

Exhibit 2915

51

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI Sadao, et al

- Defendants -

A F F I D A V I T

YAMAMOTO KUMAICHI

Having first duly sworn an oath as on the attached sheet, in accordance with the procedure prevailing in my country, I hereby depose as follows:

1. I have served in the Japanese Foreign Ministry since March 1920. I was appointed Director of the Bureau of East Asiatic Affairs of that ministry on 2 September 1940, and was appointed concurrently Director of the Bureau of American Affairs on 28 October 1941. On 18 September 1942 I became Vice-Minister of Foreign Affairs, and held these three offices concurrently until on 1 November 1942 I was appointed Vice-Minister for Greater East Asia.

As Director of the Bureau of East Asiatic Affairs, I often attended, during the third Kono Ministry, the Liaison Conferences between the government and the High Command; on these occasions it was my function, as the Foreign Ministry official concerned with China problems, to make explanation when such problems came before the Liaison Conference for discussion. After the formation of the Tōjō Cabinet, as Director of the two Bureaus of East Asiatic and American Affairs, I always attended the Liaison Conferences, giving explanation concerning various questions involved in the Japanese-American negotiations. Since all important points of policy in connection with the negotiations were decided in the Liaison Conference--most of the diplomatic telegrams, including all important ones, being sent to the Army and Navy Ministries and General Staffs--since the Foreign Minister, especially after the formation of the Tōjō ministry, consulted me frequently on the subjects involved in the negotiations; since the meetings with the military bureau directors concerned with the negotiations were always held by me; and since our telegrams of instruction to the Washington Embassy were usually drafted by the Bureau of American Affairs in conformity with the decisions of the Liaison Conference and the instructions of the Foreign Minister, I was thoroughly familiar, especially after the formation of the Tōjō Cabinet, with the details of the Japanese-American negotiations. I thus make the following statement upon the basis of personal knowledge, of matters which I officially managed or which were told to me directly in the course of my official business.

Attitude of the Tōjō Cabinet toward the Japanese-American Negotiations

2. In October 1941 I was told by Foreign Minister Toyoda that War Minister Tōjō had upon the demand of the High Command made a strong request to Premier Kono and the Foreign Minister to present by the 15th or thereabouts their opinions on the pending problems of the Japanese-American negotiations, and especially on the question of the stationing of Japanese troops in China. I was ordered by the Foreign Minister to draft his opinion for this purpose, and I accordingly took considerable pains in drawing up the "Opinion of the Foreign Minister Concerning the Japanese-American Negotiations",

Defense Document No. 1891. I was later told by Foreign Minister Toyoda that this document had been presented to the Premier and the War Minister.

On 16 October the Konoe Cabinet resigned, and on the 18th the Tōjō Cabinet was formed, with Mr. Tōgō becoming Foreign Minister. Mr. Tōgō told me at the time that, when offered the Foreign portfolio by General Tōjō, he had rejected it on the ground that, so long as the Army clung to its old attitude, especially on the question of stationing troops in China, the successful conclusion of the Japanese-American negotiations was hopeless, and it would be meaningless for him to become Foreign Minister. After exchange of opinions, however, he said, he had at last accepted the offer upon General Tōjō's promise that his cabinet would, in obedience to the Imperial command (Exhibit 1154), strive for successful conclusion of the negotiations by undertaking reconsideration of the various unsettled questions, including that of the stationing of troops, without being bound by the Imperial Conference decision of 6 September, and Ambassador Nomura in Washington was accordingly notified that negotiations would continue (Defense Document No. 1401-Y-1). This intention of the new government was confirmed by Premier Tōjō, who in the opening address at the first meeting of the Liaison Conference after the formation of his ministry said that the policy of the new cabinet would be to reconsider the problem without being bound by the decision of 6 September, and asked the agreement thereto of the representatives of the High Command, which was given.

Liaison Conferences to the Imperial Conference of 5 November

3. Thereafter, Liaison Conferences were held almost daily from around 23 October to early November. Debates over the Japanese-American negotiations and the question of peace or war occupied these meetings, much difference of opinion and thorough discussion occurring. Foreign Minister Tōgō always insisted that it was necessary to succeed in the negotiations; the contention of the High Command, voiced by the Chiefs of the Army General Staff and the Naval General Staff, was that concessions concerning the stationing of troops in China must absolutely not be made, and that there being almost no room left us for concession from the decision of 6 September we should in the circumstances even accept the opening of hostilities at that time. The Foreign Minister vigorously rejected this contention; and I remember that Premier Tōjō reproved the Vice-Chief of the Army General Staff, and repeated his words to the opening Conference, mentioned above, to the effect that reconsideration would be given by the Liaison Conference, without being bound by the decision of 6 September.

4. At the almost daily Liaison Conference meetings held from 23 October into early November study was given to the situation in the light of conditions in Japan and abroad, and the national policy to be adopted was discussed. The subjects discussed are those mentioned in Exhibit 1,328 herein. As the result of those discussions and studies, substantially the following conclusions were reached at the meeting of 1-2 November:

a) to work for the successful conclusion of the Japanese-American negotiations, specifically on the basis of Proposals "A" and "B", referred to in detail hereafter;

b) to make a decision for war against America for self-preservation and self-defense, should the negotiations fail in spite of the diplomatic efforts mentioned above;

c) to make efforts to complete preparation for military operations, in view of these conditions, against eventualities; provided, however, that such preparations would be stopped immediately if a settlement were reached through Japanese-American negotiations.

In short, it was intended to make the utmost possible concessions in order to adjust relations between Japan and America with a view to maintaining peace in the Pacific, but at the same time to make preparation for military operations in self-defense, in view of the conditions--exhaustion of Japanese resources and encirclement of Japan, military and economic, by other powers.

5. Before the reaching of the conclusion above mentioned, there had been various discussions and debates in the meetings of the Conference. The General Staff had maintained the position which they had adopted theretofore, that there was no hope of a successful conclusion of the Japanese-American negotiations, and insisted that, since they believed war to be inevitable, it was necessary to commence it during November. In support of their argument, they pointed out that in July President Roosevelt had told Ambassador Nomura that he had refrained from placing an embargo on petroleum shipment to Japan, in spite of strong public opinion supporting such action, on the ground that it would not make for maintaining the peace of the Pacific, but that now he had lost his ground for that argument; thus revealing his intention of subjugating Japan by imposition of the embargo even at the risk of war in the Pacific. Further, they argued, America had never made concessions or shown a conciliatory attitude in the negotiations. Against this opinion, the Foreign Minister contended earnestly that it was necessary to exert the utmost efforts for conclusion of the negotiations in order to achieve a peaceful settlement, and at last was able to persuade the Conference to adopt the decision to continue the negotiations. His urging of the reconsideration of the conditions contained in the decision of 6 September, including the question of the stationing of troops--most difficult of all the difficult problems--resulted in the decision to present Proposals "A" and "B", which were considered by the Liaison Conference to represent the utmost possible concessions which could be made. I shall now explain in detail concerning these two proposals.

6. The important pending questions in the Japanese-American negotiations were the stationing of Japanese troops in China, the application to China of the principle of commercial non-discrimination, and the Tripartite Pact question, as well as questions arising from the entry of Japanese troops into Southern French Indo-China. Of these, it was considered in Japan, in the light of the telegrams received from Ambassador Nomura, that the American Government understood the intention of Japan in regard to the questions of the Tripartite Pact and non-discrimination in commerce, and that these could accordingly be settled on that basis (Defense Document No. 1400-Z-6). It was for this reason that, in the "Opinion of the Foreign Minister", Defense Document No. 1891, the belief was advanced that mitigation of the Japanese stand on the question of the stationing of troops would suffice for the success of the negotiations. While it is true that in several points the new proposals followed the formula theretofore adopted, those formulas were those on which it was considered that agreement had already been reached. To all questions on which, as we understood, America maintained its objections, the Liaison Conference gave the most careful consideration, and the proposals which were adopted represented the maximum agreement which could be obtained for making concessions on those points.

7. In regard to the problem of the stationing of troops in China, the Japanese proposal of 25 September (Exhibit 1245-E) stipulated that "the stationing of Japanese troops and naval forces in certain areas in the Chinese territory would be maintained for a necessary period in accordance with the existing agreement and usages, for the cooperation between Japan and China for the purposes of preventing Communistic and other subversive activities and of maintaining the public order." This was the position which Japan had main-

tained since the opening of the negotiations; while America had objected to the stationing of troops in China for an unlimited period, and insisted on their withdrawal within a definitely limited time. This point had, therefore, been the most difficult of the problems, and this decision taken and embodied in Proposal "A" in the time of the Tōjō cabinet was the first time that it had been made clear that the stationing was not to be for an unlimited period. It was further decided that if America asked how long the period would be, reply would be given to the effect that the approximate goal was 25 years. The settlement of this problem had caused great difficulties to the Liaison Conference and it was this problem which had brought about the downfall of the third Kōnoe Cabinet (Defense Document No. 1401-W-1). It was for this reason that Mr. Tōgō had requested and obtained assurance on this point (as well as other points of the 6 September decision) before accepting the portfolio of Foreign Affairs. But in the Liaison Conference, the Army General Staff especially strongly opposed a limitation on the period of stationing troops on the grounds that if a limitation were imposed the fruits of the China Incident would be lost, the feeling of defeat would spread over the nation, and the morale of the Army would be lowered. The Foreign Minister insisted, on the contrary, that the negotiations would undoubtedly fail unless the period was limited; and after hot discussions the General Staff at last came to agree to the decision.

The plan adopted further made it clear that the area in which troops would be stationed would be certain areas of North China and Inner Mongolia, and Hainan Island. According to the provisions of the Treaty of Basic Relations between China and Japan (Exhibit 1245-F), which had been mentioned in the original proposal of 12 May (Exhibit 1070), Japan had the right to station troops in the Shanghai triangular zone, at Amoy and in some other areas in addition to those enumerated in Proposal "a", and this right had been strongly defended until the time of the Tōjō Cabinet and was still strongly insisted on by some at this time. As a result of the Conference deliberations, however, it was decided to make the concession of restricting the areas, to those mentioned.

8. On the question of the application of the principle of non-discrimination in trade, the draft of 25 September had provided that "economic coöperation between Japan and China will be carried on by peaceful means and in conformity with the principle of non-discrimination in the international commercial relations and also with the principle of especially close relationship which is natural between neighboring countries; and that the economic activities of third Powers in China will not be excluded so long as they are pursued on an equitable basis." In Proposal "A", however, the Liaison Conference, in accordance with the participants' intention of making concessions so far as possible, had included the provision that "The Japanese Government recognizes the principle of non-discrimination in international commercial relations to be applied to all the Pacific areas, inclusive of China, on the understanding that the principle in question is to be applied uniformly to the rest of the entire world as well." The Liaison Conference intended thus not only abandonment of the condition of propinquity, to which America had taken exception, but also to adopt the American extension of the non-discriminatory principle to the whole Pacific area.

9. As to French Indo-China, Proposal "A" provided that "The Japanese Government undertakes to guarantee the territorial sovereignty of French Indo-China. The Japanese forces at present stationed there will be withdrawn as soon as the China Affair is settled or an equitable peace is established in East Asia." The meaning of the phrase, "an equitable peace in East Asia", as used here is explained in the earlier telegram of Foreign Minister Toyoda to Ambassador Nomura, 28 August, Defense Document No. 1401-H-3. The Liaison Conference discussions and decision of this point were on the basis of this meaning of the phrase.

In general, Proposal "A" was formulated by study and consideration of the negotiations from the time of the Japanese proposal of 25 September, and with a view to making on the unsettled questions the utmost concessions to the American position which could be agreed upon by all.

10. In addition to Proposal "A", Proposal "B" was prepared also, for use in the event that no favorable prospect developed from presentation of Proposal "A" (it being realized that settlement of all outstanding problems at a stroke might be difficult). The main purpose of Proposal "B" was to restore conditions to what they had been before the critical situation brought about by the Japanese advance into Southern Indo-China, as a modus vivendi until a basis for final settlement of the various issues could be reached. Thus it was decided to propose withdrawal to the north of all troops stationed in Southern Indo-China, as well as withdrawal of all troops stationed in Indo-China upon establishment of an equitable peace in the Pacific area. It was decided also that, if necessary, the stipulations of Proposal "A" on non-discrimination in commerce, as well as on the interpretation and obligations of the Tripartite Pact, might be included in Proposal "B". To arrive at an agreement to make such concessions in spite of the many questions left unsettled for future negotiations was a difficult matter, and there were strong objections from the Army General Staff, by whom it was considered an extreme concession on the part of Japan, the retreat from Southern Indo-China especially being very hard for them to accept.

11. The Liaison Conference discussed also the policy to be adopted in case the United States would not accept either Proposal "A" or "B", despite the concessions which they were believed to represent. Before reaching the final decision that in that case war would have to be waged in self-defense, the Liaison Conference had hot discussions. The Foreign Minister, insisting on the necessity of preserving peace, strongly urged patience even in hardship and privation, pointing out the great productive capacity of America and Britain and the indomitable and inflexible spirit of their nationals, and the impossibility of Japan's receiving assistance from Germany or Italy. He repeatedly expressed the fear that once war broke out it would necessarily be a prolonged one, and one that would result disastrously for Japan, and insisted that Japan should manage herself with patience at least until American participation in the European war. This opinion met with strong opposition from the High Command. It was argued that, since the imposition of freezing measures by the United States, Britain and the Netherlands, Japan's vital resources were subject to gradual depletion, and that if that condition continued, with no means of replenishing her resources, the materials necessary for war would be gradually exhausted and Japan would collapse militarily and economically. In the case of petroleum especially, great concern was manifested, it being concluded that the stock available for civilian use would be exhausted by June or July of 1942, however strictly rationing might be imposed; and that the stock even for military use was so small that the Japanese Navy would be faced with the impossibility of discharging its functions, if the worst came, in less than a year and a half. It was stressed that in view of the rapid increase of military preparations by America, Britain and the Netherlands, and the condition of Japan, the probability of being subjected to pressure by America and Britain in the event of failure of negotiations was growing, and if conditions remained unchanged Japan would no longer have power to resist. Further, it was argued, we should conclude, if America refused to pay favorable consideration to our proposals despite our great concessions, that she was already resolved upon war against us. As a result of these arguments, the opinion that we should continue negotiations with the determination to fight America in self-defense if negotiations failed prevailed in the Liaison Conference in early November, resulting in the conclusions before mentioned.

Prior to the agreement on this conclusion, Ministers Kaya and Tōgō reserved expression of their final opinions, requesting a day's time for further consideration before agreeing. Foreign Minister Tōgō told me a day or two later that, believing that war should be avoided to the last, before agreeing to the conclusion he had made some requests of Premier Tōjō; especially to make every effort for the success of the negotiations, and to consider moderating as necessary the terms of Proposal "A" and "B", if the United States' attitude toward them was in general favorable. He had, he told me, got the consent of the Premier, and he therefore encouraged me to make still further efforts for the success of the negotiations. The Foreign Minister further proposed in the Liaison Conference that in case of a settlement through the negotiations the Army and Navy forces should be restored to their former condition however much military preparations had progressed; and to this the High Command fully agreed.

The Negotiations, 5-20 November

12. The dispatch of Ambassador Kurusu to Washington was first requested by Ambassador Nomura on 4 August (Defense Document No. 1401-E-1). The matter was being considered by Foreign Minister Toyoda when the Kono Cabinet resigned (Defense Document 1400-W-6), and after assuming office, Foreign Minister Tōgō told me that he considered that sending Ambassador Kurusu--who shared his opinion of the necessity of adjusting Japanese-American relations, and who had a good knowledge of America--to assist Ambassador Nomura would be helpful for expediting the negotiations. Therefore on the night of 3 November, following the Liaison Conference's agreement on Proposals "A" and "B", the Foreign Minister had Ambassador Kurusu call on him, stated the nature of the proposed mission, and obtained his consent to undertaking it. The following day I went over the course of the negotiations in detail with Ambassador Kurusu, and, the Foreign Minister securing the Premier's approval of and the Imperial sanction for the mission, the ambassador was sent off by Clipper, thanks to special arrangements made by the American Ambassador and the American State Department.

The dispatch of Ambassador Kurusu was carried out solely as one more effort offering an additional chance to succeed in the earnestly-desired conclusion of the negotiations, as was explained to Ambassador Nomura at the time (Defense Document No. 1401-E-2). The suggestion has since been made that it was intended as a measure to gain time by deceiving the United States; but, as I have already indicated above, the difficulty in the Liaison Conference from long before had been to persuade the High Command to agree to enough delay to give negotiation full opportunity, their position being that there was neither necessity nor desirability of delaying the opening of hostilities, but that it would be advantageous to commence them at once.

13. The proposals decided upon by the Liaison Conference on 2 November were sent to Ambassador Nomura on the 4th, prior to their approval by the Imperial Conference on the 5th (Defense Documents Nos. 1401-A-2 and 1401-B-2). As soon as they had been approved, instruction to open negotiations on these proposals was sent (Defense Document No. 1401-D-2). It may be noted that in the explanation of Proposal "A" given to Ambassador Nomura (Defense Document No. 1401-B-2), it is said that if "a definite period for which it will be necessary to station the troops is clearly indicated, it may have the contrary effect of further complicating the issue", and the ambassador was accordingly directed if possible to abide by the abstract term "necessary duration", and to impress upon the United States that neither permanent nor indefinite stationing was contemplated. This instruction resulted from the following cir-

cumstances. When the question of withdrawal of troops was debated in the Liaison Conference, the Foreign Minister had first advocated the adoption of a 5-year limit for the withdrawal. Being unable to obtain the consent of the conference to this, he proposed successively plans for 8- and 10-year periods, but neither of them was accepted either, and the 25-year approximate goal was finally decided upon. It would have been possible, however, to request reconsideration with a view to shortening the period, had the United States been generally favorable to Proposal "A", inasmuch as there was, as above mentioned, an understanding to that effect between Premier Tōjō and Foreign Minister Tōgō. In these circumstances it was believed by the Foreign Ministry that it would be better first to attempt to reach agreement on general principles, putting emphasis on having the United States understand that the stationing of troops was not to be an indefinite nor a permanent stationing, then to proceed to discussion of concrete terms.

14. Proposal "A" was handed by Ambassador Nomura to Secretary of State Hull on 7 November (Exhibit 1,246), and further explanation thereof was made by him to the President on the 10th (Defense Document No. 1400-A-7). Foreign Minister Tōgō also made an explanation to Ambassador Grew, on the same day, in the endeavor to insure a thorough understanding of the proposal (Defense Document No. 1400-Z-6). In the Foreign Ministry and the Liaison Conference, it was felt that in view of the concessions made upon careful study of the American position on pending questions the United States would give favorable consideration to the proposal. Ambassador Nomura's reports at first indicated that this result had come about (Defense Documents Nos. 1401-F-2 and 1401-L-2). Not only were Secretary Hull's concurrence in the clause respecting non-discrimination in trade and his expression of appreciation of our clarification of our position on stationing of troops in China encouraging, but his new suggestion of having China's highest authority pledge friendship seemed to offer additional prospects of a solution. It was thus thought that the situation was taking a favorable turn, and with regard to the China question Ambassador Nomura was instructed that Japan welcomed Secretary Hull's suggestion and was ready to carry it out by negotiating with Chiang Kai-shek (Defense Documents No. 1401-G-2, 1401-J-2 and 14-1-K-2). Ambassador Nomura's report that Secretary Hull said that it would be possible to have Britain and the Netherlands sign an agreement simultaneously with the United States was further encouraging for the prospects of agreement based on Proposal "A". On the other hand, reports received from him of the President's attitude and of an Anglo-American agreement for military collaboration had aroused some misgivings (Defense Document No. 1401-H-2). The ambassador's report of his meeting with Secretary Hull on the 15th moreover, showing that the Secretary raised various objections to Japan's proposals and further said that it would be impossible, despite his former statement, to arrange quickly to have the other interested countries join an agreement, gave rise to doubts among circles concerned in Japan of the sincerity of the United States for the negotiations (Defense Document 1401-J-3).

15. Mr. Ballantine, I understand, testified in this Tribunal that, knowing the true intentions of Japan through interception and reading of our diplomatic correspondence, the United States Government had reason to suspect Japanese sincerity and accordingly did not seriously consider the Japanese proposals. I have therefore read some of these intercepted telegrams--such as Exhibits 1164, 1165, 1170 and others--and was astonished to find in them such important errors as often change the meaning entirely, as compared with the original telegrams of the Foreign Ministry composed under my direction and revised and approved by me before being sent. In Exhibit 1165, for example, the whole tone of the intercepted message is different

from that of the message actually sent and, according to the ambassador's report, complied with by him.

In the intercepted Proposal "A" itself, for example, there is reference to "our revised ultimatum", while the Foreign Ministry telegram shows clearly that this was not an absolutely final proposal (never, in fact, was the ambassador instructed by the Foreign Ministry to present or mention an "ultimatum" to the United States). In section (2) the formal undertaking offered by Japan concerning the legal interpretation of the Tripartite Pact obligations is replaced in the intercepted version by a mere expression of desire on a different matter. Omitting mention of other such points, I may add that I was particularly struck by the discrepancy in section (3)(D), the last sentence of which in the intercepted message becomes a separate section (4) which if it had existed in the original message should well have cast doubt on Japanese sincerity. The reference intended in the actual telegram was, of course, to the few principles so frequently mentioned by the United States during the course of the negotiations, as for example in the Oral Statement of 2 October (Exhibit 1245-G). With regard to these principles, Premier Prince Nonoe had expressed to Ambassador Grew his concurrence in principle, but it had been the Japanese position throughout the negotiations that, taking into account the actual situation in East Asia, the final agreement to be reached should mention their specific applications as agreed upon rather than generalities.

Finally, in section (3) of the "Explanation" of the intercepted version there is language evidencing an intention to trick the United States by forms of words, on the question of withdrawal and stationing of troops. Actually, the intention of the Liaison Conference and of the Foreign Ministry, which was embodied in this telegram was, as above explained, to make sincerely the maximum possible concession on this very difficult point.

16. During this period additional attempted concessions were offered in the effort to meet the American position. The American Government having, in its Oral Statement of 12 November (Defense Document No. 1400-B-7), requested confirmation of the Japanese position on a number of points communicated to the President in August, the Foreign Ministry on 16 November confirmed that the present cabinet adhered to the same position (Defense Documents Nos. 1401-C-2 and 1400-C-7). Japan further agreed, at the American request, to the deletion from the proposal of 25 September of the restriction of the question of political stabilization to the Southwestern Pacific area (Defense Documents Nos. 1401-P-2 and 1400-D-7). Upon the American request, it was made clear that the great majority of the Japanese troops would be withdrawn from China upon the reaching of an agreement (Defense Document No. 1400-F-7). The American attitude nevertheless continued lukewarm; Ambassador Kuru joined the negotiations from 17 November, but despite his efforts the negotiations showed no progress and the situation did not improve. In these circumstances, the Foreign Minister reported to the Liaison Conference that there was no prospect of American acceptance of Proposal "A", and the presentation of Proposal "B" was authorized. Ambassador Nomura was accordingly directed to present it, which was done on the 20th.

The Negotiations, 20-26 November

17. Proposal "B" has already been fully explained above. It having been formulated, after much discussion, with a view to making the greatest possible concessions, we expected it to be favorably entertained by the United States, in the light of a modus vivendi to promote a more favorable atmosphere in which negotiations could be carried on, as was explained to Secretary Hull on the 20th (Defense Document No. 1401-R-2). We understood that on the 17th

President Roosevelt had said to Ambassadors Nomura and Kurusu that he did not propose to intervene between Japan and China, but merely to act as an introducer (Defense Document No. 1401-Q-2). On the 21st Secretary Hull, referring to Ambassador Kurusu's earlier suggestion of disposing of the Tripartite Pact question by conclusion of an important Japanese-American agreement which would outshine it, showed sympathy with it, and indicated also that he considered it natural that Japan should have the leadership of East Asia and that he was ready to understand the idea of the Greater East Asia Co-prosperity Sphere (Defense Document No. 1401-S-2). On the basis of these and other reports from Washington, the Japanese government offices concerned were hopeful of success in the negotiations. The possibility of success being foreseen, instructions were sent to the Embassy relative to the quantity of oil which would be required to implement an agreement under proposal "B" (Defense Document No. 1401-W-2).

Reports from the Washington Embassy indicated, however, that Secretary Hull had suddenly changed his attitude. Further clarifications of the Tripartite Pact question offered by Ambassador Kurusu found the Secretary uninterested (Defense Documents Nos. 1400-F-7 and 1400-G-7). The ambassadors reported that he had declared that withdrawal of Japanese forces from Southern Indo-China was of no help, and that the time was not ripe for the so-called introduction by the President between Japan and China (Defense Document No. 1401-T-2). The China problem was, as always, the object of thought and effort in Tokyo (Defense Document No. 1401-U-2). We also learned shortly thereafter that the United States was holding consultations with the British, Australian, Chinese and Dutch Governments (Defense Document No. 1401-V-2). Thus while still hopeful of an agreement, we felt that the situation was turning for the worse. On 27 November we were informed by Ambassador Nomura of the note which Secretary Hull had handed to him on the 26th (Defense Document No. 1401-X-2). This note (Exhibit 1245-1) was a great disappointment to the Japanese Government; the view of all concerned was that its acceptance would involve Japan's falling to a lower international position than in the days before the Manchurian Incident, and that its very existence would be endangered. Other incidents confirmed our opinion that the United States had by that time become determined on war with Japan; Ambassador Nomura's report, for example, that, abandoning the policy of both Governments since the beginning of the negotiations, the United States had made public on the 26th the details of the negotiations and of its latest proposal (Defense Document No. 1401-A-3).

Meetings of the Liaison Conference after 5 November

18. The meetings of the Liaison Conference after the Imperial Conference of 5 November considered questions in connection with the Japanese-American negotiations, but also considered the measures to be taken in the unfortunate eventuality of the negotiations failing and Japan's being forced to resort to arms to preserve its own existence. Matters concerning military operations, however, were kept absolutely secret and were never once brought up for discussion in the Liaison Conference. Although various documents (Exhibits 1175, 1169) relating to war were drawn up by the Liaison Conference, these were preparatory drafts discussed and adopted merely against a time when war might prove to be inevitable, and not as the result of any decision for war at the time; that diplomatic efforts were to remain of first importance was the assumption upon which the documents were drawn.

The Foreign Minister on 5 November instructed Ambassador Nomura to bend every effort to concluding an agreement with the United States by the 25th (Exhibit 1171), and again on the 22d told him that Japan could wait if agreement could be reached within a few days further (Exhibit 1183), but that otherwise the situation

would have to be left to develop automatically. The circumstances in Japan were increasingly pressing the government to reach a settlement quickly, and there was much expression of criticism that the representatives in Washington, not realizing the serious state of affairs, were too easy-going. The Foreign Minister for this reason attempted to spur on the ambassadors. While the government was making desperate efforts to conclude the negotiations, the military authorities considered that from the point of view of their responsibility for national defense it was disadvantageous to delay the opening of hostilities if war was to be inevitable, and urgent] demanded to know whether there was any possibility of successful conclusion of the negotiations. Those negotiations had been in progress for nearly eight months and, it was urged, the views of both sides were well known to each other, and it could not require long to ascertain whether there was a prospect of agreement. Hence the necessity for the instructions to the ambassadors setting dates for conclusion; there was no suggestion in Japan that war would be commenced without further deliberations.

The Negotiations after 26 November

19. Upon receipt of the note of the American Government of 26 November, it was felt generally in Japan by those conversant with the matter, including the attendants at the Liaison Conference, to be clear that hope of bringing the Japanese-American negotiations to a successful issue through either a complete agreement or a modus vivendi were almost lost. Nevertheless, with the design of leaving unexplored no possibility for maintenance of the peace of the Pacific, the Foreign Minister sent additional messages urging the ambassadors to attempt to obtain reconsideration by the United States, the only course remaining open (Exhibits 1193, 1194 and 1195, Defense Document 1401-D-3). The commencement of war is decided only by an Imperial Conference; and before that decision was made on 1 December the ambassadors were cautioned not to give the impression that negotiations were closed for the reason that there was still no definite determination for war, although it was considered that rupture of the negotiations was inevitable, in the light of the American attitude, unless reconsideration could be obtained. Even thereafter, in accordance with the decision, military operations were still to be stopped if the negotiations succeeded (Exhibit 809).

On 26 November there was received from Ambassadors Nomura and Kurusu a telegram (Exhibit 2249) suggesting as their opinion that the relations between the two countries could be improved by an exchange of telegrams between the President and the Emperor, the exchange to be followed by a proposal from Japan for establishment of a neutralized area. The ambassadors requested that the Foreign Minister consult concerning their suggestion with the Lord Keeper of the Privy Seal, and give them a prompt answer. Foreign Minister Tōgō did consult not only with Lord Keeper Kido, but also with Premier Tōjō, and instructed me to convey to the ambassadors the result, that all three of them considered the project to offer no hope of settlement in the circumstances of the time, and that it could therefore be improper to adopt it. This information was conveyed to the ambassadors (Exhibit 1193). It should, however, be noted that although the ambassadors had sent their suggestion on 6 November, before receipt of the United States note of that date, Foreign Minister Tōgō had, before his consultation with the Premier and the Lord Keeper, received from the ambassadors an outline of the American note, from which it appeared that successful conclusion of the negotiations had become almost impossible, and that such a scheme as that proposed by the ambassadors would be unavailing (Defense Document No. 1401-I-3).

20. The Ambassadors at Washington had sent frequent telegrams to the Foreign Ministry pointing out the harmful effect upon the Japanese-American negotiations of anti-American articles in Japanese newspapers, and Foreign Minister Tōgō was concerned over it. He accordingly endeavored to prevent the appearance of such injurious publications, hoping thereby to further the negotiations. The instance of such control appearing in the Foreign Minister's telegram of 1 December (Exhibit 1208) was by no means the first; much earlier, for example, Ambassador Grew had complained of the Japan Times as being particularly offensive, and the Foreign Minister had taken prompt and drastic measures against it (Defense Document No. 206-H).

The Notification Closing Negotiations

21. The commencement of hostilities was decided upon on 1 December, through an extraordinary Cabinet meeting in the morning and an Imperial Conference in the afternoon (Exhibit 588). At the Imperial Conference, explanations were given by the Premier and the Foreign Minister of the circumstances, those explanations being respectively Defense Documents 1886 and 1892. With respect, however, to the date of and the procedure for commencement of hostilities, there was no discussion or decision on that day.

The question of the procedure for opening hostilities first came up for discussion at the Liaison Conference of the following day, 2 December. On that occasion Admiral Ito, Vice-Chief of the Naval General Staff, urged that negotiations be left un-terminated until the belligerent operations actually commenced, it being absolutely necessary to deliver a blow to the United States at the very beginning of the war by a surprise attack. The Foreign Minister, however, opposed this, saying that the government must follow the usual procedure and formalities for opening hostilities. Discussion followed, and the Foreign Minister finally said that it was essential that at the least a notification of termination of the negotiations be given prior to the initiation of hostilities. He referred, in this connection, to the telegram from Ambassador Nomura to the same effect (Defense Document No. 1401-X-2). The conference adjourned on that day without arriving at any conclusion.

It was at the Liaison Conference of 3 December that the result of further discussions was embodied in a decision concerning the procedure for opening war, the decision being that a notification closing the negotiations would be given at Washington. I had drafted the notification in accordance with the decisions of various Liaison Conferences; my draft had been submitted to the Army and Navy Ministries, who made some suggestions and changes, and it was then brought to the Liaison Conference of 4 December and copies submitted to the participants, and in its final form was approved by the Conference (Exhibit 1245-K). The Foreign Minister told me later that he had also reported the gist of it to the Cabinet meeting of 5 December. It was the belief and conclusion of the participants in the Liaison Conference that the intention not only of breaking off the negotiations but of severing relations and going to war was, in the circumstances then prevailing, clearly expressed in the concluding words of the document: "Thus, the earnest hope of the Japanese Government to adjust Japanese-American relations and to preserve and promote the peace of the Pacific through co-operation with the American Government has finally been lost. The Japanese Government regrets to have to notify the American Government that in view of the attitude of the American Government it cannot but consider that it is impossible to reach an agreement through further negotiations."

22. At the Liaison Conference of 6 December the time for delivery of the notification to the American Government was fixed. It was reported by the Foreign Minister that the decision was to deliver the notification at 1 P.M., Washington time, 7 December, which would be in advance of the commencement of hostilities. No members of the Liaison Conference except those concerned with military operations knew when or where operations would commence; no one of the Foreign Ministry knew, or knew that the fleet had sailed from Hitokappu Bay on 26 November and was approaching Hawaii, or was informed of any of the other strictly secret operational plans.

The Foreign Minister thereafter ordered me to send the text of the notification ahead of time, to insure its delivery at the time appointed, and we arranged most carefully that it should reach the embassy in Washington in ample time to be delivered to the American Government without fail at 1 P.M. on 7 December. The time of dispatch being also a matter of concern to the Navy, it was after consultation with the Navy officials concerned that the earliest time for dispatching the message was decided.

23. Japan did not notify Britain in advance of the commencement of hostilities. The Foreign Minister had long been solicitous over Anglo-Japanese relations, and had repeatedly attempted to induce the British Government to participate in the Washington negotiations. Ambassador Nomura had been directed to urge the United States to take necessary steps to have the British and Dutch Governments sign an agreement simultaneously with the United States (Defense Document No. 1401-C-2). The Foreign Minister had discussed the matter personally with Ambassador Grew, in Tokyo (Defense Document No. 1400-Z-6). He also requested Ambassador Craigie to have the British Government make a positive effort for the conclusion of the negotiations, informing him of the acute situation (Defense Document No. 1401-G-3). The British Ambassador, however, advised the Foreign Minister that his Government felt that it should entrust the negotiations to the United States Government for the time being (Exhibit 1174). Meanwhile, repeated telegrams of Ambassador Nomura reported that the United States Government was carrying on careful consultation, through their representatives in Washington, with the Governments of Britain, the Netherlands and China (Exhibit 1184, Defense Document No. 1401-V-2). At that time it was considered by the Japanese circles concerned that the British Government's attitude toward the Japanese-American negotiations--which had close connection with the important British interests in East Asia--was one of the proofs that America and Great Britain were adopting a united front against Japan in East Asia, as they were in respect also of the European war. It was also taken into consideration that Prime Minister Churchill had on 10 November already in effect committed Great Britain to going to war with Japan automatically upon an outbreak of hostilities between the United States and Japan (Defense Document No. 478-B). In such circumstances it was considered by the Liaison Conference that as a matter of course the Government of the United States would notify that of Great Britain immediately upon receipt of the notification of termination of negotiations, and that the delivery of a notice additionally to Great Britain was unnecessary.

Consular Reports of Shipping

24. Consuls stationed abroad had the duty of reporting, from time to time, such information concerning the politics, economy, finance, military affairs and other matters of interest pertaining to the places where they were stationed as they considered of interest to the Japanese Government. With respect to such affairs,

other government offices frequently requested the use of the organization and facilities of the Foreign Ministry for investigations which they desired to conduct; when such requests were received, the Foreign Ministry dealt with them as routine business, instructions from the appropriate bureau or section going to the consuls to make the required investigations and report. These instructions, like all instructions to consuls, ministers and ambassadors, were always issued in the name of the Foreign Minister; but in actuality, not being Foreign Ministry business, they were never seen by the Foreign Minister, but were sent round to the Cable Section for dispatch with the approval of the chief of the appropriate bureau or section, or even at times of a competent secretary.

It was in accordance with this system, which had prevailed for many years, that at the request of the Navy in 1941 consular reports on merchant and naval shipping of the United States, the Netherlands and other nations were requested and obtained from consuls. This type of message went not only to Honolulu (Exhibits 1254, 1256-1264) and to Batavia (Exhibit 1330), but as well to Portland, Seattle, Vancouver, Panama, Manila and elsewhere. These reports were handled as routine, and naturally neither the requests nor the reports which were transmitted direct to the naval officials who had asked for them--underwent inspection by the Foreign Minister.

O A T H

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

Yamamoto Kumaichi (seal)

On this 11th day of August 1947

At Tokyo

DEPONENT Yamamoto Kumaichi (seal)

I, Nishi Haruhiko, hereby certify that the above statement was sworn to by the deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At Tokyo

Witness: Nishi Haruhiko (seal)

Translation Certificate

I, Nishi Haruhiko, of the Defense, hereby certify that I am conversant with the English and Japanese languages, and that the foregoing is, to the best of my knowledge and belief, a correct translation of the original document.

Nishi Haruhiko

Tokyo
11 August 1947