

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, THE REPUBLIC OF CHINA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE UNION OF THE SOVIET SOCIALIST REPUBLICS, THE COMMONWEALTH OF AUSTRALIA, CANADA, THE REPUBLIC OF FRANCE, THE KINGDOM OF THE NETHERLANDS, NEW ZEALAND, INDIA, AND THE COMMONWEALTH OF THE PHILIPPINES.

-AGAINST-

ARAKI, Sadao; DOHIMARA, Kenji; HASHIMOTO, Kingoro; HATA, Shunroku; HIRANUMA, Kiichiro; HIROTA, Koki; HOSHINO, Naoki; ITAGAKI, Seishuro; KAYA, Okinori; KIDO, Koichi; KIMURA, Heitaro; KOISO, Kuniaki; MATSUI, Iwane; MATSUOKA, Yosuke; MIYAMOTO, Jiro; MUTO, Akira; NAGANO, Osami; OKA, Takasumi; OKAWA, Shumei; OSHIMA, Hiroshi; SATO, Kenryo; SHIGEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATORI, Toshio; SUZUKI, Teiichi; TOGO, Shigenori; TOJO, Hideki; UMEZU, Yoshijiro. Defendants.

EXHIBIT NO. 1104

COUNTY OF SUFFOLK)
STATE OF NEW YORK) ss
UNITED STATES OF AMERICA.)

I, HENRY L. STIMSON, being duly sworn, on oath depose and say:

I was Secretary of State of the United States of America from March 5, 1929, to March 4, 1933. Prior to that time, in 1928, I was appointed Governor-General of the Philippine Islands, which office I held until I was named Secretary of State.

On the basis of my personal observation and contacts, as well as on the information coming to me in the course of my official duties, I verily believe the following statements to be true:

When I took office as Secretary of State, Japan, together with the United States and various other nations, was a party to the following treaties, pacts, and agreements, and others, or had subscribed to the principles therein announced:

- (1) The Convention for the Pacific Settlement of International Disputes, signed at the Hague 29 July 1899;
- (2) The Convention for the Pacific Settlement of International Disputes, signed at the Hague 18 October 1907;
- (3) The Hague Convention No. III relative to the Opening of Hostilities signed 18 October 1907;
- (4) Agreement effected by exchange of notes between the United States and Japan, signed 30 November 1908, declaring their policy in the Far East;

FILED
COPIES
RETURN TO ROOM 361

- (5) Treaty between the British Commonwealth of Nations, France, Japan, and the United States relating to their Insular possessions and Insular Dominions in the Pacific Ocean, 13 December 1921;
- (6) The Treaty between the United States of America, the British Commonwealth of Nations, Belgium, China, France, Italy, Japan, the Netherlands, and Portugal, concluded and signed at Washington 6 February 1922, known as the Nine-Power Treaty;
- (7) The Treaty concluded and signed at Paris 27 August 1928, known as the Kellogg-Briand Pact and as the Pact of Paris;
- (8) Convention respecting the Rights and Duties of Neutral Powers and Persons in War on land, signed at the Hague 18 October 1907.

As a party to the above-listed treaties, pacts, and agreements, and others, or as a subscriber to the principles therein announced, Japan had agreed, inter alia:

to use its best efforts to insure the Pacific settlement of international differences; in case of serious disagreement or conflict, before an appeal to arms, to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers; not to commence hostilities without previous and explicit warning; to maintain the existing status quo in the region of the Pacific Ocean and to defend the principle of equal opportunity for commerce and industry in China and to support the independence and integrity of China; in event of controversy in any Pacific questions to invite other Parties to a joint Conference; to respect the sovereignty, independence, and the territorial administrative integrity of China; to use its influence to effectually establish and maintain the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China; to refrain from seeking special or monopolistic privileges in China detrimental to the rights or interests of other foreign powers or their nationals; to condemn recourse to war for the solution of international controversies and to renounce war as an instrument of national policy; not to move troops or convoys across the territory of a neutral Power.

In 1931 Manchuria was actually and legally part of China. Japan claimed some exceptional rights in Manchuria, and many of these rights, while always asserted with emphasis, were not attested by documentary evidence which was unchallenged. Some of the treaties upon which Japanese claims rested were asserted by China to be either unauthentic or to have been executed under duress. Under cover of these treaties, however, Japan exercised powers of the administration and police throughout a zone which bordered the South Manchuria Railway, based upon the armed forces she was permitted to maintain. These areas included towns and portions of cities like Mukden and Changchun.

While there was no cleavage in Japanese feelings as to the existence and importance of special interests in Manchuria, there was a very fundamental difference in political thought in Japan as to the method by which that interest should be supported and enforced. This difference in general corresponded with the alignment between those leaders who were following the ideals of popular government on the one hand, and the conservative and military leaders on the other. The policy of the latter group rested ultimately upon military force, and assumed that Japan's rights were political and sovereign.

On the night of September 18, 1931, armed hostilities broke out in Manchuria, and Japanese forces occupied not only the city of Mukden, but other cities in South Manchuria. The incident which was claimed by the Japanese to have caused their action, namely an alleged act of sabotage by the Chinese on the South Manchurian Railway, diminished to such small proportions as strongly to suggest its actual non-existence. Meanwhile the Japanese army was found to have acted with such promptness as to make it evident that they were moving under a previously arranged strategic plan. By the afternoon of September 19, 1931, cities like Antung, Changchun, and Newchwang, several hundred miles from one another, had been occupied by the Japanese forces, who at once assumed the place of the civil authorities in those cities. Within forty-eight hours the whole of southern Manchuria, not only along the Japanese South Manchuria Railway, but also along some of the railroads built by the Chinese had thus been effectively occupied. The evidence pointed to a deliberate action planned and authorized by the highest Japanese authorities in Manchuria and possibly with direction from the high military command in Tokyo.

On September 25, 1931, the Japanese Ambassador in Washington left with the Under Secretary of State a Statement issued after an extraordinary meeting of the Japanese Cabinet on September 24, 1931. This Statement contained an assurance that while on September 21 a detachment was despatched from Changchun to Kirin it was not with a view to military occupation but only for the purpose of removing the menace to the South Manchuria Railway on flank, and that as soon as that object had been attained it would be withdrawn. The Statement contained a firm assurance that the Japanese Government harbored no territorial designs in Manchuria. As early as October 8, following this firm assurance on the part of Japan, I was informed by the American Charge in Tokyo that the Japanese General Staff had issued an information bulletin to foreign military attaches stating that Japan found it impossible to withdraw the Japanese Army to their original stations or even to the contiguous territory.

After the capture of Mukden by the Japanese on September 19, 1931, the headquarters of the Chinese Government and forces had been removed to Chinchow. Soon after September 30, General Honjo, the Japanese Commander-in-Chief in Manchuria, publicly announced that the Government of Marshal Hsueh-liang would no longer receive Japanese recognition. Other statements followed to the effect that Japanese forces would not cease their activities until Marshal Chang and his government were driven entirely out of Manchuria. Not only were these statements left without

reprimand from the Tokyo government, but Japanese military planes began to enforce this policy in a most drastic manner. On October 8, 1931, a squadron of eleven Japanese planes dropped thirty or forty bombs upon the unarmed and unwarned city of Chinchow, killing and wounding a number of the inhabitants. On its face this was an indefensible act of aggression. In the latter part of October, the Japanese high command in Manchuria sent a military expedition to Tsitsihar in northern Manchuria. This was several hundred miles north of any portion of the South Manchuria Railway and far outside the zone of any of the treaty rights which Japan claimed. This expedition defeated and destroyed the forces of Chinese General Ma Chan-shan and thus destroyed all the organized forces of Marshall Chang in North Manchuria.

The capture of Tsitsihar left the Chinchow District as the only fragment of Manchuria in which Marshal Chang's authority remained intact, and towards the latter part of November the Japanese forces began to move towards Chinchow. On behalf of the United States I made vigorous representations through diplomatic channels, and the Japanese forces were withdrawn to Mukden on November 28, 1931. On November 24, 1931, the Japanese Foreign Minister stated to the American Ambassador that "the Premier, the Secretary of War, the Chief of Staff and he are agreed that towards Chinchow there shall be no hostile operations and orders have been issued to that effect". After December 11, 1931, however, the movement towards Chinchow was resumed and that city was seized by the Japanese army on January 3, 1932. This completed the destruction of the organized forces of Marshal Chang and left the control of all Manchuria in the hands of the Japanese.

On October 26, 1931, the Japanese Government made public fundamental points upon which normal relations between China and Japan should be based, and it appeared then that they included the settlement of the entire question of the disputed treaty rights of Japan in Manchuria. While Japanese representatives disclaimed her intention to use military force to achieve her national objectives, it seemed clear that she was bent on doing just that very thing. Her army was not withdrawing; it was actually pushing forward and the Japanese government was declining to interfere until all these fundamental questions of national policy between the two nations should be settled.

On December 22, 1931, I received from the American Ambassador in Tokyo a telegram in which the Ambassador stated that the Prime Minister of Japan had called at the American Embassy and assured him that Japan would never allow a situation to arise in Manchuria which would be fraught with the danger of war, and that Chinese sovereignty would never be impaired. The Prime Minister reiterated that Japan merely desired the protection of Japanese persons and interests. In the same telegram the American Ambassador reported that active preparations were continuing for further operations in Manchuria where a free hand seemed to have been given to the military.

On December 22, 1931, I requested the American Ambassador in Japan to inform the Foreign Minister of my apprehension of Japanese forces taking action against Chinese regulars south of Chinchow. I requested the Ambassador to inform the Foreign Minister that a new

attack by Japanese forces on Chinese regulars would be regarded as unwarranted and would be interpreted as indicative of indifference to obligations assumed in various treaties to which Japan and China, as well as the United States, were parties. On December 27, 1931, I received a memorandum from the American Ambassador which had been delivered to him by the Vice Minister of Foreign Affairs in which it was stated that the Imperial Government was determined to remain loyal to the League of Nations Covenant, the No War Treaty, other various treaties and the two resolutions adopted by the Council of the League of Nations regarding the Manchurian situation. On December 29, 1931, the American Minister in China informed me that Marshal Chang Hsueh-liang ordered withdrawal of all Chinese forces from Manchuria, stating that he was motivated by a desire to deprive Japanese of any excuse for further aggression in North China.

On January 7, 1932, I sent a note to Japan and China informing them that the United States could not admit the legality of any situation de facto and did not intend to recognize any treaty entered into between those Governments which might impair the treaty rights of the United States or its citizens in China, including those which relate to the sovereignty, the independence, or the territorial and administrative integrity of China, or to the international policy relative to China, commonly known as the open door policy, and that the United States did not intend to recognize any situation, treaty or agreement which might be brought about by means contrary to the obligations of the Pact of Paris of August 27, 1928. On January 16, 1932, the Japanese government replied to our note of January 7. The argument made in that note was to the effect that China was in an "unsettled and distracted state" and that this fact relieved Japan from the obligation to carry out the covenants of the Nine Power Treaty and the League of Nations Covenant, which may be fairly said to have become the argument upon which Japan thereafter relied with the greatest assurance, but which was rejected as untrue and unsound by the unanimous report of the Lytten Commission.

In the middle of January, 1932, Japan's aggression in Manchuria seemed to have achieved success. By May 1, 1932, Japan had attempted to extend her aggressive action to the Yangtze River and to break up the efforts of the Chinese at Shanghai to maintain an economic boycott against her business. There Japan received a military set-back in being checked by Chinese soldiers. In the hostilities around Shanghai, on January 28, 1932, the Japanese forces bombed the unwarned and helpless civilian native quarter of Chapei. This was an act of inexcusable cruelty. Not only were bombs dropped upon positions held by Chinese troops, but incendiary bombs were used which soon had the entire quarter in flames. Thereafter, the Japanese barricaded the streets in the International Settlement of Shanghai, disarmed the police, and paralyzed all regular municipal functions. Numerous excesses against the Chinese population were committed, including many summary executions, and a veritable reign of terror resulted. The Japanese troops even invaded the American sector of defense at Shanghai where they committed acts of violence against Chinese. On February 24, 1932, I sent to Senator Borah, Chairman of the Committee on Foreign Relations of the Senate, a letter in which was outlined the position and policy of the American Government with respect to the situation in China in relation to the application of treaties.

Almost immediately after its army had overthrown the Chinese Government of Manchuria, Japan commenced to establish political and economic control over that country. This was done by forcible creation of an ostensibly independent but really puppet state controlled by Japan and known as Manchukuo. Thereafter, as soon as other nations had announced their intention not to recognize as valid any fruits of this conquest, the Japanese government proceeded to take further steps designed to make this policy of the rest of the world as difficult and ineffective as possible.

On April 4, 1932, the Japanese Ambassador in Washington called upon me and in the course of discussion, admitted that promises made by Japan had been broken but said that chauvinist conditions were so acute in Japan that the Government could not take any other position. On June 23, 1932, I received a telegram from Ambassador Grew in Tokyo that the press had cabled to America a statement by General Araki, Minister of War, before the Supreme Military Council to the effect that the resolutions of the League of Nations and statements made by Japan in regard to Manchuria before the establishment of Manchukuo could no longer be considered as binding on Japan.

On January 5, 1933, the Japanese Ambassador in Washington called upon me and stated that in any event Japan had no territorial ambition south of the Great Wall. He stated that his information as to the affair in Shantung was that it was a local incident, provoked by a minor outbreak of Chinese against Japanese there. On February 23, 1933, the Japanese Ambassador came to tell me on the instruction of his Government that the State of Manchukuo was determined to suppress irregular forces in the Province of Jehol, and that under the treaty between Manchukuo and Japan, Japan was obliged to support Manchukuo and therefore the Japanese forces were co-operating in this movement in Jehol. On February 27, 1933, I reminded the Japanese Ambassador that when the Manchurian outbreak occurred in September 1931, I had not attributed it to the Government of Japan or to the statesmen whom I used to know or to the people of Japan but to the efforts of a small group of persons of militaristic ambitions and desires. The Ambassador said that he knew this very well. I pointed out the importance of the treaties as instruments to preserve peace and the Ambassador said that he recognized this. He also said that on his part although he had been disappointed many times when he had given me assurances which were afterwards not carried out in Manchuria he still believed in his people and that sooner or later the moderate elements would not disappoint us. I told him at that time that I joined in his hope that this would be so.

I retired as Secretary of State on March 4, 1933 and was succeeded by the Honorable Cordell Hull who then assumed the burden of office in connection with Japanese-American relations.

(SEAL)

/s/ Henry L. Stimson
HENRY L. STIMSON

Subscribed to and sworn to before me
this 7 day of June, 1946.

/s/ Clifton F. Gardner
Notary Public in and for the County of Suffolk
State of New York. Commission expires March 30, 1947.

STATE OF NEW YORK)
) ss:
 County of Suffolk)

Form No. 115

I, R. FORD HUGHES, Clerk of the County of Suffolk, and also Clerk of the Supreme Court for said County, the same being a Court of Record, DO HEREBY CERTIFY that

Clifton F. Gardner

whose name is subscribed to the deposition or certificate of the proof or acknowledgment of the annexed instrument and thereon written was at the time of taking such deposition or proof or acknowledgment a NOTARY PUBLIC in and for such County, duly commissioned and sworn, and authorized by the laws of said State to take depositions and to administer oaths to be used in any Court of said State and for general purposes; and also to take acknowledgments and proofs of deeds of conveyances for land, tenements or hereditaments in said State of New York. And further that I am well acquainted with the handwriting of such NOTARY PUBLIC and verily believe that the signature of said deposition or certificate of proof or acknowledgment is genuine.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the said Court and County the 11 day of June 1946.

(SEAL)

/s/ R. Ford Hughes

Clerk.

The signature of the notary public, Clifton F. Gardner, we have caused by these presents to be exemplified and the seal of our said Court for said County to be hereunto affixed.

Witness, Hon. Thomas J. Cuff, Justice of our Supreme Court, in and for the Second Judicial Department of said State, this 11th day of June 1946, and in the 170th year of the Independence of the United States.

(SEAL)

/s/ R. Ford Hughes Clerk

I, Hon. Thomas J. Cuff, Justice of the Supreme Court of the State of New York, in and for the Second Judicial Department thereof, Do hereby certify, that R. Ford Hughes, whose name is subscribed to the preceding exemplification, is the Clerk of the County of Suffolk and Clerk of the Supreme Court, in and for said County, duly elected and sworn, and that full faith and credit are due to his official acts.

I FURTHER CERTIFY, that the Seal affixed to said exemplification is the proper Seal of said Court for said County, and that the attestation thereof is in due form of law and by the proper officer.

Witness my hand at the City of Brooklyn, this 11th day of June in the year 1946.

/s/ Thomas J. Cuff

Justice of the Supreme Court of the State of New York, in and for the Second Judicial Department.

STATE OF NEW YORK,)
County of Suffolk,) ss:

I, R. Ford Hughes, Clerk of the County of Suffolk,
and Clerk of the Supreme Court of the State
of New York, in and for said county, Do Hereby
Certify that

Hon. Thomas J. Cuff

(SEAL)

Whose name is subscribed to the preceding
certificate is Presiding Justice of the
Supreme Court of said State in and for the
second Judicial District, duly elected and
sworn, and that the signature of said Justice
to said certificate is genuine.

IN TESTIMONY WHEREOF I have hereunto set
my hand and affixed the Seal of said county
and Court, this 11th day of June 1946.

/s/ R. Ford Hughes Clerk.

CHARGE OUT SLIP

DATE

July 3

EVIDENTIARY DOC. NO. 2342

TRIAL BRIEF _____

EXHIBIT NO. 2216

BACKGROUND DOC. NO. _____

SIGNATURE

C. Stephens

ROOM NO.

314

*Original presented
in Court
ex 2216*

極東國際軍事裁判所

亞米利加合衆國、中華民國、大不列顛北愛爾蘭聯合王國、「ソビエト」社會主義共和國聯邦、濠洲聯邦、加奈陀、佛蘭西共和國、和蘭王國、新西蘭、印度及比律賓國

對

被告一荒木貞夫、土肥原賢二、橋本欽五郎、畑俊六、平沼騷一郎、廣田弘毅、星野直樹、板垣征四郎、賀屋興宣、木戶幸一、木村平太郎、小磯國昭、松井石根、松岡洋右、南次郎、武藤章、永野修身、岡徹純、大川周明、大島浩、佐藤賢了、重光葵、嶋田繁太郎、白鳥敏夫、鈴木貞一、東鄉茂德、東條英機、梅津美治郎、

。 。 。 。 。 。 。 。 。 。

西米利加合衆國、紐育州サツフオーク郡署名捺印

予、ヘンリ・エ・ステイン、正式宣誓シ、
密ツテ語言

予ハ一九三九年三月四日マデ、
REINURBEN TO ROOM 361 九三

三年（昭和八年）三月四日マデ、
ノ國務長官デアッタ。是ヨリ後一九二八年（昭和

三年ノ比律賓郡島總督ニ任命サレ國務長官ニ就任
スル迄其任ニアツタ。

予個人トシテノ觀察及接觸ヲ基礎トシ並ニ予ノ
職務中ニ這入ツタ情報ニ基キ次ノ記事ガ眞實ナル
コトヲ確信スル。

予ガ國務長官ニ任官セル時日本ハ亞米利加合衆
國及他ノ諸國ト共ニ左記諸條約、諸協約、諸協定
並ニ其他ノ締約國デアリ、又其ノ中ニ表明セラレ
タ主義ニ同意シタノデアツタ。

(一) 國際紛争平和的處理ニ關スル條約

一八九九年(明治三十二年)七月廿九日海牙ニ
於テ署名セラル。

(二) 國際紛争平和的處理ニ關スル條約

一九〇七年(明治四十年)十月十八日海牙ニテ
署名セラル。

(三) 開戰ニ關スル第三回海牙條約

一九〇七年(明治四十年)十月十八日署名セラ
ル。

(四) 亞米利加合衆國及日本間覺書交換ニ依リ成立セ
ル協定

一九〇八年(明治四十一年)十一月三十日ニ署
名シ、其ノ極東ニ於ケル政策ヲ發表ス。

(五) 太平洋ニ於ケル島嶼屬地並ニ島嶼領土ニ關スル

2216-3

全英聯邦

佛蘭西、日本及亞米利加合衆國ノ間ニ於ケル條約 一九二一年（大正十年）十二月十三日

(六) 亞米利加合衆國、全英聯邦、白耳義、中國、佛蘭西、伊太利、日本、和蘭、葡萄牙、間ニ於ケル條約、一九二二年（大正十一年）二月六日華府ニ於テ成立署名セラレ九ヶ國條約トシテ知ラル。

(七) 一九二八年（昭和三年）八月廿七日巴里ニ於テ、成立署名セラレタル條約
ケロツグトブリヤン協約竝ニ巴里協約トシテ知ラル。

(八) 陸戰ニ於ケル中立國竝ニ中立國人ノ權利義務尊重ニ關スル條約

海牙ニ於テ一九〇七年（明治四十年）十月十八日署名セララル。

右ニ列擧セル諸條約、諸協約及諸協定其ノ他ノ締約國トシテ又ハ其レニ表示セラレタル主義ノ同意國トシテ、日本ハ就中以下ニ同意セリ。
國際不和ノ平和的處理保障ノ爲メ最善ノ努力スルコト。重大ナル意見ノ相違又ハ衝突ノ場合、武力ニ訴フル前、事情ノ許ス限り、（一國又ハソレノ以上ノ友好國ノ周旋又ハ居中調停ヲ依頼

2216-4

スルコト。事前ノ明示的ナシニ敵對行爲ヲ開始セザルコト。

太平洋地區ニ於ケル現状維持及中國ニ於ケル商工業ニ對スル機會均等主義ヲ守リ、中國ノ獨立並ニ保全ヲ支持スルコト。太平洋問題ニ付キ何等カ紛争アル場合、他ノ締約國ヲ合同會議ニ召請スルコト、中國ノ主權、獨立、領土行政ノ保全ヲ尊重スルコト。

中國全土ニ亘ル全國家ノ商工業ニ對スル機會均等主義ヲ實際ニ建設シ、保持スルタメ盡力スルコト。

中國ニ於テ他ノ諸外國又ハ、ソレ等ノ國民ノ權利又ハ利益ニ有害トナル如キ特別的又ハ獨占的特權ヲ求ムルコトヲ自衛スルコト。國際間ノ論争解決ノ爲メ戰爭ニ訴フルコトヲ廢棄スルコト及國策ノ具トシテノ戰爭ヲ否認スルコト。

中立國領土ヲ通過シテ軍隊又ハ護送隊ヲ動かサザルコト。

一九三一年（昭和六年）滿洲ハ事實上及ビ法律上ニテモ中國ノ一部分デアツタ。日本ハ滿洲ニ於テ或ル例外的權利ヲ要求シタ。ソシテ之等ノ權利ノ多クノモノハ常ニ強力ニ主張サレタガ異議ノ中立ヲ受ケザル證據書類ヲ以テ立證サレ

ナカツタ。日本ノ要求ガ甚イテキタ條約ノ或ルモノハ正當ナルモノデモナク又強迫ニ依リ作り出サレタト中國ニ依リ主張セラレタノデアアル。然ルニ之等ノ條約ヲ口實トシテ、日本ハ駐屯ヲ許可サレテキル武裝兵力ニ基ヅキ南滿洲鐵道沿線ノ全地帯ニ亘リ行政權及警察權ヲ行使シタノデアアル。之等ノ地域中ニハ町並ニ奉天及長春ノ如キ一部ノ都市モ包マレテ居タノデアアル。

滿洲ニ於ケル特殊利益ノ存在及重要性ニ關スル日本人ノ氣持ニ於テハ、何等分裂ハナカツタガ、其ノ利益ヲ維持シ且ツ強化セシムル方法ニ關シテ日本ニ於ケル政治思想ニ實ニ根本的相異ガアツタ。此相異ハ大体一方ニ於テ民政思想ニ從フ指導者達ト他方保守的並ニ軍事的指導者トノ間ノ系列ニ相應スルノデアツタ。此ノ後者ノ國體ノ政策ハ總體的ニハ軍事力ニ依存シ、日本ノ權利ハ政治的並ニ主權的ナリト僭稱シタ。

一九三一年（昭和六年）九月十八日夜滿洲ニ於テ武力敵對行爲ガ勃發シ日本軍ハ奉天市ヲ占領スルノミナラズ南滿洲ニ於ケル他ノ都市ヲモ占領シタ。日本人ヲシテ其ノ行動ヲ引起コサザルヲ得ナカツタト日本人ニ依リ主張サレタ。即チ中國人ニ依ル南滿洲鐵道ノ妨業行爲ト主張

2216-6

サレタ。

事件ハ小部分ニ減少シテソレノ事實上ノ非存在ヲ強ク暗示シタ程デアツタ。

其ノ間ニ日本軍ハ豫メ準備シタ戰略計畫ニ基イテ行動シタルモノナルコトヲ明白ナラシムル程ソレ程迅速ニ行動シタコトガ判明シタノデアル。

一九三一年（昭和六年）九月十九日午後マデニ安東、長春及牛莊ノ如キ各々數百哩離レテキル都市ハ日本軍ニ占領サレ、日本軍ハ直チニ之等都市ノ民當局トシテノ地位ニ就イタノデアツタ。四十八時間内ニ全南滿洲、即ニ日本ノ南滿洲鐵道沿線ノミナラズ中國人ノ建設セル鐵道ノ若干ノ沿線迄モ事實上斯クシテ占領サレタノデアツタ。滿洲ニ於ケル日本最高當局ニ依リ、多分東京ノ最高軍司令官ヨリノ指示ニヨリ計畫セラレ承認セラレタル入念ナル行動ヲ證據ハ指摘シタノデアツタ。

一九三一年（昭和六年）九月廿五日華府ニ於ケル日本大使ハ一九三一年（昭和六年）九月廿四日日本内閣ノ臨時閣議ノ後發セラレタ聲明ヲ米國國務次官ニ委託シタ。此ノ聲明中ニ九月廿一日一校隊ガ長春ヨリ吉林ニ派遣サレタガ、之レハ軍事的占領ヲ目的トスルモノニアラズシテ

2216-7

單ニ南滿洲鐵道側面ニ對スル脅威ヲ除去スルヲ以テ目的トスルモノデアリ、然シテ該目的ガ達成サル、ト同時ニ該技術ハ撤退セラルルデアラウトノーツノ保障ガ含マレテキタ。此ノ聲明ニハ日本政府ハ滿洲ニ領土的野心ヲ抱カズト云フ確固タル保障ガ含マレテキタ。日本側ノ此ノ確固タル保障ニ次ギ、早クモ十月八日子ハ東京駐在米國代理大使ヨリ日本參謀本部ハ外國武官ニ對シ日本ハ日本軍ヲ其ノ原駐屯地又ハ隣接地域ニサヘモ撤退セシメ得ザルコトヲ發見セリト宣ベタル情報公報ヲ發セリト報告サレタノデアッタ。

一九三一年（昭和六年）九月十九日日本軍ノ奉天占領ノ後、中國政府及中國軍隊ノ本部ハ錦州へ移サレタ。九月三十日ノ後、關モナク在滿洲日本軍最高司令官、本庄大將ハ學良元師ノ政府ハ日本ノ承認ヲ最早ヤ受ケナイデアラウト公的ニ發表シタ。日本軍ハ張學良元師及彼ノ政府ガ完全ニ滿洲カラ追放セラル、迄ハ日本軍ノ活動ヲ中止セザルトノ旨ノ他ノ聲明ガ次イデ發セラレタ。

之等ノ聲明ガ東京政府カラ叱責セラレザルノミノミナラズ却テ日本軍用機ハ最モ峻烈ナル方法

ニテ此ノ政策ヲ實行シ始メタノデアアル。
 一九三一年（昭和六年）十月八日十一機ノ日本飛行機ヨリ成ル部隊ハ無防備無警告ノ金州へ三十乃至四十個ノ爆弾ヲ投下シソノ住民多數ヲ殺傷シタノデアアル。之レハ明ラカニ辨證シ得ベカラザル侵略行爲デアツタ。十月下旬滿洲ニ於ケル日本高級司令官ハ北滿洲齊齊哈爾ニ陸軍遠征隊ヲ派遣シタ。此ノ地ハ南滿洲鐵道ノ如何ナル部分ヨリシテモ北方數百哩アツタ。ソシテ日本ガ主張セル如何ナル條約上ノ權利ノ如何ナル地帯ヨリモ遙カ外域デアツタ。此ノ遠征軍ハ中國ノ馬占山將軍ノ部隊ヲ敗北サセ撃破シタ。斯クテ北滿洲ニ於ケル張元帥ノ組織セラレタル凡テノ部隊ヲ撃破シタノデアツタ。齊齊哈爾占領ハ金州地方ヲ張元帥ノ權力ガ無疵ノマ、殘存シ居ル滿洲ノ唯一ノ強リタル地區トナツタノデアアル。然シテ十一月下旬近クニ日本軍ハ金州方面ヘ行動ヲ開始シタ。予ハ合衆國ノ爲メニ外交上ノ機關ヲ通ジテ強硬ナル異議ヲ申立テタ。而シテ一九三一年（昭和六年）十一月廿八日日本軍ハ奉天迄撤退シタノデアツタ。一九三一年（昭和六年）十一月廿四日日本外務大臣ハ亞米利加大使ニ「首相、陸軍大臣、參謀總長及彼ハ金州方面ニハ敵對行爲アラザルコト及其ノ旨己ニ發令サレタリ」ト述べタ。然ルニ一九三一年（昭和六年）

2216-9

十二月十一日以後金州方面へノ行動ヲ再ビ始メラレ、ソシテ金州ハ一九三二年（昭和七年）一月三日日本軍ニ攻略サレタノデアツタ。茲ニ至テ張元帥ノ組織シタル軍隊ノ殲滅ハ完成シ全滿洲ノ支配ハ日本人ノ手ニ歸シタノデアツタ。

一九三一年（昭和六年）十月廿六日日本政府ハ中國ト日本間ノ通常關係ガソレニ依ルベキ基礎的諸點ヲ公表シタ。滿洲ニ於ケル日本ノ競爭中ノ條約上ノ權利ニ關スル全問題ノ解決ヲ抱含シテキタト當時ハ見エタノデアツタ。日本ノ代表ハ日本ノ國家目的ヲ成就スル爲メ武力ヲ使用スル意圖ヲ否認シタガ、日本ガ武力行使ヲナス事ヲ決心シタ事ハ明白ラシカッタ。日本軍隊ハ撤退セズ。更ニ實際上前進シツ、アリ、兩國間ニ於ケル國策上ノ全テノ基礎的問題ノ解決セラル、マデハ日本政府ハ干涉ヲ拒絶シテキタノデアツタ。

一九三一年（昭和六年）十二月廿二日予ハ東京ノ米國大使ヨリ一通ノ電報ヲ受取ツタ。ソノ中テ大使ハ日本ノ總理大臣ガ米國大使館ヲ訪問シ大使ニ對シ、日本ハ戰爭ノ危険ノ恐レアル事態ガ滿洲ニ於テ發生スルコトヲ決シテ許サナイシ、又中國ノ主權ハ決シテ損傷サレヌト彼ニ保障シタト述べタ。首相ハ日本ハ單ニ日本人及日本ノ利益ノ保護

2216-10

ヲ希望シタノデアルト繰返シテ云ツタ。尙電報中ニ於テ米國大使ハ滿洲ニ於ケル今後ノ行動ニ對スル活潑ナル準備ヲ爲サレ滿洲ニ於テハ軍ニ自由ガ與ヘラレタ後ニ見エルト報告シタ。

予ハ一九三一年（昭和六年）十二月廿二日在日本米國大使ニ金洲ノ南ニテ日本軍ノ中國正規兵ニ對シスル敵對行動ヲニ對スル予ノ危懼ヲ日本外務大臣ニ通告スルコトヲ命ジタ。予ハ大使ニ要求シテ外務大臣ニ日本軍ノ中國正規兵ニ對スル新シイ攻撃ハ不法ト見做サレ且ツ日本及中國側ニ亞米利加合衆國モ締約國デアル種々ナル條約ヨリ推定サレタル義務ニ無感心ナルヲ表示スルト解釋サレレテアラウト告ゲサセタ。

一九三一年（昭和六年）十二月廿七日予ハ米國大使ヨリ一通ノ覺書ヲ受取ツタ。其覺書ハ外務次官ヨリ彼ニ手交シタルモノニシテ帝國政府ハ國際聯盟規約、不戰條約、其ノ他ノ諸條約並ニ滿洲ノ事態ニ關スル國際聯盟會議ノ採用セル二ツノ決議ニ對シ、中實タランコトヲ決意シタ事ヲ述ベテキタ。一九三一年（昭和六年）十二月廿九日中國ニ於ケル米國公使ハ予ニ對シテ張學良ハ全中國軍ノ滿洲カラノ撤退ヲ命ジタト報告シ、華北ニ於ケル爾後ノ侵略ニ對スル如何ナル口實ヲモ日本カラ導

フ念願ニ依リ動機付ケラレタト述ベタ。一九三二年（昭和七年）一月七日予ハ日本ト中國ノ兩國ヘ覺書ヲ送リ亞米利加合衆國ハ事實上ノ如何ナル事態ノ合法性ヲ許容スルコトハ出來ナイ、ソシテ中國ニ於ケル亞米利加合衆國並ニソノ市民ノ條約上ノ權利ヲ害スルコトアルベキ、主權獨立、中國ノ領土的行政的保全又ハ中國ニ「スル國際政策、通例門戶開放主義トシテ知ラレテキルモノ、又亞米利加合衆國ハ一九二八年（昭和三年）八月廿七日ノパリ協約ノ義務ニ違反スルコトニ依リ生スルコトアルベキ如何ナル事態、條約、協定ヲ承認セズト告ゲタノデアツタ。

一九三二年（昭和七年）一月十六日日本政府ハ一月七日附ノ我が覺書ニ對シ回答ヲナシタ。該覺書ノ附議ハ、中國ハ不安定デアリ、混亂状態ニアリ、本事實ハ九ヶ國條約ノ規約及ビ國際聯盟條約ヲ實行スル義務カラ日本ヲ解放スルモノデアルトノ主旨デアツタ。コレヲ日本ガ爾後最大ノ保障ヲ以テ證據トスル様ニナツタト云ツテモ差支ヘナイデアラウ、併シソレハ「リットン」委員會ノ一致セル報告ニ依リ眞實ナラズ又不確實ナリトシテ拒否サレタノデアツタ。

一九三二年（昭和七年）一月中旬ニ滿洲ニ於

ケル日本ノ侵略ハ成就シタルモノト思ハレタ。

一九三二年（昭和七年）五月一日迄ニ日本ハ揚子江迄其ノ侵略行爲ヲ發展サセ、ソシテ上海ニ於ケル中國人ガ日本人ノ事業ニ對シ經濟的共同排斥ヲ持續セントスル努力ヲ破壞セント試ミタノデアツタ。

其所デ日本軍ハ中國兵ニ依リ阻止サレ軍事的退行ヲ受ケタ。

上海周邊ノ騷擾ニ於テ一九三二年（昭和七年）一月廿八日日本軍ハ無警告、無力ノ閘北ノ一般中國人街ヲ爆撃シタ。之レハ辯解ヲ許シ得ザル惡慮行爲デアツタ。單ニ中國軍ノ保持スル障地ニ爆撃ガ落サレタノミナラズ、燒夷彈ヲ用ヒテ全地區ヲ直ニ延焼セシメタノデアツタ。其ノ後上海ノ國際租界中ノ街路ヲ閉塞シ、警察ノ武装解除ヲナシ、正規ノ市政機能ヲ全部麻痺シタノデアツタ。中國人ニ對スル多數ノ不法行ハレ、多クノ即決處刑ガ含マレテ居リ、全クノ強怖時代ガ出現シタノデアツタ。日本軍隊ハ上海ニ於ケル米國ノ防禦地域ヘサヘモ侵入シテソコデ中國人ニ對シ暴行行爲ヲ行ツタノデアツタ。一九三二年（昭和七年）二月廿四日予ハ上院ノ外交關係委員會委員長、上院議員「ボラー」氏ニ書面ヲ送り條約ノ適用ニ關スル中國ニ於ケル情勢

2216-13

ニ際シスル米國政府ノ立場及ビ政策ノ要領ヲ述
ベタ。

日本軍が滿洲ニ於ケル中ロ政府ヲ傾覆シタ直
後、日本ハ其ノ國ニ政治上經濟上ノ支配ヲ確立
セント着手シタ。表面ハ獨立ナルモ事實ハ日本
ニ支配セラレ、滿洲國トシテ知ラレル傀儡國家
ヲ強制的ニ創設スルコトニ依リコレハ成サレタ
ノデアツタ。

其後他ノ諸國ガコノ征服ノ如何ナル收益モ正當
ナルモノトシテ認メザルノ意思表示ヲ爲スヤ否
ヤ、日本政府ハ世界ノ他ノ部分ノコノ政策ヲ出
來ル丈ケ困難ニシ無力ニスベク意圖サレタ一層
進ンダ手段ヲ取ルコトニ着手シタノデアツタ。

一九三二年（昭和七年）四月四日在華府日本
大使ハ予ヲ訪問シ參談中日本ガナシタ種々ノ約
束ガ破ラレタコトヲ認メ、シカシ日本ニ於テハ
對外強硬論ノ狀態ガ非常ニ烈シイノデ政府ハ他
ノ如何ナル態度モ取ルコトガ出來ナカツタト云
ツタ。一九三二年（昭和七年）六月廿三日予ハ
在東京米國大使「ダルー」ヨリ陸軍大臣荒木大
將ガ軍事參謀官會議ニ於テ爲シタ滿洲國建國以
前ノ滿洲ニ關スル國際聯盟ノ決議竝ニ日本ガナ
シタ聲明ハ最早ヤ日本ヲ拘束スルト思考スルヲ
得ズトノ旨ノ聲明ヲ新聞ガ亞米利加ニ打電セリ

2216-14

トノ事ヲ受ケタ。

一九三三年（昭和八年）一月五日在華府日本大使ハ予ヲ訪問シテ兎ニ角日本ハ萬里ノ長城以南ニ領土的野心ヲ有セザル旨申述ベタ。

山海關事件ニ關スル彼ノ情報ハソレハ單ナル一地方的出來事ニシテ同地ノ日本人ニ對スル中國人ノ小サナ暴動ニ依リ惹起セラレタルモノデアツタト彼ハ述ベタ。一九三三年（昭和八年）二月廿三日日本大使ハ日本政府ノ指令ニ基キ予ヲ訪問シ滿洲國ハ熱河省ニ於ケル雜軍ノ鎮壓ヲ決意シタ。而シテ滿洲國ト日本トノ條約ニ從ツテ日本ハ滿洲國ヲ支援スル義務ガアリ、之レガ爲メニ日本軍ハ熱河省内ニ於ケル此ノ行動ニ協力シツ、アルノデアアル。ト予ニ語ツタ。

一九三三年（昭和八年）二月廿七日予ハ日本大使ニ一九三一年（昭和六年）九月滿洲事變ガ勃發シタ時ニ予ハ其レヲ日本政府或ハ予ノ知ツテキタ政治家達或ハ日本國民ニデナク、少數ノ軍事的野心並ニ要求ヲ有スル人々ノ一小團體ノ努力ニ歸セシメタ事ヲ想起セシメタノデアツタ。大使ハソレヲ充分承知シテ居ルト云ツタ。予ハ平和維持ノ具トシテノ條約ノ重要佐ヲ指摘シタル處大使ハ之レヲ承認シタト云ツタ。彼ハ又彼

2216-15

ガ予ニ與ヘタ保障ガ後ニ滿洲ニ於テ實行サレナ
カツタ時ニ態度モ失望シタガ彼トシテハ彼ハ末
ダ彼ノ國民ヲ信ジテ居リ、早晚溫和分子ガ吾等
ヲ失望サセハシナイデアラウト語ツタ。

其時予ハ此ノ事ガ左様ニナル様ニトノ彼ノ希望
ニ加ハルト彼ニ語ツタ。

予ハ一九三三年（昭和八年）三月四日國務長
官ヲ信任シ、コイデル。ハル氏が引繼イダ。
彼ハソレカラ日米關係ニ干スル任務ノ重荷ヲ引
受ケラレタノデアツタ。

ヘンリー・エル・スチムソン （署名）

右一九四六年（昭和二十一年）六月七日

經育州サツフオーク郡公証人

クリフトン・エフ・ガードナー
ノ面前ニ於テ宣誓署名ス。

書類番号ニ二一六

「ニューヨーク州」
「サフォーク郡」
S.S.

書式第一一五号

予、即チ「サフォーク」郡書記、同レ記録裁判所タル同郡大審院書記「R. フォード ヒューズ」ハ左記ノ證明ヲ為ス。即チ證言書又ハ添附書面ノ立證又ハ承認ノ證明書ニ其ノ名ガ署名セラシ又其ノ上ニ其ノ名ガ記載セラレ居ル「クリフトン F. カードナー」

ハ右ノ證言書作成立證又ハ承認ヲ行フニ際シテ同郡所屬ノ公證人デアリ正當ニ依託ヲ受ケ宣誓シ且ツ同州ノ法律ニ依リ同州ノ何レノ裁判所ニ於テモ又一般目的ノ為ニモ有効ナル證言書ヲ作成シ宣誓ヲ施行スル權限及ビ該「ニューヨーク州」ニ於ケル土地保有物權及ビ相続不動産物權讓渡證書ノ認證又ハ立證ヲナス權限ヲ附與セラレ居ルコト 尚且ツ予ハ右公證人ノ筆蹟ヲ熟知シ居リ上記證言書、立證又ハ承認ノ證明書ノ署名ガ真正ナルコトヲ確信スルモノナルコトヲ證明ス

石ノ證明ニ際シ予ハ千九百四十六年六月十一日署名ヲナシ石裁判所及ビ右郡ノ印ヲ押捺ス。

(印)

(署名)書記

「R. フォード ヒューズ」

本證ニ依リ公證人「クリフトン F. カードナー」ノ署名ヲ認證セラシメ、同郡同裁判所ノ印ヲ押捺セシム 證人「トマス J. カフ」

No. 16

同州第二裁判区所屬 当大審院判事

千九百四十六年六月十一日 合衆國獨立百七十年
(署名)書記「R. フォード ヒューズ」
(印)

予即チ「ニューヨーク州」ヲニ裁判区所属「同州大審院判事」トマス
「ホーク」ハソノ名ノ前記認證書ニ署名セラレアル「R. フォード・ヒューズ」ガ
正當ニ選任セラレ、宣誓ヨリシタル「サーク」郡所属ノ郡書記且ツ大
審院書記ナルト並ニソノ公務上ノ行為ハ十分信頼ト信用ニ値ヒ
スルコトヲ証明ス。

尚右認證書ニ押捺セラレタル印ハ同郡同裁判所ノ正當ナル印
ナルコト及ビソノ証明ハ法ノ正當ナル形式ニ依リ且正當ナル官吏ニ
依ツテ行ハレタル事ヲ証明ス
一九百零六年六月十日「バルツクリン」布ニ於テ署名ス
「オニ裁判区所属」ニューヨーク州大審院判事
(署名) 「トマス J. カフ」

「ニューヨーク州」
「サーク郡」 S. S

予即チ「サーク」郡所属郡書記「ニューヨーク州大審院書記」R.
「フォード・ヒューズ」ハソノ名前前記認證書ニ署名セル「トマス J. カフ」ガ正
當ニ選任セラレ、宣誓ヨリシタル「オニ裁判区所属」同州大審院長々
ルコト及ビ右認證書ニサレタル右判事署名ハ真正ナルコトヲ証明

ス
右ノ証明ニ際シ予ハ一九百零六年六月十日署名シ右郡及ビ裁判
所ノ印ヲ押捺ス、
(印) 署名 書記
「R. フォード・ヒューズ」

CHARGE OUT SLIP

OCT 24 1946

DATE _____

EVIDENTIARY DOC. NO. 7216

TRIAL BRIEF _____

EXHIBIT NO. 1104

BACKGROUND DOC. NO. _____

SIGNATURE *J. J. [unclear] (J. J. K)*

ROOM NO. 371

INTERNATIONAL PROSECUTION SECTION

Doc. No. 2216

25 June 1946

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT

Title and Nature: Affidavit of Hon. Henry L. STIMSON
on Japanese Military Aggression in MANCHURIA

Date: 7 June 1946 Original Copy Language:
English

Has it been translated? Yes No

Has it been photostated? Yes No

LOCATION OF ORIGINAL

Document Division

SOURCE OF ORIGINAL: Dept of Justice

PERSONS IMPLICATED: HIROTA, Koki; MINAMI, Jiro

CRIMES TO WHICH DOCUMENT APPLICABLE: Military Aggression,
Manchuria; violation Nine-Power Treaty, League of Nations
Covenant.

SUMMARY OF RELEVANT POINTS

Mr. Stimson charges certain military and political groups with adapting policy of expansion by military force in Far East, holding Japan's rights were political and sovereign.

Cites swift Japanese occupation of Manchurian cities after MUKDEN Incident, violation of pledge by Japanese ambassador on Sept 25, 1931, and statement of General HONJO (not challenged by Home Government) that Japanese forces would drive Marshall CHANG out of all Manchuria, as evidence of a long-planned policy of aggrandizement.

In Nov 31 SHIDEHARA told American Ambassador no further move toward CHINCHOW would be made. Dec 11 movement resumed however (cabinet resigned Dec 12) and city seized on 3 Jan 1932.

Doc. No. 2216

Page 1

Doc. No. 2216 - Page 2 - SUMMARY Cont'd

In further diplomatic moves Japan disclaimed all intention of establishing hegemony, meanwhile using military force to accomplish just that, arguing that "unsettled state" in China relieved her of obligation to carry out Nine-Power Treaty and League of Nations Covenant, a stand rejected by Lytton Commission.

Political and economic control followed with creation of the puppet state in MANCHUKUO.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, THE REPUBLIC OF CHINA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE UNION OF THE SOVIET SOCIALIST REPUBLICS, THE COMMONWEALTH OF AUSTRALIA, CANADA, THE REPUBLIC OF FRANCE, THE KINGDOM OF THE NETHERLANDS, NEW ZEALAND, INDIA, AND THE COMMONWEALTH OF THE PHILIPPINES.

-AGAINST-

ARAKI, Sadao; DOHIHARA, Kenji; HASHIMOTO, Kingoro; HATA, Shunroku; HIRANUMA, Kichiro; HIROTA, Koki; HOSHINO, Naoki; ITAGAKI, Seishuro; KAYA, Okinori; KIDO, Koichi; KIMURA, Heitaro; KOISO, Kuniaki; MATSUI, Iwane; MATSUOKA, Yosuke; MINAMI, Jiro; MUTO, Akira; NAGANO, Osami; OKA, Takasumi; OKAWA, Shumei; OSHIMA, Hiroshi; SATO, Kenryo; SHIGEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATORI, Toshio; SUZUKI, Teiichi; TOGO, Shigenori; TOJO, Hideki; UMEZU, Yoshijiro. Defendants.

- - - - -

COUNTY OF SUFFOLK)
STATE OF NEW YORK) ss
UNITED STATES OF AMERICA.)

I, HENRY L. STIMSON, being duly sworn, on oath depose and say:

I was Secretary of State of the United States of America from March 5, 1929, to March 4, 1933. Prior to that time, in 1928, I was appointed Governor-General of the Philippine Islands, which office I held until I was named Secretary of State.

On the basis of my personal observation and contacts, as well as on the information coming to me in the course of my official duties, I verily believe the following statements to be true:

When I took office as Secretary of State, Japan, together with the United States and various other nations, was a party to the following treaties, pacts, and agreements, and others, or had subscribed to the principles therein announced:

- (1) The Convention for the Pacific Settlement of International Disputes, signed at the Hague 29 July 1899;
- (2) The Convention for the Pacific Settlement of International Disputes, signed at the Hague 18 October 1907;
- (3) The Hague Convention No. III relative to the Opening of Hostilities signed 18 October 1907;
- (4) Agreement effected by exchange of notes between the United States and Japan, signed 30 November 1908, declaring their policy in the Far East;
- (5) Treaty between the British Commonwealth of Nations, France, Japan, and the United States relating to their Insular possessions and Insular Dominions in the Pacific Ocean, 13 December 1921;
- (6) The Treaty between the United States of America, the British Commonwealth of Nations, Belgium, China, France, Italy, Japan, the Netherlands, and Portugal, concluded and signed at Washington 6 February 1922, known as the Nine-Power Treaty;
- (7) The Treaty concluded and signed at Paris 27 August 1928, known as the Kellogg-Briand Pact and as the Pact of Paris;
- (8) Convention respecting the Rights and Duties of Neutral Powers and Persons in War on land, signed at the Hague 18 October 1907.

As a party to the above-listed treaties, pacts, and agreements, and others, or as a subscriber to the principles therein announced, Japan had agreed, inter alia:

to use its best efforts to insure the Pacific settlement of international differences; in case of serious disagreement or conflict, before an appeal to arms, to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers; not to commence hostilities without previous and explicit warning; to maintain the existing status quo in the region of the Pacific Ocean and to defend the principle of equal opportunity for commerce and industry in China and to support the independence and integrity of China; in event

of controversy in any Pacific questions to invite other Parties to a joint Conference; to respect the sovereignty, independence, and the territorial administrative integrity of China; to use its influence to effectually establish and maintain the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China; to refrain from seeking special or monopolistic privileges in China detrimental to the rights or interests of other foreign powers or their nationals; to condemn recourse to war for the solution of international controversies and to renounce war as an instrument of national policy; not to move troops or convoys across the territory of a neutral Power.

In 1931 Manchuria was actually and legally part of China. Japan claimed some exceptional rights in Manchuria, and many of these rights, while always asserted with emphasis, were not attested by documentary evidence which was unchallenged. Some of the treaties upon which Japanese claims rested were asserted by China to be either unauthentic or to have been executed under duress. Under cover of these treaties, however, Japan exercised powers of the administration and police throughout a zone which bordered the South Manchuria Railway, based upon the armed forces she was permitted to maintain. These areas included towns and portions of cities like Mukden and Changchun.

While there was no cleavage in Japanese feelings as to the existence and importance of special interests in Manchuria, there was a very fundamental difference in political thought in Japan as to the method by which that interest should be supported and enforced. This difference in general corresponded with the alignment between those leaders who were following the ideals of popular government on the one hand, and the conservative and military leaders on the other. The policy of the latter group rested ultimately upon military force, and assumed that Japan's rights were political and sovereign.

On the night of September 18, 1931, armed hostilities broke out in Manchuria, and Japanese forces occupied not only the city of Mukden, but other cities in South Manchuria. The incident which was claimed by the Japanese to have caused their action, namely an alleged act of sabotage by the Chinese on the South Manchuria Railway, diminished to such small proportions as strongly to suggest its actual non-existence. Meanwhile the Japanese army was found to have acted with such promptness as to make it evident that they were moving under a previously arranged strategic plan. By the afternoon of September 19, 1931, cities like Antung, Changchun, and Newchwang, several hundred miles from one another, had been occupied by the Japanese forces, who at once assumed the place of the civil authorities in those cities. Within forty-eight hours the whole of southern Manchuria, not only along the Japanese South Manchuria Railway, but also along some of the railroads built by the Chinese had thus been effectively occupied. The evidence pointed to a deliberate action planned and authorized by the highest Japanese authorities in Manchuria and possibly with direction from the high military command in Tokyo.

On September 25, 1931, the Japanese Ambassador in Washington left with the Under Secretary of State a Statement issued after an extraordinary meeting of the Japanese Cabinet on September 24, 1931. This Statement contained an assurance that while on September 21 a detachment was despatched from Changchun to Kirin it was not with a view to military occupation but only

for the purpose of removing the menace to the South Manchuria Railway on flank, and that as soon as that object had been attained it would be withdrawn. The Statement contained a firm assurance that the Japanese Government harbored no territorial designs in Manchuria. As early as October 8, following this firm assurance on the part of Japan, I was informed by the American Charge in Tokyo that the Japanese General Staff had issued an information bulletin to foreign military attaches stating that Japan found it impossible to withdraw the Japanese Army to their original stations or even to the contiguous territory.

After the capture of Mukden by the Japanese on September 19, 1931, the headquarters of the Chinese Government and forces had been removed to Chinchow. Soon after September 30, General Honjo, the Japanese Commander-in-Chief in Manchuria, publicly announced that the Government of Marshal Hsueh-liang would no longer receive Japanese recognition. Other statements followed to the effect that Japanese forces would not cease their activities until Marshal Chang and his government were driven entirely out of Manchuria. Not only were these statements left without reprimand from the Tokyo government, but Japanese military planes began to enforce this policy in a most drastic manner. On October 8, 1931, a squadron of eleven Japanese planes dropped thirty or forty bombs upon the unarmed and unwarned city of Chinchow, killing and wounding a number of the inhabitants. On its face this was an indefensible act of aggression. In the latter part of

October, the Japanese high command in Manchuria sent a military expedition to Tsitsihar in northern Manchuria. This was several hundred miles north of any portion of the South Manchuria Railway and far outside the zone of any of the treaty rights which Japan claimed. This expedition defeated and destroyed the forces of Chinese General Ma Chan-shan and thus destroyed all the organized forces of Marshal Chang in North Manchuria.

The capture of Tsitsihar left the Chinchow District as the only fragment of Manchuria in which Marshal Chang's authority remained intact, and towards the latter part of November the Japanese forces began to move towards Chinchow. On behalf of the United States I made vigorous representations through diplomatic channels, and the Japanese forces were withdrawn to Mukden on November 28, 1931. On November 24, 1931, the Japanese Foreign Minister stated to the American Ambassador that "the Premier, the Secretary of War, the Chief of Staff and he are agreed that towards Chinchow there shall be no hostile operations and orders have been issued to that effect". After December 11, 1931, however, the movement towards Chinchow was resumed and that city was seized by the Japanese army on January 3, 1932. This completed the destruction of the organized forces of Marshal Chang and left the control of all Manchuria in the hands of the Japanese.

On October 26, 1931, the Japanese Government made public fundamental points upon which normal relations between China and Japan should be based, and it appeared

then that they included the settlement of the entire question of the disputed treaty rights of Japan in Manchuria. While Japanese representatives disclaimed her intention to use military force to achieve her national objectives, it seemed clear that she was bent on doing just that very thing. Her army was not withdrawing; it was actually pushing forward and the Japanese government was declining to interfere until all these fundamental questions of national policy between the two nations should be settled.

On December 22, 1931, I received from the American Ambassador in Tokyo a telegram in which the Ambassador stated that the Prime Minister of Japan had called at the American Embassy and assured him that Japan would never allow a situation to arise in Manchuria which would be fraught with the danger of war, and that Chinese sovereignty would never be impaired. The Prime Minister reiterated that Japan merely desired the protection of Japanese persons and interests. In the same telegram the American Ambassador reported that active preparations were continuing for further operations in Manchuria where a free hand seemed to have been given to the military.

On December 22, 1931, I requested the American Ambassador in Japan to inform the Foreign Minister of my apprehension of Japanese forces taking action against Chinese regulars south of Chinchow. I requested the Ambassador to inform the Foreign Minister that a new attack by Japanese forces on Chinese regulars would be

regarded as unwarranted and would be interpreted as indicative of indifference to obligations assumed in various treaties to which Japan and China, as well as the United States, were parties. On December 27, 1931, I received a memorandum from the American Ambassador which had been delivered to him by the Vice Minister of Foreign Affairs in which it was stated that the Imperial Government was determined to remain loyal to the League of Nations Covenant, the No War Treaty, other various treaties and the two resolutions adopted by the Council of the League of Nations regarding the Manchurian situation. On December 29, 1931, the American Minister in China informed me that Marshal Chang Hsueh-liang ordered withdrawal of all Chinese forces from Manchuria, stating that he was motivated by a desire to deprive Japanese of any excuse for further aggression in North China.

On January 7, 1932, I sent a note to Japan and China informing them that the United States could not admit the legality of any situation de facto and did not intend to recognize any treaty entered into between those Governments which might impair the treaty rights of the United States or its citizens in China, including those which relate to the sovereignty, the independence, or the territorial and administrative integrity of China, or to the international policy relative to China, commonly known as the open door policy, and that the United States did not intend to recognize any situation, treaty or agreement which might be brought about by means contrary

to the obligations of the Pact of Paris of August 27, 1928. On January 16, 1932, the Japanese government replied to our note of January 7. The argument made in that note was to the effect that China was in an "unsettled and distracted state" and that this fact relieved Japan from the obligation to carry out the covenants of the Nine Power Treaty and the League of Nations Covenant, which may be fairly said to have become the argument upon which Japan thereafter relied with the greatest assurance, but which was rejected as untrue and unsound by the unanimous report of the Lytton Commission.

In the middle of January, 1932, Japan's aggression in Manchuria seemed to have achieved success. By May 1, 1932, Japan had attempted to extend her aggressive action to the Yangtze River and to break up the efforts of the Chinese at Shanghai to maintain an economic boycott against her business. There Japan received a military set-back in being checked by Chinese soldiers. In the hostilities around Shanghai, on January 28, 1932, the Japanese forces bombed the unwarned and helpless civilian native quarter of Chapei. This was an act of inexcusable cruelty. Not only were bombs dropped upon positions held by Chinese troops, but incendiary bombs were used which soon had the entire quarter in flames. Thereafter, the Japanese barricaded the streets in the International Settlement of Shanghai, disarmed the police, and paralyzed all regular municipal functions. Numerous excesses against the Chinese population were committed, including many summary executions, and a veritable reign of terror

resulted. The Japanese troops even invaded the American sector of defense at Shanghai where they committed acts of violence against Chinese. On February 24, 1932, I sent to Senator Borah, Chairman of the Committee on Foreign Relations of the Senate, a letter in which was outlined the position and policy of the American Government with respect to the situation in China in relation to the application of treaties.

Almost immediately after its army had overthrown the Chinese Government of Manchuria, Japan commenced to establish political and economic control over that country. This was done by forcible creation of an ostensibly independent but really puppet state controlled by Japan and known as Manchukuo. Thereafter, as soon as other nations had announced their intention not to recognize as valid any fruits of this conquest, the Japanese government proceeded to take further steps designed to make this policy of the rest of the world as difficult and ineffective as possible.

On April 4, 1932, the Japanese Ambassador in Washington called upon me and in the course of discussion, admitted that promises made by Japan had been broken but said that chauvinist conditions were so acute in Japan that the Government could not take any other position. On June 23, 1932, I received a telegram from Ambassador Grew in Tokyo that the press had cabled to America a statement by General Araki, Minister of War, before the Supreme Military Council to the effect that the resolutions of the League of Nations and statements made by Japan in

regard to Manchuria before the establishment of Manchukuo could no longer be considered as binding on Japan.

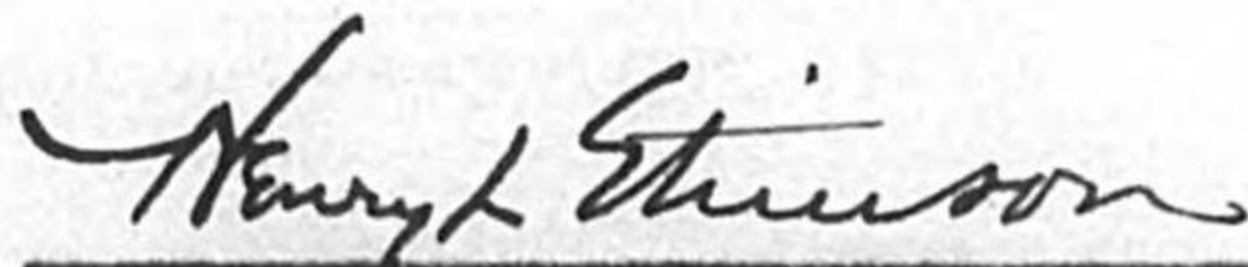
On January 5, 1933, the Japanese Ambassador in Washington called upon me and stated that in any event Japan had no territorial ambition south of the Great Wall. He stated that his information as to the affair at Shanhaikwan was that it was a local incident, provoked by a minor outbreak of Chinese against Japanese there. On February 23, 1933, the Japanese Ambassador came to tell me on the instruction of his Government that the State of Manchukuo was determined to suppress irregular forces in the Province of Jehol, and that under the treaty between Manchukuo and Japan, Japan was obliged to support Manchukuo and therefore the Japanese forces were co-operating in this movement in Jehol. On February 27, 1933 I reminded the Japanese Ambassador that when the Manchurian outbreak occurred in September 1931, I had not attributed it to the Government of Japan or to the statesmen whom I used to know or to the people of Japan but to the efforts of a small group of persons of militaristic ambitions and desires. The Ambassador said that he knew this very well. I pointed out the importance of the treaties as instruments to preserve peace and the Ambassador said that he recognized this. He also said that on his part although he had been disappointed many times when he had given me assurances which were afterwards not carried out in Manchuria he still believed in his people and that sooner or later the moderate elements would not disappoint us. I told him at that time that I joined in his hope that this would be so.

B. Ford Hughes Clerk


of this to the
Seal of said Court and County this 11th day of June, 1946
IN TESTIMONY WHEREOF I have hereunto set my hand and
Seal of said Court and County this 11th day of June, 1946

-12-

I retired as Secretary of State on March 4, 1933 and was succeeded by the Honorable Cordell Hull who then assumed the burden of office in connection with Japanese-American relations.


HENRY L. STIMSON

Subscribed to and sworn to before me
this 7th day of June, 1946.


Notary Public in and for the County of Suffolk
State of New York.

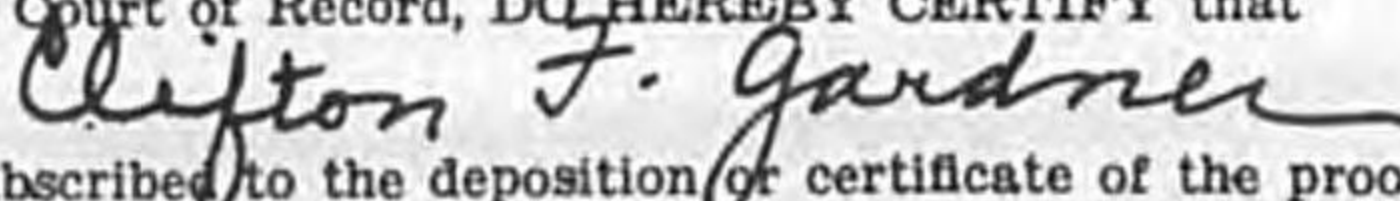
Commission Expires March 30, 1947

STATE OF NEW YORK
County of Suffolk

Form No. 115

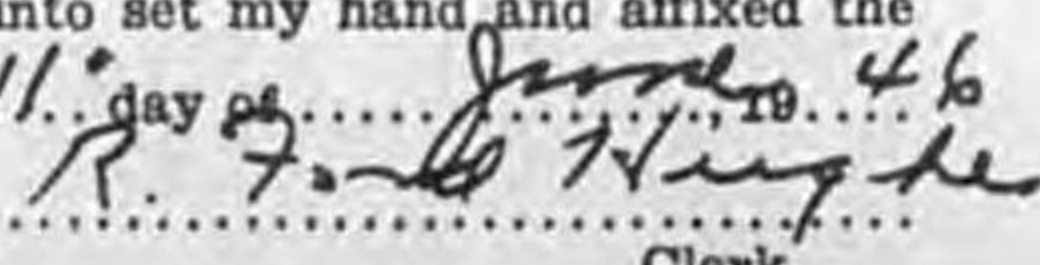
ss:
I, R. FORD HUGHES, Clerk of the

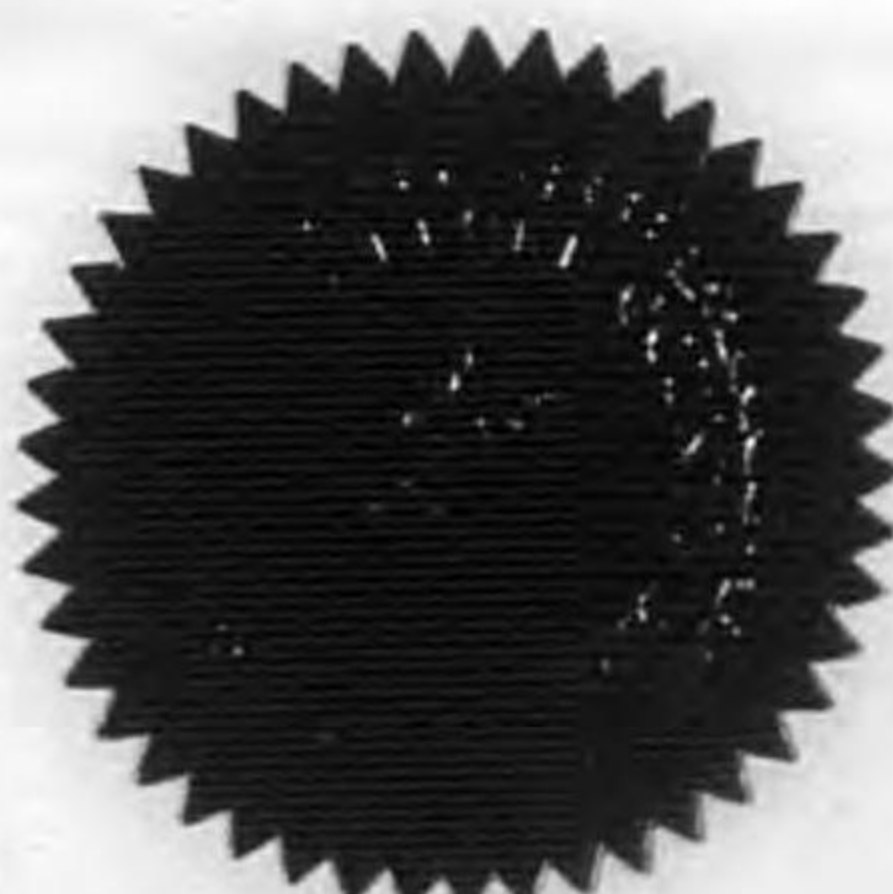
County of Suffolk, and also Clerk of the Supreme Court for said County, the same being a Court of Record, DO HEREBY CERTIFY that



whose name is subscribed to the deposition or certificate of the proof or acknowledgment of the annexed instrument and thereon written was at the time of taking such deposition or proof or acknowledgment a NOTARY PUBLIC in and for such County, duly commissioned and sworn, and authorized by the laws of said State to take depositions and to administer oaths to be used in any Court of said State and for general purposes; and also to take acknowledgments and proofs of deeds of conveyances for land, tenements or hereditaments in said State of New York. And further that I am well acquainted with the handwriting of such NOTARY PUBLIC and verily believe that the signature of said deposition or certificate of proof or acknowledgment is genuine.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the said Court and County the 11th day of June, 1946


Clerk.



The signature of the notary public, Clifton F. Gardner,
~~and which~~ we have caused by these presents to be exemplified and the seal of our
said Court for said County to be hereunto affixed.

Witness, Hon. Thomas J. Cuff, Justice of our
Supreme Court, in and for the Second Judicial Department of said State, this11th
day ofJune..... 19 46 and in the170th..... year of the Independence
of the United States.

R. Ford Hughes Clerk.

I, Hon. Thomas J. Cuff, Justice of the Supreme Court of the State of New York,
in and for the Second Judicial Department thereof, Do hereby certify, that ...R...Ford
...Hughes....., whose name is subscribed to the preceding exemplification, is the
Clerk of the County of Suffolk and Clerk of the Supreme Court, in and for said County,
duly elected and sworn, and that full faith and credit are due to his official acts.

I FURTHER CERTIFY, that the Seal affixed to said exemplification is the proper
Seal of said Court for said County, and that the attestation thereof is in due form of law
and by the proper officer.

Witness my hand at the City of Brooklyn, this11th.....
day ofJune..... in the year 1946

Thomas J. Cuff
Justice of the Supreme Court of the State of New York, in and
for the Second Judicial Department.

STATE OF NEW YORK,
County of Suffolk, } ss:

I, R. Ford Hughes, Clerk of the County of Suffolk, and Clerk of the
Supreme Court of the State of New York, in and for said county,
Do Hereby Certify that Hon. Thomas J. Cuff

Whose name is subscribed to the preceding certificate is Presiding
Justice of the Supreme Court of said State in and for the second Judi-
cial District, duly elected and sworn, and that the signature of said
Justice to said certificate is genuine.

IN TESTIMONY WHEREOF I have hereunto set my hand and
affixed the Seal of said county and Court, this 11th day
of June 19 46

R. Ford Hughes Clerk.

