abolished Directive No. 15 (Exhibit 3058-A) which was referred to in Exhibits 3057 and 3052. Exhibit 3054-C was apparently never rescinded but it is significant that it was not addressed to the Combined Fleet or to the South-Western Area Fleet. Under the latter were the submarines which operated in the Indian Ocean.

April, 1942 - Record p. 26,554-7. Defense witness Admiral WENNER testified (Exhibit 2999) that he visited Saipan and Palau in April 1942 and saw absolutely no fortifications.

26 May, 1942 - Record p. 27,902 - A communication this date from Military Police Commander NAKAMURA to Chief of Staff SUGIYAMA (Exhibit 3129) stated that attached was a report of the investigation of 8 officers and men who took part in a raid on Japan on 18 April, 1942. Forwarding addresses included OKA and SHIMADA. The attached report contains interrogations of the airmen in which they alleged by confess machine-gunning school children at a school in Nagoya and also admit indiscriminate bombing of non-military objectives.

22 June, 1942 - Record p. 27,313 - Naval General Staff Directive No. 107, from NAGANO (Navy General Staff) to YAMAMOTO (Combined Fleet) this date states that every effort shall be made to destruct and disturb enemy sea communications. (Exhibit 3054-B) NOTE - This directive abolishes Directive No. 60 (Exhibit 3054-A) which included a provision, after attack by surface ships, about rescuing lives. Directive No. 107 contains no such provision.

June 1942 to March 1943 - Record p. 27,292 - Defense witness TOMIOKA, Sadatoshi testified (Exhibit 3057) that the second stage of submarine warfare from June 1942 to March 1943 placed primary importance on destruction of maritime communication lines. The bulk of the submarine force was allocated for this purpose. Main water areas for such attacks were southeastern coast of Africa, northwestern part of Indian Ocean, eastern coast of Australia and Cook's strait area. These operations were initiated by Instruction 107 (Exhibit 3054-B) from Chief of Staff NAGANO to YAMAMOTO. (Record p. 27,293)

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA, Contd)

June, 1942 - November 1943 - Record p. 27,440 - Defense witness INADA, Nagasumi testified (Exhibit 3072) that POWs used on the Burma-Siam Railway were never cruelly treated. All that could be afforded was done to maintain their working power. On cross-examination witness admitted that he had never personally inspected the Burma-Thailand prison camps and hence could not say of his own knowledge that such POWs were never cruelly treated. (Record p. 27,440) Reference: OKA and SHIMADA were members of Imperial Headquarters which made the decision to use POWs in constructing the Burma-Siam Railway.

October, 1942 - Record p. 27,282 - Defense witness TOMIOKA, Sadatoshi testified (Exhibit 3057) that as Chief of 1st Section, Naval General Staff he sent Lt. Commander OKADA to Kwajalein and other places on a tour of inspection in October, 1942. The 1st Section did not handle POWs and witness did not know at that time that Admiral ABE held POWs. Accordingly, witness gave OKADA no instructions or orders as to POWs. Witness could not recall anything as to the statement by ABE that OKADA told ABE that the disposition of central authorities was to execute prisoners. Such an order as ABE mentioned would have been written and not oral and would have been transmitted through fleet headquarters instead of direct to ABE. (Record p. 27,282-87)

October, 1942 - Record p. 27,381. Defense witness YAMAMOTO, Yoshio testified (Exhibit 3066) that neither he nor anyone else in the Naval Affairs Bureau instructed Admiral ABE through Commander OKADA or any one else to execute the prisoners on Kwajalein. The Bureau was not aware that there were POWs on Kwajalein at that time.

1942 - 1945 - Record p. 23,492 - Defense witness FUJITA, Masamichi, former Navy Captain in the Bureau of Naval Affairs from June 1942 to the end of the war, testified (Exhibit 2689) that the Navy Ministry made every effort to maintain friendly relations with the Soviet and hence made many concessions in regard to inspection and internment of ships. Soviet ships entering prohibited areas were intercepted and searched in strict accordance with international law. (Record p. 23,507) The Sergei Kirov and the Angarstrov were thus searched. On the Angarstrov the ship's papers were missing but the ship was released because instructions were not to war relations with the Soviet. The Angarstrov was subsequently (1 May, 1942) sunk by a submarine at a place where no Japanese submarines were operating. (Record p. 23,509) The Soviet ships Kamenets Potalsh and the Ingul were interned because there was reasonable ground to suspect their nationality (Record p. 23,511). Exhibit B to the affidavit of FUJITA shows that part of the 2nd submarine squadron, the 5th Submarine Squadron, and the 8th Submarine Squadron operated in the Indian Ocean in April, 1942, (Record p. 23,518) On cross-examination the witness stated that the orders to adjust the attitude of Japanese authorities to Soviet shipping were issued by the Navy Minister and from him they went to the Chief of the Naval Affairs Bureau, then to witness' section chief and then to witness. (Record p. 25,530) NOTE - This testimony was designed to refute Prosecution evidence concerning unlawful search and bombing by Japanese forces of Soviet merchant ships (Exhibits 795-A, 778, 812-A and 813 to 822 incl.)

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA, Contd)

January, 1943 to December, 1944 - Record p. 27,245. Defense witness YAMAMOTO, Chikao, former Chief of 1st Section, Naval Department of Imperial Headquarters from January 1943 to December, 1944, testified (Exhibit 3052) that during his tenure as Chief of the 1st Section no German official or Japanese Naval officer in Germany had ever notified Tokyo of Germany's request for cooperation in submarine warfare. He had never heard that Germany requested Japan in 1943 to adopt the policy of killing all persons on board allied vessels except a few for information. The Japanese Navy never adopted such a policy as shown by (a) Staff directive of 30 November, 1941, and (b) Directive #60 of 1 March, 1942, which warned that in submarine warfare ample time for retirement should be given to crew members and passengers unless circumstances otherwise dictated. The humanitarian spirit of the Navy remained unchanged. (Record p. 27,258) NOTE - The directive of 30 November, 1941, was rescinded by Directive #61 (Exhibit 3054-C). Directive #60 was rescinded by Directive No. 107 (Exhibit 3054-B).

5 or 6 March, 1943 - Record p. 26,577 - Defense witness NOMURA, Naokuni testified (Exhibit 3000) that he heard from OSHIMA of the negotiations with Hitler for the gift of two German submarines. OSHIMA telegraphed Tokyo and asked that the Navy Minister be advised of the matter. About 5 or 6 March, 1943 witness received a telegram from the Navy Minister stating that the Navy would accept Hitler's offer with gratitude and instructing witness to discuss with the German Navy the question of navigation of the submarines. (Record p. 26,579)

March, 1943 - Record p. 26,573 - Defense witness NOMURA, Naokuni, testified (Exhibit 3000) that the gift of two submarines to Japan originated with Hitler and was utterly unconditional. No request was made for increased submarine on the part of Japan. The main object was to improve Japanese submarine-building technique. One submarine was lost en route. The other reached Japan but brought no practical benefit since it was felt that this type of submarine with its inferior underwater speed would not meet Japanese purposes. Witness never heard of any suggestion from OSHIMA or anyone else as to the German policy of annihilating crew members of enemy vessels. (Record p. 26,576) Witness returned to Japan on one of the two German submarines. They sank enemy merchantmen en route. (Record p. 26,580) On cross-examination witness said that the name of the submarine was the U-71 and that they torpedoed merchant ships east of Madagascar. One night attack was carried out in the Indian Ocean. As to the other submarine sunk en route, Japan sent a crew of about 30 men to Germany where they were trained to operate the submarine. (Record p. 26,593) Witness admitted a conversation with Ribbentrop on April 16, 1943 but denied that he said Japan would order its submarines to wipe out enemy tonnage. (Record p. 26,597)

25 March, 1943 - Record p. 27,270 - General Staff Directive No. 209 from Chief of Naval General Staff HAGANO to YAMAMOTO (Combined Fleet) this date stated that the operational policy for the Third Phase of Submarine Warfare should be to demolish hostile naval and air forces, to destroy enemy sea traffic lines, etc. (Exhibit 3053-A) The operational policy of the Combined Fleet as based on Imperial Naval Operational Policy should be (as to Submarine warfare) to place stress upon the destruction of enemy sea traffic. The main emphasis of such sea traffic destruction should be directed against U. S. and Australian communication routes in the Southern Pacific and eastern part of the Indian Ocean. (Exhibit 3053-B)

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHINADA and OKA, Contd)

25 March, 1943 to August, 1945 - Record p. 27,293 - Defense witness TCMIOKA, Sadatoshi testified (Exhibit 3057) that the third stage of submarine warfare was initiated by Instructions 209 on 25 March, 1943, which emphasized destruction of maritime communication lines, supplying advanced bases by part of the submarine forces and performing coordinated operations with German submarines in the Indian Ocean. Annihilation of enemy crew members was never planned or indicated by Imperial Headquarters as it was against the spirit of the Japanese Navy. The Germans never made such a request when witness was at the Naval General Staff. Witness never heard of 1st Submarine Flotilla Order of 20 March, 1943. (Record p. 27,295)

March, 1943 to August 1945 - Record p. 27,245 - Defense witness YAMAMOTO, Chikao testified (Exhibit 3052) that the Third Phase of Submarine Warfare which started in March, 1943 could be broken down to three periods. The first period (from late March, 1943 to October, 1943) placed emphasis on destruction of maritime traffic, cooperation with German submarines in the Indian Ocean area and supply to outlying bases. The plan for this period was drafted by witness and was a directive from NAGANO to YAMAMOTO dated 25 March, 1943. The second period began with an unaltered operational principle but the coming of German submarines into the Indian Ocean made necessary a demarcation of the German and Japanese submarine field of operations. As a result NAGANO's order of 4 October, 1943 (prepared by witness) set 70 degrees longitude as the line. The third period started in August, 1944. The Navy had become too tightly occupied with operations in the Philippines to direct submarines for sea traffic destruction and submarines were withdrawn from the Indian Ocean. Admiral MIYO was transferred from the 1st Submarine Squadron to the Navy Ministry on 29 March, 1943. Witness never saw Top Secret 1st Submarine Force Order No. 2 issued by MIYO on 20 March, 1943. (Record p. 27,245-260) On cross-examination witness denied hearing of the machine-gunning of survivors of the Jean Nicolle and other Allied ships in the Indian Ocean but admitted hearing that the Allies had protested against such tactics. (Record p. 27,261) Witness denied that he had ever heard of the execution of 65 survivors of the Behar or of Britain's protest. (Record p. 27,267)

4 October, 1943 - Record p. 27,312 - Imperial Headquarters Directive 282 from NAGANO to KOGA, Commander of Combined Fleet, states that the boundary between German and Japanese submarines in the Indian Ocean is set at 70 degrees longitude. (Exhibit 3060-A) This exhibit is undated but the testimony of YAMAMOTO, Chikao states it was dated 4 October, 1943. (Record p. 27,255)

October, 1943 - Record p. 27,379 - Defense witness YAMAMOTO, Yoshio, testified (Exhibit 3066) that about October, 1943, a report from Admiral SAKAIBARA on Wake with regard to the prisoners came to the 4th Fleet and at the same time a telegraphic report came to the Navy Ministry, Naval General Staff and Combined Fleet. The report was that a landing by U. S. troops was expected, the POWs thereupon noted and were shot. The Navy Ministry was not in a position to take action but watched to see what action would be taken by the Commander of the 4th Fleet. Communications between Wake, Iruk and Tokyo were by wireless and sea-borne traffic could not be conducted because of danger. The occupation of Wake became imminent and hence there was no way to summon the Commanding Officer of Wake to

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the headquarters of the 4th Fleet for investigation. (Record p. 27,379-81) It is submitted that this testimony shows that OKA and SHINADA knew of the execution of prisoners on Wake shortly after it happened. This failure to take any action or even order an investigation renders them liable.

1943 - Record p. 24,616 - Defense witness Alfred F. Kretschmer testified (Exhibit 2751) that he was German Military Attache in Tokyo from 4 December, 1940 to 8 May, 1945. The general military and economic commissions were assembled twice, first in 1943 before Mussolini's fall and second in 1944. Both were empty propaganda performances intended to camouflage the fact that nothing was done in Tokyo which could be called cooperation between the German and Japanese high commands. (Record p. 24,616) Reference: - OKA was appointed a member of the Mixed Experts Commission on 23 January, 1941.

1943 - 1945 - Record p. 27,349 - A communication dated 6 December, 1945 from the 2nd Demobilization Bureau to SCAP stated (Exhibit 3064) that almost all Japanese submarines operating in the Indian Ocean were lost with few survivors, hence it was difficult to ascertain facts concerning the merchant ship sinkings in the Indian Ocean. There were 9 such submarines operating on the Indian Ocean during this period (1943-1945) All except the I-162 were reported missing and the captain of the I-162 was killed in action. A comparison between the movements of the Japanese submarines and the date and place of each sinking as shown in Table No. 2 shows that no submarine may be suspected of these sinkings except three (I-27, I-166 and RO-110) which were lost with their crews so no further investigation can be conducted. (Record p. 27,352) The three suspected submarines were the I-27 (maneuvering at the time of the sinking of the British Chivalry, Sutlej, Ascot, Nancy Moller, Tjicalak, and Richard Hovey), the I-166 (maneuvering at the time of the sinking of the British Chivalry, Nancy Moller, Tjicalak, Richard Hovey and Jean Nicolle) and the RO-110 (sank one ship in Bay of Bengal in December, 1943 which may have been the Daisy Moller).

1943 - 1945 - Record p. 27,378 - Defense witness YAMAMOTO, Yoshio testified (Exhibit 3066) that he did not know that the U. S. on 21 August, 1943 sent a list of 400 prisoners on Wake and made inquiries concerning POW on Wake between October, 1943 and July, 1945.

1943 - 1945 - Record p. 27,382 - Defense witness YAMAMOTO, Yoshio, Chief of Section One, Naval Affairs Bureau, testified (Exhibit 3066) that he did not remember the date and number of the protests received in connection with the sinking of ships in the Indian Ocean and atrocities on survivors but the Naval Affairs Bureau did receive some. The matter was referred to the Naval General Staff as involving operations. Since they reached the conclusion that Japanese submarines were not involved in the protests, a reply to such effect was sent to the Foreign Office.

15 July, 1944 - Record p. 26,414 - A "Chart of the Organization of the Japanese Navy (as of July 15, 1944) - Excerpt from the Collection of the Naval Regulations" was introduced in evidence in connection with the testimony of Defense witness SAWAMOTO. (Exhibit 2981) The Chart indicates that even Minor Naval Stations are on the same footing as the Navy Ministry in so far as their relation to the Emperor, i. e. they are all connected with the Emperor and the Cabinet by a "Direct Subordination Line".

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA, Contd)

GENERAL

NOTE - The following general references cover the whole period of the Indictment as a rule.

General (Imperial Conference) - Record p. 17,870. An excerpt from the interrogation of the accused TOJO stated (Exhibit 2348) that Imperial Conferences were held with important Ministers of State depending on the problem. In cases involving the prerogative of military command, the Army and Navy Chiefs of Staff attended. The Imperial Conferences had no responsibility as such. All who attended had responsibility in their official capacity but not in their capacity as a member of the Conference. The custom existed since the Russo-Japanese War and was a gathering of individuals holding responsible positions, to effect an interchange of views. Matters were not officially decided there. After discussion they were brought up at the Cabinet meeting where official action was taken. (Record p. 17,871) Reference: SHIMADA as Vice Chief of the Naval General Staff and subsequently Navy Minister was a member of the Imperial Conferences. OKA as Chief of the Bureau of Naval Affairs after 15 October, 1940 was also a member. (Record p. 682)

General (Cabinet - Record p. 17,752 - Defense witness OKADA, Tadahiko testified that cabinet members have collective responsibility and each member from the Premier down is responsible for the decisions of the Cabinet as a whole. Reference: SHIMADA as Navy Minister was a member of the Cabinet from 18 October, 1941 to 17 July, 1944.

General - (Privy Council) - Record p. 17,563-5 - Defense witness FUJITA, Tsuguo testified that the Privy Council is never policy forming and never exercises legislative functions (contrary to the statement by Brigadier Nolan in his opening statement, Record p. 548). If the Privy Council withheld its approval from an unimportant enactment or bill the government would withdraw the bill. If the bill happened to be an important one, it would either be changed or it might cause the resignation of the Cabinet. (Record p. 17,584) Reference: Both SHIMADA and OKA attended meetings of the Privy Council.

General - (Liaison Conference) - Record p. 17,556 - Defense witness FUJITA, Tsuguo testified that the Liaison Conference is composed of representatives of the Supreme Command and the Cabinet. The Liaison Conference discusses matters but final decision is made later either at the Cabinet or at the Supreme Command organs depending on the nature of the matter (Record p. 17,556) - The members of the Liaison Conference following an agreement of opinions or views there, return to their respective posts and there carried out the decisions reached in connection with matters pertaining to their particular jurisdiction. (Record p. 17,585) The decisions of the Liaison Conference were unanimous. Witness did not know if the decisions of the Liaison Conference were invariably approved by the Cabinet when referred back to that body. (Record p. 17,586) reference: Both OKA and SHIMADA were members of the Liaison Conference.

General - (Navy Administration) - Record p. 26,413 - Defense witness SAWAMOTO, Yorie testified (Exhibit 2980) as to the administrative set-up of the Japanese Navy. Naval administration was under the Navy Minister and naval operations were under the Chief of the Naval General Staff. Both the Navy Minister and the Chief of Navy General Staff were directly subordinate to the Emperor so there

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the
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was no question of one being superior or subordinate to the other. (Record p. 26,416) The Navy Minister was a civilian official and his appointment and dismissal were decided by the Premier's report to the Throne, like other ministers. The Chief of the Naval Affairs Bureau was appointed like other bureau chiefs and the Navy Minister had complete control. (Record p. 26,417) The Naval Affairs Bureau handled navy administration in general, armaments, national defense policy, international regulations, public relations and dissemination of naval knowledge. (Record p. 26,418) The Chief of the Naval General Staff was under the direct command of the Emperor and participated in the secrets of the War Council and controlled the General Staff. Naval strength was planned by the General Staff since it constituted the basis of operational planning but the Navy Ministry demanded the budget and handled the equipment of military strength. Hence, it was necessary for the Chief of Staff to plan affairs in the first instance. The actual procedure was for the Chief of Staff to consult the Ministry on important items of supplementing naval strength, dispatch preparations and national defense logistics. Further planning and execution of operations was exclusively in charge of the Staff, so the Ministry had no part. (Record p. 26,421) The Navy Minister had an office in Imperial General Headquarters but did not thereby become an organ of it or subordinate to the Chief of Staff. (Record p. 26,424) Administration of occupied areas was controlled by the several commanders under orders from the Navy Minister. (Record p. 26,425-6)

General - (Navy Administration) - Record p. 17,539 - The Defense witness FUJITA, Tsuguo testified that the rules and regulations governing the Navy Ministry and the Naval General Staff were enacted in 1933 (Record p. 17,550). He stated that purely Supreme Command matters (such as mobilization plans, operations plans, battle array and field service regulations) are handled by the General Staff. Purely administrative matters (such as organization of institutions and schools, accounts of the Army and Navy, recruiting and requisitioning) are handled by the respective War and Navy Ministers. Mixed matters (such as the decision on the size of the standing army and navy and the plan of national defense) are called such because on the one hand it is a General Staff matter and on the other a matter relating to military administration. These mixed matters are handled in the Navy by consultations between the Chief of the Naval General Staff and the Navy Minister. (Record p. 17,552) It is submitted that this evidence shows that Navy Minister SHIMADA and his subordinate OKA must have had knowledge of such mixed matters handled by the Chief of Naval General Staff NAGANO.

General - (Naval Administration) - Record p. 26,430 - Excerpts from "Rules Governing Business Contacts Between the Naval Ministry and Naval General Staff" (Exhibit 2982) enacted 1 October, 1933 shows that on matters of military strength, strategic dispatch of armed forces, tactical and strategic duties and movements of fleets, order of battle in time of war, military maneuvers and exercises, etc. the Chief of Naval General Staff will make a draft, conduct negotiations with the Navy Minister and then seek Imperial Sanction. (Record p. 26,430) It is submitted that this evidence shows that Navy Minister SHIMADA and his subordinate OKA must have had knowledge of such matters handled by negotiations between the Navy Minister and the Chief of Naval General Staff.

(Chronological Summary of Evidence Introduced by the Defense Pertaining to the Accused SHIMADA and OKA, Contd)

General - (Naval Administration) - Record p. 26,438 - Defense witness SHIMIZU, Mitsumi, former Chief of Personnel Bureau, Navy Ministry, stated (Exhibit 2987) that the appointment of Bureau Chiefs was done by the Personnel Bureau Chief submitting the three best candidates to the Minister who then made a choice taking the opinion of the Vice Minister into consideration. Commanders of fleets and minor naval stations were appointed (simultaneously with the regular December annual personnel shifts) by the Navy Minister through the selection of an appointment plan tentatively drafted by the Chief of Personnel Bureau (Record p. 26,441) Promotion of officers was handled by a promotion conference held each autumn attended by all fleet commanders, Fleet admirals, Members of War Council, Vice Minister, Vice Chief of Staff, etc. The Navy Minister presided. (Record p. 26,442) On cross-examination witness stated that the Promotion Conference could not direct the retirement of officials but could approve relegation of an officer to the reserves and then the Navy Minister could issue the orders. Dismissals which were enacted during the year, that is, when Promotion Conferences were not held, were decided by the Navy Minister without taking it up with the Conference. (Record p. 26,446) NOTE - This evidence was introduced by the Defense apparently to show that the accused reached their official positions by virtue of a normal, routine process of promotion and not by reason of their activities pursuant to any conspiracy. Insofar as the evidence show that SHIMADA as Navy Minister had the authority to dismiss subordinate Navy officers, his failure to do so as in the case of Admiral ABE (who had reported to SHIMADA that he had executed 99 prisoners of war and internees on Wake Island) or even to order an inquiry as to the facts of such case puts him in the position of condoning that atrocity.

General - Record p. 26,454 - Defense witness YANO, Shikase testified (Exhibit 2989) that great care was taken in the education of naval officers. There were lectures on morals, psychology, and philosophy to train the individual to be a model citizen as well as a good soldier. There was no teaching of cruelty and hatred of enemies or desire for war. (Record p. 26,458)

10-6-47

Prepared by: Commander Cole

Date : 19 September, 1947

Chronological Summary of Evidence Introduced by
the Prosecution Pertaining to the Accused OKA

I. References dealing with the period from 10 October, 1931 to 15 January, 1936, during which OKA was a member of the Naval General Staff.

10 October, 1931 - Record p. 751. OKA was appointed staff member in the Naval General Staff. (Exhibit 120)

31 October, 1931 - Record p. 751. OKA was awarded a silver cup for his services in the conclusion of the London Naval Treaty. (Exhibit 120)

15 November, 1933 - Record p. 751. OKA was appointed a Captain in the Navy and a member of the Naval General Staff. (Exhibit 120)

29 April, 1934 - Record p. 752. OKA was decorated with the Middle Cordon of the Imperial Order of the Rising Sun for meritorious services in the 1931-1934 Incident. (Exhibit 120)

September and October, 1934 - Record p. 9,219. Excerpts from a Japanese document dated September and October, 1934 entitled "Guidance of Public Opinion Re 1935 London Naval Limitations Conference" show that just prior to the London Conference of 1935, the Japanese Navy Ministry was organizing propaganda to insure the termination of the Naval Treaties of 1922 and 1930 (Exhibit 912). On this date OKA and SHIMADA were presumably attached to the Naval General Staff. Accordingly, they must have known of this attempt to terminate the Naval treaties.

29 October, 1934 - Record p. 11,179 - On this date a conversation between the U. S. and Japanese delegates to the London Naval Conference was held at which Admiral YAMAMOTO stated that the Japanese were willing to abolish aircraft carriers whereas "if they (the Japanese) had aggressive designs in the Far East, nothing would be more useful than the retention of aircraft carriers". (Exhibit 1250) Prosecution witness Admiral Richardson testified that YAMAMOTO stated the official Japanese view that carriers were essentially aggressive naval arms. (Record p. 11,179) On this date SHIMADA and OKA were presumably attached to the Naval General Staff. Accordingly, it is submitted that they must have been aware of this.

13 November, 1934 - Record p. 9,197 - On this date Secretary of State Hull wired Chairman Davis of the U. S. delegation to the London Naval Conference stating that the only construction to be placed on the Japanese thesis is that it represents a desire to obtain overwhelming supremacy in the Orient. (Exhibit 58)

15 January, 1936 - Record p. 11,181. At a meeting of delegates to the London Naval Conference on this date NAGANO proposed a common upper limit for "those categories which are generally recognized to be predominantly offensive in character - namely, capital ships, aircraft carriers (in the event of their non-abolition) and 'A' Class Cruisers". Exhibit 1251-A)

(Chronological Summary of Evidence Introduced by the Prosecution Pertaining to the Accused OKA, Contd)

Prosecution witness Admiral Richardson testified that NAGANO stated the official Japanese view that carriers were the principal type of aggressive naval arms. (Record p. 4,181) It is submitted that OKA and SHIMADA as members of the Naval General Staff must have shared in this view.

15 January, 1936 - Record p. 9,217 - On this date Admiral NAGANO, Chairman of the Japanese delegation to the London Naval Conference sent a communication to the Chairman of the Conference stating that the Japanese delegation can no longer usefully continue their participation in the deliberations of the Conference. (Exhibit 58) On this date OKA and SHIMADA as members of the Naval General Staff must have been aware of the withdrawal of Japan from the Conference and presumably shared in the decision.

7 August, 1936 - Record p. 2727 - A document entitled "Important Decisions re International and National Policies - Basic Principle of National Policy, 7 August, 1936" decided by the Premier, Foreign, Finance, War and Navy Minister dealt with the policy necessary to secure the position of the Japanese Empire on the East Asia Continent. The fundamental principles of Japan's continental policy are stated to be intensification of national defense of Japan and Manchukuo to eradicate the Soviet menace and at the same time to prepare against Britain and America. (Exhibit 216) NAGANO was Navy Minister at this time. SHIMADA was Vice Chief of the Naval General Staff and hence must have been aware of this policy decision. OKA was apparently attached to either the Naval General Staff or the Bureau of Naval Affairs, and hence must have known of this national policy decision by the Navy Minister.

11 August, 1936 - Record p. 2728 - A document entitled "Important Decisions Re International and National Policies - The Second Administrative Policy Toward North China" decided by the Ministries concerned states that the main purpose of Japan's policy toward North China is to set up an anti-communistic and pro-Japanese area to improve national defense against invasion by Russia and to guide local politics and make the Nanking Government recognize the characteristic feature of North China. (Exhibit 217) Although not so stated it can be assumed that the Navy Ministry helped to decide this policy (as in the case of Exhibit 216 above mentioned). SHIMADA was Vice Chief of the Naval General Staff and OKA was attached to the Naval General Staff, and hence they must have known of this policy decision.

25 November, 1936 - Record p. 5,967 - On this date a Privy Council meeting was held at which Navy Minister NAGANO attended and the draft of the Anti-Comintern Pact was unanimously approved. (Exhibit 485) SHIMADA as Vice Chief of the Naval General Staff attended this meeting and is responsible for the decision taken. OKA was attached to the Navy General Staff at this time and must have known of the decision.

25 November, 1936 - Record p. 5,934 - The Anti-Comintern Pact was concluded on this date with attached secret agreements. (Exhibit 36 and 480)

11 November, 1937 - Record p. 9,240 - On this date the keel was laid for the Japanese battleship YAMATO which had a displacement of 64,000 tons and main batteries of nine 18 inch guns as compared with the 1936 treaty limit of 35,000 tons and 16 inch guns. (Exhibit 913) SHIMADA (as Vice Chief of Naval General

(Chronological Summary of Evidence Introduced by the Prosecution Pertaining to the Accused OKA, Contd)

staff until 1 December 1937) and OKA (who was shortly thereafter, on 1 December, 1937, appointed an observer in the Naval General Staff and Navy Ministry) must have known of this battleship. It is true that Japan was not a party to the Naval Treaty of 1936, but the construction of this battleship in secret after refusing to give assurances (see letter of HIROTA to Grew dated 12 February, 1938) is evidence of Japan's aggressive intentions.

- 1 December, 1937 - Record p. 9,253. A chart entitled "Ships in Japanese Navy, Light Cruisers, Heavy Cruisers" shows that three heavy cruisers were commissioned on this date having a displacement of 8,500 tons and 8 inch guns as compared with the 1936 treaty limit of 8,000 tons and 6 inch guns. It is submitted that SHIMADA (as Vice Chief of Naval General Staff until 1 December, 1937) and OKA (as observer in Naval General Staff and Navy Ministry on and after 1 December, 1937) must have known of this. Although Japan was not a party to the 1936 treaty, the construction of such cruisers in secret and accompanied by a refusal to give assurances (see letter HIROTA to Grew dated 12 February, 1938) is evidence of Japan's aggressive intentions.

II. References dealing with the period from 15 January, 1938, to 15 October, 1940, during which OKA was Chief of No. 1 Section, Bureau of Naval Affairs, Navy Ministry.

15 January, 1938 - Record p. 752 - OKA was appointed Chief of No. 1 Section, Bureau of Naval Affairs. (Exhibit 120) He apparently held this position until 15 October, 1940.

21 January, 1938 - Record p. 752 - OKA was appointed a member of the Committee in the Information Bureau of the Cabinet. (Exhibit 120)

25 January, 1938 - Record p. 753 and 754 - OKA was appointed Secretary of the Bureau of Manchurian Affairs. He held this position until 21 October, 1939. (Exhibit 120)

12 February, 1938 - Record p. 9,236 - On this date the accused HIROTA, as Foreign Minister, in answer to a note from Secretary Hull requesting assurances that Japan was not constructing nor acquiring any capital ships or cruisers not in conformity with the London Naval Treaty of 1936, sent a communication in reply which declined to give any such assurances. (Exhibit 58) It is submitted that OKA (as Chief of No. 1 Section, Bureau of Naval Affairs) must have known of this communication and must also have known that the Japanese on 4 November, 1937, had laid the keel of the battleship YAMATO and would shortly, on 29 March, 1938, lay the keel of the battleship MUSASHI, both of which exceeded the limits of the Treaty. SHIMADA (as Vice Chief of the Naval General Staff until 1 December, 1937) must have known at least of the YAMATO.

29 March, 1938 - Record p. 9,240 - On this date the keel was laid for the battleship MISASHI which had a displacement of 64,000 tons and main batteries of nine 18 inch guns as compared with the 1936 treaty limit of 35,000 tons and 16 inch guns. (Exhibit 913) OKA (as Chief of No. 1 Section, Bureau of Naval Affairs since 15 January, 1938) must have known of this battleship. Although Japan was not a party to the 1936 naval treaty, the construction of this

(Chronological Summary of Evidence Introduced by the Prosecution Pertaining to the accused OKA, Contd)

battleship in secret after refusing to give assurances (see letter from HIROTA to Grew dated 12 February, 1938) is evidence of Japan's aggressive intentions.

30 April, 1938 - Record p. 753 - OKA was appointed as supporter to the Organizing Committee of the North China Development Co. Ltd. and the Central China Development Co. Ltd. (Exhibit 120). He was released from this appointment on 8 November, 1938. (Exhibit 120, Record p. 753)

30 April, 1938 - Record p. 5251. An excerpt from the Tokyo Gazette for August, 1938, describes the Law concerning the North China Development Co. Ltd. and the Law concerning the Central China Development Co. Ltd. which were promulgated on 30 April, 1938. The two companies were formed to accelerate economic development in North and Central China. The North China Co. was capitalized at 350,000,000 yen of which half was subscribed by the Government. The Central China Co. was capitalized at 100,000,000 yen of which the Government subscribed one-half.

(Chronological Summary of Evidence Introduced by the Prosecution Pertaining to the Accused OKA, Contd)

(Exhibit 459) - As a supporter of the Organizing Committee, OKA must bear his share of responsibility for this attempt at economic exploitation.

18 May, 1938 - OKA was appointed secretary of the committee appraising properties invested by the government of the North China and Central China Development Companies. (Exhibit 120, p. 6) He was released from this appointment on 23 October, 1939. (Exhibit 120, Record p. 754)

3 November, 1938 - Record p. 5,253 - An excerpt from the Tokyo Gazette for December, 1938, sets forth a radio address by Prime Minister KONOYE on 3 November, 1938, in which he stated that the responsibility of all Japanese as subjects of the Emperor was "to construct a new order on a moral basis - a free union of all the nations of East Asia * * * *". (Exhibit 460-A, Record p. 5,257) In the same document is contained a Statement of the Japanese Government concerning the Future of East Asia dated 3 November, 1938, in which it is stated that "What Japan seeks is the establishment of a new order which will insure the permanent stability of East Asia". (Exhibit 460-A) As Chief of the No. 1 Section, Bureau of Naval Affairs and Secretary of the Bureau of Manchurian Affairs, OKA must share in the responsibility for the China Affair.

December, 1938 - Record p. 5,258 - An excerpt from the Tokyo Gazette for December, 1938, sets forth The Programme For Economic Development of China, Board of Planning, Part I. (Exhibit 460-A) The Programme for Economic Development of China, Board of Planning, Part II, is set forth in an excerpt from the Tokyo Gazette for January, 1939. (Exhibit 461-A, Record p. 5,267)

15 November, 1939 - Record p. 755 - On this date OKA was appointed Rear Admiral. (Exhibit 120)

29 April, 1940 - OKA was decorated with the 4th Class Order of the Golden Kite and the 2nd Class Order of the Sacred Treasure for meritorious services in the China Incident. (Exhibit 120, p. 9)

26 July, 1940 - Record p. 6,271 - The Second KONOYE Cabinet defined Japan's basic national policy according to which Japan was to secure "an unshakable national structure such as conforms to the new world situation" and to realize this policy Japan must "mobilize the total strength of the nation". (Exhibit 541) Although not a member of the Cabinet, by remaining in office as Chief of No. 1 Section, Bureau of Naval Affairs and subsequently on 15 October, 1940, accepting the position of Chief of the Bureau of Naval Affairs, OKA must be held to have adopted the policy which the Konoye Cabinet was pledged to carry out.

1 August, 1940 - Record p. 6,886 - On this date MATSUOKA issued an ultimatum to the French Ambassador in Tokyo in regard to passage of troops through the province of Tongking, the use of air fields in Tongking and the stationing of troops and provision for the transportation of arms and ammunition. The ultimatum said that if no immediate answer was received, Japan would use force. (Exhibit 620). By remaining in office as Chief of No. 1 Section, Bureau of Naval Affairs, and by subsequently (15 October, 1940) accepting the position of Chief of the Naval Affairs Bureau, OKA must be held to have adopted the program initiated by MATSUOKA.

(Chronological Summary of Evidence Introduced by the Prosecution Pertaining to the Accused OKA, Contd.)

16 September, 1940 - Record p. 6,345 - A Privy Council meeting was held on this date at which two questions were asked of the Privy Council: (1) "Is not there any danger of extreme intensity of economic pressure by the United States upon Japan, as result of the conclusion of Tri-Partite Pact? What would be our counter-measure in such a case?" (2) "What preparation have you to deal with, should the worst case (the commencement of war against U. S. A.) happen?" It was replied that Japan should be ready for that case and should take precautions to strengthen her international position by the conclusion of the Pact; she shall also take diplomatic, economic and military measures for the purpose of procuring natural resources from the South Seas, and other places which had been procured from the U. S. (Exhibit 551) The Navy Minister was represented at this meeting. OKA was not a member of the Privy Council, but by remaining in office as Chief of No. 1 Section, Bureau of Naval Affairs, and subsequently by accepting the position of Chief of the Bureau of Naval Affairs, he must be held to have adopted the policy laid down by the Privy Council.

19 September, 1940 - Record p. 6307 - On this date the Liaison Conference decided to strengthen the Japan-Germany-Italy Axis and to negotiate for closer economic and military cooperation. Concerning the possible use of armed force against the U. S. and England, it was decided to act independently in accordance with the following principles: -

"(1) In the event that the China Incident has nearly been settled, Japan will use armed force by taking as favorable an opportunity as may be afforded by the situation prevailing at home and abroad.

(2) In the event that the China Incident has not yet been settled, it will be Japan's guiding principle to take action within limits short of war. If, however, domestic and foreign conditions take a decidedly favorable turn, or if it is deemed that, irrespective of whether our preparations are complete or not, the development of the international situation permits of no further delay, Japan will resort to armed force.

(3) The 'domestic and foreign conditions' signify the European situation, especially the state of adjustment of our relations with the Soviet Union, the United States' attitude toward us, our preparations for war, and so forth, as well as the state of disposal of the China Incident." (Exhibit 541)

OKA did not attend the Liaison Conferences until after 15 October, 1940, when he became Chief of the Bureau of Naval Affairs. However, by accepting such position he adopted the policy which the second KONOYE Cabinet was pledged to carry out.

22 September, 1940 - Record p. 6933. On this date the Japanese Army started the attack on the Tongking border constituting the first act of military aggression by Japan against French Indo-China. On the same date, French Indo-China yielded to force and agreed to the Japanese terms. (Exhibit 620) By remaining in office as Chief of No. 1 Section, Bureau of Naval Affairs and by subsequently (15 October 1940) accepting the position of Chief of the Bureau of Naval Affairs, OKA must be held to have approved the policy of aggression against French Indo-China.