

2014 referred to in 206 H

under facts referred to in YAMAMOTO

Affidavit 2014

2915

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI Sadao, et al

- Defendants -

A F F I D A V I T

YAMAMOTO KUMAICHI

Having first duly sworn an oath as on the attached sheet, in accordance with the procedure prevailing in my country, I hereby depose as follows:

1. I have served in the Japanese Foreign Ministry since March 1920. I was appointed Director of the Bureau of East Asiatic Affairs of that ministry on 2 September 1940, and was appointed concurrently Director of the Bureau of American Affairs on 28 October 1941. On 18 September 1942 I became Vice-Minister of Foreign Affairs, and held these three offices concurrently until on 1 November 1942 I was appointed Vice-Minister for Greater East Asia.

As Director of the Bureau of East Asiatic Affairs, I often attended, during the third Konee Ministry, the Liaison Conferences between the government and the High Command; on these occasions it was my function, as the Foreign Ministry official concerned with China problems, to make explanation when such problems came before the Liaison Conference for discussion. After the formation of the Tōjō Cabinet, as Director of the two Bureaus of East Asiatic and American Affairs, I always attended the Liaison Conferences, giving explanation concerning various questions involved in the Japanese-American negotiations. Since all important points of policy in connection with the negotiations were decided in the Liaison Conference--most of the diplomatic telegrams, including all important ones, being sent to the Army and Navy Ministries and General Staffs--since the Foreign Minister, especially after the formation of the Tōjō ministry, consulted me frequently on the subjects involved in the negotiations: since the meetings with the military bureau directors concerned with the negotiations were always held by me; and since our telegrams of instruction to the Washington Embassy were usually drafted by the Bureau of American Affairs in conformity with the decisions of the Liaison Conference and the instructions of the Foreign Minister, I was thoroughly familiar, especially after the formation of the Tōjō Cabinet, with the details of the Japanese-American negotiations. I thus make the following statement upon the basis of personal knowledge, of matters which I officially managed or which were told to me directly in the course of my official business.

Attitude of the Tōjō Cabinet toward the Japanese-American Negotiations

2. In October 1941 I was told by Foreign Minister Toyoda that War Minister Tōjō had upon the demand of the High Command made a strong request to Premier Konee and the Foreign Minister to present by the 15th or thereabouts their opinions on the pending problems of the Japanese-American negotiations, and especially on the question of the stationing of Japanese troops in China. I was ordered by the Foreign Minister to draft his opinion for this purpose, and I accordingly took considerable pains in drawing up the "Opinion of the Foreign Minister Concerning the Japanese-American Negotiations",

Defense Document No. 1891. I was later told by Foreign Minister Toyoda that this document had been presented to the Premier and the War Minister.

On 16 October the Kono Cabinet resigned, and on the 18th the Tōjō Cabinet was formed, with Mr. Tōgō becoming Foreign Minister. Mr. Tōgō told me at the time that, when offered the Foreign portfolio by General Tōjō, he had rejected it on the ground that, so long as the Army clung to its old attitude, especially on the question of stationing troops in China, the successful conclusion of the Japanese-American negotiations was hopeless, and it would be meaningless for him to become Foreign Minister. After exchange of opinions, however, he said, he had at last accepted the offer upon General Tōjō's promise that his cabinet would, in obedience to the Imperial command (Exhibit 1154), strive for successful conclusion of the negotiations by undertaking reconsideration of the various unsettled questions, including that of the stationing of troops, without being bound by the Imperial Conference decision of 6 September, and Ambassador Nomura in Washington was accordingly notified that negotiations would continue (Defense Document No. 1401-Y-1). This intention of the new government was confirmed by Premier Tōjō, who in the opening address at the first meeting of the Liaison Conference after the formation of his ministry said that the policy of the new cabinet would be to reconsider the problem without being bound by the decision of 6 September, and asked the agreement thereto of the representatives of the High Command, which was given.

Liaison Conferences to the Imperial Conference of 5 November

3. Thereafter, Liaison Conferences were held almost daily from around 23 October to early November. Debates over the Japanese-American negotiations and the question of peace or war occupied these meetings, much difference of opinion and thorough discussion occurring. Foreign Minister Tōgō always insisted that it was necessary to succeed in the negotiations; the contention of the High Command, voiced by the Chief of the Army General Staff ~~was~~ was that concessions concerning the stationing of troops in China must absolutely not be made, and that there being almost no room left us for concession from the decision of 6 September we should in the circumstances even accept the opening of hostilities at that time. The Foreign Minister vigorously rejected this contention; and I remember that Premier Tōjō reproved the Vice-Chief of the Army General Staff, and repeated his words to the opening Conference, mentioned above, to the effect that reconsideration would be given by the Liaison Conference, without being bound by the decision of 6 September.

4. At the almost daily Liaison Conference meetings held from 23 October into early November study was given to the situation in the light of conditions in Japan and abroad, and the national policy to be adopted was discussed. The subjects discussed are those mentioned in Exhibit 1,328 herein. As the result of those discussions and studies, substantially the following conclusions were reached at the meeting of 1-2 November:

- a) to work for the successful conclusion of the Japanese-American negotiations, specifically on the basis of Proposals "A" and "B", referred to in detail hereafter;
- b) to make a decision for war against America for self-preservation and self-defense, should the negotiations fail in spite of the diplomatic efforts mentioned above;
- c) to make efforts to complete preparation for military operations, in view of these conditions, against eventualities; provided, however, that such preparations would be stopped immediately if a settlement were reached through Japanese-American negotiations.

In short, it was intended to make the utmost possible concessions in order to adjust relations between Japan and America with a view to maintaining peace in the Pacific, but at the same time to make preparation for military operations in self-defense, in view of the conditions--exhaustion of Japanese resources and encirclement of Japan, military and economic, by other powers.

5. Before the reaching of the conclusion above mentioned, there had been various discussions and debates in the meetings of the Conference. The General Staff had maintained the position which they had adopted theretofore, that there was no hope of a successful conclusion of the Japanese-American negotiations, and insisted that, since they believed war to be inevitable, it was necessary to commence it during November. In support of their argument, they pointed out that in July President Roosevelt had told Ambassador Nomura that he had refrained from placing an embargo on petroleum shipment to Japan, in spite of strong public opinion supporting such action, on the ground that it would not make for maintaining the peace of the Pacific, but that now he had lost his ground for that argument; thus revealing his intention of subjugating Japan by imposition of the embargo even at the risk of war in the Pacific. Further, they argued, America had never made concessions or shown a conciliatory attitude in the negotiations. Against this opinion, the Foreign Minister contended earnestly that it was necessary to exert the utmost efforts for conclusion of the negotiations in order to achieve a peaceful settlement, and at last was able to persuade the Conference to adopt the decision to continue the negotiations. His urging of the reconsideration of the conditions contained in the decision of 6 September, including the question of the stationing of troops--most difficult of all the difficult problems--resulted in the decision to present Proposals "A" and "B", which were considered by the Liaison Conference to represent the utmost possible concessions which could be made. I shall now explain in detail concerning these two proposals.

6. The important pending questions in the Japanese-American negotiations were the stationing of Japanese troops in China, the application to China of the principle of commercial non-discrimination, and the Tripartite Pact question, as well as questions arising from the entry of Japanese troops into Southern French Indo-China. Of these, it was considered in Japan, in the light of the telegrams received from Ambassador Nomura, that the American Government understood the intention of Japan in regard to the questions of the Tripartite Pact and non-discrimination in commerce, and that these could accordingly be settled on that basis (Defense Document No. 1400-Z-6). It was for this reason that, in the "Opinion of the Foreign Minister", Defense Document No. 1891, the belief was advanced that mitigation of the Japanese stand on the question of the stationing of troops would suffice for the success of the negotiations. While it is true that in several points the new proposals followed the formula theretofore adopted, those formulas were those on which it was considered that agreement had already been reached. To all questions on which, as we understood, America maintained its objections, the Liaison Conference gave the most careful consideration, and the proposals which were adopted represented the maximum agreement which could be obtained for making concessions on those points.

7. In regard to the problem of the stationing of troops in China, the Japanese proposal of 25 September (Exhibit 1245-E) stipulated that "the stationing of Japanese troops and naval forces in certain areas in the Chinese territory would be maintained for a necessary period in accordance with the existing agreement and usages, for the cooperation between Japan and China for the purposes of preventing Communistic and other subversive activities and of maintaining the public order." This was the position which Japan had main-

tained since the opening of the negotiations; while America had objected to the stationing of troops in China for an unlimited period, and insisted on their withdrawal within a definitely limited time. This point had, therefore, been the most difficult of the problems, and this decision taken and embodied in Proposal "A" in the time of the Tōjō cabinet was the first time that it had been made clear that the stationing was not to be for an unlimited period. It was further decided that if America asked how long the period would be, reply would be given to the effect that the approximate goal was 25 years. The settlement of this problem had caused great difficulties to the Liaison Conference and it was this problem which had brought about the downfall of the third Kono Cabinet (Defense Document No. 1401-W-1). It was for this reason that Mr. Tōgō had requested and obtained assurance on this point (as well as other points of the 6 September decision) before accepting the portfolio of Foreign Affairs. But in the Liaison Conference, the Army General Staff especially strongly opposed a limitation on the period of stationing troops on the grounds that if a limitation were imposed the fruits of the China Incident would be lost, the feeling of defeat would spread over the nation, and the morale of the Army would be lowered. The Foreign Minister insisted, on the contrary, that the negotiations would undoubtedly fail unless the period was limited; and after hot discussions the General Staff at last came to agree to the decision.

The plan adopted further made it clear that the area in which troops would be stationed would be certain areas of North China and Inner Mongolia, and Hainan Island. According to the provisions of the Treaty of Basic Relations between China and Japan (Exhibit 1245-F), which had been mentioned in the original proposal of 12 May (Exhibit 1070), Japan had the right to station troops in the Shanghai triangular zone, at Amoy and in some other areas in addition to those enumerated in Proposal "A", and this right had been strongly defended until the time of the Tōjō Cabinet and was still strongly insisted on by some at this time. As a result of the Conference deliberations, however, it was decided to make the concession of restricting the areas, to those mentioned.

8. On the question of the application of the principle of non-discrimination in trade, the draft of 25 September had provided that "economic cooperation between Japan and China will be carried on by peaceful means and in conformity with the principle of non-discrimination in the international commercial relations and also with the principle of especially close relationship which is natural between neighboring countries; and that the economic activities of third Powers in China will not be excluded so long as they are pursued on an equitable basis." In Proposal "A", however, the Liaison Conference, in accordance with the participants' intention of making concessions so far as possible, had included the provision that "The Japanese Government recognizes the principle of non-discrimination in international commercial relations to be applied to all the Pacific areas, inclusive of China, on the understanding that the principle in question is to be applied uniformly to the rest of the entire world as well." The Liaison Conference intended thus not only abandonment of the condition of propinquity, to which America had taken exception, but also to adopt the American extension of the non-discriminatory principle to the whole Pacific area.

9. As to French Indo-China, Proposal "A" provided that "The Japanese Government undertakes to guarantee the territorial sovereignty of French Indo-China. The Japanese forces at present stationed there will be withdrawn as soon as the China Affair is settled or an equitable peace is established in East Asia." The meaning of the phrase, "an equitable peace in East Asia", as used here is explained in the earlier telegram of Foreign Minister Toyoda to Ambassador Nomura, 28 August, Defense Document No. 1401-H-3. The Liaison Conference discussions and decision of this point were on the basis of this meaning of the phrase.

In general, Proposal "A" was formulated by study and consideration of the negotiations from the time of the Japanese proposal of 25 September, and with a view to making on the unsettled questions the utmost concessions to the American position which could be agreed upon by all.

10. In addition to Proposal "A", Proposal "B" was prepared also, for use in the event that no favorable prospect developed from presentation of Proposal "A" (it being realized that settlement of all outstanding problems at a stroke might be difficult). The main purpose of Proposal "B" was to restore conditions to what they had been before the critical situation brought about by the Japanese advance into Southern Indo-China, as a modus vivendi until a basis for final settlement of the various issues could be reached. Thus it was decided to propose withdrawal to the north of all troops stationed in Southern Indo-China, as well as withdrawal of all troops stationed in Indo-China upon establishment of an equitable peace in the Pacific area. It was decided also that, if necessary, the stipulations of Proposal "A" on non-discrimination in commerce, as well as on the interpretation and obligations of the Tripartite Pact, might be included in Proposal "B". To arrive at an agreement to make such concessions in spite of the many questions left unsettled for future negotiations was a difficult matter, and there were strong objections from the Army General Staff, by whom it was considered an extreme concession on the part of Japan, the retreat from Southern Indo-China especially being very hard for them to accept.

11. The Liaison Conference discussed also the policy to be adopted in case the United States would not accept either Proposal "A" or "B", despite the concessions which they were believed to represent. Before reaching the final decision that in that case war would have to be waged in self-defense, the Liaison Conference had hot discussions. The Foreign Minister, insisting on the necessity of preserving peace, strongly urged patience even in hardship and privation, pointing out the great productive capacity of America and Britain and the indomitable and inflexible spirit of their nationals, and the impossibility of Japan's receiving assistance from Germany or Italy. He repeatedly expressed the fear that once war broke out it would necessarily be a prolonged one, and one that would result disastrously for Japan, and insisted that Japan should manage herself with patience at least until American participation in the European war. This opinion met with strong opposition from the High Command. It was argued that, since the imposition of freezing measures by the United States, Britain and the Netherlands, Japan's vital resources were subject to gradual depletion, and that if that condition continued, with no means of replenishing her resources, the materials necessary for war would be gradually exhausted and Japan would collapse militarily and economically. In the case of petroleum especially, great concern was manifested, it being concluded that the stock available for civilian use would be exhausted by June or July of 1942, however strictly rationing might be imposed; and that the stock 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, in less than a year and a half. It was stressed that in view of the rapid increase of military preparations by America, Britain and the Netherlands, and the condition of Japan, the probability of being subjected to pressure by America and Britain in the event of failure of negotiations was growing, and if conditions remained unchanged Japan would no longer have power to resist. Further, it was argued, we should conclude, if America refused to pay favorable consideration to our proposals despite our great concessions, that she was already resolved upon war against us. As a result of these arguments, the opinion that we should continue negotiations with the determination to fight America in self-defense if negotiations failed prevailed in the Liaison Conference in early November, resulting in the conclusions before mentioned.

Prior to the agreement on this conclusion, Ministers Kaya and Tōgō reserved expression of their final opinions, requesting a day's time for further consideration before agreeing. Foreign Minister Tōgō told me a day or two later that, believing that war should be avoided to the last, before agreeing to the conclusion he had made some requests of Premier Tōjō: especially to make every effort for the success of the negotiations, and to consider moderating as necessary the terms of Proposals "A" and "B", if the United States' attitude toward them was in general favorable. He had, he told me, got the consent of the Premier, and he therefore encouraged me to make still further efforts for the success of the negotiations. The Foreign Minister further proposed in the Liaison Conference that in case of a settlement through the negotiations the Army and Navy forces should be restored to their former condition; however much military preparations had progressed; and to this the High Command fully agreed.

The Negotiations, 5-20 November

12. The dispatch of Ambassador Kurusu to Washington was first requested by Ambassador Nomura on 4 August (Defense Document No. 1401-E-1). The matter was being considered by Foreign Minister Toyoda when the Kono Cabinet resigned (Defense Document 1400-W-6), and after assuming office, Foreign Minister Tōgō told me that he considered that sending Ambassador Kurusu--who shared his opinion of the necessity of adjusting Japanese-American relations, and who had a good knowledge of America--to assist Ambassador Nomura would be helpful for expediting the negotiations. Therefore on the night of 3 November, following the Liaison Conference's agreement on Proposals "A" and "B", the Foreign Minister had Ambassador Kurusu call on him, stated the nature of the proposed mission, and obtained his consent to undertaking it. The following day I went over the course of the negotiations in detail with Ambassador Kurusu, and, the Foreign Minister securing the Premier's approval of and the Imperial sanction for the mission, the ambassador was sent off by Clipper, thanks to special arrangements made by the American Ambassador and the American State Department.

The dispatch of Ambassador Kurusu was carried out solely as one more effort offering an additional chance to succeed in the earnestly-desired conclusion of the negotiations, as was explained to Ambassador Nomura at the time (Defense Document No. 1401-E-2). The suggestion has since been made that it was intended as a measure to gain time by deceiving the United States; but, as I have already indicated above, the difficulty in the Liaison Conference from long before had been to persuade the High Command to agree to enough delay to give negotiation full opportunity, their position being that there was neither necessity nor desirability of delaying the opening of hostilities, but that it would be advantageous to commence them at once.

13. The proposals decided upon by the Liaison Conference on 2 November were sent to Ambassador Nomura on the 4th, prior to their approval by the Imperial Conference on the 5th (Defense Documents Nos. 1401-A-2 and 1401-B-2). As soon as they had been approved, instruction to open negotiations on these proposals was sent (Defense Document No. 1401-D-2). It may be noted that in the explanation of Proposal "A" given to Ambassador Nomura (Defense Document No. 1401-B-2), it is said that if "a definite period for which it will be necessary to station the troops is clearly indicated, it may have the contrary effect of further complicating the issue", and the ambassador was accordingly directed if possible to abide by the abstract term "necessary duration", and to impress upon the United States that neither permanent nor indefinite stationing was contemplated. This instruction resulted from the following cir-

cumstances. When the question of withdrawal of troops was debated in the Liaison Conference, the Foreign Minister had first advocated the adoption of a 5-year limit for the withdrawal. Being unable to obtain the consent of the conference to this, he proposed successively plans for 8- and 10-year periods, but neither of them was accepted either, and the 25-year approximate goal was finally decided upon. It would have been possible, however, to request reconsideration with a view to shortening the period, had the United States been generally favorable to Proposal "A", inasmuch as there was, as above mentioned, an understanding to that effect between Premier Tōjō and Foreign Minister Tōgō. In these circumstances it was believed by the Foreign Ministry that it would be better first to attempt to reach agreement on general principles, putting emphasis on having the United States understand that the stationing of troops was not to be an indefinite nor a permanent stationing, then to proceed to discussion of concrete terms.

14. Proposal "A" was handed by Ambassador Nomura to Secretary of State Hull on 7 November (Exhibit 1,246), and further explanation thereof was made by him to the President on the 10th (Defense Document No. 1400-A-7). Foreign Minister Tōgō also made an explanation to Ambassador Grew, on the same day, in the endeavor to insure a thorough understanding of the proposal (Defense Document No. 1400-Z-6). In the Foreign Ministry and the Liaison Conference, it was felt that in view of the concessions made upon careful study of the American position on pending questions the United States would give favorable consideration to the proposal. Ambassador Nomura's reports at first indicated that this result had come about (Defense Documents Nos. 1401-F-2 and 1401-E-2). Not only were Secretary Hull's concurrence in the clause respecting non-discrimination in trade and his expression of appreciation of our clarification of our position on stationing of troops in China encouraging, but his new suggestion of having China's highest authority pledge friendship seemed to offer additional prospects of a solution. It was thus thought that the situation was taking a favorable turn, and with regard to the China question Ambassador Nomura was instructed that Japan welcomed Secretary Hull's suggestion and was ready to carry it out by negotiating with Chiang Kai-shek (Defense Documents No. 1401-G-2, 1401-J-2 and 14-1-K-2). Ambassador Nomura's report that Secretary Hull said that it would be possible to have Britain and the Netherlands sign an agreement simultaneously with the United States was further encouraging for the prospects of agreement based on Proposal "A". On the other hand, reports received from him of the President's attitude and of an Anglo-American agreement for military collaboration had aroused some misgivings (Defense Document No. 1401-H-2). The ambassador's report of his meeting with Secretary Hull on the 15th moreover, showing that the Secretary raised various objections to Japan's proposals and further said that it would be impossible, despite his former statement, to arrange quickly to have the other interested countries join an agreement, gave rise to doubts among circles concerned in Japan of the sincerity of the United States for the negotiations (Defense Document 1401-J-3).

15. Mr. Ballantine, I understand, testified in this Tribunal that, knowing the true intentions of Japan through interception and reading of our diplomatic correspondence, the United States Government had reason to suspect Japanese sincerity and accordingly did not seriously consider the Japanese proposals. I have therefore read some of these intercepted telegrams--such as Exhibits 1164, 1165, 1170 and others--and was astonished to find in them such important errors as often change the meaning entirely, as compared with the original telegrams of the Foreign Ministry composed under my direction and revised and approved by me before being sent. In Exhibit 1165, for example, the whole tone of the intercepted message is different



from that of the message actually sent and, according to the ambassador's report, complied with by him.

In the intercepted Proposal "A" itself, for example, there is reference to "our revised ultimatum", while the Foreign Ministry telegram shows clearly that this was not an absolutely final proposal (never, in fact, was the ambassador instructed by the Foreign Ministry to present or mention an "ultimatum" to the United States). In section (2) the formal undertaking offered by Japan concerning the legal interpretation of the Tripartite Pact obligations is replaced in the intercepted version by a mere expression of desire on a different matter. Omitting mention of other such points, I may add that I was particularly struck by the discrepancy in section (3)(B), the last sentence of which in the intercepted message becomes a separate section (4) which if it had existed in the original message should well have cast doubt on Japanese sincerity. The reference intended in the actual telegram was, of course, to the four principles so frequently mentioned by the United States during the course of the negotiations, as for example in the Oral Statements of 2 October (Exhibit 1245-G). With regard to these principles, Premier Prince Kono had expressed to Ambassador Grew his concurrence in principle, but it had been the Japanese position throughout the negotiations that, taking into account the actual situation in East Asia, the final agreement to be reached should mention their specific applications as agreed upon rather than generalities.

Finally, in section (3) of the "Explanation" of the intercepted version there is language evidencing an intention to trick the United States by forms of words, on the question of withdrawal and stationing of troops. Actually, the intention of the Liaison Conference and of the Foreign Ministry, which was embodied in this telegram was, as above explained, to make sincerely the maximum possible concession on this very difficult point.

16. During this period additional attempted concessions were offered in the effort to meet the American position. The American Government having, in its Oral Statement of 12 November (Defense Document No. 1400-B-7), requested confirmation of the Japanese position on a number of points communicated to the President in August, the Foreign Ministry on 16 November confirmed that the present cabinet adhered to the same position (Defense Documents Nos. 1401-O-2 and 1400-C-7). Japan further agreed, at the American request, to the deletion from the proposal of 25 September of the restriction of the question of political stabilization to the Southwestern Pacific area (Defense Documents Nos. 1401-P-2 and 1401-D-7). Upon the American request, it was made clear that the great majority of the Japanese troops would be withdrawn from China upon the reaching of an agreement (Defense Document No. 1400-F-7). The American attitude nevertheless continued lukewarm; Ambassador Kuru joined the negotiations from 17 November, but despite his efforts the negotiations showed no progress and the situation did not improve. In these circumstances, the Foreign Minister reported to the Liaison Conference that there was no prospect of American acceptance of Proposal "A", and the presentation of Proposal "B" was authorized. Ambassador Nomura was accordingly directed to present it, which was done on the 20th.

#### The Negotiations, 20-26 November

17. Proposal "B" has already been fully explained above. It having been formulated, after much discussion, with a view to making the greatest possible concessions, we expected it to be favorably entertained by the United States, in the light of a modus vivendi to promote a more favorable atmosphere in which negotiations could be carried on, as was explained to Secretary Hull on the 20th (Defense Document No. 1401-R-2). We understood that on the 17th

President Roosevelt had said to Ambassadors Nomura and Kurusu that he did not propose to intervene between Japan and China, but merely to act as an introducer (Defense Document No. 1401-Q-2). On the 21st Secretary Hull, referring to Ambassador Kurusu's earlier suggestion of disposing of the Tripartite Pact question by conclusion of an important Japanese-American agreement which would outshine it, showed sympathy with it, and indicated also that he considered it natural that Japan should have the leadership of East Asia and that he was ready to understand the idea of the Greater East Asia Co-prosperity Sphere (Defense Document No. 1401-S-2). On the basis of these and other reports from Washington, the Japanese government offices concerned were hopeful of success in the negotiations. The possibility of success being foreseen, instructions were sent to the Embassy relative to the quantity of oil which would be required to implement an agreement under proposal "B" (Defense Document No. 1401-W-2).

Reports from the Washington Embassy indicated, however, that Secretary Hull had suddenly changed his attitude. Further clarifications of the Tripartite Pact question offered by Ambassador Kurusu found the Secretary uninterested (Defense Documents Nos. 1400-F-7 and 1400-G-7). The ambassadors reported that he had declared that withdrawal of Japanese forces from Southern Indo-China was of no help, and that the time was not ripe for the so-called introduction by the President between Japan and China (Defense Document No. 1401-T-2). The China problem was, as always, the object of thought and effort in Tokyo (Defense Document No. 1401-U-2). We also learned shortly thereafter that the United States was holding consultations with the British, Australian, Chinese and Dutch Governments (Defense Document No. 1401-V-2). Thus while still hopeful of an agreement, we felt that the situation was turning for the worse. On 27 November we were informed by Ambassador Nomura of the note which Secretary Hull had handed to him on the 26th (Defense Document No. 1401-X-2). This note (Exhibit 1245-I) was a great disappointment to the Japanese Government; the view of all concerned was that its acceptance would involve Japan's falling to a lower international position than in the days before the Manchurian Incident, and that its very existence would be endangered. Other incidents confirmed our opinion that the United States had by that time become determined on war with Japan; Ambassador Nomura's report, for example, that, abandoning the policy of both Governments since the beginning of the negotiations, the United States had made public on the 26th the details of the negotiations and of its latest proposal (Defense Document No. 1401-A-3).

#### Meetings of the Liaison Conference after 5 November

18. The meetings of the Liaison Conference after the Imperial Conference of 5 November considered questions in connection with the Japanese-American negotiations, but also considered the measures to be taken in the unfortunate eventuality of the negotiations' failing, and Japan's being forced to resort to arms to preserve its own existence. Matters concerning military operations, however, were kept absolutely secret and were never once brought up for discussion in the Liaison Conference. Although various documents (Exhibits 1175, 1169) relating to war were drawn up by the Liaison Conference, these 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; that diplomatic efforts were to remain of first importance was the assumption upon which the documents were drawn.

The Foreign Minister on 5 November instructed Ambassador Nomura to bend every effort to concluding an agreement with the United States by the 25th (Exhibit 1171), and again on the 22d told him that Japan could wait if agreement could be reached within a few days further (Exhibit 1183), but that otherwise the situation

would have to be left to develop automatically. The circumstances in Japan were increasingly pressing the government to reach a settlement quickly, and there was much expression of criticism that the representatives in Washington, not realizing the serious state of affairs, were too easy-going. The Foreign Minister for this reason attempted to spur on the ambassadors. While the government was making desperate efforts to conclude the negotiations, the military authorities considered that from the point of view of their responsibility for national defense it was disadvantageous to delay the opening of hostilities if war was to be inevitable, and urgently demanded to know whether there was any possibility of successful conclusion of the negotiations. Those negotiations had been in progress for nearly eight months and, it was urged, the views of both sides were well known to each other, and it could not require long to ascertain whether there was a prospect of agreement. Hence the necessity for the instructions to the ambassadors setting dates for conclusion; there was no suggestion in Japan that war would be commenced without further deliberations.

#### The Negotiations after 26 November

19. Upon receipt of the note of the American Government of 26 November, it was felt generally in Japan by those conversant with the matter, including the attendants at the Liaison Conference, to be clear that hope of bringing the Japanese-American negotiations to a successful issue through either a complete agreement or a modus vivendi were almost lost. Nevertheless, with the design of leaving unexplored no possibility for maintenance of the peace of the Pacific, the Foreign Minister sent additional messages urging the ambassadors to attempt to obtain reconsideration by the United States, the only course remaining open (Exhibits 1193, 1194 and 1195, Defense Document 1401-D-3). The commencement of war is decided only by an Imperial Conference; and before that decision was made on 1 December the ambassadors were cautioned not to give the impression that negotiations were closed for the reason that there was still no definite determination for war, although it was considered that rupture of the negotiations was inevitable, in the light of the American attitude, unless reconsideration could be obtained. Even thereafter, in accordance with the decision, military operations were still to be stopped if the negotiations succeeded (Exhibit 109).

On 26 November there was received from Ambassadors Nomura and Kurosu a telegram (Exhibit 229) suggesting as their opinion that the relations between the two countries could be improved by an exchange of delegations between the President and the Emperor, the exchange to be followed by a proposal from Japan for establishment of a neutralized area. The ambassadors requested that the Foreign Minister consult concerning their suggestion with the Lord Keeper of the Privy Seal, and give them a prompt answer. Foreign Minister Tōgō did consult not only with Lord Keeper Kido, but also with Premier Tōjō, and instructed me to convey to the ambassadors the result, that all three of them considered the project to offer no hope of settlement in the circumstances of the time, and that it would therefore be improper to adopt it. This information was conveyed to the ambassadors (Exhibit 1193). It should, however, be noted that although the ambassadors had sent their suggestion on 6 November, before receipt of the United States note of that date, Foreign Minister Tōgō had, before his consultation with the Premier and the Lord Keeper, received from the ambassadors an outline of the American note, from which it appeared that successful conclusion of the negotiations had become almost impossible, and that such a scheme as that proposed by the ambassadors would be unavailing (Defense Document No. 1401-I-3).

20. The Ambassadors at Washington had sent frequent telegrams to the Foreign Ministry pointing out the harmful effect upon the Japanese-American negotiations of anti-American articles in Japanese newspapers, and Foreign Minister Tōgō was concerned over it. He accordingly endeavored to prevent the appearance of such injurious publications, hoping thereby to further the negotiations. The instance of such control appearing in the Foreign Minister's telegram of 1 December (Exhibit 1208) was by no means the first; much earlier, for example, Ambassador Grew had complained of the Japan Times as being particularly offensive, and the Foreign Minister had taken prompt and drastic measures against it (Defense Document No. 206-H).

#### The Notification Closing Negotiations

21. The commencement of hostilities was decided upon on 1 December, through an extraordinary Cabinet meeting in the morning and an Imperial Conference in the afternoon (Exhibit 588). At the Imperial Conference, explanations were given by the Premier and the Foreign Minister of the circumstances, those explanations being respectively Defense Documents 1886 and 1892. With respect, however, to the date of and the procedure for commencement of hostilities, there was no discussion or decision on that day.

The question of the procedure for opening hostilities first came up for discussion at the Liaison Conference of the following day, 2 December. On that occasion Admiral Itō, Vice-Chief of the Naval General Staff, urged that negotiations be left uninterminated until the belligerent operations actually commenced, it being absolutely necessary to deliver a blow to the United States at the very beginning of the war by a surprise attack. The Foreign Minister, however, opposed this, saying that the government must follow the usual procedure and formalities for opening hostilities. Discussion followed, and the Foreign Minister finally said that it was essential that at the least a notification of termination of the negotiations be given prior to the initiation of hostilities. He referred, in this connection, to the telegram from Ambassador Nomura to the same effect (Defense Document No. 1401-X-2). The conference adjourned on that day without arriving at any conclusion.

It was at the Liaison Conference of 3 December that the result of further discussions was embodied in a decision concerning the procedure for opening war, the decision being that a notification closing the negotiations would be given at Washington. I had drafted the notification in accordance with the decisions of various Liaison Conferences; my draft had been submitted to the Army and Navy Ministries, who made some suggestions and changes, and it was then brought to the Liaison Conference of 4 December and copies submitted to the participants, and in its final form was approved by the Conference (Exhibit 1245-K). The Foreign Minister told me later that he had also reported the gist of it to the Cabinet meeting of 5 December. 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 co-operation with the American Government has finally been lost. The Japanese Government regrets to have to notify the American Government that in view of the attitude of the American Government it cannot but consider that it is impossible to reach an agreement through further negotiations."

22. At the Liaison Conference of 6 December the time for delivery of the notification to the American Government was fixed. It was reported by the Foreign Minister that the decision was to deliver the notification 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 concerned with military operations knew when or where operations would commence; no one of the Foreign Ministry knew, or knew that the fleet had sailed from Hitokappu Bay on 26 November and was approaching Hawaii, or was informed of any of the other strictly secret operational plans.

The Foreign Minister thereafter ordered me to send the text of the notification ahead of time, to insure its delivery at the time appointed, and we arranged most carefully that it should reach the embassy in Washington in ample time to be delivered to the American Government 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 the Navy officials concerned that the earliest time for dispatching the message was decided.

23. Japan did not notify Britain in advance of the commencement of hostilities. The Foreign Minister had long been solicitous over Anglo-Japanese relations, and had repeatedly attempted to induce the British Government to participate in the Washington negotiations. Ambassador Nomura had been directed to urge the United States to take necessary steps to have the British and Dutch Governments sign an agreement simultaneously with the United States (Defense Document No. 1401-C-2). The Foreign Minister had discussed the matter personally with Ambassador Grew, in Tokyo (Defense Document No. 1400-Z-6). He also requested Ambassador Craigie to have the British Government make a positive effort for the conclusion of the negotiations, informing him of the acute situation (Defense Document No. 1401-G-3). The British Ambassador, however, advised the Foreign Minister that his Government felt that it should entrust the negotiations to the United States Government for the time being (Exhibit 1174). Meanwhile, repeated telegrams of Ambassador Nomura reported that the United States Government was carrying on careful consultation, through their representatives in Washington, with the Governments of Britain, the Netherlands and China (Exhibit 1184, Defense Document No. 1401-V-2). At that time it was considered by the Japanese circles concerned that the British Government's attitude toward the Japanese-American negotiations--which had close connection with the important British interests in East Asia--was one of the proofs that America and Great Britain were adopting a united front against Japan in East Asia, as they were in respect also of the European war. It was also taken into consideration that Prime Minister Churchill had on 10 November already in effect committed Great Britain to going to war with Japan automatically upon an outbreak of hostilities between the United States and Japan (Defense Document No. 478-B). In such circumstances it was considered by the Liaison Conference that as a matter of course the Government of the United States would notify that of Great Britain immediately upon receipt of the notification of termination of negotiations, and that the delivery of a notice additionally to Great Britain was unnecessary.

#### Consular Reports of Shipping

24. Consuls stationed abroad had the duty of reporting, from time to time, such information concerning the politics, economy, finance, military affairs and other matters of interest pertaining to the places where they were stationed as they considered of interest to the Japanese Government. With respect to such affairs,

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other government offices frequently requested the use of the organization and facilities of the Foreign Ministry for investigations which they desired to conduct; when such requests were received, the Foreign Ministry dealt with them as routine business, instructions from the appropriate bureau or section going to the consuls to make the required investigations and report. These instructions, like all instructions to consuls, ministers and ambassadors, were always issued in the name of the Foreign Minister; but in actuality, not being Foreign Ministry business, they were never seen by the Foreign Minister, but were sent round to the Cable Section for dispatch with the approval of the chief of the appropriate bureau or section, or even at times of a competent secretary.

It was in accordance with this system, which had prevailed for many years, that at the request of the Navy in 1941 consular reports on merchant and naval shipping of the United States, the Netherlands and other nations were requested and obtained from consuls. This type of message went not only to Honolulu (Exhibits 1254, 1256-1264) and to Batavia (Exhibit 1330), but as well to Portland, Seattle, Vancouver, Panama, Manila and elsewhere. These reports were handled as routine, and naturally neither the requests nor the reports--which were transmitted direct to the naval officials who had asked for them--underwent inspection by the Foreign Minister.

O A T H

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

Yamamoto Kumaichi (seal)

.....

On this 11th day of August 1947

At Tokyo

DEPONENT Yamamoto Kumaichi (seal)

I, Nishi Haruhiko, hereby certify that the above statement was sworn to by the deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At Tokyo

Witness: Nishi Haruhiko (seal)

Translation Certificate

I, Nishi Haruhiko, of the Defense, hereby certify that I am conversant with the English and Japanese languages, and that the foregoing is, to the best of my knowledge and belief, a correct translation of the original document.

Nishi Haruhiko

Tokyo  
11 August 1947.

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## RETURN TO ROOM 361

弁護側文書第二〇一四号

極東國際軍事裁判所

亞米利加合衆國其他

対

荒木貞夫 其他

宣誓 供述 誓

供述者

山本 熊一

自分儀我國に行はるる方式に従ひ先づ別紙の通り宣誓を爲したる上次の如く供述致します。

私は大正九年三月より外務省に勤務しました。昭和十五年九月二日外務省東亞局長に任命せられ翌昭和十六年十月二十八日には亞米利加局長をも兼任することとなり次で昭和十七年九月十八日外務次官に任せられ東亞局長及亞米利加局長事務取扱を命ぜられ同年十一月一日大東

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亞次官に任命せらるる迄其の地位にありました。

第三次近衛内閣時代私は東亞局長として大本營政府連絡會議に屢々出席しました。即ち連絡會議に於て支那に関する問題が審議せらるる場合外務省關係官として説明を行つたのであります。東條内閣成立以後は東亞局及亞米利加局局長として連絡會議には常時出席し日米交渉關係の諸問題に付説明しました。日米交渉に関する重要問題は總て連絡會議に於て決定せられ、外交關係の電報の大部分は重要なるものを含み總て陸海兩省及統帥部に送られたのであります。特に東條内閣になつてからは外務大臣は日米交渉に関する問題に付常時私に相談され、日米交渉に関する陸海兩軍務局長との話合は總て自分が行ひ、又在米帝國大使館に對する訓令電報は右決定に依る方針及大臣等上司の指示に従ひ亞米利加局に於て起草するのを常としました。でありますから私は当時にかける日米交渉の経緯特に東條内閣成立以後の経緯はよく承知して居ります。依て自分が職責上取扱ひ又は公務執行上直接見聞



せる所により左の通り陳述します。

東條内閣の日米交渉に対する態度

昭和十六年十月豊田外務大臣は東條陸軍大臣から統帥部の要望に基づき近衛総理及豊田外務大臣に対し日米交渉の諸懸案殊に支那駐兵問題に關する意見を十月十五日頃迄に確答ありたき旨の強き要求のあつた旨私に述べられました。私は同外務大臣より右に対し表明すべき見解に付き原案の作成を命ぜられ、苦心の末弁護側文書第一八九一号「日米交渉に關する外務大臣所信」を起草しました。同外務大臣は本文書が首相及陸相に提示せられた旨私に話されました。

十月十六日近衛内閣は総辭職し同月十八日東條内閣の成立を見、東郷氏は外務大臣に就任することとなりました。当時私は東郷氏から同氏が東條大將から入閣の交渉を受けた時、陸軍側に於て從來通りの強硬なる態度を特に支那に於ける駐兵問題に付き固執する場合には日米交渉を妥結に導くのが不可能なるは明白であつて自分が外務大臣に就任す

ることには無意味であるから入閣を拒絶する外なしとして拒絶したるも種々論議の後東條大將は勅命（法廷証一一五四号）に従ひ九月六日御前會議の決定に捉はれず陸兵問題等の諸問題に付ても再検討を加へ日米交渉の成立に努むべきことを約束したので入閣を承諾したのであると聞いたことを記憶して居ります。かくしてワシントンに於ける野村大使も交渉継続方訓令を受けただのであります。（弁護第一四〇一―Y―I 一号）新しい内閣の斯る意圖は東條首相が同内閣成立直後開催せられました大本營政府連絡會議の劈頭に於て新内閣は九月六日の決定に捉はるることなく各種事項に付再検討を行ふべき旨を述べて統帥部の賛同を求め其の賛同を得たる事實が之を裏書して居ます。

十一月御前會議に至る迄の連絡會議

十月二十三日頃より十一月初めにかけて連絡會議は殆んど連日に亘り開催せられ審議を重ねました。之等會議は日米交渉に関する討議並に和戦問題の占むる所となりましたが意見の対立懸隔あり充分に議を盡

したのであります。此間東郷外相は常に交渉妥結の必要を主張し又統帥部両総長は支那駐兵の絶対譲歩すべからざること其他九月六日決定事項も我方として殆んど譲歩の余地無く事情如斯なる上は直ちに開戦するも已むを得ず等の統帥部の主張を強調しました。之に対し東郷外相は強硬に反対しましたが私は東條首相が参謀次長をたしなめ前述の如き会議劈頭の言を繰返しつつ本連絡会議は九月六日の決定に捉はれず再検討を行ふものであると述べたのを記憶して居ります。

四 十月二十三日より十一月初めに亘り開催せられた殆んど連日に亘る連絡会議に於ては当時の内外に於ける情勢に鑑み事態に検討を加へ如何なる國策を採るべきかを審議したのであります。右審議の結果十一月一日より二日に亘る会議に於て大体左記の趣旨の結論に到達したのであります。

(一) 後述の甲案又は乙案に依り対米交渉の妥結に努むること

(二) 右外交交渉に依るも交渉不成立の場合には自存自衛の爲め対米戦争の決意を爲すこと

(三) 前項の事情に鑑み萬一の場合に備ふる爲作戰準備の完整に努むるも日米交渉成立の場合には右作戰準備は直ちに之を中止すること

即ち太平洋平和の維持の爲能ふる限りの讓歩を敢てして日米國交の調整に努むるも他方当時の内外の情勢即ち日本の資源の枯竭、並に他國に依る軍事上經濟上の対日包囲に鑑み自衛上作戰準備を進めることに決定せられたものであります。

其前記結論に到達する迄には種々の議論があつたのであります、即ち參謀本部は日米交渉は成立の見込なく、其の見込なき以上は十一月中に開戦する要ありとの從來の主張を固執し一九四一年七月ル一  
ズヴェルト大統領が野村大使に対し「從來輿論は日本に対し石油を禁  
鎖すべしと強く主張せしに不拘自分は太平洋平和維持の爲め不可なり

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と云つて説明し來りしが、今や其論拠を失ふに至れり」と述べ太平洋に於ける平和維持の不可能をも覺悟して石油禁輸を爲すの意を明にしたるに徴し經濟斷交に依り戦争を賭して迄日本を屈服せしめむとするの意図が明となりたりと論じ更に米國側は交渉を通じ嘗て讓歩したることなく將又交讓妥協の態度を示したることなしと論じました。之に対し外務大臣は出來得る限り之が成立に努め以て平和的解決を計ることの必要を熱心に主張して漸く交渉を繼續することに決定せしめ更に難關中の難關たりし駐兵問題をも含め九月六日の決定に含まれた諸條件の再検討を促して甲案乙案の決定に至らしめたのであります。此兩案は連絡會議が最大限の讓歩と認められたものであります。今茲に右兩案に付き詳細に述ぶることとします。

六 当時日米交渉に於て懸案となつて居た重要問題は支那に於ける駐兵問題、通商無差別の原則を支那に適用する問題及日独伊三國同盟條約に關する問題と南部佛印日本軍進駐に依り生じた問題でありました。右

の内三國同盟條約及通商無差別待遇に関する問題に付ては野村大使の  
電報に依り日本側では既に米國政府に於ても日本政府の意向を諒承し  
て右基礎によりて話合は成立し得るものと考へて居りました（弁護側  
文書一四〇〇一Z一六）之即ち前記弁護側文書第一八九一號近衛第三  
次内閣末期に於ける豊田外相の「日米交渉に関する所信」中に日米交  
渉を成功に導く方策として駐兵問題に付てのみ之を緩和するを以て足  
れりとする建前をとつたのも其爲めであります。新提案に於ても從來  
のフォーミュラを踏襲した点が多いのであります。新提案に於ても從來  
の諒承あると認められた点に付てであつて、米側の反対ありと認めら  
れた点に付ては駐兵問題のみならず凡ての問題に付き連絡會議に於て  
最も慎重に検討を加へ出來得る限りの大讓歩をしたのであります。  
七 支那に於ける駐兵問題に付ては九月二十五日の日本案（法廷証第一二  
四五一B号）でも「共產主義的並に其他の秩序擾亂運動防止及治安維  
持の爲めの日支協力」に付き「従前の取極及慣例に基く一定地域に於

ける日本國軍隊及艦船部隊の所要期間駐屯」とあり此点は日米交渉開始以來日本側の一貫せる主張であり米國側は無期限駐兵に終始強硬に反対し或程度の期限を附し撤退せむことを要求しまして交渉上最大の難関となつて居たのであります。東條内閣に至り甲案に於て始めて無期限駐兵に非ざることを明かにし且つ所要期間に付き米國側より質問ありたる場合は概ね二十五年を以て目途とするものなる旨應酬することとに決定したのであります。本問題の解決は連絡會議に於て最も困難の問題でありました。第三次近衛内閣が倒れたのも此問題の爲であります。(弁護側文書第一四〇一—W—一—号)依て東郷氏は入閣交渉の際も前述の如く東條大將から此問題も含めて明約を取付けた上で外相に就任されたのであります。が連絡會議に於ては特に參謀本部側から若し此駐兵を期限附きとする時は支那事變の成果を喪失するを以て國民に敗北感を生ぜしめ軍隊の志氣を沮喪せしむるに至るとして強硬なる反対意見出て外務大臣は期限附きとせざれば交渉決裂は必至であるとの主

張を堅持して譲らず大論戦の後統帥部も漸く右決定に同意したのであります。

又駐屯すべき地域に付ても北支及蒙疆の一定地域及海南島なることを明かにしたのであります。五月十二日の日本側原案（法廷証第一〇七〇号）中に言及せられたる昭和十五年日華基本條約（法廷証第一二四五—五—E号）の條項に依れば日本は甲案に列挙せられた地域の外、上海三角地帯、厦門等にも駐兵することとなつて居たのであり、東條内閣成立前迄は右權利の保持は強く主張せられ又今次連絡會議に於ても尙或る者に依り強く固執せられたのであります。連絡會議は地域を前に記に限定するの讓歩を爲すことに決定したのであります。

ハ通商無差別の原則適用問題は九月二十五日の案では「日支間の經濟的協力は平和的手段に依り且つ國際通商關係に於ける無差別の原則及隣接國に於ける自然的特殊緊密關係存立の原則に基き行はるべく而して支那に於ける第三國の經濟活動は公正なる基礎に於て行はるる限り之



を排除するものに非ざることとを「明す」とありましたが甲案では右以上更に米國側主張に譲歩する爲め「日本國政府は無差別原則が全世界に適用せらるるものなるに於ては太平洋全地域、即ち支那に於ても本原則の行はるることを承認す」と爲し連絡會議は米國側の反対し來れる地理的隣接を理由とする日支間特殊緊密關係の主張は之を撤去するのみならず米國主張の如く無差別原則を全太平洋地域に及ぼすことに同意したのであります。

九 佛印に付ては甲案は「日本國政府は佛領印度支那の領土主權を尊重す、現に佛領印度支那に派遣せられ居る日本國軍隊は支那事變にして解決するか又は公正なる極東平和の確立するに於ては直ちに之を撤去すべし」としたのであります。茲に「公正なる極東平和の確立するに於ては」とあります。右字句の解説に付ては弁護側文書第一四〇一―日―三號八月二十八日島田大臣から野村大使に宛てた電報を参照すれば明らかでありまして、連絡會議に於ける此点に関する検討と決定は右の

解決の上に行はれたのであります。

之を要するに右甲案は九月二十五日日本案提出以後の交渉経過を参酌し従來解決を見るに至らなかつた懸案に付き米國側に出來得る限りの讓歩を爲して作成せられたものであります。

六 甲案に依り交渉妥結に至る見込なき場合を考慮し（諸問題を一挙に解決することに付ては困難あるやも知れずと認められたのであります）甲案の外乙案も作成せられたのであります、乙案は日本軍の南部佛印進駐に依り交渉破綻に直面せる状態を右進駐前の原状に回復することを主眼とし以て諸懸案の最終的解決の基礎を確立せしめんとする暫定協定案でありました。南部佛領印度支那駐屯中の一切の日本軍を北部に移駐すること並に太平洋地域に於ける公正なる平和確立する上は、佛領印度支那に駐屯する日本軍隊を全部撤退すべきことを提案することとし、更に「必要に應じ甲案中に包含せらるる通商無差別待遇に関する規定及三國條約の解決及履行に関する規定を追加挿入す

るものとす」としたのであります。之を要するに乙案は日米間に交渉せられ來りたる重要問題中の多くが未決の儘將來の商議に残されるのにも不拘日本側で斯る讓歩を決定したもので連絡會議に於ても參謀本部側は之を凡て日本側の過大の讓歩なりとし特に南部佛印よりの撤退は最も困難なりと主張して強く反対を唱へたのであります。

十一 尙連絡會議に於て問題となつたのは右甲案乙案の如く日本側で讓歩を爲すに不拘、米國側に於て右兩案の何れをも應諾せざる場合の措置に付てであります。斯る場合には自衛の爲め對米戰爭に入るの決意を爲すことと決定するに至る迄には熾烈なる議論が行はれたのであります。即ち外務大臣は平和を維持すべきことを固執して英米の生産力の大きなこと、英米國民の不撓不屈の精神に富み居ること並に独伊よりの援助を期待し得ざることとに注意を喚起し臥薪嘗胆すべきことを強く主張したのであります。又外務大臣は一旦開戦せば長期戦となるべく我國に不利なる結果を見るべきを虞るるを縷述し尠くとも米の對歐戦

争参加迄自重すべきことを説示したのであります。が統帥部は之に対し強く反対したのであります。即ち米英蘭の資金凍結以來我方の各種重要資材が「ジリ貧」の状況に在り此儘補給の方法なくして経過せば日本の軍需資材は漸次枯渇し日本は軍事的且経済的に破滅するの外ない。特に石油に付て之を窺るに民需方面に在りましては極度の戦時規制を爲すも昭和十七年六、七月頃には貯藏皆無となり軍需方面に在りまして最悪の場合一年半を出でずして日本海軍は全く其機能を喪失するに至るべく南方諸地域に於ける米、英、蘭の軍事的準備の急速に強化の情勢に在ることと併せ考ふるに交渉決裂の場合日本は米英の圧迫に遭逢する公算増大しつつあり而して此儘推移するに於ては日本としては最早立上る力もない羽目に陥るべく他方前記の如く日本側が大讓歩を爲すに不拘、米國が之に好意的考慮を拂はざる場合には最早米國側に於ては戦争を覚悟し居るものと認むるの外ないと主張せられたのであります。此等議論の結果交渉決裂せば開戦する覚悟で交渉に臨まなけ

ればならぬとの議論が十一月初め連絡会議の大勢を制し遂に前述の結論に到達したのであります。

右決定の際東郷、賀屋の両大臣は同意前考慮の爲め一日の猶豫を求めたことを記憶して居ります。而して其の一兩日後東郷外務大臣より自分は飽く迄も戦争回避を可と信ずるもので自分は本案賛成に先立ち東條総理に対し種々申入るる所があつたが就中甲案又は乙案に付き大体に於て米國側が好意的考慮を拂ふ態度を示して來た時は必要に應じ該案決定事項の緩和に付き更に考慮を加へ交渉の成立に努むる様申入れ其同意を得られた趣を私に語られ交渉を成立せしむる様一層努力する様にと激励せられたことを記憶して居ります。尙右連絡会議に於て東郷外務大臣より日米交渉成立の上は作戦準備の進行程度如何に不拘之を原狀に回復すべきことを提議し統帥部も全然之に同意した次第であります。

十一月五日より二十日に主る交渉

十一 來栖大使ワシントンへの派遣に付ては夙に昭和十六年八月四日野村大使から同大使派遣方の要請があつたのですが一弁護側文管第一四〇一―四一―一号一第三次近衛内閣辞職當時にも豊田外相に依り考慮されて居たのであります一弁護側文管第一四〇一―四一―六号一東郷外相は就任後かねてより日米關係の調整を必要とすることに付意見一致し且米國事情に遅れる同大使を派遣し野村大使を援助せしむることは交渉を進捗せしむるのに有益であると考へられ連絡會議に於て甲案乙案の決定を見たる後十一月三日夜來栖大使の來訪を求め同大使に依頼せんとする使命を説明し其の承諾を得ました、翌日私は日米交渉経過を詳細同大使に説明し、外相は東條總理より同大使派遣に關する同意を取付けたる上勸許を待斯くて來栖大使は既に日米大使及米國國務省の特別の拜訪によりクリッパーに便乘米國に向つたのであります。來栖大使派遣は熱望せらるる交渉安結に一段の可能性を加へんが爲の努力とし

て為されたものでありまして当時野村大使にも説明せられた通りであります（弁護側文書第一四〇一―B―二号）米國政府を救き時を稼ぐ爲の一手段としたものであるとの主張がおりますが、既に述べた如く連絡会議に於て<sup>（の）</sup>入しい同意は交渉の爲充分の時間<sup>（を）</sup>を興<sup>（す）</sup>ふる<sup>（に）</sup>あつたのでありましては開戦を延ばす必要も<sup>（も）</sup>希望<sup>（も）</sup>なく即時開戦を有利としたのであります。

十三十一月二日連絡会議で決定を見た提案は十一月五日御前會議決定に先立ち十一月四日野村大使に電報せられ（弁護側文書第一四〇一―A―二及一四〇一―B―二号）十一月五日御前會議の決定を見るや直に右に甚き交渉開始方の訓令が送せられました（弁護側文書第一四〇一―D―二号）甲案に付野村大使に説明を興へて居る訓令電報（弁護側文書第一四〇一―B―二号）中「<sup>（一）</sup>駐兵所要期間を明示するに於ては反つて事態を紛糾せしむる虞あるに付この際は尠く迄所要期間なる抽象的字句により折衝せられ無期限永久駐兵に非る旨を印象づくる様御勞

力相成度」と記しましたが之は次の如き事情に依るのであります。

即ち連絡会議に於て撤兵問題が審議せられた時外務大臣は当初五年を期限とする様主張せられましたが同意を得られず仍て八年とし次で十年とする案を主張せられました。が之に付ても同意を得られず結局二十年を目途とすることとなつたのであります。然し乍ら前に述べました通り東條総理と東郷外務大臣との間の諒解があるので米國側が大体に於て甲案を基礎として受結する意向を示して來れば二十五年の期限に付ては再考慮を求め之を短縮することも可能となるのであります。従て外務省に於ては先づ米國側に無期限永久駐兵に非ざることとを諒解せしむることに重点を置き以て一般的原則に付ての意見の一致を計り其の上で具体的條件に入るのが得策であると考へたのであります。

十四 甲案は十一月七日野村大使からハル長官に手交せられ「法廷証一二四六号」次で十日には同大使から大統領にも説明せられました。「弁護

側文書第一四〇〇一A一七号」（当時外務省及連絡会議に於ては從來の

東郷外務大臣も又同案がよく理解せらるる様同日ハル大使に説明したのであります。

（弁護側文書第一四〇〇一A一七号）



懸案に付き苦心に苦心を重ね米國側意向に慎重な考慮を拂つた上讓歩案を作成して之を提出したのであるから米國側の好意的考慮を得るものと期待して居たのであります、野村大使よりの報告も初めは期待された結果の到來を思はしむるものがあつたのであります、(弁護側文書第一四〇一―J―I―II号、一四〇一―L―I―II号) ハル長官が通商無差別待遇に関する條項に賛成を表したことや支那に於ける陸兵問題に付我方の立場を明かならしめたる点に付之を諒としたことは前途に希望を抱かしむるものであります、支那問題に就て野村大使に於ては事態は好轉しつつあるものと認め、支那問題に就て野村大使に対し日本側はハル長官の案を歓迎し、喜んで蒋介石との商議に依り之を實現せんとするものなる旨訓令したのであります、(弁護側文書第一四〇一―G―I―II号、一四〇一―J―I―II号、一四〇一―K―I―II号) 更にハル長官が米との交渉成立の上は同時に英蘭と調印すること

↓他方大統領の態度及び英米軍平手協力に因り野村大使から報告(弁護側文書一四〇一三)は多少の懸念を起せりした

可能なるべしと述べたる由の野村大使の報告は甲案による交渉の前途に對し希望を加へました。然るに十五日に至り、長官は日本側提案に種々反対を唱ふるのみならず、前言を翻し關係國との同時調印は他國との關係もあり急速に出来るものに非ずと述べたる野村大使より報告あり日本の關係方面の一部に於ては交渉に對する米國側の誠意に付漸く疑を挾むに至りました(弁護側文書第一四〇一三)三十一  
十 本法廷に於てバラントイン氏が外交往復電報を接受し之を讀むことによつて日本の眞意を知り日本の誠意を疑ふ理由があつたので日本の提案を眞面目に考へなかつた旨語られた趣を承知しまして私は若干當時の傍受電報なるもの(例へば法廷証第一一六四号、一一六五号、一一七〇号等)を見ましたが余りに重大なる誤を含み時に原電と意味を全く取違へて居るもののあるのに驚きを禁じ得なかつたのであります此等電報は私の指示の下に起草せられ其後電前私自身修正を加へたる上承認したものであります。例へば法廷証第一一六五号傍受電報は全

体の調子に於て實際に送電せられ野村大使が執行せりと報告して居る  
原訓令電報とは相異してゐます、例へば傍受電報に依れば甲案の中に  
「我方の修正最後通牒」とありますが外務省の訓令は絶対的の最後案  
に非ざることとを明示してあります「事実大使は外務省より米側に対し  
「最後通牒」を提出し又は論ずる様な訓令を受けたことはありません」  
□では三國同盟條約の義務の法律的解釈に関する日本側より申出でた  
正式の約束が傍受電報では別の問題に関する單なる希望の表明となつ  
て居ります。如斯き諸点を列挙することは之を省略し、特に大きを喰  
違ひとして指摘し度いのは第三項□の最後の文章が傍受電報に於ては  
第四項となつて居る点であります、若し此の第四項なるものが原電に  
実在せりとせば日本の誠意に疑を生ずるも亦止むを得ざる次第である  
と謂はねばなりません。原電は勿論從來の交渉中米國側が屢々主張し  
例へば十月二日附米國側覽書（法廷証一二四五G）等に掲げられてあ  
る四原則を云はんとして居るものでありまして此等原則に付ては變に

近衛総理大臣が主として上野成であることをグルー大使に話しましたが東亞に於ける現状に鑑み日本諒解中には原則を其儘掲ぐることなく其の實際上の適用に付き日米両國間に意見の一致した所を夫々正式妥結事項として掲げんとするのが交渉を通じ日本側のとつた態度でありました。

最後に傍受電中説明(三)の項を見ると駐兵撤離問題に付用語の形式に依り米國側を欺かんとする意図を示す言葉があります、然し原電の傳ふる連絡會議及外務省の意図は既に述べた如く此の最も困難なる問題に關して誠意を以て最大限の譲歩を爲さんとするに在つたのであります。

十六尙米國側の主張に歩み寄る爲更に試みた讓歩は十一月十二日、米國側が口上書（弁護側文書第一四〇〇一B一七号）を以て八月中大統領に對し日本の立場を傳へたる數個の点に付日本側の立場を重ねて闡明せんことを求めたるに對し、外務省は十一月十六日現内閣は同一立場を保持することを確認したとあります。（弁護側文書一四〇〇一〇一二号）更に九月二十五日の日本案に於ては政治的安定問題を南西太平洋に限定することになつて居ましたが、米國側の希望に基き右限定を削除することにも同意しました。（弁護側文書第一四〇〇一IPI 二号）然るに米國側では日本側提案に對し熱意を示さず、十七日から來栖大使も交渉に加はり努力しましたが、交渉は依然進展を示さず事照の改善を見ませんでした。依て外務大臣は連絡會議に米側が甲案受諾の見込なき旨を報告して乙案提示方決定を見、其旨野村大使に訓令せられ、乙案は十一月二十日米側に提出されました。

十一月二十日より二十六日に至る交渉

十 七 乙案の性質は既に申した通りであり、日本側には議論をせね

たる末最大限度の譲歩を為した案であり、日本側では本質に

対して米國側では好意的考慮を拂ふものと期待して居たのであります。

十一月十七日大統領は野村、來栖兩大使に対し米國は日支問題に付干

渉又は調停せむとするものに非ず、單に紹介者たらんとすと云つたこ

とを承知しました。(弁護側文書第一四〇一―一〇一―二號)又二十一日

ハル長官は來栖大使が三國條約の問題に關し重要なる日米間の協定成

立の場合之は日蔭者となるであらうと述べたことに言及し、之に同調

し又本來日本が東亞の指導國たることも極めて当然と思考し居り又大

東亞共榮圈の理念も亦理解に吝ならずと語つたのであります。ワシ

トン大使館から右其他に付を報告を受け日本側官憲筋は交渉は成功

見込ありとし成功の可能性を豫想して乙案に基く取極を補足す

るに必要な石油量に關する訓令も大使館に發送せられたのでありま

す。(弁護側文書第一四〇一―一〇一―二)

尚又二十日ハル長官に説明せられた通り(弁護側文書一四〇一―二號)交渉を行ふカにもつと都合な案(國氣をくらしとする)暫定取極でありました。



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低下し其存立も亦危殆に陥るべしと認めたのであります。

のみならず其時既に米國は対日戦争を決意して居たとの我方の判断を裏書きする様な事情もあつたのであります。即ち例へば十一月二十六日米國政府は日米交渉に關し從來兩國政府のつて居た態度を抛擲し交渉の詳細並に同日附の米國案を公表せる旨野村大使よりの報告がありました。(弁護側文書第一四〇一—A—三号)

十一月五日以後の連絡會議

十一月五日御前會議以後に於ける連絡會議では日米交渉に關する對策を種々審議する外不幸にして交渉成立せず自存自衛の爲弗戰するの已むなきに至る場合を慮り其の場合に對する措置に就ても種々審議せられました。但し作戰に關することは軍の極秘事項に屬することでありませぬ。連絡會議に於て戦争に關する幾つかの書類(法廷証第一一七五号、一一六九号)が起草されて居ますが、此等は何れも戦争の不可避となつた万



一の場合を考慮して審議採擇せられた準備的の案に過ぎず当時既に戦争を決意して此等の決定をなしたものではないのであつて、此等の起草に當つても外交交渉を第一とすべき前提であつたのであります。十一月五日外務大臣は十一月二十五日迄に協定を締結せしむる様努力せむことを野村大使に訓令し（法廷証一一七一号）二十二日更に電報し茲三四日中に交渉妥結するに於ては夫迄待つことに取計らふべきも此の上の変更不可能にして其後の情勢は自動的に進展するの外なき旨電報して居りますが（法廷証第一一八三号）当時の日本側の逼迫せる事情に基き速かに交渉を妥結するの必要に迫られ且ワシントン出先の交渉当時者が事態を審みせず吞氣過ぎるとの批難が多かつたので、之を鞭撻するの趣旨を以て如斯電報を發したものであります。尙當時日本政府は日米交渉を成立せしむる様懸命の努力を拂つて居たのであります。が軍部に於ては國防に対する責任の見地より開戦已むを得ずとすれば其の時機を遅延せしむることを不利となし速かに交渉の成否を

明かにせむことを要望したのであります。尙日米交渉は当時既に八ヶ月の久しきに亘つて行はれ彼我の意見も大部分判明して居りましたので日本側では交渉の成否が明確となるには左程長い時間は要せないかと観測して居ました。されば兩大使に対し期限を示した訓令を發したわけであつて直ちに其儘開戦となるの意味ではなかつたのであります。

十一月二十六日以後の交渉

十一月二十六日附米國側ノートに接し日米交渉は完全なる協定に依るも暫定協定に依るも其妥結の見込は殆んど無いと云ふことは連絡會議出席者等日本側関係者一般の考でありましたが外務大臣に於ては開戦に至る迄の間平和維持に適合する方法は凡て之を盡さむとする意圖の下に唯一つ残された途として野村大使に更に訓電を發し米國政府の反答を求めしめたのであります（法廷証一一九三号、一一九四号、一一九五号、弁護側文書第一四〇一―D―I三号）戦争の開始の決定は御

前會議に依ることになつて居ます。十二月一日戦争開始の決定が爲されるに先立ち兩大使は米側に交渉決裂の印象を與へざる様注意されて居ますが、右は米側の態度に鑑み其反省なき限り交渉決裂は不可避免と考へられて居ましたが、猶戦争の決定は爲されて居なかつたからであります。更に右決定の後、於ても万一交渉成立の場合には作戦は直に停止せらるることになつて居たのであります。(法廷証第八〇九号)

十一月二十六日野村來栖兩大使より其意見として日米兩國の關係は米大統領と天皇との間に親電を交換し、次で日本より中立地帯の設置を提案することになり改訂せらるべしとの具申電報が接到しました(法廷証第二二四九号)。兩大使は本件に付外務大臣より内大臣とも相談の上急遽返事あり度き旨を述べて居ました。外務大臣は内大臣と相談せしのみならず総理とも相談し、其結果、即ち外務大臣、内大臣、総理何れも斯る提案は當時の事態に於て何等事懸解決の希望を與ふるものに非ず依て採るべきに非ずとの意見なる旨を兩大使に傳ふべき旨私

に命令されました。此言は兩大使に傳へられたのであります。(法廷

証第一一九三号) 尙茲に注意すべきは兩大使は十一月二十六日

同日附の米側覚書を受領前に右意見具申を爲して居りますが、東郷外務大臣は本件に關し總理及内大臣と相談するに先立ち兩大使より右米側覚書の大要を接受して居たことと、右覚書の大要は交渉妥結は殆ど不可能であり兩大使よりの具申案の如きは役に立たぬであらうと云ふことを示して居たのであります。(弁護側文書第一四〇一―一―三号)

三号)

ニ 七 野村來栖兩大使は外務省に対する電報の中に日本各紙の反米的記事

が日米交渉に対し有害なる影響を與へる旨を度々指摘して來ました。

東郷外務大臣は之を憂慮せられ、斯る有害なる記事の出ることをなく

する様努力せられ以て交渉妥結促進を期待せられたのであります。斯

る努力の例として十二月一日の外務大臣の電報(法廷証第一二〇八号)

は決して初めてのものではありません。例へば右より遙か以前グルー

大使がジャパン・タイムスは特に攻撃的であると云つて苦情を述べた

とき外務大臣は速に思ひ切つた位置を執られたのであります。(弁護側文書

交渉打切りの通告

二十一開戦のことは十二月一日午前臨時閣議及午後御前會議が開催せられ決定したのでありますが一法廷証五八八号一御前會議に於ける總理及外務大臣の説明は夫々弁護側文書第一八八六号及第一八九二号であります。但し同日は開戦の日時及手續に關し何等審議又は決定する所がなかつたのであります。

開戦手續の問題は十二月二日の連絡會議で初めて審議することになりましたが、其際伊藤軍令部次長は作戰劈頭奇襲に依り米國に打撃を與ふることに絶対に必要なりとて攻撃開始迄交渉を打切らざることと主張し、之に対する外務大臣は政府は普通の開戦手續をとるべきことを主張し種々論議の後外務大臣は攻撃開始に先立ち尠くとも交渉打切りの通告を爲し置くことに絶対に必要なりと主張し同趣旨のことを申越した野村大使の電報（弁護側文書第一四〇一―一八一二号）をも引用して説得に努めました。同日は何等決定することなく散会しました。

然るところその後検討の結果

翌三日の連絡会議に於て  
開戦手続に対する決定即ち交渉  
打切りの通告をワシントンに於て行ふことの決定が爲されたのであり  
ます。右通告の案文は自分に於て從來の連絡会議に於て論議せられた  
趣旨に従ひ起草し陸海軍省に  
廻付し又若し其の修正を経たる後  
十二月四日の連絡会議に附議し其写しは各出席者に送され、尙右案文は  
其の承認を得たのであります。(法廷証第一二四五号)尙右案文は  
翌五日開催された閣議に外務大臣より其の要領を報告した趣其後外務  
大臣が話されたことを記憶して居ります。連絡会議の出席者は本通告  
は当時の事態に於て其の末段の左記の文句よりして交渉打切りのみ  
ならず國交断絶及開戦の意図を明白にするものであると固く信じて居た  
のであります。即ち本通告は特に其の末尾近くに「斯くて日米國交を  
調整し合衆國政府と相携へて太平洋の平和を維持確立せんとする帝國  
政府の希望は遂に失はれたり、仍て帝國政府は茲に合衆國政府の態度  
に鑑み今後交渉を継続するも妥結に到達するを得ずと認むる外なき旨

を合衆國政府に通告するを遺憾とするものなり」と述べて居ります。  
二十二月六日の連絡會議に於て米國政府に対する通告手交の時間が  
決定されました。即ち同日の會議に於て外務大臣よりワシントン時間  
十二月七日午後一時に手交されるべき旨並に右は攻撃開始に先立つも  
のなる旨報告されました。攻撃開始の場所及時間に付ては連絡會議の  
繼成員でも作戰に關與せるものを除いては之を知るものなく、日本艦  
隊が十一月二十六日單冠灣を出動し、布哇に進行中であつたことや其  
他作戰上の機密事項は外務省では誰も之を知つて居たものはなかつた  
のであります。  
外務大臣は私に對し對米通告が十二月七日午後一時米國政府に間違ひ  
なく手交し得る様充分の余裕を以てワシントン大使館に到着する様周  
到に取計らひました。發電時間は海軍も大いに關心を有する所であつ  
たので最初の發電時間も關係海軍方面と充分打合せの上決定されたの  
であります。

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であります。

對米通告文を指定の時間に確かに手交し得る様早目に  
命ぜられた。私達は右



二十三日日本は英國に対し事前開戦の通告を爲しませんでした。外務大臣は英國との關係に付き早くから考慮を拂ひ幾度か英國政府を日米交渉に参加せしむべく試み、又野村大使は日米交渉成立の上は英蘭兩國も同時調印の運びとなる様必要な措置を米國側に於て執る様要請すべく旨訓令されて居りました。(弁護第一四〇一〇一〇一號)又外務大臣自ら東京に於てグルー大使と此問題に付会談し(弁護側文書第一四〇一〇一六號)、又クレイギー駐日英國大使と会談し、事態は緊迫を告げ、交渉成立の爲英國側の積極的協力を促したのであります。(弁護側文書第一四〇一〇一三號)之に対し英國大使は英國政府は差當り交渉を米國政府に委せる旨を答へて居ます(法廷証第一一七四號)他方米國側ではワシントンに於て日米交渉問題に付英蘭支の諸國と協議を重ねて居たことは野村大使から隨時電報がありました。(法廷証第一一八四號、弁護側文書第一四〇一〇一五二號)、当時日本の關係方面では極東の英國の利益に重大關係ある日米交渉に対し英國が斯る

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態度をとることは英國が歐洲戦争に於けると同じく日本に対しても米  
國と共同戦線をとつて居る証左と認められたのであります。更に又十一月  
十日チャーチル首相が日米が開戦すれば英國も自働的に参戦すること  
を事実上声明したことも考慮に入れられたのであります。(弁護側文  
書第四七八一B号)右の如き事情の下に於て連絡会議に於ては交渉打  
切りの通告を米國に対して爲すときは米國政府は即刻之を英國に通告  
するであらうと云ふことは当然と認められ、従つて英國に対する通告  
は必要なしと認められたのであります。

艦船に関する領事報告

二十四 海外に駐在する領事は政治、經濟、財政、軍事等の萬般のことに  
關し日本にとり参考となるべきことは隨時報告することとなつて居り  
ますが之等の事項に關し各主管官廳より外務省に対し調査報告方を要  
求して來ることが甚だ多いのであります。  
外務省に於ては此等要求に接したときは日常事務の一部として之に應

じ関係局課に於て海外に駐在する領事に対し調査報告方を訓令するの  
を常として居ました。而して右の如き訓令は他の在外大公使領事に対  
する訓令と同じく常に大臣の名を以て発せられますが実際は外務省本来の  
で此等訓令も常に大臣の名を以て発せられなく關係局長又は課長、場合に  
仕事ではないので大臣は之を見ることなく關係局長又は課長、場合に  
依りては事務官 認諾により電信課に回附、發電せられたのであり  
ます。昭和十六年海軍側の要求に應じ米蘭其他の艦船の情報に付海外  
領事から之を入手したのも多年行はれ來つた右手続に依つたので右は  
ホノルル（法廷証第~~二~~五~~四~~、一二五六一—一二六四号）バタヴィア（法  
廷証第一三三〇号）に限らずポートランド、沙市、ヴァンクーバー、  
パナマ、マニラ等に駐在した領事にも送られました。之に対する報告  
も日常事務の一端として扱はれたのであります。従つて情報要求の訓  
令も將又其の情報を要求した海軍係官に直接送付せられた報告も固よ  
り外務大臣の査閲を受けたものではありませぬ。

昭和二十二年（一九四七年）八月十一日於東京

供述者 山本 熊一

右ハ當立會人ノ面前ニテ宣誓シ且ツ署名捺印シタルコトヲ證明シマス

同日 於 同所

立會人 西 春彦

Def Doc No 2014

宣  
審  
書

良心ニ從ヒ眞實ヲ述ベ何事ヲモ黙秘セズ又何事ヲモ附加セザルコトヲ  
誓フ

(署名  
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