

EXHIBIT No. 3331

(12)

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI, Sadao, et al

Sworn Deposition (Translation)

Deponent : Yamamoto, Kumaichi

Having first duly sworn an oath as an attached sheet and in accordance with the procedure followed in our country I hereby depose as follows:

AFFIDAVIT OF KUMAICHI YAMAMOTO

1. I, Kumaichi Yamamoto, as testified before the Court of International Military Tribunal, Far East, on August 15 (the Defense document, No. 2014, Exhibit No. 2,915), always attended the sessions of the Liaison Conference, since the formation of the Tojo Cabinet.

2. Finance Minister Kaya was present at most sessions of the Liaison Conference, though he never played a leading role in the discussions, as the topics of the Conference mostly centered around the U.S.-Japanese negotiations.

3. At the Conference, although the members were unanimous in their stand that utmost effort should be made toward the success of the U.S.-Japanese negotiation, opinions crossed on the policy to be taken in case of the failure of the negotiation, as the most difficult problem before them.

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Finance Minister Kaya directed his whole energy toward avoiding war, repeatedly advancing a thorough study on peaceful means to solve the difficulties which, arising from the negotiation failure, would threaten to develop into major causes of war; - the sight still remains in my memory as one of the most impressive scenes.

4. As one evidence of the above, at the Conference session of Nov. 1, 1941, when it was discussed whether we should be resolved to take arms for self-defense against the U.S., if that country would not accept either form of concessions we were prepared to make in the so-called Formulas A and B, Finance Minister Kaya proposed, as an attempt serviceable to avert war, a study on the possibility and advisability of solving the oil problem by means of our importing it from the North Saghalien or, going a step farther, our purchasing up the territory itself. For it was certain that if the U.S.-Japanese negotiation should fail, we would be cut from oil supply from either the U.S. or the D.E.I, and to be reduced to such circumstances would be considered as a fatal blow to this country which is so poor in the indigenous production, and threaten to become one of the major inducements toward a war, with the result that it was one of the gravest concerns before the Liaison Conference, whether there could be any means to peacefully solve the problem of oil. Mr. Kaya's earnest proposal as above mentioned, however, could not obtain approval as "lacking in practicability". (He also had laid before the Conference his synthetic oil project with the same purpose, which plan had been rejected on the same ground.)

5. After all, the opinion of the High Command at the Conference was: "Japan is confronted with an economic and military menace at the hands of the Allied Powers, which is aggravating day by day. Let it alone, the very existence of our country would be threatened. Unless the U.S.-Japanese negotiation has been concluded through December, our national defensive power on the Western Pacific will become much inferior to that of the Allied Powers. If then we are attacked by the U.S., or forced to a war for existence, the High Command will no more be in a position to be held responsible for the national defense. It is therefore imperative for us to make up our mind here, at this moment, that if there is no prospect of success for the negotiation between the two countries even at the end of November, then we will make our final resolution toward the U.S.; and to begin at once our preparation for military operations. However, as it goes without saying that we should continue our best effort for the success of the negotiation, if we become assured of its success, the operational preparation should be stopped as a matter of course".

Finance Minister Kaya contended: "It is a matter of gravest consequence that a situation might arise when the High Command says they cannot assure the responsibility for the national defense. But it should not be lightly done that we make our final resolution toward the U.S., even if the promises of success should have been all lost for the negotiation. We must consider the incomparable ^tmisery that would be brought about if the U.S. and Japan should fight, Our countrymen have already been experiencing considerable hardships since the outbreak of

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the Sino-Japanese Hostilities. To be thrown at the mercy of further distresses is unbearable. Moreover, there is no assurance of our victory, in the opinion of the Naval High Command, if the war drag on more than two years. So there is a danger of our losing both the fruits and root, if we lose the war, even if it may be for selfdefense. The war must be avoided by some means, as far as possible. I cannot forthrightly agree to the war plan. I want to consider the matter over more carefully."

Foreign Minister Togo also insisted upon the necessity of careful reconsideration.

The High Command insisted:

"Unless we start on the preparation for military operations at once, considering an eventuality of our being driven to the worst, it would be impossible for us to fight, even if we are forced to do so suddenly at the end of November, when all prospect of success might vanish for the U.S.-Japanese negotiation. Therefore we must at once make up our mind that we will make our final resolution in the aforesaid manner. Otherwise, the High Command cannot assume the responsibility of defending the nation."

Finance Minister Kaya and Foreign Minister Togo reserved their yes or no, saying they wanted at least one more day's deliberation as it was a matter of gravest consequence.

At that, Chief of the General Staff Sugiyama manifested his dissatisfaction: "It is most regrettable that they hesitate even at this moment. Under such circumstances it ^{is} impossible on the part of the High

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Command to take the responsibility of national defense."

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Command to take the responsibility of national defense." But both Mr. Kaya and Mr. Togo did not withdraw their reservation.

6. I do not remember whether Finance Minister Kaya was present at the Liaison Conference meeting held in December, 1941, prior to the outbreak of the U.S. - Japanese War.

On this 8 day of ~~Aug.~~^{Sept.}, 1947, at Tokyo

DEPONENT YAMAMOTO Kumaichi

I, TANAKA Kodo hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date, at the same place.

Witness : /s/ TANAKA, Kodo (seal)

CATH

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

/s/ YAMAMOTO, Kumaichi (seal)