

EXHIBIT No. 3340 PAGES 1-149

(151)

ERRATA SHEET

Page 9	-	Line 12	Spelling	"Partisans"
" 20	-	" 22	"	"dispatch"
" 20	-	" 11 from bottom	Spelling	"asked"
" 20	-	" 10 from bottom	"	"dispatched"
" 29	-	" 23 from bottom	"	"affairs"
" 30	-	" 8 from bottom	"	"ideas"
" 31	-	" 3	Spelling	"interested"
" 31	-	" 22	"	"Premier"
" 32	-	" 10	"	"face"
" 35	-	" 5	"	"Military"
" 35	-	" 10	"	"again"
" 35	-	" 19	"	"Korjbye"
" 38	-	" 3	Delète "His" - substitute "He".	
" 39	-	" 2	eliminate "?"	
" 39	-	" 20	Spelling "militarists"	
" 40	-	" 18 from bottom	Spelling "House"	
" 40	-	" 15	" " Substitute "1933" for "1932"	
" 40	-	" 9	" " Substitute "1933" for "1932"	
" 41	"	" 18	Spelling "inquired"	
" 41	"	" 21	Spelling "situation"	
" 41	"	" 17 from bottom	substitute "1933" for "1932"	
" 41	"	" 16	" " substitute "1933" for "1932"	
" 41	"	" 14	" " spelling "concerning"	
" 42	"	" 10	" " substitute "1934" for "1944"	
" 43	"	" 22	Insert "be" between "should" and "more".	
" 43	"	" 3 from botton	Spelling "into"	
" 45	"	" 5	Spelling "answerable"	
" 45	"	" 12	Spelling "remain"	

Defense Document No. 2502

- Page 46 - Line 8 Spelling "reform"
" 46 - Last Line Spelling "entries"
" 48 - Line 15 from bottom Spelling "suffocate"
" 59 - Line 9 from bottom Spelling "thought"
" 63 - Eliminate last line
" 64 - Line 1 - Eliminate first word
" 69 - Line 5 from bottom Spelling "compiled"
" 93 - Line 9 Eliminate "it" and substitute "the incident"
" 94 - Line 9 from bottom - correct "reconsider" to "be consider"
" 94 - Last line - Spelling "supported"
" 96 - Line 4 - Spelling "Von Neurath"
" 96 - " 12 - 1939, which
" 96 - " 13 - Spelling "bills"
" 99 - " 3 from bottom - Spelling "Senior"
" 112 - " 5 - Spelling "that"
" 120 - " 6 - Spelling "you"
" 128 - " 3 - Spelling "persuade"
" 129 - " 14 Eliminate "over the phone"
" 130 - " 11 - Spelling "opinion"
" 131 - " 15 - Spelling "outbreak"
" 136 - " 14 - Insert "in" between "Japanism" and "the"
" 138 - Last line - Spelling "means"
" 143 - Line 3 - Spelling "therefore"
" 143 - " 7 - Spelling "plan"
" 148 - " 12 from bottom - substitute "you" instead of "your"
" 148 - " 4 from bottom - " "quit" instead of "quite"
" 152 - " 18 from bottom - Spelling "completion"
" 191 - " 16 Insert " " before "At"
" 192 - " 18 - Spelling "whom"
" 194 - " 1 - 1st word "TOGO" not "TOJO"

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- Page 199 - Line 3 - Spelling "same"
- " 200 - " 3 - Delete "only" - between "Tojo" and "from",
insert "and others"
- " 201 - Delete last line
- " 203 - Line 3 - Insert "and others" after "Tojo"
- " 203 - " 8 - Insert "and others" after "Tojo"
- " 205 - " 13 - Delete "and" between "Staff" and "given" and
substitute "had"
- " 209 - " 5 from bottom - spelling "intoxicated"
- " 214 - " 11 " " - spelling "relieved"
- " 216 - " 3 Spelling "reprimanded"
- " 218 - " 7 from bottom - Spelling "campaign"
- " 221 - " 6 in Paragraph 262 - Spelling "destiny"
- " 223 - " 3 from bottom - spelling "restoration"
- " 224 - " 5 Spelling "surrender"
- " 279 - Lines 6 and 7 - Eliminate sentence "No reply - - - - - to him".
- " 16 - Line 14 from bottom change "16" to "17"
- " 127 - Line 8 - "May 12" instead of "May 3"

Translated by
Defense Language Branch

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al)
)
) AFFIDAVIT OF KIDO Koichi.
)
 ARAKI, Sadao, et al)
)

I, KIDO, Koichi, make oath and say as follows:

1. On May 16, 1946, I pleaded "Not guilty" to the 54 counts in which I am named in the Indictment presented to this Tribunal. I hereby reaffirm that plea and in token of my innocence, I am availing myself of the opportunity of taking the stand and presenting facts which I sincerely believe will demonstrate unquestionably my innocence of each and every one of those counts in the Indictment.

2. On Dec. 6, 1945, I heard over the radio that I was to be arrested as an alleged war criminal. This appears in my diary for that day as follows:

"Dec. 6, 1945 x x x. The radio news at 7 P.M. reports that SCAP issued a warrant for arresting me together with Prince KONOYE and others."

When I was apprehended ten days later on Dec. 16, 1945 I voluntarily and of my own free will and accord revealed to Lt. Col. SACKETT that I had diary. I had nothing to hide or fear. My life had been devoted to fighting the militarists. Not only did I reveal I had a diary, I voluntarily caused it to be delivered to him upon the assurance that it would be returned to me. Each entry in this diary was written by me on the day of its entry with the exception of few entries which were written on the following day. I strove to write my diary objectively and it was not written with any thought in mind other than to keep an accurate and true account of what I heard, saw, said or did. In some instances I recorded my thoughts.

Pressure of time prevented me at times from recording some of the events and of recording others fully.

The diary itself in the entry of February 21, 1931, shows I had no ulterior motive for writing it, as follows:

"Feb. 21, 1931 x x x In bed I read 'MacDonald' by Mr SAITO, Hiroshi, and finished it at night. In the last part of that book I read the following description. When Mr. SAITO asked MacDonald, 'How would you get along if there were no political world?', to this MacDonald answered that 'I would live on four hours reading; three hours writing a day. That would make for me an earthly paradise.' When I read this passage, it showed me the right way I had been striving in vain to find out."

3. Out of a total of 5,920 entries in my diary (Jan. 1, 1930 to Dec. 9, 1945) the prosecution has submitted to this Tribunal excerpts from only 123 days. In presenting my case I shall endeavor to do so chronologically. Many of the excerpts from my diary introduced by the Prosecution were rough or scanned translations which garbled the text and contained sinister implications. Even though these and many others which were offered as final translations were submitted to the Language Section and corrected by eliminating the sinister connotations, it may be that an erroneous impression has been created from the first incorrect readings. Perhaps the corrections at later dates of words phrases and even whole paragraphs which are isolated from their context in subsequent pages of the record has not rectified the damage done. For this among other reasons I shall refer to the excerpts from my diary already introduced into evidence by the prosecution as corrected, and will quote extensively from other entries which were not introduced by the prosecution but which are related to the excerpts introduced by the prosecution and to the charges made by the prosecution. Between the time of my apprehension and the return of the Indictment, I was interrogated by the prosecution on 35 occasions from Jan. 15, 1946 to Mar.

16, 1946. The transcript of those interrogations consists of 775 pages of single spaced typewriting. The prosecution has not introduced one word of these comprehensive interrogations in evidence, either against me or any other accused.

4. I was born July 18, 1889. My grandfather, Marquis KIDO Takayoshi, was one of the three founders of the new government of Japan during the Meiji Era. He served in various ministries in the cabinet and played a prominent role in the drafting of the constitution which established the Diet. My father, Marquis KIDO, Takamasa, was Grand Chamberlain to Emperor Meiji's son who subsequently became Emperor Taisho. I graduated from the Political Department of the Law College of the Imperial University of Kyoto in 1915, having previously attended Peers School. While at Peers School and at College I became acquainted with Prince KONOYE, Fumimaro and Baron HARADA, Kumao who subsequently became Prince SAIONJI's secretary. My association and friendship for Prince KONOYE and Baron HARADA grew with the passage of time and we consulted frequently on various political matters. During my college days and in my government work I was primarily interested in political economy and social sciences. On August 30, 1917, I was commanded by the Emperor to succeed to my father's title of Marquis and I simultaneously became a member of the House of Peers.

5. Upon my graduation from the Imperial University of Kyoto I joined the government service, being assigned to the Ministry of Agriculture and Commerce. My subsequent 30 year official career may be divided in two stages. During the first half, that is, from 1916 to 1930, I was an administrative official pure and simple, having no connection whatsoever with the political field, though I took part in industrial administration

as official of the Ministry of Agriculture and Commerce and later the Ministry of Commerce and Industry. The second half of my career began when Viscount OKABE, Chokei resigned as Chief Secretary to the Lord Keeper of the Privy Seal on his election to the House of Peers in 1930, and I was appointed his successor on the joint recommendation of Prince SAIONJI, Prince KONOYE, Baron HARADA, Viscount OKABE and others. Having assumed, as I did, a unique official post, I had an opportunity to get acquainted with Japan's politics. At this time I was appointed concurrently Councillor of the Department of the Imperial Household. 6. In the spring of the year when I assumed the post of Chief Secretary to the Lord Keeper of the Privy Seal, the London Naval Treaty was concluded with the result that it became obligatory for Japan, one of its signatory Powers, to reduce her Navy. This caused intense dissatisfaction in a section of the Navy, indeed so much so that the so-called question of infringement on the High Command by the Lord Keeper of the Privy Seal was raised, but it had no foundation. Excitement ran high throughout the length and breadth of the country. It is no exaggeration to say that a big transformation, which later overtook Japan, eventually making her what she is now, was started at that time. It was only two weeks after my assumption of the post of Chief Secretary to the Lord Keeper of the Privy Seal that Prime Minister HAMAGUCHI was assassinated by a Rightist at Tokyo Station. A long series of untoward incidents were in store for Japan including the March Incident, the Manchurian Incident and the October Incident in 1931, the assassination of INOUYE, Junnosuke by INOUYE, Nissho and others, the May 15th Incident, the so-called god-sent troop affair, and the February 26th Incident. It cost Count MAKINO, then Lord Keeper of the Privy Seal, a great deal

of trouble, unheralded and unseen, to cope with alarming situations so as to set the Imperial mind at rest. On my part as Chief Secretary to Count MAKINO, I did everything in my power to counteract the militarists' forcible machinations and divert them into proper channels within the pale of my official duty under the guidance of the Genro and the Lord Keeper of the Privy Seal and in conjunction with Prince KONOYE, Baron HARADA and others. I will describe my strenuous and yet fruitless efforts in those hectic days.

7. The so-called March incident in 1931 did not materialize, it being hushed up. But none the less it caused a big shock in well-informed circles. It served as a signal for the Army to set its hand to a reformist movement as a driving power in the political field. I think that it is most noteworthy in that it was a patent manifestation of defiance of the superior by the subordinate, a deplorable tendency in the fighting services, which proved to be the curse on this country, inviting the misery of today. On tips of the plot for the March incident, I immediately got in touch with Prince KONOYE, Baron HARADA, Marquis KINOBUCHI and others and succeeded in obtaining full information on it. I lost no time in reporting it to the Lord Keeper of the Privy Seal. I don't know whether it was the result of the report of the Lord Keeper of the Privy Seal to the Throne thereon or not, but I understood that the Emperor cautioned the Ministers of the fighting services about the necessity for maintaining discipline strictly. His Majesty may have possibly acted on the report from the Lord Keeper of the Privy Seal.
8. One of the major duties of the Chief Secretary to the Lord Keeper of the Privy Seal was to gather information under the direction of the Lord Keeper of the Privy Seal from government.

military and other quarters which fact for many years tended to cause general misunderstanding that both the Chief Secretary and the Lord Keeper of the Privy Seal participated in political and military matters. In truth and in fact, however, both the Chief Secretary to the Lord Keeper of the Privy Seal and the Lord Keeper of the Privy Seal were court officials having no power or responsibility for political or military affairs. In November, 1930 Prime Minister HAMAGUCHI was shot by a Rightist and he became so ill that his cabinet resigned on April 13, 1931. As an example of one of the duties of the Lord Keeper of the Privy Seal in the selection of a new Prime Minister, when the Genro was alive, I refer the Tribunal to the entries in my diary of April 13, 1931. The Genro referred to was Prince SAIONJI and the Lord Keeper was Count MAKINO.

"April 13, 1931. Mon..... The Cabinet held a meeting at 10:00 a.m. and decided on its general resignation. After 11:00 War Minister UGAKI went to the Imperial Palace and tendered the resignations of all the Ministers. Summoning the Lord Keeper, the Emperor consulted him about the matter, and in reply the Lord Keeper advised the Emperor to send for the Genro. At the Emperor's order the Grand Chamberlain SUZUKI went to Okitsu by the 1:00 p.m. express Fuji. He returned to Tokyo, arriving at the Tokyo Station at 9:20 p.m., and at once reported to the Emperor."

9. I always was an ardent admirer and follower of Prince SAIONJI, his logical reasoning made a deep impression on me. My diary entry of April 14, 1931, shows why he recommended Baron WAKATSUKI as the succeeding Prime Minister:

"14, April 1931, Tues. The Lord Keeper, the Household Minister and the Grand Chamberlain met in the Keeper's office-room. Vice Grand Chamberlain KAWAI and I joined them.

Grand Chamberlain SUZUKI, who at the Emperor's order went to OKITSU yesterday to see Prince SAIONJI and convey His Majesty's inquiries concerning the formation of a Cabinet to succeed the HAMAGUCHI government (as well as regarding the current situation), reported to us on the Genro's reply to the Throne.

Just when he had given an outline of the Genro's reply, Chamberlain OKAMOTO came to tell that the Emperor wanted to see the Lord Keeper. As the Lord Keeper left, we decided to listen to his detailed report later on.

After a while the Lord Keeper retired from the Imperial presence and joined us again.

The Emperor ordered the Lord Keeper summon Baron WAKATSUKI through the Grand Chamberlain at 10:30 a.m.

The main points of the Grand Chamberlain's report to us are as follows:

At about 4:50 p.m. on the 13th the Grand Chamberlain reached the Zagyo-so, Okitsu, and at once saw Prince SAIONJI.

He first conveyed the Emperor's inquiries (concerning the formation of a succeeding Cabinet, His Majesty's solicitude about the difficult financial and economic situation, and consideration about the reduction of armaments.)

The Prince asked in the first place about the meaning of the Emperor's solicitude concerning the financial and economic situation, and the Grand Chamberlain explained it saying that it would be well to recommend a person in whom the Emperor could place confidence with regard to financial and economic matters. The Prince recommended Baron WAKATSUKI as the most suitable one to succeed HAMAGUCHI.

By way of giving reasons for the recommendation, the Prince said as follows:

'Since the unrest in the political world began, opinions and informations have been sent to me. There seem to be pretty many who advocate a non-party cabinet, but I am of the opinion that in these days when the party cabinet system is established, an interim cabinet would only confuse the political situation. In an extraordinary time it may advisably be advocated, nor can I think of any person suitable to form such a cabinet at present. So I don't agree to this opinion.

Some suggest a Seiyu-Kai Cabinet. But (1) the party cannot be regarded as having won the confidence of the people, and (2) especially some of the measures advocated by the party (e.g., the reimposition of the gold ban, the devaluation of currency, etc.) require careful consideration in view of the actual financial and economic conditions. Judging from the present situation, I think it advisable to promote financial and economic stability by carrying out the policy which the present Cabinet adopted. I admit some of its administrative measures are not quite desirable, but they have not yet come to an impasse.

Particularly, although the immediate cause of HAMA-GUCHI's resignation is illness, his ill health is the result of an attempt on his life which had political significance. The general resignation of a cabinet for such reason may result in encouraging assassination and will have unfavorable effects. From these considerations I deem it most advisable that this time the Emperor order the president of the Minseito, WAKATSUKI, to form a succeeding cabinet.'

At 10:30 Baron WAKATSUKI proceeded to the Imperial Palace, was received in audience and ordered by the Emperor to organize a succeeding Cabinet."

10. On June 23, 1931, in my official capacity as Chief Secretary to the Lord Keeper, Baron HARADA conveyed information to me about a plot on the part of military officers in Manchuria which to me was extremely regrettable as I was opposed to the Army's operations in Manchuria and China. This is shown from my diary entry of June 23, 1931.

"June 23, 1931. Tues. . . . At noon, attended the Tuesday Luncheon Party. Learned from HARADA deplorable information concerning a serious scheme in Manchuria on the part of some military officers. It is another regrettable affair revealing absence of unity in our policies toward China and Manchuria."

I relayed the information I had received to the Lord Keeper as shown in my diary of June 26, 1931, as I was worried about the Army's intrigues.

"June 26, 1931. Fri. . . . At 9:30 called on the Lord Keeper at his official residence and reported to him concerning the information on a conspiracy in China contrived by the military in conjunction with some adventurers."

11. As shown in prosecution Exhibit 179-A (diary July 11, 1931), I learned from Baron HARADA on July 11, 1931 that there was a report that the army would assume a resolute attitude toward the making of the budget and, if necessary, would appeal to the Throne. I was concerned about this as it might possibly raise a question of the resignation en bloc of the Cabinet. Prosecution Exhibit 179-B (diary July 13, 1931) also discusses this matter.

In prosecution Exhibit 179-F, 179-G and 179-C (diary Aug. 7, 12, Sept. 9, 1931 respectively) I recorded the information I had received about the March incident, which was the plot of certain militarists referred to above, and which disturbed me considerably.

12. On Sept. 10, 1931, Mr. TANI told us in substance at Prince KONOYE's house that if the Chinese commenced trouble in China, Japan would have to defend herself as the position of the Japanese people in Manchuria was becoming dangerous, with which I agreed in general. (See Pros. Ex. 179-E, diary Sept. 10, 1931) I was afraid that they might be massacred as were the Japanese by Bolshevik Partisans at Nikolaevsk. Hence my passive agreement to Mr. TANI's contention that in such an emergency it would be inevitable to invoke the right of self defence to a minimum extent. On Sept. 12, 1931 I had a talk with Baron HARADA. We were both concerned about and opposed to political penetration of the army since the March Incident. We were watching with close attention prevalent rumors of further army plotting in Manchuria, where the situation was tense (See Pros. Ex. 179-D, diary Sept. 12, 1931).

13. The first information I had of the Mukden Incident of Sept. 18, 1931, was when I read about it in the morning paper the next day, Sept. 19, 1931. The Prosecution in submitting Ex. 179-H (diary Sept. 19, 1931) omitted the following paragraphs of my diary for that day:

"Sept. 19, 1931. Saturday, cloudy, fine.
This morning papers reported that last night a part of the South Manchuria Railway near Mukden was destroyed by Chinese troops, so that the Japanese forces, accepting the challenge, had finally captured Peitayin and then occupied the walled city of Mukden. I was to go to Fujigaya to play golf with Prince ASAKA, but cancelled the arrangement.

At 10:00 a.m. went on duty. We listened to Chief Aide-do-Camp NARA's account of conditions. At 9:45 the War Minister proceeded to the Palace and is said to have reported to the

Emperor regarding the situation. As a result of my interview with the Grand Chamberlain, I immediately communicated the matter to the Lord Keeper of the Privy Seal staying in Kamakura and asked him to return to Tokyo. The Lord Keeper, arriving at Shinagawa at 1:10 p.m., at once proceeded to the Palace."

14. As shown in Pros. Ex. 179-H (diary Sept. 19, 1931) I understood that Premier WAKATSUKI had called Baron HARADA, private secretary to Prince SAIONJI, at 6:30 p.m. and in fear of the strong attitude of the Army and of the impossibility of making the Government's principles perfectly understood among the outpost military forces, asked him if there was any possible means to keep the army under control. Baron HARADA talked over this matter with the Minister of the Imperial Household. Concerning the matter in question, I expressed my views to them and the Grand Chamberlain to the following effect: It was quite discouraging to find the Premier himself making complaints and resorting to external aid without having made any noticeable efforts himself since morning. Unless the political cabinet now assumed resolute attitude, political power might be transferred to the Army. So it could be said that we were now in a constitutional crisis. Thus, having been concerned about the political penetration of the Army circles since the March Incident, I was most indignant at the unreliable attitude assumed by Premier WAKATSUKI at that time.

15. Prince SAIONJI, Baron HARADA and I seized every possible opportunity to localize the incident, as well as to curb military penetration into politics. For example, as shown in Pros. Ex. 179-R (diary Sept. 21, 1931) Prince SAIONJI did not want the Emperor to give Imperial sanction lightly to the advance of the Korean Army into Manchukuo, as this would give the military prestige. The Army was infuriated over the government's policy "to strive not to extend further the Manchurian Incident"

because the Emperor had approved this policy as a result of the efforts of "his personal attendants," as shown in Pros. Ex. 179-I (diary Sept. 22, 1931). Fearing for Prince SAIONJI's life, KONOYE, S.KAI, OKABE, TAKAGI, and I decided it would be wise if he did not come to Tokyo. We were all opposed to the Army and conditions were so critical and military feeling running so high that we were apprehensive for the Emperor's safety, but he was never advised of our opinion that it might be wise for him to say nothing more about the Manchurian affair. We thought it better for the Emperor to let the Cabinet pursue its policy on its own responsibility.

As shown in my diary entry of Sept. 23, 1931 (Pros. Ex. 179-J), when HAYASHI, of the War Department, spoke at Kasan Hall to the press, and failed to explain how the incident started, I asked him to do so point blank. When he did not clarify the truth about the railway blow up I deplored his attitude as outrageous (kikkai shigoku) since the Japanese people were suspicious of how it started. That the military was trying to impose its will on the government is further evident in Pros. Ex. 179-K (diary Sept. 29, 1931) when the Chief of the Army General Staff told the Premier that the government should not interfere with the prerogative of the Supreme Command. Prince KONOYE, SHIRATORI and I had a discussion on Oct. 1, 1931, and we expressed our alarm at the possibility of a coup d'etat by the army. We decided some measures should be taken to guide the militarists before a national calamity would happen (Pros. Ex. 179-L, diary Oct. 1, 1931).

16. After the outbreak of the Manchurian Incident on Sept. 19, 1931, the Army's attitude became so tough that even the

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problem of national reform began to be discussed. At the same time, there was a report that even a reform of the Department of the Imperial Household was being discussed. Prince KONOYE told me of his being anxious about this problem. So we went together to ICHIKI, Minister of the Imperial Household, and then asked him to be most careful and deliberate lest he should fall in a trap to be laid by the Army. With regard to the strong attitude of the Army, the Premier said to the Lord Keeper of the Privy Seal that the army seemed to disagree with the Government on solving the problem of the Manchurian Incident through political negotiations with the Nanking Government. The Premier added that, concerning this point, the Government might come into a head-on conflict with the Army. This I learned from the Lord Keeper of the Privy Seal at that time. The foregoing is the conference referred to in Pros. Ex. 179-M (diary Oct. 5, 1931). The following also appears in my diary for that day which was omitted by the prosecution:

"Have finished my reading of the Life of Mr. PAGE, which I started reading many days ago. Was much interested to read how he, throughout his life, fought for democracy. Thought I could find in him a real typical American gentleman and was much pleased with that thought."

17. On October 6, 1931, I reported to Count MAKINO (Prince KONOYE was with us) my deep apprehension of the Army's intrigues. We told him some appropriate measures should be taken. This conversation appears in my diary-entry of Oct. 6, 1931, which the prosecution did not include in Pros. Ex. 179-N, as follows:

"Oct. 6, 1931. Tues. Raining. At 9:00 in the morning went to KONOYE's residence. Mr. GOTO, Fumio, was already there. Heard from him about the internal situation of the **Minseito**, their view of the political situation, etc., after the local elections. Drove to Kamakura with Prince KONOYE. At 11:00 a.m. we got to the Lord Keeper's villa and told him about the stiffening of the military clique, their plotting, etc, which we had told to the Minister of the Imperial Household ICHIKI, and wished him to take some

appropriate measure. Then the telephone rang and it was from the Prime Minister's Secretary, HASHIMOTO. The telephone message was to the effect that as the Prime Minister was going to have Imperial audience in the afternoon, he wanted to have an interview with the Lord Keeper, so the Lord Keeper immediately rode in Prince KONOYE's car and returned to Tokyo."

18. As Chief Secretary to the Lord Keeper of the Privy Seal, in endeavoring to obtain political, military and other information, I always found it difficult to get information from army circles. Through the good office, therefore, of Marquis INOUE, Saburo, who was then an Army officer, I met the defendant SUZUKI from time to time to obtain Army inside information. I cultivated his acquaintance solely for this purpose. As can be noted from Pros. Ex. 179-0, diary Oct. 7, 1931, I met SUZUKI accompanied by Baron HARADA, Secretary to Prince SAIONJI, and conveyed the information I obtained from SUZUKI to Prince KONOYE. This information concerned a plot by younger officers to seize control in Japan (later known as the October incident). We deemed it imperative that Prince SAIONJI come up to Tokyo. My diary for Oct. 7, 1931, states, in addition to the prosecution's excerpt:

"Oct. 7, 1931. . . . Took luncheon at noon with Mr. KONOYE and Mr. HARADA at the Tokyo Club. Heard from Mr. HARADA who had just returned from Kyoto this morning, Prince SAIONJI's version of the present situation. . . . On my way home at about 4:30 called at HARADA's residence. Mr. KONOYE and Mr. SHIRATORI were there too. We discussed current topics. I asked HARADA to do his best to see Prince SAIONJI return to Tokyo as early as possible as it was the wish of the Lord Keeper that he do so."

The reports of a proposed coup d'etat of some militarists in Japan became increasingly alarming and we again requested Prince SAIONJI to come to Tokyo to exert his efforts to prevent it. This is recorded in my diary of Oct. 12, 1931:

"Oct. 12, 1931. Mon. Fine day. Went to office at 10:00 a.m. In the afternoon the Lord Keeper of the Privy Seal came to his office. HARADA was called up. At 3:30 he came. The

Lord Keeper asked HARADA to request Prince SAIONJI to quickly return to Tokyo in view of the acute situation. In the evening Mr. OTAIRA, Shinichi, of the Chugai Shogyo and Mr. MORI, Tetsuo, of the Hochi (T.N. newspaper) called on me. The fact that Count KIYOURA called at the Lord Keeper's was an important event to both of them and they asked me various questions. At 10:00 p.m. called at HARADA's. Just then HARADA was called up from the Prime Minister's residence. He was asked by the Prime Minister to convey to Prince SAIONJI his wish that the Prince return to Tokyo quickly. On HARADA's return we talked over the latest development of the situation and I left his house at 11:30".

19. This plot progressed rapidly and on Oct. 14, 1931, Mr. YASUOKA told me and some others about it. We thought a national welfare society should be formed on a permanent basis to meet such situations (cf. Pros. Ex. 179-P; diary Oct. 14, 1931). In the meantime there was an idea developing among the militarists to establish a new regime in Manchuria. (cf. Pros. Ex. 179-Q, diary Oct. 15, 1931). When I heard of this from HAYASHI, I thought that it was regrettable that the militarists were planning such a move.

20. On Oct. 17, 1931, the rumors which we had been hearing became realities and they are recorded in my diary for that day:

"Oct. 17, 1931. Sat. . . . Returned home towards evening. Just then the telephone rang. It was from HARADA of Kyoto. Was told of the arrest of several General Staff officers. Immediately I called on Marquis INOUE from whom I heard a story approximately as follows:

Leading generals of the Army, including the War Minister, MINAMI, sat in conference at the War Minister's official residence last night. It was a very important conference. It lasted until 3 o'clock this morning. It was only at that hour that the final decision was reached, with the result that at 4 this morning Lt. Col. HASHIMOTO, Lt. Col. NEMOTO and 10 others were arrested 'for protection' by the gendarmerie. They were planning to besiege and occupy the War Department and the General Staff Office and then to carry out a coup d'etat. For that purpose they were going to assemble young officers at the Kaikosha this noon to give them directives. Within their faction was an Imperial Guard Regiment commander and it seems they were in a position where they were well able to mobilize a force of one or two companies. This is indeed an astonishing event. Called the Lord Keeper at 7 and reported the above information."

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21. About this time there was some talk about establishing a Council of former Prime Ministers to direct the Cabinet. It was my opinion that there should be no such council as it would be an interference with our constitutional government. I have always been opposed to outside interference with the cabinet by the Minister of the Imperial Household, the Lord Keeper of the Privy Seal, the General Staff, Senior Statesmen or anyone else. My stand on constitutional government is set forth in my diary of Oct. 19, 1931:

"Oct. 19, 1931. Mon. Fine day. Went to office at 10:00 a.m. At noon OKABE and SHIMOMURA, Hiroshi, called on me. We took luncheon together and frankly exchanged our views on the urgent questions of the hour. Mr. SHIMOMURA was entertaining uneasiness over the so-called Council of former Prime Ministers. I share his view on that issue. Young men of today possessing far different outlooks from those of the past consider it as incompetency on the part of these older statesmen should they confer together but merely end up by recommending the continuation of the existing cabinet. If anything like such a conference be held, it must produce a clear cut result. But this seems to be a difficult proposition. It follows, therefore, that the holding of such a conference should be preceded by deliberate consideration. Moreover, we have already a responsible cabinet system well established. Why is there any need to form a Council of former Prime Ministers? It is like trying to have a roof upon the roof. Thus I expressed my unreserved view of this question. He applauded it and said he was of the same opinion. Both of them were here until about 4 and then returned."

When the question of punishment of those involved in the October Incident arose, it was my opinion that the dignity of the law should be maintained; that they be dealt with deservedly and the Army should not relegate to oblivion these irregularities committed in its own house by making their investigation and punishment ambiguous as was its habit. My diary records my opinion on this.

"Oct. 28, 1931. At 10:30 p.m. OTSUKA came and told me that in the Army no definite policy had yet been decided on in the case we all know of. He said that General MUTO and several division commanders are firm in insisting that due punishment should be meted out to the offenders. If this is true, it is a matter upon which the State should be

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congratulated. The dignity and holiness of law should be guarded."

22. My opposition to the policy of the Army's advance in North China and regret that the government had no fixed national policy to combat the military policy is shown in my diary entry of Nov. 13, 1931.

"Nov. 13, 1931. Friday. Fair. On duty at 10:30 a.m. From 6 p.m. a meeting of the Association by the name of Juichikai was held at my house, with the attendance of KUROKI, ODA, HARADA, URAMATSU, SASAKI, OKIBE, SAKAI and YANAGISAWA. The meeting continued until about 12:30 a.m. devoted to heated discussion of various current topics.

Agreement in opinion has been reached regarding the fact that a deep concern rather than grief is being caused over the present state of the country having no national measures relating to the so-called 'Northward Advance Continental Policy' held forth by the military, by which the country is being vainly dragged along. As for the counter measures to be practiced, it is, however, extremely regrettable that no concrete plan could be found after all.

All my strenuous efforts to localize the Incident proved to be fruitless, however, and the incident went on expanding. It would appear that the Cabinet's policy of localization and non-expansion was virtually ignored. Hence the questions of Cabinet reconstruction and formation of a national or coalition Cabinet were raised. On Nov. 16, 1931, Finance Minister INOUE stated that a coalition cabinet would not be strong enough to control the military, and if unchecked in its disregard of international relations, the country might lead to its own ruin. I said I agreed with this (as now appears prophetic statement) and advocated a strong national government policy to combat the military policy. This all appears in my diary of Nov. 17, 1931.

"Nov. 17, 1931. Tuesday. Fine. The result of the meeting held at KONOYE's residence yesterday may be explained as follows: Our consideration regarding the materialization of a coalition cabinet shows that the greatest barrier to the proposed collaboration between the Seiyu and Minsei parties is not the foreign policy, but the financial policy, especially the problem centering round the gold embargo.

Therefore, judging it to be essential to be informed of the frank opinion of Finance Minister INOUE, another meeting was called at KONOYE's residence from 8 this morning.

The three personages of KONOYE, HARADA and ITO, Bunkichi, with the attendance of Finance Minister INOUE, took breakfast together and exchanged opinions until about 10 a.m.

The opinion of Finance Minister INOUE regarding the present political situation was as follows: Neither the so-called national Cabinet nowadays highly advocated nor a Seiyu-Minsei coalition cabinet would be strong enough to restrict and control the military. Therefore, consideration of the future of the country would not permit him to accept such cabinets. In case, however the military was allowed to have its own way further than that, in its disregarding the international relations the country might lead to its own ruin.

The present cabinet, although lacking in strength, is exerting itself in restricting, as best it can, the activities of the Military through every available means. Accordingly it can not be helped if the present cabinet is not well spoken of by the military. The formation of a more powerful cabinet than the present one is a matter not to be conceived of at present. If, however, a cabinet really strong enough to enforce control over the military could be organized it would be a most desirable thing, and we should be ready to offer our full support for it. Such was the gist of the opinion of Finance Minister INOUE.

I was also of the same opinion with him and stated as follows: The cause which has given rise to the current tense situation is that the military has had a so-called national policy and has achieved its growth and self-discipline in line with the said policy, while outside the military circle there has existed no firmly established policy for the future. This, I think, is the cause which has brought about the present difficult situation.

Therefore, I believe, it is necessary to somehow establish at this juncture a national policy for the future, with the Cabinet as its chief author. I, moreover, seeing the real condition of the Manchurian army, should like to suggest that under the present circumstances in which staff officers such as ITAGAKI and ISHIHARA are exercising full powers and carrying out the maneuvers worked out by them, it is advisable at this juncture to send an official from the Foreign Office, say Mr. SHIRATORI, and make him negotiate with those military officers, apart from their respective official positions connected with the War and Foreign Minister, and try to come to good mutual understanding.

It is important to have reasonable restrictions imposed on the military activities by some such means.

Finance Minister INOUE agreed with me on this point. Mr. HARADA, however, suggested that a council in the Imperial presence be held at this juncture in order that a definite principle by way of a national policy, might be established

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to be followed in the future. I, however, objected to this, stating that, the present real situation being such that the military had a so-called national policy and outside the military circle there existed almost no established measures worthy to be mentioned, a hasty holding of an Imperial council before sufficient preparations were made to cope with the said circumstances, would only lead to serious results as it would be prevailed upon by the principle set up by the military.

I insisted that a prudently conducted investigation was, therefore, necessary. Under the present situation I stated I would rather disapprove of holding of the proposed Imperial Council. Finance Minister INOUE stated as follows: The result of the discussion by the Council of the League of Nations cannot be easily inferred at present.

But if the Japanese Army should further advance to Tsitsihar, Japan will be disabled to hold her seat in the League of Nations on army account. It will bring about such a situation that Japan, taking her own initiative, shall have to withdraw her representatives. Thus stating, Finance Minister INOUE expressed his deep grief.

The synthesis of the opinions offered today has given me the impression that if the military, further disregarding the government's policy, should occupy Tsitsihar, the cabinet would have eventually to surrender itself up."

On Dec. 11, 1931, the WAKATSUKI Cabinet resigned en bloc. My diary for December 12, 1931, shows Prince SAIONJI's political idea which attached importance to party government in recommending Mr. INUKAI, President of the Seiyukai Party, and explains the relations between the Genro (Elder Statesmen) and the Lord Keeper of the Privy Seal in recommending a succeeding Prime Minister to the Throne, and also shows that public opinion and the views of those close to the Throne tallied in the selection of a succeeding Prime Minister.

"Dec. 12, 1931. On duty at 10:00 a.m. The press reported that INUKAI, Tsuyoshi, was generally expected to be given an Imperial mandate to form a new cabinet. About 12:30 p.m. the Lord Keeper of the Privy Seal attended the office. He has been suffering from neuralgia in the feet since yesterday. At 2:23 p.m. Prince SAIONJI arrived at the Shimbashi Station. I talked with HARADA by telephone and got the following information: Prince SAIONJI went to the palace at 3:10 p.m. and had a talk with the Lord Keeper of the Privy Seal, the Minister of the Imperial Household, and the Grand Chamberlain in the office of the Lord Keeper, about the measures to be taken in order to tide us over

the present emergency. Previously, HARADA had told me that Prince SAIONJI had determined to let INUKAI form a new cabinet. The Lord Keeper's opinion was, however, that under these urgent circumstances, the formation of a cabinet supported by the whole nation was to be desired if possible. Prince SAIONJI was received in audience by the Emperor at 4:10 p.m. He retired from the Imperial presence after a 13 minutes audience. It appears that he asked the Emperor for a brief delay in order to give his answer to the question of how to save the present situation. Prince SAIONJI changed his previous arrangements to leave Tokyo at 6:00 p.m. this evening and stayed in Tokyo. He invited Mr. INUKAI to his Tokyo residence and it seems that he heard INUKAI's opinion. It is reported that at this talk Prince SAIONJI explained his views as follows: Adequate measures must be taken to keep the army under the complete control of the government. Great prudence is needed in dealing with financial and domestic affairs. The formation of the cabinet must be on the broadest possible basis. Mr. INUKAI agreed with his opinion and stated frankly that he could not approve of cooperation with such as KUHARA and ADACHI as publicly rumored. He expressed his determination to exert all efforts for the purification of political circles. In compliance with Prince SAIONJI's summons, Grand Chamberlain SUZUKI visited him and received his opinion to the effect that INUKAI, Ki would be the best qualified for the post of succeeding premier. The Grand Chamberlain immediately went back to the Palace and reported the answer to the Emperor. INUKAI, Ki was received in audience by the Emperor at 8:00 p.m. and received an Imperial Mandate to form a new Cabinet. I returned home at 6:30 p.m., but, as I received a telephone call from Chamberlain OKAMOTO, I again attended the office at 7:30 p.m. The Lord Keeper of the Privy Seal also attended the office. I left my office at 8:30 p.m."

23. Prince SAIONJI's political philosophy which I admired and followed is further exemplified in my diary for Dec. 16, 1931. I agreed with his advice which he did not hesitate to submit even to Princes of the blood to be cautious of the actions of some schemers who were opposed to armament reduction and to use care in the selection of a Vice Chief of the General Staff:

"Dec. 16, 1931. At 1:00 p.m. Baron HARADA telephoned me from Shizuoka and informed me of the opinion of the Genro (T.N. Prince SAIONJI) about the appointment of Imperial Prince KAN-IN to the post of Chief of the General Staff. The Genro's opinion was as follows: 'I will say nothing about Imperial Prince KAN-IN's acceptance of the post as there is nothing objectionable in the matter itself. Although his nomination depends solely upon his own will, I wish to direct his attention at least to the following three points: (1) There should be a perfect understanding between the Emperor and the Prince. (2) The Prince should

be especially cautious in dealing with the Armaments Reduction Conference to be opened in February of the next year, for there is danger the Prince might become involved in undesirable movements schemed by certain plotters. (3) The Prince should use great prudence in the selection of the Vice Chief of the General Staff.' I reported the matter to the Lord Keeper of the Privy Seal and obtained his consent."

24. Having been saddled with the Manchurian Incident, the government early in 1932 was faced with the problem of further intrigues of the army in the establishment of some form of government or state in Manchuria. I was opposed to the military plan of the establishment of a state controlled by the military. Col. ITAGAKI delivered a lecture on the new state and my diary records my astonishment at the plan of the militarists. (As shown in Pros. Exh. 2191, diary Jan. 11, 1932). (Incidentally the Prosecution served three different translations of the Diary for this date. All three of these were practically identical with the exception of the last sentence.)

The last sentence of the first translation served reads:

"Hearing this from ITAGAKI I was astonished to find that there was such a wide difference between my ideas and theirs."

The last sentence of the second translation served reads:

"Hearing this from ITAGAKI I was rather astonished to find there are a wide difference between my "head" (T.N. idea?) and that of theirs."

The last sentence of the third translation served reads:

"Hearing this from ITAGAKI I was astonished to find that there was such a wide difference between our ideas and theirs."

The first translation served is correct, not the second one which is in evidence.

25. As my actions in later years, taken in support of my desire and duty to see that constitutional government was enforced in Japan have been questioned by the prosecution I refer to the so-called SAKURADA GATE incident recorded in my diary of Jan. 13, 1932. A Korean, on Jan. 8, 1932, had thrown a bomb at the Imperial cortege but there were no casualties. This was an isolated incident, and I favored no reprimand by the Emperor

to the officials responsible at that time, as there was constitutional machinery based on legislation to handle such matters.

"Jan. 13, 1932. Wed. Fair. On duty at 10 a.m. At the office the Lord Keeper of the Privy Seal consulted my opinion on the question whether or not it would be proper to entreat the Emperor to give a talk in some way to officials responsible for the deplorable incident before the manner of their official reprimand is decided. He added that this idea had been suggested by Vice-Grand Chamberlain KAWAI who called on him yesterday. To this the Lord Keeper replied that he would answer to this suggestion after due consideration, for this is matter of great importance involving the Imperial house. To him I replied that I felt exactly the way he did. So long as there exist agencies in our administrative set up to deal with this type of incident it would not be proper for the Emperor to make a statement which might influence the agency concerned in reaching a verdict. Indeed, inasmuch as the case falls within the jurisdiction of the Disciplinary Committee, there can be no way but to wait for a decision of that committee. In the case of the famous KOTOKU Incident, the Imperial amnesty was given after the decision of the court had been announced. At any rate, I stated that I consider it not proper for the Emperor to take any action before the Disciplinary Committee reaches a verdict."

26. The Emperor, Mr. SHIGEMITSU and I among others, were always solicitors for the maintenance and promotion of friendly relations between Japan and China. That I knew the Emperor's wishes is shown in my diary of Jan. 21, 1932, which also throws more light on the October incident.

"Jan. 21, 1932. From 2 p.m. Mr. SHIGEMITSU, Japanese Minister to China, delivered a lecture in His Majesty's presence on the present situation in China. I also had the honor to hear it. After the lecture, the Emperor asked Minister SHIGEMITSU as follows: Then, is it not possible for the time being, to hope for as intimate friendship with China? The Minister answered that, as long as the Manchurian problem exists, he felt that it was difficult to enjoy a good friendship. We felt very sorry for His Majesty because we knew well that His Majesty is always hoping for good friendship between Japan and China. . . . When I met the Lord Keeper today, I got reliable information about the coup d'etat schemed by some army officers. Incidentally, the Lord Keeper told me that a few days ago he had been asked by the British Ambassador about the truth of the rumor that a coup d'etat is being planned by some army officers including ARAKI. The information which I got from the Lord Keeper is as follows: SHIGETO

and some other army officers who were transferred to remote places in connection with a plot within military circles last autumn are still in Tokyo and are attempting to accomplish the plan in cooperation with OKAWA, Shunpei, KITA, Ikki; SHIMONAKA, MIKAWA and others. And a report shows that they are attempting to carry out the plot on or about February 10th with the aid of AKAMATSU and his followers who are known as tougher members of the Social Democrat Party. It is said that they have often held meetings at second or third class 'Machial Houses' in or near Akasaka."

27. My diary entry of Jan. 28, 1932, has been introduced in evidence by the prosecution as Ex. 2251. This entire entry is my resume of Gen. MINAMI's lecture delivered in the Imperial Presence on the Manchurian-Mongolian question. Although the Tribunal's language section said on April 17, 1947, on page 20,134 of the record, that the last paragraph of the Exhibit "does not appear to be a part of the report of the speech made by General MINAMI", it is the last part of his lecture as he recited it. It is not my idea. That I was opposed to a state controlled by the military is apparent from Ex. 2191 referred to above. When I listened to General MINAMI's lecture I thought I could understand to some extent the whole aspect of positive intentions of the army, and I wrote it for future reference. The Prosecution's conclusion on P.3 of Doc. 0001--"Supplement to Chronological Summary" that I "thought it advisable to unify Japanese organs in Manchuria and Mongolia under one Japanese organ under a Governor-General" is absolutely erroneous. At no time did I ever entertain any such thought, and my diary does not record my thought.

28. In February, 1932, the Shanghai incident started. Shanghai which was an international port town, was entirely different from Manchuria. Should the Shanghai incident spread, there was fear that a full dress war might be unleashed between Japan and

China. In view of Shanghai's international nature, the Genro and the Lord Keeper of the Privy Seal felt deep concern over the incident, which might seriously affect the Powers concerned. Especially concerned were they about the reported dispatch of troops to Shanghai, which might further stimulate China. I thought it vitally necessary to make the army give up its idea of sending troops to Shanghai. My diary for Feb. 4, 1932 states:

"Feb. 4, 1932. Thurs. Fine. On duty at 10:30 a.m. At noon took lunch with KONOYE and HARADA at the Tokyo Club and talked about the Shanghai Incident. HARADA said that when he saw Finance Minister TAKAHASHI, the Minister was deeply anxious about the positive actions of the Army, saying that if things went on as they were, Japan would lose the confidence of the Powers, and suggested that, if possible, His Majesty's admonition be given to the army at this juncture in some form or other. Accordingly, HARADA conferred with Prince SAIONJI who ordered HARADA to take proper steps after consulting with the Lord Keeper.

Went back to the office with HARADA and reported the purport to the Lord Keeper. The Lord Keeper was of the opinion that such situations had often arisen and it was for the Premier to decide whether it be submitted to the Throne. Came back home after 4 p.m."

Premier INUKAI was as apprehensive about the army as we were, and his decision is recorded in my diary of Feb. 5, 1932.

"Feb. 5, 1932. Fri. Fine. On duty at 10:00 a.m. The Lord Keeper was received in audience by the Emperor from 9:30 a.m. to 9:45 a.m. Then Chief of the Naval General Staff Prince FUSHIMI and Vice Chief of the General Staff MASAKI were also received in audience, and after that, I hear, Prince FUSHIMI was granted an audience in the capacity of an Imperial Prince.

"The Lord Keeper asked me whether HARADA had inquired regarding the Premier's opinion on the matter which HARADA spoke of yesterday. So I visited HARADA at 11 a.m. and asked about it. HARADA replied as follows: 'Being very anxious about the possible development of international relations which may result from the aggressive measures taken by the Army, Premier INUKAI determined first to warn the Vice Chief of the General Staff, War Minister, and Navy Minister about the general situation and then, after talking about it to Chief of the General Staff Prince KAN-IN and Chief of the Naval General Staff Prince FUSHIMI, to have an interview with the Emperor and report the circumstances necessitating the taking of such steps.'

The Finance Minister is strongly opposed to the dispatch of troops to Shanghai. In his opinion, there is no doubt that the dispatch of troops will give rise to ill feeling on the part of the Powers, and the latest secret message from the New York branch of the Yokohama Specie Bank reports the rapid decline in Japan's credit abroad. At this juncture, it is becoming almost impossible to raise funds abroad. If the condition is left as it is, the war funds will not be able to hold out three months more, and it will lead to a grave situation at home. Therefore, the Finance Minister will make a strong assertion on this point at the Cabinet council today."

29. The prosecution has said that I rejected Gen. UGAKI as Premier in October, 1941, "the only man who might perhaps have averted war altogether." (Doc. 0003-p. 49) This speculation is at best hindsight and will be dealt with later. However, I wish to show at this time that I held Gen. UGAKI's abilities in high esteem by quoting from my diary of Feb. 8, 1932.

"Feb. 8, 1932. Mon. Fine. At 9:30 a.m. visited HARADA at his residence. Mr. INUKAI, Ken, also called on him. Informing me that Governor General of Chosen, UGAKI, had tendered his resignation, Mr. INUKAI asked my opinion about how to treat it. I replied that if the Premier and the Governor General reached an agreement and the Premier desired the latter to stay, the Premier might report to the Throne the intention of the Cabinet to have UGAKI remain in office and apply for Imperial approval on the matter.

At noon saw the Lord Keeper in his office room and had a talk. At 12:30 p.m. took lunch with Messrs. HARADA and OKABE at the Tokyo Club.

The Lord Keeper told me that as the Premier consulted him about General UGAKI's resignation, he replied that if the Premier wanted UGAKI to stay, he might, when reporting UGAKI's resignation to the Throne, state, in addition, that the Cabinet wanted to keep the Governor General in office considering the present condition of Korean administration and thus obtain His Majesty's approval.

At 2 p.m. Mr. MATSUOKA, Yosuke, delivered a lecture before the Emperor on 'The Relations between Japan and Manchuria and the History of Diplomatic Relations with Manchuria and Mongolia.' I was allowed to attend it. After the lecture, His Majesty asked him about the possibility of close friendship between Japan and China. MATSUOKA replied that according to the principle of biology, it was difficult for close races to come into friendly relationship with each other. Therefore, he thought the close friendship between the two countries would be difficult of realization. We could not but be impressed by His Majesty's earnest desire for close relations between Japan and China."

30. The question of the responsibilities of the Lord Keeper of

the Privy Seal had been much discussed by the people in Japan. In order to obtain some reliable information on this subject, I consulted with Dr. SHIMIZU Cho, an authority on the Japanese Constitution. His advice is contained in my diary of Feb. 12, 1932.

"Feb. 12., 1932. Had a talk with Dr. SHIMIZU: heard his opinion on the responsibility of the Lord Keeper for giving counsel to the Throne in the case of Cabinet change. His final conclusion is that from the point of view of the Constitution the Lord Keeper is not held responsible to give counsel to the Emperor. Therefore, there is no person responsible to the Throne except the State Ministers so far as State affairs are concerned."

31. Another legal problem which had been worrying me was the establishment of a new state in Manchuria. This problem also perplexed Count MAKINO and Baron HARADA. The three of us had always opposed the army's actions in Manchuria. So we consulted Dr. TACHI Sakutaro, the highest authority on international law in Japan. This is reported in my diary of Feb. 16, 1932.

"Feb. 16, 1932. Tues. Fine. On duty at 10:30 a.m. At 11:30 a.m. Baron HARADA called at my office. The Lord Keeper gave me the full particulars about his interview with Dr. TACHI. At 4 p.m. had an interview with Dr. TACHI at HARADA's and heard his opinion about the relations between the new state in Manchuria and Mongolia and the Nine-Power Treaty. His opinion is that from the standpoint of international common law the open intervention on the part of our countrymen could not but be regarded as violation of Article I of the treaty. Mr. Batey of the Foreign Ministry has a stronger opinion that a state which is founded under the pressure of foreign armed forces cannot be regarded as an independent country. Dr. TACHI does not go so far, but he says that, indeed, conditions today seem to have gone beyond a question of law."

32. The Emperor, Count MAKINO and I were solicitous for non-expansion and localization of the Shanghai incident and His Majesty not only disliked General MAZAKI's strategy, but feared that Japan would be attacked by the League of Nations for the Shanghai incident. This is recorded in my diary of Feb. 17, 1932.

"Feb. 17, 1932. The Lord Keeper told me about the current situation from various points of view. His talk may be summed up as follows: & His Majesty is deeply concerned about the Shanghai incident and the attitude of the League of Nations in regard to the incident. Moreover, judging

from the Foreign Minister's report, His Majesty seemed to have felt as if the Foreign Minister had given up hope of solving the problem. So the Lord Keeper replied to His Majesty that perhaps Mr. YOSHIZAWA meant that having tried every means to settle the situation, we could but wait and see what action the Chinese would take. The Lord Keeper further said to the Emperor that if the Foreign Minister's report had given such an impression, it was because Mr. YOSHIZAWA's words were insufficient. When Vice Chief of the General Staff MASAKI had an audience with the Emperor, he said to His Majesty that if Chiang Kai-Shek's army should support the 18th Route Army, we might have to reinforce our troops. In that case, war between China and Japan would be unavoidable, and the situation must then inevitably become serious. And His Majesty asked General MASAKI if there were any means to prevent the expansion of the trouble, such as temporary evacuation of residents from the area."

I was deeply impressed when hearing the Lord Keeper's report and could not help sympathizing with His Majesty in his anxiety."

Further efforts of the Emperor to prevent the despatch of reinforcements to Shanghai, paralleling the efforts of mine and others close to the Throne, are revealed in my diary of Feb. 21, 1932.

"Feb. 21, 1932. Sun. Fine. . . . I called on the Lord Keeper at his official residence at 4:30 p.m. He told me as follows:

'If more reinforcements are sent to Shanghai, the situation will become serious, and there will be growing possibility of its developing into a war. In that case it may become necessary to hold a conference of the Genro and Senior Statesmen or to open a session of the Privy Council to deliberate on His Majesty's inquiry, or joint counsel of elder statesmen may be required to be submitted to the Throne. Therefore, in order to confer with the Genro beforehand, I decided to go to Okitsu on the 20th, and when I spoke about it to the Emperor during a recent audience, His Majesty ordered me to have full conference with the Genro about the matter. But on the 20th, when Premier INUKAI had an audience with the Emperor, he was asked by His Majesty whether more reinforcements would be despatched or not. To this the Premier answered decisively that his Cabinet would not send more troops. His Majesty asked him repeatedly, but as the Premier replied in the same way, the Emperor seemed to have felt relieved. After the Premier, I was received in audience, and His Majesty told me about the conversation. So I put off going to Okitsu. I requested the Premier that in case more reinforcements be needed hereafter, he report it to His Majesty beforehand to give time for consideration.

However, the Imperial Household Minister and the Grand Chamberlain called on me this morning and told me that development of the operations at Shanghai might require a sudden dispatch of troops, and in that case there would be no time to confer with the Genro. And they requested me to see the Genro and ask his opinion beforehand, if possible. I agreed with them and decided to leave Tokyo tomorrow morning to visit the Genro."

I rang up HARADA on the telephone and arranged to get in touch with Okitsu."

33. When Prince SAIONJI asked Prince KONOYE for his advice about his retirement as he was indignant over the army's attitude, Prince KONOYE came to me for my opinion. After consideration I advised Prince KONOYE that Prince SAIONJI should not retire but should work harder to bring about a reform in politics. My regard for Gen. UGAKI's ability is again expressed in my diary entry of Feb. 26, 1932.

"Feb 26, 1932. Fri. Cloudy and afterwards fine. At 9:30 a.m. called on Prince KONOYE at his mansion. Heard from him about his interview with Prince SAIONJI at Okitsu the day before yesterday. It may be summarized as follows: Prince SAIONJI stated that the recent tendency of political circles was contrary to what he had been considering and expecting, and, in the case of political change, he could not bring himself to recommend a soldier as a successor to the Premiership. Therefore, if he did not make a resolution after careful consideration, at present, he would disgrace himself forever. So at this juncture, he wanted to decline the honorable treatment and as Genro surrender his peerage and was giving careful consideration to the matter. Then the Genro asked Prince KONOYE's opinion. As it was so unexpected, Prince KONOYE could not give a ready reply and left Okitsu, promising the Genro to reply after carefully thinking over the matter for a few days.

Prince KONOYE asked me what I thought of it. When I talked over the telephone the evening before last. I could roughly guess and thought about it. It was such a serious matter that I could not form any good opinion. But it seems to me that after all, just as in the case of Prince YAMAGATA years ago, the Emperor would not grant approval. Even though His Majesty granted approval, it would be to no purpose, for it would merely elicit various conjectures on the part of the public. If Prince SAIONJI is going into politics again after his surrender of peerage and the privilege of Genro, it is another matter. But even in that case, it will perhaps be impossible for him to accomplish reconstruction of the political world as he expects. Therefore, I believe that he had better remain in the present position and take a more positive part in bringing

about reform in politics. I stated my view to Prince KONOYE and promised further consideration on the matter. Then Prince KONOYE told me about his interview with War Minister ARAKE last night. His talk with General ARAKI revealed that the 'direct Imperial Rule' as advocated by the General and others was different from what the words literally mean, but similar in substance to what we were thinking of. According to Prince KONOYE, General ARAKI further said that as regards the Shanghai Incident, the activities of diplomats could not catch up with military operations and, to his regret, the Army was always looked upon with suspicion. The General also said that, recently the Army had found that Mori was utilizing the army.

Mr. INUKAI, Ken, telephoned to me requesting an interview. I asked him to go to KONOYE's residence. When we met there Mr. INUKAI consulted us concerning the Governor General of Chosen UGAKI. I replied to him that the Cabinet might deal with the matter as I has told him before."

34. The Government of Manchukuo was established in March, 1932, and Henry Pu Yi was appointed Regent. As shown, I was Chief Secretary to the Lord Keeper of the Privy Seal for about one year prior to the commencement of the Manchurian Incident and continued as such during the Incident and for four years after the new State was created. I had no connection whatsoever in the formulation or execution of any plans in support of it. I was not in any position to do so, nor was I in any position to issue any orders aiding or abetting it. In my minor position I, and others close to the Throne, strove to the best of our ability to localize the Incident. Needless to say, I never collaborated or conspired with anyone to bring it about or encourage its continuance.

35. On Page #6 of Pros. Doc. 0003 the Prosecution says about me "In the beginning he was anti-militarist and we so not suggest that he was one of the original conspirators." The prosecution contends however that Exh's 179E, 179I and 2251 show I "was not against the Manchurian aggression on principle, but because the Army was getting too powerful and was against the Emperor doing anything to stop it." I was against the Manchurian affair in

principle and in precise as shown by all the excerpts from my diary heretofore quoted. Even the excerpts cited above by the prosecution bear out this contention as they have not been construed properly by the Prosecution as has been shown. I was not against the Emperor or anyone else trying to stop it. I exerted my best endeavours in my limited capacity to stop it.

36. On March 9, 1932, I found out the truth of the March, 1931, and October, 1931, incidents from Col. NAGATA. The facts confirmed my fears that the army was planning a coup d'etat in attempting to seize political power. There were mancovers against which I was constantly on guard. The facts are contained in my diary for the day.

"March 9, 1932. Wed. At noon invited Col. NAGATA, Tesuzan, Chief of Ministry Affairs Bureau of the War Ministry, to a luncheon party in my house. Including Prince KONOYE, Counts FUTARA, KUROKI, SAKAI and Viscount OKABE, we exchanged frank views on the latest situation in military circles. After lunch the substance of remark by the Colonel was as follows:

- I. Regarding the March Incident. There are sufficient reasons that the military authorities should begin to be interested with political matters as well as military affairs. The most important are:
 - (1) Following the disarmament problem, militarists were falling into disfavour with the world and they were in danger of being disbanded.
 - (2) The question of the so-called right of supreme command raised at the London Conference.
 - (3) The question of the reduction of salaries.
 - (4) Maladministration of personnel affairs in the army.

The outline of the March Incident is that to bring about a political change in the Diet while it was in session by gaining control of the Court at the same time presuming to petition the Emperor to form a non-party cabinet of persons of their own choice. Thus, they plotted to carry out National Socialistic Politics. The leading figures of the movement were OKAWA's partisans. OKAWA stated that present state of affairs could not be surmounted as it was and explained the above plot. He said he had told him that in case the plot be attempted, he would not expect an active support from the army but would rather wish the army to adopt an indifferent attitude not pursuing any policy calculated to retard to retard or suppress it. Further, he said he

had requested him to supply the bombs, etc. necessary to carry out the plot.

OKAWA and his associates pretended that War Minister UGAKI agreed with his proposal. Then in certain quarters of the army, they participated in the plan because the War Minister had approved it and supplied bombs, etc. at the same time, from other quarters of the army there arose sound argument to the effect that the army should not try to carry out political reform having dealings with outsiders and thereby violating the sanctity of the army itself. Thereupon, they reconsidered the weakness of the plan and it was frustrated before frictions.

- II. The October Incident. Then certain members of the Army General Staff who were indignant at the failures of their seniors began to plot to execute the plan by means of the Army alone, with no dependence on outsiders. By degrees they proceeded with the plan which was to initiate the sort of coups d'etat which had been carried out abroad.

First, they planned by penetration (1) to interfere with the regular functioning of the army by suppressing its governing body by force; (2) at the same time, by occupation of the Metropolitan Police Headquarters with forces under their command to make strong resistance impossible; (3) by arrangement with court circles to submit their plot to the Imperial hearing in order to expedite the formation of their own cabinet, its Premier, War, Navy and Home Ministers to be chosen from their associates.

The same plan was prepared and proceeded to a considerable degree. As the program was in progress, some of those involved, some ten or more, began to doubt the wisdom of these activities and the plot was betrayed by them before it was put in practice.

But as a result of the punishments they received, most of them began to admit that they had been in error and to reconsider their position after reprimands from their senior officers. So, although they should have been charged according to the military penal code, their motives and mentality were taken into consideration and also the prestige of the Army and their cases were disposed of administratively. Those who seem to hold such opinion may be limited to three persons, HASHIMOTO, SATO and CHO.

- III. Recent opinions held in Army circles. They can be classified in three categories. Those who have connection with OKAWA's faction, those who are indoctrinated with the ideas of KITA, Ikki and NISHIDA, Zoi, and those who are indignant about the question of the right of Supreme Command. And from these different viewpoints, there are some who are trying to start activities in cooperation with outside bodies, while not a few are against moves by the Army to plot in cooperation with outsiders. At present, those who hold the latter opinion are in majority and it does not seem likely that they should act blindly right

away. But their antipathy against the existing party is deep rooted, so they are studying a constructive plan among those who are interested in the matter. The ideal book for those who respect HISHIDA is the one entitled 'Plan for Reconstruction of Society.' "

37. On March 27, 1932, I had a conversation with Baron H.R.D.A. who advised me that it was Prince SAIONJI's intentions to have Prince KONOYE take ~~over~~ the helm of the government at the appropriate time and wanted me to assume an important position close to the Throne. It was my thought then that he planned to do this because he had confidence in us and that we would be able to check the militarists. My diary for March 27, 1932, records:

"Mar. 27, 1932. At noon H.R.D.A. called me by telephone so visited him and called on Shiseido on the way to Kanakura from Shimbashi Station. Visited KONOYE and was entertained at dinner. Left there by the car at 9:23 and came back. H.R.D.A. reported the Genro's opinion to us at the time he visited Okitsu recently. According to the Genro's opinion he intended to put KONOYE in as President of the House of Peers as soon as possible and by doing so, keep him away from the trouble of the various movements, then when chance came, put him in the position of Premier.

Genro wanted me to be in the position of Vice Grand Chamberlain in the possible near future and said that he intended to put me in the active position as one of His Majesty's attendants. Guessed from Genro's feelings he considered that the present situation is approaching a revolution. I sympathized deeply about Genro's responsibility."

38. Prince SAIONJI's thoughts on this matter are further recorded in my diary of April 8, 1932.

"April 8, 1932. Friday. In the morning Baron H.R.D.A. called on me. He returned from Okitsu bringing advice from the Genro (Prince SAIONJI). The plan of having Prince KONOYE form a cabinet would be satisfactory, so the Genro thought, but he chose rather to make him president of the House of Peers at this juncture and to appoint him the Lord Keeper of the Privy Seal 1 or 2 years later. Further that I should be the Grand Chamberlain in the future so as to make the Emperor's position secure with reliable advisors. The above, he thought might be most appropriate. I think this is a most difficult question."

39. The day following the so-called May 15th incident, in which a group of young officers of the Army and Navy on May 15, 1932, threw a bomb at the official residence of the Lord

Keeper of the Privy Seal and stormed the Prime Minister's official residence and assassinated Prime Minister INUKAI in attempts to carry out a political reform, I counselled Count MAKINO, the Lord Keeper of the Privy Seal, never to meekly acquiesce in the army's outrageous attempts; that he should form a succeeding cabinet based on political parties, and meet the Presidents of the Seiyukai and Minseitō Parties and urge them to form a party cabinet. This counsel was given by me to the Lord Keeper of the Privy Seal to form a party Government in the face of STOUT opposition voiced by Major General OBATA to the emergence of a party Government. With due modesty I wish to point out that it required considerable fortitude on my part to offer such advice in the face of military opposition due to the high tension existing at that time. My diary for May 16, 1932, is self explanatory of these facts.

"May 16, 1932. . . . Returned home at 3:00 a.m. After resting a while, called on Marquis INOUE from whom I heard about the attitude of military circles towards the present incident. He told me that so far it seems to have caused no appreciable excitement in the Army. But in his view it will be necessary to have firm resolution, and exercise full consideration with regard to the settlement of the situation, especially the formation of a new cabinet. He thinks the military will by no means be pleased if some political party, merely pursuant to the so-called constitutional normalcy, be ordered by the Throne to form a succeeding cabinet. After returning home, talked over the phone with HARADA who was at Okitsu. Told him it would become necessary for Prince SAIONJI to come up to Tokyo and urged him to make preparations for it.

Attended office at 9:00 a.m. The Lord Keeper came to the office too. At 10:00 a.m. the cabinet held a meeting and decided to resign en bloc. Premier TAKAHASHI proceeded to the palace and tendered their resignations. In obedience to the Imperial order to send for Prince SAIONJI, the Board of Chamberlain dispatched the subordinate KAWAI with the Grand Chamberlain's letter to the Prince.

At 5:00 p.m. went to the Premier's official residence to express my condolence. Went to HARADA's residence at 6:00 p.m. Dined with HARADA, Prince KONOYE and ex-ambassador TANAKA. We heard from TANAKA about the condition of Manchoukuo. Before dinner Prince KONOYE told us about Maj.

Gen. OBATA's view on the present incident which may be summarized as follows:

The present incident, too, has some relations to the November affair. Since the November affair occurred, the Army devoted itself to establishing control within itself, and, as a result, it has succeeded in doing so almost to a marvelous degree. (Although my diary states 'November' this is error as I was referring to the 'October Incident'). Those army officers who were of the rank of major or below at that time and had been acting together with the naval officers who are concerned in the present incident have gradually been out of touch with and estranged from the latter, until at last they became out of touch with naval circles. So the naval officers acted upon younger military men, especially cadets, and at last brought about such a grave affair. The younger military officers in general, were originally of the same mind with those who have participated in the affair and, naturally, show an attitude of sympathy towards the latter. Fearing that the affair may prove fruitless, some of them requested an interview with the War Minister General ARAKI yesterday evening. There are also others who have called on Maj. Gen. OBATA several times since yesterday evening. They seem to be striving to take this opportunity to attain their long cherished object. If a party cabinet is formed again, the dissatisfied faction of the Military will be such that even Gen. ARAKI will find it difficult to exercise control over the military elements. They seemed to disfavor even a HIRANUMA cabinet, but according to Maj. Gen. OBATA, who telephoned Prince KONOYE this evening, he (OBATA) had given them an account of Baron HIRANUMA's character and dissuaded them from objecting to the Baron forming a Cabinet.

Today in the morning saw the Lord Keeper in his room and set forth measures to cope with the current situation as follows:

Summary of Measures to Cope with the Situation
Jeopardizing the national foundation by such rash direct action, as in the present incident, should be strictly avoided. The people should be warned against being induced to side with it. It would be always borne in mind not to act contrary to the spirit of the Imperial Constitution which was granted during the Emperor MEIJI's reign and the Imperial Oath of Five Articles which the same ruler proclaimed. All national programs should be formed along this line. At this juncture efforts should be made to form a cabinet based upon the true unity of the nation, by urging the political parties with bases in the Diet to rouse themselves to action. As head of the cabinet a man of character in an impartial position should be selected, for instance, Viscount SAITO. To apply to the Throne for the promulgation of an Imperial rescript in which our future national policy is set forth.

The said Imperial rescript should be, so to speak, a new interpretation of the Constitution and the Five Article Oath in accordance with the change of times. While admonishing the military against their recent tendency to go beyond their proper sphere, on the other

hand stress should be put on remedying the degeneration and corruption attendant on party politics and urge the establishment of a policy adapted to the age. As the means to carry out the above measures, the following may be suggested: To ask the Genro to come up to Tokyo; to have confidential talks with War Minister ARAKI and Navy Minister OSUMI over the general policy and obtain a full understanding in those quarters. After that, the Lord Keeper should have an interview with the presidents of the Seiyukai and Minseito Parties and persuade them to rise to action. On the whole, the Lord Keeper supported the above measures."

40. The prosecution has introduced several sentences and half sentences from my diary entry of May 17, 1932, as Exhibit 2252 as corrected by Language Section, Record Page 16,215. These choice excerpts tend to create the impression that my thoughts and opinions are set forth in that entry. As a matter of fact, I have only recorded information I received from Lt. Col. SUZUKI, Major General NAGATA and others as to the intention of the Army and young officers' tendency in connection with the May 15 Incident. I had an interview with Prince KONOYE and them to obtain information which would be offered to the Lord Keeper of the Privy Seal for his reference in respect to how to deal with the situation following the resignation en masse of the cabinet. An examination of the complete entry clearly shows this to be true.

"May 17, 1932. Tues. Fine. Went to the office at 10:00 a.m. At about 11:00 a.m. Count KODAMA came and we had a talk. At noon, went to HARADA's where we took lunch with Prince KONOYE, Marquis INOUE and Lt. Col. SUZUKI and talked about remedial measures and the succeeding cabinet.

According to Lt. Col. SUZUKI, the present incident had been brought about by men of the same faction as the November affair. A few months ago (about March) when officers of the rank of Captain who were conspirators in the November affair met in secret with naval officers who took part in the present incident, the naval men urged decisive action but the Army officers refused it saying that the military should act as an organized body. Exchange of hot words followed and they parted without reaching an agreement. In the Army, War Minister ARAKI seems to have been intending first to strengthen unity within itself and then, after the extraordinary session of the Diet,

recommend to the government some means to bring about national unity by doing away with the antagonism between the military and others. But before he had realized his intention, the untoward incident happened. As the younger military elements have been supporting the cause, it is natural that once the incident has occurred, they should make efforts, lest the actions of the participants may come to nothing.

Should a party cabinet be again formed, an affair like the present one will be repeated again and again. So some means to remedy the past evils to any extent should be devised. A 'whole nation' cabinet may be suggested. War Vice Minister KOISO seems to be in favor of a HIRNUMA cabinet. It further seems to SUZUKI that the Declaration for the Safeguarding of Political Parties gave a direct incitement to the present incident. Among the younger military officers there are some who are extremely enraged at it.

At 6:00 p.m. went to HARADA's again where HARADA, KONOYE and myself had an interview with Maj. Gen. NAGATA, Tetsuzan, from whom we heard his view on the current situation. Saying preliminarily that he is most moderate in opinion in the Army, he gave us a talk. But his opinion does not differ much from that of Lt. Col. SUZUKI. The following is the summary of his talk:

The military are dead set against party government. Should the formation of any single party cabinet be attempted, there would perhaps be none among them to take up the portfolio of War (T.N. which is to be held by a military officer on active service) and after all the attempt will prove abortive.

It is obvious that Maj. Gen. NAGATA has a considerable aversion to political parties, for he even asked us if it is difficult for a party member willing to join a cabinet to have his name struck off the party register. According to information obtained by Prince KONOYE, MORI, Kaku had a strictly private interview with WAKATSUKI, NAGAI and MIKI of the Minseito Party to discuss the question of the succeeding cabinet. WAKATSUKI it is reported, has left the matter entirely to MIKI who after all is unwilling to join the cabinet, but NAGAI is expected to do so. It is, therefore, likely that a coalition cabinet will be organized.

MORI submitted a condition to President SUZUKI (T.N. - of the Seiyukai Party) that a powerful cabinet with a vigorous foreign policy be formed and said that if it was not accepted, he would not enter the cabinet. OBATA visited and told MORI that as military circles were severely criticizing him (MORI), OBATA as well as War Minister ARAKI had always been screening him and that should he (MORI) join the succeeding cabinet, his political life would be at an end. As a result of OBATA's persuasion, MORI seems to have resolved not to join a

SUZUKI cabinet which is based on existing political parties. Further, it is said that MORI had an interview with ARAKI at 7 this evening and confirmed his determination."

40. On May 21, 1932, I received information from Director of the Police Bureau about public opinion and the political situation. In my diary for that day I also state that I thought it was necessary to reach a full understanding with the political parties in recommending to the Throne a succeeding Prime Minister who would form a new Cabinet in succession to the Seiyukai Government, headed by Mr. INUKAI, who was assassinated, and that the Emperor commanded Prince SAIONJI, the Genro (Elder Statesman), to select a non-militarist and non-fascist person as candidate for succeeding Prime Minister. My thought was the same as the Emperor's. My diary for that day is as follows:

"May 21, 1932. Sat. Cloudy. At 9:30 paid a visit to HARADA, Director of the Police Bureau MORIOKA was also a visitor and we obtained from him information about the political situation which is as follows: 'Gathering from the reports of the prefectural governors in connection with the recent affair: It has had no considerable effect on financial circles. The cry against the military's tyranny is heard everywhere denouncing the recent acts of young officers. With regard to the succeeding cabinet, opinion in favor of a party cabinet is pretty dominant. If the succeeding cabinet is not based on political parties, it will inevitably give rise to the so-called constitution safeguarding movement. In the event of a 'fire-riot' breaking out in the Metropolis, the new cabinet will have to enforce martial law. If things come to such a pass and a state of internal disturbance develop, it will be extremely difficult to cope with the situation. So in submitting to the Throne plans for a succeeding cabinet, it is necessary to take steps so as to obtain beforehand a full understanding of the political parties. If necessary, the promulgation of an Imperial rescript might be suggested as a last shift, though it is regrettable to have to adopt such means. . . .'

At 3:00 p.m. called again at HARADA's. The Emperor's words to the Elder Statesmen were as follows: 'His Majesty desires that the Genro select a person as the next Premier who has no fascist leanings; about whose character there has been no unsavoury rumour; who is moderate in thought; who is not militaristic.'

42. As has been heretofore shown, Prince SAIONJI, as Genro (Elder Statesman) used to recommend to the Throne a succeeding Prime Minister at a cabinet change, but as he advanced in age, he desired Count MAKINO, then Lord Keeper of the Privy Seal, to seek the views not only of the Genro, but also of the Senior Statesmen. Subsequent conferences of Senior Statesmen were held in accordance with Prince SAIONJI's opinion, and, thereafter the Lord Keeper of the Privy Seal attached great importance to the Senior Statesmen's views. Prince SAIONJI's opinion is found in my diary entry of Aug. 26, 1932. This entry demonstrates one of the historical developments of the duties of the Lord Keeper of the Privy Seal.

"Aug. 26, 1932. Had a talk with the Lord Keeper. He said when he visited Gotemba the other day, Prince SAIONJI wished that in the future, the Emperor's inquiry as to a new Premier be addressed not to the Genro alone, but to a conference of 'senior statesmen' which the Lord Keeper shall call and after deliberation the Lord Keeper shall submit an answer to the Emperor, and also expressed his wish to decline the privileges of being a Genro because of his advanced age and infirmity. The Lord Keeper told me to keep these points in mind in visiting Prince SAIONJI."

43. I wish to point out that this entry refutes the prosecution's contention in Doc. 0003, page 47, that when I became Lord Keeper of the Privy Seal, eight years later, I ". . . . developed a new function, that of advising the Emperor on the choice of every new premier. . . ."

44. The next day, Aug. 27, 1932, I visited Prince SAIONJI. Among other things he spoke of his idea of the Senior Statesmen' Conference in the selection of a new Prime Minister. He also approved of my opposition to making the office of Lord Keeper of the Privy Seal another Sumitsuin (Privy Council), that is to say, the Lord Keeper of the Privy Seal going deep into politics. My diary states:

"Aug. 27, 1932. Sat. Cloudy. Took the 6:20 train at Shinbashi for Getemba. At once visited the Prince by the automobile sent by Prince SAIONJI. His is, as usual, so strong that he hardly appears a man of such an advanced age as eighty-four. From about 9:30 to about 11:15, he talked on various topics. . . . As to the Senior Statesmen's Conference, he said practically the same thing that the Lord Keeper told me yesterday. 'Though I don't approve of a conference in the Emperor's presence' he said, 'it will be a good idea, when a cabinet resigns and a new Premier is to be recommended, to make a Senior Statesmen's Conference deliberate and submit an answer to the Emperor.' However, he did not touch the question of his declining the privilege of Genro.

Further, on the question of creating advisors in the Lord Keeper's Office, I said that I was against it on the ground that creation of such a system would only result in providing another organ similar in nature to the Privy Council and would be ill-advised. He agreed with me on this too, saying 'Exactly.' He said, 'The Lord Keeper suggested the creation. I am very glad you are aware of that point. I hope you will investigate and deliberate on this question!'

45. My diary of Sept. 16, 1932, discloses that at the request of the Lord Keeper of the Privy Seal, I prepared a draft of procedure to be used in connection with a Senior Statesmen's Conference to be called at the time of cabinet changes. I set forth in the draft a provision that the Presidents of the House of Peers and of the House of Representatives should be included among the Senior Statesmen, so as to make it more democratic, but Mr. ICHIKI the Minister of the Imperial Household objected to this, and after reporting this to the Lord Keeper of the Privy Seal, it was stricken. This is recorded in my diary:

"Sept. 16, 1932. Completed and submitted a draft of the Senior Statesmen's Conference to be called when cabinets change, which I was requested to draw up by the Lord Keeper some time ago. The Lord Keeper ordered me to consult the Household Minister. Visiting the Household Minister at his office in the Department, I submitted the draft and demanded his criticism on it. He was against including the speakers of both Houses among the senior statesmen; but on the whole, he approved the draft. Reported to the Lord Keeper on the matter and revised part of it."

When I heard on Oct. 18, 1932, Prince SAIONJI's opinions as related to me by Baron HARADA? I resolved more firmly than ever against militarism and in favor of cooperation with the United States and Great Britain.

"Oct. 18, 1932. . . . HARADA talked on Prince SAIONJI's recent thought: The aged Prince recently told HARADA, at length, of Japan's policy followed since the Meiji restoration, the coalition with Great Britain and U.S.A., Japan with her aim of advancing in the world, and readjustment of her recent abnormal conditions. In view of the disgusting conditions existing today and the aged Prince's thoughts, I was somehow deeply moved."

46. Another entry in my diary which relates the historical development of the duties of the Lord Keeper of the Privy Seal is that of December 15, 1932. Here again appears my views on the duties of the Lord Keeper of the Privy Seal, and my advocacy of Senior Statesmen's Conference at a Cabinet change. In my interview with Prince SAIONJI on that day I implored him not to resign but to continue to fight the militarists and politicians who ingratiate themselves with the militarists.

"Dec. 15, 1932. At 9:00 a.m. leaving in the automobile sent by SAIONJI family, visited the Prince at the Zagyoso (villa) at Okitsu. When Prince KONOYE visited him the other day, he was considerably tired I was told. But today he did not look tired at all, but looked as well as ever.

Today he talked rather intimately for him. He said that he wished to see the Genro system abolished while he was living. Producing the draft of the Senior Statesmen's Conference to be called at a political crisis which I had drawn up by his order and which the Lord Keeper had submitted to the Prince, he wanted me explain it as it had been touched on by quite a few persons. I explained; Whatever we might plan, we could devise no system apart from the Genro; thus it had to such a complicated one.

I also said: I thought it impossible to abolish the Genro system while he lived; but by the time he dies, the system will have been abolished; then the Senior Statesmen's Conference alone will remain; and this is the best we can do under the circumstances.

Then he asked my opinion on a system of letting the Lord Keeper alone recommend a Premier. I answered: 'In that case, the position of the Lord Keeper would be so important

and, it is feared that his position would be unsteady. As I explained that, in the Senior Statesmen's Conference, the speakers of both Houses, Marshalls and Fleet Admirals are not included, as a rule but may be included by a conditional-clause, he said; I thoroughly understand the substance of the draft; it has defects as well as advantages; let me think it over again'

He continued: 'Since I am too old, infirm, cannot take responsibility for my post, and it is such a pain for me to pay attention to politics incessantly, I should like to decline the privilege of the Genro.'

I answered: 'The present time especially needs you. Though it is no small inconvenience to you, I am afraid you have to bear the whole burden of politics in view of the frequent self-willed activities of the military and the degraded attitude of politicians in recent times.'

He said: 'That is what pains me; I have always disliked what they call retirement; but how would it be if I should legally retire?' As I answered, 'Even if you should legally retire, I am not sure whether a gracious Imperial message will not be issued again in your case, He said, 'Should that happen, I should be still more embarrassed.'

As to Prince KONOYE, he said, 'If he becomes Household Minister now, I am afraid he will find himself in a plight, because it is a weakness of his to decline requests which might be made by his too many acquaintances in all quarters; I think it will be better for the Prince to become Speaker (T.N. of the House of Peers) in the future.'

47. As an example of another duty of the Lord Keeper of the Privy Seal, that of advising the Emperor on Foreign Affairs when requested to do so, I refer to my diary of Mar. 8, 1932, where the Lord Keeper's advice was sought by the Emperor on Japan's withdrawal from the League of Nations. This excerpt also shows the custom of the Emperor in following constitutional government and the separate functions of the Lord Keeper and the government, which I later followed when I held that office.

"March 8, 1932. Today the Minister of Foreign Affairs, on being received in audience by the Emperor, reported to the Throne that the government intends to petition for the promulgation of an Imperial Rescript to our people, to be simultaneous with an announcement of withdrawal from the League of Nations; now that it has been decided to withdraw therefrom. After the Minister's withdrawal, the Emperor gave instructions to the Prime Minister and to the Minister of Foreign Affairs through the Grand Chamberlain

to the effect that when the Rescript is promulgated, the following two points should be included in the text:
(1) It is very regrettable for Japan that she has been placed in the unavoidable position of being forced to withdraw from the League of Nations.
(2) Even though Japan withdraws from the League of Nations she will continue to cooperate and maintain intimate international relations with other Powers.

I visited the Foreign Minister at his official residence by order of the Lord Keeper of Privy Seal, at half past one, and delivered to him the Imperial intention, and asked him to deliver it to the Prime Minister. I came back immediately to the office and reported to the Lord Keeper that it was done.

In connection with the withdrawal from the League of Nations the Lord Keeper of the Privy Seal told me confidentially about his interview with the Emperor. This is what he said: 'The Emperor inquired of me upon my visit concerning our arrangements to resign from the League of Nations and asked whether we would still have need to withdraw from the League now that the situation had improved as a result of the favorable settlement of the Jehol problem. Upon this inquiry, I said that while His Majesty's words were reasonable, our Plenipotentiary was already acting in every direction in accordance with the government's previous decision to withdraw and that the Imperial Government had taken a firm stand on this matter and that if we should now suddenly change our attitude, externally foreign countries would have the impression that we are vacillating while internally the people would become utterly confused. With the matter being so, I advised the Emperor that there was nothing else to do but to let the government carry out its decision.' "

48. In serving under Count MAKINO, I became steeped in the duties of his office. As another example of the type of advice he gave, I quote from my diary of Mar. 24, 1932.

"Mar. 24, 1932. At 3:00 I visited the Lord Keeper of the Privy Seal in his official residence. He told me the following concerning the Imperial Rescript:

'Regarding the Imperial Rescript to be issued on our withdrawal from the League, the Emperor said that we have already gained enough results as far as the advancement of military virtues were concerned, and that now we need to show forth words of encouragement concerning civilian virtues also. Thereupon the Lord Keeper of the Privy Seal showed His Majesty the draft forwarded from the Cabinet, and said he thought that the phrase 'Military and civilian officers must be true to their duties, etc.,' in the latter part of the Rescript revealed the Imperial Wish. Whereupon His Majesty was satisfied, and accepted the draft. Furthermore the Emperor warned him not to change the above phrase of phrase 'not to be one-sided about the Far East, &

etc.' and so the Lord Keeper of the Privy Seal invited Foreign Vice Minister HIRATA to his official residence and told him of this. "

49. On its face prosecution Exhibit 2253 (diary of Apr. 18, 1933) records the opinion of Lt. Col. SUZUKI about Russia, whose five-year plan was showing remarkable progress at that time. When General HISHIKARI was appointed Commander of the Kwantung Army, and concurrently Ambassador to Manchoukuo the Emperor stressed two points at his appointment ceremony. I made an entry in my diary of July 31, 1933, as I deemed these important factors to be followed by Japan.

"July 31, 1933. . . . The Lord Keeper said that the Emperor had stressed the following two points concerning foreign policy at the appointment ceremony of General HISHIKARI:

- (1) To respect the principle of equal opportunity.
- (2) To maintain friendly relationships with neighboring countries."

On August 24, 1933, I was appointed by the Minister of the Imperial Household to the position of President of the Bureau of Peerage to serve concurrent with my position as Chief Secretary to the Lord Keeper.

50. The Prosecution apparently attaches great importance to the fact that I received a decoration from the Japanese Government on April 29, 1934 in connection with the Manchurian Incident. Over 300,000 other persons received the same decoration. These included members of the Army and Navy, all members of the House of Peers and House of Representatives, other public officials and civilians. I was not singled out because of anything I had done in connection with the affair. I only received the decoration because I happened to be a member of the House of Peers, and not because I was Chief Secretary to the Lord Keeper of the Privy Seal. I have never received any decoration from any foreign government.

51. Even when there were no particular problems to be discussed with Prince SAIONJI, I used to visit him because I admired his statesmanship and was anxious to learn from him. On Aug. 9, 1934, I visited him. His views on the relationship between the Emperor and His people, as well as his views on Anglo-Japanese relationship, deeply impressed me as being sound and worthy of strenuous efforts on my part in support of them.

"Aug. 9, 1934. Thursday. Fine. By the 7:04 train left Zushi for Gotemba, joining Baron HARADA on that day at Ofuna and interviewed Prince SAIONJI from 9:30 to 11:00 p.m. I brought no special matter to talk over with him, but in the interview I was told that the ministers of the cabinet should represent their views of general current problems to the Throne more frankly, rather than formally.

He advised Premier OKADA in the same way when the Premier had paid him a visit a couple of days before. When the Premier asked the Genro's view as to whether the Grand Chamberlain should attend on the Emperor in case the cabinet ministers are received in audience, the Genro announced it decidedly because such a form for form's sake would make the reports of cabinet ministers more formal and empty, when the relations of sovereign and subject should more familial and less formal.

The Genro then said: The Emperor's intention, in my opinion, may be more reflected outside since he has already attained maturity. In regards to international relations, he said Philosophically it was a shame that, instead of leaning heavily to the Greater Asia Principle concerning the Orient like we do at present, we did not settle world questions in concert with Great Britain and the United States thus establishing a strong foundation as one of the acknowledged 'Big Three.'

52. On the morning of May 30, 1935, I was shocked when I read in the newspaper that the Japanese stationary forces in North China had made an important proposal to the Chinese authorities. Therefore I inquired of this state of affairs of SHIGEMITSU, Vice Minister of Foreign Affairs. His full explanation is contained in prosecution Exhibit 2192 (diary May 30, 1935). Fortunately this incident did not later develop into a serious affair and was settled, thanks to the efforts of Commander UMEZU.

53. Prince SAIONJI well knew from my innumerable conversations with him that I was opposed to the militarists and that I thoroughly agreed with the Emperor's policy of maintaining peaceful relations with other nations. When there was some talk of Count MAKINO's resignation as Lord Keeper, Prince SAIONJI expressed his preference to have me accept the position, but it was my opinion that Prince KONOYE would be a better choice and so expressed myself as appears in my diary of August 29, 1935.

"Aug. 29, 1935. . . . Today HARADA told me that the old Prince, too, has not been unmindful of the matter but having misgivings about Prince KONOYE, he would rather appoint me to the post at once. So I said that to make Prince KONOYE his successor now is to find an expedient to settle the minds of the people, and requested HARADA to convey my wish to the old Prince."

54. After the discharge of General MAZAKI from the post of Inspector-General of Military Education and the assassination of General NAGATA Tetsuzan, Chief of the Military Affairs Bureau in the War Office by Lt. Col. AIZAWA in August, 1935, as a turning point, not only sectionalism became recrudescent in Army circles, but also the tendency to defiance of the superior by the subordinate was accentuated. I kept a vigilant watch on the development of the situation and gathered information thereon for the information of the Lord Keeper of the Privy Seal. The Emperor deemed the increased activities of the younger militarists of such alarming importance that he importuned the War Minister to deal severely with them, as is set forth in my diary of Sept. 30, 1935:

"Sept. 30, 1935. At 2:00 p.m. I visited at the Lord Keeper's residence and reported to him about the latest development of the organ-theory question. The Lord Keeper then told me that the Emperor told the War Minister to deal with younger men more firmly even at the sacrifice of the War Minister himself, as they seem to be going too far in their conduct. His Majesty, the Keeper, also told me. asked Prince KAN-IN when he was received in audience, to

help the War Minister on this matter as he had told it to the War Minister. The Emperor told the Grand Chamberlain to report the above fact to the Lord Keeper of the Privy Seal. So the story runs, the Lord Keeper said."

55. The Lord Keeper of the Privy Seal is answerable only to the Emperor and serves at His pleasure. If at any stage the views of the Lord Keeper do not coincide with those of the Emperor, the Emperor would ask for his resignation. In other words, the Emperor wanted a Lord Keeper who was sympathetic to and understood his views and basic policies. This is shown in my diary entry of Dec. 17, 1935, where it appears that the Emperor wished Count MAKINO, who was ill at that time, to remain as Lord Keeper, and if this was not possible that SAITO accept the post.

"Dec. 17, 1935. . . . At the Imperial preserve, Marquis HIROHATA said to me that he was asked by the Emperor as to the proposed resignations of the Lord Keeper and the President of the Privy Council. As for the Lord Keeper, I learned the Emperor's view on it, which may be summarized as follows:

The question of the Lord Keeper should be best settled by his remaining in office, but if it were not possible SAITO would be desirable."

On Dec. 26, 1935, Count MAKINO resigned as Lord Keeper and on the same day Viscount SAITO, Makoto was appointed his successor by the Emperor. I continued in office as his Chief Secretary.

56. Notwithstanding the Emperor's admonition to the War Minister on Sept. 30, 1935, to control the younger militarists, the February 26th, 1936, incident broke out before we heard anything about the measures taken by the War Minister in pursuance of the Imperial command. It is true that the incident broke out suddenly but we had discerned an ugly atmosphere long before which indicated that an untoward incident might crop up.

Even now I cannot understand why the military authorities failed to take precautionary measures in advance. The full details of the February 26th incident are contained in my diary of that and succeeding days.

A group of Army officers, leading more than 1,000 non-commissioned officers and soldiers on February 26, 1936 started a revolt in Tokyo in attempts to set up a military government and carry out the so-called showa reforem. They seized the central part of the Metropolis and assassinated Mr. SAITO, Lord Keeper of the Privy Seal, Mr. TAKAHASHI, Finance Minister and others. The Emperor was angry not only with the insurgents, but also with the attitude of the Army's leaders. In view of the death of the Lord Keeper, I became quite active, close to the Throne, in my position as Chief Secretary to the Lord Keeper of the Privy Seal. My diary entires are as follows:

"Feb. 26, 1936. Snowfall. Was awakened from sound sleep at 5:20 A.M. by the voice of Ichikawa telling me of a telephone call from private secretary ONO. Was instantly on the phone. ONO said, 'The Lord Keeper of the Privy Seal is now being attacked in his private residence by a company of soldiers. Both he and his wife seem to have fallen victims.' ONO added that the above report was given to him over the telephone by a house-boy of the Saito family. Knew intuitively of the outbreak of an untoward incident of great proportions. At once telephoned the Police Commissioner. Although I was able to contact him, I could not ascertain what sort of arrangements had been made by the Metropolitan Police Board. Therefore, sent for a car from the office and proceeded to the Court at 6:00 A.M. While waiting for the car I had reported on the incident to Prince KONOYE and Baron HARADA. Both of them had not known of it yet. At 6:40 telephoned to Prince SAIONJI about the outbreak of the incident (stated below) at Okitsu. We felt reassured when we were told by the servant that the Prince himself and others were still quietly asleep. Immediately went to the office. Minister of the Imperial Household YUASA and Vice Grand Chamberlain HIROHATA were already present. Was told that the Grand Chamberlain, Premier OKADA and Finance Minister TAKAHASHI had also been attacked. The car, coming for me, having been stopped in front of the Metropolitan Police Board Building, had to make a detour. Knowing that the Metropolitan Police Board was already in the hands of the rebels, I also made a detour around the Department of Overseas Affairs Building, in order to get to the office. When the War Minister was received in audience by the Emperor, the latter said, 'Whatever their excuses are, I am displeased with this incident. It has brought disgrace on the vital essence of our national character.' War councillors appeared in the Court, but none of the Cabinet Ministers had proceeded to the Court yet. Unless a central organ for administration was established, there was no working out any remedial measures. Therefore consulted HIROHATA with respect to this matter, and under the directive of the Minister of the Imperial Household contacted the Minister of Overseas Affairs KODAMA by telephone, asking that Cabinet members proceed to the Imperial Palace. Furthermore, because the Lord Keeper of the Privy Seal had been killed, we decided to ask the President of the Privy Council to come to the Imperial Palace and he did so after we had contacted him by telephone about 3:00 P.M. The Emperor, it was said, told the President to keep in close quarters by himself. Therefore, the President was to stay in the Lord Keeper of the Privy Seal's room until the Cabinet formation

was completed. There were two different opinions among the War Councillors. One held that the rebels should be disbanded by an Imperial Decree. The other insisted on the enforcement of martial law.

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Around 5:00 P.M. Minister of Overseas Affairs KODAMA gave me a message that they wanted to recommend the Emperor to appoint a Premier ad interim. However, after consulting the Minister of the Imperial Household, replied to Minister KODAMA as follows: 'The official residence of the Premier is now surrounded by insurgents. So we do not know whether the Premier was killed or not. Therefore, it is not timely to submit such recommendation to the Throne.'

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It was understood that junior officers of the War Department and the Army General Staff agreed to forming a provisional Cabinet and made a proposal to this effect to their seniors. It seems that the Cabinet they intended will have a strong tendency toward Fascism. The same idea has also been shared by the insurgent detachments. The War Minister demanded enforcement of martial law. I hear that Colonel ISHIHARA had insisted on this. The Naval Minister was of the opinion that there was no need for martial law, but that if the Army was unable to take responsibility there might be no other way than its enforcement. Although Home Minister GOTO was against this proposal, he yielded at last. President of the Privy Council ICHIKI expressed his wish to resign on the ground that he was originally responsible for causing the present incident to happen. The Emperor did not approve of formation of a provisional Cabinet. The Emperor is said to have confided his idea to Chief Aide-de-Camp HONJO, using words which implied that the Army wanted to 'suffocate him by using floss-silk for strangling.' (TN. Ostentatiously kind, but in reality afflicting one.)

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At 9:00 P.M. Home Minister GOTO was installed as Premier ad interim. Then he tendered resignations of Cabinet members en bloc. The Emperor said, 'The insurgents should be brought under control as soon as possible. Attend assiduously to your duties until peace and order are restored.'

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At 11:30 P.M. the Privy Council in Imperial presence passed the draft proclamation of a state of siege."

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"Feb. 27, 1936.

At 7:00 A.M. I had a talk with the Chief Aide-de-Camp in regard to the trend in Army circles. It is understood that the military are boosting Prince FUSHIMI

for the position of the Lord Keeper of the Privy Seal."

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"Feb. 28, 1936.
Cloudy. At 7:00 received information that despite last evening's indications for a favorable turn of events, two of the leaders of the insurgents had still obstinately adhered to their original contentions. Consequently, the authorities concerned had decided to positively bring pressure to bear upon the insurgents as from 8:00 A.M. The Minister of the Imperial Household consulted regarding the success to the Lord Keeper of the Privy Seal. We could think of no other person for the post than Prince KONOYE. President of the Privy Council ICHIKI also agreed to this idea. At 8:30 telephoned Prince KONOYE, asking him to come to the office to have an interview with Mr. YUASA, Minister of the Imperial Household.

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I heard the following fragmentary information from Prince KONOYE; (1) Prince KONOYE had received reliable information that his present incident was jointly motivated by Major-Generals OKAMURA and YAMASHITA and Colonel ISHIMOTO. (2) A rumor runs that under joint support of Colonel ISHIHARA and KUHARA an attempt was made to put Admiral YAMAMOTO, Eisuke in an important position, but was flatly rejected by the Navy side. (3) Connection has been maintained among ISHIHARA, HASHIMOTO, NEMOTO, etc. with respect to the incident. (4) It is a confirmed fact that Assistant Professor HASHIZUME was urged to expedite the mapping out of a reconstruction plan.

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As Premier OKADA proceeded to the Palace, Home Minister GOTO was relieved of his concurrent post of Premier ad interim. The resignation which was tendered by Cabinet Ministers on February 26 had been based on the reason that the Premier of the OKADA Cabinet, on account of serious obstruction, could not eventually assume duties, and now that Premier OKADA today presented himself at the palace, the reason which was set forth in the resignation has become void. Accordingly, we thought it necessary for Premier OKADA to tender afresh a collective resignation, and made Chamberlain OGANE convey a message to this effect to the Cabinet side. Afterward about 10:50 A.M. Premier OKADA proceeded to the Palace and again tendered the resignations of the Cabinet members."

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"Feb. 29, 1936.

At 6:30 A.M. Commander KASHII of the forces enforcing martial law issued a proclamation in which he explained the reason why the suppression of the rebel army was so delayed and declared that he had decided to suppress them at last because they came to defy the Imperial Order. At 8:30 A.M. the Army began to take action against the rebel army. I found it necessary to make a preparation for remedial measures to tide over the present difficulties. At 9:00 A.M. conferred with the Minister of the Imperial Household and the Vice-Grand Chamberlain, agreeing that it was indispensable to nominate the forthcoming Cabinet as soon as possible, in order to keep the public feeling at rest. After making arrangements as to the procedure, we furthermore conferred with President ICHIKI of the Privy Council, and decided that things should be followed in order as stated below.

- (1) The vice-Grand Chamberlain will report to the Throne that we are holding a conference on remedial measures from time to time, and that we wish the Emperor to seek counsel of the President of the Privy Council concerning the appointment of the next premier.
- (2) When the President of the Privy Council is summoned and sought counsel of by the Emperor, the President will reply that it is advisable for the Emperor to ask for the advice of Prince SAIONJI.
- (3) The vice-Grand Chamberlain, in obedience to the Emperor's intention, will convey it to Prince SAIONJI.
- (4) Considering the present case of emergency, he will convey the Emperor's intention to Prince SAIONJI by telephone, instead of dispatching a messenger with the letter of the Grand Chamberlain, as was the practice hitherto.

At about 9:10 A.M., in compliance with the foregoing agreement, Vice-Grand Chamberlain HIROHATA proceeded to the Throne to convey to the Emperor our opinion on the situation. Though at first the Emperor seemed not to care for so early a launching of the remedial measures, as the Vice-Grand Chamberlain explained the circumstances, the Emperor summoned the President. When the President came into the presence of the Emperor, the Emperor said, 'At last as we have taken steps to sweep away the rebels we must deliberate on the matter of the succeeding cabinet. But how is the current situation? We think that we might well think about a succeeding Cabinet upon the rebel army's being completely suppressed.'

The President replied, 'As for the succeeding Cabinet, I desire Your Majesty to seek counsel of Prince SAIONJI'

at the earliest opportunity. And as the Prince also must prepare himself for the Emperor's inquiry, it is not always necessary that the time of inquiry should be determined after the settlement of the rebellion, and I shall inform Your Majesty of the time at which the Inquiry can be made upon my investigation of the circumstances.'

The Emperor expressed his opinion that the coming Cabinet seemed very difficult to organize; a Cabinet of which the military circles approve would be hated by the financial circles, and yet we could not afford to concern ourselves only about the interests of the financial circles. The President replied to the Throne that of course it might be very difficult to form the Cabinet now, but a way would be found of itself and SAIONJI was sure to be considering the situation. When the Emperor summoned the Vice Grand Chamberlain, the Emperor expressed nearly the same opinion on the time when the Imperial Inquiry was to be made.

At 2:00 P.M., Chief Aide-de-Camps HONJO reported to the Throne that the greater part of the rebel army was suppressed. Consequently, the Vice-Grand Chamberlain, upon conferring with the President of the Privy Council and the Minister of the Imperial Household, asked the Emperor how it would be to make an Imperial Inquiry to Prince SAIONJI at this moment. The Emperor approved of it. Then the Vice-Grand Chamberlain conveyed the following to Prince SAIONJI through Baron HARADA by phone.

'As the Emperor is going to ask for your advice on the formation of the succeeding Cabinet, please proceed to the palace, if you can. Due to the unusual situation I am conveying the Emperor's intention by phone, dispensing with a messenger to you.'''

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57. Prince CHICHIBU, the Emperor's younger brother, stressed to Baron HARADA, secretary to Prince SAIONJI that it would be absolutely improper to make General MAZAKI form a succeeding Cabinet following the February 26th incident. At that time, persistent rumor had it that General MAZAKI was behind the February 26th incident which was nothing but the Army's coup d'etat. My diary for March 2, 1936, says:

"March 2, 1936.

At 3:35 P.M. Prince SAIONJI reached the Ministry of the Imperial Household, and entered the lodging room in the Vice-Minister's room. After taking a short rest, the Prince asked the Emperor whether it was convenient now to see him. At 4:10 P.M. the Prince was received in audience by the Emperor. Prior to this, at about 2:00 P.M. Count MAKINO came to the Palace and had a talk with me. He also talked with the old Prince.

At 9:00 P.M. I called on Messrs, HARADA and SAIONJI, Hachiro at the Ministry's lodging room. H.H. Prince CHICHIBU summoned HARADA to His residence and talked to him as follows. HARADA came back after 9:00 o'clock. Today middle grade officers assembled to confer about the purge of the Army. Their conclusions were that all of the present Generals should retire, and such a person as Lt. General ITAGAKI should be appointed War Minister, and that a person who would be able to cooperate with Lt. General ITAGAKI should be nominated as Premier; and that both KAWAI and ARAKI were not satisfactory; that fair persons who had heretofore no connection with the Army would be more preferable; that is to say, a person other than from the military circles was most desirable as Premier; and that HIRANUMA was also not satisfactory; and that what they want to stress especially was about General MAZAKI: some circles in the House of Peers seemed to back up General MAZAKI but a MAZAKI Cabinet would be absolutely unsatisfactory."

58. The prosecution broadly infers I was a protagonist of Fascism (Document 0003, P. 47). I have always opposed Fascism, an example being found in my diary entry of March 3, 1936, when I recommended Ambassador MATSUDAIRA, Tsuneo, for the post of Lord Keeper of the Privy Seal.

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"March 3, 1936

Prince SAIONJI said that the Imperial Household Minister had already told him about the choice of Ambassador MATSUDAIRA, Tsuneo, as Lord Keeper of the Privy Seal. The Prince asked my view on the choice. I replied that he might well be fitted for the post, because, as he was our delegate at the London Treaty Conference, he was wellinformed in diplomatic affairs and had no inclination toward Fascism. I also replied that I thought him a leading candidate for the post."

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59. My diary for the same day also shows that I also recommended Prince KONOYE to Prince SAIONJI, Genro, as succeeding Prime Minister as a man of moderation and rectitude, that Prince CHICHIBU, the Emperor's younger brother, sent his message to Prince SAIONJI, warning him against General MAZAKI and others, and that when Prince CHICHIBU proceeded to the Palace, His Highness stressed to the Emperor the necessity for dismissing General MAZAKI.

"Prince SAIONJI asked me whom I would consider most suitable for the Premiership in the forthcoming Cabinet. I told him that under the prevailing circumstances, no one but Prince KONOYE could be found as a person of impartiality. When I told him that the President of the Privy Council ICHIKI also had the intention of resigning from his post, and in my opinion it would be very difficult to find a successor, and that the President had expressed his view that this time there might be no other choice than the promotion of Baron HIRANUMA, to which Prince SAIONJI strongly objected, adding that it would not be necessary to make haste in appointing a new President of the Privy Council. The Prince also said that Baron HIRANUMA was unsatisfactory as Premier of the succeeding cabinet.

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At 2:30 I was summoned by Prince CHICHIBU to see him at the Ante-Chamber for the Imperial Family. His Highness said, 'A rumor prevails now that MATSUDAIRA would be appointed Lord Keeper of the Privy Seal, but I am afraid some trouble would result, because he was associated with the London Treaty. My opinion is that though I am not worrying about the danger to his life, I would like to avoid frequent sad events involving those senior statesmen who are close to the Throne, because the Lord Keeper is different from the Premier.'

I replied to the Prince, 'You are right; however, the Lord Keeper of the Privy Seal being different from any other cabinet member, must enjoy the full confidence of the Throne. And such a person who wins the admiration of those who are now criticizing everything in general would not be able to acquire the full confidence of the Emperor. Some people may criticize MATSUDAIRA but nevertheless we cannot but select him.'

Vice-Grand Chamberlain HIROHATA spoke to me that the Emperor had told HIROHATA about the tenure of the conversation between the Emperor and H.I.H. Prince CHICHIBU and the Emperor had ordered HIROHATA to speak to me of that tenure. Its summary is as follows:

As to Prime Minister of the succeeding cabinet, Baron HIRANUMA is improper. MAZAKI shall be discharged. As for War Minister, it is necessary to appoint such a young person as having no relation whatever in all directions and to get him to organize such substance that he may freely exercise his ability."

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60. On March 4, 1936, Prince SAIONJI recommended Prince KONOYE as the succeeding Prime Minister but he was unable to accept, due to his health. Prince SAIONJI then recommended HIROTA, Koki, who accepted the Imperial Mandate on March 5, 1936.

61. When I resigned my position as Chief Secretary to the Lord Keeper of the Privy Seal on June 13, 1936, I felt relieved as I had spent seven years of my life fighting militarism, and needed a rest. I tried to complete every task assigned to me to the best of my ability. I am a firm believer in the axiom that if a job is worth doing at all it is worth doing well. I will leave to others whether or not I succeeded. My diary recapitulates:

"June 13, 1936. I went to my office at 10:00 A.M. At 11 A.M. I was officially received at the office of Chief Secretary to the Lord Keeper of the Privy Seal by Minister of the Imperial Household, MATSUDAIRA. Marquis MATSUDAIRA, Yasunasa was appointed my successor. Seven years have elapsed since I was appointed to the post in October 1930. During this period the following incidents took place:

The assassination of Premier HAMAGUCHI; the March Incident; the September 16 Incident; the assassinations of INOUE and DAN (TN: President of the Mitsui Trusts) by the Ketsumeidan; the May 15 Incident; the Shimpeitai Incident; the November

Incident; the NAGATA Incident; and the February 26 Incident.

Considering this series of Incidents, I am glad to have been free from serious fault all this while. Now that I have been relieved of my duty I feel much easier. At the time of the February 26 Incident I exerted my efforts to the best of my ability. As an official, I am truly happy."

62. When I called on Prince SAIONJI on July 4, 1936 and told him I had retired from the office of Chief Secretary to the Lord Keeper of the Privy Seal, I was deeply moved by his praise of my grandfather and others and felt he was endeavoring to convey a thought to me to "do likewise." My diary states:

"July 4, 1936, Sat. At 10:00 A.M. called on Prince SAIONJI. He was in good health. Reported to him about my retirement from the office of Chief Secretary. The Prince talked on various subjects as usual. He said, 'From my various experiences and experiment: in my long past public life, I have come to realize that after all we cannot do much beyond what is allowed to the average ability of the people as a whole.' He also said, 'Of all the meritorious services rendered by the leaders of the Meiji Reforms like your grandfather, I am most grateful for the fact that they firmly fought down the insistence of many people at that time on the establishment of a state religion and bequeathed to us the religious freedom we enjoy now.'"

63. I can't understand why the prosecution introduced Exh. 2254, my diary of July 14th 1937, in evidence. It reads as follows:

"MATSUI came at 8:00 o'clock. He talked on matters such as discontinuing the dispatching of troops to North China, and became indignant."

The MATSUI referred to is Mr. MATSUI, Seikun, Not General MATSUI Iwane. Mr. MATSUI, Seikun was a civilian and never held a governmental position. He told me that he was furious because the government had stopped sending troops to North China as Japanese residents there were in danger from Chinese

bandits. I was not furious as the prosecution's first translation of this excerpt read. The China Incident had commenced on July 7th, 1937 and that is why Mr. MATSUI was indignant. Needless to say, I had absolutely nothing to do with the commencement of this incident, as I held no position in the government or in the military for one year and 21 days before it broke out. My position as President of the Board of Peerage during that period was a very inactive one. Prince KONOYE who was President of the House of Peers during that time (up to June 4, 1937, when he became Premier) used to seek my views from time to time, but aside from this I had no direct connection with politics. I know of no preparations for that Incident, did not participate in any preparations, did not know it was going to happen and did not conspire or plan with anyone to bring it about.

64. Prince KONOYE, who extremely regretted the opening of hostilities between Japan and China did his best to pursue a policy of localization and non-expansion. On my part, I gave counsel to him in the execution of his policy to my best ability. With hostilities spreading to Shanghai area in August, however, the hopes for fulfilment of his policy grew extremely slim. At first, the Army made light of the Affair, and I understood that the Army leaders vauntingly stated that China would be fixed up in three months. But realities were not so simple. The hostilities went on expanding.

65. Prince KONOYE asked me to join his Cabinet as Minister of Education on October 17th of the same year. But I declined

the offer at first as I did not desire to join his Cabinet, having felt dissatisfaction as I did with the continuance of hostilities with China. I thought it proper to assist the Prince from outside the Cabinet as his close friend. The Prince insisted, however, that I should join his Cabinet to assist him in terminating the China Affair. I was moved by his importunate request and accepted the offer, especially as I sympathized with a close friend of mine in a dilemma. My diary for October 17, 1937 is as follows:

"Oct. 17, 1937. At 11:30, called on Prince KONOYE and had lunch with him. He informed me of Education Minister YASUI's firm resolution to resign and of the necessity of granting his request. He desired me to succeed him in the Cabinet. I accepted it only as a means of assisting Prince KONOYE."

66. In order to join the Cabinet I had to resign as President of the Board of Peerage. The Emperor approved of my resignation and his evaluation of me appears in my diary of October 21, 1937.

"Thurs. -- fine. On duty at 9:30. The Minister of Imperial Household told me that having been informed by the Premier of the details of conversations in connection with the change of the Education Minister, and considering it unavoidable, he had applied for the Emperor's permission. According to a confidential talk of the Minister of Imperial Household, the Emperor said that KIDO was a man needed in the Household Department; but the Emperor was willing to let him go since the Government needed him more, and should KIDO go into the Cabinet, he would do his best in persuading KONOYE not to take unreasonable steps in the amnesty question. I doubt whether I shall be able to live up to the Emperor's most gracious wishes. I was profoundly impressed."

The amnesty in this entry referred to those responsible for the February 26th Incident. No amnesty was granted. On October 22, 1937, at 4 P.M. I was duly awarded a written

appointment as Minister of Education.

"Oct. 22, 1937. At 3:45, proceeded to the Palace and entered the NISHI-DAMARI-NO-MA. In the HO-O-NO-MA at 4:00, I was awarded a written appointment as Education Minister."

67. Prosecution Exh. 239, a plan establishing Heavy Industries in Manchuria was approved by the Cabinet on Oct. 22, 1937 at 1 P.M. which was three hours before I joined the Cabinet. I did not attend the Cabinet meeting that day, and thus I did not vote for this plan.

68. Prosecution Exh. 2255, my diary of Oct. 27, 1937, refers to a decision of an extraordinary session of the Cabinet with respect to its statement and answer to the Council in connection with the Nine Power Pact. This was five days after I had joined the Cabinet, and the Cabinet policy in regard to this had been decided by the Cabinet prior to my entry into the Cabinet. I don't remember that I expressed my views at this meeting.

69. Being interested in fulfilling my duties as Minister of Education to the best of my ability, I was anxious to receive information, suggestions and opinions, so that I could make proper decisions. For example my diary of Oct. 29, 1937 and Nov. 9, 1937 records:

"Oct. 29, 1937. At 8 P.M., President NAGAYO of the Tokyo Imperial University called and I listened intently to his frank criticism of the past administration in the Education Ministry."

"Nov. 9, 1937. At 9 A.M., had a call from TANAKA, Dean of law Department, Tokyo Imperial University and Professor TAKAGI. They stated the request on the part of the University."

During my tenure of office as Minister of Education, I respected their request for a self-autonomy and never interfered with their freedom of thought.

70. After I joined the Cabinet I found that team work was conspicuous by its absence in it, notwithstanding Prince KONOYE's efforts. Prosecution Exh. 2256, my diary of Nov. 3, 1937 records the subject matters of a conversation I had with War Minister SUGIYAMA. It was at Prince KONOYE's request that I met and talked with Minister of War SUGIYAMA. I intended to bring forth a better understanding between the Prime Minister and the Minister of War by having a talk with the latter at leisure, by finding out his real intentions regarding the settlement of the China Affair and by communicating Prince KONOYE's idea concerning the same problem to him. Even before I joined the KONOYE Cabinet, I had heard from Premier KONOYE that he had been discontented with Minister of War SUGIYAMA's attitude. When I became a member of the Cabinet, I found the relation between them divergent beyond my expectations and though that it was not good for the solution of the China Problems too. The prosecution introduced Exh. 2257, part of my diary of Nov. 16, 1937 as corrected on P. 16,220 of the record. This entry standing alone might create an impression that I had positive intentions to carry out the war. It must be read in connection with my diary entry of Nov. 15, 1937 to be intelligible. The reason why I joined the Cabinet was to make every effort for settling successfully the affair as soon as possible

according to the agreement made between Prince KONOYE and me when I was going to enter his Cabinet. Whereas, as soon as I joined the Cabinet Prince KONOYE proposed beyond my expectation, his resignation.

"Nov. 15, 1937. I was told that during my absence, Prince KONOYE called me over the telephone several times; so immediately after my return home, I called on him at his official residence at 4 P.M. He revealed that the Imperial General Headquarters would be established in the near future; and that at the time he formed his Cabinet, he had little expected the situation would make such serious developments. He then said he would resign by all means; for should he miss this opportunity, he would never have the chance. So saying, he asked me to obtain the understanding of the Genro and the Lord Keeper about the matter. Further, he added that even though he were requested by His Majesty to form a new Cabinet, he would not accept it. I was surprised to hear his intention so suddenly, and in view of the serious effects it might have urged him to reconsider the question of resignation; but he would not change his mind. At any rate, I promised him that I would consider the matter further, and left at 5:30 P.M."

71. I considered that so long as the Prince was in such a mood, it would be impossible for him to settle the Affair and that he should engage himself more sincerely in dealing with it. Therefore I dissuaded him from resigning and that was not for the purpose of carrying out the war. On the contrary Prince KONOYE had extremely close relations with China since the days of his father, so there was no one who would settle successfully the China Affair except Prince KONOYE. In the light of this, Pros. Exh. 2257 as corrected on P. 16,220 of the record clearly shows what effect his resignation would have had at that time when the immediate military operation in the field was not defensive. I wish to point out at this time that in document 0003 the prosecution refers to its Exhibits

only. It does not refer to pages in the record where these Exhibits have been corrected by the Language Section. As many Exhibits of my diary were corrected, it is necessary to refer to both the Exhibit and the correction in the record at later dates to understand the diary entries.

72. Prosecution Exh. 2258 as corrected, record P. 16,221, is my diary entry of Nov. 19, 1937 wherein is set forth a decision regarding liaison between Imperial General Headquarters and the Government. The day before, on Nov. 18, 1937, the General Staff had amended Imperial General Headquarters Regulations to include the establishment of Imperial Headquarters by adding the words "in the case of Incidents," to the existing limitation of "in wartime." I had nothing to do with this revision. On the contrary I deplored that it was done. I apprehended that as the result of the Affair becoming included in the provisions of the Imperial Headquarters Regulations, revised at that time, the military authorities might abuse the said Regulations. Therefore, I inquired of the Minister of War about the reasons for the revision and warned him against abusing the Regulations.

73. Prime Minister KONOYE set up an Educational Council to revamp the educational system. In order to prevent militarists from becoming members of this council I sought and obtained the services of non-military men as President and members of it. My diary of Nov. 27, 1937 says:

"Nov. 27, 1937. At 9:30 A.M., called on President of the Privy Council HIRANUMA at his residence to obtain his consent to asking Vice-President of Privy Council ARAI to be the president of the Council

on Education, and Privy Councillor HARA and MINAMI to be its members."

The MINAMI mentioned is not the accused MINAMI.

74. OUCHI, Hyoe testified for the prosecution that I made a demand that Professor YANAIBARA be dismissed from the faculty of the Imperial University of Tokyo. (He admitted on cross-examination his testimony was based on hearsay) I deny ever making such a demand. As a matter of fact I refused to interfere and left the problem to the proper authorities of the University. My diary of Nov. 30, 1937 states:

"At 3 P.M. consulted with Vice-Minister, Chief of the Bureau of Public Instruction YAMAKAWA about the dismissal of Professor YANAIBARA. HARADA called at 5 P.M.

At 5:30 P.M., Director YAMAKAWA called and reported the result of his interview with President NAGAYO of the Tokyo Imperial University."

75. Furthermore, the testimony of IKESHIMA, Shigenobu who testified in this trial that "the school system was reorganized and more time was devoted to military training and teaching of military subjects ----" under my Ministry is absolutely false. He admitted on cross-examination (R. 1,105 - 1,107) that this was hearsay.

76. That I was endeavoring to terminate the China Incident further appears in my diary of December 8, 1937.

"Dec. 8, 1937 --- At 10:00 P.M. upon Prince KONOYE's call by telephone, called on the Prince at his residence. Messrs. ARIMA, and OTANI were already present. We exchanged on views on our policy of how to terminate the war."

77. In December 1937, the question rose to open peace negotiation with Chiang Kai-shek through the intermediary of the German Ambassador in China, and I hoped that the negotiation might materialize. In this case there was no proper liaison between the Cabinet and the High Command, whose attitude in the question, therefore, was not fully known to the Cabinet, causing deep concern to Prime Minister KONOYE. I recall that I asked War Minister SUGIYAMA at a Cabinet meeting about the possibility or otherwise of the peace negotiation, but failed to elicit any definite reply from him to my request.

78. The peace terms, offered to China through the good offices of the German Ambassador, had been studied and decided by the conference of those Cabinet Ministers concerned early in December 1937 before they were submitted to the Cabinet. Being Education Minister, I was not a member of the preliminary conference. I think that the conference had been preceded by a Liaison Conference, but I don't know what had happened before, because I did not take part in those conferences. Nor am I aware what proposals were made by General TADA, Vice-Chief of Staff of the Army, to the Government.

79. On the night of December 16, 1937, Mr. KISHI, secretary to the Prime Minister, called on me at the Koyokan (Restaurant) and brought me a message from Prime Minister KONOYE. In his message, the Prime Minister stated that he could not grasp the Army's real intentions and requested me to ask the War Minister on that point at next day's Cabinet meeting. I thought it was a hard nut to crack, but at the Cabinet

meeting. I thought it was a hard nut to crack, but at the Cabinet meeting on the following day, that is, December 17, 1937, I asked War Minister SUGIYAMA:

"It will be a matter for sincere congratulation, if the China Affair can be settled under the terms, which are now being discussed by the Cabinet meeting. I hope that it will be successful by all means. As it is a bilateral negotiation, however, I think it may become necessary to make a further concession according to China's counter-proposals. Is the Army prepared for it?" In reply, War Minister SUGIYAMA said:

No. These are the minimum terms. In case they are rejected by China, there will be no alternative but to keep up military action against her."

80. I failed to fully understand, therefore, that the Army had made a firm determination to bring about peace at all costs. Following the question and answer between me and War Minister SUGIYAMA, Admiral SUYETSUGU, Home Minister submitted his views. And the plan for epitomizing the peace terms under four points was drafted by Home Minister SUYETSUGU himself. What I heard from Prince KONOYE was that he could not grasp the Army's real intentions. But none the less, the Cabinet decided upon peace proposals, which were submitted to Chiang Kai-shek through the German Ambassador.

81. Prince KONOYE was anxious to restore peace with China without a single day's loss, so that he agreed to the abstract epitomization of peace terms, not to obstruct the peace negotiation, but on the contrary make room for a future concession so as to ensure success for the peace negotiation.

This was my idea also. It was suggested at the Cabinet meeting of Dec. 18, 1937, that Chiang Kai-shek's answer should be requested before the end of the year. My diary for that day is:

"Dec. 18, 1937. At 10:30 A.M. the Cabinet conference was convened. We assiduously discussed matters, which were being continued since yesterday, until 5:00 P.M. With regard to the mediation of the German Ambassador, we decided that we would leave it to the Foreign Minister and, to let the Ambassador sound Chiang's views by showing comprehensive conditions of our intention, and refraining from showing details as far as possible. The deadline should be fixed as about the end of this year."

82. As shown in prosecution Exh. 2259, diary of Dec. 21, 1937, the German Ambassador had requested further instructions which were given him. As that Exhibit also shows, we discussed at the Cabinet meeting, the principles for dealing with matters concerning the Affair and I maintained that policies for cultural movement towards China should be established instead of carrying out military activities to no purpose and thus the way to Sino-Japanese friendship should be opened. Exhibit 2259 states:

"I urged the necessity of creating cultural measures in North China."

83. China's reply to Japan's proposals was expected to be forthcoming by the end of December, but the expectation did not materialize. I understood that it was decided to wait for China's reply till January 15, 1938 (I did not directly participate in the decision, but later I happened to learn it). In view of the fact that the Diet would resume business on January 21, 1938, after New Year recess, the authorities

concerned seemed to have been in a hurry in deciding on a new policy (I was not directly concerned with this matter, either). Prosecution Exh. 486 F, telegram of Dirksen confirms the haste.

84. Prosecution Exh. 2260, as corrected P. 16,223 of the record, my diary of January 14, 1938, deals with the all day Cabinet discussion of the proposed peace with Chiang Kai-shek and the Prime Minister's statement. With respect to the former the Cabinet's decision not to deal with Chiang Kai-shek any more was made on the basis of a plan, drafted by the Foreign Office. Prior to the decision, the Cabinet received a report from Foreign Minister HIROTA on the details of the peace negotiations with China. Further, the Foreign Minister told his Cabinet colleagues on that occasion that he had arrived at the conclusion that no bonafides could be discerned on the Chinese side, even judging by the result of his interview with the German Ambassador at 4:00 P.M. the same day. At that time the Foreign Minister met the German Ambassador at the latter's request when the German Ambassador handed him China's reply, which was of such a dilatory nature at this late stage as it sought an elucidation on the meaning of Japan's proposals. Mr. HIROTA, Foreign Minister, submitted a report to the Cabinet Council on the matter together with his view that there were no bonafides to be discerned on the Chinese side. I recall that the War Minister spoke briefly and the general trend of his talk was in favor of peace with the new regime. I did not express my opinion at all. Hence the Cabinet's decision not to deal with the

Kuomin Government any more and instead establish peace in the Orient in cooperation with a new China in anticipation of the formation of a new Chinese Administration. It was to be regretted that Japan missed the first opportunity to make peace with China.

85. At this time I wish to state that General TADA at no time was present at any of these Cabinet meetings at which I was present. He may have been present at some Liaison Conferences, but I never attended these, as I was not a member of the Liaison Conferences. I was at a loss to understand on what basis the Prosecution in its cross examination of KAWABE, Torashiro could ask him if General TADA told him that I vigorously opposed peace with China. KAWABE clearly denied this, and the prosecution produced no document to substantiate its inference. I was in favor of peace with China as shown above, but it was not to be.

86. With respect to the statement issued by the Prime Minister dated January 16, 1938, first paragraph of prosecution Exh. 268, also in evidence as prosecution Exh. 972-A, there is no evidence I know of before the Tribunal that I signed this, but the fact is I did sign it as one of the Cabinet. The statement speaks for itself. As it was ascertained that Chiang Kai-Shek had no bonafides in restoring peace with Japan, the Japanese Government thought it a shortcut for settlement of the China Affair to take constructive measures in China in conjunction with those Chinese who share Japan's ideals rather than to overrun the vast territory of China

with armed forces. Prior to the Nanking campaign, there was no unity between the military and the government. Not only that, the High Command kept all plans of military operation secret from the Cabinet, which, therefore, was in no position to launch on timely diplomatic demarches ahead of military operations. And the Nanking campaign was started with the Cabinet losing the opportunity to take any timely diplomatic move in advance.

87. The Prosecution in its Doc. 0003 states that I made no reference to the horrors of Nanking from Dec. 11, 1937 to Feb. 6, 1938, that the "indignation of the world cannot have been unknown to him and the Cabinet" and that "he may not have been responsible for the outbreak of this orgy of atrocities, but he was certainly to blame for its continuance." In other words, based on a false premise that I knew of them, is the equally false conclusion of responsibility. The first time I ever heard of the Nanking atrocities was after the end of the war. My cousin, TOKINORI, Takeo who went to China as an officer in the Japanese Army in 1941 saw me for the first time after then after the surrender in August 1945. He was the first person who told me what he heard about Nanking, although he was not there in 1937-1938. If I had heard about it at the time I would certainly have tried to do something about it, even though it was not a matter of Cabinet responsibility.

88. In March 1938 there was some public demand to judge Professor OUCHI (who testified in this trial) and other

professors. They had been arrested in February and were awaiting trial on suspicion of communistic activities. Notwithstanding this, I discussed the matter with three other professors of the University, and refused to purge OUCHI and the others pending their trial. My diary states:

"March 29, 1938. At 8:30 A.M. three professors, HOZUMI, TANAKA and TAKAGI came to see me. Talked freely with them over the problem of Professor OUCHI and of the purge concerning other university professors."

89. While Education Minister I sought and obtained the views of educational critics so I would be the better enabled to fulfil my duties. My diary states:

"April 28, 1938. At 2 P.M. held a tea party at the CHUOTEI Restaurant inviting a number of educational writers. Had a chance to hear views representing all circles and of society."

90. Prosecution Exh. 266 is two pages of a four page article which appeared in the "Tokyo Gazette" of March-April 1938 entitled, "The Japanese Spirit." I did not write this article, I did not edit it, nor did I publish it. The first time I saw it was in this Tribunal. It is not a policy making document of the Ministry of Education. Its explanation is quite simple. It was the custom, not only in the Ministry of Education, but in other Ministries, for various individuals in the innumerable departments to write articles for the "Shu Ho", a weekly publication compeled by the Board of Information. This publication is written in Japanese. On the part of the various government departments, the chiefs of archives, and correspondence sections of those departments, in compliance with the request from the Board of Information,

collected manuscripts and sent them over to the Board of Information after obtaining approval of the Vice-Ministers of their respective ministries. Accordingly, therefore, contributions to the "Shu Ho" were exclusively in charge of the Vice-Ministers of various Ministries, who handled the matter entirely at their own discretion.

91. An article entitled the "Nihon Seishin no Koyo" (Enhancement of the Japanese Spirit) was published in the "Shu Ho" on February 9, 1938 in its 69th issue. I did not write, edit, publish or approve the printing of this article, nor did I ever see it until recently. Approval, if any, was given by ITO, Nobukichi, Vice Minister of Education at that time, who is now dead. My efforts to find out who wrote this article in the "Shu Ho" have been unavailing. After it was published in the "Shu Ho", according to the practice then prevailing which I did not know of then, but which I just recently ascertained, the Bureau of Information would submit the articles in the "Shu Ho" for translation and publication in English in the "Tokyo Gazette". The article which appeared in the "Tokyo Gazette" (Pros. Exh. 266) and which I never read or saw until it was produced before this Tribunal, is a correct translation of the article which appeared originally in the "Shu Ho" on February 9, 1938, with the exception that it omits one sentence in Paragraph 4 as follows:

"The Empire's action in the present affair (the China Affair) does not contemplate any aggression or conquest, as enunciated

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from time to time with regard to its significance and object." If the Tribunal deems it of sufficient importance I will be glad to submit to it the "Shu Ho" of February 9, 1938. Since I did not write the article I shall not read the second half of it which was not processed by the prosecution. Incidentally, the prosecution in Doc. 0003, P. 46 to 47, endeavors to attach great weight to this general historical statement based on a suspicion that I wrote and approved it.

92. As further evidence of my desire to settle the China Incident I refer to prosecution Exh. 2261 as corrected record 16,224, diary May 19, 1938. General HONJO had the same opinion as ITAGAKI, ISHIHARA, and others that the China Affair had to be settled as soon as possible. This Exhibit shows that he told me to the effect that the Japanese Government, having no dealings with Chiang Kai-shek was not good, and the said policy had to be changed at the first opportunity. Having heard of Major General ISHIHARA's opinion which he had told to Prince KONOYE on January 20th, 1938 I also agreed with him and promised to make efforts to that effect, as shown in the Exhibit. We had begun to realize that the breaking off of peace negotiations with Chiang Kai-shek on January 14, 1938 was improvident. This is the thought behind my statement in my diary, "It is necessary beforehand to give full consideration to prepare for the breaking of the impasse which has been caused by the statement of not dealing with the Chiang Government." The translation of this sentence in prosecution Exhibit 2261 (last sentence Paragraph II) and also in the Language Section's

correction are not quite accurate.

93. It seemed that the Prime Minister's mental attitude was greatly disturbed, so that it appeared difficult for him to remain at the helm of the state, if things went on as they were. On his way back from his trip in the Kansai district, Prime Minister KONOYE had called on me previously after nine P.M., May 11, 1938 and told me to the following effect:

"I thought about it in various ways during my trip, but it must be arranged that we launch upon a new stage with the Hsuchow campaign as turning-point. For the purpose, it is necessary to strengthen the Cabinet, but it is very hard to reconstruct the Cabinet. Therefore, I have two alternatives, either to carry out a resignation of the Cabinet en bloc so as to enable a suitable statesman to form a succeeding Cabinet or to start afresh with a new lineup in case I am commanded again by the Emperor to form a new Cabinet. Will you think it over carefully?"

94. I agreed with the Prime Minister to his way of thinking as a whole. It would be difficult to settle the China Affair if things were allowed to go on as they were. But what change should be effected? When it came to a definite plan, it was no easy task. Suppose the Cabinet carried out a resignation en bloc, it would be impossible for the succeeding one to settle the China Affair, unless suitable persons were appointed Ministers of War and Foreign Affairs. As a matter of fact, the Prime Minister felt dissatisfied with War Minister SUGIYAMA, with whom it was found impossible to get in

full touch, while Army circles, too, felt dissatisfied with War Minister SUGIYAMA. But no agreement of views was reached easily as to who should take his place. And even during the session of the Diet, various criticisms were hurled against HIRATA, Koki, Minister of Foreign Affairs in connection with the statement, issued by the Government, refusing to deal with Chiang Kai-shek any more. The intelligent classes were highly skeptical whether the statement would be well-advised for the settlement of the China Affair. When this was remembered I thought that the selection of a succeeding Foreign Minister would be also a big question. Considered in this light, the retreat of the KONOYE Cabinet would have farreaching effects on China, which would jump to the conclusion that the KONOYE Cabinet quit, because of its failure to settle the China Affair. This might add to the difficulty of settling the Affair. Further, should a political change be brought to pass with those questions, left unsettled, succeeding Cabinet would not be in a position to obtain any measure of success. I thought, therefore, that the matter must be handled cautiously and tactfully. Meanwhile, however, it transpired that War Minister SUGIYAMA would resign after the conclusion of the Hsuchow campaign to be replaced by Lieutenant-General ITAGAKI, on May 22, therefore, I called on Prince KONOYE and had an exchange of views with him on the reconstruction of the Cabinet following a change of the War Minister, by enlisting the services of Mr. Kazushige, UGAKI, Mr. Seihi, IKEDA and others. This is recorded in my diary of May 22, 1938.

"May 22, 1938. At 9:00 A.M. I called on Prince KONOYE at Ogikubo. We exchanged opinions on the reorganization of Cabinet and on the appointment of Mr. UGAKI and IKEDA on the occasion of the change of the War Minister and came to a definite plan."

95. At Premier KONOYE's request I spoke with Foreign Minister HIROTA about his resignation so that General UGAKI could be appointed - as related in my diary:

"May 23, 1938. In the evening Premier KONOYE requested me to communicate with Minister HIROTA about the above concerning the reorganization of the Cabinet and to seek his understanding about it. So immediately I asked for an interview with him but as he was then going to attend the dinner-party at the American Embassy he called on me on his way home from it about 11:00. Then I told him the Premier's intention and asked him to think over his resignation. I felt relieved to hear him frankly say that he had entered the Cabinet partly because he wanted to help Prime Minister KONOYE and partly because of the recommendation of the Elder Statesman. So, he continued, if his resignation is desirable for the sake of Prince KONOYE, he would resign at any time."

96. The War Ministry was opposed to any reconstruction of the Cabinet, but Prince KONOYE and I exerted our best endeavors and vigorously opposed the War Ministry as we were determined to bring about a settlement of the China Affair. In order to accomplish this, we evolved an idea which we believed would be workable. It took form in the Cabinet reconstruction of May 26, 1938 which made such men as messrs. UGAKI, IKEDA and ARAKI join the Cabinet, thereby adding to the Cabinet's dignity and influence at home. The appointment of Lieutenant-General ITAGAKI, who not only understood China and the things Chinese, but was popular with the Chinese people was intended for the settlement of the China Affair; while the selection of

Mr. UGAKI as Minister of Foreign Affairs was aimed at facilitating a reproachment with Chiang Kai-shek. I ceased being Minister of Education on this date, May 26, 1938. My diary of May 26, 1938 records our efforts as follows:

"May 26, 1938. As to the reorganization of the Cabinet, Chief Secretary KAZAMI told me by telephone that UGAKI wanted to postpone the reorganization until the change of the War Minister had been made, to which I replied that the Cabinet should be completely formed today. At about 11:00, by telephone, the Premier requested me to call at his residence and I went immediately to the Premier's official residence. First I met KAZAMI. It seemed that Mr. UGAKI from his own experience felt uneasy about the plan for the change of the War Ministers. However this reorganization plan had leaked out among the public. Furthermore, it was chiefly some members of the War Ministry who opposed the plan. If we hesitated at this stage, not only would it become difficult to reorganize the Cabinet, but the appointment of ITAGAKI as War Minister also might fail. Besides if the opposition of the Army is considerably strong, it would be all the more necessary to separate personnel changes of the Army from this reorganization. Moreover, if reorganization should fail because of the opposition of the Army, the result might be an unfavorable impression among the financial circles. Taking these points into consideration, I, while strongly advising the Premier to execute the reorganization at once, met Mr. IKEDA, Seihin and told him the above opinion and strongly expressed my opinion, that if this reorganization failed, Prince KONOYE would have to keep the Cabinet, if only for a month, to provide for future policies because otherwise there would be no way for KONOYE to apologize to the Emperor. Therefore, I stated it was by all means necessary to complete the reorganization today even by letting the Premier concurrently hold the office of Foreign Minister and by appointing IKEDA as Finance and Commerce Minister in case Mr. UGAKI does not consent. I also reported by telephone to HARADA concerning the situation and requested him to help us. When KAYA telephoned me, I told him, too, the situation and requested his assistance. These calls resulted in the persuasion on the part of Mr. YUKI and Mr. YAMASHITA, Kamesaburo, of Mr. UGAKI in an unexpected prompt consent from Mr. UGAKI. In this way, the reorganization plan reached its completion at 4 o'clock. During the whole time, that is, about five hours, the Premier and I were at the Premier's room working out various plans. Prince KONOYE was composing with a

brush. At the time when the report came that Mr. UGAKI had consented, I took over the two pieces of Chinese poetry which he had written down. These will make very fine souvenirs of the occasion. After 5:00, the Premier proceeded to the Palace and made a confidential report to the Emperor. At 7 P.M. the ceremony of installation was held by His Majesty. Mr. UGAKI was appointed Foreign Minister; Mr. IKEDA, Finance and Commerce and Industry Minister; and Mr. ARAKI, Education Minister. I received a government order to the effect that I was dismissed from the office I had been holding and appointed Welfare Minister."

97. As the Cabinet was reconstructed for the above purposes, I dined together with War Minister ITAGAKI on June 18, 1938, at Prince KONOYE's suggestion when I had a free and frank exchange of views with him on Prince KONOYE's frame of mind, the necessity for terminating the China Affair at the earliest possible opportunity and more open discussion by government as to each others views. The War Minister's intentions were revealed to me to my reassurance. This is reported in my diary of June 18, 1938.

"June 18, 1938. At 6 P.M. War Minister ITAGAKI came to see me at home and we dined together and we frankly exchanged opinions relating to the future development of the political and war situations until after 10. I felt much reassured when I knew him to be a personage worth talking with."

98. On July 23, 1938 I had a long talk with Prince KONOYE and I stressed the necessity of concluding the China Incident. We agreed this should be accomplished by the end of the year. My diary July 23, 1938 states:

"July 23, 1938. We arrived in Karuizawa at 11:59 A.M., and immediately visited Prince KONOYE's summer house and dined together. We talked on the subject of the China Incident, and exchanged our views on the future prospect of the Incident until 3 o'clock. We also talked about the progress of the Five-Ministers Council. It was unanimously agreed upon

that some measures must be taken to alter the situation by the end of this year."

I was not a member of the Five-Minister Council mentioned above.

99. On the other hand, however, the situation did not move as expected. Besides a string of new questions cropped up one after another in quick succession, giving one the impression that what was in store for Japan in the future would not be plain sailing. For instance, on July 20, 1938, the Changkufeng affair occurred when Soviet troops invaded Manchoukuo territory across the border. It was closely followed by Soviet planes invading Korean territory and bombing places in Korea. The situation between Japan and the Soviet Union grew very tense. Prime Minister KONOYE, who felt deeply concerned over the situation sought my views, when I contended that the affair should be settled through peaceful channels patiently. Needless to say I had no part in the commencement of this incident.

100. At the Cabinet meeting of August 2, 1938 certain policies were adopted as recorded in my diary of August 2, 1938.

"August 2, 1938 - Tuesday - cloudy. At 10 A.M., I attended the Cabinet meeting. We listened to the reports on conditions by the War Minister (ITAGAKI) and Foreign Minister (UGAKI) concerning the Changkufeng Incident and the bombing by Soviet planes of Korea beginning yesterday.

After discussion, we made the following resolution for the present: 1. In dealing with the present Incident, we are to adopt the policy of nonaggrandizement in order to avoid a war with the USSR. 2. We are to solve this problem by diplomatic negotiations and if the developments, thereof, make it necessary, we had better withdraw from the Changkufeng line."

In pursuance of these policies, diplomatic negotiations were conducted, as the result of which the affair was settled amicably without causing any serious situations. The prosecution's claim in Doc. 0003, P. 47 that I am responsible for the Incident has no basis in fact.

101. About this time, Germany submitted serious proposals to Japan for the conclusion of a military alliance to strengthen the Anti-Comintern Pact. On August 9, 1938, when I learned it from Prime Minister KONOYE, I thought it was a serious question. As I was not shown any draft of the proposals, I expressed no opinion, which can be verified by reference to prosecution Exh. 2262, diary of August 9, 1938. I believed that any policy, which might stimulate America and Britain and make them skeptical about Japan in the midst of the China Affair should be most cautiously studied and drew Prime Minister KONOYE's attention, telling him to that effect. The Prime Minister who agreed with me was greatly embarrassed. As I understood that the Navy was opposed to the conclusion of a military alliance with Germany, I stressed the necessity to the Prime Minister to make the Navy fully express its conviction and discuss the question without reserve.

102. As may be noted, the political situation became gradually complicated, so that I thought it might be necessary to effect a drastic change of policy in case of necessity. There would be much room for discussion if Japan further approached Germany, leaving the China Affair as it was. If the force of circumstances dictated, therefore, I thought it necessary

to switch over to a reapprochement with America and Britain, by adjusting relations with them. In addition I feared that certain groups of rightists, extremists and army officers who were opposed to settlement of the China Incident would create disturbances in Japan if peace was established with China. I thought it necessary to take precautionary measures to control these elements. Therefore, I had an interview with Prime Minister KONOYE on August 23, 1938. My diary for August 23, 1938 sets forth this interview. I stated my opinion to the Premier as follows:

"August 23, 1938. With regard to the KONOYE Cabinet's political strategy, I understand that the Cabinet is criticized for its alleged indulgence toward the rightists. In view of the situation, both at home and abroad, particularly the impotence of the intelligent classes, it may be necessary to keep the safety-valve ajar. Once, however, national policies are decided, necessitating a volteface, it will be vitally necessary to take a drastic measure. For the purpose, it will be important to make arrangements in advance so as to make the Home Office, especially the Chief of the Police Affairs Bureau and the Chief of Metropolitan Police move at the beck and call of the Prime Minister. I urged the Prime Minister to take measures to that end. On that occasion, the Prime Minister told me that when the Chief of the Police Affairs Bureau in the Home Office called on him the other day, he advised the Prime Minister to resign, pointing out the growing tenseness of the situation. Whereupon, I told the Prime Minister that it would be inexcusable to the Emperor to think of such a thing. I stressed that should the worst eventuality occur, it would be better to die, after doing our best. The Prime Minister fell in with my views. I discerned his firm determination to my great relief. I stated almost the same opinion to KAZAMI, Chief Secretary of the Cabinet, and I stressed the necessity of firmly establishing this attitude toward home affairs."

103. As I was Minister of Welfare at this time it may be in order of interest and importance to review the home situation,

then prevailing. The question of unemployment came to the fore, while the distressed condition of medium and small tradesmen and industrialists was appalling. It was a matter for deep concern for the maintenance of peace and order. With regard to the China Affair, too, the Government's statement, refusing to deal with Chiang Kai-Shek any more came in for critical comments. Opinion was gaining even in a section of the General Staff of the Army that the China Affair should be terminated even by negotiating with Chiang Kai-shek in case of necessity. My diary of August 26, 1938 records:

"August 26, 1938 - Friday - fine. At 10 A.M., I attended the Cabinet meeting. After conferring on counter measures for the lame conditions of trade, it was decided that the War and Navy Ministries hold a conference under the auspices of Welfare Ministry with respect to the problem.

At noon, I dined with the Premier. The Premier told me that as for the peace problem, some members of the Army General Staff were of the opinion that according to the circumstances, Chiang Kai-Shek should be the party to contact to establish peace. We conversed freely with each other about the future prospect and how to cope with the situation."

104. A similar opinion also raised its head in the rightist camp, it appears. This, together with the distressed condition at home served to start a new party movement in party and other circles for the purpose of strengthening political power. On September 7, 1938 Prince KONOYE asked for an interview with me to discuss these questions. My diary for September 7, 1938, prosecution exhibit 2263 as corrected, Page 16,227 of the record shows that I saw Prince KONOYE at his request. Prince KONOYE was depressed at various political matters which he found difficult to carry out as he intended,

and above all had considerably unpleasant feelings as to the maneuvers of the UGAKI faction. Owing to the weakness of KONOYE's character, he once again expressed to me his intention to resign. However, as I believed that except Prince KONOYE no one could possibly settle the Affair, I put emphasis on the necessity that he should summon up his courage and proceed resolutely to settle the China Affair even if it had to be with Chiang Kai-shek. The translation of my diary states that I advised him to "go ahead." That refers to my advice to him to settle the China Incident. In view of the opposition at the time General UGAKI had been appointed to the post of Foreign Minister, I judged that there was still considerable opposition to him in the Army circles. Therefore I observed that so long as he remained Foreign Minister, opposition to him would not be so pronounced as it would be if his plan to overthrow KONOYE and become Prime Minister eventuated. Prince KONOYE was still supported by the general public. If UGAKI became Prime Minister, there would be political criticism of him and the anti-UGAKI feeling in Army circles would break out again which would result in various difficult situations and disturbances in Japan.

105. Exhibit 2263 also mentions formation of new party. The atmosphere for the formation of a new political party was suddenly brewed, so that it became necessary for the Home Ministry to consider the matter. Prime Minister KONOYE requested Home Minister SUYETSUGU to draft a plan, at the same time expressing his desire that I and Justice Minister SHIONO also take part in the formulation of the plan. In consequence.

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I met Home Minister SUYETSUGU and Justice Minister SHIONO on September 27, 1938 to discuss the matter when I found that according to the plan, prepared by the Home Ministry, the new political party was patterned in many points after the German Nazi Party. At the opening of the meeting, a divergence of views developed between Home Minister SUYETSUGU and me, it being my conviction that party leadership, as practiced in Germany, would be impossible in Japan. Heated controversy took place between the Home Minister and me. After several meetings the draft platform and declaration of the new political party were submitted to the Prime Minister on October 15, 1938 when another conference was called. Prime Minister KONOYE, too was worried that the draft platform and declaration of the new political party were not freed from the party leadership complexion. On the other hand, strong opposition to the government-sponsored political party came from political circles, which got wind of the plan of the Home Ministry. The result was that the Home Office plan was dropped. Instead, it was decided to study a movement for national organization as an organ for conveying the will of the ruling to the ruled and vice versa. On November 15, 1938, I met Justice Minister SHIONO and Home Minister SUYETSUGU to study the question together. All Ministers of State, concerned, cooperated in evolving a definite plan for the purpose, but the Cabinet resigned en bloc before any definite plan was worked out.

106. Prosecution Exh. 2264, my diary of November 2, 1938, records the decision of the Privy Council to cease cooperating

with various bodies of the League of Nations. I was not a member of the Privy Council but once in a while, when I was in the Cabinet I attended Privy Council meetings; as shown in prosecution Exh. 271, I attended the meeting on this day. Japan had withdrawn from the League of Nations several years previously. The matter concerning the abandonment of cooperation with various organs of the League of Nation was proposed by the Foreign Minister. This measure was decided on in accordance with the investigation and deliberation on the part of the Foreign Office. The conclusion was that Japan could not but abandon such cooperation because the relations between Japan and those organs with which she had been in cooperation became gradually unfriendly owing to international circumstances. (See Exh. 66)

107. The government failed to take any measures at home deserving popular confidence, and there was no prospect of early settlement for the China Affair abroad though information reached Tokyo that Wang Ching-wei would flee from Chungking on December 18, 1938. No wonder, therefore, that Prince KONOYE was inclined to resign as Prime Minister.

108. A survey of the situation, prevailing in Japan at that time shows that economic set-up; while ideologically and intransigent Japanese spirit was stressed on the one hand and on the other Communists activities were brisk, so that a large number of Imperial University students were rounded up as Communists. The situation was marked with confusion, itself. This accounts for the fact that reform of the educational

system was one of the planks of the platform of the first KONOYE Cabinet. The China Affair was more than twelve months old. Japan's outgoing trade with China and the south sea area was entirely paralyzed, due to a boycott, launched by the Chinese merchants in those regions against Japanese merchandise. A telling blow was dealt the miscellaneous industry and medium and small industrialists and traders in Osaka area who depended on the export trade with that quarter of the globe. The unemployment question came to the fore, so that an unemployment relief committee was set up in the Welfare Ministry. It was feared that the growing economic depression would be capitalized by the Communist agitators. This was the point which worried Prime Minister KONOYE most.

109. Under such circumstances, Japan was not in a position to flatly reject a policy, calculated to check Communist infiltrations, but Prince KONOYE watched the development of the situation closely, as he thought that Japan would be called upon to study most cautiously what effects her cooperation with Germany would have on America and Britain. (I did not take part in the Five-Minister Conference, so that I had no knowledge of its deliberations). On December 17, 1938 when I met Prime Minister KONOYE at the Peers' Club, he told me that strengthening the Anti-Comintern Pact, Lieutenant-General OSHIMA, Hiroshi, Ambassador to Germany and others intended to conclude an agreement of a nature of military alliance with Germany even against England and France, entirely different from the policy, hitherto decided by the Five-Minister Conference, and apparently already proposed to

the German authorities to that effect. He was so apprehensive about the matter that he stated that he would like to resign as Prime Minister as soon as possible, since he could not assume responsibility for such an extension of the Pact, over which he was not enthusiastic from the very beginning. Little informed as I was of the development of the question, it was easily understandable to me that Prince KONOYE, though he might have to assume heavy responsibility for the settlement of the China Affair, would like not be involved in the extension of the Pact, which I could not approve myself. My conversation of December 17, 1938 with Prince KONOYE is recorded in my diary for that day as follows:

"Dec. 17, 1938. Saturday. Fine. At noon, I had lunch at the Peer's Club. Conference with Prince KONOYE from about 1:30 P.M. to about 4:30 P.M. on the political situation and the fate of the cabinet. Deviating from the policy which was formerly adopted at the Five Ministers conference concerning the intensifying of the Anti-Comintern Pact between Japan and Germany. Ambassador OSHIMA in Germany and others desire to make an agreement of a military alliance nature against Britain and France as well. There being indications that this has already been proposed to the German authorities, Prince KONOYE in much worried over this. He emphatically tells me of the necessity for the cabinet to resign much sooner if such circumstances are taken into consideration. We discussed the time and measures of realizing this."

110. My diary of December 26, 1938, prosecution Exh. 2265, as corrected P. 16,231 of the record, records a conversation I had with Baron HIRANUMA that he thought the KONOYE Cabinet should continue as it had been reported Wang Chao-Ming had escaped from Chungking. As shown in prosecution Exh. 2266, diary of December 29, 1938, Major General SUZUKI visited me to express the same opinion saying that Prince KONOYE's efforts were necessary for the settlement of the China Affair, so at

that moment the resignation in mass of his Cabinet should not be realized. The situation of the Cabinet had gone so far that we could not at that time help it at all. I didn't express my opinion and only listened to him. So, too, at the conference at Prince KONOYE's mansion, also recorded in prosecution Exh. 2266, I only listened to what other people said and expressed no opinion of my own. I felt from the conference as it went, that there was no room for dissuading, Prince KONOYE from resigning.

111. Thus the KONOYE Cabinet resigned en bloc on January 4, 1939 ending my term of office as Welfare Minister. I wanted to retire to private life and pursue a wait and see policy for some time, but was invited by Baron HIRANUMA to his headquarters for Cabinet formation on January 5, 1939, when he offered me the portfolio of Home Affairs in his Cabinet, stating that it was virtually an accomplished fact, as he accepted the Imperial command to form a succeeding Cabinet almost on condition that I be appointed Home Minister. He added that he had fully discussed the matter with Prince KONOYE. I declined the offer however, as I was inclined to take a rest for some time; but Baron HIRANUMA insisted upon my accepting it for the abovementioned reasons. I was aware that an ideological reformist opinion had a strong following in the Home Office circles under the direction of Home Minister SUYETSUGU, so I requested that a free hand be given to me in dealing with many vexed political questions in the Home Office. I accepted the offer when my condition was approved. This appears in prosecution Exh. 2267, my diary

of January 5, 1939, as corrected by the Language Section. One of the political problems referred to in this Exhibit was as follows: The outgoing Minister of Home Affairs was Admiral SUYETSUGU, a Fascist devotee of international fame. No wonder, therefore, that an atmosphere, surcharged with Fascism, prevailed among Home Ministry bureaucrats. And when the HIRANUMA Cabinet was formed, a troublesome pending question was left for the Home Ministry by the retiring Home Minister Admiral SUYETSUGU in the form of the Bill for reforming the municipality system (chosonsei), which was drafted under his guidance. The Bill was aimed at Fascistizing provincial administration by extending the powers of the executive organ at the sacrifice of the legislative or deliberative organ. Preparations had been completed by those officials of the Home Ministry in charge of clerical work for submitting the Bill reforming the municipality system, to the Diet, but I, as the new Minister of Home Affairs, decided not to introduce such a Fascist legislation to the Diet. I requested the Cabinet to meet on February 17, 1939 when I submitted to the meeting my decision to refrain from submitting the Bill in question to the Diet. The Cabinet Council approved of my decision. The same day, therefore, Parliamentary quarters and officials of the Home Ministry concerned, including the Vice-Minister of Home Affairs were communicated to that effect. This is corroborated by extracts from my diary for February 17, 1939, which reads:

"February 17 - Friday - find. At 9 A.M., Welfare Minister HIROSE called on me and consulted with me to decide to shelve the Reform Plan of the Local Administration System.

At 10 A.M. attended the Cabinet Conference.

At noon, asking to hold a Cabinet Conference, I made a report on the course and prospect of the Reform Bill of the Local Administration System, and I asked for a decision on its adoption or rejection. Consequently, the Premier and I came to be entrusted with conduct of the matter.

After the Cabinet conference, I consulted with the Premier and we decided not to submit the said Reform Bill alone to the present Diet, for, first of all, the present Cabinet should investigate the matter of autonomy in general such as the self-government of the city and that of prefectures, etc.

At 3 P.M. in the House of Peers, I informed Messrs. KANNA, NAKAI, TACHI, and SAKA of the above matters.

Returned to my official residence at 5 P.M. and informed the Vice-Minister, Chief of Local Bureau and Chief of Administration Section of the above matters."

The bill therefore died.

112. The HIRANUMA Cabinet demonstrated that there was a continuity of policy in trying to settle the China Affair between it and its predecessor, KONOYE Cabinet, by appointing Prince KONOYE as Minister without Portfolio. The most important political question, which faced the HIRANUMA Cabinet was the question of alliance with Germany. It was advanced toward the latter part of the KONOYE Cabinet, the Army most enthusiastically advocating the conclusion of an alliance with Germany. The KONOYE Cabinet failed to arrive at any conclusion and transferred the question to the HIRANUMA Cabinet. The HIRANUMA Cabinet referred the question to the so-called Five-Minister Conference, which, however, met more than seventy times and yet failed to reach an identity of views, due to the Navy's stout opposition to the projected alliance with Germany, which the Army zealously

advocated. Under those circumstances, the question did not emerge from the stage of discussion by the Five-Minister Conference, so that I, then Minister of Home Affairs, and not a component member of the Conference, had no direct connection with the question.

113. My only concern in the Tripartite alliance question while I was Home Minister consisted in maintenance of peace and order at home, which I was duty bound to secure. My diary of March 22, 1939 shows my interest.

"March 22, 1939. 4:00 P.M. I went to my official residence and discussed with the Vice-Minister, the Superintendent General of the Metropolitan Police and the Director of the Police Bureau the several matters concerning the Military Alliances viewed from the maintenance of peace and order."

114. Prosecution Exh. 2268, diary of March 31, 1939 shows that the Premier told me about the proposed Alliance and the difficult situation concerning the problem. It also shows that I had an interview with Prince KONOYE after a long interval, at which we talked about the forecast as to the dealing with the China Affair and exchanged views with each other concerning the settlement of the Affair.

115. I was not in favor of strengthening the alliance between Japan, Germany and Italy. Negotiations had been started in diplomatic circles without my knowledge or participation. The Five-Minister Conference of the HIRANUMA Cabinet which was deliberating over the question of conclusion of the Tripartite military alliance pact was meeting in session almost constantly but was unable to arrive at any definite decision, because the Army wanted to conclude the Tripartite

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Alliance Pact, and the Navy was opposed to it. If the Army and the Navy come into a frontal clash, it was easily imagined that the Army or the Navy would have staged its favorite coup d'etat and assassinated the Senior Statesmen close to the Throne and leaders of the Government. It was but natural that I, who had served close to the Throne for many long years, should be seized with apprehension about such an untoward incident, as I was then Minister of Home Affairs. My diary of April 14, 1939 shows my concern in endeavoring to avert a frontal clash between the Army and the Navy.

"April 14, 1939. -- At 9:00 AM I met Vice-Minister, Commissioner General and the Director of Police Bureau at my official residence, and as they said that the Military appeared somewhat uneasy owing to the recent deadlock of the Military Alliance among Japan, Germany and Italy, we heard how things stood from the Commissioner General.

At 10:00 I called at the Premier's official residence and heard the latest circumstances of the said problem before the Cabinet Council.

Although I was informed of the no easy situation Japan was confronted with, it seemed to me, taking a long-range view of it, that the cabinet should by no means resign en bloc. I laid stress on that it was necessary for the cabinet to surmount every obstacle and to do its utmost to overcome the present political difficulties. I was a little relieved as the Premier agreed with me.

Cabinet Council was held at 10:30 after which I consulted with War Minister ITAGAKI on the above matter and we agreed to exert both of our efforts to tide over this situation. I also consulted with Foreign Minister ARIE, who stated his opinion that there was nothing for it but for the Premier to send letters to Hitler and Mussolini personally to explain our assertion and circumstances with respect to this matter. I stressed that this must necessarily be done and it was quite necessary to tide over this deadlock by all means. If we should make a mistake in disposing of the matter I was afraid, as a problem of home administration, it should result in leaving to posterity the root of more calamity than that caused by the problem of the London Naval Treaty, and as a result of it the so-called Senior Statesmen would necessarily and positively be eliminated. If this should happen, what should become of the court? It's dreadful even to imagine. Besides, to think that the Emperor who has been concerned about the transaction of the Incident, irrespective of day and night, should feel more lonely by that.

It is unbearable even to suppose, When we think of this and that, we clearly see that it is a duty of a subject, to defy and exclude all the difficulties not to bring about such circumstances which point, I have already told, to the Premier and War Minister. I told him emphatically as above stated."

16. If a clash occurred between the Army and the Navy on the same front, riots and disorders would spring up and when China became aware of this breach between the Army and Navy, it would

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react unfavorably to Japan. So, in my conversation with Premier HIRANUMA on April 19, 1939 (Pros. Exh. 2269, Diary April 19, 1939) I told him that from the viewpoints of chiefly maintaining public peace at home and settling the China Affair, I only desired him to exert his best endeavor in dealing with the matter so as not to bring about unfavorable effect on these problems whether this Agreement was concluded or not.

117. This same view is apparent from an examination of Pros. Exh. 2270, as corrected Record 16, 235 (diary of May 2, 1939) which reports conversations I had with Mr. OTA and Navy Minister YONAI as follows: Having heard from OTA, Chief Secretary to the Cabinet, that there was still a difference in view between the Army and Navy regarding the Military Alliance, I thought that if the Cabinet would collapse owing to such process of this problem, it would give uneasiness and discontentment to our people and therefore the Cabinet had to avoid, from the viewpoint of public peace at home, resignation en bloc leaving the problem as it was. Then I met Minister of the Navy YONAI and requested him to deal prudently with this problem. He agreed to do so.

118. This record of my diary reads: "Since there is the other party with whom we must negotiate, it is not necessary for us to be forced to conclude the alliance." This shows that I was not eager for the conclusion of this alliance and the focus of my concern was on the maintenance of public peace in our country.

119. I vigilantly watched the development of the Tripartite Alliance question from the angle of maintaining

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peace and order at home. My diary for May 5, 1939, states:

"May 5, 1939 -- At 2:00 PM heard at the official residence a report from the Superintendent-General and the Director of the Police Bureau on the opinions of the military concerning the Military Alliance."

120. The Prosecution has singled me out for particular responsibility for aggression against USSR in the summer of 1939 (Doc. 0003, P. 47). I, as a member of the Cabinet, knew nothing of this until after it started. As a Cabinet member, I had no responsibility for its short continuance. The facts regarding this border incident have been fully presented to the Tribunal, which show it was duly settled diplomatically.

121. On July 22, 1939, the Cabinet adopted a statement for submission to the Japanese-British Conference which it was expected would lead to the settlement of the China Affair, insofar as Great Britain was concerned. This was opposed by the Army, so I took steps to see that public order would be maintained. At this time the Army was also spreading propaganda in its efforts to obtain public support for the Tri-Partite Alliance. I was opposed to this and asked my subordinates, ANDO and HASTIMOTO, to control this agitation and keep me advised, which they did. Both of these events appear in my diary of July 22, 1939.

"July 22, 1939 -- At 9 AM an extraordinary Cabinet meeting was held. At the meeting, the draft of a statement regarding general principles of the Japanese-British Conference was discussed and adopted. After the meeting, I conferred with the Premier on the maintenance of public order.

At 10:30 AM. I conferred with the Inspector General and the Director of the Police Bureau about the control policy after a peaceful conclusion of the Tokyo Conference.

At 4:30 PM, INDO and H. SHIMOTO called on me. They gave me the full particulars of the opposition of opinions between the government and military circles concerning the movement for the furtherance of the military alliance."

122. Prosecution Exh. 2271 as revised is my diary for August 4, 1939. At that time, and as is shown in this Exhibit, the people of Japan were hoping for a settlement of the Incident by the establishment of the Wang regime. They also hoped for the success of the Japan-British conference. This Exhibit also shows that it was rumored in political circles that the Army and Navy still disagreed with each other on the problem of the Japan-German military alliance and consequently the Army became impatient and at last was planning to lead the Cabinet to resignation en bloc by having the Minister of War resign, and to proclaim martial law by taking advantage of that opportunity and thus finally to establish a military government. I advocated strenuous resistance to this. I considered that if the Army took such measures, public peace at home would be seriously endangered. So I told Minister of War ITAGAKI to that effect to urge him reconsider the matter, as is shown in this Exhibit.

123. Prosecution Exh. 775 is an excerpt from my diary of August 22, 1939. As related, I was naturally surprised when I heard of the treacherous act on Germany's part in concluding the Non-Aggression Pact with Russia in view of the agreement between Germany and Japan against Communism. Thus, Exh's. 2262, 2268-71, and 775 show there is no factual foundation for the prosecutions claim that I supported a military

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alliance with Germany as stated in Pros, Document 0003, p47.

124. As a result of the German-Russian Non-Aggression Pact, the MIYANUM Cabinet resigned on August 28, 1939, and thus my service in the Cabinet came to an end. My diary for this day, Pros. Exh. 2272 as corrected by errata sheet, is important for two reasons. First, it shows that I refused to interfere in conflicts within the Army when MATSUO of the Kemmei Tai sought my opinion on the appointment of Lt. Gen. TADA as War Minister, and I told him I could do nothing about it. Secondly, regarding the Emperor's order to the new Prime Minister I was consulted and asked my opinion by Prince KONOYE regarding the Emperor's selection of a Minister of War. I gave him my view based upon my many years' experience which I gained in dealing with such affairs during my service as Chief Secretary to the Lord Keeper of the Privy Seal and advised him to settle the matter smoothly lest he should trouble His Majesty. This entry also shows the Emperor instructed the new Prime Minister that "Diplomatic policy should follow the line of cooperation with Britain and the United States", and also instructed him upon the importance of using discretion in the selection of the Home Minister because of the necessity of maintaining order at home.

125. In Pros, document 0003, p.47, the Prosecution states that during the period I held cabinet posts Oct. 22, 1937 to Aug. 30, 1939 I have a general responsibility for all the events of this period shown on P.I. 55-100 of the summary (Doc. 0001). I had absolutely nothing to do with most of these

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events such as the resignation of Italy from the League of Nations, the sinking of the U.S.S. Panny and Ladybird, the various rumors, and opinions and statements of various Germans as Von Ueunath, Dierksen, Trautman, OTT, Hitler, and Ribbentrop contained in various telegrams and letters, opium, non-aggression Pact between Germany and the U.S.S.R., the 5 Minister's Conference re Hainan Island and other events. With respect to the various bills (about 10), mentioned in the Summary they, were approved by the Cabinet and passed by the Diet. I did not participate in the drafting or preparation of any of them except one, the Motion Picture Law of Apr. 5, 1939. Which is explained fully elsewhere. I voted at the Cabinet meetings in favor of these bills presented by other Ministers based on the explanations given for their passage. At no time did I even know or suspect that any of these bills were designed for promotion of aggressive war. On the contrary the economic situation in Japan and in the world in general at that time was such as required their adoption, as have been shown heretofore in this trial. The other events set forth in the summary while I was a cabinet Minister have been dealt with above in my affidavit. 126. With the resignation of the HIRANUM Cabinet on bloc, I led a retired life, being detached from political circles. What was the political situation, then? Almost simultaneous with the formation of the LBE Cabinet, the successor of the