

Permanent Residence and Status: NAGASAKI Prefecture

Former Residence and Status:

Date of Birth: Mar. 1, 1913

Name: KAWAHARA, Naosichi

Former Name:

Nov. 15, 1933. Appointed a student in the Navigation Department by the KOBE Higher Merchant Marine School.

Appointed a Reserve Navy Student by the Navy Ministry.

May 18, 1939. Graduated from the Navigation Department by the KOBE Higher Merchant Marine School.

May 30, 1939. Appointed as a Reserve Naval Ensign by the Cabinet.

June 15, 1939. Granted the 8th Court Rank, Senior Grade.

July 1, 1943. In accordance with Imperial Ordinance No. 560, became a Lieutenant (i.g.)

Nov. 1, 1943. Appointed a Navy Lieutenant by the Cabinet.

Feb. 1, 1944. Granted the 7th Court Rank, Senior Grade.

Page DIRECT EXAMINATION OF KAWAHARA, Naoichi,
by Mr. Howard

31749 * The witness identified and verified exhibit
31752 3364 as his affidavit. * The affidavit stated that the
witness was Adjutant-General of the War Ministry from
August 1939 to February 1943. Vice War Minister KIMURA
worked with the witness under TOJO, during the greater
part of his tenure.

The witness managed the Minister's Secretariat
and his principal business was to take charge of the
official seals of the Minister and Ministry, inspect,
receive, and send correspondence, including telegrams,
and inspect finished documents, receive foreign officers
and conduct general affairs.

31753 KIMURA was a typical soldier, and concentrated
his energy chiefly on administration regarding ordinance,
and also established harmony in the Ministry. He helped
the Minister passively compared with the acute and
positive man, TOJO. * Even after TOJO became Premier and
War Minister concurrently, TOJO managed all affairs of the
War Ministry for himself, so that the powers of the Vice
Minister and the matters under his charge were the same
and not extended; nor was he ordered to act for the
Minister, TOJO.

KIMURA never attended the Liaison Conference or
Imperial Conferences, nor was he present at the Information
Conferences of Imperial Headquarters, nor the Information
Conferences of Department Chiefs, nor the Commissary
Information Conferences. The Bureau Chief Information
Conferences were to establish close contact between
Minister, Vice-Minister, and Department and Bureau Chiefs,
and was not a means by which to decide matters. The War
Minister presided over both, in name and reality.

31754 The contents of the Vice Minister's Note by order
regarding "Disposal of POWs at Present" (Ex. 1965-A), was
reported directly to the Minister by Chief of the POW
Control Bureau, UEMURA, at the Bureau Chief's Information
Conference, * at which time he obtained his approval.
The witness did not recall any protest concerning the
maltreatment of POWs discussed at the Information Conference
during his tenure.

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War Ministry affairs were managed in accordance with regulations of the government and special regulations of the War Ministry. All other important matters needed the War Minister's decision, either by his direct order or in accordance with his intention. A policy or plan important to the Army was formed by the competent Bureau and Department, deliberated by the ones concerned, and became a definite plan through the Minister's final decision. It was a most important principle of obedience, that even if soldiers were divided in opinion, they should efface themselves once the Minister gave his decision and should make efforts to fulfill their superior's intention. No liberty was given of resigning because of different opinions.

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* Matters determined through this process were announced by public documents, including telegrams. There were three forms of notification, which changed with the form of the contents, but substantially public documents of the Ministry were sent on the War Minister's responsibility. General matters, such as Ministry orders, instructions, public notes, orders, and directions, were issued in the name of the Minister. Individual matters, or those of secondary importance, in the name of the Vice Minister; less important matters in the name of the Adjutant-General. All were notified on the War Minister's responsibility, and the senders were not responsible for their contents, and there was no exception. Among them were the public documents, such as Vice-Minister's note by order, Vice-Minister's note, Vice-Minister's inquiry and answer issued in the Vice-Minister's name, and Adjutant-General's note issued in the Adjutant-General's name. These were classified

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* by their relative importance.

Classification determined the names of senders, and were classified by the competent Bureau and inspected by the Secretariat. Documents issued in the name of the Bureau or Department Chief were not recognized as official documents of the War Ministry, and were not allowed to go beyond the purview of preliminary and liaison negotiations with offices other than the Ministries.

The fact that a man's name was placed on official correspondence or order did not necessarily mean he was responsible for the subject matter. The "note sent by order" was preceded by an introductory remark, "as the Minister has decided so I sent this note by order".

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31757 All Vice-Minister's notes that were not by order, such as answers to inquiries, not only included matters under his charge, but often matters decided by the War Minister or under the charge of Bureau Chiefs. The War Ministry usually sent 4,000 official documents a day, and although most dealt with matters under the charge of Bureau Chiefs, they were sometimes * sent in the name of the Senior Adjutant.

As to communications between the War Ministry and Area Armies and Divisions, it was customary to use as sender or addressee either the Chief of Staff or Vice-Minister, and the name of the Minister and Divisional Commander was not mentioned in most cases. As examples, of "Notification of Vice-Minister by Order" were "Disposal of POWs" (Ex. 1965-a), and "Matters concerning the treatment of crews of enemy aircraft captured in air raiding the Imperial territory, Manchukuo, or operational areas" (Ex. 1992).

An example of an answer of a Vice Minister is "Reply from Vice-Minister of War to Vice Minister of Foreign Affairs" (Ex. 1958), and as examples of documents issued or received in the name of the Vice Minister and Chief of Staff were "Inquiry Concerning the Question of Making Available the Manchurian Machine Tool Co. for a Rapid Increase in Aircraft Production" (Ex. 1970-A), "Matters concerning Internment of POWs in Korea" (Ex. 1973), and "Matters of the Presenting of Report Concerning the Reaction Among the General Public following internment of British POWs (Ex. 1975-A).

Official correspondence to be sent by the War Ministry, as well as that addressed to the Ministry, were first brought to the Adjutant Department, which forwarded the outgoing correspondence, after inspection, and delivered the incoming. Upon receiving important matters requiring directions from the War Ministry, the competent section drafted instructions or orders in conformity with the Minister's idea. Regarding the disposal of unimportant ones, they were offered for the superior's inspection after preparation, and some less important matters entrusted to the section were not inspected by superiors. All those documents were sent in the names of Vice-Ministers, Ministers, or Adjutant-General.

Page Matters concerning POW treatment chiefly lay in the hands of the POW Control Bureau, but other Bureau Chiefs disposed of POW matters under their jurisdiction, being directly responsible to the Minister. * The Chief of the Control Department was entrusted with a considerable amount of matters concerning unimportant business, but the Vice-Minister was not entrusted with any matters regarding the business under the Chief of the Control Department.

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Matters about the investigation of prisoner's conditions and correspondence on them were in charge of the POW Information Bureau, directly under the control of the War Minister and outside the War Ministry. Documents exchanged between this Bureau and the outside directly were not through the Adjutant Department. The Vice-Minister was not entrusted with any matters regarding the business under this Bureau.

Foreign officers visited the Minister to pay formal courtesies, but never came on political and practical business.

31760 * The witness was asked who was considered responsible for decisions expressed in documents drafted by other ministries or the General Staff, and these documents were made rental by the War Ministry. * He

31761 replied that in the event decisions were made on the basis of rental only the War Minister carried the responsibility.

CROSS-EXAMINATION BY COL. MORNANE.

The witness had no recollection of anyone by the name of KITA being in the War Ministry in his time, but there was a HAMADA, who was in the Inspectorate * General of Military Education for a short while, whose first name was Suyeo. He didn't recall who was the Diet Vice Minister while KIMURA was Vice Minister of War, and he didn't think there was a Parliamentary Vice Minister at the time, but had no definite recollection. His recollection was the same with respect to whether there was a Parliamentary Counsellor.

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Asked if the duties normally performed by the Parliamentary Minister and Counsellor were performed by KIMURA, he replied that based on his recollection of the work of the Parliamentary Minister and Counsellor during the tenure of Vice Minister ANAMI, who preceded KIMURA,

31763 * he should state that the Parliamentary Vice Minister and

Page Counsellor had hardly anything to do, and their work was conducted only when the Diet was in session. It was their duty to take part in matters concerning negotiations with the Diet, and the Vice Minister had authority to coordinate the work of Bureaus and Divisions, but not authority to supervise their work. Regulations gave him no authority to take part in political affairs, or enter into negotiations with the Diet.

31764 Asked if he knew that KIMURA actually took part in such negotiations on several occasions, the witness replied that only when he was appointed a member of the Government Committee in the Diet, on appointment by the * government. Asked if the War Ministry representative on the Government Committee would usually be the Parliamentary Minister or Counsellor from the War Ministry, he replied no, that members of the Government Committee were not limited to them alone.

October 27, 1947

31766 * Reference was made to the affidavit where he said that he managed the affairs of the Secretariat by order of the Minister as a senior of the Adjutant Department, * and he agreed that Article 2 of War Ministry
31767 Regulations provided that ministry affairs should be divided among the bureaus and the Secretariat, and that unless otherwise provided the Secretariat should take charge of the management of the Ministries. Asked if, in effect, unless specific provision was made, the Secretariat had charge of all affairs of the Ministry, he replied that the actual handling of the business was done by the various bureaus, and afterward final coordination was done by the Secretariat.

31768 * Asked if, in addition, the bureaus only handled matters specifically allotted them, he replied each Bureau carried out its duties as defined in regulations. When shown exhibit 3348, the witness agreed that it was excerpts of regulations to which he referred.

31769 When handed a document, he acknowledged that it consisted of Tables 1 to 10 referred to in Article 27 of the Regulations. * Exhibit 3365, the document identified by the witness, was received into evidence. Asked if, under these tables certain matters were given specifically to various bureaus, he replied that that was true, the various duties given to the Bureaus under organizational regulations were set out.

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* Asked if under Article 2 of exhibit 3348, those matters not provided there fell under his management as Senior Adjutant in charge of the Secretariat, he replied that was not so. When asked to read Article 2 of that exhibit, he read that the ministry's affairs shall be divided among the bureaus and the Secretariat should take charge of the management of affairs thereof, unless otherwise provided.

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* Asked where else any provision was made except in those regulations, he replied that at the end of Article 2 were the words "unless it is otherwise provided". Actually, there was no other provision. Also, Article 2 provided that the affairs of the Ministry shall be divided among the bureaus and Secretariat. All outgoing matters were handled by the Secretariat, but within the Ministry affairs were divided among the bureaus and Secretariat, but not in accordance with Tables 1 to 10. Those tables, other than organizational regulations, provided only for matters to be handled by the Minister as delegated to bureaus, and only a portion of the Ministry's business was set forth in the tables.

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When asked if the affairs set forth in tables 1 to 10 included also a portion of the Vice-Minister's duties, he replied yes. * Under article 11 of the exhibit the witness was required to take charge of the affairs of the Secretariat in compliance with the order of the Minister and Vice-Minister. It also provides that the Senior Adjutant should have charge of the Ministry's general management, pursuant to the orders of the Minister and Vice-Minister, and also provides that the competent Adjutant shall deliver documents to the Senior Adjutant if regarded sufficiently important to require prompt inspection by the Minister, Parliamentary Vice-Minister or Counsellor.

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Asked if under Article 25 there was no doubt as to which sections matters should be referred to, he was required to nominate the section after receiving the Vice-Minister's instructions, he replied yes, but as a matter of fact such things did not exist. * He knew where to send them without further advice. When asked if under Article 30 important matters cannot be started by bureau chiefs without the consent of the Minister or Vice-Minister, he replied this did not mean that matters could not be executed without their private consent.

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Asked if it meant that important matters could not be executed without their consent, he replied that the part should not really read "to the Minister or to the Vice-Minister", but should be "to the Minister and Vice-Minister", and in some cases they might get consent only of the Minister and it was not necessary to get the consent of the Vice-Minister.

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Asked if he suggested a mistranslation, he replied there was nothing wrong in the regulations themselves, and was correctly stated in the Japanese copy. * (The translation was referred to the Language Arbitrator.)

Under Article 40, when consideration of documents had been completed by the section, they must be handed to the Secretariat for review, and he then can carry the matters into effect, after getting the approval of the Minister or Vice-Minister to whom they were submitted. Article 41 provided that in an emergency the Senior Adjutant might act on his own, making an immediate report to the Minister or Vice-Minister, after the matter's execution.

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* Article 46 provided that the Director of the Bureau of Personnel Affairs must get the Minister's or Vice-Minister's approval with regard to important secret matters. Reference was made to Article 46 referring to matters concerning personnel affairs, and the following paragraph regarding matters of movement, appointment, and dismissal, and the witness was asked if these matters included the appointment and dismissal of personnel. He replied that the Secretariat had nothing to do with personnel affairs, which were under the Personnel Bureau.

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Asked if in accordance with this article he must get, in some cases, approval of the Minister or Vice-Minister, he replied that in the article would be found the words "can be dealt with by the Director of the Bureau of Personnel Affairs". * Reference was made to the first part of the article, which stated that among matters concerning personnel affairs, for those considered secret the Director of the Personnel Affairs Bureau must get approval from the Minister or Vice Minister according to the degree of importance, or the Director can deal with them himself. Asked if that did not suggest that in very important matters the Director must get either the approval of the Minister or Vice-Minister, the witness replied that he did state that important matters concerning personnel must be referred to them.

- Page Article 47 provided that with regard to publication of important matters, the approval of the Minister, Vice-Minister, or Bureau Director must be obtained. * Asked if any document could go out from the Ministry without the approval of the Minister or Vice-Minister or himself, he replied all official outgoing documents must be so handled, and the power to stop any documents was in the hands of the Minister or Vice-Minister.
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- 31779 When shown exhibit 1973, * the witness stated that its subject was "The Internment of POWs in Korea", and the War Minister was shown as approving it and that the witness' seal appeared on it. Asked if that meant that it was approved by the War Minister and approved by himself, the witness replied that the fact that the document had been approved by the War Minister and then executed and was established as an official document, the witness' responsibility was for certifying that the document was prepared and was ready to go out.
- 31780 When shown exhibit 1967, the witness agreed that it showed a message from the Chief of Staff of the Eastern District Army to the War Minister relating to the employment of POWs. Under the head of "8th working place", munitions factories for expanding production are set out as places of labor. It was a reply to that request dated 2 October, 1942, stating that the application was approved as requested.
- 31781 Asked if he noticed that the approving authority was the Vice War Minister, and if that meant he approved the document being dispatched, he replied that he did not * say that the Vice Minister sent out the document. The order came from the War Minister. Asked who gave the authority to send it out, he replied it was a matter which the Vice Minister sent out as a matter delegated to him by the Minister. It would not follow that the Vice-Minister approved of it being sent out. Even if he did approve of its going out, if the document fell under the category of a matter to be approved by the Vice-Minister, as delegated * to him by the War Minister, it would mean that the Vice-Minister's approval had the same effect as the War Minister's. Matters delegated by the Minister meant matters in which he delegated part of his authority to subordinates. Since his powers were extensive and detailed, it was physically impossible for him to execute all of them by himself, and therefore he delegated a portion of his authority to subordinates. It was tantamount to the War Minister saying he would take responsibility for the act, but they must do the actual execution.
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Page Therefore, execution of delegated matters were carried out on the War Minister's responsibility. Asked if the nature of the action depended on the Vice-Minister's decision, he replied the Vice-Minister's approval in such * cases was approval based on the War Minister's intentions as understood by the the Vice Minister and did not represent the Vice-Minister's intentions.

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31784 When shown a document, the witness agreed it purported to be addressed by the Chief of Staff of the Ha-shu Corps to Vice-Minister KIMURA, and was dated 14 October, 1941. From various seals * on it, it could be identified as a document received by the War Ministry. The witness had no independent recollection of the document.

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* Exhibit 3366, the document thus identified by the witness, concerned the murder of a French missionary by the Japanese Navy in Powen, and stated that upon investigation of the case based upon the words of the Catholic Bishop in Haikow, who stated that a French missionary had been killed by the Navy in Powen, then under the punitive operation of the Navy, circumstances showed that when two Catholic missionaries arrived in Powen in early September, they found a brother missionary named Molban had been killed, and reported the matter to their Bishop.

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On the 25th and 26th of August, the Navy arrived in the city of Powen, only passing through on the 25th, but on the 26th a detachment arrived with several lorries and * found a dead body of a sailor. Under the assumption that the work had been done by the residents of Powen, the unit burned houses and the church, killing the missionary and 24 of the natives. The murder of the missionary was executed in a native's house; and furthermore, they burned about 5 to 6,000 dollars worth of property, and the same day the unit withdrew to Nan-Meng-Po, and later moved away.

The Catholic Bishop, upon receiving the information, merely telegraphed on the branches of the Church in Peking and Lisbon, that the missionary Molban had succumbed, without giving any further details.

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* The witness stated this was the first time he had ever seen the above exhibit.

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* The Vice-Minister had nothing to do with matters relating to POWs. A document was handed the witness, and he acknowledged it as a War Ministry document, and referred to a policy not to permit visits by agents of protecting powers, and showed that the Vice-Minister delegated the matter to Bureau Chief UEMURA.

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* Exhibit 3367-A, an excerpt from a file of correspondence from the POW Information Bureau re POW Inspection Visits in 1942 and 1943, was received in evidence. Asked if the exhibit showed that the Vice-Minister delegated the matter to Bureau Chief UEMURA, he replied that was not so. It was delegated by the War Minister. The witness agreed that on top of the document was a printed form on which appeared the word "minister" and after that the word "delegated", not part of the printed form. * This meant that the Minister had delegated the matter to the Bureau Chief.

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* The word "Vice Minister" was printed on the form and followed by the word "delegated". Asked what was the necessity for putting "delegated" after "Vice-Minister" if the Minister had already delegated the matter to the Chief of the POW Control Bureau, * the witness replied that was a matter of form, and in cases where authority was delegated to the Bureau Chief it was customary to put the word "I", meaning delegated, both after the seal of the Minister and that of the Vice-Minister. Because the word "delegated" was found after the Minister's seal did not mean he delegated authority to the Vice-Minister, who in turn delegated it to the Bureau Chief. If "delegated" was found after the Minister's seal and also after the Vice-Minister's, it meant the matter had been delegated to the bureau chief.

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It was a mistake to suggest that what happened was that the Minister delegated it to the Vice-Minister, who in turn delegated it to the bureau chief. The communication originating the file came from the Vice-Foreign Minister to the Vice-War Minister, and the final communication was a draft of the Vice-War Minister's reply to the Vice-Foreign Affairs Minister. * The terms were used as a matter of form, and it was customary that documents sent from one ministry to another were in the name of the Vice-Minister, even though the document was addressed from a Vice-Minister to a Vice-Minister it is erroneous to assume it was addressed only to the Vice-Minister; rather, it should be interpreted as a document sent from one ministry to another.

Page

31796 When shown a document, the witness agreed that the document bore the stamp of the War Department. Asked if he noted that it related to inspection of POW camps, he replied that it was a document of the POW Administration * Bureau relating to such visits. On the document appeared the words "Designation of Decision" followed by the word "Vice Minister".

Exhibit 3367-B, the document identified by the witness, being an excerpt from the POW Administration file, re inspection of POW Camps on 1 December, 1942, was received in evidence. The witness noticed in the document that there were 69 specified powers entrusted to the Vice-Minister. In addition, there was a provision that among matters not mentioned, those having precedence would be dealt with in accordance with convenience. It could be assumed therefore, that the Vice-Minister had other powers in addition to those 69.

REDIRECT EXAMINATION BY MR. HOWARD.

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When shown * exhibit 3367-A again, the witness stated that the Vice-Minister's seal did not appear. While KIMURA was Vice-Minister, important personnel matters were handled by the War Minister.

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Regarding exhibit 3367-A, the witness did not show the paper to KIMURA. * The document came to the Ministry as a reference, and it was sufficient to refer it to the Military Affairs Bureau, the competent section. At the time the War Ministry was receiving great numbers of this type of document, and it was impossible for the Vice-Minister to peruse all of them, and it followed that the member of the section in charge would look at them.

Since KIMURA's seal did not appear on it, he did not see it. KIMURA also did not see exhibit 3366.

28, Oct 1947

MEMORANDUM FOR: Mr. Sutton; Capt. Robinson; Mr. Lopez
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.

DEFENDANT

KIMURA

WITNESS

KAWAHARA, Naoichi

LIST OF MATERIAL AVAILABLE

Curriculum Vitae

2. Please acknowledge receipt of this memorandum by initialling and returning attached carbon copy to this office, Room 300.

Incl
(Described above)

EPM
EDWARD P. MONAGHAN

CURRICULUM VITAE

Permanent Residence and Status: NAGASAKI Prefecture
Date of Birth: Mar. 1, 1913
Name: KAWAHARA, Naoichi

* * * * *

Nov 15 1933 Appointed a student in the Navigation Department by the
KOBE Higher Merchant Marine School.
Appointed a Reserve Navy Student by the Navy Ministry.

May 18 1939 Graduated from the Navigation Department by the KOBE
Higher Merchant Marine School.

May 30 1939 Appointed as a Reserve Naval Ensign by the Cabinet.

Jun 15 1939 Granted the 8th Court Rank, Senior Grade.

Jul 1 1943 In accordance with Imperial Ordinance No.560 became a
Lieutenant (j.g.)

Nov 1 1943 Appointed a Navy Lieutenant by the Cabinet

Feb 1 1944 Granted the 7th Court Rank, Senior Grade.

Translated by
Defense Language Branch

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI, Sadao, et al



SWORN DEPOSITION (Translation)

Deponent : KAWAHARA, Naoichi (seal)

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

My name is KAWAHARA, Naoichi.

I. I held the post of Adjutant-General of the War Ministry from August 1939 (Showa 14) to February 1943 (Showa 18).

Lieutenant-General KIMURA (at that time), Vice-War Minister, worked with me under Minister TOJO during the greater part of his tenure of office.

II. I managed the affairs of the Minister's Secretariat by order of the Minister as a senior of the Adjutant Department. My principal business was to take charge of official seals of the Minister and the Ministry, to inspect, receive and send public Correspondance :

(including telegrams) and to inspect finished documents, to receive foreign officers and to conduct general affairs.

III. Vice-Minister KIMURA was a typical soldier. He concentrated his energy chiefly on the administrative business regarding ordnance in which he was well versed and at the same time he endeavored to establish harmony and unity in the Ministry. He helped the Minister ~~passively~~ compared with the acute and positive man, TOJO. Consequently, the Vice-Minister took charge of almost all of the routine and ceremonial affairs and miscellaneous business of the Minister.

IV. Even after he became Premier and War Minister, concurrently, General TOJO managed all affairs of the War Ministry for himself with strenuous efforts, so that the powers of Vice Minister and the matters under his charge were the same as before and were not extended at all; nor was he ordered to act for the Minister.

V. Vice-Minister KIMURA never attended the Liaison Conference or Imperial Conferences nor was he present at the Information Conferences of the Imperial Headquarters, nor the Information Conferences of Chiefs of Departments, nor the commissary Information Conferences held at the General Staff Office.

VI. The Information Conferences of Bureau Chiefs were held with the aim of establishing a close contact between Minister, Vice-Minister, Chiefs of Departments and Chiefs of Bureaus; it was not a means by

which to decide matters. And the Minister presided over them both in name and reality, giving it scrupulous care and apt direction.

The contents of the Vice Minister's Note by Order regarding the "Treatment of Prisoners of War at Present (Ex. 19654)" was reported directly to the Minister by UEMURA, Chief of the Prisoner of War Control Bureau at the Information Conference of Bureau Chiefs at which time he obtained his approval. I do not recall that any protest concerning the maltreatment of POW was discussed in the Information Conference of Bureau Chiefs during ^{my} ~~the~~ tenure of office ~~of UEMURA as Vice Minister of War.~~
as Adjutant General.

VII. The affairs of the War Ministry were managed in accordance with both government organization regulations and special regulations which the War Minister issued. According to the above regulations every officer of the Ministry was required to manage the business in his charge according to both sets of regulations holding himself responsible to ~~the~~ ^{The} Minister. / War Minister was to be wholly responsible for the affairs of the War Ministry. The above-mentioned regulations included particulars on some unimportant matters, decision of which was entrusted to the Vice-Minister, Chiefs of Bureaus and Chiefs of Departments. But they were restricted within the usual matters such as interpretation and application of laws, rules and regulations already issued, or the matters about which the Minister's policy or intention had become known. According to circumstances, those matters,

when necessary, were reported to the Minister for obtaining his approval.

Of course, all other important matters needed the Minister's decision. Namely, either by the direct order of the Minister or in accordance with his confirmed intention, a policy or plan important to the army was formed by the competent Bureau and Department, and was deliberated by Departments and Bureaus concerned and became a definite plan through the Minister's final decision. As was clearly shown in the internal law of the army, it was the most important principle of obedience for soldiers that even if the soldiers were divided in opinion during the procedure, they should efface themselves once the Minister gave his decision and should make strenuous efforts to fulfil their superiors' intention. No liberty was given them of resigning their posts arbitrarily because of their different opinions.

VIII. The matters which were determined through the above-mentioned process were announced or notified to the outside by public documents (including telegrams). And there were three principal forms of notification, all of which took different forms just because of their contents, but were substantially the public documents of the War Ministry which were sent on the responsibility of the War Minister: firstly, general matters such as orders of the Ministry, instructions, public notes, orders and directions were issued in the name of the

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Minister; secondly, other individual matters, not general, or matters which rank second in importance, in the name of the Vice-Minister; thirdly, less important matters and usual ones such as interpretation of laws, in the name of the Adjutant-General. But all of them were notified on the responsibility of the War Minister and the senders were not responsible for their contents; there was no exception among them. Among them there were the public documents (including telegrams) such as Vice-Minister's note by order, Vice-Minister's note, Vice-Minister's inquiry and answer which were issued in the name of Vice Minister or War, and Adjutant-General's note which were issued in the name of Adjutant General. These were classified, as motioned above, by the relative importance of their contents and the recipients of such public documents or the parties to which they are addressed. The classification determined the names of senders and they were classified by the competent Bureau and inspected by the Secretariat. Documents issued in the name of the chief of bureau or department were not recognized as official documents of the Ministry of War and they were not allowed to go beyond the purview of preliminary and liaison negotiation's with offices other than those within the Ministry.

The mere fact that a man's name was placed on a piece of official correspondence or order did not necessarily mean that such person was responsible for the subject matter therein contained. To make this clear, the "note sent by order" was invariably preceded by an introductory remark, "as the Minister has decided so I send this note by order".

Furthermore, all the Vice-Minister's notes (not by order) such as answers to inquiries not only included the matters under the charge of the Vice-Minister but they often included matters decided by War Minister or under the charge of Chiefs Bureaus. Moreover, at that time the War Ministry usually dispatched an average of approximately 4,000 official documents a day, and although most of these documents dealt with matters under the charge of Chiefs of Bureaus, they were sometimes sent under the name of the Vice-Minister or in most cases, under the name of the Senior Adjutant.

As to all the communications, including telegrams and notes between the War Ministry and various Area Armies and divisions, it was customary to use for their sender or addressee either the Chief of Staff or Vice-Minister as the case may be, and the name of the Minister and Divisional Commander were not mentioned in most cases. As examples of "Notification of Vice-Minister by Order", these are the following;

"Regulations for the Treatment of Prisoners of War" (Ex. 1965A) and "Matters concerning the Treatment of Crews of Enemy Aircraft which were Captured in Air Raiding the Imperial Territory, Manchuko, or Our Operational Areas." (Ex. 1992)

As an example of an answer of Vice Minister, there is "Reply from Vice Minister of War to Vice Minister of Foreign Affairs." (Ex 1958)

And as examples of documents which were issued or received in the name of Vice Minister of War and chief of staff of Army, there are the following;

"Inquiry Concerning the Question of Making Available the Manchurian Machine tool Co. for a Rapid Increase in Aircraft Production (Ex. 1970-A).

"Matters concerning Internment of Prisoners of war in Korea" (Ex 1973) and "Matters of the Presenting of Report Concerning the Reaction Among the General Public following Internment of British Prisoners of War (Ex. 1975-A)."

IX. All the official correspondence (including telegrams) which the War Ministry was to send to the outside, as well as these (including telegrams) which were addressed to the Ministry from the outside were first brought to the Adjutant Department without exception. The Adjutant Department forwarded the outgoing official correspondence after inspection, and delivered the incoming correspondence to the competent Section at once. Upon receiving important matters that required direction's from the War Ministry the competent section drafted the necessary instructions or orders in conformity with the Ministers idea. But regarding the disposal of unimportant ones,

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they were offered for superiors' inspection after the preparation of it and some of the less important matters entrusted to the Section were not inspected by superiors. And all of those documents were sent in the names of Minister, Vice-Minister or the Adjutant-General.

X. The matters in the War Ministry concerning the treatment of prisoners of war lay chiefly in the hands of the Chief of the Prisoner of War Control Department, but other Chiefs of Bureaus disposed of the POW matters which fell under their jurisdiction, holding themselves directly responsible to the Minister.

The Chief of the Prisoner of War Control Department was entrusted with a considerable amount of matters concerning unimportant business of treatment of prisoners, but the Vice-Minister was not entrusted with any matters regarding the business under the jurisdiction of the Chief of the Prisoner of War Control Department.

XI. The matters about the investigation of conditions of prisoners and the correspondence on them were chiefly in charge of the Prisoners of War Information Bureau. The Bureau was an organ under the direct control of the War Minister and an outside bureau of the War Ministry which had independent character. Therefore, documents were exchanged between the Bureau and the outside directly, not through the Adjutant Department of the War Ministry. The Vice-Minister was not entrusted with any matters regarding the business which fell under the jurisdiction of the Bureau.

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XII. Foreign officers have visited the Vice War Minister to pay formal courtesies, but have never come on political and practical business.

On this 25 day of March, 1947.

at No. 18, Takamatsu 2 chome, Toshima-ward, Tokyo.

DEPONENT /S/ KAWAHARA, Naoichi (seal)

I, ABE, Akira, hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date at _____

Witness: /S/ ABE, Akira (seal)

O..TH

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

/S/ KAWAHARA, Naoichi (seal)