

Sutton

Corrected copy

Statement of Evidence introduced by Prosecution
on the Defendant
Koichi KIDO.

This Defendant held the following offices between the following dates:-

- 28 Oct. 1930 - 22 Oct. 1937: Chief Secretary to Lord Keeper of Privy Seal
- 22 Oct. 1937 - 26 May 1938: Education Minister.
- 11 Jan. 1938 - 5 Jan. 1939: Welfare Minister.
- 5 Jan. 1939 - 30 Aug. 1939: Home Minister.
- 1 June 1940 - 10 Oct. 1945: Lord Keeper of Privy Seal.

The evidence against him in chronological order is as follows:-

- Exh. 112 (page 725) Personnel record of KIDO.
- Exh. 102 (page 685) List of Officeholders in the Imperial Japanese Government.

A. Evidence relating to events whilst he was Chief Secretary to the Lord Keeper of the Privy Seal, 28 Oct. 1930 - 22 Oct. 1937.

Exhs. 178-179 (pages 1921-1943); Extracts from KIDO's Diary (July 11, 13, Aug. 7, 12, Sept. 9, 10, 12, 19, 21, 22, 29, Oct. 1, 5, 7, 14, 15, 1931) which give details of the March Plot to overthrow the government, and the Manchurian problem. States he thinks self-defensive action might be necessary in Manchuria (page 1935).

Exh. 2191 (page 15,731) KIDO in his diary of 11 Jan. 1932 relates a conversation at the Imperial palace between himself and ITAGAKI when the latter told him of the conditions in Manchuria and Mongolia and explained Japan's intentions regarding the establishment of a new State and the participation of the Japanese people in the management of the new State.

Exh. 2251 (page 16,213) On 28 January 1932, KIDO stated in his diary that General MINAMI had that day attended a meeting before the Emperor on the Manchurian-Mongolian situation. His conclusions regarding the Manchurian-Mongolian questions were:

- (a) Revolutionise national defence by expediting completion of Kirin-Kwanei Railway and by making the Sea of Japan into a lake to facilitate Japan's advance into N. Manchuria.
- (b) prevent economic blockade from abroad.
- (c) Establish a colonial trooping system and give emigrants same protection as in South America.

KIDO thought it advisable to unify Japanese organs in Manchuria and Mongolia under one Japanese organ under a Governor-General.

Exh. 2252 (page 16,215) On 17 May 1932, KIDO recorded in his diary a meeting with Lt. Col. SUZUKI regarding the formation of a new Cabinet, which SUZUKI feared might result in a second or third incident.

Exh. 2253 (page 16,216) KIDO stated in his diary that on 18 April 1933 he met with Lt. Col. SUZUKI and SHIRATORI. They discussed the non-aggression pact with Russia, which SUZUKI was strongly opposed to.

Exh. 2192 (page 15,733) KIDO in his Diary of 30 May 1935 relates a claim reported to have been lodged by the Japanese Garrison in North China against the Chinese Government. Vice Minister SHIGEMITSU explained that this step against China was based on the idea of ITAGAKI and others that the military should take the lead instead of diplomatic circles.

Exh. 225A (page 16,217) KIDO Diary, 14 July 1937, re discussion with one Matsui on sending troops to N. China.

Note: On 22 Oct. 1937 KIDO ceased to be Secretary to the Lord Keeper of the Privy Seal and became Education Minister.

B. Evidence relating to events whilst he was Education Minister, 22 Oct. 1937 - 26 May 1938.

Exh. 239 (page 2960) Cabinet decision of 22 Oct. 1937 outlining the establishment of heavy industry in Manchukuo.

Exh. 38A (page 4732) Official report dated 27 Oct. 1937 from the office of the Treasury Attache, Shanghai, concerned "Manchukuo Opium Monopoly Administration Organisation and Opium Conditions in Manchukuo in 1937". The report states that despite much talked-of anti-narcotic purge in Manchukuo, there are not many changes in the organisation of the Opium Monopoly

Administration except the obvious enlargement of its activities and increase of its income during 1937.

Exh. 954B (page 9446): In a reply to the League of Nations, dated 27 Oct. 1937, HIROTA stated on behalf of the Japanese Government that, in view of the League's report of 6 October, 1937, which declared that by the military operations in China Japan had violated the Nine Power Treaty, Japan believes that there cannot be a frank and full discussion and for this reason declines the invitation.

Exh. 2255 (page 16,219): KIDO Diary, 27 Oct. 1937 in which KIDO stated he attended the extraordinary session of the Cabinet where a decision was made on the statement and answer to the invitation to the Conference in connection with the Nine-Power Pact.

Exh. 2256 (page 16,220): KIDO's diary of 3 November 1937 states that he discussed with Sugiyama, saving the situation, the establishment of Imperial General HQ and the question of declaration of war.

Exh. 486B (Page 5983): On 5 November, 1937 peace terms were proposed by Japan, through German mediation, to the Nanking Government for settlement of the China Incident.

Exh 492 (page 7981) Privy Council re Tripartite Pact. Kido present. Nov 12th 1937
Exh. 2257 (page 16,220) KIDO stated in his diary that in a talk with Premier KONOYE on 16 November 1937, he, KIDO, expressed concern that a commotion in interior politics now, when they were on the offensive, might turn the operation into a defensive one and thus the attitude of foreign countries, which had finally turned serious, would be affected.

Exh. 2258 (page 16,222): KIDO's diary of 19 November 1937, states a conversation he had with the War Minister regarding the establishment of the Imperial General HQ.

Exh. 944 (Page 9419): In a message to HIROTA on 1 December 1937, ~~one~~ referred to reports that on 1 November a treaty was signed by Japan ending Japan's extra-territorial rights in Manchuria, and because of this a manifesto was being issued regarding the rights of foreigners, other than Japanese, in Manchuria. The United States registered emphatic objection to any attempt by Manchuria to exercise such jurisdiction and makes full reservation with respect to United States treaty rights.

Exh. 469 (page 5303): On 5 December 1937, the Shanghai Tatao Municipal Government was organized in Shanghai, as the first step towards creating a new regime in Central China.

Exh 204 (page 2527): Rape of Nanking: December 1937
Exh. 329 (page 4592): German report on Rape of Nanking December, 1937.

Exh 205 (" 2556). Rape of Nanking
Exh. 206 (page 4483) Rape of Nanking, December 1937.

Exh. 208 (" 2608) " " " "

Exh. 310 (" 4484) " " " "

Exh. 311-321 ("4485) " " " "

" 323 (" 4508) " " " "

Exh. 328 (page 4558): Telegram from American Embassy shown to YOSHIZAWA re Nanking situation, who stated that the matter had been laid before Cabinet. December 1937.

Liebert testified (page 8472) that on 20 December 1937 the Manchukuo Imperial Ordinance No. 460 was promulgated with the purpose of expediting the development and establishment of heavy industries and control of those industries at the direction of the Manchurian Government.

Exh. 2259 (page 16,222); KIDO's diary, 21 December, 1937, states that KIDO attended a Cabinet Meeting where negotiations with China, draft answer to the German Ambassador, and counter measures for the China Affair were discussed. KIDO urged the necessity of creating cultural measures in N. China.

OUCHI testified (page 945); concerning the dismissal in 1937 of a professor from the faculty of Tokyo University by KIDO Minister of Education because of his liberal views.

SHIGENOBU testified (page 1109); that when KIDO was Minister of Education in 1937, School system was reorganised.

Exh. 486B (page 5984); On 27 December 1937 a new peace offer was sent to the Chinese by Japan, altering the conditions of the 5 November offer for peace and making them more severe in view of changed conditions.

Exh. 486D (page 5994); 5 January 1938, telegram from Ambassador Dirksen to German Foreign Office showing that other military aggression was threatened by Japan at this time. Japanese Foreign Minister is demanding immediate reply because "new military operations are planned".

Exh. 486D (page 5990); Memo by German Foreign Minister von Neurath of 10 January, 1938, re interview with TOGO who stated that, unless Chinese succumb to Japanese demands, Japan will fight to the bitter end.

Exh. 486F (page 5992); Telegram to Berlin from German Ambassador on 10 January 1938 reported break of relations between Japan and China. HIROTA excused the decision as a precautionary measure in case of China's refusal to their demands.

NOTE: On 11 January 1938, KIDO became Welfare Minister as well as Education Minister.

Exh. 2260 (page 16,223); KIDO's Diary, 14 January, 1938, records a Cabinet meeting on this day where the epoch making announcement concerning the China Affair was discussed.

Exh. 463 (page 5302); 11 January 1938. Imperial Conference held for disposition of China Incident.

Exh. 486D (page 5995); Telegram from Ambassador Dirksen to German Foreign Minister reporting that Privy Council meeting of 11 January 1938 decided on a declaration of war, continuation of hostilities, denial of Nanking Government and substitution of Peking Provisional Government in the event of a Chinese refusal of their terms.

Exh. 268 (page 3553); 16 January 1938. Statement by Japanese Government that they would no longer deal with the Chinese National Government.

Exh. 972F (page 9516); 22 January 1938, Konoye, the Prime Minister stated in a speech to the Imperial Diet that Japan's aim was to unite Japan, Manchukuo and China and thus contribute to world peace.

Exh. 486 (page 6002); Report of Ambassador Dirksen on 26 January 1938 showed that shortly after the Japanese Cabinet meeting of 16 January, Germany re-oriented her policy towards Japan. This included blaming China, anticipating Japanese victory, revision in policy of armament shipments to China, withdrawal of German Military advisers from China, recognition of Manchukuo and transfer of dealings to north China Regime and Peiping Government.

Exh. 463 (pages 5311-5315); Programme for direction of Central China Administration was decided on January 27th, 1938.

Exh. 486 I (page 6016); Report by Von Neurath on 28 January 1938, show Japan's determination to conduct a long China war. Remarks to Weissacker by Ambassador TOGO re co-operation with Japan by Germany in the new China.

Exh. 388 (page 4757): According to the Chinese Government's statement to the League of Nations, on 24 February, 1938, the Peiping Government rescinded the Chinese central Government's provisional anti-opium and anti-narcotic laws and regulations and released detained offenders.

Liebert testified (page 8380); that the Aircraft Manufacturing Law was promulgated in March 1938. It provided for the licensing of manufacturers of aircraft aircraft parts and accessories by the Japanese Government. Subsidies were granted.

Liebert testified (page 8293); that on 7 March 1938, the Ministry of Commerce and Industry Ordinance No. 8 provided a rationing system for petroleum.

Exh. 436 (page 5378): 28 March, 1938. Japanese-sponsored Restoration Government of the Republic of China formally established.

Exh. 266 (page 3543): Propagandist statement about the China Affair, entitled the Japanese Spirit, published by Ministry of Education in Tokyo Gazette, March-April, 1938.

Exh. 502 (page 6097): On 26 April, 1938, Ribbentrop cabled German Ambassador in Tokyo giving account of negotiations for German-Japanese military alliance. Discusses provisions of pact and Japan's desire not openly to oppose Great Britain and the U.S.A. at this time.

Liebert testified (page 8348) that on 28 April, 1938 the Light Metal Manufacturing Law was passed.

Liebert testified (page 8474) that on 30 April, 1938, the North China Development Company was formed to control and co-ordinate the economic development of North China.

Liebert testified (page 8395) that the National General Mobilisation Law of May 1938 was the basic legislation for the complete mobilisation of all facilities for war economy not otherwise provided.

Exh. 862A (page 8739): Excerpt from Japan Advertiser of 19 May 1938 explains that Japan needs national defence policy because she is surrounded by potential enemies - USSR, China and the American and British fleets.

Exh. 2261 (16,224) KIDO's Diary, 19 May 1938, relates his meeting with President Honjo and their discussion on the preparations for the battle of Suchow.

Exh. 242 (page 2997): On 24 May 1938, the Vice Minister of War UMEZU cabled the Chief of Staff of the Kwantung Army, TOJO, stating that Japan approves of Manchukuo's participation in the Anti-Comintern Pact, but suggests Manchukuo herself request the right to enter and Japan assist her.

NOTE: On 26 May, 1938, KIDO ceased to be Education Minister, but remained Welfare Minister

C. Evidence relating to events whilst he was Welfare Minister but had ceased to be Education Minister - 26 May, 1938 - 5 January, 1939.

Exh. 2197 (page 15,741): Extract from The Japan Advertiser, Tokyo, 26 June, 1938 entitled "Long Preparedness is urged by War Minister, ITAGAKI" states that the army should be ready to continue fighting "perhaps for ten years".

Exh. 591 (page 6585): Pro Memoria (Berlin of 29 June 1938, regarding the promotion of close economic co-operation between Japan and Germany in China.

Exh. 757 (page 7814): 22 July 1938. Extract from battle actions of the Red Army General Staff gives information that several violations of frontier were made by Japanese forces on this day

Exh. 2262 (page 16,226): KIDO's Diary 9 August 1938, re a Cabinet Meeting attended where he heard about the progress of the Changkufang Ins. from War Minister ITAGAKI, and the German proposal to reinforce German-Japanese relations.

Exh. 2263 (page 16,228): KIDO Diary, 7 September 1938 refers to the domestic situation and the new political party.

Exh. 972C (page 9511): 22 September 1938. Communication from Foreign Minister Ugaki to Secretary-General of the League of Nations declining League's invitation to aid solution of China Incident.

Exh. 989 (page 9573): 9 October 1938, Grew informed Konoye, the Acting Foreign Minister, that despite numerous assurances regarding the respecting of American interests in China and the maintenance of the "open door" policy there violations of these assurances continued.

Exh. 271 (page 3641): Privy Council meeting of 2 Nov. 1938 on matter of termination of co-operative relations between the Japanese Empire and various organs of the League of Nations, KIDO attended in his capacity as Welfare Minister.

Exh. 2264 (page 16,231): KIDO's Diary, 2 November, 1938, states that he attended the Privy Council meeting where it was decided to cease co-operating with the various bodies of the League of Nations.

Exh. 1291 (page 11,695): On 3 November 1938, an official declaration was issued by the Japanese Government stating that Japan had practically achieved her end in China, with the National Government reduced to a local regime, and the main territory conquered, but would fight on until it is completely destroyed. Japan's aim is a new order in East Asia and that other powers should realize Japan's intentions and change their attitude to suit the situation.

Exh. 2257 (page 16,220): KIDO's Diary of 16 November 1937 refers to the concern he apparently expressed to Konoye regarding interior politics. In connection with the war KIDO uses the phrase "Now when we are on the offensive...."

Exh. 612 (page 6731): 25 November 1938. At a Five Minister Conference, new Sino-Japanese relationship was agreed. Hainan Island to be captured by military action if necessary.

Exh. 418 (page 4866) 10 December 1938. Report of U.S. Treasury Attache at Shanghai relates that the sale of Persian opium in Shanghai is sponsored by Japanese Special Service Organ and the Chinese Puppet Regime.

Exh. 381 (page 4709): Excerpt from the document "Business Report of 1938", which states that on 12 December 1938, suggestion was submitted to Cabinet that the quantities of raw opium should be shipped or transferred to the Governor-General of Formosa, Kwantung leased territory and the Government of Manchukuo. The plan was approved on 22 December, 1938.

Exh. 972H (page 9527): 22 December, 1938. Statement by Premier Konoye on Japan's resolve to exterminate the Kuomintang Government and establish a new order in the Far East. He visualized the unification of Japan, China and Manchukuo.

Exh. 2265 (page 16,232): KIDO Diary, 26 December 1938 in which he stated he met with HIRANUMA who insisted the Konoye Cabinet should not resign.

Exh. 2266 (page 16,232): KIDO Diary, 29 December 1938 states that he discussed the resignation of the Konoye Cabinet with Teichi SUZUKI and ITAGAKI.

Note: On 5 January 1939, KIDO ceased to be Welfare Minister and became Home Minister.

D. Evidence relating to events whilst he was Home Minister - 5 January 1939 - 30 August 1939.

Exh. 461A (page 5268): Tokyo Gazette for January 1939 gave details of the programme for Economic Development of China.

Exh. 2267 (page 16,233): KIDO's Diary, 5 January 1939, in which he stated that he accepted the position of Home Minister as long as he could dispose of pending Home Ministry problems at his own discretion.

Exh. 422 (page 4874): 14 January 1939. Report by U.S. Treasury Attache at Shanghai on how Japan's narcotisation policy in China was being camouflaged.

Exh. 613A (page 6733): 10 February 1939. Japanese took Hainan Island by force. Protests made by French, British and American Ambassadors.

Exh. 500 (page 6093): Telegram from Ott to Reichminister of 18 February 1939 refers to Cabinet meeting which decided an intensification of Anti-Comintern Pact.

Exh. 864 (page 8803): 8 March 1939. Amendment to Military Service Law promulgated.

Exh. 992 (page 9598): 11 March 1939. Further protest by Grew regarding China.

Exh. 38 (page 6577): 23 March 1939. Agreement concluded for cultural co-operation between Japan and Italy.

Liebert testified (page 8664) that on 25 March 1939 Law was promulgated re safeguarding secrets of military material resources.

Exh. 512 (page 6145): 31 March 1939. Japan seized Spratley Islands.

Exh. 417 (page 4866): 1 April 1939. Report of U.S. Treasury Attache at Shanghai establishes that two "Persian" opium ships were in fact Japanese.

Liebert testified (page 8804) that on 1 April 1939 there was a further revision of the Military Service Law.

Exh. 155 (page 1315): 5 April 1939 Enactment of Motion Picture Law of 1939 concerning control and censorship of motion pictures.

Exh. 433 (page 4926): 14 April 1939. Aide Memoire from U.S. Ambassador to Japan concerned the "Narcotic Drug traffic in Occupied Area in China".

Exh. 2269 (page 16,235): KIDO's Diary, 19 April 1939 states KIDO advised HIRANUMA to exert increased efforts for the Military Alliance between Germany, Italy and Japan, since failure would have dangerous domestic effects and would be a decisive disadvantage to settling the China Incident.

Exh. 2270 (page 16,236): KIDO's Diary, 2 May 1939 - discussion with Navy Minister Yonai on the Military Alliance.

Exh. 614 (page 6791): 5 June 1939. Telegram from German Ambassador in Tokyo to the German State Secretary concerns Japan's desire to participate in war against England and France at a favourable time.

Liebert testified (page 8402) that on 26 July 1939 was promulgated the ordinance concerning the control of certain businesses in the event of general mobilisation.

Exh. 2271 (page 16,237): KIDO's Diary, 4 August 1939, discussion with ITAGARI on the Military Alliance from whom he obtained agreement.

Liebert testified (page 8298) that on 16 August 1939 the Coal Sales Control Regulations were promulgated. This indirectly made producers of certain industries manufacture products desired.

Exh. 775 (page 7889): Extract from KIDO Diary, 22 August 1939. "There was a report that a non-aggression pact had been concluded between Germany and Soviet Russia. Was astonished at this extremely treacherous act considering the existence of the Anti-Comintern Pact and Secret Pact".

Exh. 2272 (page 16,240): KIDO's Diary 28 August 1939 records that a Cabinet Meeting was held regarding the bloc resignation of the Cabinet.

OGATA testified (page 1154) that there was an increase in censorship after 1939 and it became so strict that a Censorship Section was organised within the Asahi Shimbun (newspapers) because of the number of press bans received from Home Ministry.

Exh. 2268 (page 16,234): KIDO's Diary, 31 March 1939, states he conferred with Premier HIRANUMA on problems of a military alliance between Germany and Japan and the appointment of new Cabinet members.

SUZUKI testified (page 1222) that from 1935 to end of war, newspapers were completely controlled and dominated by Home Minister.

SUZUKI, in cross-examination, stated (page 1262) that the police were under jurisdiction of Home Ministry and were empowered with control over showing of motion pictures, public speeches, etc.,

NOTE: On 30 August 1939, KIDO ceased to be Home Minister.

E. Evidence relating to events whilst KIDO was out of office 30 August 1939 - 1 June.

Exh. 2273 (page 16,243): KIDO's Diary, 10 November, 1939 - talk with Matsudaira on the system of appointing a new premier - KIDO was against the present system of the recommendation of the Lord Keeper of the Privy Seal to the Emperor as unsatisfactory.

Exh. 2568 (page 16,246) KIDO's Diary, 10 May 1940, in which KIDO expressed his allegiance to Komei.

Exh. 2275 (page 16,237): KIDO's Diary, 26 May 1940, stated his conference with Komei and Arima regarding the new political party.

F. Evidence relating to events whilst he was Lord Keeper of the Privy Seal 1st June 1940 - 10 Oct. 1945.

Exh. 2276 (page 16,249): KIDO's Diary, 1 June 1940, KIDO accepted the position of Lord Keeper of the Privy Seal after consultation with Komei.

Exh. 619 (page 6823): Extract from KIDO's Diary, 19 June 1940. Talk between KIDO and Foreign Minister before and after he was received in audience concerning the two plans debated at the Four Minister Conference. One was immediately to use force against French in Indo-China. The other to make a request to them and use force if the request was refused. It was decided to make a request and await reply before deciding on whether to use force.

Exh. 1294 (page 11,708): KIDO, in his diary of 27 June 1940, stated that he had been informed by ARITA of the proposals presented by GEW for a treaty between Japan and the United States regarding maintenance of the status quo of the Netherlands East Indies. However, in view of the fact that Japan did not want to have her activities restricted, including those in Netherlands East Indies prompt acceptance would be limited.

Exh. 532 (page 6240): Excerpt from KIDO's Diary (July, 1940) concerning Hieda's plot to overthrow the Yonai Cabinet. KIDO's report to the throne, the fall of the Yonai Cabinet and KIDO's part in choice of new Cabinet.

Exh. 534 (page 6258): Excerpt from KIDO's Diary, 22 July 1940. He promised the Emperor to investigate the subject of heavy artillery mobilization for China campaign being cleared by Government. Investigation revealed that preparations were being pushed, but Cabinet decision necessary for actual operations to be undertaken.

Exh. 627 (page 6972): Excerpt from KIDO's Diary of 14 September, 1940 in which KIDO says opinion has been expressed that present French Indo-Chinese situation might be aggravated by mischief-making of U.S. and England advises Emperor to support status quo.

Exh. 626 (page 6971): Excerpt from KIDO's diary of 9 September 1940 regarding bad effect of advance of Japanese troops into French Indo-China.

Exh. 2277 (page 16,250): KIDO's Diary, 21 September, 1940. KIDO reported to the Emperor that if a German-Italian-Japanese military alliance was concluded England and America would eventually have to be opposed.

Exh. 643 (page 7049); Extract from KIDO's Diary of 26 September, 1940. Officer reported to KIDO on air bombardment of Haiphong. "I understand that His Majesty, since this is such an important matter, ordered that a report should be made also to the Lord Privy Seal".

Exh. 2223 (page 16,352); KIDO's Diary of 29 November 1940, KIDO recorded a discussion with the Emperor concerning the possible failure of the Chungking negotiations.

Exh. 1058 (page 9850); This is an extract from KIDO's Diary of 3 April, 1941. Konoze had consulted him about the appointment of SUZUKI as President of the Planning Board and KIDO had agreed. Later KIDO was informed that this had been approved by the War Minister and the Navy Minister and necessary arrangements were being made for the appointment.

Exh. 1065 (page 9875); Extract from KIDO's Diary of 19 April, 1941, in which he stated he had an audience with the Emperor and reported on Japanese - U.S. relations and German-Soviet relations. KIDO had a talk with KONOZE and they concluded that every effort should be made to keep good faith with Germany and Italy and at the same time try to realize the establishment of a new order in the Greater East Asia Co-Prosperity Sphere.

Exh. 1066 (page 9877); Extract from KIDO's diary of 28 April, 1941. At the Emperor's request KIDO expressed his opinion as to what official the Emperor should consult on diplomatic matters in the event of the Premier, Foreign Minister and Lord Keeper of the Privy Seal being all ill and also at the Emperor's request KIDO reported on the progress of deliberation on Germany's policy toward the U.S. KIDO was, at the time, Lord Keeper of the Privy Seal.

Exh. 791 (page 7910); Extract from KIDO's Diary, 21st June, 1941. Kido dines with Premier Konoze and HIRANUMA, Konoze appears to contemplate resigning in the event of a war between Germany and Russia, but KIDO advises against this and gives reasons.

Exh. 1094 (page 10,024); Extract from KIDO's Diary, June 23, 1941, stating that KIDO had expressed his opinion to the Emperor on the Foreign Minister's report and exchanged opinion with SUZUKI with whom he agreed in the verifying and reinforcing of the Imperial General Headquarters.

Exh. 1095 (page 10,026); Extract from KIDO's Diary, 25 June, 1941, regarding the adjusting of relations between CHIANG and Wang Ching Wei. It states that KIDO was received in audience by the Emperor. The Chiefs of Army and Navy General Staffs, together with Konoze had reported to the Emperor on the decision of the Liaison Conference regarding the entry of Japanese troops into French Indo-China.

Exh. 1116 (page 10,165); KIDO's Diary, 16 July, 1941, Cabinet resignation having been decided upon, Konoze tendered the resignation and the Emperor issued mandate to KIDO to advise on selection of new Premier.

Exh. 1117 (page 10,166); KIDO's diary July 17, 1941, KIDO met with former Premier ^{senior} in a meeting of seven statesmen to choose a new Premier. The group recommended Konoze and that evening he received Imperial Command. KIDO obtained explanation of the draft understanding between the United States and Japan.

Exh. 1125 (page 10,184); KIDO's diary, 31 July, 1941, stating that he was received by the Emperor who told him about the report of NAGANO in reply to the Emperor's question regarding Japan's policy to the United States. NAGANO concurred with the former Chief of General Staff that Japan should try and avert war as much as possible, and was opposed to the Tripartite Pact, but KIDO replied to the Emperor that the United States recognizes the Tripartite Pact and would have no more faith in Japan if she annulled this pact.

Exh. 1132 (page 10,196); Extract from KIDO's diary August 2, 1941, Konoze had visited him and spoken about the need for a fundamental understanding of national policy between War and Navy Ministers. If complete agreement was not reached the Government would have to resign and the Army and Navy would then assume charge of administration of the country. KIDO reported spoke to the First Secretary.

Exh. 1129 (page 10,198) Extract from KIDO's diary of Aug. 7, 1941, telling of further conversation with Kameye regarding the need for the government and the army to decide on a policy. The problem of oil supply was discussed. If the Army and Navy estimates were correct there would only be enough oil to last for a year or eighteen months and war with the United States would be hopeless. Japan might be obliged to exercise great self-restraint and restore friendly relations with the United States meanwhile. The ultimate object was Japan's advance to the south and a ten year plan had been mapped out for industry, oil and shipping.

Exh. 1134 (page 10,214): KIDO's diary of September 5, 1941, as a result of a plan Kameye submitted to the throne relative to the Imperial Conference, KIDO arranged to have the Chiefs of staff and the Premier have an audience with the Emperor to answer the questions the Emperor wished to know about Japan's policy to the U.S. from point of view of war strategy.

Exh. 1135 (page 10,219): KIDO's diary of September 6, 1941, in which it states that KIDO advised the Emperor to give a warning in conclusion to the Imperial Conference of September 6, 1941, that the Supreme Command exert every effort to bring about a diplomatic success in view of all that was at stake for Japan. Later in the day when KIDO visited the Emperor he heard that the Supreme Command had not answered the questions put by HARA on behalf of the Emperor concerning diplomatic moves. The Emperor emphasized that wholehearted efforts should be made in diplomatic negotiations with the United States.

Exh. 1138 (page 10,222) : KIDO's diary of September 11, 1941, states that TOJO visited KIDO after seeing the Emperor and explained the results of an investigation concerning preparations for war with the United States.

Exh. 3279 (page 16,253): KIDO's diary of 25 September, 1941. Visit from SHIMAZU regarding U.S.-Japanese negotiations.

Exh. 1141 (page 10,230): Extract from KIDO's diary of Sept. 26, 1941, stating that after conversing with Kameye the latter had said there was no alternative but for him to resign if the military insisted on starting a war on October 15th. KIDO advised prudence.

Exh. 1142 (page 10,231): Extract from KIDO's diary of 29 September, 1941. Emperor requests KIDO to investigate stocks of rubber and tin in the U.S.A. and the amount of rubber resources in South and Central America and other places where the United States would be able to obtain these resources. KIDO therefore, contacts the President of the Planning Board through the Chief Secretary to the Cabinet.

Exh. 2280 (page 16,254): KIDO's diary of 1 October, 1941, talk with SUZUKI, president of the Planning Board on the National policy towards the U.S.

Exh. 1143 (page 10,232): Extract from KIDO's diary of October 7, 1941, showing that KIDO had been informed by the Chief Secretary Tani regarding the difference in views between the Army and Navy about Japan's policy with respect to war against United States.

Exh. 1146 (page 10,241): KIDO's diary of October 9, 1941, regarding a talk KIDO had with Kameye on the subject of the Washington talks. KIDO said he thought the decision of the Imperial Conference of September 6 was too outright. It would be inadvisable to declare war on United States immediately. Japan should concentrate her efforts on the conclusion of the China Incident and ignore economic pressure from United States.

Exh. 1147 (page 10,246): KIDO's diary of 12 October, 1941, stating that KIDO was told by the Chief Secretary Tani that the War, Navy, Foreign Ministers and the President of the Planning Board met with the Premier to discuss adjustment of diplomatic relations with United States. The views of the War and Navy Ministers are quoted.

Exh. 1148 (page 10,251): This statement in Kameye's handwriting, gives the facts pertaining to the resignation of the third Kameye Cabinet and review

the various stages of the Japanese-United States negotiations. At a meeting on October 12, 1941, TOJO gave as his opinion that there was no hope for a successful conclusion of these negotiations. There was a difference of opinion between the Army and Navy and between the Premier and TOJO. On 15 October KIDO heard TOJO's views as to the need of the resignation of the Cabinet and the Supreme Command and TOJO's suggestion that Prince HIGASHIKUNI should take over. KIDO told Konoye that since the Emperor felt it would be embarrassing to appoint Higashikuni he had decided to summon TOJO and Oikawa together and issue the Imperial Command to form a new Cabinet for one of them. KIDO was in some doubt as to whether it would be better to give mandate to the Army or Navy. KIDO asked Konoye to consider this matter.

Exh. 1149 (page 10,274): KIDO's Diary of October 13, 1941, when he stated he told Suzuki that the Premier should make an effort to promote mutual understanding between War and Navy Ministers.

Exh. 1150 (page 10,275): KIDO's Diary of October 15 states that SUZUKI, President of the Planning Board, came to deliver TOJO's message. This was to the effect that if Konoye did not change his mind the Cabinet should resign and owing to the difficulty of finding a suitable person among ordinary Japanese subjects it might be possible to call on Prince Higashikuni to take over; KIDO was doubtful about the suitability of making a member of the Imperial family. After a conversation with Konoye, KIDO reported to the Emperor and KONOYE told KIDO that the situation between himself, TOJO, was becoming such that he could not hold his Premiership any longer. KIDO sent for SUZUKI and asked him to give him a definite report on TOJO's real intentions.

Exh. 1151 (page 10,281): Extract from KIDO's Diary of October 16, 1941, in which it states that SUZUKI of the Planning Board came to see him and KIDO explained that he opposed the Higashikuni Cabinet. TOJO met with KIDO in the afternoon and discussed the situation. Resignation of the Third Konoye Cabinet.

Exh. 2250 (page 16,199): In a fuller account written in November 1941, KIDO revised the story contained in Exhibits 1147, 1150, 1151, 1154 and 1156 of the fall of the 3rd Konoye and formation of the TOJO Cabinets and stated that on 16 Oct. 1941, Konoye collected the resignations of his Cabinet and presented them to the Emperor. The Information Board stated the reasons for the resignation were disagreement of opinion regarding execution of present National policy. The actual facts, which were not really so simple, are set out in this document.

Exh. 1154 (page 10,291): Extract from KIDO's Diary of October 17, 1941, stated that a Senior Statesman's Conference was held that day. KIDO suggested a TOJO Cabinet with TOJO as Premier and War Minister on active service and HIROTA approved. The result was reported to the Emperor and TOJO received the Imperial Order to form a new Cabinet. Later KIDO told TOJO and Oikawa the Emperor's message that in deciding the fundamental policy they need not follow the September 6 Imperial Conference.

Exh. 1155 (page 10,293): KIDO's Diary of October 18, 1941, reported that the Emperor gave sanction to a petition to allow TOJO to remain on active service and promoted him to a full general.

Exh. 1156 (page 10,295): Extract from KIDO's Diary of October 20, 1941, states that the Emperor congratulated him on his efforts in connection with the Cabinet change. KIDO told the Emperor that one mistake might have inadvertently plunged the nation into war.

Exh. 1162 (page 10,314): In an extract from KIDO's Diary dated October 29th, 1941, it states that SUZUKI of the Planning Board reported on the progress of the Liaison Conference, the extension of the Anti-Comintern Pact and manoeuvre against China.

Exh. 1168 (page 10,331): KIDO's Diary of November 5, 1941, stated that an Imperial Conference decided the policy towards the United States, England and the Netherlands. TOJO advised KIDO of the formation of the Southern Army and told him of Kurusu's departure for the United States.

Exh. 1181 (page 10,389): Extract from KIDO's Diary, November 19, 1941, giving an account of his conversation with the Emperor when he stated that prospects of the negotiations with the United States were incalculable but if the Emperor was resolved on war by the end of November the situation would arise.

1) The remainder of the parley would not advance beyond its preliminary stage;

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- 2) Acceptance of Japan's demands partially, on behalf of majority.
- 3) Successful conclusion of negotiations but needing consent of England and Netherlands.

The Premier should be ordered to convene a Congress of Senior Statesmen before the Emperor when he had to make his final decision.

Exh. 2249 (page 16,196): On 26 November 1941, Nomura and Kurusu suggested to TOGO that they should induce President Roosevelt to send a peace telegram to the Emperor and asked him to consult KIDO.

Exh. 1190 (page 10,429): Extract from KIDO's Diary, 26 November, 1941. Emperor consults Kido as to war with America and giving his ideas to TOJO. KIDO advises Emperor to do so.

Exh. 1193 (page 10,442): On 28 November, 1941, TOGO informed Nomura that, in view of latest American proposals, there is practically nothing left but to break off the negotiations. However, this impression is not to be given to the Americans, who are to be told that instructions are being awaited from Japan. The measures suggested in their telegram are considered improper, although they have been referred to the parties mentioned.

Exh. 1195 (page 10,452) KIDO's Diary, November 29, 1941, giving an account of the meeting of Senior Statesmen held to consult on relations with America.

Exh. 1198 (page 10,468): KIDO's Diary, November 30, 1941, stated that he visited the Emperor who appeared anxious to avoid war. KIDO advised the Emperor to ask the opinion of the Navy Minister, Chiefs of Navy General Staff and the Premier.

Exh. 1210 (page 10,523): KIDO's Diary, December 1, 1941, stated that the Council that day, in the presence of the Emperor, had decided upon war between Japan and the United States. The Premier consulted about the Imperial Proclamation of War.

Exh. 1220 (page 10,541): KIDO's Diary, December 7, 1941, stated that HOSHINO visited with him to consult about the war with the United States and England.

Exh. 1239 (page 10,603): Extract from KIDO's Diary of 8 December, 1941:-
 "As I was proceeding towards Miyako-oka, after having climbed the Akasaka Mitsuke slope, I saw the sun rising brilliantly above the buildings in the distance. When one comes to think of it, this is the very day when our country is at last going to enter a gigantic war against the two great powers of America and Britain. Already at daylight this morning an air unit of the Navy has carried out a mass raid on Hawaii. Knowing of it I was anxious about its result, and unconsciously I faced the sun and closed my eyes in prayer".

Extract also related that Foreign Minister phoned KIDO to say that Grew had brought a personal telegram from President Roosevelt to the Emperor. Foreign Minister KAMEI asked KIDO how to handle the matter. KIDO advised him to deliberate carefully with the Prime Minister about it.

Exh. 1269 (page 11,309): Extract from KIDO's Diary, 18 December, 1941 -
 "Premier TOJO came to the Palace and saw me. He mentioned the need for control of discussion about Russia. Talked also of prospects of the German-Soviet peace manoeuvres.

Exh. 1273 (page 11,359): Extract from KIDO's Diary of 1 September 1942, states that he intervened in the crisis involving the resignation of TOGO to prevent the Cabinet resigning en bloc.

Exh. 1087 (page 14,608): Extract from KIDO's Diary, 9 October, 1942. Premier TOJO calls on KIDO to ask him to inform Emperor of details of treatment of American prisoners who participated in the Doolittle raid.

Exh. 1285 (page 14,406): KIDO stated in his diary of 19 March, 1942, that he had heard about Eden's address on atrocities at Hong Kong.

Exh. 1286 (page 14,607) KIDO's diary of 21 May 1942, stated that the Chief aide de Camp informed him about the manner the American flyers (Doolittle) were dealt with.

Exh. 1276 (page 11,368): Excerpt from KIDO's Diary of 6 January, 1944, concerning a conversation with his Chief Secretary discussing Germany's fate and measures Japan must take.

Exh. 1278 (page 11,377): Extract from KIDO's Diary of 18 July, 1944, relates TOJO informed KIDO that he had decided to resign en bloc. A Conference of Senior Statesmen was held to decide the new premier and KIDO gave a detailed explanation to the circumstances leading to TOJO's resignation. KIDO stated that if TOJO resumed the post of War Minister, it would have an unfavourable effect on the political situation.

Exh. 1279 (page 11,381): KIDO stated in his diary of 19 July, 1944, that Konoye was of the opinion that the new Cabinet should be a coalition one between KOISO and Yonai in order to form a true national unity. KIDO agreed to this and asked for the views of the Senior Statesmen.

Exh. 1281 (page 11,385): Extract from KIDO's diary of 4 April, 1945, relates his meeting with KOISO and the latter's intention to resign. KIDO suggested a postponement to which the latter agreed and then he met with the Army, Navy Ministers and the two Chiefs of Staffs.

Exh. 1287 (page 11,388): Extract from KIDO's Diary of 5 April, 1945, states that he conferred with UMEZU, Yonai, Sugiyama and OKAWA after the decision to announce KOISO resignation. KIDO conferred with UMEZU on the fall of the KOISO Cabinet.

Exh. 1282 (page, 11,388): Extract from KIDO's Diary of 5 April, 1945. Shows extremely important, if not decisive, role played by KIDO at time of the resignation of the KOISO Cabinet and formation of SUZUKI Cabinet. Also contains account of meeting of elder statesmen and some discussion by them on the role of the Lord Keeper.

Exh. 1283 (page 11,393): Extract from KIDO's Diary, 9 August, 1945. Premier SUZUKI calls on KIDO to inform him the Supreme War Guidance Council has decided to accept Potsdam Declaration on conditions.

Statement of Evidence introduced

during the Defense Case on

the Defendant

KIDO, Koichi

Exhibit 2344 (page 17,698): Chart showing composition of Japanese Cabinets from 1928 to 1945 in which the positions held by KIDO are shown.

Stahmer testified (page 24,461) that he did not recall having had any contact with KIDO and (page 24,451) that he had heard he was regarded as very pro-Anglo-Saxon.

Witness Kawabe stated (page 22,048) in cross-examination that the General Staff advocated moderate terms to secure peace with China and he denied knowledge that at a Cabinet Meeting on 21st December 1937 this view had been vehemently opposed by KIDO.

Yoshida stated (page 18,475) in cross-examination that although military training did not become compulsory until 1939, talk of military training being made a separate subject began in the summer of 1936 and a proposal to this effect was made in May 1939. The matter was discussed between the Education and War Ministries until 1939.

Witness Iwamatsu stated (page 18,543) that neither KIDO nor ARAKI during their tenures of office as Education Ministers ever took any new measures concerning military education nor issued any instructions on these matters.

Witness Iwamatsu stated (page 18,557) that Ikeshima's statement that the School system was reorganised and more time devoted to military training when KIDO was Education Minister was wrong, and that such reorganisation occurred in 1941.

Iwamatsu stated (page 18,568) that the revisions with respect to the regulations of Youth School which were enforced in April 1939 were agreed upon before ARAKI became Education Minister. He denied they had been agreed on when KIDO was Education Minister and stated that although finally decided in 1939, general agreement had been reached in 1935.

Exhibit 2913 (page 25,866): On 13 October 1941 Konoye went to the Palace and made a detailed report on the crisis of negotiations with the U.S. and he spoke with KIDO.

Exhibit 2935 (page 26,064): Witness Yamamoto stated that on receipt of a telegram from Nomura suggesting an exchange of telegrams between Roosevelt and the Emperor, TOGO consulted with TOJO and KIDO. They decided that this would offer no settlement, and requested witness to relay this to ambassadors. Although the Ambassadors sent their suggestion on 26 November 1941, before receipt of US note, TOGO before consulting TOJO and KIDO had received from the ambassadors an outline of the US note. This stated that a successful conclusion appeared impossible and the suggestion unavailing.

Witness Kase stated (page 26,168) that he reported to TOGO and Matsuidaira KIDO's private secretary, after 10 a.m. on 7 December 1941 the news that the President was sending a message to the Emperor.

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31450

* The accused stated that during recess he had consulted his diary for 21 December 1937. He did not recall a conversation he had with HARADA on 14 January 1938 which referred to a talk with Prince CHICHIBU.

31451

To the accused was quoted a purported statement he made to HARADA on 12 January 1938 in which he stated that he had talked to CHICHIBU a few days before and CHICHIBU asked him on what grounds the government * was refraining from concluding present hostilities, and how much longer did they think financial strength would last. KIDO explained the circumstances and in the course of conversation CHICHIBU remarked that the present hostilities differed from those of the Sino-Japanese and the Russo-Japanese wars in that they were not waging war against the Chinese people but against Chiang Kai-shek regime, and therefore why not liquidate the friction and clasp hands? KIDO replied that even if the present situation differed from those wars, it was impossible after Japanese troops had killed 700,000 to 800,000 soldiers * for the army to look grave and say let's shake hands and truly mean it.

31452

Was Japan a victorious nation or a defeated one. Was it for a victorious nation to say they would like to make peace as soon as possible by submitting all kinds of terms, if by doing so they showed their true colors, and should the opponent refuse to respond, they would, in reverse, use this as propaganda, saying that Japan was in straightened circumstances and with the terms had expressed hopes for peace.

The accused stated he had no recollection of saying what had been read to him nor believed it reflected his thoughts at the time. He did tell CHICHIBU what happened at the cabinet meeting but did not recall expressing such opinions.

31453

* An additional part of the purported conversation with HARADA was read to the accused in which he stated that if such propaganda should be spread it would result in Japan being at a disadvantage. There would be a slump in the yen exchange and government securities, and loss of confidence in economics and finance, and the nation would not be

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31454 able to purchase commodities and prices of goods would soar menacing internal peace. Diplomacy was necessary to conceive a plan for peace, but unless this was delivered in such a way that the settlement was solid, and if things were handled in a manner * General Staff Headquarters desired, he should have no end of worry for the government.

31455 * After this was read to the accused, he stated he still had no recollection concerning the conversation. With reference to the part concerning the killing of 700 or 800,000 Chinese, at that time he had no information of the killing of such a number. As for the fact that because of this they were unable to effect peace, even at the previous cabinet meeting, that thought never entered his head. He did recall he talked to CHICHIBU of what happened at the cabinet meeting and felt the general staff had some behind-the-scenes deal with Germany, and he feared whether negotiations carried on through Germany would succeed.

He recalled that after talking on various subjects at the end CHICHIBU said the fault really lay with SUGIYAMA because he had not done a good liaison job.

31456 * Asked if he recalled if he held views at the time that would have been dangerous for Japan economically, if negotiations fell through, KIDO replied that his main anxiety was that if Japan presented China with definite terms and they were rejected, China would utilize this for counter propaganda and succeed in creating internal disturbances adversely affecting Japan's economy as well as in other fields.

Asked if that was one of the reasons why he wasn't in favor of giving China concrete terms, and if the terms became known and there was no settlement it would be embarrassing, he replied that that was what he was worried about.

31457 Asked if, as a matter of fact, the terms were not concrete, * he replied that the Foreign Minister conducted negotiations on the basis of the terms which had been summarized in four main points, but the cabinet had already decided the specific terms and left the handling of the matter to the Foreign Minister.

Asked if the terms were passed to China through the German Ambassador with a time limit for their acceptance, he

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replied that he didn't know the manner in which the Foreign Minister negotiated with the German Ambassador, but remembered that at the cabinet meeting they decided the matter should be settled by the end of the year, whether this could be called a time limit or not he did not know.

31458

* Reference was made to the affidavit where it was stated that it was suggested at the cabinet meeting of 18 December 1947 that Chiang Kai-shek's answer should be requested before the end of the year (T. 30,836-7). Asked if this was correct, the accused replied that it was and that in his diary for that date he had used the expression the deadline should be fixed as about the end of this year.

Asked if that didn't occur to him to be rather brief period of time to get an end to a matter with so many ramifications, and which had been fought out so long, he replied that that decision was reached after an explanation by the Foreign Minister and since he was not an expert on such affairs, he didn't give much further thought to it.

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* On 14 January, in the middle of a cabinet meeting, the German Ambassador asked to see the Foreign Minister and when the Foreign Minister returned he brought with him the Chinese reply. KIDO did not know the details of the reply but just heard the Foreign Minister make his report and did not know whether it was an official reply from the Chinese. The Foreign Minister's report was at that late date that the Chinese were still requesting explanations on the terms and * showed no sincerity in wanting peace.

31460

Asked if he had not indicated that the terms were not concrete and that he thought it would be a mistake to make them that way, he replied that what he meant by making the terms general was to bring about a successful conclusion of negotiations. He meant that the negotiations be conducted by epitomizing the peace terms.

31461

* Asked if he did not say in his diary of 18 December 1937 that they decided they would leave it to the Foreign Minister and let the ambassador sound Chiang's views by showing comprehensive conditions of their intention, and refraining from showing details, he replied that this was true.

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31462 * Reference was made to the affidavit where it was said that KONOYE was anxious to restore peace without a day's loss and agreed to the abstract epitomization of peace terms so as not to obstruct negotiations but make room for a future concession to insure success for the negotiations (T. 30,836).

Asked if it would not be entirely in the line of reason for Chiang to ask for further details if those cabinet instructions were carried out by the Foreign Minister, the accused replied that since negotiations were left completely in the Foreign Minister's hands, including the Chinese replies, he knew nothing of what transpired later.

31463 * The same question was repeated to the accused and he replied that he supposed it was but natural that they should make further inquiries. It was intended by KONOYE that there would be room left in the terms for some concessions to China, and that was told KIDO by him. Asked if it was not true that as a result of the inquiry for further terms, Chiang was told there would be no further dealing with him, he replied that that was so and the Foreign Minister reported to the cabinet that Chiang's regime had shown no sincerity but was still vague, and there was no point in continuing negotiations. Following the Foreign Minister's report the cabinet arrived at its decision.

31464 * Asked if he inquired of the Foreign Minister on what grounds he based his conclusion that no bona fides were being shown by Chiang, he replied that he did not recall whether he questioned him.

31465 * Reference was made to the affidavit where a diary extract for 21 December 1937 (Exh. 2259) was quoted, this stated that at the cabinet meeting they deliberated on negotiations with China, the draft of the answer to the German Ambassador, and the counter measures for the China Affair, and that KIDO suggested the necessity for creating cultural measures in North China. The affidavit went on to say that, as Exhibit 2259 also showed, they discussed at the cabinet meeting principles for dealing with matters concerning the Affair, and KIDO maintained that policies for cultural movement towards China be established instead of carrying out military activities to no purpose (T. 30,837).

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31466 * The accused having been handed the original of his diary of that date was asked if the words, "instead of carrying out military activities to no purpose," were contained in any part of the diary for that date, he replied that the words were used in the affidavit to explain what he said and he did not believe they could be found in his diary.

31467 He believed he did record something about the occurrence in January when Chiang Kai-shek was given notice there would be no further dealings with him. The accused stated he remained in the first KONOYE Cabinet until its resignation, and did receive some consultation from KONOYE on the matter of bringing ITAGAKI from China to Tokyo as War Minister, but that was the extent of his participation. He did not know ITAGAKI before he came there as War Minister, * but had met him only in 1932 when he heard him lecture. He did not talk to him on that occasion, and it could not really be said he knew him until he entered the cabinet.

The accused was asked if he remembered saying about 23 May 1938 to HARADA that the Chief of the Personnel Bureau had gone to China to approach ITAGAKI, and thought there would be a reply from Tientsin the next day or day after, in which case everything would move smoothly. KIDO said that he did not recall that very well but did remember that KONOYE told him that FURUNO had been sent to persuade ITAGAKI. He did not recall that the Chief of the Personnel Bureau ever went, and believed that HARADA must be under misapprehension as to the source of this information, as he was sure he did not actually say that.

31468 Asked if he discussed the matter with KONOYE and if KONOYE said that if SUGIYAMA resigned as War Minister he would like to put up a combination of ITAGAKI and TOJO, the accused stated that he could not remember hearing anything to that effect, and thought it must be wrong. KONOYE expressed his dissatisfaction * that the army had appointed TOJO Vice-Minister before ITAGAKI had been appointed War Minister.

31469 * He had forgotten exactly how many days TOJO had been appointed Vice-Minister before ITAGAKI was appointed War Minister, but believed that it was less than a week.

31470 Asked if he said that if the statement was made that KONOYE said that if SUGIYAMA resigned he would like to put up a combination of ITAGAKI and TOJO that this was something KONOYE never said, the accused replied he didn't say that this statement was a mistake, * but what he did say was what what

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was alleged that KONOYE told HARADA and what KIDO said KONOYE told him did not agree, and he could not believe KONOYE expressed such opinions to HARADA. He did not know if KONOYE made such a statement.

The accused was asked if he recalled the cabinet meeting of 24 December 1937 in which outlines of measures for the China Incident were made and policy for management of North China, political supervision, economic development, national policy, and policy for establishing a national policy company in North China was decided on. He stated that on looking at his diary he found that such a meeting was held that day.

31471 * When shown exhibit 3263, he stated that he supposed such measures were studied at the meeting and, as the exhibit showed, the purport of the above policy should be declared to the world at a suitable time.

31472 * He agreed that the exhibit showed it provided for the creation of an inseparable relationship between Japan, Manchuria, and China economically, and they would realize these objects and expand and strengthen the regime, which should be supervised to become the leading power of reconstructed China, and areas to be included in the new North China regime should depend on the development of military operations.

31473 * Asked if he approved of that decision, he stated that he believed that as a cabinet member he agreed to it. This type of policy and measure was reported to the cabinet by the competent ministers and he, as Education Minister, had no such interest in these policies, and his connection was limited to approval after it had been submitted to the cabinet.

31474 The accused was reminded that he had stated his very purpose in entering the KONOYE cabinet was to bring peace with China, and asked if that did not cause him to be exceedingly interested in matters concerning Japanese control over China, he replied, yes, if the measure had been adopted for aggressive purposes he should have been opposed to it, but the explanation at the time was that the occupied areas had expanded and it was not wise to permit an unrestricted influx of Japanese into * those areas, and that a certain amount of guidance was necessary and certain policies had to be laid down. In that sense he agreed with the measures.

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When the decision was reached that the extent of North China would depend on military movements, it referred to Japanese army movements. Asked if he would not consider the territory that was politically controlled as a result of successful military movements was controlled by aggression, he replied that he never considered the China Incident an aggressive war but did deplore the hostilities.

31475 * He did not think that troops in China were needed to defend Japan. He didn't recall the exact number of troops in China in 1938 but didn't believe the number reached one million, but were in the neighborhood of three-quarter million. He conceded that they were not over there for training purposes.

31476 Asked if he did not say in his interrogations that he thought the movements in Manchuria were initially defensive but could not be so called after that, he replied that he may have made such a remark, * and as far as the Manchurian Incident was concerned he did so think at the time. He recalled that he said that in the beginning the action of the troops in the Manchurian Incident was taken in exercise of the right of self defense, but thought that things were going too far when the establishment of a new state began to be advocated, and he didn't agree with the action of Japan in relation to Manchukuo.

31477 * He recalled the advent of ITAGAKI and TOJO as Minister and Vice-Minister of War, respectively, in the first KONOYE cabinet. Asked if he did not consider the Kwantung Army a dangerous breeding ground for pacifist cabinet members, he replied that the composition of the Kwantung Army at the time of the Manchurian Incident and at the time of the China Incident and at the time of which was now spoken of, was quite different.

31478 * He did not know Major-General IMAMURA, Hitoshi, or Colonel TOMINAGA, Kyoji. When the first KONOYE cabinet formed, ITAGAKI remained as War Minister and KIDO became Home Minister in the succeeding cabinet. He did not favor the military alliance with Germany in 1938 and 1939.

31479 Asked what caused the first KONOYE cabinet to fall, * he replied that KONOYE had been saying he wanted to resign because of his policies ending in deadlock. When he met KIDO on 17 December he told him there was a plan afoot to extend the Anti-Comintern Pact with Germany to include common defense against Britain and France. If this came about, KONOYE

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felt that nothing he could do would be of any use and therefore he wanted to resign. KIDO was in agreement with what KONOYE said and they started activities with a view to having the cabinet resign.

Asked if it was not true that KONOYE stayed out of the next cabinet but KIDO went on, he replied that KONOYE also entered the HIRANUMA cabinet as a minister without portfolio, but it was true that the accused did stay throughout the HIRANUMA cabinet.

31480 The military alliance between Germany and Italy continued to be discussed at that time. KIDO continued to oppose it, * but the matter was investigated in the Five Ministers conference. In March for the first time he heard from the Foreign Minister the progress of those investigations and KIDO felt that practically speaking it was difficult to oppose the measure, and therefore agreed that if the proposed agreement merely strengthened the Anti-Comintern Pact so as not to aggravate Britain and America, he would not oppose it.

31481 *Exhibit 2269 was read to the accused which stated that he conferred with Premier HIRANUMA on the military alliance and emphasized that if it ended in failure, it would have a dangerous effect upon the domestic situation and would be a decisive disadvantage to settling the China Incident, and he requested HIRANUMA to exert increased efforts.

31482 In explanation KIDO stated that he wrote this with a view, not to give a wrong impression, but the extract is too short. His real feelings were that the pact be concluded so as not to aggravate Britain and America, and he told HIRANUMA that further efforts would be made by him along that line. He would say, failure in getting a military alliance with Germany and Italy would have a dangerous effect on the domestic situation, * and would be a decisive disadvantage in the settlement of the China incident. However, he said that he wanted to explain what he had written, he felt he could explain it, but did feel that what he said was true.

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31484 * KIDO, as a cabinet officer attended the Diet sessions
31485 ordinarily, * and upon being shown a document, he did not re-
call being in the Diet when the statement recorded in the docu-
ment was made by HIROTA on 16 February 1938. He was asked if
he recognized the document as being a statement in English in
the Japanese Times and Mail, and he replied that according to
31486 the newspaper article, it appeared that the interpretation re-
corded there took place * at a Budget Committee meeting. He
thought he was present because there was a report in the art-
icle of a reply made by him. However, at Budget Committee ses-
sions, state ministers are sometimes in and sometimes out of
the meetings and are not always there.

During February, state ministers are extremely busy,
and that being the case, he was unable to say whether he at-
tended this particular meeting where a question was raised by
OKURA and replied to by HIROTA.

31487 * The attention of KIDO was called to the statement
in the document which said OKURA pointed out that in the for-
eign press were published articles calumniating the Japanese
military in the Shanghai-Nanking region, and observed that
the sense of superiority of the Japanese had not been impres-
sioning foreigners favorably. KIDO stated that in regard to
this, he did not recall it at all, but had learned of it for
the first time by reading the article.

31488 * He had no recollection of any comment in the Diet
or otherwise about the Japanese militarists being calumniated
in the Nanking area.

31489 * Even after seeing the article, he could not recall
HIROTA making the remarks set forth there, but presumed that
inasmuch as HIROTA asked himself a question and he replied,
it was probable that immediately after answering the inter-
pellation he left the session.

Attention was called to the remark of HIROTA in the
document that during the early stage of the incident, the
government followed the policy of trying to settle the affair
locally. As negotiations could not be carried on smoothly,
it was decided to dispatch a punitive expedition.

31490 * Asked if he did not hear HIROTA make that statement,
he replied that he believed he was not present at that session.

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Asked if he would not hear things of importance even though not present, he replied that the ministers of state are not familiar with questions and replies at Budget Sessions, and other committee meetings in the Diet, because they are very busy during the Diet session.

31491 * He did not recall at present whether he was in attendance at that particular session. The custom was for ministers to move from one committee meeting to another as soon as replies to interpellations were made. He believed he did not listen to this interpellation and reply and had no recollection of ever hearing the language expressed in the document. This was not a formal statement of the Foreign Minister but was a reply given during a Budget Committee session to a Diet interpellation.

31492 Asked by the President if that would be sufficient to render the statement of no importance, * he replied that it was not a question of the statement's importance, what he meant to say was that he had no opportunity to listen at that particular session.

31493 * Asked if he had never heard about the statement until now, he replied that he had no recollection whatsoever and was reading of it for the first time. Asked if the statement, "As negotiations could not be carried on smoothly, it was decided to dispatch a punitive expedition to China," was true, he replied he had no thought of a punitive force. The article was a summarized newspaper report and not the official transcript of the Diet proceedings. Therefore, he did not know whether HIROTA actually used such a word in the Diet, nor was he in a position to pass judgment on whether he did so.

31494 Asked if the words were not true regardless of whether the statement was made by HIROTA, he replied that he knew of no instance * of a punitive expedition being sent out.

He did not know to what extent the Japanese Time and Mail was reliable, and did not know whether its reputation was that it was reliable.

31495 * He knew of the existence of a newspaper called the Japan Times but did not know its character after it merged with the Mail.

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31496 The accused was asked if the statement would not have been properly challenged if it was not true, and he replied he did not see where the challenge would come from in such a case.

31507 * The accused stated that he did not read the statement made by HIROTA on 16 February 1938 before the Diet which was that the government never meant to effect the compromise with the Chiang Regime. He had no recollection of HIROTA's ever making the statement at a meeting to which he was present.

31508 * If that statement had been made, he could not believe that it would have been in accordance with the facts. The accused stated that he knew IDA, Bannon, a member of the House of Peers, and a well known rightist, and recalled on 14 January 1938 IDA severally attacked the Imperial University in the House of Peers. At that time KIDO replied to the interpellation but did not agree with him entirely.

31509 Asked if he recalled that on 15 January 1938 HARADA told him that his reply might create a difficult situation, and that he was worried about the way KIDO was acting, he replied that on that date he did not think he made a reply to HARADA. * But in any event had no recollection of telling HARADA that there were many behind-the-scenes reasons for his answer to HARADA and that the Education Minister must make some reform in the Imperial University.

31510 He did not recall that about 18 January 1938 HARADA warned him he was losing the confidence of the intellectuals if he didn't refrain from getting involved by doing everything according to the wishes of the rightists. Asked if a remark like that from HARADA would have made a deep impression upon him, he stated that he and HARADA conversed frequently on many subjects, but he had no recollection of HARADA's ever saying anything * serious which he should preserve in his recollection.

He did not examine HARADA's diary for 14 January 1938. His answer would not change regardless whether the date was in January or February. He did not recall that shortly after 26 February 1938 he told HARADA much difficulty was being encountered with the National Mobilization and Electric Power Bill.

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31511 He did recall there was such legislation on mobilization in late February 1938. He did not recall any attempt by himself to bring it into effect as he was not the competent minister, * and nothing arose in his mind as to his having anything to do with its outcome. He recalled the general nature of the act (Exh. 84) and, asked if it was a decided move in the direction of totalitarian government, he replied that nothing in the nature of totalitarianism was contemplated in connection with the law.

31512 He was not familiar with the terms of its provisions, but did know its outline. Its purpose was to mobilize the total powers of the nation and utilize them. For this purpose various subsidiary * laws were enacted but the National Mobilization Law the basic law. It was created in view of the Incidents in China, providing for production increases where necessary and other vital matters in connection with the Incidents.

31513 With regard to the bill, he gave his approval because it was decided by the cabinet. However, he did register his opposition on the point that there was too much reliance on Imperial Ordinances. This question became a very strong issue in the Diet. Ultimately it was approved on condition that a general mobilization deliberation council be created with members representing the Diet, * permitting them to participate in the deliberations in connection with the law.

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31514

* Asked if he recorded his opposition to the bill in any Diet session, he replied he spoke on his opposition at the time the bill was decided on at the Cabinet meeting, but did not in any Diet session or any other place where it was recorded, and did not think he had recorded it in his diary.

31515

* Exhibit 3342, an excerpt from the Japan Times & Mail, being admitted into evidence and shown to the witness, * he was asked if it refreshed his recollection concerning the remark made by Baron OKURA, pointing out that in the foreign press there had been articles calumniating Japanese military in the Shanghai-Nanking region. The accused stated, as he had stated before, he had no recollection and knowledge of it until he read the paper. It did appear in the article that it was in the form of a question addressed to himself, and it showed that he answered.

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He could not recall whether the expression used in the article was the one at the time the reply was made, * but in view of the fact that such a report appeared in the newspaper, he must have made such a reply and that he must have heard the question asked by OKURA.

Exhibit 3342-A, an excerpt from the Japan Times & Mail for 18 February, 1938, stated that at the House of Peers Budget Committee Meeting, Baron OKURA interpolated, urging that the Nippon spirit of protecting the weak from the strong be promoted, pointing out that in the foreign press of late were published articles calumniating the Japanese military in the Shanghai-Nanking region. He observed that the sense of superiority of the Japanese had been impressing foreigners none too favorably, and urged that the educational policy be reformed to enhance the Nippon spirit from elementary schools to higher institutions.

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* Education Minister KIDO replied that there might be some Japanese who showed a mistaken sense of superiority to the Chinese, and this must be corrected and a reform of the educational system was necessary. * Asked why he did not direct an inquiry to OKURA to ask him to what he referred instead of answering the question, he replied he had no recollection whether or not he asked such a question. When asked if there was anything in the record to bear out such a fact, the accused replied that the news report was not in question and answer form as would be found in a transcript of proceedings, but was a summary of the question and reply.

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That is why he said he would not know what kind of words were used. Asked if he would not have been interested in any remark slanderous on the conduct of troops at Shanghai and Nanking, he replied that he first became aware of the subject when he read the news report shortly before, and didn't recall the question or answer.

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* Asked again, if with his high interest in bringing about peace if he had heard a slanderous remark made, would that have been of such importance to make an inquiry as to what OKURA was talking about, he replied that since he had only read the article for the first time he had no clear recollection, and there might be a mistake on his part. In his recollection, the question raised by OKURA was not with reference to slanderous Japanese remarks against action of the troops, but with respect to the sense of superiority of Japanese in China.

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It was suggested to the accused that if he had not known very well what OKURA was talking about, he would have * made a pointed inquiry asking him. The accused replied that at the time he did not know what the army was doing. He only knew that the Japanese were apt to hold a sense of superiority vis-a-vis the Chinese people, regarding them with contempt, and it was to that question he replied.

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He knew that Nanking had been taken within a few weeks and occupied. Asked if it were not true that the frightful conduct of the troops involving thousands of innocent Chinese was well known to him at the time and that he and others among the accused had engaged in a conspiracy of silence, refusing to admit their knowledge because of its frightful nature, he replied that was entirely not so, and they had not been at any time informed of such an incident.

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* The accused was asked if the language in his explanation where the word "calumniated" was used and his admission that there was a sense of superiority showed that this word had reference to no such thing as merely an exhibition of superiority, he replied he did not say anything of the kind. * The accused was asked if he would have considered in February, 1938, that a statement that the Japanese military had a superior attitude would have been a matter of calumny, or on the contrary had he not testified and admitted the statement was true that such a superiority feeling had been manifested, he replied that

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in the reply to OKURA's question * there were some among the Japanese in China showing a sense of superiority, creating a bad influence.

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This tendency should be rectified, but he was not pointing to the army especially, but to the Japanese in general. Asked if it was not clearly apparent that if the word "calumniated" referred to Japanese conduct it was not justifiable in his opinion and that would not be a reasonable interpretation of what the remark referred to, he replied he did not think so. What he said was that OKURA's question was addressed to him as Education Minister. If the question had concerned the army, it naturally would have been addressed to the War Minister.

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* He did not know if there was anything in the record that the question was presented to anyone in particular. The accused was asked if on 17 February, 1938, at a Diet session, he stated that at present military training was a regular subject for study at military schools. Instructors were sufficient, but efforts would be made to increase them. A study would be conducted regarding the suggested council of military arts, and endeavors made to realize it. He replied that he had no recollection as to what he said at that time.

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* He didn't recall Mr. OTSUKA stating then that by the expression "quantitative promotion" he meant the necessity of promoting the military art among the people. Asked if that was not a part of the remark of OTSUKA to which he replied in the Diet, he stated that he could not recall the questions and answers taking place between OTSUKA and himself.

He didn't recall if he stated to HARADA on 20 April, 1939, that the Emperor was a scientist and liberal as well as a pacifist. Asked if he added that if the Emperor's ideas were not changed there would exist quite a gap between him and the army and rightist groups, he replied that he didn't think he ever made such a statement and had no recollection of it. He respected the character and personality of the Emperor most highly.

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The accused was asked if he further stated on that occasion that in the later years of Emperor KOMEI's * reign the Shogunate changed the officials around the Emperor, and perhaps something along that line would occur. In order to lead the army but still make it appear as if they were being led by them, they must also make it appear as if they understood the army a little more. He replied that he had no recollection of this, and it was not consistent with his personal ideas.

Page 31530 Asked if he denied flatly ever making such a statement, he replied that as he had no recollection he was in no position to affirm that. * He had no recollection of saying this to HARADA, but felt that HARADA might have been under a misapprehension when he penned the statement. The accused was told that HARADA also said in his diary that KIDO expressed the same opinion, and during the conversation said the remarks which had previously been quoted to the accused. He was asked if he said now that HARADA might have misunderstood him in recording his remarks, and he replied he had no recollection of the statement and did not know HARADA's intentions when he wrote this.

31531 Asked if it would not be difficult for him to be mistaken about it, the accused replied he did not recognize accuracy in HARADA's writings, and there were many passages in the diary where he penned his entries from memory after a considerable lapse of time. There were some people * who entertained the views expressed in the passages just quoted to him, and perhaps HARADA and he talked on some such subject. The accused was told that the next diary sentence was that when HARADA was told these things by KIDO, it was beyond HARADA's expectations and he was tempted to oppose him, but kept quiet for he thought it would not do any good to argue with him. KIDO was asked if he still said that HARADA had him confused with someone else, and he replied that he probably misunderstood him when he was speaking of someone else having such ideas.

31532 The accused was asked if he stated to HARADA on 22 September, 1939, that the present Emperor had too much of the scientist in him and no sympathy for the ideas of the right wing and it was troubling because he was too orthodox. He replied he had no recollection of this, and thought there was some mistake about it. * To the very last he was one who stood by the Emperor, holding the highest respect for him. Because this particular passage had been so boiled down, there might be some misunderstanding.

31535 * The accused stated that UGAKI was Foreign
31536 Minister in the KONOYE Cabinet up to September, 1938,
* resigning toward the end of that month. Asked if one of the chief reasons for his resignation was his objection to the formation of the China Affairs Board with the War Minister as Vice Chairman taking over from the Foreign Office the handling of China Affairs, he replied he did not know what kind of resignation UGAKI submitted. He had heard from KONOYE that the reason for UGAKI's resignation was not clear.

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With regard to the resignation, he was consulted by KONOYE. At that time the question of establishing the China Affairs Board was a controversial issue, and efforts were made by the War, Navy, and Foreign Ministers to put a plan together. UGAKI tendered his resignation at the very moment the plan was drawn up, and KONOYE told KIDO he could not understand why he had resigned. The plan had just been drawn up after consideration by the respective ministries. KONOYE, unable to understand the reason for UGAKI's action, consulted KIDO and asked whether he should not resign for his responsibility in recommending UGAKI as Foreign Minister.

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Asked if, after giving in on all other points, UGAKI did not finally resign because the Board was to take over affairs connected with unoccupied as well as occupied China, KIDO replied he had not heard of such * matters and had no recollection of discussing UGAKI's attitude with HARADA. Asked if he stated to HARADA about 22 September, 1938, that UGAKI had selfish motives and the matter was not progressing favorably and UGAKI was ambitious and difficult, he replied he had no recollection of this. At that time the UGAKI faction was active. In his diary entry for 7 September, he pointed out KONOYE's difficulties in this connection.

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He had no recollection of telling HARADA on 29 September, 1938, that UGAKI's action was inexcusable and he was very selfish. * From what he had heard quoted from HARADA's writings, it appeared he used extremely strong language, and the way he represented things concerning him were out of line with the things he actually said, for HARADA magnified many times his thoughts and ideas. Such an atmosphere did exist at the time, but KONOYE told KIDO that he could not understand why UGAKI resigned.

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* When asked if his friendship toward HARADA waned, he replied it never changed. Asked if HARADA was scholarly, he replied, no, he was very active and had very good political sense. His scholastic standing at school was not good, but his political activity was a very strong trait, and it was that capacity that SAIONJI utilized. The recording of such matters in his diary was done with an extremely poor hand.

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Asked if SAIONJI also had a disorganized mind and was a bit of a politician, he replied that SAIONJI was * entirely different and an eminent and erudite statesman. SAIONJI had HARADA as his secretary from about 1929 to his death.

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31542 HARADA broke down in health just about the time UGAKI failed to form his Cabinet. After that his political activity waned considerably, and during his convalescence KIDO took his place for about three or four months. Asked if in HARADA's talks to him he displayed the tendency for strong remarks or if it was just when he took pen in hand that those traits exhibited themselves, he replied that such proclivities were not noticeable in the first four or five years, but during the latter part of his life his * health was poor, and while conversing with him there were times when he was unable to know whether HARADA was actually listening to him or not or was dozing off, and on many occasions he had to wake him from his lethargy and ask him if he was listening.

Asked if he thought that this was because he was tired, or tired listening to the things KIDO was saying, he replied he did not think so because he never conducted any long conversations with HARADA.

31543 * When UGAKI resigned from KONOYE's Cabinet, he did not entertain specially unfriendly feelings toward him, but did feel displeased that the reasons for his resignation were unknown, as well as against the various movements conducted by the UGAKI faction. It was not a fact that there was bitter feeling between him and UGAKI then and thereafter.

31544 Asked if he shared the feelings expressed in the questions in which he had said he didn't repl. to HARADA, that UGAKI was selfish and difficult. he stated that the words in the diary were extremely strong, but he may have said that UGAKI was ambitious. That was the feeling he expressed at the moment, * and since then he had never entertained bitter feelings toward him.

31545 Asked if he knew that UGAKI had a favorite expression for one in his circle, "Ginza No Yotamono" (Ginza Gangster), he replied that he had not heard of it. When asked if, when he was in the HIRANUMA Cabinet as Home Minister there was a determined effort to bring about an alliance that ultimately became the Tripartite, he replied that the question was taken up and put under study by the Five Ministers' Conference. * In the early stages he received no information as to that, but toward the end of March the question of preserving law and order came up as the army became impatient. He heard of the situation from the Metropolitan Police Superintendent-General, and subsequently inquired on this of the Premier. Since that time he was consulted by the Premier with regard to preserving law and order.

- Page With respect to the matters discussed by the Five Ministers, he was not informed and was not a member of the Conference and did not attend. There was no special tendency to keep the studies of the Five Ministers and their efforts in the direction of the Tripartite Agreement secret and from other Cabinet members, but he heard nothing of the results of discussions, although he did know they were going on.
- 31546 * He was not curious as to the progress in the matter, because everything was left up to the Five Ministers' Conference, and he was occupied in matters under his charge.
- 31547 * Asked if he had given up his keen interest to bring about an end to the China War, he replied he had not lost this at all and was just as much interested in the HIRANUMA Cabinet in seeing the invasion peacefully ended as he was before. Asked if he requested HIRANUMA to exert increased efforts toward maintaining the military alliance, * he replied that the matter had been simply noted in his diary and he did not approve of an alliance, but the issue loomed large three months after the Cabinet was formed. As an actual question, he was not in any position to oppose.
- 31548 * Asked if he did not request HIRANUMA to exert increased efforts to bring about the alliance, he replied he did, but was trying to explain this point. There was no choice but to conclude such a treaty, but he counselled HIRANUMA that the utmost care should be given in connection with the treaty so as not to cause unnecessary suspicion on the part of the U. S. and Britain, and requested him to make efforts along the lines suggested. KIDO felt it would be ill-advised if it went more than that, and he expressed his opposition in the diary entry of 2 May in which he recorded his interview with the Navy Minister, stating it was not necessary to exert themselves too much for the purpose of concluding such a treaty.
- 31549 * At first there was no relationship between the domestic situation and the military alliance, but later, as no decision was arrived at by the Five Ministers' Conference, voices became strong among the rightists and a section of the army that the treaty should be put through a mass popular movement. Threatening acts were manifested toward the higher statesmen, who opposed concluding the pact, and as his diary of 14 April pointed out, if there was miscarriage in handling the question there was every possibility of an incident breaking out such as followed the conclusion of the London Naval Treaty, which resulted in the removal of the Senior Statesmen.

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By removal he meant assassination. * When asked if it occurred to him at that time that before straightening out affairs in China and establishing new orders it might be a good thing to get their own house in order so the government could carry out the desires of the people in a constitutional manner, he replied that this was a matter on which he gave constant thought.

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The reason for the fall of the HIRANUMA Cabinet was the sudden conclusion of a non-aggression pact between Germany and the USSR. He did not know the accused OSHIMA at that time. * He didn't recall if UGAKI was one of the Senior Statesmen in danger of attack, but that might have been included. The Senior Statesmen in danger of assassination were principally such men as Lord Keeper YUASA, Imperial Household Minister MATSUDAIRA, and former Premier OKADA. At that time YUASA was not about to die from natural causes, but was quite ill. KIDO served under him as Chief Secretary for about three months following his assumption of the office.

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* SAIONJI died late in November, and KIDO became Lord Keeper on 1 June, 1940, at which time KONOYE was Privy Council President. One of KONOYE's defects was his weakness of character. He was not sick or ailing, but was not especially robust. * He didn't constantly complain of illness. When any difficult question arose, KONOYE frequently said he wanted to quit, threatening to resign about four times during his first Premiership. KIDO discovered KONOYE's weak character from the time they were children.

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Asked if it was his misfortune to be associated with three prominent men, SAIONJI, Baron YUASA, and KONOYE, each of whom was either old and feeble or weak in character, he replied that he didn't think so. SAIONJI was old, but incomparable as a far sighted statesman.

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* When he became Chief Secretary in 1930, Count MAKINO was quite elderly. There was some lapse of time before an assassination attempt was made on him in 1936. Asked if he didn't look around to find men either advanced in years or weak characters so that he could exert political power through them, occupying an ostensibly inferior or subordinate position, he stated that such a thing never entered his mind and was completely without foundation.

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* At the fall of the YONAI Cabinet the China war was still going on, and he estimated somewhere between 500- to 600,000 troops were in China the middle of 1940. Hitler was apparently successful in the European war, and the army and rightists urged a military alliance with her.

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31556 Asked if the fact that the military alliance had not been effected was the real cause of the YONAI Cabinet's fall, he replied that that question alone was not the reason. He had no recollection whether the question of a military alliance was up then, but had * heard that in concluding some such alliance, the entering of the YONAI Cabinet was not expedient. At that time he had not heard that the military alliance was one of the questions faced by the YONAI Cabinet, but YONAI was strongly opposed to the Alliance when in the HIRANUMA Cabinet and KIDO did not believe he approved of it, but he did not know whether the YONAI Cabinet actually handled the Alliance question as an actual Cabinet issue.

31557 He did not know whether the characterization of stubborn would apply to YONAI, but could say he was a man of strong character and was in no way vacillating. KIDO * had not heard that the army was making strong demands for a "military" alliance, but the army was impatient about bringing about a closer rapprochement with Germany.

31560 * Asked if the army, at the time of the YONAI Cabinet's fall or prior thereto, strongly advocated a military alliance with Germany and Italy, he replied that he did not think they strongly advocated it. These quarters desired closer relations with Germany so they

31561 * might talk over common matters more intimately, and in this case the YONAI Cabinet was insufficient and inconvenient.

It was true in some sections there were advocates of a military alliance. By the term "inconvenient" he meant that in handling questions of that nature the Cabinet was unsuitable by its nature and construction.

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31563 * Reference was made to the affidavit where it discussed matters transpiring during the HIRANUMA Cabinet, referring to the military alliance, and where it was stated that if the Army and Navy came into a frontal clash, it was imagined they would stage a coup d'etat, assassinating Senior Statesmen close to the Throne and government leaders (T. 20872). The Accused was asked if he was suggesting that if there was a clash between the Army and Navy, regardless of the position the Senior Statesmen took, they would be assassinated. * He replied that the Navy was opposed to this plan but the Army was in haste to try to consummate it. In view of past incidents, it was foreseeable that attacks against Senior Statesmen in favor of the status quo should arise. His Diary entry of April 14 showed the Army felt the need of haste and that the Rightist elements joined with the Army. Asked if he intended to convey that the Navy was mixed up in the coup d'etat and the assassination business, he replied that some reports he received indicated there was a Navy element favoring violent action but the main element was the Army. * This Navy element worked with the Army instead of having as its sole purpose the breaking of the status quo or simply being in favor of the military alliance.

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In the February Incident, the Navy was dependable and in favor of law and order and took a strong attitude in subduing lawless elements and enforcement of law and order. On the whole, it could be said he meant that he realized the Army insisted upon a military alliance with Germany and Italy and that he felt if it did not get its way they might assassinate * someone in the High Court circles. Asked if that was why he advocated HIRANUMA to get on with the signing of the Tripartite Pact, he replied that as a practical measure, he was of the opinion that the problem ought to be settled so it would not cause Britain and America to feel uneasy. Otherwise, he felt it would be difficult to maintain law and order. When he used the term "Senior Statesmen" he did not mean to indicate a definite category but such people as Lord Keeper YUASA, Household Minister MATSUDAIRA and former Premier OKADA, and Count MIKANO, were those who would be the object of such an attack.

* Asked why the attack would not be made upon the Cabinet members who he claimed were the ones who really governed, he replied that Cabinet members also were frequently the object of assassination attacks, especially the Premier, but the characteristic of assassination plots was to regard those close to the Throne with suspicion and try to gain these positions themselves.

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He did not recall a conversation with HARATA about 22 April 1939 to the effect that he intended to see that contact was made with Hitler through OSHIMA and not have the Premier do it directly.

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* He did not recall saying that if this method did not work the Cabinet would resign and therefore it was necessary to consider the aftermath of a Cabinet change. Ultimately they reached the point where Method B would be used if Method A did not succeed, and this would be done instead of trying to change the ideas of the Emperor or opinions of the Lord Keeper. The foregoing statement was not in his memory at all. His own recollection was that about this time there were indications that the Cabinet might collapse and he told YUASA this, saying that in that case he hoped YUASA would consider steps. Asked if he said that it should be explained to the Emperor that the Cabinet resignation might result if the Emperor did not give his sanction and matters advanced along the former lines * if the other party did not agree, he replied he did not recall any conversation with HARATA along those lines nor did he say to the Lord Keeper that such a threat-like statement to the Emperor was inexcusable. He did recall stating that ITAGAKI was popular with the Chinese people.

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31570 Asked if he was aware that about 31 August 1934, as shown by Exhibit 3177-A, * the Special Services Organ of the Kwantung Army reported that the very mention of the names DOIHARA and ITAGAKI was enough to make the people in South China turn pale, he replied he heard this for the first time when that Exhibit was presented to the Tribunal * and he did not know if it came from the official records of the government.

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Asked if he recalled about 20 October 1940 that HARATA told him that SAIONJI was suspicious of how he and KONOYE explained the Tripartite Pact to the Emperor and secured his consent when the Emperor had explicitly stressed he would not permit the pact, he replied that he didn't remember this at all and it was contrary to the fact.

The Accused was asked if HARADA had told him on that day, "Why didn't you tell us about the pact?" that HARADA said he would not be saying this if SAIONJI were afflicted with defects. Under present circumstances there was no other issue as serious as this and it was negligible that not a word of the matter was reported to SAIONJI. The Accused replied that he never heard such a statement and did not recall replying to HARADA that he felt too sorry for SAIONJI to report the matter to him nor did he recall HARADA replying to him that this was not a matter in which consideration should be given to private * sentiments, that facts were facts

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Page regardless of how great the Prince's opposition might be and regardless of how sorry he might feel for what must be said must be said and that was KIDO's duty. Nor did he recall replying to HARADA that hereafter he would try to inform him about all relevant matters. Furthermore, he never recalled a conversation of such a violent nature with HARADA. At the time he believed the government had approached SAIONJI on the matter and since it was a big political question, did not feel it necessary for him to reply to it. Nor felt it necessary to tell SAIONJI of everything concerned in the question, feeling it more appropriate for the Premier to tell SAIONJI.

31573 Asked if he had not consistently discussed political matters with HARADA for the purpose of his reporting the same to SAIONJI, he replied that that was so every time he had the opportunity * but by that time HARADA was not in good health and the occasions on which he was able to talk with him had decreased greatly. Asked if this might have been one of the occasions when HARADA became sleepy while talking to him, he replied he had no recollection of this conversation but it was true that at that time HARADA's health was deteriorating. At that time HARADA lived at Oiso and didn't come to Tokyo often and there were not many opportunities to talk with him.

31575 Asked if the latter part of October 1940, he still had confidence in HARADA's integrity, he replied that HARADA had a very good sense for politics and in that connection he was always able to talk with him, but when the talk extended over a period of time he sometimes wondered whether HARADA was keeping up his interest in what he was saying. Of course he did trust HARADA's integrity in October 1940, and he showed no signs of going out of his mind. Asked if he contended that HARADA would write such a statement about a conversation with him maliciously, he replied he could scarcely feel that HARADA had malicious thoughts toward him, but neither could he believe HARADA wrote down everything just as he said it. That was why he was always opposed to the matter discussed and had told KONOYE and MATSUOKA of this. The reasons he opposed the alliance were given in his affidavit, but the feeling of opposition he had * did not appear in the purported conversation and the fact that the conversation read as if he was completely in favor of the alliance made him feel that HARADA must have left out a great deal. He did discuss the matter of the Tripartite Pact with the Emperor before it was executed.

31576 * Asked if it was permissible for the Emperor to instruct the administration as to the outline of foreign policy, he replied that of course it was possible for the Emperor to give his opinions.

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31577 The Accused was asked if he said to HARADA about 5 September 1940 that it was permissible for the Emperor to instruct the administration as to the outline of foreign policy, but it was not desirable that criticisms of personalities be made, he replied that that was not in his recollection. He did not recall ever advising the Emperor on the question of personnel. * It was permissible for the Emperor to instruct on the outline of foreign policy. Not Kido, but the government, informed the Emperor of the terms of the Tripartite Pact and reasons in favor of its adoption.

31578 About 12 September, KIDO heard of this for the first time and he believed that on that date KONOYE reported to the Emperor on the matter. Asked why his memory was so acute on such matters and why he was unable to remember other matters, such as the four points of the terms offered Chiang Kai-shek in December 1937, he replied that was because whatever was written in his diary he had kept the main points at hand * and in anticipation of being examined he had consulted these points, but the four points of the peace terms he did not keep at hand and he was sorry he was unable to recall them. Asked if it was true that he had great difficulty in recalling things that were unpleasant to bring to mind, he replied this was not so. He only wished to say that what he had written in his diary he had kept at hand and could remember very well.

Asked if he recalled that the Pact containing the secret provision that the treaty would only apply to the Soviet alone was taken up with the Emperor, he replied he could not say because he did not know the provisions.

31579

* To the Accused was quoted a purported conversation with HARADA about 20 April 1939, in which KIDO stated that although the main part of the Anti-Comintern Pact had already received Imperial sanction, the Army wanted to omit the part of the secret treaty which said the treaty was only applicable to the Comintern, i.e., Soviet Russia. However, the Emperor would not hear of it. Therefore, with the applicability of the treaty, the Army should arrange so they would not be involved in case Germany and Italy ever fought England or France or other nations. KIDO replied that was not in his recollection. At the time the Second KONOYE Cabinet was formed, he was Lord Keeper.

31580

* Asked if he learned as early as May that there probably would be a Cabinet change and a new Premier chosen, he replied that rumors of a change were very strong. Asked if he advised KONOYE as to whether he should resign as Privy Council

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Page President, he replied he had no recollection. His recollection
31581 was that he advised him not to resign * but in spite of his advice, KONOYE said that to establish a new political structure it was most inconvenient for him to continue as Privy Council President, and therefore he would resign.

This new political structure was the IRAA, but the ultimate organization was slightly different from KONOYE's original purpose. He urged the appointment of KONOYE as Premier for his Second Cabinet, but at the Council of Senior Statesmen all of them were equally strong to urge him. At that time many important and critical matters were arising. Asked if he did not consider it important to put a man of strong character in as Premier at that critical time, he replied that in view of the circumstances the most desirable choice would have been one with a strong character who was in such a position as KONOYE but such a man was difficult to find. Although he did say that KONOYE had a weak character, that was a matter of comparison. KONOYE did have keen political insight which no other possessed and was able to embrace a wide sphere of people. That was why KONOYE's appointment was widely urged and people felt that by his appointment a new world might be hoped for.

31583 * It was suggested to the Accused that the real reason it would be convenient for him behind the scenes to discuss government policies in the way he saw fit and he replied that was utterly fantastic. The Lord Keeper does not have power to conduct politics behind the scenes. Asked if the position of War Minister was of diminishing or increasing importance, he replied he did not notice any particular change. It was his understanding that the Army recommended TOJO as War Minister through the Three Big Chiefs.

31584 * In regard to the negotiations in 1941 with America on their broad outlines, he heard from the Premier but did not see specific details. About 15 October he was first apprised that an impasse had occurred requiring the resignation of the Third KONOYE Cabinet. When the Second KONOYE Cabinet changed to the Third, besides the change of Foreign Minister from MATSUOKA to TOYODA, he believed a few other Ministers were also changed.

31585 * Asked if the reason MATSUOKA left the Cabinet was that he advocated a very positive war policy toward the western powers, he replied he did not know MATSUOKA's thoughts toward that. The immediate cause of the Cabinet collapse was the difference of opinion between MATSUOKA and KONOYE over the handling of the American negotiations.

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31586

* It was not true that this difference of opinion had to do with MATSUOKA favoring a sterner policy and KONOYE suggesting a compromise. The immediate cause was the Hull oral statement and a collision occurred in regard to the steps to be taken in replying to this statement. KONOYE wanted to get rid of MATSUOKA but he had quite a hard time doing so. Asked if KONOYE could have gotten rid of TOJO too at the time if he wanted to, KIDO replied that at that time no problem existed between KONOYE and TOJO.

31587

Asked if TOJO's views were not firm toward favoring war if Japan did not get its way, he replied that his understanding was that in July the negotiations had not progressed to such a stage. * At that time various drafts were being considered and notes exchanged. Since no conclusion had been reached the Army's attitude was not so positive as it became later. In August, KONOYE advanced a proposal to meet and talk with Roosevelt. Both the Army and Navy agreed and KIDO believed there was no problem involving the Army in July.

Asked if it was not well known at the time that TOJO had very aggressive views, he replied that the circumstances were as he had just stated, and the Army also had no special opposition toward trying to solve the China Incident through American help. He did finally learn that TOJO possessed very positive views about the course to be taken in the U.S. negotiations.

31588

* Asked if TOJO's position was so strong and he differed so with KONOYE that he was not able to remain on speaking terms with KONOYE, KIDO replied that KONOYE did tell him something of that sort about the very day on which the Cabinet resigned.

31589

At that time the Navy attitude was rather vague but its leaders expressed the hope that war would be avoided as far as possible. Asked if it could not be said that the Army insisted on war and the Navy did not want it, he replied that the Navy attitude was rather vague, but on the whole this was true. Asked if the situation was not like the one on 9 August 1938, when the Army was strong in favor and the Navy equally opposed to the German alliance (T. 30855) he replied there were a few points * on which the situation differed. There was a segment of younger naval officers not opposed to war and the Naval General Staff also favored war in certain respects. * Because of that situation, the Navy attitude was not expressed clearly. Asked if he did not go to KONOYE and tell him that he should obtain the fullest cooperation and get the Navy to hold out against the military alliance, as he had testified in his affidavit, he replied he did so testify, but he just added that the actual situation in the latter case somewhat differed. Asked if there couldn't be war between Japan

31590

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31591 and the U.S. if the Navy Minister voted against it, he replied that if the Navy clearly indicated its opposition the Army itself would not have been able to start war. They might have assassinated a few, but could not have had the war without the Navy agreeing. * Asked if he might have been one of the intended victims, if he encouraged the Navy or Navy Minister to hold out for peace, he replied he couldn't say anything about that. Asked if that influenced his conduct in recommending the Premier to replace KONOYE to the Emperor, he replied he was not influenced by such consideration and whatever action he took he was not pleading duress.

Asked if he knew on 15 October 1941 that TOJO had decided to employ all his power and influence to go to war with the U.S., Britain and Netherlands unless the terms he insisted on were included in an agreement to be reached with the western powers, he replied that at that time TOJO advocated the execution of the September 6 decision and the issue of war and peace was immediately at hand on that date.

31592 * Asked if the Emperor could have appointed Navy Minister OIKAWA as Premier, he replied maybe he could have but at the Senior Statesmen's meeting to recommend the succeeding Premier, OIKAWA encountered strong opposition by Senior Statesmen from the Navy, namely, YONAI and OKADA. He did not think there would have been a much better chance for preserving peace by choosing OIKAWA. Asked if he could not have found a more belligerent individual in the Japanese Empire than TOJO on 15 October 1941, he replied he did not think that criticism was just.

31593 * He hoped TOJO would change his views if the Emperor indicated he so desired. The real reason why TOJO was eager to go to war was to carry out the Imperial decision of 6 September as the date set in that decision in early October had already elapsed the Army was anxious to carry out the decision. Both TOJO and KIDO talked with KONOYE on the 16th and the impression he and KONOYE gained from the talk with TOJO was that the Army attitude was that if the Navy definitely opposed war, it could not be fought but the Army believed the Sept. 6 decision should be carried out. By the Army it could be said he meant TOJO.

31594 * Asked if he did not know at that time that the Conference of 6 Sept. was brought about mainly at TOJO's insistence, he replied he had heard nothing about that and did not know it even now. The Conference was decided on very suddenly and he reproached KONOYE about this. He knew of the three main points of the question being discussed on 15 October. * What was decided was that the negotiations should be vigorously continued but if

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Page by October 15 a successful conclusion was not reached, war would begin. Asked if the Emperor had anything to do with the decision, he replied the Emperor thought it a very bad thing when KONOYE told him of it. Asked if the decision was in reality the Emperor's decision, or merely a formal acquiescence to something decided by others, he replied that as he had said before, the Emperor was in no position to refuse any policy decided on by the Government and High Command and could do nothing but approve. It was a decision formally made in his name but actually made by others. *

31596

Asked if he was stating that he believed TOJO on Oct. 15th would change his mind because he was so intent upon carrying out the wishes of the Emperor, but if the Emperor came to another conclusion he would be equally amenable to instructions, he replied that what he felt in regard to TOJO was that if the Emperor told him to do something, he would faithfully obey. Once TOJO became Premier, when the Emperor stated his desires, these would be taken up by the Cabinet, studied there, and TOJO would report the results to the Throne, not on a * personal basis but speaking as a representative of the Government.

31597

It was not true that he realized when he helped TOJO reach the Premiership in mid-October 1941 he was placing in his hands the decision as to whether there would be war or peace. When asked if he meant when he said that the Emperor could instruct his Ministers on the outline of foreign policy, questions of peace and war, he replied that this was included. He meant to say that the Emperor would give his opinion to the Cabinet and the Cabinet on its own responsibility would undertake study and investigation.

31598

* One reason why TOJO was selected as Premier was so that he could be sure to have the Army under firm control. Asked if TOJO could not control the Army as well as War Minister as he could as Premier, he replied that at that time the situation was that the Sept. 6th decision was a kind of cancer. It was not even reported to the world that the Conference was held. If someone were appointed Premier who knew nothing about that Conference and decision, it would be difficult for him to change that decision. Since the field grade and junior grade officers knew of it, if the decision were disregarded there would be a disturbance. * Thus it was impossible to choose the Premier from among a wide range of prospects.

31599

KIDO worried much over this problem, consulting KONOYE about it, and as a result they arrived at the conclusion that the Sept. 6th decision had to be set aside and that the succeeding Premier must be either OIKAWA or TOJO.

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31600 Asked again whether TOJO as War Minister could not have controlled the Army as well as he could as Premier, he replied that TOJO would control the Army as War Minister. At that time it was KIDO's belief that a war with the western powers would be catastrophic, which meant disaster and the end. Asked if he was maintaining that it was his firm belief that there was a better chance to keep Japan from entering into a war authorized by the Cabinet * by the selection of TOJO rather than OIKAWA as Premier, he replied that he had had a very difficult time deciding which of the two would be better but his greatest fear was that the most important question was control of the Army. If the Army got out of control, war would be bound to result, whatever other policies might be decided upon. That was because the focus of the problem lay upon the decision to rehash the Sept. 6th decision.

31601 When he attended the Senior Statesmen's Council he had not made up his mind and in that council opinions were voiced that TOJO had disagreed with the outgoing Premier, KONOYE, and therefore KIDO said that theoretically OIKAWA would be better fitted as the next Premier. To this opinion the two Navy Senior Statesmen voiced strong opposition and under these circumstances * they had no alternative but to choose TOJO as Premier. Asked if he believed that if the Emperor just before TOJO was named Premier had called in TOJO, SUGIYAMA, UMEZU, HATA and TERAUCHI, and told them he did not want war under any circumstances and wanted them to control the army to see there was no outbreak, if he believed these men would have been able to control all factions and prevent rebellion, he replied that the question was hypothetical and difficult to answer.

31604 * He had already stated there was no other course than the one he had taken.

Reference was made to the affidavit where it was stated that on 8 December 1941, KIDO received a call from Foreign Minister TOJO at 12:40 am, saying that Ambassador Grew had brought a personal telegram from Roosevelt to the Emperor and asked KIDO's advice about handling it, KIDO advised TOGO to discuss the matter with Premier TOJO and that an audience with the Emperor could be granted even at midnight. At 1:30 am, Imperial Household Minister, MATSUDAIRA, telephoned on the same matter. KIDO was then notified that TOGO had proceeded to the Palace and KIDO himself proceeded there at 2:40 a.m., talked with TOGO there, and returned home at 3:30 a.m.

Concerning these events the Accused was asked if he found out what was in the telegram and he replied that when he was talking with TOGO he was told that the Emperor had already come out; therefore,

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Page TOGO immediately left to be received in audience and KIDO had no further opportunity to talk to TOGO and was unable to learn anything from him. He did speak to him about what was in the telegram and was about to ask him, trying to get the details. TOGO was about to tell him when TOGO was called into audience.

31606 * Asked why he went to the Imperial Palace, he replied that since the problem was of a critical nature, he thought he should be there in the event there should be any inquiries from the Emperor. He believed that TOGO brought the telegram in to the Emperor but did not know whether he actually had the telegram in his possession or not.

Reference was made to Exhibit 1239, his diary entry for December 8, in which he stated that he proceeded to the Palace at 2:40 a.m. He believed that 2:40 a.m. was the time he arrived at the Palace and he went there by automobile, a drive of about ten minutes. Asked if TOGO was there when he arrived, he replied he did not remember clearly but believed TOGO came after he arrived.

31607 * He stayed at the Palace about ten or fifteen minutes. Asked if he would have been there almost 40 minutes, if he got there at 2:40 and arrived home at 3:30 and it took ten minutes to drive home, he replied he didn't know that he stayed that long but believed he wrote in his diary that he arrived home at 3:30 and he went directly home. He talked to TOGO only a minute or two as the Emperor was practically waiting for TOGO to arrive.

31608 * Asked if he did not want to be present at that very important moment, he replied he was not allowed to be present at such audiences. He supposed this would be called a very special occasion but he did not particularly request the Emperor's permission to attend. The matter was such that it should be handled by the Foreign Minister and therefore he did not especially request permission to attend.

31609 The Accused was asked if he was sure the telegram was of a nature that it should be handled by the Foreign Minister, if he didn't know the contents. He stated that there had never been a time when he had been received in audience with any State Minister reporting to the Emperor on matters under their jurisdiction; therefore he did not do so at this particular time, although he agreed that there never was an instance like it before in modern Japanese history. * He knew the matter was very important and that was why he went to the Palace to await any inquiries from the Emperor. It was very unusual for an audience to be arranged at midnight. Asked if he did not at least strongly suspect that the message had to do with some strong or

Page desperate measure to preserve peace, he replied of course he was
31610 much concerned in what it was all about and felt * it was very important. Asked if he did not suspect it was a desperate effort to prevent war and if he was not, as an active champion of peace, much interested in aiding such commendable effort, he replied yes, he was quite concerned about it. Asked why he did not wait until TOGO got through talking to the Emperor and talk it over with TOGO to see if he could help, he replied that since he was in his own room he was unaware that TOGO had retired from the Imperial presence and gone home. Therefore, KIDO waited a while, expecting instructions from the Emperor but learned that the Emperor had also retired and therefore he went home. Asked if he was not figuratively left out in the cold, he replied that it was just that he had failed to grasp the opportunity to do so.

31611 It was suggested to the Accused that he was certainly in bad luck that morning because he had just missed the few minutes necessary to be informed * by TOGO about the telegram's contents, just missing TOGO on his way up, and the Accused replied that he supposed that was so. Asked if it occurred to him to telephone TOGO after he got home to find out what the news was, he replied he did not do so.

Asked if his whole story was not absurd and a deliberate falsehood, and if he didn't know all about the contents of the telegram even before he got to the Palace, he replied he did not know of the contents. Asked if he wasn't curious enough to bother to telephone TOGO when he got home to find out what the score was, even though it concerned peace or war, he replied that it was a fact he did not telephone TOGO. Asked if it was a fact because he did not purposely telephone him or it didn't occur to him, he replied it did not occur to him to do so.

31612 The Accused was asked if he knew what was going on in the Hawaiian Area at the time he was in the Palace between 2:40 and 3:30 a.m. on 8 December, * and he replied he did not know. Asked if he knew now that the attack on Pearl Harbor took place at approximately 3:30 a.m. that morning, he replied he did know so at present. It was suggested to the Accused that there was a little gathering at the Palace to find out how the attack on Pearl Harbor was going, and he replied he knew nothing at all about that.

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 Kido - Redirect

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31613

* REDIRECT EXAMINATION
 BY MR. LAZARUS
 COUNCIL FOR HATA

The Accused was asked to clarify his testimony where he had said that it appeared that the resignation of HATA broke up the YONAI Cabinet, and he stated that he meant to say that at that time, War Minister HATA did not resign of his own volition.

EXAMINATION BY THE TRIBUNAL

Reference was made to the Affidavit where the Senior Statesmen's Conference of 17 Oct. was discussed in regard to the recommendation for a successor to the Third Konoye Cabinet, and KIDO stated that the attitude taken by War Minister TOJO in the present political change was different from that taken by HATA under the YONAI Cabinet. Asked to what difference he referred, the Accused replied that in the case of the YONAI Cabinet, HATA presented his resignation to the Cabinet and stated the Army could not offer a new man and there was no successor for the post, therefore the YONAI Cabinet fell. The case in the Third KONOYE Cabinet was that a difference of views * arose, centering around the Imperial Conference decision and TOJO had not yet tendered his resignation. This was the only difference he meant to mention.

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* Exhibit 3344, the Affidavit of KISHI, Michizo, stated that the affiant was secretary to KONOYE in KONOYE's First Cabinet from June 1937 to January 1939. At the request of KONOYE on the evening of 16 Dec. 1937, the affiant interviewed Education Minister KIDO. KONOYE had told the Affiant to convey a message to KIDO.

31639

* This message was that the peace terms with China, to be concluded through the intermediary of German Ambassador Trautman, had been decided by the Liaison Conference. KONOYE was anxious to make peace with China under those terms but the Army attitude was not definitely known.

When the peace terms were to be submitted at the Cabinet meeting the next day, KONOYE requested KIDO to ask War Minister SUGIYAMA about this point, and found out the Army's real intentions for KONOYE. The Affiant conveyed this message and recalled that KIDO said it was a very troublesome question but he would think it over as the China Affair must be settled at that juncture. The Affiant reported the interview to KONOYE and the Affiant remembered that KONOYE told him that KIDO at the Cabinet meeting of Dec. 17 spoke as requested by KONOYE.

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* Exhibit 3345, the Affidavit of TAKAGI, Yasaka, stated that he had been a lecturer at Tokyo Imperial University * and had studied in America, devoting himself to American History, politics, and institutions. In the Peers School in 1905, KIDO and his brother, Dr. Wada, were among the Affiant's best friends and when KIDO became Education Minister in 1937 the Affiant frequently discussed University questions with him.

31642

The Affiant knew no acts of KIDO which had any totalitarian or Fascist tendencies. * At that time Tokyo Imperial University was confronted with difficult questions caused by a tense situation. KIDO fully respected University autonomy, and closely cooperated with the University President, Dr. NAGAYO. The Affiant found that KIDO had common ideas with the University authorities about University autonomy and never tried to bring pressure to bear. In dealing with the question of Professor YANAIBARA, KIDO stated he refused to interfere, leaving the problem to University authorities. The Affiant was a University Councillor and knew KIDO did not interfere nor exert pressure in connection with YANAIBARA's resignation.

31643

On 3 August 1945 the Affiant met KIDO and told him it would be better to broach peace talks directly to the U.S. In reply, KIDO explained that the reason Japan proposed peace through the Soviet was due to her respect to the Soviet's neutral position. He expressed himself in favor of keeping two routes open to peace talks * without dropping negotiations with the Soviet. He said Japan must seize the best opportunity to terminate the war and the opportunity was ripe, and that he would place confidence in the determination of Premier SUZUKI. On that occasion, the Affiant obtained an indelible impression that he was determined to work for peace regardless of the consequences to his own personal safety.

Statement of Evidence introduced

during the Defence Case on

the Defendant

KIDO, Koichi

Exhibit 2344 (page 17,698): Chart showing composition of Japanese Cabinets from 1928 to 1945 in which the positions held by KIDO are shown.

Stahmer testified (page 24,461) that he did not recall having had any contact with KIDO and (page 24,451) that he had heard he was regarded as very pro-Anglo-Saxon.

Witness Kawabe stated (page 22,048) in cross-examination that the General Staff advocated moderate terms to secure peace with China and he denied knowledge that at a Cabinet Meeting on 21st December 1937 this view had been vehemently opposed by KIDO.

Yoshida stated (page 18,475) in cross-examination that although military training did not become compulsory until 1939, talk of military training being made a separate subject began in the summer of 1936 and a proposal to this effect was made in May 1939. The matter was discussed between the Education and War Ministries until 1939.

Witness Iwamatsu stated (page 18,543) that neither KIDO nor ARAKI during their tenures of office as Education Ministers ever took any new measures concerning military education nor issued any instructions on these matters.

Witness Iwamatsu stated (page 18,557) that Ikeshima's statement that the School system was reorganised and more time devoted to military training when KIDO was Education Minister was wrong, and that such reorganisation occurred in 1941.

Iwamatsu stated (page 18,568) that the revisions with respect to the regulations of Youth School which were enforced in April 1939 were agreed upon before ARAKI became Education Minister. He denied they had been agreed on when KIDO was Education Minister and stated that although finally decided in 1939, general agreement had been reached in 1935.

Exhibit 2913 (page 25,866): On 13 October 1941 Konoye went to the Palace and made a detailed report on the crisis of negotiations with the U.S. and he spoke with KIDO.

Exhibit 2935 (page 26,064): Witness Yamamoto stated that on receipt of a telegram from Nomura suggesting an exchange of telegrams between Roosevelt and the Emperor, TOGO consulted with TOJO and KIDO. They decided that this would offer no settlement, and requested witness to relay this to ambassadors. Although the Ambassadors sent their suggestion on 26 November 1941, before receipt of US note, TOGO before consulting TOJO and KIDO had received from the ambassadors an outline of the US note. This stated that a successful conclusion appeared impossible and the suggestion unavailing.

Witness Kase stated (page 26,168) that he reported to TOGO and Matsuidaira KIDO's private secretary, after 10 a.m. on 7 December 1941 the news that the President was sending a message to the Emperor.

6 June 1947

MEMORANDUM FOR: **Mr. Comyns-Carr; Mr. Sutton**

FROM: **EDWARD P. MONAGHAN, Chief,**
Investigative Division, IPS

SUBJECT: **Defense Witness**

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

DELMEDANTE - KIDO 1st Kenryo Cabinet

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.

Described by Hugh Syas in 1937 as a nationalist and reformist, but a practical minded statesman who in emergencies would turn to adopt a conservative course. Popular aristocrat and friend of Prince Koyasu. An official 1940 report stated that he held Progressive views and was sympathetic to the Army.

WITNESS

LIST OF MATERIAL AVAILABLE

The post of Lord Keeper of Privy Seal is that of chief political aide to the Emperor and is of high importance. As Lord Privy Seal, Kido acts as Emperor's go-between with the Cabinet (senior statesmen who indicate their choice for appointment as Premier).

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)

Marquis Koichi KIDO: Lord Keeper of Privy Seal. Member House of Peers.

1889 July	Born Yamaguchi Prefecture. Son of Marquis Takamasa Kido. Grandson of Koin Kido, leader of Meiji Restoration. Married Tsuru, sister of Count Hideo Kodama.
1915	Graduated Kyoto Imperial University; politics; joined Civil Service.
*	Secretary Fishery Bureau, Agriculture-Commerce Ministry;
*	Chief Industrial Section, Agriculture-Commerce Ministry.
*	Chief Secretary to Lord Keeper of Privy Seal.
*	Director Peerage Bureau, Imperial Household Ministry.
1937 Nov-	
1938 May	Education Minister of 1st Konoye Cabinet
1938 Jan-	
1939	Welfare Minister of 1st Konoye Cabinet
1939 Jan-	
Aug	Home Minister of Hiramasa Cabinet
1940 June	Appointed Lord Keeper of Privy Seal

Address: 62 Shinsaka-machi, Akasaka-ku, Tokyo

Described by Hugh Byas in 1937 as a nationalist and reformist, but a practical minded statesman who in emergencies would tend to adopt a conservative course. Popular aristocrat and friend of Prince Konoye. An official 1940 report stated that he held Progressive views and was acceptable to the Army.

The post of Lord Keeper of Privy Seal is that of chief political advisor to the Emperor and is of key importance in Japanese political structure. As Lord Privy Seal, Kido acts as Emperor's go-between with the Jushin (senior statesmen) who indicate their choice for appointment as Premier.

Mr. Sutton

Defendant Kido file

INTERNATIONAL PROSECUTION SECTION

24 April 1947

MEMORANDUM FOR: Mr. David N. Sutton
Mr. A. Comyns-Carr

FROM : Captain Robinson
Mr. Edwards
Mr. Lopez

SUBJECT : Cross-examination of the defendant, KIDO

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

a. On Page 251 of his 7 February 1946 interrogation, KIDO stated that MUTO was one of those outspoken in the military faction that "after Manchuria had been properly controlled and brought into the Japanese sphere of influence, the militarists would move into China". The pertinent extract of that interrogation follows:

Page 251, Document No. 2949 -

Q When did the military group start thinking in terms of expansion in China, territorially? Approximately - I realize you don't know the exact date?

A I don't believe such a feeling existed until the outbreak of the China Incident and there was opposition among the military to the effect that as long as Manchuria is not as yet settled and developed, we should not get involved in China.

Q It was a long-range plan in the military faction that after Manchuria had been properly controlled and brought into the Japanese sphere of influence, the militarists then would move into China. Was that it?

A There were certain persons discussing to that effect but I don't believe there actually was a plan.

Q And those that were discussing that were Chief of Staff officers, were they?

A I do not know but I believe that those young officers of which I previously mentioned had such an idea.

Q The most outspoken all through those days were the younger officers? Is that correct?

A Yes.

(Memorandum to Mr. Sutton and Mr. Comyns-Carr)

Q Was HASHIMOTO one of them?

A Yes.

Q And the other ones who stand out in your mind are who?

A MUTO, SHIGETO and such persons as that.

Q Those three men, then, SHIGETO, MUTO and HASHIMOTO? Those three?

A Yes.

Captain James Robinson
W. M. Edwards
Pedro Lopez

By



Pedro Lopez

KIDO, Marquis Koichi

- 1.3.40 Dissolution cabinet.
1.12.40 Resignation cabinet.
1.14.40 War Minister.
1.15.40 Home Minister.
1.17.40 Home Ministry.
4.5.40 Ishimata trip.
4.8.40 Prince Konoye's trip abroad.
4.19.40 New political party; Konoye's candidacy.
5.8.40 Lord Keeper; President of Privy Council.
5.10.40 Leadership of Prince Konoye; new political party.
5.13.40 Post-war planning.
5.26.40** Mutual agreement new political party.
5.29.40 Lord Keeper.
5.31.40 Kido as Lord Keeper.
6.1.40* Appointment to Lord Keeper.
6.3.40*E Cabinet change; European problems.
6.4.40 E New political party movement.
6.5.40 E New political party movement.
6.15.40 Ambassador Grew.
6.18.40 E Prince Konoye's move; new political party;
French Indo-China policy; Ogawa's rehabilitation.

KIDO, Marquis Koichi (Page 2)

- 6.19.40 E French Indo-China; Prince Konoye.
6.19.40** French Indo-China.
6.21.40 Cabinet change procedure.
6.24.40 E Vice President of Privy Council Hara; Chungking;
7th Annual Political Conference, Chiang Kaishek.
6.28.40 E New political party; Tojo.
6.28.40 Tojo for War Minister.
7.1.40 E Foreign Minister Arita's broadcast.
7.3.40 E Arita's broadcast.
7.5.40 E Mayeda faction.
7.11.40** E England's aid to Chiang Kaishek; Chinese
incident; Chungking.
7.14.40*E Heavy artillery mobilization; YONAI cabinet.
7.16.40*E Procedure in choosing premier in case of
cabinet change.
7.17.40** YONAI cabinet change; Prince KONOYE's candidacy.
7.18.40*E TOJO for War Minister and Tomoyuki YAMASHITA for
Supreme Commander of Air Force; Chungking operation.
7.22.40 E Second Konoye Cabinet.
7.23.40** E Chungking operation.
7.25.40*E Imperial prerogative.
7.30.40*E China incident.
8.9.40* E Foreign policy.
8.10.40 E Dutch East Indies; Singapore.
8.12.40 E Chungking operation.
8.12.40 Chungking operation.

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- 8.23.40** Chungking operation.
- 8.30.40 Treaty French Indo-China.
- 8.31.40 E Prince Konoye's written opinion.
- 9.6.40 E Policy towards U.S.
- 9.10.40 E German air attacks on England.
- 9.14.40** French Indo-China ultimatum.
- 9.15.40 E German-Japanese alliance; disposition of raw silk; Prince Konoye.
- 9.19.40*E Cabinet.
- 9.21.40* Chinese Incident.
- 9.26.40 E Treaty with Germany and Italy.
- 9.26.40 French Indo-China attack.
- 10.15.40* Resignation Imperial Household Minister.
- 11.8.40 E Chungking operation.
- 11.22.40** Chiang Kaishek's negotiations.
- 11.29.40** China Incident.
- 12.2.40**E Chiang Kaishek.
- 12.2.40 Home Minister.
- 12.3.40** Japan and Soviet Russia relations.
- 12.9.40 E Protracted war; Chungking.
- 12.21.40* Inclusion Yanagawa and Ambassador Oshima in cabinet.
- 1.15.41**E Report of General Sugiyama on China front.
- 1.20.41 E Thailand and French Indo-China.

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- 1.20.41* E Japanese operations in China.
- 1.22.41* E Thailand and French Indo-China.
- 2.18.41* Foreign Minister's visit to Germany and Soviet Russia.
- 2.24.41 E Thailand and French Indo-China.
- 2.28.41 E French Indo-China-Thailand border dispute.
- 3.4.41 E General Hata's opinion re military policy.
- 3.7.41 E Matsuoka's visit to Germany; Siam; Indo-China; French protocol.
- 3.13.41 E Army movements.
- 3.24.41 E
- 3.24.41 Candidate for Vice Minister of Welfare.
- 3.25.41 E Diplomatic issues.
- 4.4.41 E Yugoslavia problem; Minister of Commerce and Industry; President of Planning Board.
- 4.10.41 E Disposal of Chungking.
- 4.18.41 Russian-German relations; Washington conference.
- 4.19.41 E Political relations between U.S.A. and Japan; Russia and Germany.
- 4.19.41 Relations with U.S.A. and Axis.
- 4.21.41 E Relations with U.S.A.
- 4.23.41 E Policy to America.
- 5.1.41 E Relations with U.S.A.
- 5.2.41 E
- 5.3.41 E Relations with U.S.A.

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- 5.7.41 E Relations with U.S.A.; Germany
- 5.8.41 E
- 5.9.41 E Matsuoka's report.
- 5.10.41 E Ambassador Otto's conversation.
- 5.12.41 E Measure towards U.S.A.
- 5.20.41 E Parley between Mr. Hull and Mr. Nomura.
- 5.22.41 E Report of War Minister; leakage talk Mr. Hull and Mr. Nomura.
- 5.27.41 Parley at Washington.
- 5.29.41 E
- 5.30.41 E Roosevelt's fireside chat.
- 6.2.41 E Report of Mr. Matsuoka.
- 6.2.41 Internal situation of Cabinet.
- 6.4.41 E
- 6.6.41**E Oshima interview with Hitler.
- 6.7.41 E
- 6.9.41 E
- 6.12.41 E Economic Treaty between Soviet and Japan.
- 6.16.41**E Credit in favour of Wan Chin Wei.
- 6.17.41 E French Indo-China occupation.
- 6.18.41 E French Indo-China occupation.
- 6.19.41*E German advance on Russia.
- 6.20.41 E
- 6.20.41* Cabinet resignation.

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- 6.21.41 E State Minister Ogura's economic policy.
- 6.21.41** Russian-German war; cabinet responsibility.
- 6.22.41** Difference between Foreign Minister and Premier concerning foreign policy.
- 6.23.41 E** War of Germany with Soviet.
- 6.23.41* Simplification and reinforcement of Imperial Headquarters.
- 6.24.41 E Policy to cope with changing world situation caused by German-Soviet war.
- 6.25.41** Peace between China and Japan.
- 6.25.41 E
- 6.27.41 E Foreign Minister's opinion.
- 6.30.41 E Matsuoka's report.
- 7.1.41 E
- 7.2.41 E Council re war between Germany and Soviet.
- 7.4.41 E Privy Council.
- 7.5.41 E Army.
- 7.7.41 Home and foreign situation.
- 7.8.41 E
- 7.12.41 E Premier's answer to Hull.
- 7.14.41 E
- 7.14.41 E Occupation French Indo-China.
- 7.15.41** Disagreement Konoye and Matsuoka agreement U.S.A.; cabinet resignation; Matsuoka's resignation.
- 7.16.41 E
- 7.16.41**E Konoye cabinet resignation; incoming cabinet.

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7.16.41** New Premier.
7.18.41 New cabinet.
7.22.41 E
7.23.41* Winston Churchill.
7.24.41 E Influence created by occupation French
Indo-China.
7.25.41 E Relations U.S.A.
7.26.41 E Relations U.S.A.
7.28.41 E
7.29.41 E
7.31.41**E U.S.A. relations; Admiral Nagano's report.
7.31.41** U.S.A. relations.
8.1.41 E
8.4.41 E Soviet negotiations.
8.5.41 E
8.6.41 E Diplomatic policy.
8.7.41 E Report Vice-Chief of Naval General Staff.
8.7.41** National policy; oil supplies; ten-year plan.
8.8.41 E
8.11.41**E Meeting Konoye and Roosevelt; Council members.
8.13.41 E
8.14.41 Baron Hiranuma.
8.20.41 E
8.22.41 E
8.27.41 E

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- 9.5.41 E Imperial Council.
- 9.6.41* E Imperial Council.
- 9.6.41** Procedure Imperial Council; war U.S.A.
- 9.10.41 E
- 9.11.41 E
- 9.12.41 E Parley between Yen Hsi-shen and Kuan-Tung Army.
- 9.15.41 E
- 9.16.41 E
- 9.16.41* National crisis and Prince Chichibu.
- 9.17.41*E National crisis and Prince Chichibu.
- 9.22.41 E Prince Takamatsu and Prince Chichibu.
- 9.26.41 E
- 9.29.41*E Rubber and tin U.S.A.
- 9.30.41 E
- 10.4.41 E
- 10.7.41 E
- 10.8.41 E Ans. to U.S.A.; Prince Takamatsu's view.
- 10.9.41** Parley with Washington; Council resolution; war with U.S.A.; Chinese incident; defensive nation.
- 10.10.41* Fushimi's idea American problems.
- 10.13.41 Eas Negotiations with U.S.A.; war declaration; European situation; Germany; the Vatican.
- 10.13.41* Understanding War and Navy Ministers.
- 10.15.41*E Political situation; proposed Higashikuni cabinet.

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- 10.15.41** Proposed Higashikuni cabinet - negative opinion.
- 10.16.41 E Resignation Konoye cabinet; succeeding cabinet.
- 10.17.41** Ex-premier conference - new cabinet.
- 10.17.41 E Details ex-premier conference.
- 10.20.41* Tojo cabinet.
- 10.24.41 E Age-limit law Board of Marshals and Admirals of Fleet - negative opinion.
- 10.28.41 E
- 10.31.41 E Liaison conference; military council; Council in Imperial presence.
- 11.1.41 E
- 11.4.41*E War with U.S.A. and England.
- 11.5.41 E Council - policy U.S.A., England and Netherlands.
- 11.19.41** Progress Washington negotiations.
- 11.20.41 E Telegram Ambassador Nomura.
- 11.25.41 E Talks with Washington.
- 11.26.41*E Negotiations; war prospect.
- 11.26.41* War decision.
- 11.28.41 E
- 11.29.41**E Ex-premiers' conference - war opinion.
- 11.30.41*E Navy's opinion as to war.
- 11.30.41* Opinion as to war.
- 12.1.41 E War formally decided.
- 12.8.41** War with U.S.A. and England.

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- 12.8.41 Pearl Harbor.
- 12.8.41 E Imperial Proclamation of War issued.
- 12.10.41 Attack Prince of Wales and Repulse.
- 12.14.41 War victory.
- 12.16.41 Prince Konoye.

2 January 1946

SUBJECT: Marquis Kido

MEMO TO: Mr. Fihelly
Mr. Higgins

The attachment, a memorandum dated 19 December 1945, regarding Marquis Kido, a copy of which is also contained in the file, gives the situation regarding Kido. The transcript of the interview held with Marquis Kido at the Hattori House has been written and is in the file.

For your information, we have obtained from Mr. Tsuru, Marquis Kido's diaries; and this Division is in further contact with Tsuru to obtain other Kido papers and documents as they are located by Tsuru.

Captain Gaine, of this Division, is working on this assignment.

It is my understanding that a member of your group will be assigned to interrogate Marquis Kido in detail and evaluate the evidence and his activities. It is suggested that such personnel confer with Captain Gaine in order to be brought up to date on the records now available and to guide Captain Gaine in the further search for documentary data.

B. Edwin Sackett
Lt. Col., Infantry
Chief, Investigative Division

FILE NO:

COPIES: 1 Mr. Fihelly
1 Mr. Higgins ✓
3 File 5

SERIAL NO:

19 December 1945

SUBJECT: Marquis Kido, Former Lord Keeper of the Privy Seal

MEMO FOR THE FILE

Marquis Kido, until his arrest as a war criminal suspect a few days ago, was Lord Keeper of the Privy Seal. He had held this position from about the middle of 1940 until the present time.

As Lord Keeper of the Privy Seal, he was the only member of the government who could initiate or volunteer suggestions to or advise the Emperor; and he was the one person in the government, above all others, who could come close to arguing with the Emperor. His position, therefore, was one of the most important in the government, and it will form the basis of intensive investigation in connection with problems of the present case.

A confidential informant advises that Marquis Kido, whose title ranks just under that of ~~peer~~ ^{peer}, is not of royal blood or lineage. His father was given the title of marquis by the previous emperor, and the present Kido inherited the title from him. Marquis Kido's early training and upbringing was very modest, and he does not consider himself as a noble in any sense of the word.

He is represented to be one of the shrewdest, most practical minded men in Japan. He can not be bluffed easily, and he has exceptional ability in avoiding giving facts during interrogations or interviews. He can talk around most questions, answering with generalities in a very dignified, courteous manner.

An individual who interrogated Kido recently informs that if Kido receives the impression that the interrogator knows only generalities, and has no specific information regarding Kido's activities, he will be successful in out-talking the interrogator and give him no information. The technique to be followed in the interrogation of Kido is to pin him down to specific answers by breaking down his general answers with specific questions, and in very definite terms, letting him know that the interrogator is well familiar with the powers and prerogatives he had in advising the Emperor and in calling upon government officials and leaders for explanations of plans and actions.

Before interrogating Kido it is suggested that I be consulted, since there are certain arrangements which can be perfected through a relative of Kido's that might be very productive of results. I understand that Kido has expressed desire to tell all he knows about individuals and events.

19 December 1945

SUBJECT: Marquis Kido

MEMO FOR THE FILE

On 18 December 1945, Mr. Shigeto Tsuru called upon me at the office and informed me that he had talked to Marquis Kido just prior to the day Kido surrendered himself at the prison. Marquis Kido expressed a willingness to talk freely to a representative of this section concerning his official acts as Lord Keeper of the Privy Seal. He will not, however, be able to talk about any other acts, or the acts of others, in his capacity as Lord Keeper of the Privy Seal; but he will tell all he knows about such other persons and acts in his capacity as a private person. This distinction should be borne in mind by whoever interviews Marquis Kido.

Mr. Tsuru stated that Marquis Kido had a quantity of personal records in his residence, although part of his personal records were burned. However, he still has some records, which, Mr. Tsuru says, he will turn over to, or give this section access to, at the time he is interviewed.

It was also ascertained from Mr. Tsuru that Viscount Matsudaira, who probably can be located in the department of the Imperial Household, was chief secretary to Kido when he was Lord Keeper of the Privy Seal, and he should be in a good position to furnish information and data regarding Kido and other persons.

It would be very desirable to interview Marquis Kido as soon as possible, and it is expected that this assignment will be made in the immediate future.

B. Edwin Sackett
Lt. Col., Infantry
Chief, Investigative Division

FILE NO:

COPIES: 3 File

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DIRECT EXAMINATION OF KIDO, KOICHI

The accused identified Exhibit 3340 as his affidavit and verified it.

30716

* The affidavit stated that the accused re-affirmed his plea of not guilty to the 54 counts over the radio that he was to be arrested as an alleged war criminal and when he was apprehended ten days later, he voluntarily revealed that he had a diary for he had nothing to hide or fear and his life had been devoted to fighting for the militarists. He voluntarily had the diary delivered and each entry * was written on the day of its entry with a few exceptions. He strove to write it objectively and to keep an accurate and true account.

30717

Out of 5920 entries from 1 January 1930 to 9 December 1945, the Prosecution had submitted excerpts from only 123 days. * He was interrogated on thirty-five occasions but the Prosecution had not introduced one word of these against him or any other accused.

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* He was born in 1889. His grandfather was one of the three founders of the new Japanese government, and his father was Grand Chamberlain. At Peers School and at college he became acquainted with KONOYE and Baron HARADA, who subsequently was secretary to Prince SAIONJI. His association and friendship with the two grew and they consulted frequently on political matters. In college and in his government work, he was primarily interested in political economy and social sciences. In 1917 he became a Marquis and a member of the House of Peers. * Upon graduation from the Imperial University he was assigned to the Agriculture and Commerce Ministry. From 1916 to 1930, he was an administrative official with no political connections.

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* The second half of his career began when he was appointed Chief Secretary to the Lord Keeper of the Privy Seal in 1930. In this economic post, he had an opportunity to become acquainted with politics and

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Page at this time he was also appointed Councillor of the Department of the Imperial Household.

30722

In the Spring of 1930, when he became Chief Secretary, the London Naval Treaty was concluded and it became obligatory for Japan to reduce her Navy, causing dissatisfaction in a section of the Navy so that the question of infringement on the High Command by the Lord Keeper was raised. * Excitement ran high and it was no exaggeration to say that the big transformation which later overtook Japan was started at that time. Only two weeks after he became Chief Secretary, Premier Hamaguchi was assassinated by a Rightist. A long series of incidents was in store, including the March, Manchurian and October Incidents in 1931, the assassination of Finance Minister INOUE, the May 15th Incident, and the February 26th Incident. MAKINO, the then Lord Keeper, was greatly troubled to cope with these situations and KIDO, too, did everything to counteract the militarists' machinations under the guidance of the Genro and the Lord Keeper in conjunction with KONOYE, HARADA and others.

30723

* The March Incident in 1931 did not materialize but still caused a big shock, serving as a signal for the Army to set its hand to a reformist movement as a driving power in the political field. It was a manifestation of defiance of the superior by the subordinate and a deplorable tendency in the fighting services. He was tipped off on the plot and got in touch with KONOYE, HARADA, INOUE and others, and obtained information on it and reported it to the Lord Keeper. He did not know whether it was as a result of this report but he understood that the Emperor cautioned the Military Ministers to maintain strict discipline. One of the major duties of the Chief Secretary was to gather information under the Lord Keeper's direction * from government, military, and other quarters, which tended to cause misunderstanding that both the Chief Secretary and Lord Keeper participated in political and military matters, but in fact both were court officials with no power or responsibility for military affairs.

30724

In November 1930, Premier HAMAGUCHI was shot and he became so ill that his Cabinet resigned on 13 April 1931. As an example of one of the duties of the

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Page Lord Keeper, the diary entry for 13 April 1931 showed that the Emperor consulted the Lord Keeper on the matter and he advised the Emperor to send for the Genro.

30725 * The accused was always an ardent admirer and follower of SAIONJI, whose logical reasoning made a deep impression. The entry for 14 April 1931 shows why he recommended Baron WAKATSUKI as the succeeding Premier.

30726
 30727 * SAIONJI's reasons were that since political unrest began he had received information. * There seemed to be many who advocated a non-party cabinet, but he thought an interim cabinet would only confuse the situation. As to a Seiyu-Kai Cabinet, that party had not won the people's confidence and some of its administrative measures were not desirable. The resignation of a cabinet because of the illness of HAMAGUCHI might encourage * assassination and would have unfavorable effects. Therefore, SAIONJI deemed it most advisable that the Emperor order the President of the Minseito, WAKATSUKI to form a new cabinet.

On 23 June 1941 HARADA told KIDO of a plot by military officers in Manchuria which was extremely regrettable to him as he was opposed to the army's operations in China and Manchuria. He relayed the information he received to the Lord Keeper.

30729 * As the Diary shows on 11 July 1931, he learned from HARADA that day that there was a report that the army would assume a resolute attitude toward making the budget, and if necessary would appeal to the throne. He was concerned about this as there might be a possible resignation en bloc of the cabinet. On 10 September 1931, TANI told them that if the Chinese commenced trouble, Japan would have to defend herself as the Japanese position in Manchuria was becoming dangerous. KIDO agreed with this in general as he was afraid the Japanese might be massacred. * On 12 September 1931 he talked with HARADA and both were concerned about and opposed to the political penetration of the army after the March Incident and were closely watching rumors of further army plotting in Manchuria. The first information he had of the March Incident was when he read about it in the newspaper

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the next day, on September 19, 1931. * His diary entry for that day showed that they listened to Chief Aide-de-Camp NARA's account of conditions. At 9:45 the War Minister MTNAMI went to the Palace to report to the Emperor. KIDO interviewed the Grand Chamberlain and communicated to the Lord Keeper, asking him to return to Tokyo.

30732

* He understood that Premier WAKATSUKI had called HARADA and in fear of the strong Army attitude, asked him if there was any means to keep the Army under control. KIDO expressed his views that it was discouraging to find the Premier making complaints and resorting to external aid without making any noticeable efforts himself. Unless the Cabinet assumed a resolute attitude, political power might go to the Army and a constitutional crisis was at hand. He was most indignant at WAKATSUKI's unreliable attitude.

SAIONJI, HARADA and the accused ~~ceased~~ every opportunity to localize the incident and curb military penetration in politics. SAIONJI did not want the Emperor to give Imperial sanction lightly to the advance of the Korean Army into Manchukuo. The Army was infuriated over the government's policy of non-expansion because the Emperor had approved this policy because of the efforts of his personal attendants. Fearing for SAIONJI's life, they decided it would be wise if he did not come to Tokyo. They were all opposed to the army and conditions were so critical they were apprehensive for the Emperor's safety, but he was never advised of their opinion that it might be wise for him to say nothing more about the Manchurian affair. They thought it better for the Emperor to let the Cabinet pursue its policy on its own responsibility.

30734

When HAYASHI of the War Department spoke to the press and failed to explain how the Incident started, KIDO asked him to do so point blank, * and when he did not clarify the truth he deplored his attitude since the Japanese people were suspicious. That the military were trying to impose its will on the government was shown when the Chief of the Army General Staff told the Premier that the government should not interfere with the Supreme Command's prerogative. KONOYE, SHIRATORI and KIDO had a discussion on 1 October 1931, expressing alarm at the possibility of an army coup d'etat, and decided some measure should be taken to

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Page guide the militarists before there was a calamity.

30735 After the outbreak of the Manchurian Incident, the army attitude became so tough that the problem of national reform began to be discussed and there was report that even reform of the Imperial Household Department was discussed. KONOYE and KIDO went to Imperial Household Minister ICHIKI and asked him to be more careful lest he fall into an army trap. * The Premier told the Lord Keeper that the army seemed to disagree with the government on solving the Incident through negotiations with Nanking and added that the government might come into a head-on conflict with the army. KIDO heard this from the Lord Keeper at that time.

On 6 October 1931 he reported to MAKINO his deep apprehension of Army intrigues and told him some appropriate measures should be taken.

30736 * His diary entry of 6 October 1931 showed that he and KONOYE told MAKINO about the stiffening of the military clique, which they had told the Minister of the Imperial Household ICHIKI and wished him to take some appropriate measure.

30737 As Chief Secretary he always found it difficult to get information from Army circles. Through Marquis INOUE, Saburo, he met the accused SUZUKI to obtain Army information * and cultivated his acquaintance solely for this purpose. The diary entry for 7 October 1931 shows he met SUZUKI, accompanied by HARADA, and conveyed the information obtained to KONOYE which concerned a plot by younger officers to seize control in Japan (the October Incident). They deemed it imperative that SAIONJI come to Tokyo as it was the wish of the Lord Keeper that he do so. The reports of a proposed coup d'etat of some militarists became increasingly alarming and SAIONJI was again requested to come to Tokyo to try to prevent it.

30738 * As the diary entry for 12 October 1931 shows, MAKINO asked HARADA to request SAIONJI to return quickly. HARADA was also asked by the Premier to convey to SAIONJI his wish that he return to Tokyo quickly. The plot progressed rapidly and on 14 October 1931, KIDO and some others heard more about it and they

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Page thought a national welfare society should be formed to meet such situations. In the meantime an idea developed among the militarists to establish a new regime in Manchuria.

30739 * When he heard this from HAYASHI, he thought it was regrettable.

The diary entry for 17 October 1931 showed that the rumors became realities. HARADA called him by telephone and told of the arrest of several General Staff officers. KIDO then called on Marquis INOUE and heard that leading generals, including MINAMI, had a conference the night before which lasted until 3 o'clock in the morning. A final decision was reached then and the accused HASHIMOTO, NEMOTO and ten others were arrested. They were planning to besiege and occupy the War Department and the General Staff Office and carry out the coup d'etat. They were going to assemble young officers at noon to give them directives. Within their faction was an Imperial Guard Regiment Commander and they were in a position * to mobilize one or two companies. KIDO reported this to MAKINO.

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At this time there was talk of establishing a Council of former Premiers to direct the Cabinet. It was KIDO's opinion that this would interfere with constitutional government and he had always opposed outside interference with the Cabinet by the Imperial Household Minister, the Lord Keeper, the General Staff, Senior Statesmen or anyone else.

His stand on constitutional government was shown by the diary entry for 19 October 1931 where he recorded an exchange of views with OKABE and SHIMOMURA, Hiroshi. SHIMOMURA entertained uneasiness over this purported Council and KIDO shared his views. It was considered incompetency on the part of older statesmen if they conferred together but merely ended up by recommending a continuation of the existing Cabinet. Any such conference must produce a clear cut result but this seemed to be difficult. The holding of such a conference should be preceded by deliberate consideration. Moreover, a responsible Cabinet system was already well established and why was there any need for a Council of former Premiers? SHIMOMURA agreed.

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* When the question of punishing those involved in the October Incident arose, it was KIDO's opinion that the dignity of the law should be maintained and the Army should not relegate to oblivion these irregularities by making an investigation and punishment ambiguous as was its habit.

As the diary entry for 28 October 1931 showed, OTSUKA told KIDO that no definite Army policy had been decided on in the case. MUTO and several division commanders insisted on due punishment. KIDO's opposition to the Army's advance in North China and regret that the government had no fixed national policy was shown in the diary entry of 13 November 1931.

30743

At a meeting of the Juichikai Association * they agreed that deep concern rather than grief was caused by the country having no national measures relating to the "Northward Advance Continental Policy" of the military. It was regrettable that no concrete plan could be found. All KIDO's efforts to localize the incident proved fruitless and it expanded and the Cabinet's policy of localization was virtually ignored. The questions of Cabinet reconstruction and a coalition cabinet were raised. On 17 November 1931 Finance Minister INOUE stated that a coalition cabinet would not be strong enough to control the military and if unchecked, the country might come to ruin. KIDO agreed and advocated a strong national government policy to combat the military.

30744

* The diary entry for 17 November 1931 showed that at a meeting at KONOYE's house they considered that a coalition cabinet's greatest obstacle was not the foreign but the financial policy, especially the problem of the gold embargo.

At a meeting with KONOYE, HARADA, ITO, Bunkichi, Finance Minister INOUE and the accused, INOUE stated that neither the so-called national cabinet nor a coalition cabinet would be strong enough to control the military.

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* Although the present cabinet lacked strength, it was doing the best it could in restricting the

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Page military. It could not be helped then if the cabinet was not well spoken of by the military. A more powerful cabinet was not to be conceived of at present. If a cabinet strong enough to control the military could be organized it would be most desirable, however, and they should all support it. KIDO agreed and stated that the cause which had given rise to the tense situation was that the military had a national policy while outside military circles there was no firmly established policy. * Therefore, he believed it necessary to establish a national policy with the Cabinet its chief author. Seeing the real condition of the Manchurian Army, he would like to suggest that under the present circumstances in which staff officers, such as ITAGAKI and ISHIHARA, were exercising full powers and carrying out the maneuvers worked out by them, it was advisable to send a Foreign Office official, say SHIRATORI, to negotiate with them to come to a mutual understanding.

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INOUE agreed with KIDO but HARADA suggested a council in the Imperial Presence to establish a definite principle. KIDO, however, objected, saying that the situation was such that the military had a national policy but outside there was none, and the hasty holding of an Imperial Council * without sufficient preparations would only lead to serious results.

30747

He insisted that a prudent investigation be made. INOUE stated that the result of the discussion by the League of Nations Council could not easily be inferred at present but if the Army advanced to Tsitsihar, Japan would be disabled to hold her seat in the League of Nations army account. It would bring about a situation where Japan would have to withdraw.

INOUE said that the opinions offered on that occasion had impressed him that if the military, disregarding the government's policy, should occupy Tsitsihar, the cabinet would eventually have to surrender itself up.

On 11 December 1931 the WAKATSUKI Cabinet resigned en block.

30748

* The diary entry for 12 December 1931 showed that the press reported that INUKAI, Tsuyoshi was expected to be given a mandate to form a new cabinet.

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30749 KIDO talked with HARADA and found out that SAIONJI talked with the Lord Keeper, the Minister of the Imperial Household, and the Grand Chamberlain about the measures to be taken in the present emergency. HARADA had already told KIDO that SAIONJI had determined to let INUKAI form a new cabinet. However, the Lord Keeper's opinion was that a cabinet supported by the whole nation * was to be desired. It was reported that SAIONJI told INUKAI that adequate measures must be taken to keep the Army under complete control and great prudence was needed in financial and domestic affairs. The formation of the Cabinet must be on the broadest possible basis. INUKAI agreed and stated he could not approve of cooperation with such as KUHARA and ADACHI but was determined to purify political circles.

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Grand Chamberlain SUZUKI visited SAIONJI, who told him that INUKAI would be the best qualified as Premier, and the Grand Chamberlain reported this to the Emperor. * INUKAI then received an Imperial audience and received the mandate to form a new cabinet. KIDO agreed with SAIONJI's advice to be cautious of the actions of schemers who were opposed to armament reduction and to use care in the selection of a Vice-Chief of the General Staff.

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As the diary entry for 16 December 1931 shows, concerning the appointment of Prince KAN-IN as Chief of the General Staff, SAIONJI said he would say nothing about KAN-IN's acceptance as there was nothing objectionable in the matter itself but he did want to direct his attention to the points that there should be perfect understanding * between the Emperor and the Prince; KAN-IN should be especially cautious in dealing with the Armaments Reduction Conference; and should use great prudence in selecting a Vice-Chief of the General Staff.

KIDO reported this to MAKINO and obtained his consent.

After having been saddled with the Manchurian Incident early in 1932, the government was faced with further army intrigues in establishing some form of government in Manchuria. KIDO opposed the establishment of a state controlled by the

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Page military and when ITAGAKI delivered a lecture on the new state, KIDO expressed astonishment at the plan.

30752 * Regarding his stand on constitutional government, he referred to the Sakurada Gate Incident on 8 January 1932, in which a bomb was thrown at the Imperial cortege. This was an isolated incident and KIDO favored no reprimand by the Emperor to the officials responsible as there was constitutional machinery to handle such matters.

30753 * This opinion was likewise held by Lord Keeper MAKINO and they both felt it would not be proper for the Emperor to make a strong statement which might influence the agency concerned in reaching a verdict. There was no way but to wait for the decision of the Disciplinary Committee.

30754 * The Emperor, SHIGEMITSU and the accused, among others, were always solicitors for the maintenance and promotion of friendly relations with China. As shown by the diary entry of 21 January 1932, SHIGEMITSU, the Minister to China, delivered a lecture in the Emperor's presence on the China situation which KIDO also heard. The Emperor later asked SHIGEMITSU if it were possible to hope for intimate friendship with China. SHIGEMITSU answered that as long as the Manchurian problem existed, he felt it was difficult to enjoy good friendship.

30755 When KIDO met the Lord Keeper on that day, he got information about the coup d'etat planned by some Army officers and MAKINO told him he had been asked by the British Ambassador about the truth of the rumor that a coup d'etat was being planned by some Army officers, including ARAKI. MAKINO told KIDO that SHIGETO * and other officers who were transferred to remote places after the October Incident, were attempting to accomplish the plan with OKAWA, Shumei, KITA, Ikki, SHIMONAKA, MIKAWA and others. The plot would be carried out about 10 February with the aid of AKAMATSU and his followers of the Social Democrat Party.

The diary entry of 28 January 1932 (Exhibit 2251) was his resume of MINAMI's lecture delivered

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Page in the Imperial Presence on the Manchurian-Mongolian question. The lecture was not KIDO's idea and he was opposed to a state controlled by the military.

30756 * When he listened to MINAMI's lecture, he thought he could understand to some extent the whole aspect of Army intentions and he wrote it for future reference. Contrary to the prosecution's contention, he never thought it advisable to unify Japanese organs in Manchuria and Mongolia under one Japanese organ under a Governor-General.

In February 1932, the Shanghai Incident started. If it spread, there was a fear that a full-dress war might be unleashed. In view of Shanghai's international nature, SAIONJI and the Lord Keeper felt deep concern, especially so about the reported despatch of troops.

30757 * In the diary entry of 4 February 1932, HARADA told KONOYE and KIDO that Finance Minister TAKAHASHI was deeply anxious about the Army's actions and suggested that if possible the Emperor admonish the Army. KIDO reported this to the Lord Keeper, who said it was for the Premier to decide whether it be submitted to the throne. In the diary entry for 5 October 1932, * HARADA told KIDO

30758 that being very anxious about international relations, INUKAI determined first to warn the Vice-Chief of the General Staff, MASAKI, War Minister, ARAKI, and the Navy Minister about the general situation, and after talking to the Chief of the General Staff, Prince KAN-IN and Chief of the Naval General Staff, Prince FUSHIMI, to have an interview with the Emperor. TAKAHASHI was strongly opposed to sending troops to Shanghai, believing this would give rise to ill feeling on the part of foreign powers and there would be a decline in Japan's credit abroad. * It was becoming impossible to raise funds abroad and war funds would not hold out three months more.

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Regarding KIDO's attitude toward UGAKI, to refute the Prosecution's contention that he did not hold UGAKI in high esteem, the diary entry for 8 February 1932 showed that INUKAI, Ken told KIDO that Governor General of Chosen, UGAKI, had tendered

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Page his resignation. KIDO replied that if the Premier and Governor General reached an agreement and the Premier desired UGAKI to stay, the Premier might report to the throne the Cabinet intention to have UGAKI remain and apply for Imperial approval.

30760 * Later, MAKINO told KIDO that he had told the Premier that if he wanted UGAKI to stay, he might when he reported UGAKI's resignation to the throne state that the Cabinet wanted to keep him in office. The entry also showed that after a lecture by MATSUOKA, the Emperor asked MATSUOKA about the possibility of close friendship with China. MATSUOKA replied that according to the principle of biology, it was difficult for close races to come into friendly relationship with each other and therefore friendship would be difficult.

30761 * The question of the Lord Keeper's responsibilities was much discussed. In order to obtain reliable information, the accused consulted Dr. SHIMIZU Cho, an authority on the constitution. His conclusion was that from the point of view of the constitution, the Lord Keeper was not held responsible to give counsel to the Emperor. There was no person responsible to the Throne except the State Ministers so far as State affairs were concerned.

Another legal problem was the establishment of a new state in Manchuria. MAKINO, HARADA and KIDO had always opposed the Army's actions in Manchuria so they consulted Dr. TACHI Sakutaro, the highest authority on international law.

30762 * TACHI's opinion was that from the standpoint of international law, open intervention on the part of Japan could not be regarded as violating Article 1 of the Nine-Power-Treaty. BATEY, of the Foreign Ministry, had a stronger opinion that a state founded under pressure could not be an independent country. TACHI did not go so far, but said that conditions seemed to have gone beyond a question of law. The Emperor, MAKINO and KIDO were solicitous for localization of the Shanghai Incident and the Emperor not only disliked General MAZAKI's strategy, but feared that Japan would be attacked by the League.

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* The Emperor seemed to have felt as if the Foreign Minister had given up hope of solving the problem. The Lord Keeper told the Emperor that perhaps YOSHIZAWA meant they could but wait and see what the Chinese would do and if YOSHIZAWA had given such an impression it was because his words were insufficient. When Chief of the General Staff MASAKI told the Emperor that if Chiang Kai-shek's army should support the 18th Route Army, they might have to reinforce their troops, in which case war with China would be unavoidable. The Emperor asked MASAKI if there were any means to prevent the expansion of trouble. KIDO sympathized with the Emperor in his anxiety.

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- 30765 * The diary entry for 21 February 1932 showed that MAKINO told KIDO that if more reinforcements were sent to China, there would be a growing possibility of a war. In that case, it might be necessary for the Genro and Senior Statesmen to have a conference or open a Privy Council session to deliberate on the Emperor's inquiry. To confer with the Genro beforehand, MAKINO went to him on the 20th in conformance to an Imperial order. When Premier INUKAI had an Imperial audience, the Emperor asked whether more reinforcements would be sent. INUKAI answered decisively that the Cabinet would not send more troops, * and the Emperor seemed relieved. The Imperial Household Minister and the Grand Chamberlain told KIDO that Shanghai's operations might require a sudden dispatch of troops, in which case there would be no time to confer with the Genro and he should be consulted beforehand. Therefore, KIDO arranged for such a visit. * When SAIONJI asked KONOYE for advice about his retirement he was indignant over the Army's attitude. KIDO advised KONOYE that SAIONJI should not retire but work for a political reform. * Prince SAIONJI told KIDO that the recent political tendency was contrary to what he had expected and in case of political change he could not recommend a soldier as Premier. If he did not make a careful considered resolution he would disgrace himself, so he wanted to surrender his peerage.
- 30766 * KIDO thought that SAIONJI was going into politics after surrendering the peerage and privilege of Genro, it was another matter, but in that case it would be impossible, perhaps, for him to reconstruct the political world. KIDO believed it better for him to remain in his present position and told this to KONOYE.
- 30767 KONOYE's interview with War Minister ARAKI revealed "direct Imperial Rule" was different from what the words literally meant, but similar to what they were thinking of. According to KONOYE, ARAKI said that as regards the Shanghai Incident, diplomats could not catch up with military operations and, to his regret, the Army was looked upon with suspicion. ARAKI also said that recently the Army had found that MORI was utilizing it. * MAN-
- 30768 CHUKUO was established in March 1932 with FU YI as Regent. KIDO was Chief Secretary for about one year prior to the commencement of the Manchurian Incident, and continued as such for four years after the new State was created, and had no connection with any plans in support of it. He was in no position to do so, nor to issue any orders aiding or abetting it. He and others close to the throne strove to localize the Incident, and he never collaborated or conspired to bring it about or encourage its continuance.

30770 The prosecution had contended that while he was originally an anti-militarist, he was not against the Manchurian aggression on principle. * However, he was against the Manchurian affair in principle and practice. On 9 March 1932 he discovered the

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30771 truth of the March and October incidents of 1931 from Colonel NAGATA, Tetsuzan. The facts confirmed his fears that the Army was planning a coup d' etat to seize political power. In the diary entry for 9 March 1932, NAGATA told a group gathered at KIDO's house that regarding the March incident, there were sufficient reasons that the military * should begin to be interested with political matters as well as military affairs. The most important were that following the disarmament problem, militarists were falling into disfavor with the world; the question of the so-called right of the supreme command raised at the London Conference; the question of the reduction of salaries; and maladministration of personnel affairs in the Army. The March incident's outline was that to bring about a political change in the Diet while in session, they were at the same time to presume to petition the Emperor to form a nonparty cabinet of their own choice, the leading figures OKAWA's partisans. OKAWA stated that present affairs could not be surmounted. NAGATA said he told OKAWA that if the plot was attempted he could not expect active Army support, but rather wish the Army to adopt a different attitude. OKAWA requested him to supply the necessary bombs. * OKAWA and his associates pretended that War Minister UGAKI agreed with the proposal. In certain Army quarters they participated in the plan because the War Minister had approved it, but in other Army quarters there was argument that the Army should not try to carry out political reform with outsiders. Thereupon, they reconsidered the plan and it was frustrated.

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30773 Regarding the October incident, certain members of the Army General Staff who were indignant at the failures of their seniors began to plot to execute the plan with the Army alone. They planned by penetration to interfere with the regular functioning of the Army by suppressing its governing body by force. At the same time they would occupy Metropolitan Police Headquarters, * and by arrangement with court circles submit their plot to Imperial hearing to expedite the formation of their own cabinet. As the program progressed, some involved began to doubt its wisdom and the plot was betrayed by them before it was put in practice. As a result of punishments, most admitted they had been in error and reconsidered their positions. Although they should have been charged according to the military penal code, their motives and mentality were considered, and also the prestige of the Army, and their cases were disposed of administratively. Those who seem to hold such opinion might be limited to the accused, HASHIMOTO, SATO, and CHO. In recent Army opinion they could be classified into those who had connection with OKAWA's faction; those indoctrinated with the ideas of KITA, Ikki, and NISHIDA, Zoi; and those indignant on the question of the right of the Supreme Command. * From these different viewpoints are some who are trying to cooperate with outside bodies, while some

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- Page are against plotting with outsiders. The latter are the majority, but their antipathy against the existing party was deep rooted. On 27 March 1932 KIDO had a conversation with HARADA, who told him it was SAIONJI's intentions to have KONOYE take over the Government at the proper time and wanted KIDO to assume an important position close to the throne. * The plan of having KONOYE form a cabinet would be satisfactory, according to the Genro, but he chose rather to make him president of the House of Peers at the time and appoint him Lord Keeper one or two years later. Further, Genro's idea was to make KIDO Grand Chamberlain in the future to make the Emperor's position secure with reliable advisors. * The day after the May 15 incident, KIDO counselled MAKINO never to meekly acquiesce in the Army's outrageous attempts, but he should form a succeeding cabinet based on political parties, after consultation with the Presidents of the Seiyukai and Minseito Parties. This counsel was given to form a party government in the face of stout opposition voiced by Major General OBATA. It required considerable fortitude on KIDO's part to offer such advice. * On 16 May 1932 Marquis INOUE told him of the attitude of the military circles toward the incident and that seemed to have caused no appreciable excitement in the Army. In his view firm resolution was necessary and full consideration should be had to the formation of a new cabinet. He now thought the military would not be pleased if some political party merely purposed to constitutional normalcy was ordered to form a succeeding cabinet. The cabinet held a meeting and decided to resign en bloc. Premier TAKAHASHI tendered the resignations and the Emperor sent for SAIONJI. * Major General OBATA's view, according to KONOYE, was that the present incident was related to the October affair. After the October affair the Army was devoted to establishing control within itself and had, to a great degree, succeeded. Army officers of major or below had been acting with naval officers, who had at last become out of touch with naval circles. So the naval officers at last brought about a naval affair. The younger military officers were originally of the same mind and followed simply toward those who participated in the affair. Fearing the affair might prove fruitless, some asked for an interview with ARAKI and others called on OBATA. * They seemed to be striving to take this opportunity to attain their objective. If a party cabinet was formed again, the dissatisfaction of the military would be such that even ARAKI would find it difficult to control the military. They seemed to disfavor even a HIRANUMA cabinet. But according to OBATA, he had dissuaded them from objecting to a HIRANUMA cabinet. KIDO's summary of measures to cope with the situation submitted to Lord Keeper MAKINO stated that jeopardizing the national foundation by direct action should be avoided and the people should be warned against being induced to side with it. They should not act

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- 30781 contrary to the constitution. Effort should be made to form a cabinet based upon direct unity by urging the political parties to rouse themselves. * A man of character such as SAITO should be selected to head the cabinet. Future national policy should be set out in an Imperial rescript, which would be a new interpretation of the constitution and the Five Article Oath. While admonishing the military, stress should also be put on remedying political corruption. To carry out these measures, SAITO should be asked to come to Tokyo to have confidential talks with War Minister ARAKI and Navy Minister OSUMI on general policy to obtain a full understanding. After that MAKINO should interview the presidents of the Seiyukai and Minseito parties and persuade them to action. MAKINO supported these measures.
30782. The sentences introduced as exhibit 2252 * tend to create the impression that KIDO's thoughts were set forth there, but he had only recorded information received from SUZUKI, Teiichi, NAGATA, and others as to army intentions and the young officers' part in the May 15 incident. KIDO interviewed KONOYE and them for information to be offered to MAKINO. In the diary entry of 17 May 1932, SUZUKI said the incident had been brought about by the same faction as the October affair. In March, when officers of the rank of Captain, who were in the October affair, met with the Naval officers
- 30783 in the present incident, * the latter urged decisive action, but the army officers refused and they parted without agreement. ARAKI seemed to intend to strengthen unity within the army force and, then after extraordinary Diet session, recommend means to bring about national unity. But before he realized this, the incident happened. As the younger military supported the cause, they should make efforts lest the actions of the participants come to nothing. SUZUKI added that if a party cabinet was again formed, the present incident would be repeated, so some remedy must be devised. A whole nation cabinet might be suggested. War Vice Minister KOISO favored a HIRANUMA cabinet. SUZUKI thought that the declaration for safeguarding of political parties gave a direct incitement to the incident for some of the young military were extremely enraged at it.
- 30784 * NAGATA told HARADA, KONOYE, and KIDO that he held a most moderate army opinion, but his opinion differed little from SUZUKI's. He said the military were against party government. If a single party cabinet was adopted, perhaps none would take up the portfolio of war and the attempt would prove abortive. It was obvious that NAGATA had an aversion to political parties, for he asked if it was difficult for a party member who joined the cabinet to have his name struck off the party register. According to KONOYE, MORI, Kaku had an interview with WAKATSUKI, and two other Minseito party leaders to discuss a succeeding cabinet. It seemed that it was
- 30785 unlikely that a coalition cabinet would be recognized. * MORI submitted a condition to President SUZUKI, Kisaburo, of the Seiyukai

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- party that a powerful cabinet with a vigorous foreign policy be formed. If it was not accepted, he would not enter the cabinet. OBATA told MORI that military circles were criticizing, although OBATA and ARAKI had always screened MORI, but if MORI joined a new cabinet his political life would end. Therefore, MORI seemed resolved not to join a SUZUKI cabinet based on existing political parties. MORI interviewed ARAKI and on 21 May 1932 KIDO received information about public opinion and the political situation.
- 30786 * Director of the Police Bureau MORIOKA said that reports from prefectural governors in connection with the recent affair showed it had no considerable effect on financial circles. The cry against military tyranny was heard everywhere. Opinion in favor of a party cabinet was quite dominant, and if a new cabinet was not based on political parties, it would give rise to a constitution safeguarding movement. If a riot broke out in the city, the new cabinet would have to enforce martial law and it would be extremely difficult in submitting plans for a new cabinet to the Throne. It was necessary to obtain beforehand a full understanding of the political parties.
- 30787 * An Imperial rescript might be suggested as a last shift. According to HARADA, the Emperor told Elder Statesmen that he desired that SAIONJI select a person as premier who had no fascist leanings, and about whose character there had been no unsavoury rumour, and who was moderate and not militaristic. Although SAIONJI used to recommend a succeeding premier to the Throne, as he advanced in age he desired Lord Keeper MAKINO to seek the views, not only of the Genro, but also the Senior Statesmen. Subsequent conferences of the statesmen were held and thereafter the Lord Keeper attached great importance to their views.
- 30788 In the diary entry of 26 August 1932 MAKINO told KIDO that SAIONJI wished that in the future * the Emperor consult not only the Genro and the Senior Statesmen, and after deliberation the Lord Keeper should submit an answer to the Emperor. This refuted the prosecution's contention that when he became Lord Keeper, eight years later, KIDO developed a new function of advising the Emperor on every new premier. When KIDO visited SAIONJI on 27 August 1932, SAIONJI spoke of this idea and also approved KIDO's opposition to making the office of the Lord Keeper another Privy Council with the Lord Keeper going deep into
- 30789 politics. * SAIONJI said also that he didn't approve of a conference in the Emperor's presence, it would be a good idea when a cabinet resigned to make a senior statesman conference deliberate and submit an answer to the Emperor. On the question of creating advisors in the Lord Keeper's office, KIDO said he was against it if it resulted in providing another organ similar to

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30790. the Privy Council, to which SAIONJI agreed. * The diary extract of 16 September 1932 disclosed that at the request of MAKINO, KIDO prepared a draft of procedure to be used in connection with a Senior Statesman Conference called at the time of cabinet changes. This provided that the Presidents of the House of Peers and House of Representatives should be included among the statesmen to make it more democratic, but the Imperial Household Minister objected and it was
- 30791 stricken. * When KIDO heard SAIONJI's opinions, as related by HARADA on 18 October 1932, he resolved more firmly than ever against militarism and in favor of cooperating with the United States and Britain.
- 30792 * In the diary entry for 15 December 1932, SAIONJI said he wished to see the Genro system abolished and asked KIDO to explain the draft of the Senior Statesmen's conference. KIDO explained that we could devise no system apart from the Genro and that it was impossible to abolish the Genro system while SAIONJI lived. SAIONJI asked KIDO's opinion on the system of letting the Lord Keeper alone recommend a premier, and KIDO answered that the position of Lord Keeper would then be so important it was feared
- 30793 his position would be unsteady. * KIDO explained that in the Senior Statesmen's conference, the speakers of both houses, Marshalls, and Fleet Admirals were not included as a rule, but might be included by a conditional clause. KIDO told SAIONJI that he was especially needed at the post.
- As to Prince KONOYE, SAIONJI said that if he became Household Minister, he would find himself in a plight because he had a weakness to decline requests which might be made by the many acquaintances he had in all quarters. SAIONJI thought it would be better for KONOYE to become speaker of the House of Peers. As an example of another duty of the Lord Keeper, that of advising the Emperor on foreign affairs, the diary entry of 8 March 1933 showed
- 30794 * that the Foreign Minister reported to the Throne that the government intended to petition for an Imperial rescript simultaneous with an announcement of withdrawals from the League. After the Minister withdrew, the Emperor instructed Prime Minister and Minister of Foreign Affairs through the Grand Chamberlain that the rescript should include that it was very regrettable that Japan had been forced to withdraw from the League and that even though she withdrew she would continue to cooperate with other powers.
- 30795 * KIDO delivered to the Foreign Minister the Imperial intention and asked him to deliver it to the Premier, and read and reported this to the Lord Keeper. Regarding the Lord Keeper's interview with the Emperor about Japan's withdrawal from the League,

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- 30796 MAKINO said that the Emperor asked regarding arrangements to resign from the League and whether it would still be necessary to withdraw now that the situation had improved after the settlement of the Jehol problem. The Lord Keeper told the Emperor that while his words were reasonable and Plenipotentiary was already active in accordance with the government's previous decision to withdraw, and that the government had taken a firm stand, and if that should now change their attitude, foreign countries would have the impression they were vacillating, while internally the people would become utterly confused. Therefore, the Lord Keeper, MAKINO, advised the Emperor * that there was nothing to do but let the government carry out its decision. In serving under MAKINO, KIDO became steeped in the duties of his office, and on 24 March 1933, as shown by the diary, MAKINO told him that regarding the Imperial rescript, the Emperor said enough results had already been gained as far as advancing military virtues, but they should now show encouragement concerning civilian virtues also. The Lord Keeper, MAKINO, then showed the Emperor the draft of the rescript from the cabinet and said that he thought the phrase "Military and civilian officers must be true to their duties, etc.," in the rescript revealed the Imperial wish. The Emperor then accepted the draft and warned MAKINO not to change the above phrase.
- 30797 * Exhibit 2253 shows the opinion of SUZUKI, Taiichi, about Russia. When General HISHIKARI became Kwantung Army Commander and concurrently Ambassador to Manchukuo, the Emperor stressed two points: (1) To respect the principle of equal opportunity, and (2) To maintain friendly relationships with neighboring countries. On 24 August 1933, KIDO was appointed to the position of President of the Bureau of Peerage to serve current with his position as Chief Secretary. * Although the prosecution apparently attaches great importance to his receiving a decoration on 28 April 1934 in connection with the Manchurian Incident, over 300,000 persons received the same decoration. He only received it because he was a member of the House of Peers and not because he was Chief Secretary, and he had never received a decoration from a foreign government.
- 30799 * As the diary entry of 9 August 1934 shows, SAIONJI told HANADA and KIDO that cabinet ministers should represent their views of general current problems to the Throne more freely rather than formally, and he advised Premier OKADA in the same way. When OKADA asked SAIONJI's view as to whether the Grand Chamberlain should attend on the Emperor when cabinet ministers were received in audience, SAIONJI said such a formality would make their reports formal and empty. He added that the Emperor's intention might be more
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reflected since he had attained maturity. It was a shame that instead of leaning heavily to the Greater Asia Principle, like they did, they did not settle world questions in concert with Great Britain and the United States.

30801 On 30 May 1935 KIDO was shocked to read in the newspaper that Japanese forces in North China had made an important proposal to the Chinese authorities. Therefore KIDO inquired about this to Vice Minister of Foreign Affairs SAIGEMITSU. Fortunately this incident did not become serious due to the efforts of Commander UMEZU. * SAIONJI knew that KIDO was opposed to the militarists and that he agreed with the Emperor's policy of peaceful relations with other nations. When there was talk of MAKINO's resignation as Lord Keeper, SAIONJI declared his preference to have KIDO accept the position, but KIDO's opinion was KONOYE would be a better choice.

30802 After the discharge of MAZAKI as Inspector-General of Military Education, and the assassination of Chief of the Military Affairs Bureau NAGATA in August 1935, sectionalism became recrudescent in army circles, * and there was a tendency for subordinates to defy their superiors. KIDO kept a vigilant watch on this and gathered information for the Lord Keeper.

30803 On 30 September 1935, KIDO visited the Lord Keeper and MAKINO told him that the Emperor warned the War Minister to deal with the younger men more firmly, even at the sacrifice of the War Minister himself. The Emperor asked Prince KONOYE to help the War Minister on this matter. * The Lord Keeper was answerable only to the Emperor, and if the Lord Keeper's views did not coincide with the Emperor's, the Emperor would ask for his resignation. This was shown by the diary entry of 17 December 1935, where it appeared that the Emperor wished MAKINO to remain as Lord Keeper. But if this was not possible, SAITO be appointed his successor. On 26 December 1935, MAKINO resigned and Viscount SAITO was appointed his successor, with KIDO continuing as his Chief Secretary.

30804 * Notwithstanding the Emperor's admonition to the War Minister on 30 September 1935 to control the younger militarists, the 26 February 1936 incident broke out. It was true the incident broke out suddenly but an ugly atmosphere had been discerned long before. Even now he could not understand why the military failed to take advance precautions.

30806 * As the diary extract for 26 February 1936 shows, KIDO was awakened at 5:20 a.m. and told that the Lord Keeper's residence was being attacked and both he and his wife seemed to be fallen victims. KIDO telephoned the Police Commissioner but could not ascertain what arrangements had been made by the police force. KIDO notified KONOYE and HARADA. When he went to his office KIDO was told that the Grand Chamberlain, Premier OKADA, and Finance Minister * TAKAHASHI had also been

30807 attacked. When the War Minister was received by the Emperor, the

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Emperor said that whatever their excuses were, he was displeased with the incident and it had brought disgrace on their national character. War councillors appeared in the court, but none of the cabinet ministers were there, and unless a center administrative organ was established, remedial measures would not be worked out. KIDO therefore consulted Vice Grand Chamberlain HIROHATA, and under the directive of the Minister of the Imperial Household, contacted the Minister of Overseas Affairs KODAMA asking that the cabinet members proceed to the Palace. Because Lord Keeper MAKINO had been killed, they decided also to ask the President of the Privy Council to come. But the President was to stay * in the Lord Keeper's room until the cabinet formation was completed. One opinion among the War Councillors was that the rebels should be disbanded by an Imperial Decree, but others insisted on the enforcement of martial law.

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About 5:00 p.m. KODAMA gave KIDO a message that they wanted the Emperor to appoint a Premier ad interim. But the Imperial Household Minister replied to KODAMA that the Premier's residence was surrounded by insurgents and they did not know whether he was killed or not, therefore, there was not time for such recommendation. It was understood that junior officers of the War Department and General Staff agreed to a provisional cabinet and made a proposal to that effect. This cabinet, it seems, would have a strong fascist tendency, and this same idea was shared by the insurgents. The War Minister demanded enforcement of martial law. * But if the army could not take responsibility, there might be no other way. Although Home Minister GOTO was against this proposal, he yielded at last. President of the Privy Council ICHIKI expressed a wish to resign because he was originally responsible for the incident. The Emperor did not approve of formation of a provisional cabinet. The Emperor is said to have confided his idea to Chief Aide-de-Camp HONJO, using words which implied the army wanted to "suffocate him by using floss silk for strangling."

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At 9:00 p.m. GOTO became Premier ad interim and the resignations of the cabinet members were tendered. The Emperor said that the insurgents should be brought under control as soon as possible and they should attend assiduously to their duties. At 11:30 p.m. the Privy Council passed a draft proclamation of a state of siege. * On February 27, 1936, KIDO talked with HONJO at 7:00 a.m. and understood that the military were boosting Prince FUSHIMI as Lord Keeper.

On 28 February 1936 KIDO received information that two of the insurgents still adhered to their original intentions, and consequently the authorities decided to bring pressure on the insurgents. The Imperial Household Minister consulted on a successor to the Lord Keeper and they could think of no other than KONOYE for the post. KONOYE was asked to have an interview with Imperial Household Minister YUASA. According to KONOYE he had received reliable information that

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30811 the incident was motivated by Major-Generals OKAMURA and YAMASHITA and Colonel ISHIMOTO. A rumor ran that under the support of Colonels ISHIMOTO and KUHARA an attempt was made to put Admiral YAMAMOTO, Eisuke, in an important position, but the Navy rejected it. * Connection had been maintained among ISHIMOTO, HASHIMOTO, and NEMOTO, etc., with respect to the incident, and it was confirmed that Assistant Professor HASHIZUME was urged to expedite a reconstruction plan.

As Premier OKADA proceeded to the Palace, GOTO was relieved as Premier ad interim. Since OKADA had presented himself at the Palace, the reason for the previous resignation of the cabinet had become void, and they thought it necessary for a fresh collective resignation. So OKADA again tendered the cabinet resignation.

30812 On 29 February 1936 at 6:30 a.m., Commander KASHII of the forces enforcing martial law issued a proclamation explaining why suppression of the rebel army was delayed and declared * that he had decided to repress them because they defied the Imperial Order. At 8:30 a.m. the army began to take action. At 9:00 a.m. KIDO conferred with the Imperial Household Minister and the Vice-Grand Chamberlain agreeing that it was indispensable to nominate the forthcoming cabinet as soon as possible, and they further conferred with President ICHIKI of the Privy Council. They decided that first, the Vice-Grand Chamberlain would report to the Throne that they were conferring on remedial measures and wished the Emperor to consult the President of the Privy Council regarding the next premier. Next, when the President was summoned by the Emperor, he would reply it advisable for the Emperor to ask for the advice of Prince SAIONJI. * After this

30813 Vice Grand Chamberlain HIRCHATA would convey it to SAIONJI. Lastly, considering the emergency, he would convey the intention by telephone instead of sending a messenger.

30814 At about 9:10 a.m. HIRCHATA proceeded to the Throne to convey their opinion. Though at first the Emperor seemed not to care for such an early launching of the remedial measures, he summoned the President and said to him that at last, as they had taken steps to take the rebels away, they must deliberate on a succeeding cabinet. The President replied that he desired that the Emperor seek the counsel of SAIONJI. Since SAIONJI must prepare himself for the Emperor's inquiry, * it was not always necessary that the time of inquiry be determined after settlement of the rebellion, and the President would inform the Emperor of the time at which inquiry could be made, after investigating the circumstances.

30815 * The Emperor's opinion was that the cabinet seemed very difficult to organize, for one which the military circles would approve would be hated by Finance circles, but they could not afford to concern

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themselves only about the interest of the latter. The president replied that it made it very difficult to form the cabinet then but a way would be found and SAIONJI was sure to be considering the situation. The Emperor expressed nearly the same opinion to HIROHATA.

30816 At 2:00 p.m. Chief Aide-de-Camps HONJO reported to the Throne that the greater part of the rebel army was suppressed and HIROHATA, after conferring with the President of the Privy Council, and the Imperial Household Minister, asked the Emperor how it would be to make an Imperial Inquiry to SAIONJI at that moment, and the Emperor approved. HIROHATA then called SAIONJI asking him * to proceed to the Palace.

Prince CHICHIBU stressed to HARADA that it would be absolutely improper for General MAZAKI to form a succeeding cabinet for rumor had it that MAZAKI was behind the February 26th incident, which was nothing but a Army coup d' etat.

30816 * On 2 March 1936 at 4:10 p.m. SAIONJI was received by the Emperor. At 9:00 p.m. KIDO called on HARADA and SAIONJI's son. HARADA entered after an interview with CHICHIBU. The conclusions of middle grade officers were that all the present generals should retire and such a persons as ITAGAKI should become War Minister, and one who would cooperate with ITAGAKI should appear. KAWAI and ARAKI were not satisfactory, and fair persons who had heretofore no connection with the army would be more preferable. HIRANUMA was also not satisfactory, * and he especially wanted to stress MAZAKI, for although some circles in the House of Peers seemed to back him, a MAZAKI cabinet would be absolutely unsatisfactory.

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30819 Although the prosecution inferred he was a protagonist of fascism, KIDO had always opposed it and an example to show this was his diary entry of March 3, 1936, when he recommended Ambassador MATSUDAIRA, Tsueneo as Lord Keeper because he was well informed in diplomatic affairs and had no inclination toward fascism. The same diary entry also showed that he also recommended KONOYE to SAIONJI as succeeding premier as a man of moderation and rectitude, that CHICHIBU sent a message to SAIONJI * warning him against MAZAKI and others, and that when CHICHIBU went to the Palace, he stressed to the Emperor the necessity of dismissing MAZAKI.

SAIONJI asked KIDO whom he considered most suitable as Premier. He told him no one but KONOYE could be found. When KIDO told him that ICHIKI was intending to resign, and it would be difficult to find a successor as Privy Council President, and that ICHIKI had said that this time there might not be no other choice but HIRANUMA, SAIONJI strongly objected and also said that HIRANUMA was unsatisfactory as

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30820 premier. KIDO was summoned on the same day by CHICHIBU who told him that there was a rumor that MATSUDAIRA would be appointed Lord Keeper, but * he was afraid some trouble would result because he was associated with the London Treaty. CHICHIBU thought he would like to avoid frequent sad events involving senior statesmen close to the throne. KIDO replied that CHICHIBU was right, but the Lord Keeper must enjoy the full confidence of the throne. One who wins the admiration from those now criticizing everything would not acquire the Emperor's confidence. Some might criticize MATSUDAIRA but they could not but select him. HIROHATA told KIDO of the conversation between the Emperor and CHICHIBU and the Emperor told HIROHATA to speak to KIDO about it. This conversation was that HIRANUMA was improper as the succeeding premier. MAZAKI would be discharged. As for War Minister, it was necessary to have a young person with no relation in any direction, 30821 * and get him to recognize and freely exercise his ability.

30822 On 4 March 1936 SAIONJI recommended KONOYE as the succeeding premier, but because of his health he was unable to accept. SAIONJI then recommended HIROTA, who accepted the Mandate on 5 March 1936. When KIDO resigned as Chief Secretary on 13 June 1936, he felt relieved as had spent seven years fighting militarism and needed a rest. He had tried to complete every task to the best of his ability. Marquis MATSUDAIRA was appointed his successor. Considering the incidents of the seven years he held the post, * he was glad to have been free from serious fault.

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* When he called on SAIONJI and told him he had retired from the office of Chief Secretary, SAIONJI told KIDO to do as his grandfather had done.

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* Exhibit 2254 stated that MATSUI called on KIDO and talked of discontinuing the sending of troops to North China and became indignant, but the MATSUI referred to was MATSUI, Seikun, and not the accused MATSUI, Iwane. Needless to say, KIDO had nothing to do with the China Incident, as he held no position in the government or military for one year and 21 days before it broke out, and his position as President of the Board of Peerage at that time was a very inactive one. KONOYE used to seek his views, but aside from this KIDO had no direct connection with politics. He knew of no preparations nor did he participate in the Incident and did not know it was going to happen, nor did he transpire or plan to bring it about.

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* KONOYE, who regretted the hostilities, did his best to pursue a policy of non-expansion, and KIDO counselled him in executing this policy. When the hostilities spread to Shanghai in August, hopes grew slim. At first the army made light of the affair and vauntingly stated China would be fixed up in three months, but the hostilities kept expanding.

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KONOYE asked KIDO to join the Cabinet as Education Minister on October 17, but he declined at first, being dissatisfied with the China Hostilities, and thought it proper to assist KONOYE from outside the Cabinet. However, KONOYE insisted, and moved by his request, KIDO accepted, * only as a means of assisting KONOYE. To join the Cabinet, he had to resign as President of the Board of Peerage. The Emperor's approval of the resignation and his evaluation of KIDO appeared in the diary of 21 October, 1937.

According to the Imperial Household Minister, The Emperor said KIDO was needed in the Household Department, but was willing to let him go since the government needed him more. Should KIDO go into the Cabinet, he would do his best in persuading KONOYE not to take unreasonable steps in the amnesty question concerning the February 26 Incident.

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* Exhibit 239, a plan for the heavy industries in Manchuria, was approved three hours before KIDO joined the Cabinet, and he did not attend the meeting that day.

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Exhibit 2225 refers to a decision of an extraordinary session of the Cabinet with respect to its statement and answer in connection with the Nine Power Pact. This was five days after he joined the Cabinet and the policy had already been decided upon.

30828 * Being interested in fulfilling his duties as Education Minister, he was eager to receive information so he could make proper decisions, and his diary shows that he consulted with the President of Tokyo Imperial University and the Dean of the Law School. During his tenure as Education Minister he respected their requests for self-autonomy, and never interfered with their freedom of thought.

30829 After joining the Cabinet, there was an absence of teamwork, notwithstanding KONOYE's efforts. At KONOYE's request, he met and talked with War Minister SUGIYAMA (exhibit 2256) and intended to bring forth better understanding between SUGIYAMA and the Premier, * by finding out his real intentions regarding settling the China Affair. Even before joining the Cabinet, he had heard from KONOYE that he had been discontented with SUGIYAMA's attitude. After joining, he found the relationship between them divergent beyond his expectations. The reason why he joined the Cabinet was not explained by exhibit 2257, for it was to make every effort for settling the affair successfully according to the agreement made with KONOYE, but as soon as KIDO joined the Cabinet, KONOYE proposed his resignation.

30830 On November 15, 1937, he was told that while absent, KONOYE had telephoned. * When KIDO telephoned KONOYE after learning this, KONOYE revealed that Imperial Headquarters would be established soon, and when he had formed the Cabinet he had little expected the situation would develop so seriously. He then said he would resign by all means, and asked KIDO to obtain the understanding of SAIONJI and the Lord Keeper, and added that even though he were requested by the Emperor to form a new Cabinet he would not accept. KIDO was surprised to hear KONOYE's intention, but he would not change his mind.

30831 KIDO * considered that so long as KONOYE was in such a mood he could not settle the affair and should engage himself more seriously. Therefore, he dissuaded KONOYE from resigning, but this was not for the purpose of carrying out the war. KONOYE had extremely close relations with China, so there was no one else who would settle the affair successfully.

Page Exhibit 2257 shows the effect his resignation would have had.

30832 * Exhibit 2258 sets forth a decision regarding liaison between Imperial Headquarters and the Government. The day before the General Staff amended Headquarters regulations to include the establishment of headquarters by adding the words "in the case of incidents" to the existing limitation "in wartime". KIDO deplored this revision and had nothing to do with it, comprehending that the military might abuse it. He inquired of the War Minister as to the reasons for this revision, and warned him about abuse of the regulations.

30833 KONOYE set up an educational council to revamp the educational system. To prevent militarists from becoming members, KIDO sought and obtained the services of non-military men as president and members. * The diary entry of 27 November, 1937, shows that KIDO called on Privy Council President HIRANUMA, and asked him to request Councillor ARAI to be the president of the Council on Education and Councillors HARA and MINAMI, Hitoshi, to be its members.

30834 OUCHI testified that KIDO demanded Professor YANAIBARA be dismissed from Imperial University. He denied making such a demand, but refused to interfere and left the problem to the proper university authorities. Furthermore, the testimony of IKESHIMA that the school system was reorganized and more time devoted to military training and subjects under his ministry was absolutely false.*

As shown in his diary of 8 December, 1937, KIDO called on KONOYE, and views were exchanged on the policy on how to terminate the war. In December, 1937, the question rose to open peace negotiations with Chiang Kai-shek through the German Ambassador in China, and KIDO hoped this might materialize. There was no proper liaison between the Cabinet and the High Command, whose attitude was not fully known to the Cabinet, causing KONOYE deep concern. KIDO recalled that he asked SUGIYAMA at a Cabinet meeting about the possibility of the peace negotiations, but failed to elicit any definite reply.

30835 The peace terms offered China through the German * Ambassador had been decided by the Cabinet Ministers concerned in early December, 1937, before they were submitted to the Cabinet, and as Education Minister he was not a member of the preliminary conference nor did he take part in any liaison conference, nor was he aware what proposals were made by Vice Chief of Staff TADA to the government.

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In a message from KONOYE received 16 December, 1937, he stated he could not grasp the Army's real intentions and requested KIDO to ask War Minister SUGIYAMA on that point at the next Cabinet meeting. On the following day, KIDO said to SUGIYAMA at the Cabinet Meeting that it would be a matter for sincere congratulation if the China Affair could be settled under the terms now being discussed, but as it was a bilateral negotiation he thought it might * become necessary to make a further concession according to China's counter proposals.

He asked SUGIYAMA if the Army was prepared for it, but SUGIYAMA replied, no, that these were the minimum terms. If they were rejected there would be no alternative but to keep up military action. KIDO failed to understand, therefore, that the Army had made a firm determination to bring about peace. After the question to SUGIYAMA, Admiral SUYETSUGU, the Home Minister, submitted his views, and the plan for epitomizing the peace terms under four points was drafted by SUYETSUGU. Even though KONOYE could not grasp the Army's real intentions, the Cabinet decided on peace proposals, which were submitted to Chiang through the German Ambassador.

KONOYE was eager to restore peace without a day's loss, so he agreed to the abstract epitomization of peace terms so as not to obstruct the negotiations but make room for a future concession to insure success for the negotiations. This was KIDO's idea also.

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* It was suggested at the Cabinet meeting of 18 December 1937 that CHIANG's answer be requested before the year's end. His exhibit 2259 shows the German Ambassador requested further instructions, which were given and that they discussed at the Cabinet meeting the principles for dealing with the Affair, and KIDO maintained that policies for cultural movement toward China should be established instead of carrying out military activities to no purpose and thus the way to Sino-Japanese friendship should be opened.

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* China's reply was expected at the end of December, but it did not materialize. He understood it was decided to wait for the reply until 15 January, 1938. In view of the fact that the Diet would resume business on 21 January 1938, the authorities seemed in a hurry in deciding a new policy.

Page Exhibit 2260 deals with the all-day Cabinet discussion of the proposed peace with China and the Premier's statement. With respect to the former, the Cabinet decision not to deal with Chiang was made on the basis of a plan drafted by the Foreign Office. Prior to the decision, the Cabinet received a report from HIROTA on details of the negotiations. Further, HIROTA said then that he had arrived at the conclusion that no good faith could be discerned on the Chinese side.

30839 * At that time HIROTA met German Ambassador Dirksen and received China's reply, which was of a dilatory nature and sought an elucidation on the meaning of Japan's proposals. KIDO recalled that the War Minister spoke briefly, and the general trend of the talk was in favor of peace with the new regime. KIDO expressed no opinion; hence the Cabinet decision not to deal with the Kuomintang Government any more, but establish peace in cooperation with a new China. It was to be regretted that Japan missed the first opportunity to make peace with China.

30840 General TADA was not present at any of these Cabinet meetings, although he may have been present at some Liaison Conferences, but KIDO never attended these. KIDO could not understand on what basis KAWABE was cross-examined, and asked if TADA told him that KIDO vigorously opposed peace with China. KAWABE clearly denied this, and no document of the prosecution substantiated this inference.

30841 There is no evidence that KIDO signed the statement of January 16, 1938 (exhibit 268), but the fact was that he did sign it as a Cabinet member. The statement spoke for itself. As it was ascertained that Chiang had no bona fides in restoring peace, Japan thought it a short cut for settling the affair to take constructive measures in conjunction with Chinese who shared her ideals, rather than over-run China with armed forces. Prior to the Nanking campaign, there was no unity between the military and government, and the High Command kept all military operation plans secret from the Cabinet, which therefore could not launch on timely diplomatic * demarches ahead of military operations. The Nanking campaign was started with the Cabinet losing the opportunity to take any advanced diplomatic move.

The prosecution contended that although he made no reference to the horrors of Nanking that they must have been known to him, and although KIDO may not have been responsible for the outbreak he was to blame for its continuance. The first time he ever heard of the Nanking atrocities was after the end of the war.

Page If he had heard about it at the time, he would certainly have tried to do something, even though it was not a matter of Cabinet responsibility.

30842 * In March, 1938, there was public demand to judge Professor OUCHI and others who had been arrested in February and were awaiting trial on suspicion of communistic activities. Notwithstanding this, KIDO discussed the matter with three university professors and refused to purge OUCHI and the others pending their trial. While Education Minister, he sought and obtained the views of educational critics so as to better fulfill his duties.

30843 Exhibit 266, an article in the Tokyo Gazette entitled "The Japanese Spirit", was not written, edited, nor published by KIDO. * The first time he saw it was in the Tribunal. It was not a policy-making document of the Ministry. It was the custom in the ministries for individuals in the department to write articles for "Shu Ho", a weekly publication of the Board of Information. Manuscripts were collected and sent to the Board of Information, after approval of the vice-ministers contributions to the "Shu Ho", which were exclusively in their charge.

30844 The article "Enhancement of the Japanese Spirit" published in the "Shu Ho" was not written, edited, published, or approved, nor ever seen until recently by KIDO. * His efforts to find out who wrote it had been unavailing. After articles were published in the "Shu Ho", the Information Bureau would submit them for translation and publication in English in the Tokyo Gazette.

Exhibit 266 omitted one line which read that the Empire's action in the China Affair did not contemplate aggression or conquest.

30845 * As further evidence of his desire to settle the Incident, exhibit 2261 showed that General HONJO had the same opinion as ITAGAKI, ISHIHARA, and others, that the China Affair had to be settled as soon as possible. The exhibit showed that ISHIHARA told KIDO that it was not good that Japan had no dealings with Chiang-Kai-shek, and the policy had to be changed. KIDO agreed, and promised to make efforts to that effect. They had begun to realize that breaking off relations with Chiang was improvident, and he had stated in his diary that it was necessary beforehand to give full consideration to prepare for breaking the impasse caused by the statement.

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* The Premier's mental attitude was disturbed, and it appeared difficult for him to remain in office. KONOYE told KIDO on 11 May, 1938, that they must launch upon a new stage. For this purpose, it was necessary to strengthen the Cabinet, but it was difficult to reconstruct it. He had two alternatives, either for the Cabinet to resign en bloc, or to start afresh with a new line-up. He asked KIDO to think this over.

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KIDO agreed with KONOYE. It would be difficult to settle the affair if things went on as they were, but when it came to a definite plan, it was no easy task. If the Cabinet resigned en bloc, it would be impossible for a succeeding one * to settle the affair unless suitable persons were appointed Ministers of War and Foreign Affairs. KONOYE was dissatisfied with the War Minister, SUGIYAMA, as were army circles, but no agreement of views were reached as to his successor. During the Diet session, criticisms were made against Foreign Minister HIROTA in connection with the statement refusing to deal with Chiang. Intelligent classes were skeptical as to the statement. KIDO thought the selection of a succeeding Foreign Minister would also be a big question. The retreat of the KONOYE Cabinet would have far-reaching effects in China, which would jump to the conclusion that the KONOYE Cabinet quit because of its failure to settle the China Affair. Further, should a political change be brought with these questions unsettled, the succeeding Cabinet would not be in a position to attain any success.

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* Meanwhile, it transpired that SUGIYAMA would resign, to be replaced by ITAGAKI on 22 May. KIDO called on KONOYE regarding reconstruction of the Cabinet following the War Minister's change by enlisting the services of UGAKI, IKEDA, and others. At KONOYE's request, he spoke with HIROTA, and told him the Premier's intention, asking him to think over his resignation. KIDO was relieved to hear HIROTA say he had entered the Cabinet partly to help KONOYE and partly because of the recommendation of SAIONJI, and so, if his resignation was desirable, he would resign at any time.

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The War Ministry opposed Cabinet reconstruction, but KONOYE and KIDO opposed them, as they were determined to bring about a settlement of the Affair. To accomplish this, they evolved an idea which took form in the Cabinet reconstruction of 26 May, 1938, which made UGAKI, KIDO, and ARAKI join the cabinet. The appointment of ITAGAKI, who understood China and the Chinese and was popular with them, was intended for settling the affair.

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The selection of UGAKI as Foreign Minister aimed * at facilitating a rapprochement with Chiang. KIDO ceased being Education Minister on 26 May, 1938.

The diary entry of 26 May, 1938, showed that Chief Secretary KAZAMI told him that UGAKI wanted to postpone reorganization until the change in War Ministers was made, to which KIDO replied the Cabinet should be formed that day. Later in the day, KIDO met KAZAMI on the way to call on the Premier. UGAKI, it seemed, was uneasy about the change of War Ministers, but the reorganization plan had leaked out to the public, and furthermore, some of the War Ministry opposed the plan chiefly. If they hesitated it might become difficult to reorganize the Cabinet, and ITAGAKI's appointment might fail. Besides, if army opposition was strong, it might be all the more necessary to separate personnel changes of the army from the reorganization, and if reorganization failed because of army opposition, there might be an unfavorable impression in financial circles.

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* Thus KIDO strongly advised the Premier to execute reorganization at once, and told IKEDA that if reorganization failed, KONOYE would have to keep the Cabinet, if only for a month, to provide for future policies lest there be no way for KONOYE to apologize to the Emperor. KIDO stated it was necessary to complete reorganization that day, even by letting the Premier hold concurrently the office of Foreign Minister and by IKEDA as Finance and Commerce Minister if UGAKI did not consent. Calls to HARADA and KAYA resulted in persuasion on the part of YUKI and YAMASHITA, Kamesaburo, which had an unexpected prompt consent from UGAKI, and the reorganization plan was completed at 4 o'clock. During this whole time KONOYE and he were working on various plans. * Thus UGAKI was appointed Foreign Minister, IKEDA, Finance and Commerce, and ARAKI Education Minister. KIDO received an order that he was appointed Welfare Minister.

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KIDO dined with ITAGAKI on 18 June, 1938, and exchanged views with him on KONOYE's frame of mind, the necessity for an early termination of the China Affair, and the War Minister's intentions were revealed. * KIDO felt much reassured when he knew ITAGAKI was a person worth talking with.

On 23 July, 1938, he talked with KONOYE and stressed the necessity of concluding the Incident before the end of the year. At that time they also talked about the progress of the Five Ministers Council, but KIDO was not a member of it.