

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

 THE UNITED STATES OF AMERICA, ()
 et al.,)
 vs.) AFFIDAVIT OF BISHOP JAMES EDWARD
 WALSCH.
 ARAKI, Sadao, et al., ()
 Defendants.)

UNITED STATES OF AMERICA)
 STATE OF CALIFORNIA (SS.
 COUNTY OF SANTA CLARA)

I, JAMES EDWARD WALSH, being first duly sworn, on oath, depose and say:

That I am now, and was at all times herein mentioned, a Bishop of the Roman Catholic Church belonging to and affiliated with the Catholic Foreign Mission Society of America, also known as the Maryknoll Society; that at the time of the happening of the occurrence of the facts herein related I was Superior General of the said Maryknoll Society;

That General Muto, Akira occupied the position of Director of the Central Bureau of Military Affairs, with his office in Tokyo, at the time when I made his acquaintance. The following statement contains the facts that are known to me regarding the part taken by General Muto in the peace negotiations of 1941.

1. In late November, 1940, Father James M. Drought of Maryknoll (since deceased) and the undersigned were in Japan. While in Tokyo, we were asked by Mr. Matsuoka, then Minister of Foreign Affairs, if we would take a message to Washington to the effect that the Japanese Government wished to negotiate a peace agreement. As far as I recall, Mr. Matsuoka was not very definite about the terms of such an agreement. We were told by other officials and spokesmen that the Japanese Government proposed as basic terms of the agreement on their part: (1) a guarantee to nullify their participation in the Axis Pact, if not by public repudiation, at least in some definite manner that would be effective and complete, and (2) a guarantee to recall all military forces from China and to restore to China its geographic and political integrity. Other conditions bearing on the relations of Japan and the United States were to be explored and agreed upon in the conversations that it was hoped would ensue. These additional conditions, largely economic in nature, were also discussed with us; by Mr. Matsuoka to some little extent, but at greater length and with more detail by other representatives of the Japanese Government, among whom Mr. Tadao Ikawa (since deceased) known to us as a friend and unofficial representative of the then Prime Minister, Prince Konoye (also since deceased) was the most assiduous. Father Drought carried on most of the conversations, as I was largely occupied with missionary affairs.

When it was represented to us that the message could not be sent through the channel of the American Embassy, owing to the circumstance that the Embassy messages were intercepted and decoded by the nationals of other countries, we agreed to take the message, provided that some assurances would be forthcoming from representatives of the Japanese Army and Navy regarding the Japanese unanimity of purpose in reaching an agreement and carrying it out.

My line-a-day diary records the fact that Father Drought and the undersigned were introduced to General Muto by Tadao Ikawa on December 27, 1940. General Muto was then Chief of the Central Bureau of Military Affairs. We met him at his office in Tokyo. He did not appear to speak English, and neither Father Drought nor the undersigned understood Japanese. Accordingly, General Muto spoke in Japanese, and Mr. Ikawa translated his statements into English for us then and there. I, the undersigned, made no record of the conversation at the time, and I cannot pretend to recall now with complete precision the exact words that General Muto used. I recall distinctly, however, the substance of what General Muto said, particularly the following statements: (1) that he and his associates in the Japanese Army were in accord with the efforts to reach a peace agreement, and (2) that he would do all in his power to further and assist the efforts to conclude a peace agreement. From this interview Father Drought and I received the impression that General Muto was pledging himself - and as far as it lay in his power, the Army he represented - to concurrence in the proposed undertaking.

I do not recall that the actual terms of the proposed agreement were discussed with General Muto, although it is quite possible that they were. The interview lasted for some time - perhaps twenty minutes, perhaps a half hour; the conversation was leisurely and fairly lengthy, and in its course various pertinent points were touched upon. There may have been some mention of the terms. However, I am unable to assert of my own present knowledge that the terms were discussed. I have tried hard to recall this circumstance, but I possess no distinct recollection in regard to this particular point.

I seem to recall, though rather vaguely, that Father Drought had seen some representative of the Japanese Navy some days previously, and had received a similar assurance on behalf of the Navy. I do not recall who this representative of the Navy was, although I think that Father Drought must have mentioned his name to me at the time.

It had been represented to us from the beginning, chiefly by Mr. Ikawa but also by others, that the peace proposals not only had the concurrence of the Prime Minister (Prince Konoye), but were largely a matter of his initiation. We were told that we would be taken to see the Prime Minister before leaving, if we agreed to go to Washington. It was also made known to us that the proponents of the plan would feel more assurance if Father Drought and I both made the journey to Washington in person.

Father Drought and I had booked tentatively on a ship to return to America. It was to sail from Yokohama on December 28, 1940. The evening before the ship was to sail (later on the same day of our visit to General Muto) we were taken to the Prime Minister's office in Tokyo to see him. The Prime Minister was out at the time of our call, and we sailed the next day (December 28th) without seeing him. Our ship was the Nitta Maru.

2. Father Drought and I proceeded to New York, arriving there January 13, 1941. We got in touch with Mr. Hull, the Secretary of State, as promptly as we could. Mr. Hull arranged to have us explain the Japanese proposals in the presence of President Roosevelt and himself. On Thursday, January 23, 1941, we were in Washington, where we explained the matter to the best of our ability to the President and Mr. Hull. Mr. Frank C. Walker, the Postmaster General, was also present at the meeting, which took place in the President's office. The meeting lasted something like two and a half hours, perhaps slightly longer; and a lengthy explanation was given. The President and the Secretary of State thanked us for the trouble we had taken, and said they would take the matter under advisement.

I believe it was shortly after this interview that our Government decided to investigate the Japanese proposals, and entered into some conversations with representatives of the Japanese Government relative to the matter.

3. In June, 1941, I went again to Japan to resume my interrupted visitation of the Maryknoll missionaries there and elsewhere in the Far East. I sailed from San Francisco on June 5 and arrived in Japan on June 19. I carried out a complete visitation of our missionaries in Kyoto (Japan) and in Pyengyang (Korea). I wished to proceed to Fushun (Manchuria) for a similar visitation of our missionaries there, but I was informed by the local police in Korea that I would not be allowed to proceed to Manchuria. No reason was given for the prohibition. I returned to Kyoto (Japan) and had not been long there when I was sought out by Mr. Tadao Ikawa. Mr. Ikawa had been sent to Washington to take part in the peace agreement conversations, and had now concluded his mission and returned to Japan. He informed me that the peace proposals had encountered difficulties, but that there was still some hope of a successful termination. He asked me if I would lend my assistance in continuing the negotiations, particularly in the matter of helping to get messages to and from the State Department in Washington and to and from the American Embassy in Tokyo. On reflection I replied that I would do so to the extent I considered proper, if the American Embassy approved my doing so. This was in late August, 1941.

On consulting Mr. Eugene Dooman at the American Embassy in Tokyo, I was advised that my cooperation in the capacity outlined might prove useful, and I understood that I was more or less encouraged to perform this little function of helping to transmit information when need arose. I understood also that Mr. Dooman consulted Mr. Grew, the Ambassador, about this procedure and obtained his approval for it.

Mr. Ikawa and I then spent something like two months in facilitating the exchange of information and messages between the Japanese Government, on the one hand, and the United States Government as represented by the State Department in Washington and the American Embassy in Tokyo, on the other. There were many messages. All the messages for the State Department forwarded through my agency were sent by me by cablegram, under my own name and in plain English, but concealed under missionary phraseology, to Father Drought at Maryknoll, New York, for transmission to the officials of the State Department. All the messages for the American Embassy in Tokyo were taken to the Embassy personally by me and given to Mr. Eugene Dooman by word of mouth.

During this period I lived partly at the Fujiya Hotel in Miyanoshita, and partly at the Beach Hotel in Kamakura, sometimes in the company of Mr. Tadao Ikawa and sometimes alone. Mr. Ikawa awakened me very early one morning in the hotel at Miyanoshita and said that he thought it would be safer if we changed our place of residence. He explained that some of the extremist elements might make trouble for us, if we remained. I understood him to refer, not to the ordinary people, but to the militaristic and pro-Nazi elements in the Government or the Army or both. I distinctly recall Mr. Ikawa's statement at this time to the effect that General Muto was protecting our activities and would continue to do so to the best of his ability. However, he also said that it was not possible to safeguard us against every possible eventuality, so we removed at once to Kamakura.

At Kamakura I continued for another month to transmit messages in the manner already described. I did not see General Muto during this period, nor again at any time. I am satisfied that the exchange of messages could not have gone on in the open manner and to the extent it did without the active help of General Muto, although my conviction rests only on my knowledge of the situation then existing in Japan and the statements of Mr. Ikawa.

4. On October 14, 1941, I was asked by Mr. Ikawa if I would take another message from the Prime Minister (Prince Konoye) to President Roosevelt in Washington. I said I would consider it. I went to the American Embassy and consulted Mr. Eugene Dooman about the proposal. Mr. Dooman referred the matter to Mr. Grew, the Ambassador, and then advised me that the Embassy approved my taking the message. I then went to the Prime Minister's office, where I was given the message. Prince Konoye recited his message to me in Japanese, and it was rendered into English for me on the spot by Mr. Ito (described to me as Secretary of the Cabinet Information Board), who was present at the interview. The message was a short statement that reaffirmed the desire of the Japanese Government to conclude the peace agreement. Its real intent, as I was given to understand by Mr. Ikawa and Mr. Ito, was to intimate that the pressure of events on the Japanese Government was such that it would not be able to negotiate much longer, but would have to reach an agreement very soon or not at all. I tried to make this clear in a memorandum which I later gave Mr. Hull, the Secretary of State.

Mr. Ikawa then gave me a ticket on a Japanese plane that was to leave for Canton, China, the following day. He told me that the ticket had been secured for me by General Muto. He also gave me a safe-conduct letter from General Muto, written in Japanese script and signed with General Muto's name. This letter is now in the files at Maryknoll, New York. He also gave me a code name for General Muto, to be used in case it should become necessary to refer to him in later messages. The code name was "Flowers".

There is no doubt in my mind that the safe-conduct letter of General Muto enabled me to proceed successfully from Tokyo to Hongkong, preparatory to reaching Washington with my message. I left Tokyo on October 15, 1941. When the plane arrived in Fukuoka, the officials there appeared bent on making me turn back, until I produced the letter of General Muto. The same thing happened a few days later when I attempted to leave Canton, China, to go to Macao by boat and thence to Hongkong. The plane I had been on from Tokyo to Canton was filled with Japanese Army officers. It also stopped at Naha (overnight) and Formosa, but I do not recall if it was necessary to use General Muto's letter at these places.

While in Canton, I learned that a change had occurred in the Japanese cabinet and that Prince Konoye had resigned. At the first opportunity I cabled Mr. Ikawa in Tokyo to ask if there had been any change in policy or attitude that would affect the validity of the message I was carrying. Mr. Ikawa replied to me by a cable to Manila, in which he said that Flowers (General Muto) gave assurance that there had been no change.

I proceeded to Washington and delivered the message of Prince Konoye to Secretary Hull on or about November 15, 1941. Along with the message I also gave Mr. Hull an explanatory memorandum in which I noted the fact that General Muto had given the above assurance.

This concludes my knowledge of General Muto's participation in the efforts to conclude a peace agreement between Japan and the United States.

5. It is the opinion of the undersigned that General Muto was of vital assistance in initiating the efforts to reach a peace agreement between the United States and Japan, and in safeguarding the continuance of those efforts throughout the whole course of the subsequent negotiations.

6. The writer of this statement has never received any authorization from the Department of State of the United States to make public the information incidentally obtained by him through the performance of the little commission herein described. The statement has been prepared at the request of Messrs. Hunt, Hill and Betts of New York City for its possible use in a court proceeding, and its use for any other purpose is not authorized by me.

/s/ James Edward Walsh, M.M.

Subscribed and sworn to before me
this 8th day of July, A.D., 1947.

/s/ Marshall S. Hall
Notary Public in and for the County
of Santa Clara, State of California.

STATE OF CALIFORNIA ()
 () SS.
COUNTY OF SANTA CLARA ()

I, Albert J. Newlin, Clerk of said County, and of the Superior Court in and for said County, the same being a Court of Record, having by law a seal, hereby certify that Marshall S. Hall whose name is subscribed to the certificate of proof, acknowledgment or affidavit of the annexed instrument, and thereon written, was at the time of taking such proof, acknowledgment or affidavit a Notary Public within and for said County, residing in said County, duly appointed commissioned and sworn, and authorized by the laws of said State to administer oaths, and to take the acknowledgments and proofs of deeds or conveyances of lands, tenements and hereditaments, in said State, and other instruments to be recorded therein and to certify the same; that full faith and credit are and ought to be given to his official acts; and I further certify that I have compared the signature to the original certificate with that deposited in this office by such person and verily believe that the signature to the attached certificate is his genuine signature, and said certificate is required to be under seal, but the person signing such certificate is not required by law to file in this office an impression of his official seal.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court at San Jose in said County and State on the 8th day of July 1947.
/s/ Albert J. Newlin . Clerk

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STATE OF CALIFORNIA)
 () SS.
COUNTY OF SANTA CLARA)

On this 8th day of July, A.D., 1947, before me, Marshall S. Hall, a Notary Public in and for the County of Santa Clara, State of California, residing therein, duly commissioned and sworn, personally appeared JAMES EDWARD WALSH, a Bishop in the Roman Catholic Church belonging to and affiliated with the Catholic Foreign Mission Society of America, also known as the Maryknoll Society, known to me to be the person who subscribed his name to the foregoing statement and he acknowledged to me that he executed the same.

/s/ Marshall S. Hall
Notary Public in and for the County
of Santa Clara, State of California.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,
IN AND FOR THE COUNTY OF SANTA CLARA

STATE OF CALIFORNIA, (
COUNTY OF SANTA CLARA (

I, John D. Foley, one of the Judges of the Superior Court of said State and County, do hereby certify that ALBERT J. NEWLIN whose name is subscribed to the foregoing Certificate of Attestation, now is, and was at the time of signing and sealing the same, Clerk of Santa Clara County, State of California, and ex-officio Clerk of said above named Court and keeper of the Records and Seals thereof, duly elected and qualified; that full faith and credit are and of right ought to be given to all of his official acts as such in all Courts of Record and elsewhere; that said signature is genuine, and that his said attestation is in due form of law and by the proper officer.

Given under my hand this 8th day of July, A. D. 1947

/s/ John D. Foley
Judge of the Superior Court of the State of California, in and for the County of Santa Clara

STATE OF CALIFORNIA, (
COUNTY OF SANTA CLARA (

I, Albert J. Newlin Clerk of Santa Clara County, and ex-officio Clerk of the Superior Court in and for said County and State, do hereby certify that JOHN D. FOLEY, whose genuine signature appeared to the foregoing certificate, was, at the time of signing the same, one of the Judges of the Superior Court of the State of California, in and for the County of Santa Clara, duly commissioned and qualified; that full faith and credit are and of right ought to be given to all his official acts, as such, in all Courts of Record and elsewhere.

In Testimony Whereof, I have hereunto set my hand, and affixed the seal of said Court, at my office, this 8th day of July, A. D. 1947

/s/ Albert J. Newlin
County Clerk and ex-officio Clerk of the Superior Court of the State of California, in and for the County of Santa Clara