

- Q. As I understand, Mr. TOGO, that final note which was sent on December 7, 1941 (Tokyo time) to NOMURA in Washington was not a declaration of war but a final note breaking off negotiations.
- A. As I said before, the final notification of the Japanese government was to be delivered by the Ambassadors in Washington at the instructions of the Japanese government at 3 AM, December 8, Tokyo time. That notification did not contain the words, "declaration of war," but did state the cessation of negotiations and the severance of diplomatic relations, which in the light of the situation prevailing at that time was considered tantamount to a declaration of war.
- Q. Who would be considered responsible, who would you consider responsible for the composition of that note.
- A. That notification, as I have previously explained, was a summation of the results of the studies and discussions which took place at the liaison conferences regarding negotiations with the United States. The note itself was written by the Foreign Office, but the responsibility for the composition rests with the participating members of the liaison conferences. The responsibility for the contents of the notification rests with the members of the liaison conferences. Furthermore, the matter was also reported to the Cabinet and passed the Cabinet without objection.
- Q. Could you give me the names of the individuals at the liaison conferences and the Cabinet members who would be considered responsible for the contents of the note.
- A. As I have said at a previous meeting, members of a liaison conference who were responsible for the study and discussions on the matter were TOJO, SHIMADA, SUGIYAMA, NAGANO, TSUKADA, ITO, KAYA, SUZUKI, and the three secretaries, HOSHINO, NUTO and OKA. As to the members of the Cabinet, under the constitution they are responsible for decisions of the Cabinet, even on matters outside of the competence of their respective offices.

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- Q. I understood from you that the note was composed by the Foreign Office after the contents of what the note should contain had been decided upon at the liaison conference. I

also understand that after the note was composed by the Foreign Office it was presented for approval to the Cabinet on December 1, 1941, at which time the Cabinet approved it. Is my understanding correct.

- A. The First part of your understanding is correct, that is, that the writing of the note took place in accordance with the decision of the liaison conference as to its contents. However, I should like to make some correction as to the date. December 1 was the date of the Imperial Conference, at which the decision for war was made. However, previous to the Imperial Conference the main points of the note to be sent were reported to the Cabinet; but as to the drafting of the note, that came afterwards, and at a later Cabinet meeting the main points were further explained and the continuation of the explanation that was made at the former Cabinet meeting. I cannot recall definitely, but it seems to be around November 30, but I could have the date more definitely confirmed later.

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- Q. Do you not think that the time in preparing the note after the details of what it should contain were decided on November 30 was too long.
- A. As you say, it seems that considerable time was consumed, but before the final draft was approved the note went through a series of many revisions. The two secretaries of the liaison conference, the Chief of the Military Affairs Bureau, MUTO, and the Chief of the Navy Affairs Bureau, CKA, were in frequent contact with the Foreign Office in connection with the drafting of the note. They represented the driving force of the time, that is, the Army War Office and the Army General Staff and the Navy Office and the Navy General Staff; and on practical matters these two men represented these two fighting services in making frequent contacts with the Foreign Office in the making of the draft. As a consequence, many revisions were gone through. Being personally interested in the process and course of the revision that was gone through, I wanted to have some concrete materials on the subject, that is, the copies of the many revisions that were made at the time. But I found out that these materials, too, had been destroyed in the air raid; and, therefore, I am not able to offer substantial materials to explain my point. Had I had such materials, I could more clearly explain some of the reasons for the delay that was taken in completing the draft of the note.

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- Q. From what you have stated would you consider that the members of the Cabinet and members of the liaison conference, whose names you have mentioned, are equally responsible with you as regards to the contents of the note and its delivery.

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- A. As to the contents of the note, I think it is but natural that all the members of the liaison conference are responsible. As to the cabinet, they would have at least a final responsibility in that they expressed no objection, that is, from the legal point of view. Of course, it all depends whether you view the matter superficially or formally, or whether you would like to view it more profoundly. But, practically speaking, in the light of actualities it might be said that there is a difference in the degree of responsibility by the liaison conference and the Cabinet because not all the Cabinet members attended the liaison conference, but the situation was such that whatever was approved by the liaison conference was approved by the Cabinet. Although there may be a difference in degree of responsibility, the Cabinet might have at least a nominal responsibility.

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