

EXHIBIT No. 3351

(12)

Def. Doc. 495

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

SWORN DEPOSITION

DEPONENT: SAWAMOTO, Yorio

Having first duly sworn on oath as on attached
sheet and in accordance with the procedure followed
in my country, I hereby depose as follows.

Cover

I was Vice Minister of the Navy during my term of office from April 1941 (16th year of Showa) to July 1944 (19th year of Showa).

As Lt. General KIMURA (at that time) was Vice Minister of War during his term of office from April 1941 (16th year of Showa) to March 1943 (18th year of Showa), I had official relations, as his colleague, during Lt. General KIMURA's tenure of office as Vice Minister of War; but other than that, I had no connection at all with him, neither before nor after the said period.

During the time that I was Vice Minister of the Navy the regulations concerning the duties and responsibilities of that office were construed to mean and were placed in practice as follows:

(1) According to the Government organization, the Vice Minister is to assist the Minister in the latter's capacity as the Chief Administrative official and there is no stipulation by virtue of which the former ought to help the Minister in his character of Minister of State.

(2) Before the Vice Minister could act as proxy for the Minister, the Cabinet must grant permission by special proceedings, the Minister not having the authority to give such orders otherwise.

(3) From the view point of the Government organization, only the Minister, and not the Vice Minister, has a right of direction and command, authority over personnel matters, and power to punish over each of the Bureaus and Divisions. The Vice Minister can do no more than to lend a helping hand by expressing his opinion on these matters to the Minister, with the exception, however, of persons who, in conformity with the regulations, are in the service by order of the Vice Minister; for example, Navy Archives Officials.

(4) From the view point of the Government organization, chiefs of each of the Bureaus and Divisions are directly responsible to the Minister for the business in his department and directs

and supervises in that office the respective business of each of the Divisions and Sections.

(5) According to the regulations common to the official organization of each ministry, it is provided that "the Vice Minister helps the Minister, adjusts departmental affairs and supervises the business of each Bureau and Division."

a. "Adjustment of departmental affairs" has, for its principal object, coordination of the business in each of the Bureaus and Divisions and carrying out of smooth execution of the affairs between Bureaus and Divisions. Besides this, he attends to the matters entrusted to him and various functions which do not belong to any of the Bureaus or Divisions and other miscellaneous matters.

b. "Supervision of business" means here supervision of business to be carried out by the Vice Minister in the sense of helping the Minister as an assistant since chiefs of bureaus and divisions, according to the Government organization, are respectively dealing with the matters for which they are responsible and directing and supervising the business of each Bureau, Division and Section by order of the Minister.

Accordingly, the Vice Minister has no authority to direct, command or cancel the business specially assigned to each of the Bureaus and Divisions. In cases necessitating direction, command or cancellation, he has no other recourse than to express his opinion to the Minister and await his instructions.

(6) The Vice Minister has no authority to decide matters other than those which are assigned to him and, of course, no right to command outside his jurisdiction. Accordingly, as to the matters other than those which are assigned to him, even though an approval of the Vice Minister is lacking, it is not unlawful so

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long as an approval of the Minister exists. Actually, in the Navy Ministry the Vice Minister does not, by usage, take part in the nomination and appointment of personnel.

(7) In case of establishing regulations or giving orders in general, such as ministerial ordinances, notifications and instructions, etc., they are issued in the name of the Minister; and there are many cases, though it is actually the order of the Minister, in which the Minister's name is not used according to clerical usage. Instead, notifications by order in the name of the Vice Minister are usually issued.

(8) Accordingly, a Vice Minister's notification by order is nothing more than a communication in writing made in the name of the Vice Minister of what has been decided by the Minister.

(9) The Vice Minister's notification, which is different from the Vice Minister's notification by order of the Minister, is issued in connection with matters assigned to the Vice Minister in accordance with the official business regulations, etc.

When there is a Cabinet change, no member of the Navy Ministry is affected except the Navy Minister. I do not remember of any case in which the Vice Minister of the Navy was changed as a result of a political change. I remained in office as Vice **Minister of the Navy from KONOYE's third cabinet to TOJO's Cabinet;** however, it was only due to usage and had no special meaning.

I, just the same as the Vice Minister of other ministries, was requested to be a committee man or councillor of various committees, but it was only nominal so that I do not remember even the number and title of the organizations to which I belonged. Accordingly, I failed to attend most of these committee meetings. On rare occasions, I did attend some of these meetings, but in many cases it was called nominally and the proceedings of such meetings

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had already been deliberated beforehand, so that I seldom discussed matters in question myself in the meeting nor tried to change the contents of the decision. I did not do more than simply hear their reports.

I was also, by request, Councillor of the Total War Research Institute as were the Vice Ministers of other ministries, but the only chance I had to take part in the proceedings of the Institute, as I remember it now, was to attend once a year, together with my colleagues from other ministries, for the purpose of hearing the report of the result of the studies.

On this 11th day of February, 1947
(22nd year of Showa)
At No. 110 Kakinokizaka
Meguro Ward, Tokyo

DEPONENT: SAWAMOTO, Yorio (seal)

I, SAWAMOTO, Yorio, 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 Tokyo, Japan

Witness: (signed) SHIOHARA, Tokisaburo, (seal)

OATH

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

SAWAMOTO, Yorio (seal)