

that these public announcements represented a now definitely established program for the construction of the Greater East Asia Co-prosperity Sphere. The Sphere would be under Japanese leadership and would have Japan, Manchukuo and China as its core. The other areas would be divided into three classes: First, certain important strategic areas would come under the immediate control of Japan, secondly, other areas would become independent, according to the Manchukuoan pattern if they cooperated loyally with Japan; finally, those nations which still resisted Japan would be completely subjugated.

Witness Yatsugi
(p 7396)
Exhibits 678,
(p 7358)
683 (p 7400)

In the beginning of 1942 the Kokusaku Kenyukai, a study group for Japanese expansionist plans, for which both government departments and private industry and individuals contributed regular yearly contributions, collected a fund of 300,000 yen to draft a ten year plan for the construction of Greater East Asia. The Foreign Ministry, which yearly contributed a thousand yen to this group, on this occasion made a special grant of 20,000 yen. In 1942 TOGO individually was also a contributor to the Kokusaku Kenyukai.

Exhibit 1272,
(p 11349)

On 1 September 1942 TOGO resigned as Foreign Minister because of differences of opinion with Prime Minister Tojo and the remainder of the cabinet concerning the establishment of the Greater East Asia Ministry. He was appointed a member of the House of Peers.

Exhibit 127,
(p 791)

On 9 April 1945 TOGO was appointed Foreign Minister and concurrently Greater East Asia Minister in the Suzuki Cabinet, which had taken office two days before. On 17 August 1945, after the Japanese surrender, TOGO together with the rest of the cabinet resigned.

C Evidence Concerning His Connection with Class B and C Offenses

Witnesses
Suzuki
(pp 12832
and follow-
ing)
(pp 15506 and
following),
Tanaka (pp
14365,14419)

The Foreign Ministry was in charge of the relations with the protecting powers and the representatives of the International Red Cross regarding the treatment of prisoners of war, and civilian internees. During the first year after the outbreak of war this business was dealt with by the Treaty Bureau of the Foreign Ministry. Afterwards a new section, the Foreign National Section of the Foreign Ministry, was established, which took over this task. The Ministry had no direct authority in the matter of the treatment of prisoners of war and civilian internees. Correspondence received was translated into Japanese and transmitted with a covering note to the various competent authorities, such as the War Minister, the

Military Affairs Bureau and the Prisoners of War Information Bureau. It was the practice of the Ministry to dispose of matters like these as speedily as possible. Sometimes the correspondence was forwarded with a recommendation of the Foreign Ministry as regards the necessity for a speedy reply or action to be taken. Sometimes the Ministry even requested the War Ministry to make a re-investigation in cases where the reply of the War Ministry to requests and protests did not seem satisfactory. The Foreign Ministry officials were always desirous of improving the conditions for the prisoners of war but they had no way of receiving information except through the War Ministry, and replies to protests and inquiries were always formulated on the basis of information received from the War Ministry. On the whole the Foreign Ministry acted simply as a "post office" for receiving and transmitting this correspondence.

Exhibit 1468,
(p 12787)

On 18 December 1941 the United States Government requested the Swiss Government to inform the Japanese authorities that the United States would apply the provisions of the Geneva Prisoner of War Convention and the Geneva Red Cross Convention and that in addition the provisions of the Prisoner of War Convention would be applied to civilian internees of Japanese nationality insofar as they were applicable. The United States Government expressed the hope that the Japanese Government would apply the same provisions on a basis of reciprocity.

Exhibits 1494,
(p 12879)
1495 (p 12882)

On 3 January 1942 the Argentine Ambassador transmitted to Foreign Minister TOGO the assurance from the British, Canadian, Australian and New Zealand governments that these governments would observe the terms of the Geneva Prisoner of War Convention and the request that the Japanese Government would make a similar declaration. On 5 January the same governments informed Foreign Minister TOGO that in the application of the Prisoner of War Convention they would consider the national and racial customs of the prisoners as regards food and clothing.

Exhibit 1958,
(p 14299)

On 13 and 16 January 1942 the Vice Minister of Foreign Affairs transmitted to the War Ministry the above inquiries of the United States and British Governments concerning the treatment of prisoners of war. On 23 January the Vice Minister of War replied that there was no objection to giving assurances that Japan would act in accordance with the Prisoner of War Convention and that due consideration would be given to the national and racial customs of the prisoners with regard to food and clothing. On 27 January 1942 the Vice Minister of Foreign Affairs sent an inquiry to the War Ministry regarding the application of the Prisoner of War Convention to non-combatant internees. On 6 February 1942, the Vice War Minister answered that there was no objection to applying the Prisoner of War Convention to these internees within such limits as were applicable.

Exhibits 1490,
(p 12878)
1469 (p 12787)

On 29 January Foreign Minister TOGO informed the Swiss Minister in Tokyo that Japan would strictly observe the Geneva Red Cross Convention as a signatory power and that, although not bound by the Geneva Prisoner of War Convention, it would apply *mutatis mutandis* the provisions of this convention to American prisoners of war.

Exhibits 1496,
(p 12882)
1956 (p 14295)
1957 (p 14297)

On the same day TOGO informed the Argentine Minister to Tokyo that the provisions of the Prisoner of War Convention would be applied *mutatis mutandis* to British, Canadian, Australian and New Zealand prisoners of war in Japanese hands and that Japan, on a basis of reciprocity, would consider the national and racial customs of the prisoners when supplying them with clothing and food.

Exhibits 1491,
(p 12878)
1471 (p 12790)

Following up his letter of 29 January concerning the treatment of American prisoners of war, TOGO informed the Swiss Minister on 13 February that the Japanese Government would apply for the duration of the war the provisions of the Geneva Prisoner of War Convention to enemy civilian internees as far as applicable. He went on to say that American civilians now held in Japan were enjoying more favorable conditions than provided for in the Prisoner of War Convention.

Exhibit 1679,
(p 13482)

On 20 February the International Red Cross informed the Netherlands Government of the Japanese assurance that for the duration of the war the Japanese Government would apply *mutatis mutandis* the Prisoner of War Convention to internees of enemy countries and that the Japanese Government had stated that the treatment of civilian internees now in Japan was more favorable than provided for in the Prisoner of War Convention.

Exhibits 1492,
1493 (p 12879)

On 20 February the Swiss Minister to Tokyo wrote to TOGO that the United States Government had been informed that Japan would, in the treatment of British prisoners of war, take the national and racial customs of the prisoners into consideration. The United States would follow the same principle and consequently expected the Japanese Government to have the same consideration for American prisoners of war and civilian internees. On 2 March 1942 TOGO confirmed that as regards to treatment of American prisoners of war and civilian internees, their national and racial customs would be taken into consideration.

Exhibits 1470,
(p 12789)
1472 (p 12791)
2016 (parts 1,
2 and 3)
(p 14734)

On 12 February the Swiss Minister informed Minister TOGO that the United States Government was prepared to facilitate visits of the representatives of the protecting power to Japanese internees and requested to be informed about the attitude of the Japanese Government. On 14 February the United States Government requested the Swiss Government to inform the Japanese authorities that

American reports showed treatment of American nationals in the Philippines to be extremely harsh and humiliating and that unless the Japanese Government would give definite assurances that American nationals, throughout Japan and the occupied areas, would receive treatment in accordance with the accepted principles, the American Government might have to reconsider its policy. Visits should start as soon as possible. On 17 February the request of 12 February was repeated and it was asked that the Swiss representatives in Japan and Japanese occupied territories be allowed to begin inspecting American prisoner of war and civilian internee camps as soon as possible. On 25 February Foreign Minister TOGO answered that the Japanese authorities would continue to grant the Swiss Minister facilities for visits to internment camps (in Japan). He stated that the treatment of American citizens interned in Japan was proper and that complete information for all occupied territories was not available but that the treatment of American citizens by the Japanese military authorities on the spot was certain to be indulgent. On 3 March the Swiss Minister wrote to TOGO that the Swiss authorities still encountered difficulties in inspecting camps in Japan and that he still hadn't received a list of all interned American citizens as repeatedly requested.

Exhibits 1474,
(p 12793)

1475 (p 12795)

On 3 April the American Government requested the Swiss Minister to inform the Japanese Government that the United States had taken note of the statements of the Japanese Government concerning the good treatment of American nationals but that the reluctance of the Japanese Government to allow neutral observers to make inspections in Japanese occupied territory was still a source for disquiet. On 21 May 1942 the American Government requested the Swiss Government to insist again that Japan, under its commitments, under the Geneva Convention should in addition to according proper treatment immediately allow inspections of all prisoner of war and internment camps by Swiss representatives. The American Government would insist that the Japanese Government take the necessary steps to insure that military commanders in outlying areas should comply with Japanese commitments regarding the Prisoner of War Convention.

Exhibit 2016,
(parts 4-9)
(p 14734)

On 3 June 1942 the Swiss Minister in Tokyo informed Foreign Minister TOGO that the United States Government was disturbed over the fate of American subjects in China and the southern occupied territories and considered it of great importance that Swiss representatives be authorized to visit camps in these areas. On 5 June he wrote again, stating that the British Government wished to receive the fullest information regarding British and Dominion prisoners of war and civilian internees in the southern areas and requested authorization for Swiss delegates to visit camps in those areas. This request was repeated on 11 June, while on 12 June the Swiss Minister repeated the American request that the representatives of the protecting powers and the International

Red Cross be allowed to visit Japanese prisoner of war camps everywhere. On 29 and 30 July Foreign Minister TOGO answered these British and American requests by stating that the Japanese Government had established the principle of not recognizing any representation of interests in occupied territories and that therefore no visits could be allowed to camps in those regions.

Witness Tanaka,
(pp 14288-14291)

Meanwhile at the end of April 1942 Prime Minister Tojo and the military authorities had decided that all prisoners of war, including officers, would have to engage in forced labor on the basis of the "no work, no food" policy. It was further decided to send prisoners from the southern areas to Japan, Manchuria and China to impress the population with Japan's might.

Exhibits 1961,
(p 14425)
2003 (p 14708)
1962 (p 14426)
1963 (p 14428)
1964A (p 14431)

In compliance with the above decision the Ministry of War informed all army units on 3 June 1942 that although the imposition of labor upon prisoners of war officers and non-commissioned officers was prohibited by the Geneva Convention it was now the policy to put them all to work on a voluntary basis. This was further explained at two general meetings on 25 and 26 June and on 7 and 8 July 1942 of the heads of all prisoner of war camps throughout Japan and the occupied areas where complete instructions as regards treatment of prisoners of war were given by the central authorities. Prime Minister Tojo on that occasion stated that the prisoners should not be allowed to be idle for even a single day and that their technical skill should be utilized to increase Japan's production and contribute to the prosecution of the war. The treatment of prisoners of war should be of such a nature that the local population would realize the superior qualities of the Japanese.

Exhibits 1971A,
(p 14505)
1972A (p 14509)

In August 1942 the Cabinet Planning Board drew up plans for employing prisoners of war in war industries. It was decided that prisoners of war would be brought to Japan and put to work under the National Mobilization Plan in industries working for national defense.

Exhibits 1991,
(p 14662)
1992 (p 14666)
1993 (p 14670)

On 28 July 1942 all Japanese armies in and outside Japan were informed by the War Ministry that it had been decided that captured crews of raiding enemy planes must be tried and executed. A draft of Articles of War, to be put into effect retroactively around the middle of August, was enclosed.

Exhibits 2034,
(p 14932)
2039 (p 15001)
2040 (p 15002)

Earlier on 11 March 1942 the Swiss Minister in Tokyo had requested information about the American military and civilian personnel captured on Wake Island. On 20 April TOGO replied that a number of the prisoners were still on this island, some because they

- couldn't be transferred on account of illness, others because they, in accordance with their wishes, were employed in peaceful labor. A list of names would be submitted later. On 26 May the Swiss Minister requested again to have a full list of all Americans taken prisoner on the island, together with the places to which they had been transferred. On 10 August TOGO replied that a list of names had now been sent through the Red Cross and that in general he was prepared to reply to every individual inquiry regarding internees and would in each case make the fullest possible investigations.
- Witness Stewart, (pp 14911 and following)
Exhibits 2035-2038 (pp 14968 and following)
- In reality the civilian and military prisoners on Wake Island were subjected to severe maltreatment, were forced to work on military fortifications, received insufficient medical care and several were executed for minor reasons. A full list of names was never submitted by the Japanese Government.
- Exhibits 2065, (p 15065)
2071, 2072 (p 15081)
- In February 1942 the Netherlands hospital ship Op Ten Noort was bombed and subsequently captured by the Japanese. On 28 May the Swedish Minister to Tokyo transmitted to Foreign Minister TOGO a protest of the Netherlands Government against the bombing and the capture and requested that the ship be released immediately. On 9 June 1942 Foreign Minister TOGO replied that the ship had been used for military purposes and had been trying to escape the Japanese Navy. For this reason the ship had been taken over. He denied that any bombing had taken place.
- Exhibit 2022, (parts 1 and 2) (p 14754)
- On 8 July and again on 1 August 1942 the Swiss Minister notified TOGO that a photograph had appeared in the Japanese newspapers showing prisoners of war cleaning streets of Rangoon and protested on behalf of the British Government against prisoners of war being forced to perform labor belittling their dignity.
- Exhibit 127, (p 791)
- On 1 September 1942 TOGO resigned as Foreign Minister, but returned to that position on 9 April 1945, two days after the formation of the Suzuki Cabinet. He concurrently assumed the post of Greater East Asia Minister.
- Exhibit 1483, (p 12814)
- On 6 April 1945 the United States Government requested that the Swiss Minister lodge a protest with the Japanese Government about the murder of four American civilians in the Philippines in January 1945. It demanded stern punishment of those responsible and the taking of adequate steps to prevent the recurrence of similar atrocities.
- Exhibit 2016, (Parts 61, 62, 63) (p 14734)
- On 17 April the Swiss Legation applied to the Foreign Ministry for permission to visit prisoner of war camps in Japan. It reminded the Foreign Ministry of the many occasions on which

such requests had been made in the past and the failure of the Foreign Ministry to reply to them. During the year 1945 only two camps were visited in February. On 9 April the Swiss Minister complained with Foreign Minister TOGO about the lack of cooperation on the part of the Japanese authorities to approve the appointment of a Swiss delegate to visit the prisoner of war camps. He stated that he had already made requests on this subject many times and that he considered the silence on the part of the Foreign Ministry inexplicable. On 28 April the Swiss approached the Foreign Ministry again, asking for a reply to their requests to visit prisoner of war camps in Japan.

Exhibit 2022,
(Parts 19, 21)
(p 14754)

On 23 April the Swiss Minister requested the Foreign Ministry for a reply to a protest which had been delivered on 4 December 1944 concerning illtreatment of British and Australian prisoners of war in Thailand and Burma. On 2 July the Foreign Ministry was reminded again that still no answer had been received.

Exhibits 2083,
2084, 2086,
(pp 15102 and
following)

On 19 April and again on 28 April the Swiss Minister requested Foreign Minister TOGO for an answer to protests delivered in December 1944 about the murder of the crew of the American merchant ship, Jean Nicolet. Repeated requests for an investigation had already been made but no reply had been received. On 15 May Foreign Minister TOGO sent a note to the Swiss Minister, stating that earnest investigations made by the authorities failed to show that any such incident as the killing of the crew of the Nicolet had taken place, and stating that all Japanese war ships rigorously observed the laws of war. The Nicolet had been sunk on 2 July 1944 and 75 survivors were murdered after they had left the vessel by the crew of the Japanese submarine.

Witness
McDougall,
(p 15109 and
following)
[Exhibit 2080],
(p 15095)

Exhibits 2059,
2060, 2061,
2064 (p 15051
and following)

On 23 April 1945 the Swiss Minister reminded Foreign Minister TOGO of the American protests against Japanese attacks on United States hospital ships, Comfort and Hope, in October and December 1944. These protests had been transmitted to the then Foreign Minister in January 1945 but no reply had been received. On 12 May the Foreign Ministry informed the Swiss Legation that the competent authorities were investigating the matter. On 23 May the Swiss transmitted another protest, the Hospital Ship Comfort having been attacked again on 28 April. On 23 June 1945 the Swiss sent a further note to Foreign Minister TOGO on the same subject, having received information from the United States Government that the attack was made in clear weather, that the hospital ship was easily recognizable and that

the Japanese knew of its presence in the area. Attention was drawn to the fact that the Japanese Radio on 9 April 1945 had announced that the Japanese were justified in attacking hospital ships as they were allegedly used for military purposes.

Exhibit 2016,
(Parts 64,66)
(p 14734)

On 10 May the Swiss Minister transmitted to Foreign Minister TOGO a notice from the United States Government that they had received the decision of the Japanese Government to allow visits to certain prisoner of war camps in the Japanese occupied areas if likewise visits would be permitted to camps in areas which were now occupied by the United States. In answer to this the United States Government requested further clarification as the Japanese offers were too vague. On 30 May the Swiss Minister informed TOGO that the American Government was ready to permit inspection of camps in American occupied areas as soon as an answer to the letter of 10 May would be received.

Exhibit 2016
(Parts 65, 67)
(p 14734)

On 16 May and 30 May the Swiss Minister again addressed letters to Foreign Minister TOGO reminding him that still no permission had been obtained for further visits to Japan proper.

Exhibits 2052,
(p 15014)
2053 (15016)

On 15 May 1945 the Swiss Legation sent another reminder to the Foreign Ministry concerning repeated requests for information about American civilian personnel captured on Wake Island. The Japanese Government now had had three years to inform themselves about this matter, they had been regularly reminded that the United States Government was still waiting for a reply, but no reply was forthcoming. On 27 July 1945 the Swiss Legation sent another reminder to the Foreign Ministry on the same subject.

Exhibit 2022,
(Part 20)
(p 14754)

On 15 May the Japanese Foreign Ministry sent a note to the Swiss Legation answering protests made by the Swiss in July and November 1944 concerning illtreatment of British prisoners of war. The note stated that full inquiries had made it clear that no illtreatment or atrocities had been committed and that the competent authorities continued to guide the Japanese troops, the treatment of prisoners of war now as always being a matter of concern to them.

Exhibit 2103,
(p 15178)

On 19 May the Swiss Minister transmitted a communication from the British Government to the Japanese Government, stating that the British Government had received the Japanese reply to British protests regarding the killing of crews of British merchant vessels by Japanese submarines. They had taken note of the fact that the Japanese Government denied all knowledge of these facts but found this reply entirely unacceptable. The British

Government drew the attention of the Japanese Government to an operation order of the First Japanese Submarine Force, dated 20 March 1943, which authorized submarine commanders to destroy the crews of sunken merchant ships. The British Government insisted that stern action should be taken against the naval authorities who authorized these actions.

Exhibits 1484,
(p 12815)

1485 (p 12816)

2107 (p 15200)

2108 (p 15202)

On 19 May 1945 the American Government requested the Swiss Government to protest in Tokyo against the execution of one American subject in the Philippines in January and the massacre of 150 prisoners of war in the Philippines in December 1944 and requested punishment of those responsible. On 30 May this latter protest was transmitted to the Japanese Foreign Office, while on 4 June the Swiss Minister visited Foreign Minister TOGO and personally handed him a further communication dealing with the same atrocity. On 6 June the Swiss Minister informed the Foreign Ministry of his interview with Foreign Minister TOGO.

Exhibit 1486,
(p 12817)

On 8 June the American Government requested the Swiss Government to lodge a protest against the starvation of American civilian internees in Shanghai although sufficient food was available on the spot. It continued to state: "Should the Japanese Government continue to deprive civilian internees and prisoners of war in its custody of the food necessary to safeguard them from starvation and maintain them in health, the United States Government hereby solemnly declares that it will hold personally and officially responsible for this crime all of the officials of the Japanese Government regardless of position or status who have participated therein, either through neglect or from wilful intent and will in due course bring them to judgment."

Exhibit 2016,
(Parts 68, 69,
70) (p 14734)

On 5 June Foreign Minister TOGO informed the Swiss Minister that the British and Netherlands Governments had approved the Japanese proposal of December 1944 that visits be allowed to prisoner of war camps in the territories occupied by the Allies and by Japan on a reciprocal basis and that he hoped that the United States would agree as well. On 13 June the Swiss Minister informed TOGO that the United States had already answered the Japanese proposal by letter of 10 May 1945. On 14 June the Swiss Minister addressed another letter to the Foreign Ministry, complaining that Japan did not discharge its obligations as regards allowing inspection of camps, removal of camps from the vicinity of military objectives and communication of data concerning prisoners of war in their power. The many protests made by the Swiss representatives remained unanswered or received an unsatisfactory answer. The Swiss Minister continued to state that the Japanese Foreign Ministry knew as well as he did that the situation had never been as bad as in the last six months.

Exhibits 2022,
(Part 22) (p 14754)
2025 (Parts 8,9,10)
(p 14833)

On 9 June the Swiss Ministry protested that American prisoners of war held in Japan were obliged to labor for excessive hours on military projects. On 5 July it transmitted another United States protest against the working and lodging of American prisoners of war in Thailand on or near military projects. The same day a British protest against illtreatment and murder of British prisoners of war in Burma was transmitted. On 1 August 1945 the Japanese Foreign Ministry answered that as regards the complaint of 9 June an investigation had been made and that it was not admitted that American prisoners of war were subjected to unduly long work on military projects.

Exhibit 2016,
(Parts 71, 73)
(p 14734)

On 13 July the Swiss Minister protested with the Japanese Foreign Ministry about difficulties concerning the visits of a Swiss delegate to prisoner of war camps in Singapore which were now to be permitted. On 31 July this protest was repeated.

Exhibits 2016,
(Part 72) (p 14734)
1487 (p 12818)

On 13 July 1945 the Swiss Minister acknowledged receipt of a Foreign Ministry letter of 8 July, informing him that Japan would no longer permit financial assistance to be given to prisoners of war and internees. On 31 July the United States Government protested strongly against this measure, stating that the food supplied to the prisoners had always been insufficient, while of late the situation had deteriorated. By cutting off this last method of providing relief from the outside the Japanese Government showed that it sanctioned the starvation of the prisoners in its custody. The United States Government emphasized that the Japanese Government would not be able to avoid responsibility for the starvation of American prisoners.

Exhibit 2011,
(p 14718)

On 14 August 1945 Japan accepted the terms of surrender. On 17 August the Suzuki Cabinet resigned and TOGO was relieved of his posts as Foreign Minister and Greater East Asia Minister. On 20 August orders were sent out from the War Ministry to the various Japanese Armies that all persons who had mistreated prisoners of war and civilian internees should be immediately transferred or be allowed to disappear completely.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
INTERNATIONAL PROSECUTION SECTION

8 August 1947

MEMORANDUM TO: Mr. F. S. Tavenner, Jr.
Acting Chief of Counsel

FROM: David Nelson Sutton

SUBJECT: Chronological Statements of Prosecution's Evidence

I hand you herewith a copy of the Chronological Statement
of the Prosecution's Evidence as to each of the seven following
defendants:

DOIHARA, Kenji
HATA, Shunroku
HIRANUMA
HIROTA, Koki
ITAGAKI, Seishiro
MUTO, Akira
TOGO, Shigenori

DAVID NELSON SUTTON

9 June 1947

MEMORANDUM FOR: **Mr. Laverge; Mr. Sutton**
FROM : EDWARD P. MONAGHAN, Chief,
Investigative Division, IPS
SUBJECT : Defense Witness

Defendant

1. Please find attached hereto list of material available on the following witness and/or witnesses.

DEFENDANT - TOGO

The attached information has been taken from the compiled report prepared by MIS. The report was previously classified secret however this classification has been cancelled and at the present time does not carry any classification. It will be noted that much of this information has been furnished in curriculum vitae obtained from the Cabinet Secretariat's office.

WITNESS

LIST OF MATERIAL AVAILABLE

TOGO, Shigenori

Info from MID report

2. Please acknowledge receipt of this memorandum by initialling and returning attached carbon copy to this office, Room 300.

E P M

EDWARD P. MONAGHAN

Incl
(Described above)

Shigenori TOGO: Minister of Foreign Affairs and GEA Minister, Suzuki Cabinet

1882 Dec Born Kagoshima City. Elder son of Toshikatsu Togo.
Married.
1908 Graduate in literature, Tokyo Imperial University.
1912 Entered Foreign Service.
1913 Served at Hankow and Mukden.
1916 Served in Switzerland.
1918 Second Secretary, Switzerland.
1919 Served in Germany.
1920 Second Secretary, Germany.
1921-23 Chief, 1st Section European and American Bureau of Foreign Office.
1925 First Secretary, Embassy in United States.
1929-33 Counselor, Embassy in Germany.
1933 Director, European and American Bureau, Foreign Office.
1934 Director, European and Asiatic Bureau, Foreign Office
1937 Oct Ambassador to Germany.
1938 Dec - Ambassador to Russia.
1940 Aug
1941 Oct - Foreign Minister in Tojo Cabinet.
1942 Aug Overseas Minister in Tojo Cabinet.
1941 Oct-Dec Member House of Peers.
1942 Sept Minister of Foreign Affairs, Suzuki Cabinet;
1945 Apr concurrently Greater East Asia Minister.

Regarded by foreign colleagues as an able and level-headed diplomat. Served in Berlin three times. First, as Charge d'Affaires after World War I when diplomatic relations between Germany and Japan were reestablished; again as Counselor of Embassy from 1929-33. After the Tokyo military coup of February 1936, Togo, who did not relish the increasing military interference with Foreign Ministry affairs, asked for a diplomatic post abroad and was named Ambassador to Germany. A year after he had assumed this post, however, it was turned over to a pronounced representative of the military clique, Colonel (now General) Oshima, who had been Togo's Military Attache. The preference of Togo and his German wife for pro-Hitler Germany was said to be the reason for the shift. (143,20)

Ambassador Grew in "Ten Years in Japan" describes Togo as grim, unsmiling, ultraserved, speaking English fairly well. When they first met after Togo became Foreign Minister in Tojo Cabinet, he requested Ambassador Grew's cooperation in continuing U.S. - Japanese conversations. A reliable Japanese informant said Togo had accepted his new post with the specific aim of carrying the current negotiations to a successful end, intending to resign if he failed. As late as 3 December 1941 Togo expressed to Mr. Grew his disappointment at lack of progress in conversations.

Ambassador Grew also quotes a member of his staff who had known Togo when latter was Ambassador in Moscow as stating that the Soviet Government considered him the most acceptable Japanese representative in years and had been disappointed at his recall in 1940. Togo was one of several diplomats recalled at that time who did not favor Foreign Minister Matsuoka's extreme foreign policy. (4,20)

Shigenori Togo (continued)

A Tokyo broadcast at the time of his appointment to the Suzuki Cabinet stated that Togo left the Tojo Cabinet in August 1942 because he opposed the formation of the Greater East Asia Ministry and other measures adopted by the Cabinet, and that he had always advocated diplomacy as a means to victory.

Mr. Sutton

defendant

TOGO

GENERAL HEADQUARTERS
SUPREME COMMAND ALLIED POWERS
INTERNATIONAL PROSECUTION SECTION

24 April 1947

MEMORANDUM FOR: Messrs. Sutton, Fihelly, Hyde and Laverge

FROM : Captain Robinson
Mr. Edwards
Mr. Lopez

SUBJECT : Cross-examination of the defendant, TOGO

1. We suggest that TOGO be cross-examined on the following:

a. On Page 1 of his 22 and 28 February 1946 interrogation, TOGO stated that MUTO attended the Liaison Conferences which made a decision for war against the United States. The pertinent portion of that interrogation follows:

& 2
Pages 1, Document No. 2894 -

"Between October 23, 1941, and December 8, 1941, there were a number of liaison conferences, at which the following individuals were present: Hideki TOJO, Prime Minister; Shigetaro SHIMADA, Minister of the Navy; Okinobu KAYA, Minister of Finance; Teiichi SUZUKI, Minister of State without Portfolio and President of the Planning Board; Gen SUGIYAMA, Chief of the Army General Staff (deceased); Osami NAGANO, Chief of the Navy General Staff; Naoki HOSHINO, Chief Secretary of the Cabinet; Takasumi OKA, Chief of Naval Affairs Bureau, Seiichi ITO, Vice-Chief of Staff of the Navy; Sho MUTO, Chief of the Military Affairs Bureau; and Isao TSUKADA, Vice-Chief of Staff of the Army. I attended these conferences along with the above named individuals. All had active part in the conferences. If necessary, other Cabinet members and government officials attended if it involved their particular ministry. I do not recall the names of the others who attended.

"During these conferences, the big question was the settlement of the difficulties with the United States. According to a report from Ambassador NOMURA in Washington, D. C., around October 10, 1941, to the effect that he believed that an understanding had been obtained with the United States concerning such questions as the Tripartite Pact and trade involving non-discriminatory treatment in China. So when I became Foreign Minister I discovered that this was not the situation

(Memorandum for Messrs. Sutton, Fihelly, Hyde and Laverge)

and that no sufficient understanding had been arrived at on these points; so I asked NOMURA for confirmation. NOMURA replied that the reference report in October was inaccurate, which made the situation more difficult. During the beginning of the liaison conferences such men as SUGIYAMA, SUZUKI, SHIMADA, HOSHINO and TOJO were opposed to the withdrawal of Japanese troops from China within a specific time limit. However, at my insistence they agreed with me in the establishment of such time limit. Along with the effort to seek a solution of the issues with the United States, consideration was also given to Japan's productive power, finances, etc. for the eventuality of war. After HULL's note of November 26, 1941, was received it appeared that war was unavoidable.

"The decision for war came during a liaison conference on or about November 28, 1941. I was present at this conference along with the persons mentioned above. Because of the firm stand of the United States as outlined in HULL's note, it seemed that there was no alternative other than for Japan to wage war against the United States. Since it involved the honor of Japan, as well as Japan's existence, there was unanimous agreement at this conference on or about November 28 to wage war against the United States. The next day, on or about November 29, 1941, to the best of my recollection, the matter was referred to TOJO's Cabinet, at which meeting I was present, and there was no objection."

b. On pages 6, 8, 9, 10 and 11 of his March 19, 1946, interrogation, TOGO stated that MUTO made the statement that if the Prime Minister opposed the war that he could be changed at any time and that MUTO, as Director of the Military Affairs Bureau was demanding exorbitant quantity of gasoline above the normal Japanese import requirements, which had the effect of sabotaging peace negotiations between Japan and the United States. The pertinent portion of that interrogation follows:

Pages 6, 8, 9, 10, and 11, Document #4118 -

- Q. Do you have any knowledge of any conclusion reached by TOJO, SUZUKI, HOSHINO and the other members of the TOJO clique to start war around October 10 or 15 prior to the fall of the 3rd KONOYE Cabinet.
- A. I know of no such decision, but from what I have learned since about the third year of the war from Prince KONOYE, and from his so-called memoirs since the termination of the war, TOJO was very anxious to arrive at an early decision on the basis of the September 6 decisions with

(Memorandum for Messrs. Sutton, Fihelly, Hyde and Laverge)

the prospect that the negotiations were useless. From what I recall of the conversation with KONOYE, MUTO, Director of the Military Affairs Bureau, had said to KONOYE that if the Prime Minister opposed war, the Prime Minister could be changed at any time, but if the navy objected to war, then there could be no war, since the navy is saying that it leaves everything up to the decision of the Prime Minister, you can not get anywhere. So the question is to get the navy to decide. So it is necessary to make clear the navy's views.

- Q What did you say at the time of your conversation with OTT regarding what was expected of Germany.
- A Although I have to brush up on my memory, I recall that the main point of interest so far as I was concerned was what the attitude of Germany would be in case the negotiations failed. As I recall, OTT said, as his personal opinion, that Germany would stand on the side of Japan and assist Japan.
- A (continuation after recess)
Going back to the question relative to November 25, when you said that I met General OTT, I recollect in my memory during the recess, and I have recalled the following: On November 25, the feeling was rather strong that the Japanese modus vivendi would be acceptable to the United States, that even the formula for a treaty had been drafted and had been telegraphed to Washington on that very day. The feeling that such a feeling was entertained by those outsiders who visited the Japanese Embassy in Washington, and such observations were also being made in London as well as elsewhere. Such being the expectation, the army went so far as to make an exorbitant request with respect to the supply of gasoline, which was taken up in point two of "Proposition B", and the matter was brought to the Foreign Office. When I was informed of this army request for such a heavy order for gasoline, I told my subordinate officer that such a demand could not be accepted because it would sabotage the efforts toward arriving at a successful conclusion of the negotiations, and that if any request is made it should be within reasonable limits, that is, that a figure averaging Japan's gasoline needs over a period of years should be requested and not such an exorbitant quantity. In order to make the negotiations a success, the Japanese must approach the matter with more sincerity, and furthermore it would be in violation of the spirit of the decision of the Imperial Conference which was to seek a successful settlement; and I had that request rejected and turned back to the military.

This should explain the fact that there was no idea on that day of any failure of the negotiations, and although it may

(Memorandum for Messrs. Sutton, Fihelly, Hyde and Laverge)

not be a very precise picture, it would explain the general situation. As far as the army was concerned, it may be considered in the light of your observation, attempt at sabotage of the negotiations on the part of the army. But the Foreign Office can not see clearly to what extent this represented the army's views, what latitude of the army's views, or at how high a level. That matter was to have been brought to the Foreign Office by the Director of the Military Affairs Bureau, General MUTO. At that time one of the most urgent and important considerations was that of petroleum. What to do with the petroleum question in case the negotiations ended in failure, and what to do with the question in case the negotiations succeeded.

Q In regard to the question of gasoline, what was the demand in quantity that MUTO requested that you should make of the United States.

A I do not recall the exact figures, but I do recall that the quantity was much greater than the ordinary imports.

Q What would be the reason that the military should desire such large quantities of gasoline.

A The military as a matter of course, desired being well supplied and stocked insofar as preparations were concerned; and, therefore, submitted such an exorbitant request. If this question were viewed from the American point of view, it was even publicly stated by President ROOSEVELT and Assistant Secretary of State BERLE that if oil imports into Japan were stopped, it would lead to war. And the American stand on the matter was that by limiting oil supplies to Japan, Japanese strength would be weakened; therefore, the making of such a demand upon the United States would naturally be rejected and make virtually impossible the arriving at a successful settlement. That is the main and crucial point of the question.

Q Did TOJO, SUZUKI, HOSHINO, MUTO, and the others connected with TOJO, reveal at any time other than this that they wished to sabotage successful negotiations between the United States and Japan.

A The actual situation was that whenever any question arose and views were expressed by the army, it has been very difficult to know or to confirm to what extent it represented the army. That was one of the principal difficulties of the Foreign Office, to confirm whether, for instance, the request brought by MUTO on the gasoline question represented what latitude or level of the army.

(Memorandum for Messrs. Sutton, Fihelly, Hyde and Laverge)

c. On pages 9 and 10 of his March 8, 1946 interrogation, TOGO stated that MUTO along with OKA and HOSHINO "made various explanations and even participated in the deliberations" of the liaison conferences. The pertinent portion of that interrogation follows:

Pages 9 and 10, Document No. 4113 -

- Q. You mentioned a few moments ago that you had considerable contact with HOSHINO during the liaison conferences while you were Foreign Minister in TOJO's Cabinet. I would like you to relate the conversations concerning HOSHINO's actions in regard to the situation prior to the attack at Pearl Harbor.
- A. I did not have any private conversation with HOSHINO which I recall at the time of the liaison conferences before the outbreak of war which I recall of any importance. At the liaison conferences HOSHINO, together with MUTO and OKA, served as secretary and explained the various plans and proposals submitted there. He participated in the debates in the conferences and, generally speaking, I can say that HOSHINO took a strong stand; but I have not had any occasion to talk with him privately at these conferences. At least at the present moment I cannot recall of any conversation I might have had with him.
- Q. May I ask what you mean by "strong stand."
- A. He did not desire the relaxation of the Japanese conditions regarding the talks with the United States. He did not approve of Japan's taking a mild attitude toward the China problem.
- Q. In his debates prior to November 26 did HOSHINO indicate that negotiations and relations with the United States should be terminated.
- A. I recall his saying that the Japanese-American talks will not reach a successful culmination.
- Q. From what I understand, he exerted considerable influence in his statements at these liaison conferences.
- A. Of course, at the liaison conferences HOSHINO, as secretary, along with MUTO and OKA, made various explanations and even participated in the deliberations. It is very difficult to make any distinctions among these three secretaries as regards their status at the conferences or their influence over the conferences. However, being a Chief Secretary of the Cabinet, he was in very intimate contact with TOJO, and, therefore, had a very good understanding of what TOJO thought and what his ideas were. So it can be said that HOSHINO in making statements expressed TOJO's views on occasion, and, I presume, that there were times when HOSHINO influenced TOJO.

(Memorandum for Messrs. Sutton, Fihelly, Hyde and Laverge)

d. On pages 6, 3, 4 and 5 of his 11 March 1946 interrogation, TOGO stated that MUTO, as Director of the Military Affairs Bureau, "was in close and constant touch with the Foreign Office" as to the progress of the negotiations between Japan and United States in the autumn of 1941. The pertinent portion of that interrogation follows:

Page 6, Document #4116 -

- Q. If TOJO said that you did not keep him notified as to negotiations and that he got a copy of HULL's note from some one else, what would you say.
- A. That TOJO should receive a copy of the HULL note or to be informed of the HULL note from any other source but the Foreign Office would be impossible, inasmuch as the note came to the Foreign Office. As a matter of fact, the existing set up was such that all telegrams bearing on the matter were automatically sent by the Foreign Office bureau in charge to the army and navy offices, as well as to the general staffs, and the Director of the Military Affairs Bureau, and the Director of the Navy Affairs Bureau, and their heads were in close and constant touch with the foreign office and to such an extent that it was absolutely unnecessary for me to inform TOJO or others concerned of each item; so TOJO would naturally be informed of such an important note without my having to tell him. I recall that before the Cabinet meeting on or about November 28, I consulted with him regarding the HULL note; and also the telegram sent by NOMURA and KURUSU followed that note; so I should think that TOJO was already familiar with the HULL memorandum without having to tell him.
- Q. As I understand, Mr. TOGO, that final note which was sent on December 7, 1941 (Tokyo time) to NOMURA in Washington was not a declaration of war but a final note breaking off negotiations.
- A. As I said before, the final notification of the Japanese government was to be delivered by the Ambassadors in Washington at the instructions of the Japanese government at 3AM, December 8, Tokyo time. That notification did not contain the words, "declaration of war," but did state the cessation of negotiations and the severance of diplomatic relations, which in the light of the situation prevailing at that time was considered tantamount to a declaration of war.
- Q. Who would be considered responsible, who would you consider responsible for the composition of that note.
- A. That notification, as I have previously explained, was a summation of the results of the studies and discussions which took place at the liaison conferences regarding negotiations with the United States. The note itself was

(Memorandum for Messrs. Sutton, Fihelly, Hyde and Laverge)

written by the Foreign Office, but the responsibility for the composition rests with the participating members of the liaison conferences. The responsibility for the contents of the notification rests with the members of the liaison conferences. Furthermore, the matter was also reported to the Cabinet and passed the Cabinet without objection.

- Q. Could you give me the names of the individuals at the liaison conferences and the Cabinet members who would be considered responsible for the contents of the note.
- A. As I have said at a previous meeting, members of a liaison conference who were responsible for the study and discussions on the matter were TOJO, SHIMADA, SUGIYAMA, NAGANO, TSUKADA, ITO, KAYA, SUZUKI, and the three secretaries, HOSHINO, MUTO and OKA. As to the members of the Cabinet, under the constitution they are responsible for decisions of the Cabinet, even on matters outside of the competence of their respective offices.

Pages 3, 4 and 5, Document #2892 -

- Q. I understood from you that the note was composed by the Foreign Office after the contents of what the note should contain had been decided upon at the liaison conference. I also understand that after the note was composed by the Foreign Office it was presented for approval to the Cabinet on December 1, 1941, at which time the Cabinet approved it. Is my understanding correct.
- A. The first part of your understanding is correct, that is, that the writing of the note took place in accordance with the decision of the liaison conference as to its contents. However, I should like to make some correction as to the date. December 1 was the date of the Imperial Conference, at which the decision for war was made. However, previous to the Imperial Conference the main points of the note to be sent were reported to the Cabinet; but as to the drafting of the note, that came afterwards, and at a later Cabinet meeting the main points were further explained and the continuation of the explanation that was made at the former Cabinet meeting. I cannot recall definitely, but it seems to be around November 30, but I could have the date more definitely confirmed later.
- Q. Do you not think that the time in preparing the note after the details of what it should contain were decided on November 30 was too long.
- A. As you say, it seems that considerable time was consumed, but before the final draft was approved the note went through a series of many revisions. The two secretaries of the liaison conference, the Chief of the Military Affairs Bureau, MUTO, and the Chief of the Navy Affairs Bureau, OKA, were in frequent contact with the Foreign Office in connection with

(Memorandum for Messrs. Sutton, Fihelly, Hyde and Laverge)

the drafting of the note. They represented the driving force of the time, that is, the Army War Office and the Army General Staff and the Navy Office and the Navy General Staff, and on practical matters these two men represented these two fighting services in making frequent contacts with the Foreign Office in the making of the draft. As a consequence, many revisions were gone through. Being personally interested in the process and course of the revision that was gone through, I wanted to have some concrete materials on the subject, that is, the copies of the many revisions that were made at the time. But I found out that these materials, too, had been destroyed in the air raid; and, therefore, I am not able to offer substantial materials to explain my point. Had I had such materials, I could more clearly explain some of the reasons for the delay that was taken in completing the draft of the note.

- Q. From what you have stated would you consider that the members of the Cabinet and members of the liaison conference, whose names you have mentioned, are equally responsible with you as regards to the contents of the note and its delivery.
- A. As to the contents of the note, I think it is but natural that all of the members of the liaison conference are responsible. As to the cabinet, they would have at least a final responsibility in that they expressed no objection, that is, from the legal point of view. Of course, it all depends whether you view the matter superficially or formally, or whether you would like to view it more profoundly. But, practically speaking, in the light of actualities it might be said that there is a difference in the degree of responsibility by the liaison conference and the Cabinet because not all of the Cabinet members attended the liaison conference, but the situation was such that whatever was approved by the liaison conference was approved by the Cabinet. Although there may be a difference in degree of responsibility, the Cabinet might have at least a nominal responsibility.

e. On Pages 7,&8, of his 13 March 1946 interrogation, TOGO described the set-up and function of the liaison conferences, as well as the weight they had on final important decisions of the Japanese Government. MUTO's responsibility lies in his connections with these conferences, and according to TOGO, MUTO participated in the deliberations. The pertinent extract of that interrogation follows:
Pages 7 and 8, Document #2891 -

- Q. In going back to the subject of liaison conferences, I would like to ask what weight the liaison conferences had in the final decisions of the Japanese government.

(Memorandum for Messrs. Stton, Fihelly, Hyde and Laverge)

A. The matter must be viewed both from the legal as well as the practical standpoint. The army and navy high command chiefs were directly responsible to the Emperor. The functions of all ministers of state is to "assist and advise" the Throne. The liaison conference is not recognized as a constitutional organ. So from the constitutional point of view, the decisions of the liaison conference do not carry much weight. Therefore, the Cabinet, that is the government, and the steps of the high command and the Imperial Conferences come into the picture; but from the practical point of view, these liaison conferences had weight. The liaison conferences originated with the consultations begun during the 2nd KONOYE Cabinet between the government and the Imperial General Headquarters. It originated from the fact that the military, including the navy were not only interfering in politics, but were exercising such influence as to control and direct politics. Within the government their representatives were the War and Navy Ministers, and outside the Chief of the Army General Staff and the Chief of the Naval General Staff. This organization, the liaison conference, may be said to be a very clear manifestation of the influential position occupied by the armed services.

The formal setup of the liaison conference included as secretaries the Chief Secretary of the Cabinet, who acts according to the ideas of the Prime Minister; the Chief of the Military Affairs Bureau for the army; and the Chief of the Military Affairs Bureau for the Navy. The Foreign Office had no such person among the secretaries, but after I became Foreign Minister I did as much as possible to have a Foreign Office bureau director included.

Decisions relative to the Tripartite Pact, the military advance into South French Indo China, and the decision of the September 6 Imperial Conference were decided upon by the liaison conference. Those decisions were pushed by the army and navy and so established the military dominance in the conference that when it came to the question of war it became increasingly difficult to curb their idea that war was unavoidable.

Regarding the composition of the liaison conference, I might say that when I became Foreign Minister the only change in membership which took place was the Navy Minister SHIMADA, the Finance Minister KAYA, and myself; all the others were the same. In my thinking there is what you call a momentum that when the question of relaxing our conditions in our negotiations with the United States was brought up, views would be expressed on the basis of the decision of September 6 saying that conditions could not


(Memorandum for Messrs. Sutton, Fihelly, Hyde and Laverge)

be relaxed beyond the conditions set forth in those decisions. As I explained before, at my strong insistence and persuasion I had these conditions relaxed but with extreme difficulty. As I have said, the military, or the army and navy, are almost all mighty in the liaison conference. At one time I thought that to entrust such grave decisions to such a body was not just or legitimate under the constitution. I thought that other methods or other means should be used for the purpose. But because of the tremendous influence of the army and navy, and because of no signs of willingness of other ministers of state to strongly oppose the army and navy, my idea did not materialize.

In short, because of the momentum of the military and naval influence, which was strong even before my entry into the Cabinet, the decision of the liaison conference which they led in arriving at were, practically speaking, such that it was approved by the Cabinet and even by the Imperial Conference. In other words, practically speaking, the decisions of the liaison conference had such decisive weight. Viewed in the light of the situation, it should be said first of all that the army and navy, and between the two the army had greater weight, and that among the members of the liaison conference those who were members longer exercised more weight than new comers. Therefore, the weight of each member in leading the decisions, as well as the degree of responsibility of the members must be viewed in the light of this situation in the liaison conference.

- Q. In other words, any agreement reached at the liaison conference when presented to the Cabinet would be nothing but a formality for the Cabinet to pass on.
- A. There were exchanges of views on occasions, but there was little if no important changes made in the decisions of the liaison conference.

Captain James Robinson
W. M. Edwards
Pedro Lopez

By 

Pedro Lopez

ANALYSIS

of the responsibility of the accused arising out of his official position for the facts stated during prosecution's phase " Japanese Aggression against the USSR."

Official positions
(directly connected with the
said phase.)

18. X.38 - Autumn 1940.
Ambassador to the USSR.

18.X.41 - 2 XII 41 Foreign:
Minister and Minister of:
Overseas Affairs. :
2.XII.41 - 1 IX 42 Foreign:
Minister. :

Responsible
for the following facts:

12. Undeclared aggressive war against the USSR and the Mongolian People's Republic in the Nomonghan area. (May-September 1939).
Cc.26,36,51 of the Indictment.

17. Active realization of the aims of conspiracy as regards the Soviet Union during the period of the aggressive war of Germany against the USSR and gross violation of the Neutrality Pact. a/ the preparation of an attack on the USSR and waiting meanwhile for a convenient time for it. (1941-1944)

C. 17 of the Indictment.
b/ The tying up of large Soviet armed forces in the Far East due to the threat of Japanese attack as a means of helping Germany on the part of Japan.

C. 17 of the Indictment.
c/ Planning a proposal of peace mediation between the USSR and Germany even threats to attack the USSR in order to help Germany in case of her failure in the war against the USSR.

C. 17 of the Indictment.
d/ The provision of Germany with the information on military and political conditions in the USSR and the employment for this purpose of military and diplomatic

personnel.

C. 17 of the Indictment.

e/ Intentional hampering of Soviet trade shipping in the Far East. Imposition of restrictions in violation of the Portsmouth treaty.
C. 17 of the Indictment.

f/ Attacks on the neutral Soviet ships. (1941-1943)
Cc. 53, 54, 55 of the Indictment.

3. Aggressive intentions of the imperialistic clique of Japan in regard to the USSR. (1928-1945)
Cc. 5, 17 of the Indictment.

As one of the leaders of the Japanese ruling clique, which fact is especially proved by his having held responsible diplomatic and government posts for a responsible for the general policy of the Japanese government which found its expression in specific aggressive acts against the USSR.

14. The conclusion of the Anti-Comintern Pact, which was a military political alliance of aggressors directed against the democratic states and against the USSR, in particular. The results of its enforcement as regards the USSR prior to the conclusion of the Tri-partite pact. (1936 - 1940)
Cc. 5, 17 of the Indictment.

15. the conclusion of the Tri-partite Pact finally shaping the conspiracy of aggressors against the democratic states, and the USSR in particular.
Cc. 5, 17 of the Indictment.


STATEMENT MADE BY TOGO
To Roy Morgan and Shimanouchi, Interpreter
17 April 1946

As an analogy he brought out that when Russia entered the war against Japan in 1945 Russia was not chivalrous. He told the writer that Japan had contacted Russia previous to Russia's entry into the war requesting Russia to mediate with the United States to bring the war to an end. Also, at the time Japan was a neutral with Russia under a neutrality pact which had one year left to run. However, at 11 PM on August 8, 1945, Japanese time, Ambassador SATO in Moscow went to the Foreign Commissar's office to receive what he expected to be a Soviet reply to the Japanese request for mediation. Instead of that, as it was learned later, SATO received a war notification saying that the Soviet Union and Japan were at a state of war as of midnight, August 8, 1945, which was presumably one hour's notice. Nevertheless, after SATO received this notification it was presumed that SATO attempted to wire Japan as to the declaration of war, however, the telegram has not been received to this day. The first notice that Japan had that Russia had declared war was the 4 AM, August 9th, Japanese time, broadcast from San Francisco which gave President TRUMAN's announcement that Russia had declared war on Japan. It was not until 11 AM, August 9, when he was attending a cabinet session, that Ambassador MALIK of the Soviet Government requested an interview, but he, TOGO, being in Cabinet session, did not see him until August 10, at which time MALIK transmitted the Soviet declaration of war. He further stated that Soviet Russia, being a signatory of the Hague Treaty recognized its existence, and that also that they must have considered the steps they took were sufficient and legitimate. This is another proof showing how ineffective the Hague Treaty is and in indicating how necessary it is that this treaty be revised in order to make a better instrument and protect the interests of the better world that he as well as others all desire.

EXTRACTS FROM KIDO'S DIARY

TOGO, Shigenori (Foreign Minister)

10.21.41
10.30.41
11.28.41 E Policy U.S.A.
12.4.41 E
12.8.41* Roosevelt's personal telegram; Ambassador Grew
12.8.41 E
12.9.41 E
12.10.41 E Non-single Peace Treaty.
12.13.41 E



STATEMENT OF SHIGENORI TOGO

Turned over to Mr. Roy L. Morgan by Fumihiko TOGO, son of Shigenori TOGO, at the request of Shigenori TOGO.

Since the charge that Japan treacherously attacked the United States reflects upon the honor of the Japanese Government as well as that of my own, I should like to add to what I have already explained.

Immediately after the outbreak of war, President Roosevelt said in a war message to Congress that Japan had attacked the United States while the Japanese-American conversations were still continuing. I felt this to be an unfortunate occurrence. Before the commencement of hostilities, the Japanese armed services, especially the naval high command, opposed the sending of a prior notification to the United States, its point being that surprise was necessary in order to open the attack with the maximum possible effectiveness. However, as a result of my opposition, an understanding was finally reached that notice be given in Washington before the commencement of hostilities, notifying of the cessation of negotiations and severance of diplomatic relations. These circumstances are as I have previously explained.

As I have already explained, despite the fact that the Japanese Government had intended that the notice of cessation of negotiations and severance of diplomatic relations be delivered prior to the commencement of hostilities, the attack preceded the delivery of the note because of executive and clerical hitches at the Japanese Embassy in Washington. At this time I should like to explain why the Japanese Government considered the note sufficient without expressly mentioning

declaration of war, in other words, why it considered that a notice of cessation of negotiations and severance of diplomatic relations would be, under international law, a sufficient step.

First of all, it is necessary to consider the nature of the United States memorandum of 26 November 1941. As I have explained, this memorandum forced upon Japan the alternative of complete surrender or war and was regarded in Japan virtually as an ultimatum. That this judgment was legitimate and well founded may be clear from American documents. For instance, in the report of the United States Army Board of Inquiry containing the results of the investigation into the Pearl Harbor incident published in the New York Times of 30 August 1945:

"Whether or not the Secretary of State, Mr. Hull, now disclaims that this document of the 26th was an ultimatum, American Ambassador Grew testified that the Japanese so regarded it. They so acted upon it and Mr. Hull likewise so acted because he so informed the Secretary of War, Mr. Stimson, on the morning of November 27.

"The latter testified, based on his diary thus 'He told me now he had broken the whole matter off. As he put it, 'I have washed my hands of it and it is in the hands of you and Knox, the army and the navy.'"

Furthermore, according to the said report, Secretary Hull on 29 November 1941, said to the British Ambassador, "The matter will now go to the officials of the army and navy"

According to the report of the Navy Board of Inquiry carried in the New York Times of the same date, Admiral Kimmel, on 27 November

1941, received a dispatch from the Chief of Naval Operations, reading as follows:

"This dispatch is to be considered as a war warning. Negotiations with Japan looking toward stabilization of conditions in the Pacific have ceased and an aggressive move by Japan is expected within the next few days. The number and equipment of Japanese troops and the organization of naval task forces indicates an amphibious expedition against either the Philippines, Thai, or Kra Peninsula, or possibly Borneo."

According to these facts the United States Government at that time had already considered that the situation has passed into the hands of the army and navy and was expecting war with Japan. It is thus clear that the memorandum of 26 November was essentially of the same nature as an ultimatum. In view of the fact that our note of 7 December was a reply rejecting the Hull note, it was tantamount to a notice of a war declaration and this fact should have been clear also to the United States government.

Next, I should like to explain the matter in connection with the Hague Treaty. The aim of the said treaty is that "hostilities should not commence without previous warning." As I have stated before, it is clear that we had no intention to carry out a treacherous attack from the fact that we dispatched to the Japanese Embassy in Washington instructions sufficiently in advance to deliver our note at 1 p.m., 7 December, Washington time. According to the stipulation of the Hague Treaty, a reasoned declaration of war or an ultimatum with conditional declaration of war should precede the commencement of

hostilities, but the treaty does not stipulate as to how much time before the commencement of hostilities notice should be made. At the conference at which the treaty was concluded, the Netherlands delegate proposed that notice should be made 24 hours in advance, but due to the objection of the big Powers, including the United States, Great Britain and Japan, the proposal was not adopted. If this stipulation were to be interpreted literally, it would be legal even in case prior notice of only one minute is given. I might add that there is opinion among some international law scholars that this stipulation does not sufficiently carry out the aim of the treaty itself.

Furthermore, General Porter, the United States delegate, declared at the conference which concluded the treaty: "... the invariable policy of the United States Government has been to recognize in the President as commander-in-chief of the land and naval forces, the full power to exercise the right of national defense at any time and at any place." This statement should be interpreted as meaning that in case of a war of self-defense the provisions of the treaty are not applicable. In view of the fact that the Japanese Government held the view that this war was an act of self-defense, it acted on the belief that the note of 7 December was in conformance with international law.

Under the situation of that time, the Japanese Government was completely confident that by delivery of the note at Washington at 1 p.m., 7 December, Washington time, proper steps had been taken. In this connection, it is hoped that sufficient investigation and study would be made not only with regard to formal aspects of the matter, but also as to the actual facts and the circumstances behind them.

TOGO.

Foreign Minister in Tojo Cabinet, 1941 and 1942.

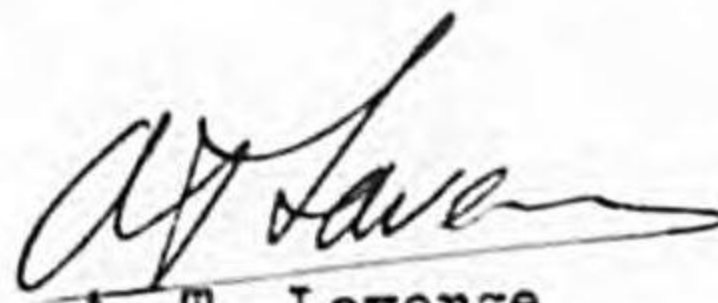
INTERNATIONAL PROSECUTION SECTION
NETHERLANDS DIVISION

30 July 1947

To : Mr. D. N. Sutton

From : A. T. Laverge

1. Attached hereto are four copies of a statement of Defense evidence regarding TOGO, Shigenori, as requested by Mr. Tavenner's memorandum of 14 July 1947.
2. As in drawing up this statement the same method has been followed as in drawing up the statement of Prosecution evidence reference is made to my memorandum of 15 July 1947, accompanying that statement.
3. As the witnesses called by the Defense have mainly testified by affidavit, reference is made to both the witness's name and to the exhibit number of his affidavit. In cases where all or most of the witness's evidence was relevant the page number of the record given is the one on which the witness started to testify. In cases where only part of the witness's evidence was relevant reference has been made to the pages of the record where this specific testimony was given.


A. T. Laverge

Statement of Defense Evidence Regarding TOGO, Shigenori
(Through 19 June 1947, Record Page 24,758)

A Evidence concerning his activities until October 1941

Exhibit
2735 A
(p 24289)

In a statement drawn up by Prince Konoye in May or June 1945 concerning the Tripartite Pact he explains that the idea for a military alliance between Japan, Germany and Italy was proposed by Germany in the summer of 1938, conveyed to the Japanese authorities by the then Military Attache Oshima, and submitted to the Japanese Cabinet. The proposal contemplated converting the Anti-Comintern Alliance into a new military alliance, the principal target being the Soviet Union. The matter was discussed by the Japanese Cabinet and turned over to the Hiranuma Cabinet in January 1939.

Witness
Stahmer
(pp 24468 and
following)

The initial negotiations for the above pact were carried out by Ribbentrop and Military Attache Oshima. They commenced in the summer of 1938 and as far as the witness knew Ambassador TOGO had nothing to do with them until he left his post in October 1938. The witness did not know if these negotiations were being kept secret from TOGO; in any case he never talked to him about it although he had no express instructions not to discuss this subject with the ambassador. His task was to deal with Oshima only which in diplomatic relations must certainly be considered an unusual procedure.

(Witness
Hashimoto,
Exhibit 2622)
(pp 22595 and
following)

)While TOGO was ambassador in Moscow the Nomonhan Incident broke out on 12 May 1939 when Outer Mongolian forces crossed the Khalka River which Manchukuo believed to be the boundary between Manchukuo and Outer Mongolia. This boundary had never been clearly defined.

(Witness Ota
Exhibit
2659
(pp 23092
(and follow-
ing))

) Fighting broke out when the Kwantung Army tried to drive back the Soviet-Mongolian forces across the river and continued during the following months. The general principle as laid down by the General Staff and the War Ministry at the end of May 1939 was to localize the fighting by land and air and to restrain the enemy by only repulsing the attacks across the border. The Soviet-Mongolian attacks however increased and in the beginning of August the central authorities authorized the Kwantung Army to carry out air attacks on enemy air bases behind the front from which the enemy air forces operated. On 20 August a strong attack by Soviet-Mongolian forces took place and the Japanese suffered severe losses.

Ambassador TOGO first heard about the Incident through a protest by Foreign Commisar Molotov. Shortly after the outbreak mutual protests were lodged by the Japanese and Russian authorities, but no diplomatic steps to settle the Incident were taken by either side. As the military action of the Soviet-Mongolian forces became increasingly stronger it was difficult to find an opportunity to initiate negotiations for the settlement of the Incident. However, on 22 August TOGO, while discussing other problems with the Russian authorities took the opportunity to stress the necessity for solving various pending questions in Russian-Japanese relations, including the frontier questions between Manchukuo and the Soviet

Union and Mongolia. When making this proposal he did not know of the large scale operations started by the enemy on 20 August. The Russian authorities declared themselves willing to open negotiations and after receiving instructions from Tokyo TOGO met Molotov on 9, 10, 14 and 15 September. He proposed: (1) A permanent demarcation of the whole border between Manchukuo and the Soviet Union and Mongolia; (2) The establishment of a commission for the solution of all border disputes; and (3) The conclusion of a commercial treaty between the Soviet Union and Japan. The Russians agreed to this on the whole and on 16 September an oral agreement for the cessation of hostilities was concluded. Based on this agreement Imperial Headquarters ordered the suspension of hostilities the same day and the fighting came to an end.

Exhibit 2661 A,
(p 23141)

(Witness Ota)
(Exhibit 2659)
(pp 23092 and)
(following)

(Witness Ota)
(Exhibit 2659)
(pp 23092 and)
(following)

Exhibit 2658
(p 23085)

(Witness Ota)
(Exhibit 2659)
(pp 23092 and)
(following)

Exhibits 2660,
(p 23149) 2662,
(p 23146)

The oral agreement provided for the cessation of hostilities and the maintenance of the respective positions as of 15 September, while a committee of Soviet-Mongolian and Japanese-Manchukuoan representatives would determine the border line between Outer Mongolia and Manchukuo. Subsequent negotiations between TOGO and Molotov led to the establishment of this commission on 19 November. The commission held many conferences but could not come to any agreement.

As the settlement of the Nomonhan Incident marked the beginning of normal relations between Japan and the Soviet Union TOGO wanted to proceed with the conclusion of a non-aggression pact between the two countries, which had been his cherished desire. Toward the end of 1939 he strongly recommended this to the Japanese Government and as a result he obtained instructions from Foreign Minister Arita to open negotiations for a neutrality pact. Arita himself stated in the Diet on 1 February 1940 that Japan had always wanted to adjust relations with the Soviet Union and that as recently relations had taken a turn for the better Japan planned to seek concrete solutions for all pending questions and to bring about a general improvement of relations.

As the deliberations of the joint commission for the determination of the Manchukuo-Mongolian border had ended in deadlock TOGO and Molotov resumed negotiations on this subject in March 1940 and an agreement was finally reached on 9 June 1940. The agreement was signed by TOGO and Molotov and a map, showing the border line as agreed upon by them was attached to the agreement. The agreement is Exhibit 767, but the map attached to this agreement is not a copy of the map signed by TOGO and Molotov although the border line agreed upon by both parties is identical to the one shown in this map.

One of the original maps signed by TOGO and Molotov was sent by TOGO to the Foreign Minister on 20 July 1940. On 22 July he sent further copies of the same map, which were wholly identical to the original but were not signed (Exhibit 2660).

(Witness Ota,)
 (Exhibit 2659)
 ((pp 23092 and)
 (following))
 (Exhibit 2663,
 (p 23151)

Following the agreement of 9 June 1940, TOGO and Molotov on 18 July arranged for the setting up of a Border Demarcation Commission to clearly mark the frontier which had been agreed upon. The work made little progress until after the conclusion of the Japanese-Russian Neutrality Pact in 1941 but in August of that year the necessary border marks had been set up and on 15 October 1941 the final documents were signed by the representatives of Manchukuo and Outer Mongolia.

(Witness Ota,)
 (Exhibit 2659)
 ((pp 23092 and)
 (following))

Meanwhile Ambassador TOGO had been carrying on conversations with Molotov about the proposed neutrality pact. Great progress was made and agreement had been reached between them as to the gist of the draft pact, when TOGO was suddenly recalled by Foreign Minister Matsuoka on 29 August 1940 and had to leave Moscow on 20 October to return to Japan.

B Evidence concerning his activities during his tenure as Foreign Minister (except Class B and C Offenses)

On 18 October 1941 TOGO became Foreign Minister and concurrently Overseas Affairs Minister in the Tojo Cabinet.

(Witness Tanaka)
 (Exhibit 2676)
 (p 23337)

At the Liaison Conference around the middle of November 1941, it was decided that in case war broke out with United States and Great Britain hostilities with other countries, especially with the Soviet Union, would be avoided by all means. An effort would be made to bring about peace between Russia and Germany and to bring Russia into the Axis camp.

Exhibit 2743
 (p 24375)

On 17 November TOGO addressed the Diet and gave a survey of Japan's foreign relations. Japan had been engaged in military operations for the past four years and was now marching on to surmount current difficulties. Japan had always been striving for peace in East Asia and for that purpose had had to overcome many crises and remove many obstacles. An especially noteworthy effort in that respect had been the Russian-Japanese War. Japan was now advancing as the stabilizing force in East Asia and was endeavoring to inaugurate peace in the whole world. Germany and Italy, having the same aims as Japan, had joined with her in the Tripartite Pact and during the past year this pact had contributed greatly to the construction of a New Order in Europe and in Asia and had prevented the spreading of war. (The rest of the speech was not admitted in evidence but contains useful material)

(Witness)
 (Kretschmer,)
 (Exhibit 2751)
 (pp 24615 and)
 (following)

The negotiations with Germany for the execution of a common war and ~~the negotiations with~~ to conclude a "no separate peace" pact were initiated by General Okamoto of the General Staff, who had approached the witness and inquired if Germany would

enter into war with the United States in case war broke out between Japan and that country. It was possible that such a war would break out as a result of Japanese operations in the southern regions. When asked if Japan intended to attack United States territory, Okamoto answered that this question was quite theoretical as in every war each party always pretended to have been attacked by the other. He declined to reveal Japan's intended moves in the southern regions. After this conversation General Okamoto saw the German Ambassador the next day. The dates on which these conversations took place are not remembered by the witness but the telegram dated 21 November from the German Foreign Ministry to the German Ambassador in Tokyo stating that Germany was prepared to enter into a "no separate peace" pact was the answer to this inquiry. Witness conveyed this answer to the Japanese General Staff. He does not remember the later telegrams or negotiations on this subject.

(Witness)
 (Nishimura)
 (Exhibit 2694)
 (pp 23562 and)
 (following)

When the Anti-Comintern Pact was extended for a further five years on 25 November 1941, the secret agreement between Japan and Germany attached to this pact was abrogated. (The Prosecution stated that it did not contest this). This was done as a result of a proposal to this effect by the Japanese Government and the secret official notes exchanged for this purpose were drawn up by the Japanese Foreign Ministry. The proposal to extend the Anti-Comintern Pact had been made by Germany in October 1941 following an earlier unofficial agreement between Ribbentrop and Matsuoka on the occasion of Matsuoka's visit to Germany in April 1941.

(Witness Tanaka)
 (Exhibit 2676)
 ((pp 23338/9))

(Witness Matsu-)
 (mura, Exhibit)
 (2673 (p 23283))

Toward the end of November 1941 it was decided by the Liaison Conference that although it was hardly probable that Russia would take positive action against Japan with the outbreak of war against the United States and Great Britain, the possibility that this would happen later could not be excluded and it was also possible that the United States would be allowed to make use of military bases in Siberia or that Russia would assist the United States and Great Britain in various other ways. Concrete measures to counter this were not decided upon and the operational plans of the Kwantung Army for 1942 aimed at the strengthening of the Japanese defenses in Manchuria and at preventing the outbreak of war with Russia. In case Russia would challenge Japan, Japan would take the offensive and occupy the Russian Maritime Province. Following this decision Imperial Headquarters, on 3 December, issued an order to the Commander-in-Chief of the Kwantung Army, stating that it was intended to capture major points in the southern regions and at the same time to dispose of the China Incident, preventing the outbreak of war with Russia. Preparations for defense of Manchuria should be made and border incidents with Russia should be avoided.

(Witness) The witness himself, and he believed the other German officials
 (Kretschmer,) in Tokyo as well, was completely surprised by the outbreak of
 (Exhibit 2751) war on 8 December 1941. A Japanese move to the south had
 (pp 24615 and seemed probable but at no time had the Japanese authorities,
 (following) either officially or privately, revealed that Japan would attack
 Pearl Harbor and the Philippines and launch an attack southward.

Exhibits 2762, In his affidavit the former German Foreign Minister, Ribbentrop,
 (p 24737) 2763 A, stated that neither the Japanese Ambassador in Berlin, Oshima,
 (p 24749) nor he himself had any advance knowledge of the Japanese attack
 on Pearl Harbor. After the attack Germany had to express its
 pleasure for diplomatic reasons, but the feeling was not genuine.
 A witness testified at the Nurnberg trial that while he did not
 have direct opportunity to observe Ribbentrop the German Foreign
 Ministry knew generally that Ribbentrop like all the rest of the
 Foreign Ministry was completely surprised by the Pearl Harbor
 attack. When the first news of the attack was received Ribbentrop
 refused to believe it.

Exhibits Earlier Germany had tried to have Japan join in Germany's war
 2692A (p 23557) against Russia, the first of these requests having been made in
 (2693)(p 23558) the summer of 1941. The Japanese had always given evasive
 2762 (p 24737) answers and the general impression was that Japan was doing
 everything to prevent hostilities with Russia. Then, instead
 of attacking Russia, she attacked the United States. A final
 (Witness) official request for Japanese intervention in the Russian-
 (Kretschmer) German War was made in the summer or autumn of 1942 but was
 (Exhibit 2751) turned down by Japan. After this, no further requests were made.
 (pp 24615 and following)

Exhibits 2762, As regards the German declaration of war against the United
 (p 24737) 2764, States, Ribbentrop stated in his affidavit that Hitler already
 (p 24751) considered a virtual state of war to exist between the United
 States and Germany since September 1941 when the United States
 Navy had been ordered to shoot on sight. The German declaration
 of war against United States on 11 December 1941 makes no mention
 of the Japanese attack but states that the United States had
 violated all the rules of neutrality, has gone over to military
 action against Germany and has thereby practically created a
 state of war. For this reason Germany considered herself to
 be at war with the United States.

Witness Yamamoto As regards the plans for the exploitation of southern occupied
 (pp 17998-18000, areas submitted by the Sixth Committee to the Liaison Conference
 18070) and the Cabinet on 12 and 16 December respectively, (Exhibit
 1332), the witness first admitted and later denied that the
 Liaison Conference and the Cabinet had agreed to these plans.
 However, it could be said that there were officials in the
 government who subscribed to plans like these and that the
 principal aim of Japan's economic policy in the occupied regions
 was to fill the demand for important natural resources. At first
 Japan's policies in the management of the occupied areas were not

always consistent with the idea of co-prosperity, but as the war progressed this gradually changed and the idea of co-prosperity took on concrete form.

(Witness Kretschmer) Neither before nor after the outbreak of war was there much
 (Exhibit 2751 (pp) cooperation between Germany and Japan. Of the general, military
 (24615 and follow-) and economic commissions established under the Tripartite Pact
 (ing)) in Tokyo, Berlin and Rome (Exhibit 559) the ones in Tokyo were
 only assembled twice, for the first time in 1943 and for the
 second time in 1944. Both these meetings were mere propaganda
 performances. The military agreement between Japan, Germany
 and Italy concluded on 18 January 1942 (Exhibit 49) establishing
 zones of operations and outlining the main points for military
 cooperation was never effective as the zones of operations
 for Japan and for Germany and Italy were too far apart. The
 agreement was originally proposed by the Japanese. Neither the
 Japanese nor the German military authorities made any efforts
 for close cooperation. Each of the two countries pursued its
 own war and was of very little assistance to the other. In his
 report entitled "The Winning of the War in Europe and the
 Pacific", General Marshall states that there is no evidence of
 close strategic cooperation between Germany and Japan.

Exhibits 2762,
 (p 24737) 2765A,
 (p 24754)

(Witness Tanaka,)
 (Exhibit 2676)
 (pp 23441-5)

In March 1942 the Liaison Conference decided upon operations
 against vital spots outside the areas occupied by Japan in
 order to end the war by pushing the United States and Great
 Britain into the defensive. Efforts would be made to settle
 the China Incident, while against Russia precautionary
 measures would be strengthened. At the beginning of May
 these operations were carried out and a campaign to occupy
 Chungking was under consideration but this campaign never
 materialized.

Witness Yamamoto
 (pp 18047-52)

In August 1942 plans were completed to establish the Greater
 East Asia Ministry. The witness was not opposed to the purpose
 of the ministry but he and other Foreign Office authorities, as
 well as Foreign Minister TOGO, were of the opinion that it was
 wrong to create a separate organ instead of entrusting the
 proposed functions of the new ministry to the Foreign Ministry.
 For this reason Foreign Minister TOGO resigned on 1 September
 1942.

On 9 April 1945 TOGO was appointed Foreign Minister and con-
 currently Greater East Asia Minister in the Suzuki Cabinet.

Exhibits 2706,
 (p 23636) 2707A,
 (23642)

Previously on 11 February 1945 the Russian Government had under-
 taken by the Yalta Agreement to enter the war against Japan
 within two or three months after Germany would surrender and the
 war in Europe be terminated. On 5 April 1945 Molotov had announced

TOGO, Shigenori

Page 7

(Witness Sato)
(Exhibit 2695)
(p 23579)

to the Russian Ambassador in Moscow, Sato, that Russia was not prepared to prolong the Neutrality Pact with Japan, which would expire on 25 April 1946. However, until that date relations between Japan and Russia would be governed by this pact.

Exhibits 2696,
2697 (p 23587)

On 12 July 1945 TOGO instructed Ambassador Sato, to inform the Soviet Government that Japan wished to terminate the war as soon as possible but that it was not prepared to surrender unconditionally. However, it was intended with the object of restoring peace to send Prince Konoye as a special envoy to the Soviet Union where he should meet the Russian leaders as soon as they returned from the Potsdam Conference. The next day TOGO transmitted the same message to the Soviet Ambassador in Japan.

Exhibit 2698,
(p 23588)

On 13 July Sato informed TOGO that he had tried to meet Foreign Commisar Molotov but had been referred to one of his deputies. He had handed him the Japanese message and had requested that Molotov reply before departing for the Potsdam Conference. The Russian answer was that this was impossible but that they would remain in contact with Molotov by telephones.

Exhibit 2699,
(p 23588)

On 18 July the Russian authorities informed Sato that the Japanese message contained no concrete proposals and that it was not made clear what Prince Konoye's mission was intended to accomplish. The Russian Government was therefore unable to answer the Japanese proposals.

Exhibits 2700,
2701 (p 23588)

On 21 July TOGO authorized Sato to inform the Russian authorities orally that the Konoye mission was to be sent to request the Soviet Union to mediate for peace. He further explained to Sato that Japan wanted peace but would rather fight to the bitter end than surrender unconditionally. Certain conditions would therefore have to be made but as on the other hand it was at this stage impossible to make concrete proposals it had been decided to send Konoye for direct personal negotiations.

Exhibits 2702,
2703, 2704,
(p 23590)

On 25 July Sato met again with the Russian authorities and transmitted to them the above message from Foreign Minister TOGO, while on 30 July he pressed for an early answer to the Japanese proposals. The Russian authorities stated that a delay was unavoidable as both Molotov and Stalin were in Berlin. Sato expressed fear that as a result of the Three Power Joint Declaration the Soviet Government would not be in a position to mediate.

TOGO, Shigenori

Exhibit 2705
(p 23590)

On 7 August Sato informed Foreign Minister TOGO ^{that} he had called on Molotov immediately after his return from Berlin and that Molotov had promised to see him the next day, 8 August.

(Witness Matsudaira)
(Exhibit 2637)
(pp 22845 and
following)

On 8 August Molotov received Sato as promised and handed him the Russian declaration of war. Sato immediately returned to the Embassy and composed four telegrams addressed to the Japanese Government to inform them of the Russian war declaration. These telegrams were then handed to the Russian authorities for transmission to Tokyo.

(Witness Hayashi)
(Exhibit 2632)
(p 22783)

The Foreign Ministry in Tokyo never received either on August 8 or later any telegram from its ambassador in Moscow announcing the Russian declaration of war.

(Witness Matsumura)
(Exhibit 2673)
(p 23282)

The Soviet forces attacked the Japanese Armies in Manchuria on 9 August 1945. No previous notice of an attack had been received and the first indication that war had started came through Russian air attacks and Russian military operations.

(Witness Isono)
(Exhibit 2630)
(pp 22774/5)

In anticipation of Allied landings in Japan the Foreign Ministry started burning certain documents in June 1945. After the surrender on 14 August more documents were destroyed. Neither the burning of documents in June nor the destruction in August were ordered by the Foreign Minister. The decision was taken by the Foreign Office Bureau Chiefs after consultation among themselves.

On 17 August 1945 TOGO resigned with the Cabinet.

From the foregoing it will be observed that TOJO's interests and activities by this time had embraced the Kwantung Army (School of Militarism and Ultrnationalism), Manchuria, China, relations with Germany and Italy and a possible war with the United States. All these form the very essence of the conspiracies alleged in the indictment in this case.

On 5 and 21 November 1940, TOJO attended Ministers' Conferences at which it was decided to help Siam in her boundary fight with Indo-China and to make her cooperate politically and economically in the establishment of a new order in East Asia.

TOJO has himself said in some of his interrogations that at liaison conferences the decisions and proposals were made and formulated which were later presented to and adopted by imperial conferences. At liaison conferences TOJO has said decisions were made not by a majority but were unanimous.

Some idea of the activity of TOJO and of his close association with his co-defendants can be obtained from an analysis of the liaison conferences held between 13 January and 30 June 1941, which period is an important one in the instant conspiracy. There were approximately thirty of such conferences, all of which TOJO attended.

About 12 October 1941 TOJO made the final moves in the plan which was to lead him to the premiership, and Japan to attack the United States, Britain and the Netherlands. At a meeting which he attended with other defendants named in the indictment herein, TOJO demanded a strong resolution for war.

In his interrogation of 7 February 1946 TOJO admitted his responsibility (with other members of the Cabinet and Army and Navy Chiefs) for the attacks on Pearl Harbor and the United States and British possessions.

A consideration of all the evidence must lead to the inevitable conclusion that TOJO was one of the "young Army officers" who in the early days of the conspiracy plotted for the conquest of all East Asia, that he served in that conspiracy with ever extending importance throughout the Manchurian and Chinese wars of aggression to become finally the effective leader of the conspiracy on 18 October 1941 and to continue to lead it until 22 July 1944.

The evidence indicates conclusively that TOJO was criminally liable for every crime of which he stands accused in the indictment.

Details of the above statements appear in the chronological summary below:

Chronological Summary of the Prosecution's Evidence against the Defendant TOJO:

1933

Exh. 128 (p 791) On Sep 8, TOJO, Colonel, Head of First Section, Army General Staff

1934

Exh. 128 (p 791) Apr decorated for his military services in the Manchurian Incident

1935

Exh. 128 (p 791) On Sept was in command of Kwantung Military Police

TANAKA (p 15858) Feb of 1935 - Opium Monopoly Bureau created while TOJO Chief of Staff of Kwantung Army

1936

TANAKA (p 2022) Five-Year Development Plan of Manchukuo established after TOJO became Chief of Staff, Kwantung Army

1937

Exh. 128 (p 791) 1 March, appointed Chief of Staff, Kwantung Army, Lt. General

Exh. 672 (p 7337) 9 June, TOJO telegraphed Vice War Minister and Chief of Staff reference to operations for war against the USSR and advised that Japan should first deliver a blow against China by attacking Nanking and thereby "removing the menace in the rear".

1938

Exh. 719-A (p 7560) 11 January at page 7562-63. Telegram addressed to Vice Chief of War Office UMEZU by C/S of Kwantung Army TOJO pertaining to the extension of military service of troops in Manchuria marked "top secret". Telegram states in substance that in view of the purport of the Ordinance No. 41 of the War Ministry dated September, 1937 I consider that the soldiers in active service belonging to the units in Manchuria whose service will expire at the end of February this year ought to have their service extended according to Ordinance No. 5 of the War Ministry as long as the present situation continues, but I wish to get your unofficial report as early as possible as this decision has influence upon various matters.

Exh 719-A (p 7560) 12 January, at page 7561. Telegram addressed to Vice Chief of War UMEZU by C/S of Kwantung Army TOJO requesting consideration

of the establishment of meteorological observation organs in the Chahar and Mongolia districts. The telegram states that consideration of the new establishment of meteorological observation organs is of vital importance p 7562, from the standpoint of the China Incident and Anti-Soviet strategy. It must be promptly completed based on the plan separately bound.

- Exh. 719-A (p 7560) 29 January at page 7564. Telegram from UMEZU, Vice Minister of War, to TOJO C/S Kwantung Army informed TOJO that his request for extension of military service of enlisted men of 1935 had been approved by TADA, Chief of General Staff on 27 January although TADA's statement of 27 January appearing at page 7564 is barren of any action. UMEZU's telegram mentioned above informs TOJO that it is in answer to his inquiry of January 11, 1938.
- Exh. 719-A (p 7560) 11 February at page 7565-66. Telegram from C/S Kwantung Army TOJO to Vice War Minister UMEZU stating that the establishment of Anti-Soviet fortifications is scheduled to be made during 1938 and '39 on the spots not yet started as well as the spots regarded as especially important among the locations of fortifications mentioned in Special Order 301. (Necessary funds will be provided by the Manchukuo Budget) In order to execute this plan more men would be needed and requested. UMEZU to inquire immediately into the ways of making temporary increases for two years from March 1938.
- Exh. 2209 (p 15806) 13 April, relates to transfer of funds from Manchurian Incident account, signed by UMEZU, showing seven hundred thousand yen transferred to TOJO, C/S Kwantung Army and to UMEZU 77,000.
- Exh. 770 (p 7871) 17 January, telegram from C/S Kwantung Army (TOJO) to Vice-Minister of War concerning air line connections between Japan and Germany, which were to be kept secret.
- Exh. 273 (p 3679) 19 June, message concerning special investigation of inner Mongolia sent from ISHIMOTO (Chief of Staff, Japanese Army in Mongolia) to TOJO, Vice-Minister of War. Document deals with the investigation of important districts on Mongolian border, natural resources of country, etc.
- Exh. 128 (p 791) 10 December, appointed Inspector General, Army Air Forces.

1940

- Exh. 128 (p 791) 29 April, TOJO received decoration in recognition of his services in the China Affair.
- Exh. 539 (p 6266) 18 July, KIDO stated in his diary that HATA had secretly recommended TOJO for new War Minister and the Emperor did not approve of this procedure since KONOYE was still in process of forming a cabinet.
- Exh. 537 (p 6261) 22 July at p 6262-63, Voermann cabled German Foreign Minister concerning a meeting of KONOYE, MATSUOKA, TOJO, and YOSHIDA which concerned the drawing up of a authoritative foreign policy program for the future cabinet. This policy included rapproachment with the Axis powers.
- Exh. 128 (p 791) 22 July TOJO appointed War Minister.
- Exh. 1310 (p 11794) 27 July, decision of liaison conference that policy would be to settle the China Incident so as to prevent the third powers from assisting CHIANG regime and settle the southern problems within limits, these policies to foster a strong political tie with Germany and Italy.
- Exh. 546 (p 6293) 31 July, telegram from OTT, stating that Japanese action against British spy service was carried out at demand of War Minister TOJO, that TOJO's principal aim was acute aggravation of Anglo-Japanese relations to hasten a breaking point and to hasten action against British possessions in East Asia desired by Japanese Army.
- Exh. 542 (p 6277) 1 August, telegram from German Ambassador in Tokyo to German Foreign Office concerning the Japanese Four Ministers' Conference (TOJO, War Minister) stressed Japanese-German friendship and cooperation as being very important.
- Exh. 543 (p 6277) 2 August, telegram from Weizacker to German Embassy. At p 6282 it stated that the Four Ministers' Conference (TOJO War Minister) and KURUSU expressed hope that Japan might belong to the new order after the war and that Japan would not be forgotten in the "new apportionment of the world".
- Exh. 1311 (p 11798) 15 August. Organization drafts of alternative demands to be made on Netherlands' East Indies. At p 11799 it is stated that the Netherlands Government still does not fully understand our true intentions in the problems concerning the entrance of Japanese nationals in the Dutch Indies and enterprises and investments by Japanese nationals

in the Dutch Indies for the development and utilization of its rich resources, which are regarded as of the utmost importance by the Japanese Government. The draft goes on to state that it has been fully recognized during previous negotiations that the settlement of these problems has been our national desire for many years. The demands mentioned in the organization draft continues with Japanese demands at pages 11,800-801 and at page 11,802 it is stated that with regard to the views mentioned above and also in consideration of the internal affairs of the Dutch Indies and her relations with third powers, Japanese Imperial Government for the time being submits its sincere and frank demands. It goes on to state that your side is accordingly requested to promptly agree with these demands in a broadminded outlook based on the traditional friendly relations between Japan and the Netherlands.

- Exh. 541 (p 6272) 4 September. At a Four Ministers' Conference and a liaison conference of 19 September a discussion was had outlining the basic national policy. Discussions centered on the strengthening of Japanese-German and Italian relations (TOJO attended first meeting). At p 6272 it is stated that the fundamental aim of Japan's national policy lies in the establishment of world peace in accordance with the lofty idea of Hakko Ichiu on which the Empire is founded. It is directed first of all towards the construction of a new order of GEA built upon a firm solidarity of Japan, Manchukuo and China with Japan as the center. At p 6307, it is further stated that the trends toward the strengthening of collaboration among Japan, Germany and Italy have lately become very pronounced. At p 6308, it is stated that the German Government has especially sent Minister STAMMER to Japan and that although his mission might merely be to improve the situation here the fact is that he enjoys the special confidence of Minister Bibbentrop.
- Exh. 552 (p 6350) 26 September, a conference of the Investigation Committee of the Privy Council was held, TOJO, among others, present. Members discussed the conclusion of the Tri-partite Pact, a fact that in the event of war with the United States, although the Army was in good position, supplies were needed. Watch was to be made on USSR and United States relations. Tri-partite Pact unanimously approved.
- Exh. 553-1030 (p 6379) (p 9756) 26 September, a Privy Council Meeting, attended by TOJO, and draft of Tri-partite Pact unanimously approved.

1940 (continued)

- Exh. 43 (p 6391) 27 September, Tri-partite Pact signed. TOJO's position on that date was War Minister, President, Manchurian Board, Vice-President, China Affairs Board.
- Exh. 554 (p 6394) 27 September, Imperial Rescript re. Tri-Partite Pact, TOJO signed as War Minister.
- Exh. 618-A (p 6873) (Note: The record indicates on Page 6822 that Doc. No. 1411 was marked for identification only. However, on Page 6844 Mr. Tavenner said "I will read Exh. 618-A." Nowhere in the intervening pages does it appear that Exh. 618-A for identification was received in evidence.) The following appears from the reading at Page 6873:
- At a Ministers' Conference on 5 November (TOJO, War Minister) it was decided to help Thailand in her boundary fight with French Indo-China and make her cooperate politically and economically in establishment of a new order in East Asia.
- Exh. 618-A (p 6873) 21 November, the second Four Ministers' Conference (TOJO, War Minister) - it was decided to help Thailand to gain control of Probang and Pakuse as well, provided she agreed to Japanese demands.
- Exh. 2184 (p 15644) 21 July. Letter to TOJO from OKAWA stated that during these turbulent times TOJO's duties must keep him very busy, that TOJO was Japan's one hope, and OKAWA prayed that his entire mission be thoroughly accomplished.

1941

- Exh. 1103 (p 10051) Read at 10057-058 - 13, 16, 17, 19, 23, 30 January - Liaison Conferences held, attended by TOJO.
- Exh. 1103 Read 10057-058 - 3, 13, 20, 23 February - Liaison Conferences held, attended by TOJO.
- Exh. 1103 Read 10059-060 - 2, 6, 7, 11 March - Liaison Conferences were held, all attended by TOJO.
- Exh. 1103 Read 10060 - 10, 17 April - Liaison Conference held attended by TOJO.
- Exh. 1103 Read 10060-061 - 3, 8, 12, 15, 22, 29 May - Liaison Conferences held, attended by TOJO.
- Exh. 1103 Read 10061-063 - 6, 11, 12, 23, 25, 27, 28, 30 June - Liaison Conferences held, attended by TOJO.

- Exh. 852 (p 8447) 16 January, series of 10 communications between officials of the War and Finance Ministries relating to preparation of military currency in foreign denominations (TOJO, War Minister). Letter No. 1 requested that plans be prepared for use in unspecified areas and that the matter be held secret. The other nine communications continue from page 8451 to page 8458 of the Record.
- Exh. 1067 (p 9878) 23 January, newspaper extract stating that fundamental principles of Japan's population policy were decided at Cabinet Meeting attended by War Minister; President, Cabinet Planning Board; and Welfare and Education Ministers. (TOJO War Minister)
- Exh. 1039 (p 9782) 7 February, proposal from Eden to Shigemitsu, stating that British Ambassador hoped new Konoye Cabinet would cooperate. Matsuoka stated that Cabinet was considering policy of future and that strained relations between Japan and England were inevitable.
- Exh. 1052 (p 9883) 27 February, telegram from Grew to Hull stated that in conversing with Matsuoka, the latter referred to the reported mining of Singapore and sending of troops to the Malaya-Thailand border.
- Exh. 1055 (p 9841) 8 March, newspaper announcement regarding new mobilization law of 8 March 1941, and that national mobilization law would be put in force on 20 March.
- Exh. 1058 (p 9850) 3 April. Kido Diary regarding appointment of Toyoda as Minister of Commerce and other appointments stated that Konoye phoned Kido and intimated that War and Navy Ministers had approved the appointments.
- Exh. 1059 (p 9851) 9 April. Proposal presented to Department of State through private American-Japanese individuals concerning Japanese-American relations.
- Exh. 1305 (p 11751) April. Decision by Imperial Headquarters to promote settlement of China Incident and extend national defensive power. To carry this out, Japan would establish close relations in military, political and economic affairs with FIC and Thailand.
- Exh. 1064 (p 9873) 14 April. Statement by Grew to Konoye re the bombardment of Kuming by Japanese planes when American Consulate was damaged.

1941 (Continued)

- Exh. 1060 (p 9863) 14 April. Concerns relations between Hull and Nomura regarding settlement of Japanese-American relations.
- Exh. 1061 (p 9866) Concerns relations between Hull and Nomura regarding Japanese-American relations.
- Exh. 1070 (p 9891) 12 May. Concerns relations between Hull and Nomura regarding Japanese-American relations.
- Exh. 1071 (p 9904) 16 May. Relations between Hull and Nomura stating, among other things, that Japan would declare with respect to the European War that the purpose of its Axis alliance was defensive, that Japan did further declare that it had no commitments under its Axis alliance not consistent with the terms of the above declaration.
- Exh. 1073 (p 9909) 18 May. Telegram from Ott to Ribbentrop wherein Ott told Matsuoka that America must give a clear and precise assurance not to participate in the European War, that Article 3 of the Tri-Partite Pact was the absolute minimum of what must be demanded, that Germany must be informed on United States reply and be admitted to further negotiations between Japan and the United States.
- Exh. 1075 (p 9918) 20 May. Telegram from OSHIMA to MATSUOKA concerning conversations between OSHIMA and RIBBENTROP. OSHIMA said that Japan was observing the Tri-Partite Pact as a basis of its diplomacy and that there was no reason to conclude a treaty between Japan and the United States contrary to the pact.
- Exh. 1076 (p 9933) 21 May. Telegram from OSHIMA to MATSUOKA stated that new agreement was important change in Japan's policy and was of great concern to Japanese military and naval attache in Germany, and requested MATSUOKA to inform war and navy ministers of that fact.
- Exh. 1079 (p 9947) 31 May. A statement handed to NOMURA at the time of delivery of American draft of proposal to adjust Japanese-American relations contains details of negotiations at that time.
- Exh. 1083 (p 9964) 4 June. Memorandum of conversation between HULL, NOMURA, and others, concerning Japanese-American relations.
- Exh. 1085 (p 9982) 6 June. Informal statement handed by HULL TO NOMURA expressed Hull's disappointment in the vast difference between proposal as it now stands and the original document. Hull expressed the view that the Japanese revisions took present proposals out of the fundamental point which was the establishment of peace in the Pacific.

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- Exh. 1087 (p 9988) 15 June. Draft of proposal received from NOMURA in which Nomura suggested that both countries agree that the purpose of the Tri-Partite Pact was defensive and was designed to prevent more nations from being involved in the European War.
- Exh. 1092 (p 10005) 28 June. Draft proposal by Hull to Nomura concerning settlement of Japanese-American relations. .
- Exh. 1097 (p 10034) Telegram from OTT to RIBBENTROP stated that Japanese Cabinet had failed to reach a clear cut decision on Japan's attitude to the German-Russian War, that preparatory measures had been ordered, but that preparations for attack would take at least six weeks unless there was a decisive weakening of Russia before hand. Discussions concerning the above were going on behind scenes. Danger exists that southern expansion desired by nationalists will be limited to FIC, and that such would hinder Japan's activity in the north. OSHIMA has advised Japan to attack Russia soon. 28 June.
- Exh. 1098 (p 10036) 28 June. KIDO's Diary states that he talked with TOJO, who said that Army's policy toward German-Soviet War was that Kwantung Army should be calm. KIDO and TOJO also discussed the China War, political moves in China, and the strengthening of Imperial General Headquarters.
- Exh. 2246 (p 16178) 30 June. Extract from Tokyo Nichi Nichi discusses conferences held by Army members of Supreme War Council and that TOJO explained the fast changing situation. Other members of the Army attending included KIMURA and DOHIHARA.
- Exh. 1107 (p 10140) 2 July. Imperial Conference attended by TOJO, OKAWA, SUZUKI, HIRANUMA, NAGANO and others.
- Exh. 1108 (p 10144) 2 July. Excerpt from KIDO's Diary stated that subsequent to the Imperial Conference Prince KONOYE came to his office and said that he found it very difficult to understand the true intentions of Foreign Minister MATSUOKA.
- Exh. 588 (p 6566) 2 July at p ~~6564~~⁶⁵⁶⁷ it is stated that regardless of any change in international situation, Japan would adhere to the principle of establishing Greater East Asia Co-Prosperity Sphere and would continue disposition of China Incident and move to the south to establish basis for self-existence and self-defense.

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To hasten CHIANG's surrender, further pressure would be exerted through southern regions. This was decision of the Emperor of 2 July. While not taking up arms against the Soviet, Japan would secretly arm and if that war progresses favorably, Japan would take arms to solve the problem.

Exh. 1117 (p 10166)

17 July. KIDO's Diary stated that on 17 July he met with HIROTA and other former premiers in a meeting of senior statesmen to choose a new premier. KONOYE was recommended unanimously by the group.

Exh. 642 (p 7046)

19 July, A telegram signed "RINTELIN" and addressed to German Foreign Minister. It states at page 7046 that Ambassador OSHIMA handed the Foreign Minister a memorandum with an appendix concerning the Japanese demands on France regarding Indo-China. It states among other things that the Japanese Government has started negotiations with the French Government with a firm decision to secure for herself among other things naval and air bases in Indo-China. It states that a realization of this plan is the first step in the push to the South. The demands made upon Indo-China are mentioned at pages 7047 and 7048 of the Record.

Exh. 644 (p 7052)

20 July, A telegram from German Ambassador in Tokyo which was found in files of the German Foreign Office. It relates to the contemplated action by Japan in the event that Vichy does not come to terms with Japan regarding Indo-China. A telegram at page 7052, among other things states, "I then asked whether the Indo-China action was influenced by the Cabinet change. This was denied by the Foreign Minister." At page 7053, it is stated that should the French answer not be in the affirmative, the Japanese Government would resort to force.

These two exhibits 642 and 644 mentioned above were referred to by Mr. Fihelly at page 10,169.

Exh. 1157-A (p 10301)

(TOJO Interrogation, 28 January 1946)
TOJO said he agreed with speech by MATSUOKA on 20 January 1941, in which latter stated Tri-Partite Pact was realization of ideals of HAKKO ICHIU - that pact states Germany and Italy recognized and respected Japan's leadership in establishing new order in Greater East Asia. MATSUOKA also stated that Japan recognized Germany and Italy's leadership in Europe. When the pact was signed, TOJO was only War Minister, so he did not feel he had responsibility for

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administration. TOJO said that he became Premier in October 1941, that he and members of his cabinet did work in accordance with the principles stated by MATSUOKA in the Tri-Partite Pact.

- Exh. 1157-B (P 10304) (TOJO Interrogation, 28 January 1946) Said England, Spain and Portugal not included in German-Italian Sphere, matter of what countries were to be included in new order in Europe and Asia was probably discussed between Japan and Germany at the time. When new countries were conquered they were to be added to the sphere.
- Exh. 1157-C (p 10305) (TOJO Interrogation, 28 January 1946) Among other things TOJO said that the Tri-Partite Pact expressly states that each country is to have its own place in both Asia and Europe. He stated that in both Europe and Asia the sphere of the new order increased or decreased with the military situation.
- Exh. 1136-A (p 10219) 6 September. (TOJO Interrogation, 23 Feb.) Imperial Conference of 6 September was called to determine the question of whether there was to be war or peace in view of the situation existing. He believed it was decided to continue negotiations with America with the hope for a break by the middle ten days of October.
- Exh. 1135 (p 10215) 6 September KIDO states in his Diary that on the above date he visited the Emperor. This was prior to the Imperial Conference and the Emperor said that he would like to ask some questions at the conference in KIDO's presence. KIDO said at p 10216 that he told the Emperor that HARA, the President of the Privy Council, would ask important questions on the Emperor's behalf and that the Emperor should give only a warning in conclusion that the Supreme War Command should exert every effort to bring about a diplomatic success in the relations between Japan and the United States (Compare with Exh. 3340, p 30715, at p 30953, KIDO's direct testimony wherein he refers to the conversation with the Emperor mentioned above).
- KIDO's testimony in this respect is mentioned on p 9 of the third Defense Chronological Summary.
- Exh. 1147 (p 10246) 12 October. KIDO's Diary states that TOMITA, Chief Secretary of the Cabinet, told him that the war (TOJO), navy, and foreign ministers, and president of the Planning Board met with the premier to discuss diplomatic relations with U. S. TOJO, the war minister, called for great resolution since there was no hope for arriving at an understanding with U. S.

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- Exh. 1148 (p 10250) October. Document entitled "Facts Pertaining to the Resignation of the Third Konoye Cabinet" stated that the Third Cabinet had started off with the mission of readjusting Japanese-United States relations. MATSUOKA was made to retire and it was said all efforts in that discussion were wasted. TOJO's opinion was that, since the policy of the United States was to advance into Asia, and that the United States lacked sincerity in her negotiations, there was absolutely no hope of a successful conclusion of negotiations. TOJO said that the Premier had grave responsibility but his advisors are responsible too. TOJO did not believe that diplomacy would be successful. TOJO said that Japan could not yield on the question of withdrawal of troops from China. SUZUKI, President of the Planning Board, came to KONOYE on 14 October with a message from TOJO which said that nothing could be done as KONOYE and TOJO had clashed head on.
- Exh. 1153-A (p 10289) 17 October. (TOJO Interrogation 11 Feb 46) TOJO said that on the aforementioned date he, as War Minister, felt that the opportune time for fighting was in danger of being lost, and the Imperial Conference had set the middle of October as the limit of waiting for a favorable diplomatic break. Theoretically he said the KONOYE Cabinet fell because he (TOJO) favored war with the U. S. He said KONOYE felt a solution was possible if Japan withdrew from China but the Army was afraid Chinese unlawful acts would continue if troops were withdrawn.
- Exh. 1150 (p 10275) 15 October at p 10276. KIDO stated in his Diary that SUZUKI delivered War Minister TOJO's message to him which stated that unless KONOYE changed his mind the general resignation of the Cabinet would be unavoidable. The succeeding Premier should be able to unite the Army and Navy and follow the Imperial Will. KONOYE said that the bridge between himself and War Minister TOJO was very great. Later, SUZUKI telephoned KIDO to say that TOJO's purpose was to establish harmony between the Army and Navy.
- Exh. 1154 (p 10291) 17 October. KIDO's Diary states that at an Ex-Premiers' Conference it was decided on KIDO's suggestion that he should recommend TOJO as the new Premier with additional position of War Minister.

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- Exh. 1151 (p 10281) 16 October. KIDO's Diary states that he was opposed to the HIGASHIKUNI Cabinet. He told TOJO of this opposition and urged rescission of the previous decision and a unified policy of the Army and Navy. KONOYE telephoned to say he was resigning and did so at 5:00 o'clock. KIDO, in his talk with TOJO, urged a revision of the 6 September decisions.
- Exh. 1152 (p 10284) 16 October. KONOYE cabinet resigned and KONOYE issued a statement on his resignation. This stated that Army Minister TOJO judged negotiations with U. S. on friendly terms could not possibly materialize before the desired time (middle or latter part of October), that it was impossible to consent to the withdrawal of troops from China, and that the time had come to open war against the United States.
- Exh. 128 (p 791) On 18 October 1941, TOJO held the following positions: Prime Minister, Home Minister, War Minister, President, China Affairs Board, and Supreme War Councillor. He was especially placed on the active list and promoted to full General.
- Exh. 2241 (p 16126) (Corrected to read Exh. 2241-A at Page 22150) Excerpt from Interrogation of MUTO on 16 April 1946. MUTO stated, among other things, that he agreed with TOJO on all his policies since TOJO became Premier, that the Cabinet was unanimous and that when he said he agreed with TOJO, he had particular reference to Japan's relations with the United States and Great Britain.
- Exh 1155 (p 10293) 18 October. KIDO reported in his Diary that the Emperor gave sanction to a petition to allow TOJO to remain on active service and promoted him to full General.
- Exh. 1328 & 1329 (p 11923) October. List of questions was drawn up for the Liaison Conference between the Government and Imperial Headquarters. These questions relate to reactions to Japan's foreign policy and that repercussions will result from war, particularly if Japan attacks in the south. What help can be expected from the Axis, etc. After consideration from Ministries under SHIMADA, TOJO, TOGO and KAYA, answers were desired.
- Exh. 1325 (p 11885) 27 October. Official report by the Bureau of East Asiatic Affairs of the NEI on the organization of the Japanese Intelligence Service in the Netherlands stated that such service consisted of four organizations, the FOO, the PNO, FAO and OCO. Each of these organizations described.

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- Exh. 852 (p 8447) 31 October. Top Secret Communication No. 10, referred to the institution of procedure for handling military currency notes in foreign denominations for the southern regions. System of military currency will defray expenditure in event of operations in South Seas areas. Issuance of such currency decided by Premier TOJO, War TOJO, Navy SHIMADA, Finance KAYA.
- Exh. 1168 (p 10331)
" 1107 " 10332 5 November. KIDO's Diary stated that Imperial Conference decided the policy towards United States, England and the Netherlands. TOJO advised KIDO of the formation of the southern Army and the dispatch of KURUGU to the United States.
- Exh. 1169 (p 10333) 5 November. At Imperial Conference national policy was decided. It showed that at the Liaison Conference a decision was made to notify Germany and Italy of Japan's intention to start war against the United States and Britain when the present negotiations with the United States break down and war is inevitable, and as soon as preparations are ready they will open negotiations for participation by the Axis in war against United States. Relations with respect to the Soviet Union, China, Dutch East Indies also discussed.
- Exh. 1158-A (p 10308) 5 November. (TOJO Interrogation, 12 Mar 46) He stated that when he undertook the work as Premier, he followed the policy of 6 September.
- Exh. 1176 (p 10373) 12 November. General outline for hastening the conclusion of war against the United States, Britain, Netherlands and Chungking provided in essence the plan to be adopted toward foreign powers was already set forth in Exhibit No. 1169.
- Exh. 878 (In evidence, page 8994; referred to, page 10366)
13 November. Compare with Exh. 1169.
- Exh. 1245-H
Ballantine (p 10811) 20 November. Draft proposal handed by Japanese Ambassador (NOMURA) to Secretary of State. This proposal stated that both Japan and the United States agreed not to make any armed advance in Southeast Asia and South Pacific areas excepting that part of FIC where Japanese troops were stationed. Japan would undertake to withdraw troops in FIC upon restoration of peace with China. Both countries would undertake to restore their commercial relations to that prevailing prior to the freezing of assets and the United States would supply Japan a required quantity of oil. Ballantine testified that acceptance of this proposal would have meant condonement by the United States of Japan's past aggression, U. S. assent to unlimited courses of conquest by Japan in the future, etc.

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- Exh. 1182 (p 10391) 21 November. Investigation Committee of the Privy Council attended by TOGO and TOJO was held on prolongation of the Anti-Comintern Pact. It was decided unanimously to approve the Pact and to request the Government to make every effort to make it effective. p. 10,398
- Exh. 496 (p 6047) 25 November. Official announcement of the Board of Information concerning new participants in the Anti-Comintern Pact - participants named.
- Exh. 1192 (p 10438) 28 November. Extract from the Tokyo Nichi Nichi showed that the Cabinet approved the plan for establishing a new system in press circles. An imperial ordinance creating the new system will be issued under the national mobilization law. It is aimed at placing newspapers on a wartime basis.
- Exh. 1196 (p 10452) 29 November. KIDO, in his diary, described meeting of senior statesmen to give the Emperor their individual views on questions of peace or war. TOJO, SHIMADA, TOGO and SUZUKI were present at the first part of the conference when the explanations were given. Only TOJO was present in the latter stages when the senior statesmen spoke.
- Exh. 1202-A (p 10482) 30 November. (TOJO Interrogation 18 Mar 46) Stated that the gist of the final note from Japan to United States was approved by the Cabinet but the final text was the responsibility of the foreign minister and TOJO's responsibility also. The Liaison Conferences also approved the gist of the note. The Liaison Conference, of which TOJO was the head, delegated to the two Chiefs of Staff and the Foreign Minister the task of setting the time for the delivery of the note prior to the attack. These three men did not report back to the Liaison Conference. The Foreign Minister knew of the time and the day set for the attack.
- Exh. 1206-A (p 10505) (TOJO Interrogation of 26 March 1946) Says final note was written by Foreign Office in accordance with views expressed in the Liaison and other conferences, as Foreign Minister TOGO said he could not take sole responsibility and that members of the Liaison Conference and some members of the Cabinet familiar with the question were likewise responsible. He did not mention to the Emperor anything concerning a telegram from NOMURA and KURUSU with respect to Roosevelt. He did not mention it since the matter had been previously discussed with KIDO and the opinion was that such a step would not contribute toward the satisfactory settlement of negotiations between the two countries.

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- Exh. 1207-A (p 10509) 30 November. (Interrogation of TOGO 11 March 1946) Notification with respect to the final note was a summation of the results and studies at Liaison Conferences on negotiations with U. S. Responsibility for the contents and the notification rests with the members of the Liaison Conferences. The matter was reported to the Cabinet and passed without objection. Members of Liaison Conferences, ^{who} were responsible for the study and discussions on the matter, included TOJO, SHIMADA, NAGANO, KAYA, SUZUKI, HOSHINO and others.
- Exh. 1201-A (p 10480) 30 November. (TOJO Interrogation 20 Feb 46) Last Liaison Conference before the Imperial Conference was 30 November. The Emperor repeatedly asked that they make certain the note was delivered before the attack. The first he knew about the delivery of the final note was just after the Imperial Conference of 1 or 2 December.
- Exh. 1197-A (p 10461) 30 November. (Interrogation of NAGANO 26 March 1946) He had approved a plan to attack Pearl Harbor probably about the beginning of November.
- Exh. 1199 (p 10469) 30 November. Telegram from Tokyo to OSHIMA in Berlin stated that Japan-United States relations were begun in April 1941, that Japan had stuck to the Tri-Partite Pact as the cornerstone of its national policy, and that in adjusting her diplomatic relations with United States, she had based her hopes to leave them within the scope of that pact.
- Exh. 1200 (p 10473) At 10475, 30 Nov. Telephone conversation between KURUSU and YAMAMOTO of the Foreign Office showed that KURUSU said he would meet HULL the next day in regard to short message. KURUSU said Roosevelt was returning next day since the newspapers had made much of TOJO's speech. TOJO's speech was drastic statement - unless greater caution exercised by TOJO, Ambassador is put in a difficult position. YAMAMOTO said the Japanese-United States negotiations were to continue and KURUSU replied that to stretch them out would require help from YAMAMOTO.
- Exh. 1204-A (p 10492) 30 November. (TOJO Interrogation 19 Feb 46) Japan felt that by her final note, breaking off diplomatic relations, she was free to act from the standpoint of international law. Prior to the attacks, the matter of treaty responsibility and international law had been considered by TOJO and his Cabinet. This matter was responsibility of Foreign Minister. Foreign Minister reported only gist of its report to the Cabinet.

1941 (Continued)

Exh. 1204-A
(continued)

The whole Cabinet attended Imperial Conference on the 1st or 2nd, which made the decision for war. The whole Cabinet knew that the decision had been made. TOJO said that the idea there was nothing in any treaty or international law which would preclude attack on U. S. and Great Britain as result of his own research. He and his Cabinet all studied the question, had expressed the same views on international law at the last Liaison Conference, the same views expressed by Foreign Minister. In regard to the time of the delivery of the note he did not remember the final decision. He said strategy and the necessity for victory was intimately related to the time; He was extremely anxious for the success of the attack.

Exh. 1205-A (p 10501) 30 November. (TOJO Interrogation 18 Feb 46)
The note sent to the U. S. was an official one - it broke off diplomatic relations - gave Japan freedom of action with regard to international treaties. Everything connected with this note was his responsibility and that of the Foreign Minister. The Cabinet knew note was to be sent and approved it. He had studied the Hague Convention, the Kellogg-Briand Pact, and did not feel Japan was bound by them because it was acting in self-defense.

Exh. 1209-A (p 10520) 1 December. (TOJO Interrogation 8 Feb 46)
1153-A (p 10289-90) He attended Imperial Conference of 1 or 2 December along with President of the Privy Council, all or nearly all of the other Cabinet members and the two Chiefs of Staff; OSHIMA, MUTO and OKA were there. He presided at the conference, explained the purpose of the meeting, and the others present discussed the question from the standpoint of his own responsibility.

Exh. 1210 (p 10523) 1 December. Stated that the conference in the presence of the Emperor had been held and decided upon war between Japan and U. S.

Exh. 1211 (p 10524) 2 December. Telegram from TOGO to NOMURA instructing him to burn codes, secret documents and not to arouse suspicion of those on the outside. This was in preparation for an emergency situation.

Exh. 1212 (p 10526) 3 December. Telegram from TOGO to NOMURA said they were answering U. S. by saying that they considered the rumor concerning the increase of Japanese troops in FIC to be caused by exaggerated reports of Japan's increasing troops in North FIC against Chinese.

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- Exh. 1213 (p 10528) 3 December. Telegram from NOMURA to TOGO saying he had received TOGO's telegram and assumed it was result of consideration. U. S. attaching great importance to reply. No saying what U. S. will do.
- Exh. 1215 (p 10532) 5 December. Statement handed by NOMURA to HULL regarding HULL's inquiry about Japan's intention with respect to troops in FIC. NOMURA said that Chinese troops have shown signs of movement along northern frontier and Japanese troops were precautioned, having been reinforced in northern FIC.
- Exh. 1216 (p 10534) 6 December. Telegram from TOGO to NOMURA. Government has carefully deliberated on U. S. proposal of 26 November and will reply. Reply may be delayed until next day, exact time for presenting the reply will be telegraphed later.
- Exh. 1217 (p 10536) 6 December. Telegram from TOGO to NOMURA stating that although it is not necessary to give this caution, we trust that you will leave nothing to be desired in keeping the memorandum strictly confidential by absolutely avoiding the use of typists, etc. in its preparation.
- Exh. 1218 (p 10537) 7 December. Telegram from Tokyo to Washington marked "urgent" stating "Will the Ambassador please submit to the U. S. Government (if possible to the Secretary of State) our reply to the U. S. at 1:00 P.M. on the 7th your time". This was the last and final note to the U. S. before the Pearl Harbor attack.
- Exh. 1219 (p 10538) 7 December. Telegram from Foreign Office described steps to be taken in event of national crisis. Present force to occupy British concessions, Shanghai, International Settlement, etc.
- Exh. 1222 (p 10544) 6 December. Synchronized time chart for events of 6, 7 and 8 December.
- Exh. 1203-A (p 10487) 7 December. (TOJO Interrogation 21 Feb 46) TOJO said that he and the Cabinet realized that the shorter the time the note was to be delivered to the U. S., the more probability there was for a mishap. He could not answer why the message had not been sent to NOMURA sooner - that was the responsibility of Foreign Minister - orders were that final note was to be delivered. He had heard gists of the contents of the note, he and the Cabinet agreed with it. He knew the attack was to take place. He first learned that Pearl Harbor was to be attacked at the Liaison Conference before the Imperial Conference.

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- Exh. 1232 (p 10626) 7 December. Memorandum of conversation between HULL and NOMURA stated that NOMURA asked for an appointment to see HULL at 1:00 pm, later postponed it to 1:45 pm. NOMURA and KURUSU arrived at 2:05 and were received by HULL at 2:20. NOMURA said he had been instructed to submit at 1:00 pm the document he was handing over, but had been delayed because of time to decode the message.
- Exh. 1235-C (p 10640) At 10647, 8 December. Radiolog of news broadcast in Japan, 6:20 a.m., announced that orders for general mobilization had been issued at Hongkong. Great Britain trying to arouse Anti-Japanese feelings in Thailand. A Central Joint Conference of the IRAA would be called for five days, TOJO to make formal address as President. TOGO and SHIMADA scheduled to make speeches to express their opinions in order to stir up the people.
- Exh. 1241 (p 10690) 8 December. Minutes of the Inquiry Committee of the Privy Council stated that SHIMADA reported on the starting of the war against U.S. and England. TOJO, TOGO and others were present. With respect to Declaration of War, TOJO said it would be done when the Imperial sanction was obtained. He said that at the Imperial Conference on 1 December war had been decided upon. Also that Japan would **not** declare war on Holland. Germany and Italy to declare war when Japan does.
- Exh. 1240 (p 10685) 8 December. Imperial Rescript, declaring war on United States and Britain - Army and Navy to do their utmost in prosecuting the war, the entire nation to mobilize its total strength. The rescript was signed by TOJO, TOGO, SHIMADA, KAYA and other ministers.
- Exh. 1244-A (p 10707) 8 December. (TOJO Interrogation 1 March 1946) Pearl Harbor attack was a Navy operation and he knew only that if the attack went smoothly it would begin at such and such a time. Malaya, Hongkong, and Philippine attacks were joint operations and he knew about them. He knew about Pearl Harbor attack from Liaison Conference preceding Imperial Conference of 1 December. He approved these attacks. He said that since England and United States menaced Japan, the attack was against military objectives.
- Exh. 1243-A (p 10705) 8 December. (TOJO Interrogation 7 February 1946. TOJO said he was the one primarily responsible for the attack on Pearl Harbor and United States and British possessions. From standpoint of assistance to the Throne, the Cabinet was jointly responsible. As senior member, he was chiefly responsible as were Army and Navy chiefs.

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- Exh. 1124-A (p 10183) 8 December. (TOJO Interrogation 16 Feb 46) When Japan attacked the United States, she made an attack from Saigon, FIC, Southwest, toward the east coast of Thailand. Planes previously based at FIC helped landing forces.
- Exh. 1266 (p 11303) 10 December. The Investigation Committee of the Privy Council met to discuss the matter of ~~no-separate-peace~~. TOGO, SHIMADA, TOJO, MUTO and OKA were present when the question was asked whether the treaty should not be deferred until Germany and Italy had actually entered the war. TOGO and TOJO answered that it had been arranged with Hitler to announce German participation as soon as he signed the agreement and they could trust the Germans.
- Exh. 1267 (p 11305) 10 December. Privy Council Meeting was held, which TOJO attended, on the matter of the conclusion of the agreement between Japan, Germany and Italy, regarding the waging of a common war against the United States and Britain, ~~no-separate-peace~~ and collaboration for the establishment of the New Order in accordance with Tri-Partite Pact.
- Exh. 51 (For identification, p 515; referred to 6668, 11 Dec.) Board of Information announced the conclusion of an agreement between Japan, Germany and Italy with respect to their joint prosecution of war against U. S. and Britain, ~~abstention~~ from concluding peace and cooperation for establishment of New Order.
- Exh. 826-A (p 8060) 12 December. Excerpt from newspaper in "Asahi", giving text of statement by TOJO on occasion of Declaration of War by Germany and Italy on the U. S. and of the conclusion by Japan of military agreement with Germany and Italy. TOJO said the world is divided into two groups, one fighting to maintain the status quo and the other for a New Order. He believes victory will come to the latter. Offers hearty congratulations on the alliance of the three countries.
- Exh. 879-A (p 9073) 16 December. TOJO made a ministerial address to the Diet, stating that Japan owes the Army many debts of gratitude and unbounded admiration for the demonstration of their great prowess. For many years, he said, he had been silently preparing for this great day.
- Exh. 1269 (p 11309) 18 December. KIDO states in his Diary that the Chief of the Naval General Staff reported to the Palace upon the war results at Hawaii. KIDO conferred with TOJO, who mentioned the need for control of discussion about KONOYE.

1941 (continued)

TANAKA (p 16145)

Witness said that TOJO, KIMURA and MUTO were all familiar with the instructions given to him by SUGIYAMA on 6 September 1941 to begin preparations for operations against Malaya, Java, Borneo, Bismarck and Netherlands East Indies.

Exh. 649 (p 7069)

28 July. Proceedings of the Privy Council re Protocol between France and Japan states that "The Inquiry Committee on the exchange of the official documents regarding the conclusion of Protocol between France and Japan in connection with common defense of French Indo China and military cooperation."

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Exh. 1338-B (p 12034)

22 January. TOJO made a speech in the Diet. He said the cardinal principle for directing the war was to secure strategic points in Greater East Asia and gain control of areas containing important resources to continue the war until U. S. and Britain were defeated. Japan would carry out aggressive operations closely with Germany and Italy. In pushing her military operations Japan would also be engaged in establishing the East Asia Sphere. She would establish eternal peace in East Asia and construct a New World Order for the defense of Greater East Asia. He then enumerated the territories captured and outlined Japan's intentions toward them.

Exh. 1271 (p 11339)
& 806 (p 7083)

29 January. OTT reported to Berlin Various speeches made by TOJO, TOGO and SUZUKI at the Diet and Budget Commission.

Exh. 1973 (p 14512)

1 March. Telegram to the Minister of War (TOJO) from the Chief of Staff, Korean Army, said that in destroying respect and admiration of Koreans, it would be effective if 1000 British and 1000 Americans be interned as Prisoners of War.

Exh. 1958 (p 14299)
TANAKA

6 May. Record of Conference in War Ministry said there was no data to confirm a conference in War Ministry on 6 May 1942, but on the question of non-application of the Geneva Convention there are certain decisions. On 13 and 16 January, Vice-Minister of Foreign Affairs transmitted to War Ministry the inquiries of the American and British and War Ministry thereafter reached a decision and communicated it to the Foreign Office.

Exh. 2245 (p 16176)

26 May. Memorandum of transmittal of report of investigation of the Doolittle Flyers sent by Military Police Commander NAKAMURA to SUGIYAMA with copies to the Minister of War and others, stated that attached was a report of investigation of the eight American officers and enlisted men who took part in the raid on Japan on 18 April.

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- Exh. 1960 (p 14423) 30 May. Excerpt concerning treatment of Prisoners of War in War Minister TOJO's instructions delivered to the Commander of the Zentsuji Division. TOJO said "the present situation of affairs in this country does not permit anyone to lie idle doing nothing but eating freely. With that in view, in dealing with the Prisoners of War, I hope you will see that they may be usefully employed."
- Exh. 1962 (p 14426) 25 June. War Minister TOJO's address delivered to the newly appointed chiefs of Prisoner of War Camps at the Ministry of War. He said that prisoners must be placed under strict discipline, their labor and technical skill should be fully utilized, and contribution rendered toward the prosecution of the Greater East Asiatic War.
- Exh. 2246 (p 16178) 1 July. Report from the Tokyo Nichi Nichi states that the Supreme War Council met on 30 June and TOJO explained the fast changing situation. Others present included DOHIHARA and KIMURA.
- TANAKA (p 14419) At end of June or beginning of July, Commanders of POW Camps were assembled and given further details on the treatment of PW's which had been decided at two conferences convened by order of War Minister TOJO.
- Exh. 1963 (p 14428) 7 July. Instructions of TOJO to newly appointed POW commanders 7 July 1942 stated supervision must be rigid, POW's not to remain idle for a single day, and that their manpower and technical ability should be utilized for expanding industries and contributing to the war.
- Exh. 2022 (p 14754) 8 July. Series of correspondence between the Japanese Minister of Foreign Affairs and the Swiss Minister. Swiss Minister wrote TOJO, stated that Sir Robert Craigie had sent him a copy of a newspaper showing British POW's cleaning the streets of Rangoon, necessary representations being made to Japan that POW's were not to be forced to do this kind of work. Switzerland is calling the attention of Japan to the fact that the dignity of soldier prisoners has been needlessly hurt, contrary to the prisoner of war code.
- deWeerd (p 12161) 5 August. An entirely new system of local administration was set up, the composition of the Administration Corps was later modified according to TOJO's promise, but leading positions remained with the Japanese and they did not hand over authority until August 1945.

1942 (continued)

- Exh. 1273 (p 11359) 1 Sept. KIDO'S Diary states that TOJO spoke to him about the establishment of the Greater East Asia Ministry. TOGO objected and TOJO asked him to resign. KIDO reported the matter to the Emperor who suggested that he call in SHIMADA as an intermediary. Thereafter KIDO received a telephone call from SHIMADA that TOGO had decided to resign and thereafter TOJO reported the resignation and said he would be responsible for the position of Foreign Minister as well as his own and the Emperor thereupon installed him as Foreign Minister.
- Exh. 128 (p 791) 1 September. Appointed concurrently as Foreign Minister.
- Exh. 1968 (p 14488) 1 September. Telegram to the Minister of War (TOJO) from Commander of the Taiwan Army, stated that 399 prisoners of war had been transferred from Tomi Group were interned in the third branch of the Taiwan (Formosa) POW Camp (Heito), this included one Lt. Gen., 6 Maj. Gen. or Rear Admirals, 27 Brig. Gens. or Commodores, 25 Colonels, etc. Document shows it was received by the War Ministry and other bureaus.
- TANAKA (p 2054) 21 September. TANAKA testified that he approached War Minister TOJO, who said that Japan was going to fight to the last man. The question arose as to the establishment of the Ministry for Greater East Asiatic Affairs and in this connection he approached TOGO and asked him to start a political movement to oust TOJO. TANAKA was testifying concerning his resignation.
- Exh. 1967 (p 14485) 2 October. Correspondence from Chief of General Staff of Eastern District Army to Minister of War, requesting permission to employ POW's for loading and unloading cargo at harbors, etc. Details were provided. The application was approved 22 October and bears seal of Military Affairs Section and shows approving authority to be Vice-Minister of War.
- Exh. 1987 (p 14608) 3 October. KIDO Diary states that TOJO requested him to inform the Emperor regarding treatment of Doolittle Flyers, Chief of Staff also to report.
- Exh. 1961 (p 14425) October. Notification from the Director of POW Custody Division of the War Ministry to Army units concerned, stated that although imposition of labor on POW officers and non-commissions is prohibited by regulations of 1904, the policy of Central authorities in view of the present condition of the country is that no one remain idle. Proper steps to make such officers work will be taken.

1942 (continued)

- Exh. 687-A (p 7421) The first meeting of the Investigation Committee concerning the establishment of GEA Ministry is referred to. Premier TOJO made an outline explanation regarding the purport and the contents of the draft. TOJO said at 12,072 that in order to achieve victory which is an absolute necessity for Japan the combined fighting power of East Asia must be strengthened. He said it was desirable to establish a ministry and to appoint a responsible minister in order to achieve a swift and decisive execution of Japan's policy concerning GEA with regard to the effect of the GEA ministry on foreign countries. TOJO said at 12,073 that the countries within the Co-Prosperity Sphere all have ties with Japan and since the object of the draft is a plan for the benefit of the sphere, this misunderstanding would be solved. With regard to other third countries TOJO said that it would be sufficient if their reaction was counter-acted with propaganda.
- Exh. 687-A (p 7421) 12 October meeting of the Privy Council concerning the Ministry of GEA at p. 7422. Premier TOJO stated that the limits of GEA included the Kwantung Region, South Sea Islands, Manchuria, China, Siam, French Indo-China and new occupation zones resulting from the GEA war and therefore the limits would expand with the extension of occupied territories.
- Exh. 456-A (p 5190) 1 November. The Minister of Greater East Asia stated that the main purpose of it is inseparable with the prosecution of the war; the government, in carrying out the plan, must cooperate with the High Command.
- Exh. 1489 SUZUKI (p12832-33, 34) August. Stated that protests from U. S. Government to Japan's Government were disseminated to Vice-Minister of War, Minister of War, Chief, Military Affairs Bureau and Chief, PW Information Bureau by the Foreign National Section, Foreign Office, of which he was Chief from September 1942 to surrender. U.S. State Department notes, marked Exhibit 1468 through 1487, received this treatment also he did not recall to which office individual protests were sent. Important documents went to Chief, Military Affairs Bureau.
- Exh. 1976 (p 14529) 9 September. Report from ITAGAKI, Korean Army Commander to War Minister TOJO, set forth the labor provisions of the POW's in Korea. No POW to be allowed idleness but must give appropriate labor according to skill, age, and physique. All POW's, including officers, should work. Important to guard against destruction by POW's by having them give oath and establish severe penalties. Enforcement of POW labor to be according to the plan of the commander. Further details concerning POW's.

1942 (continued)

Exh. 688-A (p 7425) 27 January. Plans for establishment of the Greater East Asia Co-Prosperity Sphere - a publication of the Institute of Total War stated that the area including Japan, Manchukuo, North China and the Soviet Maritime Province is to be the central zone for the East Asia Union under Japan's leadership.

Exh. 689-A (p 7431-34) 18 February. An excerpt from secret publication of the Institute of Total War stated that in the north, Japan must strive to establish an international defense base and to maintain a superior strategic position. Appendix III of the report contains details for waging war against the USSR.

1943

Exh. 1345 (p 12096) 16 June. TOJO in speech at the Diet stated defense preparations for Greater East Asia have been strengthened, Japan was making all arrangements to launch decisive operations. Relations with Nanking were smooth, independence would be granted to the Philippines within a year. Malay, Sumatra, Java, Borneo and other places are cooperating toward Japan. Japan intends to take measures envisaging participation of the native peoples and government in the course of a year.

Exh. 1275 (p 11364) 18 August. Meeting of the Investigation Committee of the Privy Council was held to discuss the treaty between Japan and Thailand. TOJO was present. TOJO said Japan would recognize international law as long as the enemy did so, but would interpret it from the viewpoint of war according to her own opinions.

Exh. 1347-A (p 12103) 5 November. TOJO gave an address at the assembly of the Greater East Asiatic missions in which he stated that a successful conclusion of the war meant the completion of the construction of the New Order. He then gave his views on the conditions necessary for world peace and the ties which bound the nations of Greater East Asia together. While the nations of the sphere mutually recognize their autonomy and independence, there must be mutual trust and cooperation.

Exh. 1346 (p 12098) 6 November. Joint declaration of assembly of the East Asiatic nations. Basic principle for world peace is that each nation have its proper place. U. S. and Britain have oppressed other nations and peoples. In East Asia they have indulged in aggression and exploitation. This principle cause of war. Japan, China, Thailand, Manchukuo, Philippines and Burma represented. A proposal was made by TOJO which was approved. SHIMADA, HOSHINO, and others attended.

1943 (continued)

- Exh. 429 (p 4908) December. A document resulting from an investigation made by Bureau of Investigation and Statistics of the National Military Council of Mei Sze Ping and incorporated in proceedings held by the High Court of Nanking, relative to Mei Sze Ping showed that the opium business in China was systematic policy of high ranking officials of the Japanese government for two reasons: First, Mongolian autonomous government, puppet of Japan, sought to solve financial deficit problems by purchasing opium in inner Mongolia where people used to grow poppy and sell it at a profit. Second, Japan looked to opium as the necessary way out of her own financial difficulties caused by war. Greater part of the proceeds from the opium sold in Shanghai and other Chinese cities was sent to Tokyo, to be allotted as secret subsidiary funds to TOJO's cabinet, as well as to subsidize members of the Diet. This was an open secret and some Japanese people at home were opposed to this notorious policy of TOJO's Cabinet.
- Exh. 1977 (p 14539) 20 December. Revision and adjustment of cautions on censorship from Chief of the Information Bureau, War Ministry, stated that domestic reports on POW's should be made mainly to contribute to raising the fighting spirit of the people and to increase production. Avoid twisted reports - prohibited to say anything that gives impression POW's are too well treated or too cruelly treated.
- Exh. 1978 (p 14543) Outline for disposal of POW's according to the change of situation issued by the Vice War Minister stated that since war situation was very critical, POW commanders not to make any blunders in treating POW's. POW's must be prevented by severe means from falling into enemy hands. POW camps to be frequently changed. Further details concerning POW's.
- Exh. 1980-A (p 14558) (TOJO Interrogation 25 March 1946) As Minister of War, he was responsible for treatment of POW's.
- Exh. 1980-B (p 14558) (TOJO Interrogation 25 March 1946) POW Bureau organized immediately after outbreak of the Greater East Asia War. Necessary to do so according to international law. Not necessary during China Incident so no organization was set up to deal with Chinese prisoners. He issued order forming POW Bureau. At that time he was familiar with the provisions of the Hague and Geneva Conventions. In general he said as Prime and War Ministers he felt Japan was bound by two Conventions and by rules and customs of civilized nations with respect to prisoners of war.

1943 (continued)

- Exh. 1980-C (p 14561) (TOJO Interrogation 25 March 1946) Only complaints coming to him about treatment of POW's was in connection with food. Atrocities were not brought to his notice, he said. He is astounded about the atrocities now being shown in the newspapers. He said if the Emperor's instructions had been followed, these atrocities would not have happened. However, as Minister of War during the period they were committed, he said he was the responsible party for their commission. He was aware of the fact that U.S. and Britain had warned Japan that it would be held responsible for violations of the conventions and rules of war. He did not remember details but believed complaints came through the POW Information Bureau. They would first come to the Foreign Office and then be re-routed to the War Ministry. Complaints received were passed on to the various Army commanders. No replies or reports were sent back from the field.
- Exh. 1980-D (p 14564) (TOJO Interrogation 25 March 1946) Matters concerning the protests of U. S. and Britain on mistreatment of POW's were taken up at the bi-weekly meetings of the War Prisoners Bureau.
- Exh. 1980-E (p 14565) (TOJO Interrogation 25 March 1946) He and his assistants had made investigations many times in connection with mistreatment of POW's on the Burma-Thai Railway. He had heard rumors of mistreatment of POW's at Bataan and when in the Philippines he inquired of the Chief of Staff, Lt. Gen'l Wachi, who said that the march was due to a lack of transportation. He made this inquiry on 5 March 1943, more than a year after Bataan. He first heard these rumors in late 1942 or early 1943. He did not know how many times he had heard them - rumors were to the effect that POW's from Corregidor and Bataan had been mistreated; many deaths occurred, referred to as caused by sickness. Rumors did not state that troops who were forced to march were in no physical condition to do so. Other details concerning treatment of prisoners of war mentioned in this exhibit.
- Exh. 1981-A (p 14575) (TOJO Interrogation 26 March 1946) Since the war he had read of inhuman acts committed by Japanese Army and Navy. He said such things were not the intention of himself or those in authority, that they did not suspect such things had happened. Treatment of POW's was responsibility of Army Commanders, TOJO relied on them to follow treaties and rules. However, since he was supervisor of Military Administration, he said he was completely responsible. Other details mentioned.

1943 (continued)

- Exh. 1981-B (p 14579) (TOJO Interrogation 26 March 1946) he said it was likely that on or about 30 January 1942 Japan informed the U.S. that she would follow international conventions, law and rules and customs of law as to POW's and civilians. He said it was the intention of the government and himself to follow these conventions and for the things that happened the responsibility was his. When a protest would come in, he would forward it to the responsible Army Commander. He presumed investigations were made.
- Exh. 1981-C (p 14581) (TOJO Interrogation 26 March 1946) Emperor was not informed of any complaints regarding POW's. These were handled on TOJO's responsibility. The Emperor, he said, had no responsibility in connection with the matter.
- Exh. 1982-A (p 14583) (TOJO Interrogation 27 March 1946) He went to the Philippines in July 1943 in connection with the independence of the Islands. Because of rumors, he discussed with Chief of Staff POW treatment. C/S told him it was a fact that men had walked the long distance. He did not talk to C/S about prisoners being beaten and bayoneted. He felt that if responsible Army Commander knew of those things he would take proper action. He relied upon the commanders.
- Exh. 1983-A (p 14591) (TOJO Interrogation 28 March 1946) POW Information Bureau set up month after war started on the basis of treaties. All matters dealing with military prisoners handled by Information Bureau. Actual handling of prisoners in the field was performed by the head of the Prisoners Reception Centers under regulations and orders from the War Department. War Minister issued orders but Army Commanders could issue further orders on the basis of the previous ones provided they were consistent with those issued by the War Minister.
- Exh. 1983-B (p 14597) (TOJO Interrogation 28 March 1946) He had heard rumors that POW's in Thailand had been mistreated ~~in China~~. A few cases came to his attention. Matter of mistreatment of prisoners was usually brought up twice a week at meetings of the Bureau Chiefs. The Chief of the POW Information Bureau or the Military Affairs Bureau would bring them up. They would then be referred by the Bureau Chiefs to the commander in the field who had the authority to act. He felt that if there was inhumane treatment the commander would take measures accordingly and send a report back to the War Minister.

1943 (continued)

- Exh. 1984-A (p 14599) (TOJO Interrogation 29 March 1946) He was responsible for Army orders and regulations. He did not recall any regulations directed against flyers before October 1942 when Japan was raided by American flyers. Extreme punishment meted out to these first flyers he said was to act as a deterrent to prevent further raids. General Sugiyama demanded severe punishment and as a result TOJO issued the order. The order was an ex-post facto law which was as follows: the raid, capture, issued order, trial, and executions.
- Exh. 1984-B (p 14605) (TOJO Interrogation 29 March 1946) He believed that on the basis of regulations various prison camps made a monthly report to the Military Bureau with respect to POW's. The War Minister received a stack of papers about a foot and a half high each day and he thought these were probably among them. He said he paid particular attention to reports of deaths caused from malnutrition. Responsibility for these matters belong to the commanders in the field. When they couldn't fulfill their responsibility, they made request of the War Ministry through Military Affairs Bureau.
- Exh. 1989 WAKAMATSU (p 14633-36) 3 September. Witness made an inspection and report of the Burma-Siam Area in regard to prison labor. Reports had been received that physical condition of POW's was poor and the death rate high. Feeding of POW's was below the required standard of quality and quantity. Decision to use POW's on the railway was made by SUGIYAMA, TOJO and KIMURA.
- Exh. 1988 (p 14609) 3 September. Monthly report from POW camps commandant in Thailand showed 40,314 POW's of which 15,064 were ill with malaria, malnutrition, gaihi and beri-beri.
- Exh. 690-A (p 7435) Plans to govern Siberia, including outer Mongolia, a publication of the Institute of Total War stated that the object of government is in preparing and adjusting defensive areas in the northern borders, to establish defense for the sphere, and a military administration should be secured.

1944

- Exh. 1276 (p 11367) 6 January. KIDO, in his Diary, discusses the war situation at the time. The fate of Germany is the most important problem. Japan must consider whether she will take measures to bring the war to an end in case Germany is beaten. The TOJO Cabinet will be difficult to continue in the event Japan attempts to bring war to end. He discusses future diplomatic moves in the event the war should come to an end.

1944 (continued)

- Exh. 128 (p 791) 21 February. TOJO appointed as Chief of the Army General Staff.
- Exh. 827-A (p 8063) 16 April. Speech by TOJO stated that Allied Powers had mobilized their full force and are now pressing the Axis in the east and west. Firm conviction of ultimate victory of Japan, Germany and Italy has only been more strengthened. Through complete cooperation in war effort by the countries within the Great East Asia Sphere, Japan's position is strengthened day by day. Japan will fight to the end. Necessary for the Axis to cooperate and concert more closely and to increase the fight against America and Britain.
- Exh. 1278 (p 11377) 18 July. TOJO reported and told KIDO that he had decided on a resignation en bloc. KIDO asked if he had a succeeding Prime Minister in mind. TOJO replied that the senior statesman must have a plan in mind and he did not venture to give his opinion. KIDO was shown the written resignation of TOJO. At the meeting of the senior statesmen a long discussion centered around the reconciliation of differences between the Army and Navy.
- Exh. 1280 (p 11383) 20 July. The senior statesmen met again and KIDO explained the development regarding the coalition. KOISO came to the palace from Korea, called on KIDO and told him about the discussion with TOJO and UMEZU.
- Exh. 128 (p 791) 22 July. TOJO relieved of his command post as Premier and concurrent post at his own request.