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1. I, MUTO, Tomio, live at No. 157, 3-Chome, Tamagawa-Okuzawa-machi, Setagaya-ku, Tokyo Metropolis.

2. I was graduated from the Law Department of the Tokyo Imperial University in the 2nd year of Showa (1927). I served as Probationary Judge at Yokohama and, in the 4th year of Showa (1929), was appointed Judge. After that, I was appointed Judge of the Tokyo District Court. I was in my office at the Tokyo District Court until the 9th year of Showa (1934), except when I was in Nagano where I served for a while. In April 1934, I resigned my post and became an official of the Manchoukuo Government. I served as Chief of the First Section of the Criminal Affairs Bureau of the Judicial Department until March 1935. In 1935, I was transferred to Councillor of the Bureau of Legislation of the Government. The Bureau of Legislation was changed afterwards, by the reform of government organization, into the Legislative Bureau of the General Affairs Board where I was in service as councillor until April of the 13th year of Showa (1938). In April of the 13th year of Showa (1938), I was transferred to Councillor of the Information Bureau of the General Affairs Board. In March of the 14th year of Showa (1939), I was appointed the Director of the Information Bureau and I served until April of the 18th year of Showa (1943). In May of the 18th year of Showa (1943), I returned to Japan to be appointed Chief of the First Division of the Information Bureau of the Japanese Government. I held that post until November of the 19th year of Showa (1944) when I was appointed Councillor of the CHOKUNIN rank attached to the Investigation Section of the same bureau. I retired from office on the last day of June of the 20th year of Showa (1945).

3. One of the basic policies of the Judicial Department in Manchoukuo at the time when I arrived at my post was, first of all, to improve judicial system. As to judicature, the general opinion was as follows:

Prior to and at the time of the foundation of Manchoukuo, the judgement of the courts was under the influence of bribery. One who offered more bribe than the other won the case after all. So long as bribery continues, any case was carried from the lower instance to the higher instance and again sent back to the lower instance to repeat the same proceeding. The people thought that anyone who bribed more than the other party would win the case after all when the latter became out of money. I once talked with Mr. FURUTA, Masatake, the head of the General Affairs Bureau of the Judicial Department at the time of my arrival at my post, about whether bribery was really controlling the judgement of the Court. He said, "Although Manchurian people say that the judgement of the courts are controlled by bribery, no one has grasped the kernel of the question. I am not yet assured of it." Soon afterwards, however, a certain murder case occurred at Fuhsun with the examination of which I was concerned. The case was that a tailor struck his apprentice to death and threw his corpse into the well, destroying evidence of crime. After the examination, it proved that money given and taken concerning this case amounted to as much as some ¥2,000. I could get positive evidence that the money was delivered to public procurators, clerks and coroners.

This fact convinced me of the judgement being influenced by bribery. It was the first task for the Government to make judicature thus poisoned by bribery fair and just.

3. (a) The second task was to consolidate legislation. There existed the codes formerly made by the Chinese Government which were, nevertheless, all but formal and were not practicable. Furthermore, since Manchoukuo had customs and manners peculiar to her, a new code which accords with this state of affairs had to be made. Accordingly, it was decided to enact the civil code, the penal code, the commercial code, the code of civil procedure, the code of criminal procedure and other attached laws, etc.

4. The third was to reorganize the courts. The organization of the courts had many defects as well. There existed organs called 'courts' with modern forms in such large cities as Ksinking, Mukden, Kirin, Harbin, etc., where accusation system of procedure was in practice in the criminal action; and in civil cases, modern legal proceedings were pursued. But in most prefectures, administration and judicature were mixed together and governors, as the supreme judges in the prefectures, gave judgements. There were supporters called 'Cheng-shen-yuan' who assisted prefectural governors. Accordingly, administration and judicature confounded and administration meddled in trials. If anyone has interest in connection with the governor, he can sway the court judgement. A judicial organ of such a kind was called a 'prefectural office transacting the business of judicature', in a sense of the prefectural governor passing judgement. There existed another kind of judicial organ called 'a judicial office' which ranked between a court and a 'prefectural office transacting the business of judicature'. In a judicial office, judicature was separated to some extent from administration, and yet the prefectural governor was concerned in the proceedings. These offices numbered six or seven throughout the country. The above-mentioned explanation concerns the first instance of the civil or criminal case. The second or third instance was under the jurisdiction of the district court or the higher court in large cities or the Supreme Court respectively. To reorganize the courts in such chaotic conditions was one of the basic works. As for prisons, there existed institutions which had the appearance of a modern prison in the large cities where the courts were located. The accommodations, however, were extremely poor just like jails in old days. Prisons of prefectures were in appalling conditions, for instance, prison cells were jammed with prisoners leaving no room for lying. The conditions were so bad that they, answering the question how to lie at night, said that they laid themselves alternating their heads and legs, as they could not place their heads in a row. Any sort of exercise was not permitted to take. There was no light at night. They were packed like sardines. It was generally thought that, once a man was put into such a prison, there was no telling whether he could return alive. To improve prisons was one of the basic works.

5. Independence of judicature was necessary, in the first place, for preventing judicature from corruption as mentioned above. For this purpose, separation of judicature from administration in prefectures, improvement and independence of the courts had to be achieved. And at the same time, excellent judicial officers had to be sent to each judicial organ. Such conditions created a necessity for training judicial officers. As the people speak Chinese, judicial work had to be done by Chinese-Manchoukuan officers. Only such officers could administer justice fairly. In improving and managing judicial organizations, Chinese-Manchoukuan officers were to take the initiative with collaboration of Japanese-Manchoukuan officers. Accordingly, the Judicial Department decided, in the 1st year of Kotoku (1934), upon establishing the Jurisprudence School of the Judicial Department where training for fresh judges and public procurators was started. Applying for admission to the school, excellent students swarmed. The number of the applicants was fifty times as many as that of the admitted. Some 200 students who had the makings as good as those of Japanese university undergraduates were admitted into the school after a strict examination.

They were judicial officers in embryo of Manchuria. Such men, graduating every year from the school, entered the courts and the public procurators' offices and caused the judicial organization to be improved.

6. As to the consolidation of the codes, the Judicial Department first drew up the drafts, carried them to the Bureau of Legislation. After that the drafts went through due formalities and thus the laws were enacted. These codes were completed before the abolition of extraterritoriality in the 4th year of Kōtoku (1937). I, as a Councillor of the Bureau of Legislation and of the Legislative Bureau, successively, made technical examination into every draft of proposed laws.

7. As to the reorganization of the court, modern systems of the courts and the public procurators' offices were almost completed prior to the abolition of extraterritoriality in the 4th year of Kōtoku (1937). Until that time, the Supreme Court, the higher courts, the district courts, the local courts and the public procurators' offices corresponding to these courts were nearly completed. Those, the completion of which delayed for the budgetary and other reasons, were also accomplished by the 6th year of Kōtoku (1939) and thus the judicial system of Manchoukuo was changed and the modern organization of the courts and the public procurators' offices came into existence. At the same time, such talent as mentioned above graduated from the Jurisprudence School of the Judicial Department and entered the courts and the public procurators' offices. As a consequence, justice came to be administered fairly for the first time in Manchuria.

8. Steady reforms were also carried out on the prison system after the foundation of Manchoukuo. Improvements were made on the prisons situated at such large cities as Hsinking, Mukden, Harbin, etc. and other places. In Hsinking, for instance, completion of an ideal prison raised a discussion among the people of knowledge. When the living condition of the Shantung coolies was compared with that of prisoners in newly-built prisons, the latter was far better. So good were the new prisons that there was apprehension that they might serve as a stimulus to a criminal act. However, since the Government has built a prison, a prisoner must live there a life worthy of a human being even if the living condition in the prison was better than that of coolies; and this was the very manifestation of the spirit of founding Manchukuo. This was the conclusion which they arrived at.

9. As to the bar system too, there existed the Chinese system of 'Risshi' (lawyer) prior to the foundation of Manchoukuo, which was, however, an imperfect one. But 'Risshi Hō' (the Bar Law) was enacted in 1935, elevating the status of lawyers.

I frequently attended the Cabinet councils and the conference of the Privy Councillors in the capacity of Councillor of the Legislative Bureau. I was on duty under the Chang Ching-hui Cabinet. The Premier and his Cabinet colleagues of the time were statesmen who had great influence over the Manchurian land and people. So that, in case that any bill or important policy, especially, those connected with land, cereals and native capital, was introduced in the Cabinet Council, furious discussions took place and sometimes the original bill fell through due to objection of these ministers. During my term of office as the Director of the Information Bureau, for instance, a bill for the Uncultivated Land Expropriation Law, which had been submitted to the Cabinet council, was finally compelled to be withdrawn owing to strong dissenting atmosphere in the council. It had been decided upon that uncultivated land alone should be purchased for the Japanese settlers. Practically, however, there was a case in which cultivated lands had inseparable relation with uncultivated ones (for example, a small cultivated area surrounded by wide uncultivated tracts of land). The said bill contained a proviso to the effect that, in such a case, even cultivated land could be bought. The bill, proposed by the Minister of Agriculture and Forestry, was withdrawn due to dissention of the Cabinet council.

When I was in office as Councillor of the Legislative Bureau, the conference of the Privy Councillors consisted of seven councillors of Manchurian line and three councillors of Japanese line, Tsan Shih-yi taking the chair. A decision was made by majority of votes. As to this conference too, opinions

were set forth actively by Manchurians as to a bill of importance. Sometimes it was difficult to get a government bill through the council. As far as I can remember, a question of punishing parricide was at issue on the occasion of enacting the penal code. The original bill which had passed through the Cabinet council provided that parricide should be condemned to death or life imprisonment. But in the conference of Privy State Councillors, it was strongly insisted that it should be punishable by death alone. Especially, the most persistent were those Councillors who were surviving retainers of the Ching dynasty, for instance, Hu Chih-yuan, Tseng Wen and Chen Jui-lin, etc. According to the Manchurian Councillors' view it was against morality to condemn any murderer of his parent to life imprisonment. Finally, it was settled, after the discussion in a conference in the Emperor's presence, that parricide, only when the motive deserved compassion, might be condemned to life imprisonment.

While I was in office as Director of the Information Bureau 'Kenkoku-Shimmyō' (the State Founding Divine Mausoleum) was founded. The announcement of founding "Kenkoku-Shimmyō" was made on July 15 of the 15th year of Showa (1940). On July 13, an outline for the announcement was indicated to me as a resolution of the Cabinet council. I and my staff made arrangements for announcing it according to this resolution. Its purport was as follows:

"A. The Emperor's friendly relation with the Japanese Imperial Household has been enhanced and his spirit became one with that of the Japanese Emperor. As a result, he has come to dedicate 'Kenkoku-Shimmyō' to the ancestor of the Imperial

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Japanese Household. The Emperor and his descendants are to worship it.

B. The people shall not be coerced into worshipping 'Kenkoku-Shimmyō'. However, when the Emperor worships it and his virtue pervades the people, any of the people are not prevented from worshipping it if he would do so.

C. 'Kenkoku-Shimmyō' is, accordingly, not in conflict with any existing religion at all.

D. The announcement shall be made according to the above principles."

In line with the aforementioned principles, I, as the Director of the Information Bureau, not only made the announcement but also carried out subsequent policies of information.

After 'Kenkoku-Shimmyō' was founded, the local authorities of various Provinces, Prefectures, etc. raised repeated cries for establishing its detached shrines. The central authorities however, did not consent to them. It was because of the view that the establishment of detached shrines was unadvisable as it would give an impression of urging the worship of the shrine on the people. Such being the case, 'Kenkoku-Shimmyō' was quite different from what is called a religion. It had nothing to do with the peoples' individual life. Manchukuo, from the outset of her foundation, let any religion take its own course.

I, being a Christian, had been an elder of the Japan Christian Church, located at Chūō-dōri (Central Avenue) Hsin-king, from right after the arrival at my post in Manchukuo up to the time of returning to Japan. Even while I was in office

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as the Director of the Information Bureau, I often occupied the pulpit during the pastor's absence. That I was an elder of the church did never interfere with my post of an official of the government. After 'Kenkoku-Shimmyō' was founded, I often visited as ever the Manchurians' church. There was a church at Wu-malu, Hsinking, established by the Swedish Presbyterian Church, which I visited and delivered a sermon. I was asked by Mr. Wang Hsing-shan, elder of that church, to preach in the memorial service of the 60th anniversary of the establishment of the church. It was in the autumn of 1941. I made a sermon on the spirit of Christianity and the spirit of the foundation of Manchukuo to pastors of the Presbyterian Churches who had gathered from every part of the country. Also, when I made an official trip to Tunghua, I, at the request of the pastors and elders of the Tunghua Christian Church who called on me, visited the church late at night and preached before the congregation of some 100 Christians, on the subject of "You are the light of the world", telling them that the Christians in Manchukuo are the light of the world. On the occasion of my transference to Japan, the Hsinking Manchurian Church held a farewell party for me, attended by elders and other interested persons, including Rev. Pastor Hu Cheng-Kuo. As mentioned above, the establishment of 'Kenkoku-Shimmyō' exerted no pressure upon religions.

Originally, the duties of Director of the Information Bureau should have been performed by any Chinese-Manchukuoan official. Although a Manchurian was to occupy that post, there were some things inconvenient for him from the practical point of view in Manchukuo. These were the relations with Information

Division of Kwantung Army as well as with the Information Section of S.M.R. Co. The Kwantung Army had the Information Division for the purpose of transacting military information with which the government information had something to do. Accordingly, the connection and adjustment between the army's information and that of the government were of great importance. As to S.M.R., there was also the Information Section which, with Dairen as its centre, carried on oversea propaganda and other general propaganda of Manchuria, besides information regarding railway service. So that the government had as well to keep in touch with the Information Section of S.M.R. Co.

Such being the case, the Director of the Information Bureau took charge of connecting and negotiating with the outside, such as the Kwantung Army, S.M.R., etc. As to the domestic information and propaganda of Manchuria, I left them in the hands of Chinese-Manchukuoan



I had, as one of my staff, a man of ability, named Chuang Kai-yung who was the head councillor. He framed the information policies, drafted the Government statements, prepared the original forms of the Premier's talk and thus settled everything consulting with the Premier. Besides, there were under him those younger set of excellent Chinese-Manchukuoan officials, for instance, Lin Sheng-yuan, Su Cheng-hsin, who directed and carried out domestic propaganda. No one but Chinese-Manchukuoan officials could make propaganda toward 40,000,000 Manchurian natives. In the propaganda toward the people in general, Chinese-Manchukuoan councillors and secretaries played the most active part; I, Director of the Information Bureau, being a robot rather than otherwise.

So far as I was concerned, there was no discrimination between Chinese and Japanese Manchukuoan officials in transacting business. A way of settling and carrying out the information policies was that every official, after talking and consulting frankly with one another, decided on any plan and put it into practice. The languages used in such a case were Chinese or Japanese as the case might be and sometimes a medley of both languages was used in talking, discussing and disputing. We became so united into one that we, in doing daily work, were not conscious of any discrimination between the Chinese and Japanese. When a visitor from Japan happened to call on me while we were in a meeting and after seeing the scene, asked by me, "Among those who were engaged in arguments here, can you distinguish between a Japanese and a Manchurian?" he was sure to answer, saying, "Everyone looks a Japanese and looks a Chinese at the same time. I don't know what's what."

It was almost the same, though in different degree, with other government offices as with here and especially in the local government offices. The Japanese and Manchurians became so completely fused together that it was hard to distinguish between them.

Such being the case, it is said that, after the termination of hostilities, the Chinese who were formerly Manchukuoan officials looked after the Japanese very kindly. As for ex-councillor Chuang Kai-yung, for example, he remained at the Information Bureau to the end, took care of Japanese-Manchukuoans, even preparing meals for them together with his wife, and when the Nationalists army entered Changchun, finished handing over, representing the Information Bureau, the business to the representatives of the Chinese Government. Afterwards he helped the Japanese implicitly and explicitly and did great service to them up to the day when the 8th Route Army entered the city. These things are what I heard from the people who returned from Manchuria last year.

There are many stories that the Japanese who were later on repatriated from Manchuria had been helped by the Chinese-Manchukuoans. These stories are very touching.

13. Now, let me refer to the purpose of establishing the Manchurian Heavy Industry Company. I remember it was in the autumn of the 17th year of Showa (1942) that I met President AYUKAWA, Gisuke, of that Company and dining with him, listened to his reminiscences about it in a room of the Yamato Hotel, Hsinking. It was on the very day of his resignation from the presidency of the Company. His story continued as long as for three hours without being interrupted by any visitor. The details of his story were as follows:

14. "The land of Manchuria resembles that of America. The reason why the Japanese industry has not made a progress is that the Japanese have too skillful hands and manage to do anything with their fingers, which hindered the development of engineering industry. We can not get out of handicraft so long as we imitate the Japanese industry. We must, introducing American machinery and technique, build up here at one stroke an industry in larger

scale than in Japan. It is possible that a highly developed engineering industry may grow in Manchuria. I would like to create the second America in a bit smaller scale, tying up with U.S.A. at any cost. Manchuria has electric power besides iron, coal, non-ferrous metals, etc. If dams are constructed on the Sungari and Yalu Rivers, they will produce very abundant and cheap hydro-electricity, supplying abundant electric power at low charges, developing resources and turning Manchuria into a great industrial nation in such a short time as ten years.

With this dream, I decided to come over to Manchuria. And I was of the opinion that, for the sake of introducing American capital and technique, we had to have U.S.A. create a credit for us and that we would give the underground resources of Manchuria to U.S.A. as the security for this credit.

I set about introducing the capital. My move, however, came to the knowledge of some Rightists and ultra-nationalistic diplomats. With HONDA, Kumataro, for instance, as a leader, they talked over their reaction against my plan at the Seiyoken Restaurant at Ueno. They made a fuss about it, crying, "This is the second Harriman Affair. Ayukawa is selling Manchuria to U.S.A. As the news about this appeared in the newspapers, things began to go wrong. Simultaneously the China Incident broke out and the Panay Incident occurred. Little did I dream of the outbreak of the Great East Asiatic War. Thus, I met with unexpected earthly faults one after another.

I, entirely depending upon introduction of the American capital, thought of establishing the Manchurian Heavy Industry Company and set about introducing the Nissan into Manchuria.

When I started this campaign, it won fair popularity in U.S.A. and at that time, many business men of various commercial firms in U.S.A. thronged to me to negotiate for selling their machinery and technique. From among them, even swindlers made

their appearance. As the situations at home and abroad were growing worse, I prepared for going over to U.S.A. But circumstances prevented me from doing so. Should I have made bold to go over to America at that time, the situation would have been altered and consequently that of the world might have been changed.

That I got a moment behind the time disabled me to materialize my dream. When I failed in introducing the American capital and technique, the Manchurian Heavy Industry Company had no significance to me. Though I made my entry into the Company as the President, as circumstances drove me there, I had already lost my vision and could not realize my aspiration.

Being desirous of retrieving somehow the general situation by introducing German machinery, I went over to Germany. However, the Russo-German War suspended the Siberian route, baffling my plan again. In spite of my title of President of the Company, I could not, up to present, realize what I had dreamed." This was Mr. Ayukawa's reminiscence.

15. At the time when the state of Manchoukuo was founded, Japanese Government officials at the age of 30 or so, resigning their post and becoming citizens of Manchoukuo, left for their new post one after another as Manchoukuoan officials. I was one of them. It was because something attracted them that these young men thus streamed there.

A vision of establishing an ideal state and of realizing an Utopia stirred the youthful blood. The foundation of Manchoukuo was the materialization of such an ideal. Therein existed morality and light. It was based on 'Humanism'.

On July 7 in 1937 when the China Incident broke out, the Manchoukuoan officials cried, "Hang it!" They were afraid that the China Incident would become a great obstacle to the

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construction of Manchoukuo and hinder them from realizing their ideal. "Hang it!" meant this.

/s/ MUTO, Tomio

Subscribed and Sworn to before me this 3rd day of April 1947,  
at Tokyo, Japan.

/s/ BERNARD A. HARGADON  
1st Lt., Inf.  
Administrative Officer  
Defense Division