

Doc. 3106 (56) to (64)

Folder 27

(85)

INTERNATIONAL PROSECUTION SECTION

Dec. No. 3106 (56) to (64)

Date 12 September 1947

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT

Title and Nature: Various Proposals and Memorandums Relative to Japanese-American Negotiations.

Date: November, Original (X) Copy () Language: Japanese
December
1941.

Has it been translated? Yes () No (X)

LOCATION OF ORIGINAL: Document Division

SOURCE OF ORIGINAL: Foreign Ministry

PERSONS IMPLICATED: NOMURA Kichisaburo; KURUSU Saburo; MATSUOKA
Yosuke.

CRIMES OR PHASE TO WHICH DOCUMENT APPLICABLE:

SUMMARY OF RELEVANT POINTS:

Dec. 3106 (56) Proposal B (1) (Document missing from folder)

Dec. 3106 (57) Proposal B (2) Identical with "Foreign Relations
of U.S. (1931-41) Vol. II" pp. 789 with the following additions:

(6) The Japanese Government recognizes the principle of non-
discrimination to be applied to the Pacific areas including CHINA
on the understanding that it will be applied uniformly to the rest
of the world.

(7) Both Japan and America will be guided in their conduct
by considering protection and self-defense and Japan will decide
independently on fulfilling her obligation under the Tripartite
Pact.

Note: Japan has no objection to transferring the troops in
Southern French-Indi-China to the Northern part.

Dec. 3106 (58) Proposal B (3) Essentially the same as Proposal
B (2), Dec. 3106 (57). The note at the end was included in Item 5.

Dec. 3106 (59) U. S. Oral Statement, 26 November 1941. Identical

Dec. No. 3106 (56) to (64). Page 2 (Summary cont'd)

with "Foreign Relations of U.S. (1931-41) Vol. II" pp. 766.

Dec. 3106 (61) Supplement to the Japanese Reply to the American Proposal of 26 November 1941. It states that Japan cannot approve the application of the principle of non-discrimination in the Pacific and China because it should be made to apply to the world at large.

The idea of concluding a non-aggression treaty among seven countries is rejected as just a repetition of the Nine-Power Treaty. The establishment of a New Order in East Asia is insisted upon.

Lastly, Japan showed her intention to fight on the side of the Axis Powers by refusing to give up any treaty concluded with other third powers as requested by the American proposal by saying that "America's intention is to check Japan's execution of her duty arising from such a treaty in the event of an American participation in the European War".

Dec. 3106 (63) Analyzed separately.

Dec. 3106 (64) U.S. Memorandum of December 2. Identical with "Foreign Relations of U.S. (1931-41) Vol. II", pp. 779.

Analyst:
1st Lt. Fred F. Sarukawa

Dec. 3106 (56)-(64)
Page 2.

(SASAKI, Setsuo)

6-58.

Proposal B III.

Identical with "~~The same as the~~ proposal B II", Doc. No. ³¹⁰⁶⁻⁽⁵⁷⁾~~6-57~~,
excepting for the following:

(1) "Japan declares that
upon the establishment of this under-
standing, Japan is prepared to transfer
her troops stationed in the southern French
Indo-China to the northern part."

should be inserted in the last part of Item 5.

(2) ~~All~~ The note at the end of "~~the~~ Proposal B II",
should be cancelled.

Doc 3106-(61)

This is an appendix to Japan's reply to the proposal of U. S. A. dated Nov. 26, 1941. The summary of the appendix is as follows:

- 1 - The Imperial Government has already informed Washington Government regarding basic draft of the agreement, and as to the first principle of the economic relation Japanese Government wishes that such a principle mentioned above should be applied to all over the world. Therefore, the Imperial Government cannot approve such a principle be applied to the areas of the Pacific Ocean, especially to China. Japanese Government has already informed U. S. A. clearly that the application of said principle should be made according to the application to the world at large.
- 2 - In regard to the measures to be taken by the both governments,

2

the view of the Imperial Government is as follows:

A plan of concluding treaties of non-aggression among seven countries—Japan, America, Britain, Netherland, China, Soviet Russia and Thailand is a plan to establish a collective organ of peace in the area of East Asia based upon a principle of non-aggression. Japan considers that it is a pre-requisite for everlasting peace for the world to let every nation occupy its own proper place in this world. Therefore, Japan's desire is to establish a new order, and maintain it, in which every race in East Asia can enjoy ^{their} mutual existence of live and let live. We don't wish to have such a kind of collective peace organ.

3.

To establish such a collective organ of peace on the mere ground that said seven countries ~~to~~ have their ~~the~~ territories in East Asia is just like repetition of the 9 power treaty or failure of the League of Nations. Therefore, Japan can not agree to such a proposal of concluding treaties of non-aggression among the said 7 countries, and further we should say that making an ~~of~~ agreement among Japan, America, Great Britain, Netherland, China and Thailand, excepting French-Indo-China, as to respecting the territorial rights is just like that the said areas be put under a joint protection of said six countries.

3- America should have understood already regarding the question

4

of the general withdrawal of Japanese military and police force from China and French Indo-China. Therefore, the Imperial Government can not understand why America made ~~an~~ a new proposal about such a question.

4. — The Imperial Government has already informed America as to America's proposal of Japan's acknowledging C. C. K. Government ~~as~~ only is a proper and lawful government.

5. — With regard to ^{removal of the} ~~the~~ extraterritorial rights from China, in the treaty concluded last year, Japan promised China to ~~do~~ abolish the extraterritorial rights and return the concessions.

5

Japan refuses to accept America's proposal in regard to Japan's giving up any treaty concluded with latter third power, because America's intention is to check Japan's performance of her duty arising from such a treaty in case America participates in the European War

Secret

First Draft

(Original Draft)

Dec. 3, 1941

MEMORANDUM OF THE IMPERIAL GOVERNMENT'S NOTE TO THE UNITED STATES (DRAFT)

1. The Imperial Government, prompted by a genuine desire to come to an amicable understanding with the United States Government and to secure peace in the Pacific Area through the joint efforts of both countries and thereby contribute toward the realization of world peace, has continued negotiations with the utmost sincerity since April of this year with the United States Government regarding the adjustment and advancement of relations between the two countries and the stabilization of the Pacific Area. The Imperial Government hereby has the honor to state frankly its convictions after giving careful and thorough consideration to the claims the American government has persistently maintained throughout the negotiations which extended over the past eight months and the measures and actions which the United States has taken toward Japan during this period.

2. It is the immutable national policy of the Imperial Government to insure the stability of East Asia and to promote world peace and thereby to enable all nations to find each its proper place in the world.

Nevertheless, the Republic of China did not understand the true intention of the Imperial Government and, unfortunately, the China Incident broke out. However, together with taking steps to restore peace, the Imperial Government has consistently exerted its best efforts in order to prevent extension of the ravages of war. It was also only for the attainment of the above object that the Imperial Government concluded the Tripartite Pact with Germany and Italy in September of last year.

However, the United States and ^{the British Empire,} ~~and Great Britain,~~ ignoring the actual situation in East Asia, have resorted to every possible measure to assist the Chiang regime, thereby obstructing the establishment of a general peace between Japan and China and restraining the Empire's constructive endeavors towards the stabilization of East Asia. Furthermore, holding the Netherlands East Indies in check or menacing French Indo-China, they have hampered the Empire's natural demand to realize the ideal of common prosperity in co-operation with these regions. Furthermore, when the Empire in accordance with the agreement with France took measures of joint defence of French Indo-China, the American and British Governments misinterpreted this as a threat to their own possessions. Inducing the Netherlands and the Chungking regime to follow suit, they enforced the assets freezing order, took it upon themselves to sever economic relations with the Empire, and manifested an obviously hostile attitude. Meanwhile they have strengthened their military preparations against the Empire and have perfected arrangements for encirclement of the Empire, thereby bringing about a situation which endangers the existence of the Empire.

Nevertheless, to facilitate a speedy settlement of the situation, the Imperial Government proposed, in August last, that the Premier of Japan and the President of the United States meet for study and discussion, from a wide viewpoint, of important problems between the two countries covering the entire Pacific Area.

However, the United States Government, while accepting in principle the above proposal, staunchly insisted that its execution should be after an agreement of view had been reached on important questions between the two nations. To the regret of the Imperial Government, the opportunity for its realization was finally lost.

3. Accordingly, on September 25th the Imperial Government, after giving full consideration also to past claims of the United States, submitted a proposal based upon

the American plan covering all important questions, and tried to make it the new basis of the negotiation. However, the United States Government adhered steadfastly to the original plan indiscriminately and demanded only concessions from the Empire, and finally failed to display a spirit of conciliation. The negotiation reached a stalemate. Therefore, in view of the pressing situation, the Imperial Government, as a final attempt to avert the rupture of relations between the two nations, submitted still another new proposal in order to arrive at an equitable solution of the pressing and urgent problems and thereby break the present deadlock. However, the United States Government again refused to consider this, saying that it could not be the basis for discussion, and finally on November 26th, to the extreme regret and incomprehensibility of the Imperial Government, made an unreasonable proposal knowing that for the Imperial Government to accept it would be extremely difficult, and with complete disregard of the progress made in the negotiations extending over eight months.

4. From the beginning of the negotiation the Imperial Government, with a constant attitude of utter fairness and moderation, has strived for a settlement and even made all possible concessions in spite of frequent difficulties. As for the China question which constituted an important subject of the negotiation, it proposed a most magnanimous outline for peace and voluntarily displayed a co-operative attitude even as regards such problems as withdrawing troops. As for observance of the principle of non-discrimination in international commerce, advocated by the United States Government, the Imperial Government replied that it desired to see the said principle applied throughout the world, and that, along with the actual practice of that principle, it would endeavor to apply the same to the Pacific Area including China, and made it clear that Japan would not exclude any just economic activities of third powers in China. Furthermore, the Imperial Government firmly promised to withdraw troops from French Indo-China under a certain proviso, and even volunteered to evacuate first from Southern French Indo-China as a measure of easing the situation. It is presumed that the spirit of conciliation exhibited to the utmost degree by the Japanese Government in all these matters is fully appreciated by the United States Government.

However, the United States Government, which in its frequent proposals at times assumed an attitude as if it appreciated the position of the Imperial Government, in the last analysis never actually accepted the position. On the contrary, the United States Government, by adding fresh demands and by retracting its past statements made to the Imperial Government, has not contributed to promoting the conclusion of the negotiation, and has caused undue delay in the negotiation. The Imperial Government is unable to understand this and is constrained to call the attention of the United States Government especially to the following points:

Secret

State Secret

A N N E X

1. The Imperial Government has already expressed to the United States Government its views on the principles, from the first to the third, concerning the general policy of the draft of mutual declarations regarding policy in Part I of the Outline of Basic Proposal Agreed Upon Between the United States and Japan /IN: original English title: "Outline of Proposed Basis For Agreement Between the United States and Japan"/. As for the first principle concerning economic relations, the Imperial Government hopes that this principle will be applied uniformly to the entire world. However, it cannot accept this principle's being applied only to the Pacific Area, especially China, and not applying the same principle to the rest of the world. The Imperial Government has made it clear to the American Government that the application of the said principle to China should be in conformity with its application to the world.

Various other principles have been newly proposed, but the view of the Imperial Government on these various principles, taken as a whole, is that all these represented a view which outlined an ultimately stabilized situation when world peace is realized, and that they cannot necessarily be made the basis of concrete policies or measures to be taken under present circumstances. However, it is obvious from the proposals in Section II, "Steps To Be Taken By The Government of The United States and By The Government of Japan" that the United States Government intends to require acceptance of these various principles first of all, and on this basis to control a priori the actual concrete policies. From this viewpoint, the Japanese Government cannot agree to the application of these various principles without considering the actual situation.

2. The view of the Imperial Government on steps to be taken by both Governments in Part II is as follows:

Empire, First, the conclusion of a multilateral non-aggression pact between ^{the British} ~~the United States~~ China, Japan, the Netherlands, the Soviet Union, Thailand and the United States by the Government of the United States and the Government of Japan. The plan to conclude a non-aggression pact between the seven countries of Japan, the United States, ~~the United States~~ the Netherlands, China, the Soviet Union and Thailand aims at the establishment in the East Asia Area of a collective peace organization based on the principle of non-aggression. The Empire regards the prerequisite of everlasting peace to be that every country is made to find each its proper place in the world, and the Empire intends to establish and maintain a new order sufficient for the realization of co-existence and co-prosperity of all the peoples of East Asia. It is necessary that every member of such a collective peace organization in East Asia fully understand the abovementioned ideal. Therefore, it is unacceptable to the Imperial Government in that calling together the aforementioned seven countries, without any definite purpose and establishing a collective peace organization on the ground that they happen to have their territories in East Asia, will be the rebirth of the Nine Power Treaty and will repeat the mistake committed by the League of Nations.

Second, the territorial integrity of French Indo-China and equal economic treatment. In regard to French Indo-China, for the six countries---Japan, the United States, ~~the United States~~ the Netherlands, China and Thailand---excepting France, to undertake among themselves to respect the territorial sovereignty of French Indo-China and equality of treatment in trade and commerce would be tantamount to placing that territory under the joint guarantee of the governments of the six countries---actually under the control of ~~the United States~~ and the United States. Setting aside for the present the fact that it completely ignores the position of France, it is entirely unacceptable to the Imperial Government because it would be considered as an extension to French Indo-China of a system similar to the Nine Power Treaty structure, which is one of the chief factors responsible for the present predicament of East Asia.

Third, the wholesale evacuation of Japanese troops and police from China and French Indo-China. The United States Government must have been fully aware of the views held by the Japanese Government on this subject. The Japanese Government finds it difficult to understand such a proposal being offered at this time.

Fourth, the proposal to recognize the Chungking regime as the only legitimate government. The views held by the Japanese Government on this subject have been made clear in the reply.

Fifth, the proposal concerning the abolition of extraterritoriality. In regard to this subject, it is already stipulated in the Basic Treaty concluded last

year between Japan and China that "in accordance with the progress of the new Sino-Japanese relations, Japan shall abandon her extraterritoriality and return her settlements".

Sixth, the agreement that the two Governments will not construe any agreement which has been concluded by either party with a third power as being contradictory to the establishment and preservation of peace throughout the Pacific Area which is the basic object of this agreement. Since the above can be considered as having been proposed by the United States with the intention of preventing the Empire from fulfilling her obligations under the Tripartite Pact, in case the United States entered the European war, we absolutely cannot accept this.

The Government of the United States has proposed that the Government of Japan should agree to the establishment of a League of Nations in the Pacific Area. The Government of Japan has agreed to the establishment of a League of Nations in the Pacific Area. The Government of the United States has proposed that the Government of Japan should agree to the establishment of a League of Nations in the Pacific Area. The Government of Japan has agreed to the establishment of a League of Nations in the Pacific Area.

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Consent to Article II is as follows:

1. The text of the Tripartite Agreement on which to be taken as...

...the Government of the United States has proposed that the Government of Japan should agree to the establishment of a League of Nations in the Pacific Area. The Government of Japan has agreed to the establishment of a League of Nations in the Pacific Area. The Government of the United States has proposed that the Government of Japan should agree to the establishment of a League of Nations in the Pacific Area. The Government of Japan has agreed to the establishment of a League of Nations in the Pacific Area.

Dec. 3, 1941

Memorandum of the Imperial Government's Note to the United States (Draft)

1. The Imperial Government, prompted by a genuine desire to come to an amicable understanding with the United States Government and to secure peace in the Pacific Area through the joint efforts of both countries and thereby contribute toward the realization of world peace, has continued negotiations with the utmost sincerity since April of this year with ~~the United States~~ the United States regarding the adjustment and advancement of relations between the two countries and the stabilization of the Pacific Area. The Imperial Government hereby has the honor to state frankly its convictions after giving careful and thorough consideration to the claims the American Government has persistently maintained throughout the negotiations which extended over the past eight months and the measures and actions which the United States has taken toward Japan during this period.

2. It is the immutable national policy of the Imperial Government to insure the stability of East Asia and to promote world peace and thereby to enable all nations to find each its proper place in the world. The Republic of China did not understand the true intention of the Imperial Government and unfortunately, the China Incident broke out. However, together with taking steps to suppress the upheaval and to restore peace, the Imperial Government has consistently exerted its best efforts in order to prevent the spreading of the ravages of the war in Europe to East Asia. It was also only for the attainment of the above object that the Imperial Government concluded the Tripartite Pact with Germany and Italy in September of last year.

However, the United States and ^{the British Empire} ~~Great Britain~~, ignoring the actual situation in East Asia, have resorted to every possible political, military, and economic measures to assist the CHIANG regime, thereby obstructing the establishment of a general peace between JAPAN and CHINA and restraining the Empire's constructive endeavours towards the stabilization of East Asia. Furthermore, holding the NETHERLANDS EAST INDIES in check or menacing FRENCH INDO-CHINA, they have hampered the Empire's natural demand to establish relations of co-existence and co-prosperity with these regions. Furthermore, when the Empire, in accordance with the agreement with FRANCE took measures of joint defence of FRENCH INDO-CHINA, the American Government first enforced the asset freezing order, and took it upon herself to sever economic relations with the Empire, and with ^{the British Empire} ~~Great Britain~~ following suit, manifested an obviously hostile attitude and assumed such an attitude as would endanger the Empire's very existence. Nevertheless, to facilitate speedy settlement of the situation, the Imperial Government proposed in August of this year, a meeting between the Prime Minister of Japan and the President of the United States. This was probably due to the recognition that the negotiations continued at that time were merely preliminary and informal in which a compromise was to be reached first and later confirmed by the leaders of both Japan and the United States, that such a method of negotiation was not suitable for the situation at a time when ~~an~~ extremely rapid progress was being made and in which there was fear that an unexpected situation might be created, and that it was indeed necessary for the two leaders to meet for discussion and study from a wide viewpoint, important problems between the two countries covering the entire Pacific Area with open sincerity in order to save the situation. These were made clear by the message given to the President of the United States Roosevelt by the then Prime Minister of Japan, Prince KONOYE. However, the United States Government, while accepting in principle the above proposal of the Imperial Government, still staunchly insisted that its execution should be after an agreement of view ~~had~~ been reached on important questions between the two nations. It is deeply regretted

by the Imperial Government that so much time has been wasted idly until today.

4. It is believed that from the standpoint of bringing about peace between Japan and China and by establishing a new order in East Asia through peaceful means together with maintaining peace in the Pacific by preventing the extension of the European War, the Imperial Government, with an attitude of fairness and moderation, has endeavored to reach a settlement in the negotiation. As for the China question which constituted an important subject of the negotiation, the Imperial Government proposed a most generous outline for peace. As for the application to the entire Pacific Area of the principle of non-discriminatory treatment in international commerce advocated by the Government of the United States, the Imperial Government has expressed its desire to see the said principle applied throughout the world and clearly indicated that along with the actual practice of the principle, the Imperial Government would endeavor to apply the same in the Pacific Area including China, and made clear that Japan had no intention of excluding from China economic activities of third powers pursued on an equitable basis.

It is believed that the spirit of conciliation exhibited ~~by the Imperial Government~~ ^{despite many difficulties} by the Imperial Government in all these matters is fully appreciated by the Government of the United States.

However, the United States Government, which in its frequent proposals at times assumed an attitude as if it appreciated the position of the Imperial Government, in the last analysis never actually accepted the position. On the contrary, each time a proposal is made, the United States Government, by adding fresh demands and by retracting its statements made to the Imperial Government, has not contributed to promoting the conclusion of the negotiation, and has caused undue delay in the negotiation. The Imperial Government is unable to understand this and is constrained to call the attention of the United States Government especially to the following points:

(1) The United States Government, in the name of world peace and in the interest of the prosperity of its own country and the maintenance of the status quo urges upon the Imperial Government the acceptance of the principles it has established and advocated in the past. The peace ^{and stability} of the world may be brought about only by discovering and sincerely applying the mutually acceptable formula through the recognition of the actual situation in each country and by sympathizing and understanding the position and views of ^{the} other countries. Therefore an attitude such as imposes one's selfish views upon other countries disturbs peace and obstructs the promotion of welfare.

(2) It cannot help but be said that whether the United States Government realizes it or not, obsessed with its own views and ideology, it is scheming for the extension of the European War. That is, while it seeks to secure, on the one hand, its rear by stabilizing the Pacific Area, it is engaged, on the other hand, in aiding ^{the British Empire} and preparing to attack, in the name of self-defence, Italy and Germany, two countries that are striving to establish a new order in Europe. Such a policy is in direct contradiction with the many principles upon which the American Government proposes to found the stability of the Pacific Area through peaceful means.

(3) The Japanese Government is constrained to affirm that whereas the United States Government, under the principles it rigidly upholds, objects to dealing with international relations by military pressure, it has utterly forgotten that pressure by economic power is more painful to some countries than military pressure.

the British
 Empire (4) It is impossible not to reach the conclusion that by inducing ~~China~~ and other countries to follow suit the United States Government intends to build by degrees a foundation for international joint control not only in CHINA and FRENCH INDO-CHINA but in other East Asia areas. It is a fact of history that the countries of East Asia for the past hundred years or more have been compelled to observe the status quo under Anglo-American control and to sacrifice themselves to the prosperity of the two nations. This runs directly counter to the Empire's fundamental policy to enable all nations to enjoy each its proper place, and the Japanese Government absolutely cannot accept it.

(5) The United States Government in its April proposal urged the establishment of peace between the Empire and the Republic of China, and urged the establishment of a general peace between the Empire and the Republic of China on the premise of continuance of the Nanking National Government. Despite this, it demanded in its proposal of November 26th that a regime other than the regime at CHUNGKING be supported, and displayed an attitude which utterly disregards the Nanking Government, thereby nullifying the former proposal. This proves that the United States Government clearly intended to reject the Imperial Government's request for non-interference in efforts for peace between Japan and China, and to continue assistance to CHIANG KAI-SHEK, and that at the same time it did not desire to restore normal relations between Japan and China.

5. It seems that it is the intention of the American Government to obstruct the establishment of peace in East Asia, and, at the sacrifice of East Asia, to safeguard Anglo-American rights and interests which extend from East to West. This is more clearly revealed by the November 26th proposal.

Thus, the Imperial Government's hope and means of establishing and maintaining peace in the Pacific by adjusting American-Japanese diplomatic relations and cooperating with the United States Government were finally lost entirely. With regret, the Imperial Government hereby solemnly notifies the United States Government that ~~she~~ cannot help but bring the negotiation to a close, recognizing that even if the negotiation were continued, it would contribute nothing to the stabilization of East Asia since not a single sign of sincerity can be found on the part of the United States Government in this negotiation, and that in regards to all situations which might develop in the future, the United States Government should assume the responsibility.

Secret

Dec. 3, 1941

MEMORANDUM OF THE IMPERIAL GOVERNMENT'S NOTE TO THE UNITED STATES (DRAFT)

1. The Imperial Government, prompted by a genuine desire to come to an amicable understanding with the United States Government and to secure peace in the Pacific Area through the joint efforts of both countries and thereby contribute toward the realization of world peace, has continued negotiations with the utmost sincerity since April of this year with the United States Government regarding the adjustment and advancement of relations between the two countries and the stabilization of the Pacific Area. The Imperial Government hereby has the honor to state frankly its convictions after giving careful and thorough consideration to the claims the American Government has persistently maintained throughout the negotiations which extended over the past eight months and the measures and actions which the United States has taken toward Japan during this period.

2. It is the immutable national policy of the Imperial Government to insure the stability of East Asia and to promote world peace and thereby to enable all nations to find each its proper place in the world.

Nevertheless, the Republic of China did not understand the true intention of the Imperial Government and, unfortunately, the China Incident broke out. However, together with taking steps to restore peace, the Imperial Government has consistently exerted its best efforts in order to prevent extension of the ravages of war. It was also only for the attainment of the above object that the Imperial Government concluded the Tripartite Pact with Germany and Italy in September of last year.

However, the United States and the British Empire, ignoring the actual situation in East Asia, have resorted to every possible measure to assist the Chiang regime, thereby obstructing the establishment of a general peace between Japan and China and restraining the Empire's constructive endeavors towards the stabilization of East Asia. Furthermore, holding the Netherlands East Indies in check or menacing French Indo-China, they have hampered the Empire's natural demand to realize the ideal of common prosperity in co-operation with these regions. Furthermore, when the Empire in accordance with the agreement with France took measures of joint defence of French Indo-China, the American and British governments misinterpreted this as a threat to their own possessions. Inducing the Netherlands and the Chungking regime to follow suit, they enforced the assets freezing order, took it upon themselves to sever economic relations with the Empire, and manifested an obviously hostile attitude. Meanwhile they have strengthened their military preparations against the Empire and have perfected arrangements for encirclement of the Empire, thereby bringing about a situation which endangers the existence of the Empire.

Nevertheless, to facilitate a speedy settlement of the situation, the Imperial Government proposed, in August last, that the Premier of Japan and the President of the United States meet for study and discussion, from a wide viewpoint, of important problems between the two countries covering the entire Pacific Area.

However, the United States Government, while accepting in principle the above proposal, staunchly insisted that its execution should be after an agreement of view had been reached on important questions between the two nations. To the regret of the Imperial Government, the opportunity for its realization was finally lost.

3. Accordingly, on September 25th the Imperial Government, after giving full consideration also to past claims of the United States, submitted a proposal based upon the American plan covering all important questions, and tried to make it the new basis of the negotiation. However, the United States Government adhered steadfastly to the original plan indiscriminately and demanded only concessions from the Empire, and finally failed to display a spirit of conciliation. The negotiation reached a stalemate. Therefore, in view of the pressing situation, the Imperial Government, as a final attempt to avert the rupture of relations between the two nations, submitted still another new proposal in order to arrive at an equitable solution of the pressing and urgent problems and thereby break the present deadlock. However, the United States Government again refused to consider this, saying that it could not be the basis for discussion, and finally on November 26th, to the extreme regret and incomprehensibility of the Imperial Government, made an unreasonable proposal knowing that for the Imperial Government to accept it would be extremely difficult, and with complete disregard of the progress made in the negotiations extending over eight months.

4. From the beginning of the negotiation the Imperial Government, with a constant attitude of utter fairness and moderation, has strived for a settlement and even made all possible concessions in spite of frequent difficulties. As for the China question which constituted an important subject of the negotiation, it proposed a most magnanimous outline for peace and voluntarily displayed a co-operative attitude even as regards such problems as withdrawing troops. As for observance of the principle of non-discrimination in international commerce, advocated by the United States Government, the Imperial Government replied that it desired to see the said principle applied throughout the world, and that, along with the actual practice of that principle, it would endeavor to apply the same to the Pacific Area including China, and made it clear that Japan would not exclude any just economic activities of third powers in China. Furthermore, the Imperial Government firmly promised to withdraw troops from French Indo-China under a certain proviso, and even volunteered to evacuate first from Southern French Indo-China as a measure of easing the situation. It is presumed that the spirit of conciliation exhibited to the utmost degree by the Japanese Government in all these matters is fully appreciated by the United States Government.

However, the United States Government, which in its frequent proposals at times assumed an attitude as if it appreciated the position of the Imperial Government, in the last analysis never actually accepted the position. On the contrary, the United States Government, by adding fresh demands and by retracting its past statements made to the Imperial Government, has not contributed to promoting the conclusion of the negotiation, and has caused undue delay in the negotiation. The Imperial Government is unable to understand this and is constrained to call the attention of the United States Government especially to the following points;

Secret

State Secret

ANNEX

1. The Imperial Government has already expressed to the United States Government its view on the principles, from the first to the third, concerning the general policy of the draft of mutual declarations regarding policy in Part I of the Outline of Basic Proposal Agreed Upon Between the United States and Japan /TN: original English title: "Outline of Proposed Basis For Agreement Between the United States and Japan"/. As for the first principle concerning economic relations, the Imperial Government hopes that this principle ~~will~~ will be applied uniformly to the entire world. However, it cannot accept this principle's being applied only to the Pacific

Area, especially China, and not applying the same principle to the rest of the world. The Imperial Government has made it clear to the American Government that the application of the said principle to China should be in conformity with its application to the world.

Various principles regarding politics and economy, in addition to those mentioned above, have been newly proposed, but the view of the Imperial Government on these various principles taken as a whole is that these various principles represented a view which outlined an ultimately stabilized situation when world peace is realized, and that they cannot necessarily be made the basis of concrete policies or measures to be taken under present circumstances. However, it is obvious from the proposals in part II---"Steps To Be Taken By The Government of The United States and By The Government of Japan" that the United States Government intends to require acceptance of these various principles first of all, and on this basis to control a priori the actual concrete policies. From this viewpoint, the Japanese Government cannot agree to the application of these various principles without considering the actual situation.

2. The view of the Imperial Government on steps to be taken by both Governments in part II is as follows:

First, the conclusion of a multilateral non-aggression pact between the British Empire, China, Japan, the Netherlands, the Soviet Union, Thailand and the United States by the Government of the United States and the Government of Japan. The plan to conclude a non-aggression pact between the seven countries of Japan, the United States, the British Empire, the Netherlands, China, the Soviet Union and Thailand aims at the establishment in the East Asia Area of a collective peace organization based on the principle of non-aggression. The Empire regards the prerequisite of everlasting peace to be that every country is made to find each its proper place in the world, and the Empire intends to establish and maintain a new order sufficient for the realization of co-existence and co-prosperity of all the peoples of East Asia. It is necessary that all who constitute such a collective peace organization in East Asia fully understand the abovementioned ideal. Therefore, it is unacceptable to the Imperial Government in that calling together the aforementioned seven countries and establishing a collective peace organization on the ground that they happen to have their territories in East Asia, will be the rebirth of the Nine Power Treaty and will repeat the mistake committed by the League of Nations.

Second, the territorial integrity of French Indo-China and equal economic treatment. In regard to French Indo-China, for the six countries---Japan, the United States, the British Empire, the Netherlands, China and Thailand---excepting France, to undertake among themselves to respect the territorial sovereignty of French Indo-China and equality of treatment in trade and commerce would be tantamount to placing that territory under the joint guarantee of the governments of the six countries. It is entirely unacceptable to the Imperial Government because it would be considered as an extension to French Indo-China of the Nine Power Treaty structure, which is one of the chief factors responsible for the present predicament of East Asia.

Third, the wholesale evacuation of Japanese troops and police from China and French Indo-China. The United States Government must have been fully aware of the views held by the Japanese Government on this subject. The Japanese Government finds it difficult to understand such a proposal being offered at this time.

Fourth, the proposal to recognize the Chungking regime as the only legitimate government. The views held by the Japanese Government on this subject have been made clear in the reply.

Fifth, the proposal concerning the abolition of extraterritoriality. In

regard to this subject, it is already stipulated in the Basic Treaty concluded last year between Japan and China that "in accordance with the progress of the new Sino-Japanese relations, Japan shall abandon her extraterritoriality and return her settlements".

Sixth, the agreement that the two Governments will not construe any agreement which has been concluded by either party with a third power as being contradictory to the establishment and preservation of peace throughout the Pacific Area which is the basic object of this agreement. Since the above can be considered as having been proposed by the United States with the intention of preventing the Empire from fulfilling her obligations under the Tripartite Pact, in case the United States entered the European war, we absolutely cannot accept this.

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State Secret

MEMORANDUM OF THE IMPERIAL GOVERNMENT'S NOTE TO THE UNITED STATES

1. The Imperial Government, prompted by a genuine desire to contribute toward the realization of world peace by making through joint efforts with the United States Government an effective contribution to the establishment and maintenance of peace in the Pacific Area and by speedily securing an amicable understanding between the two countries, has continued negotiations with the utmost sincerity since April of this year with the United States regarding the adjustment and advancement of relations between the two countries and the stabilization of the Pacific Area. The Imperial Government, as a result of its careful study of the oral statement and the note which accompanied it delivered by the United States Government on November 26th to the Japanese Ambassador at Washington and as a result of giving careful and thorough consideration to the claims the American Government has persistently maintained throughout the negotiations which extended^{for} over the past seven months and the measures and actions which the United States has taken toward Japan during this period, hereby has the honor, stating its convictions frankly, to inform the United States Government that further continuance of the negotiation would not serve in the slightest to contribute to the stabilization of the Pacific Area.

2. It is the immutable national policy of the Imperial Government to insure the stability of East Asia and to promote world peace thereby enabling all nations to find each its proper place in the world, and it is the essence of the Empire's diplomacy to strive for the realization of warm friendship with all countries. ~~Previously, the Republic of China did not understand the true intention of the Imperial Government and, unfortunately, the China Incident broke out. However, together with taking steps to suppress the upheaval and to restore peace, the Imperial Government has consistently exerted its best efforts in order to prevent the spreading of the victories in Europe to East Asia.~~ Previously, the Republic of China did not understand the true intention of the Imperial Government and, unfortunately, the China Incident broke out. However, together with taking steps to suppress the upheaval and to restore peace, the Imperial Government has consistently exerted its best efforts in order to prevent the spreading of the victories in Europe to East Asia.

However, the United States and the British Empire, as a result of misunderstanding the true intention of the Empire, of being misled needlessly by the words of the Chiang regime, of ignoring the actual situation in East Asia, and of adhering firmly to the principles that they themselves determined and regarded proper, have resorted to every possible political, military, and economic measure to obstruct the settlement of the China Incident and to restrain the Empire's constructive endeavors for peace in East Asia. Furthermore, holding the Netherlands East Indies in check or menacing French Indo-China, they have hampered the Empire's natural and just demand to establish relations of co-prosperity with these regions. Furthermore, when the Empire, in accordance with the agreement with the French Government, took measures of joint defense of French Indo-China in order to protect common rights and interests, the American government first enforced the asset freezing order, and took it upon herself to sever economic relations with the Empire, and with the British Empire following suit, manifested an obviously hostile attitude and assumed such an attitude as would endanger the Empire's very existence.

3. It is the earnest desire of the Imperial Government to prevent the occurrence of a tragic situation, such as would spread war's havoc to all mankind, by speedily bringing about a general peace between Japan and China and striving for stabilization of the Pacific Area. Therefore, recognizing the necessity of first arriving at an understanding with the United States Government concerning stabilization of the Pacific Area, the Japanese Government, in a spirit of the greatest cordiality, sincerity and conciliation, has been engaged in negotiations since last April and has endeavored to remedy the situation. Nevertheless, to facilitate speedy settlement of the situation, the Imperial Government proposed in August of this year, a meeting between the Prime Minister of Japan and the President of the United States. This was

probably due to the recognition that the negotiations continued at that time were merely preliminary and informal in which a compromise was to be reached first and later confirmed by the leaders of both Japan and the United States, that such a method was not suitable for the situation at a time when extremely rapid progress was being made and in which there was fear that an unexpected situation might be created, and that it was indeed necessary for the two leaders to meet for discussion and study from a wide viewpoint, important problems between the two countries covering the entire Pacific Area with open sincerity in order to save the situation. These were made clear by the message given to the President of the United States by the then Prime Minister of Japan, prince KONOYE. However, the United States Government merely accepted in principle the above proposal of the Imperial Government and still staunchly insisted that its execution should be after an agreement of view had been reached on important questions between the two nations. It is deeply regretted by the Imperial Government that so much time has been wasted idly until today.

4. It is believed that the Imperial Government, for just eight months since the opening of the negotiation last April until today, has been concerned solely with seeking the speedy realization of peace and stability in the Pacific Area, and has endeavored to promote the negotiation with an attitude of fairness and moderation. The Imperial Government manifested an earnest desire to bring about a general peace with the Republic of China, and demonstrated peaceful intentions concerning the establishment of a new order in East Asia. As for the China question which constituted an important subject of the negotiation, the Imperial Government proposed an outline for peace; as for settlement of the Incident, it made clear an attitude unparalleled in the annals of world history; as for the European War, it frankly explained points for preventing the extension of its ravages. As for the application to the entire Pacific Area of the principle of non-discriminatory treatment in international commerce advocated by the Government of the United States, the Imperial Government has expressed its desire to see the said principle applied throughout the world and clearly indicated that along with ~~the same principle applied to the Pacific Area~~ this, the Imperial Government would endeavor to apply the same in the Pacific Area including China, and made clear that Japan had no intention of excluding from China economic activities of third powers pursued on an equitable basis. It is believed that the spirit of conciliation exhibited despite many difficulties by the Imperial Government in all these matters is fully appreciated by the Government of the United States.

However, the United States Government, although it made numerous proposals throughout April, June, October, and November, did not venture to make a single concession to the requests of the Imperial Government. Moreover, each time a proposal is made, the United States Government, by adding fresh demands, by retracting such items of previous proposals as the solution of immigration laws, and by withdrawing its approval given to the Imperial Government, has not contributed to promoting the conclusion of the negotiation. The Imperial Government is unable to understand this and is constrained to call the attention of the United States Government especially to the following points:

(1) The United States Government, in the interest of the prosperity of its own country and the maintenance of the status quo, believes that it will be able to count on world peace and stability by coercing the Imperial Government to accept the principles and rules it has established and advocated in the past. The peace and stability of the world may be brought about only by discovering and applying the formula based on realities which both share, through the recognition of the actual true situation in each country and by sympathizing and understanding the position and views of the other country. The Japanese Government earnestly desires that close attention be given to the fact that an attitude such as controls and judges the other country by its own selfish views disturbs peace and obstructs national promotion.

(2) It cannot help but be said that although the United States Government

may not realize it, as a result of being obsessed with its own views and ideology, it is scheming for the extension and confusion of the European War. That is, it is seeking to secure its rear by stabilizing the Pacific Area, it is assisting the British Empire, and is preparing to attack, in the name of self-defense, Italy, Germany, and other countries that are striving to establish a new order in Europe. It is desirable that close attention be given to the fact that this is in direct contradiction with the many principles upon which the American Government proposes to found the stability of the Pacific Area through peaceful means.

(3) The Japanese Government is constrained to affirm that whereas the United States Government, under the principles it rigidly upholds, objects to dealing with international relations by military pressure, it has utterly forgotten that pressure by economic power is more painful to some countries than military pressure. When the Imperial Government, for joint defense in accordance with the agreement with the French Government, dispatched the Imperial Army to French Indo-China, the United States Government, inducing the British Empire and the Netherlands East Indies to follow suit, took it upon herself to sever economic relations and, without reflection, endangered the Empire's existence. On what possible principles is such action to be justified?

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(4) The Japanese Government is constrained to question what the true intention of the United States Government really is in attempting to apply immediately various principles, advocated by the United States Government itself, only to the Pacific Area where there is a special situation and where the actual situation is entirely different from that of the United States, before applying them to the American and European Continents. History from ancient times testifies that it is impossible for a country to apply principles, which she herself sets up and considers proper, to an area where the situation is entirely different from her own, without first carrying them out herself in an applicable area. It is inescapable that such principles be labeled fanciful.

(5) It is impossible not to reach the conclusion that by inducing the British Empire and other countries to follow suit the United States Government proposes to build by degrees a foundation for international joint control in the Pacific Area. It is a fact of history that the countries of East Asia for the past hundred years or more have been placed under the control of European and American countries and compelled to sacrifice themselves to the prosperity of European and American countries. This completely defeats the Imperial Government's fundamental policy of constructing a new order which will enable all nations to enjoy each its proper place, and the Japanese Government absolutely cannot accept it.

(6) The United States Government since its April proposal has urged the establishment of peace between the Empire and the Republic of China, and has accepted the union ~~between~~ between the Nanking National Government and the Chiang regime. ^{McInwille} In its last proposal on November 26th the American Government declared that it would support only the regime at Chungking, and displayed an attitude which utterly disregards the Nanking Government, thereby nullifying the former promise. It obstructed the Imperial Government's devoted efforts for the establishment of Sino-Japanese peace, thereby rejecting the request to refrain from all actions which interfere in efforts for peace between Japan and China which was included in the last ~~draft~~ draft compromise previously submitted by the Imperial Government, and at the same time this fact suffices to prove that, as regards the restoration of normal relations between Japan and China, the United States Government was quite insincere

and unfriendly. Inducing /the British Empire ?/, the Netherlands East Indies, and the Chiang regime to follow suit, and indulging in military and economic pressure and threats to the Empire, it has not only refused to heed the just claims of the Empire, but on the other hand has, secretly and in concert, ~~the~~ engaged in provocative actions toward the Empire. It must be said that it seems it is the intention of the American Government to assume of its own accord the hegemony of Greater East Asia while obstructing the sustained efforts to build a new order for the stability and prosperity of East Asia which is the immutable national policy of the Imperial Government. This is more clearly revealed by the November 26th proposal.

Thus, the Imperial Government's hope and means of ~~the~~ first establishing and maintaining peace in the Pacific by planning and co-operating with the United States Government were finally lost entirely. With regret, the Imperial Government hereby has the honor of solemnly notifying the United States Government that it cannot help but bring the negotiation to a close, recognizing that even if the negotiation were continued, it would contribute nothing to the stabilization of East Asia since not a single sign of sincerity can be found on the part of the United States Government in the negotiation of this matter, and that in regards to all situations which might develop hereafter, the United States Government should assume the responsibility.

State Secret

KANEYAMA /seal/

Dec. 3, 1941

MEMORANDUM OF THE IMPERIAL GOVERNMENT'S NOTE TO THE UNITED STATES (DRAFT).

1. The Imperial Government, prompted by a genuine desire to come to an amicable understanding with the United States and to secure peace in the Pacific Area through the joint efforts of both countries and thereby contribute toward the realization of world peace, has continued negotiations with the utmost sincerity since April of this year with the United States Government regarding the adjustment and advancement of relations between the two countries and the stabilization of the Pacific Area. The Imperial Government hereby has the honor to state frankly its convictions after giving careful and thorough consideration to the claims the American Government has persistently maintained throughout the negotiations which extended over the past eight months and the measures and actions which the United States has taken toward Japan during this period.

2. It is the immutable national policy of the Imperial Government to insure the stability of East Asia and to promote world peace and thereby to enable all nations to find each its proper place in the world.

~~Nevertheless~~ the Republic of China did not understand the true intention of the Imperial Government and, unfortunately, the China Incident broke out. However, together with taking steps to restore peace, the Imperial Government has consistently exerted its best efforts in order to prevent extension of the ravages of war. It was also only for the attainment of the above object that the Imperial Government concluded the Tripartite Pact with Germany and Italy in September of last year.

However, the United States, and ~~the British Empire~~ ignoring the actual situation in East Asia, have resorted to every possible measure to assist the Chiang regime, thereby obstructing the establishment of a general peace between Japan and China and restraining the Empire's constructive endeavors towards the stabilization of East Asia. Furthermore, holding the Netherlands East Indies in check or menacing French Indo-China, they have hampered the Empire's natural demand to realize the ideal of common prosperity in co-operation with these regions. Furthermore, when the Empire in accordance with the agreement with France took measures of joint defence of French Indo-China, the American and British governments misinterpreted this as a threat to their own possessions. Inducing the Netherlands and the Chungking regime to follow suit, they enforced the assets freezing order, took it upon themselves to sever economic relations with the Empire, and manifested an obviously hostile attitude. Meanwhile they have strengthened their military preparations against the Empire and have perfected arrangements for encirclement of the Empire, thereby bringing about a situation which endangers the existence of the Empire.

Nevertheless, to facilitate a speedy settlement of the situation, the Imperial Government proposed, in August last, that the Premier of Japan and the President of the United States meet for study and discussion, from a wide viewpoint, of important problems between the two countries covering the entire Pacific Area.

However, the United States Government, while accepting in principle the above proposal, staunchly insisted that its execution should be after an agreement of view had been reached on important questions between the two nations. To the regret of the Imperial Government, the opportunity for its realization was finally lost.

3. Accordingly, on September 25th the Imperial Government, after giving full consideration also to past claims of the United States, submitted a proposal based upon

the American plan covering all important questions, and tried to make it the new basis of the negotiation. However, the United States government adhered steadfastly to the original plan indiscriminately and demanded only concessions from the Empire, and finally failed to display a spirit of conciliation. The negotiation reached a stalemate. Therefore, in view of the pressing situation, the Imperial government, as a final attempt to avert the rupture of relations between the two nations, submitted still another new proposal in order to arrive at an equitable solution of the pressing and urgent problems and thereby break the present deadlock. However, the United States government again refused to consider this, saying that it could not be the basis for discussion, and finally on November 26th, to the extreme regret and incomprehensibility of the Imperial government, made an unreasonable proposal knowing that for the Imperial government to accept it would be extremely difficult, and with complete disregard of the progress made in the negotiations extending over eight months.

4. From the beginning of the negotiation the Imperial government, with a constant attitude of utter fairness and moderation, has strived for a settlement and even made all possible concessions in spite of frequent difficulties. As for the China question which constituted an important subject of the negotiation, it proposed a most magnanimous outline for peace and voluntarily displayed a co-operative attitude even as regards such problems as withdrawing troops. As for observance of the principle of non-discrimination in international commerce, advocated by the United States government, the Imperial government replied that it desired to see the said principle applied throughout the world, and that, along with the actual practice of that principle, it would endeavor to apply the same to the Pacific area including China, and made it clear that Japan would not exclude any just economic activities of third powers in China. Furthermore, the Imperial government finally promised to withdraw troops from French Indo-China under a certain proviso, and even volunteered to evacuate first from Southern French Indo-China as a measure of easing the situation. It is presumed that the spirit of conciliation exhibited to the utmost degree by the Japanese government in all these matters is fully appreciated by the United States government.

However, the United States government, which in its frequent proposals at times assumed an attitude as if it appreciated the position of the Imperial government, in the last analysis never actually accepted the position. On the contrary, the United States government, by adding fresh demands and by retracting its past statements made to the Imperial government, has not contributed to promoting the conclusion of the negotiation, and has caused undue delay in the negotiation. The Imperial government is unable to understand this and is constrained to call the attention of the United States government especially to the following points:

(1) The United States government, in the name of world peace and in the interest of the prosperity of its own country and the maintenance of the status quo has advocated those principles which would be to its selfish advantage and urged the Imperial government to accept them. The peace and stability of the world may be brought about only by recognition of the actual situation in each country and by discovering and sincerely applying the mutually acceptable formula by showing a mutual understanding of each other's position. Therefore, an attitude such as disregards the actual situation and imposes one nation's selfish views upon other countries disturbs peace and obstructs the promotion of welfare.

In regards to the fundamental political principles enumerated in Section I--Draft of the Mutual Declaration of Policy recently proposed by the United States Government as the basis of the Japanese-American Agreement, the Imperial Government has already expressed its views on the first, second, and third principles to the United States.

Again, the proposal to conclude a multilateral non-aggression pact among the seven countries, Japan, the United States, ~~the British Empire~~ China, the Soviet Union, the Netherlands, and Thailand, (Steps To Be Taken By the Government of the United States and By the Government of Japan, Part I) which is a result of vainly following the concept of a collective peace organization, is far removed from the realities of East Asia. Therefore, it would be difficult for the Imperial Government to give its acceptance in that the calling together of the above seven countries without any definite purpose and establishing a collective peace organization only on the ground that they happen to have their territories in East Asia will repeat the failure of the League of Nations.

(2) It cannot help but be said that the United States Government, obsessed with its own views and ideology, is itself scheming the extension of the European War. That is, while it seeks to secure, on the one hand, its rear by stabilizing the Pacific Area, it is engaged, on the other hand, in aiding ~~the British Empire~~ and preparing to attack, in the name of self-defence, Italy and Germany, two countries that are striving to establish a new order in Europe. Such a policy is in direct contradiction with the many principles upon which the American Government proposes to found the stability of the Pacific Area through peaceful means.

Since paragraph 9 of Section II--"Steps To Be Taken By The Government of the United States and By The Government of Japan" in the present proposal by the American Government can be considered as having been proposed by the United States with the intention of preventing the Empire from fulfilling her obligations under the Tripartite Pact, in case the United States entered the European War, we absolutely cannot accept this.

(3) The Japanese Government is constrained to affirm that whereas the United States Government, under the principles it rigidly upholds, objects to dealing with international relations by military pressure, it has utterly forgotten that pressure by economic power is more painful in some cases than military pressure.

(Deep attention must be paid to the fact that in such circumstances a people that has been subjected to excessive pressure is occasionally liable to take fierce counteraction for its self-existence.)

(4) It is impossible not to reach the conclusion that by inducing ~~the British Empire~~ and other countries to follow suit, the United States Government intends to maintain forever its past dominating position in not only China and French Indo-China, but also in other East Asia areas. It is a fact of history that the countries of East Asia for the past hundred years or more have been compelled to observe the status quo under the imperialistic policy of

exploitation ^{by} America and ^{the British Empire} and to sacrifice themselves to the prosperity of the two nations. This runs directly counter to the Empire's fundamental policy to enable all nations to enjoy each its proper place, and the Japanese government absolutely cannot accept it.

The stipulations regarding French Indo-China in the present proposal by the United States government ("Steps To Be Taken By the Government of the United States and By the Government of Japan", Part II) can surely be called a good example of this attitude.

(5) The demands made on the Imperial government by the United States government in regard to the China question, such as demands for the wholesale evacuation of troops or the unconditional application of the principle of non-discrimination in trade all ignore the actual situation in China and are calculated to destroy the position of the Empire as the stabilizing factor in East Asia. In spite of suggesting general peace between the Empire and the Republic of China on the promise of continuance of the Nanking National Government in its previous April ^{the Govt of the U.S.} proposal, in its present proposal ("Steps To Be Taken By the Government of the United States and By the Government of Japan, Part 4"), it demanded that no regime other than the regime at CHUNGKING be supported militarily, politically, or economically, and displayed an attitude which utterly disregards the Nanking Government. It must be said that this completely nullifies the former proposal. And, in connection with the Imperial government's proposal of Nov. 20th, the Imperial government has no objections to the mediation of the President of the United States as the "introducer" of peace between Japan and China, and if arrangements ^{were} made for the commencement of direct negotiations between Japan and China through this mediation, the Imperial government requested America to promise not to interfere with peace between Japan and China. However, the United States government, rejecting this fair request, expressed its intention of continuing its actions of aiding CHIANG. This proves that the President of the United States later retracted his previous words on the ground that the time was not yet ripe for an attempt at mediation and at the same time proves that the government of the United States does not wish the restoration of the normal situation between Japan and China ^{the} the return of peace to East Asia.

In short, in the 10 parts of "Measures To Be Taken By the Government of the United States and By the Government of Japan," such as trade problems (Parts 6, 7, 8) and the abolition of extraterritorial rights in China (part 5), are not necessarily inadvisable in their nature. Although there are provisions which are not unacceptable to the Imperial government, looking at it in its entirety, the Imperial government absolutely cannot accept them as the basis of the negotiation.

⁵ The intention of the United States government ^{is to obstruct,} by colluding and conspiring with ^{the British Empire} and other countries, ~~is to obstruct~~ the efforts of the Empire in the east, and Germany and Italy in the west, to establish world peace based on a new order. Especially in East Asia, it seeks to protect the interests of Great Britain and the United States by inducing Japan and China to wage war against each other. The proposal of November 26 has made this increasingly clearer. The Imperial government, with the view of immediately concluding the negotiation, hoped that at the same time a settlement was reached on the Japanese-American negotiation, England and other interested countries would affix their signatures. However, the United States

Government made the above-mentioned proposal after repeated conferences with ~~the~~ ^{England,} ~~the~~ Australia, the Netherlands, China, and others. It cannot help but be asserted that all the above countries, in concert with the United States, have disregarded Japan's position and seek to threaten the existence of the Empire. Thus, the Imperial Government's hope and means of establishing and maintaining peace in the Pacific by adjusting American-Japanese diplomatic relations and cooperating with the United States Government were finally lost entirely. With regret, the Imperial Government hereby solemnly notifies the United States Government that it cannot help but bring the negotiation to a close since it has no alternative but to recognize that as long as the United States continues its present attitude, a settlement cannot be reached even if the negotiation were continued.

State Secret

Dec. 3, 1941

MEMORANDUM OF THE IMPERIAL GOVERNMENT'S NOTE TO THE UNITED STATES (DRAFT)

1. The Imperial Government, probed by a genuine desire to come to an amicable understanding with the United States and to secure peace in the Pacific Area through the joint efforts of both countries and thereby contribute toward the realization of world peace, has continued negotiations with the utmost sincerity since April of this year with the United States regarding the adjustment and advancement of relations between the two countries and the stabilization of the Pacific Area. The Imperial Government hereby has the honor to state frankly its convictions after giving careful and thorough consideration to the claims the American Government has persistently maintained throughout the negotiations which extended over the past eight months and the measures and actions which the United States has taken toward Japan during this period.

2. It is the immutable national policy of the Imperial Government to insure the stability of East Asia and to promote world peace and thereby to enable all nations to find each its proper place in the world.

The Republic of China did not understand the true intention of the Imperial Government and, unfortunately, the China Incident broke out. However, together with taking steps to suppress the Upheaval and to restore peace, the Imperial Government has consistently exerted its best efforts in order to prevent the spreading of the ~~ravages~~ ravages of the war in Europe to East Asia. It was also only for the attainment of the above object that the Imperial Government concluded the Tripartite Pact with Germany and Italy in September of last year.

However, the United States and the British Empire, ignoring the actual situation in East Asia, have resorted to every possible political, military, and economic measures to assist the Chiang regime, thereby obstructing the establishment of a general peace between Japan and China and restraining the Empire's constructive endeavours towards the stabilization of East Asia. Furthermore, holding the Netherlands East Indies in check or menacing French Indo-China, they have hampered the Empire's natural demand to establish relations of co-existence and co-prosperity with these regions. Furthermore, when the Empire, in accordance with the agreement with France took measures of joint defence of French Indo-China, the American Government first enforced the asset freezing order, and took it upon herself to sever economic relations with the Empire, and with the British Empire following suit, manifested an obviously hostile attitude and assumed such an attitude as would endanger the Empire's very existence.

Nevertheless, to facilitate speedy settlement of the situation, the Imperial Government... /FROM THIS POINT THE TEXT IS IDENTICAL TO THAT OF THE SECOND DRAFT AS CORRECTED. /

Secret

After the Vice-Minister has seen this, please submit it to the Minister. KASE

/TN: This is a marginal note which was apparently later crossed out by the writer, KASE, a secretary.

Dec. 5, 1941

MEMORANDUM OF THE IMPERIAL GOVERNMENT'S NOTE TO THE UNITED STATES (DRAFT)

1. The Imperial Government, prompted by a genuine desire to come to an amicable understanding with the United States Government and to secure peace in the Pacific Area through the joint efforts of both countries and thereby contribute toward the realization of world peace, has continued negotiations with the utmost sincerity since April of this year with the Government of the United States regarding the adjustment and advancement of relations between the two countries and the stabilization of the Pacific Area. The Imperial Government hereby has the honor to state frankly its views concerning the claims the American Government has persistently maintained throughout the negotiations which extended over the past eight months and the measures which the United States and England have taken toward Japan during this period.

2. It is the immutable national policy of the Imperial Government to insure the stability of East Asia and to contribute to world peace and thereby to enable all nations to find each its proper place in the world.

Previously, the Republic of China did not understand the true intention of the Imperial Government and, unfortunately, the China Incident broke out. However, together with taking steps to restore peace, the Imperial Government has consistently exerted its best efforts in order to prevent extension of the ravages of war. It was also only for the attainment of the above object that the Imperial Government concluded the Tripartite Pact with Germany and Italy in September of last year.

However, the United States and ^{the British Empire} ~~the British Empire~~ have resorted to every possible measure to assist the Chungking regime, thereby obstructing the establishment of a general peace between Japan and China and restraining the Empire's constructive endeavors towards the stabilization of East Asia. Furthermore, holding the Netherlands East Indies in check or menacing French Indo-China, they have hampered the Empire's scheme to realize the ideal of common prosperity in co-operation with these regions. Furthermore, when the Empire in accordance with the protocol concluded with France took measures of joint defense of French Indo-China, the American and British Governments misinterpreted this as a threat to their own possessions. Inducing the Netherlands to follow suit, they enforced the assets freezing order, took it upon themselves to sever economic relations with the Empire, and manifested an obviously hostile attitude. Meanwhile they have strengthened their military preparations against the Empire and have perfected arrangements for encirclement of the Empire, thereby bringing about a situation which endangers the existence of the Empire.

Nevertheless, to facilitate a speedy settlement, the Premier of Japan proposed, in August last, to meet the President of the United States for study and discussion of important problems between the two countries covering the entire Pacific Area. However, the United States Government, while accepting in principle the above proposal, staunchly insisted that its execution should be after an agreement of view had been reached on important questions between the two nations.

3. Accordingly, on September 25th the Imperial Government

submitted a proposal based on the American plan, incorporating the claims of the Imperial Government and after taking fully into consideration past claims of the United States Government. Repeated discussions proved of no avail in producing readily an agreement of view. The present Cabinet, therefore, submitted a revised proposal, moderating still further the Imperial Government's claims regarding the principal points of difficulty in the negotiation hitherto and endeavored to reach a settlement. However, the United States Government adhered steadfastly to the original plan and failed to display a spirit of conciliation. The negotiation reached a stalemate. At this juncture the Imperial Government, with a view to doing its utmost to avert the rupture of relations between the two nations and in order to arrive at an equitable solution of the essential and urgent questions, submitted on November 20th a new proposal which, simplifying its previous proposal, contained the following points:

(1) Both Governments undertake not to dispatch armed forces into the Southeastern Asia and Southern Pacific Areas, excepting French Indo-China.

(2) Both Governments shall mutually co-operate with the view to securing the acquisition in the Netherlands East Indies of those commodities of which the two countries are in need.

(3) Both Governments mutually undertake to restore commercial relations as they were prior to the freezing of assets. The Government of the United States undertakes to supply Japan the necessary oil.

(4) The Government of the United States undertakes not to resort to actions prejudicial to the endeavors for peace between Japan and China.

(5) The Imperial Government shall withdraw troops now dispatched to French Indo-China upon either the establishment of peace between Japan and China or the establishment of an equitable peace in the Pacific Area; and it is prepared to transfer the Japanese troops stationed in the southern part of French Indo-China to the northern part of French Indo-China upon the conclusion of the present agreement.

As regards the China question, the Japanese Government, which expressed no objection to the President of the United States acting as the "introducer" of peace between Japan and China as was previously affirmed, asked for an undertaking on the part of the United States to do nothing prejudicial to Sino-Japanese peace when direct negotiations between Japan and China have commenced. The United States Government not only was unable to accept the above-mentioned new proposal, but made known its intention to continue its aid to Chiang Kai-shek; and, furthermore, in spite of the affirmation mentioned above, withdrew the offer of the President to act as so-called "introducer" of peace between Japan and China, pleading that time was not yet ripe for it. Finally on November 26th, in an attitude of imposing those principles it has hitherto persistently maintained, the United States Government made a proposal ignoring the Imperial Government's claims, which is a source of profound regret to the Imperial Government.

4. From the beginning of the present negotiation the Imperial Government, with a constant attitude of utter fairness and moderation, has strived for a settlement and even made all possible concessions in spite of frequent difficulties. As for the China question which constituted an important subject of the negotiations, it displayed as far as possible a co-operative attitude. Moreover, as for the observance of the principle of non-discrimination in international commerce, advocated by the United States Government, the Imperial Government made it clear that it desired to see

(3) Whereas the United States Government, under the principles it rigidly upholds, objects to settle international issues through military pressure, it is exercising in conjunction with ~~the British Empire~~ and other nations pressure by economic power. Such pressure as a means of dealing with international relations should also be condemned as it is at times more inhumane than military pressure.

~~Empire~~ (4) It is impossible not to reach the conclusion that by inducing ~~the British~~ and other countries to follow suit, the United States Government intends to maintain and strengthen its dominant position it has hitherto occupied in China, French Indo-China, and other East Asia Areas. It is a fact of history that the countries of East Asia for the past hundred years or more have been compelled to observe the status quo under the imperialistic policy of exploitation by America and ~~the British Empire~~ and to sacrifice themselves to the prosperity of the two nations. This runs directly counter to the Empire's fundamental policy to enable all nations to enjoy each its proper place, and the Japanese Government absolutely cannot accept it.

The stipulations regarding French Indo-China in the present proposal by the United States Government can surely be called a good example of this attitude. The six ~~countries~~ countries---Japan, the United States, ~~the Netherlands, China and Thailand~~ the Netherlands, China and Thailand---excepting France, should undertake to respect the territorial sovereignty of French Indo-China and equality of treatment in trade and commerce. This would be tantamount to placing that territory under the joint guarantee of the governments of those six countries. Apart from the fact that such a proposal totally ignores the position of France, it is unacceptable to the Imperial Government in that such an arrangement cannot but be considered as a new extension to French Indo-China of a system similar to the Nine Power Treaty which is one of the chief factors responsible for the present predicament of East Asia.

(5) The demands made on the Imperial Government by the United States Government in regard to the China question, such as demands for the wholesale evacuation of troops or the unconditional application of the principle of non-discrimination in trade all ignore the actual situation in China and are calculated to destroy the position of the Empire as the stabilizing factor in East Asia. The Government of the United States, in its present proposal, demanded that no regime other than the regime at Chungking be supported militarily, politically, or economically, and displayed an attitude which disregards the Nanking Government. It must be said that this shatters the very basis of the present negotiation. This, together with the above-mentioned refusal to cease from aiding Chiang Kai-shek, demonstrates the intention of the United States Government to obstruct the restoration of normal relations between Japan and China and the return of peace to East Asia.

In brief, the present proposal of the United States Government contains items which are not essentially unacceptable ~~concerning~~ concerning commerce, such as the conclusion of a trade agreement, mutual removal of the assets freezing order, and the stabilization of yen and dollar exchange, and the abolition of extra-territoriality in China. On the other hand, however, it ignores the sacrifices in the four years of the China incident, menaces the Empire's existence, and violates its authority. Therefore, viewed in its entirety, the Imperial Government regrets that it cannot accept the proposal as a basis of negotiation.

5. ~~Furthermore~~ furthermore, the Imperial Government, in its desire for an early conclusion of the negotiation, proposed simultaneously with the conclusion of the Japanese-American negotiation, agreements to be signed with ~~the British Empire~~ and other interested countries. The United States Government also expressed, in general, its approval of this. It seems that the United States Government made the various

the said principle applied throughout the world, and that, along with the actual practice of that principle, it would endeavor to apply the same to the Pacific Area including China, and further made it clear that Japan would not exclude any just economic activities of third powers in China. Furthermore, as regards the question of withdrawing troops from French Indo-China, the Imperial Government even volunteered, as mentioned above, to carry out an immediate evacuation of troops from Southern French Indo-China as a measure of easing the situation. It is presumed that the spirit of conciliation exhibited to the utmost by the Japanese Government in all these matters is fully appreciated by the American Government.

However, the United States Government, always holding fast to theories in disregard of realities and to the impractical principles it held, made no concessions and caused undue delay in the negotiation. The Imperial Government finds it difficult to understand this and is constrained to call the attention of the United States Government especially to the following points:

(1) The United States Government has advocated in the name of world peace those principles which would be to its selfish advantage and urged the Imperial Government to accept them. The peace of the world may be brought about only by ~~the discovery of a mutually acceptable formula through having an understanding of each other's position.~~ basing it on reality and by discovering the mutually acceptable formula through having an understanding of each other's position. Therefore, an attitude such as ignores realities and imposes one nation's selfish claims upon the other country will scarcely serve the purpose of facilitating the consummation of negotiations.

Of the various principles put forward by the United States Government as a basis of the Japanese-American Agreement, there are some which the Japanese Government is ready to accept in principle, but in view of the world's actual conditions, it is constrained to say that it is only a utopian ideal to attempt their immediate adoption.

Again, the proposal to conclude a multilateral non-aggression pact among the seven countries, Japan, the United States, ~~the British Empire,~~ China, the Soviet Union, the Netherlands, and Thailand, which is a result of vainly following the old concept of a collective peace organization, is far removed from the realities of East Asia, but would cause the tripartite pact between Japan, Germany, and Italy to become a mere scrap of paper. Therefore, it would be difficult for the Imperial Government to give its acceptance.

(2) The present proposal of the United States Government states---"Both Governments will agree that no agreement, which either has concluded with any third power or powers, shall be interpreted by it in such a way as to conflict with the fundamental purpose of this agreement, the preservation of peace throughout the Pacific Area". In other words, this can be considered as having been proposed by the United States with the intention of preventing the Empire from fulfilling her obligations under the tripartite pact, in case the United States entered the European War, and, as such, it absolutely cannot be accepted by the Imperial Government.

The United States Government, hitherto obsessed with its own claims and ideals, must be said to be scheming of its own accord for the extension of the war. The United States Government, while seeking on the one hand to secure its rear by stabilizing the Pacific Area, is engaged on the other hand in aiding Great Britain and preparing to attack, in the name of self-defense, Germany and Italy, two powers that are striving to establish a new order in Europe. Such a policy is totally at variance with the many principles upon which the American Government proposes to found the stability of the Pacific Area through peaceful means.

proposals mentioned above as a result of frequent consultation with ~~England,~~^{England,} Australia, the Netherlands and Chungking, especially catering to the wishes of Chungking in the questions of China. It must be concluded that all these countries are at one with the United States in ignoring the Empire's position.

6. The intention of the United States Government is ^{not only} to obstruct, by conspiring with ~~the British Empire~~ and other countries, the efforts of the Empire in East Asia to establish peace based on a new order, but to preserve ~~the~~ Anglo-American rights and interests by keeping Japan and China at war. This has been revealed clearly during the course of the present negotiation. Thus, the Imperial Government's hope of establishing and maintaining peace in the Pacific by adjusting American-Japanese relations and cooperating with the United States Government were finally lost.

The Imperial Government regrets to have to notify hereby the United States Government that as long as the United States continues its present attitude it cannot but consider that it is impossible to reach an agreement.

Secret

Dec. 3, 1941

MEMORANDUM OF THE IMPERIAL GOVERNMENT'S NOTE TO THE UNITED STATES (DRAFT)

1. The Imperial Government, prompted by a genuine desire to come to an amicable understanding with the United States and to secure peace in the Pacific Area through the joint efforts of both countries and thereby contribute toward the realization of world peace, has continued negotiations with the utmost sincerity since April of this year with the United States Government regarding the adjustment and advancement of relations between the two countries and the stabilization of the Pacific Area. The Imperial Government hereby has the honor to state frankly its convictions after giving careful and thorough consideration to the claims the American Government has persistently maintained throughout the negotiations which extended over the past eight months and the measures and actions which the United States has taken toward Japan during this period.

2. It is the immutable national policy of the Imperial Government to insure the stability of East Asia and to promote world peace and thereby to enable all nations to find each its proper place in the world.

Nevertheless, the Republic of China did not understand the true intention of the Imperial Government and, unfortunately, the China Incident broke out. However, together with taking steps to restore peace, the Imperial Government has consistently exerted its best efforts in order to prevent extension of the ravages of war. It was also only for the attainment of the above object that the Imperial Government concluded the Tripartite Pact with Germany and Italy in September of last year.

However, the United States and the British Empire, ignoring the actual situation in East Asia, have resorted to every possible measure to assist the Chiang regime, thereby obstructing the establishment of a general peace between Japan and China and restraining the Empire's constructive endeavours towards the stabilization of East Asia. Furthermore, holding the Netherlands East Indies in check or menacing French Indo-China, they have hampered the Empire's natural demand to realize the ideal of common prosperity in co-operation with these regions. Furthermore, when the Empire in accordance with the agreement with France took measures of joint defence of French Indo-China, the American and British Governments misinterpreted this as a threat to their own possessions. Inducing the Netherlands and the Chungking regime to follow suit, they enforced the assets freezing order, took it upon themselves to sever economic relations with the Empire, and manifested an obviously hostile attitude. Meanwhile they have strengthened their military preparations against the Empire and have perfected arrangements for encirclement of the Empire, thereby bringing about a situation which endangers the existence of the Empire.

Nevertheless, to facilitate a speedy settlement of the situation, the Imperial Government proposed, in August last, that the Premier of Japan and the President of the United States meet for study and discussion, from a wide viewpoint, of important problems between the two countries covering the entire Pacific Area.

However, the United States Government, while accepting in principle the above proposal, staunchly insisted that its execution should be after an agreement of view had been reached on important questions between the two nations. To the regret of the Imperial Government, the opportunity for its realization was finally lost.

3. Accordingly, on September 25th the Imperial Government, after giving full consideration also to past claims of the United States, submitted a proposal based upon the American plan covering all important questions, and tried to make it the new basis

of the negotiation. However, the United States Government adhered steadfastly to the original plan indiscriminately and demanded only concessions from the Empire, and finally failed to display a spirit of conciliation. The negotiation reached a stalemate. Therefore, in view of the pressing situation, the Imperial Government, as a final attempt to avert the rupture of relations between the two nations, submitted still another new proposal in order to arrive at an equitable solution of the pressing and urgent problems and thereby break the present deadlock. However, the United States Government again refused to consider this, saying that it could not be the basis for discussion, and finally on November 26th, to the extreme regret and incomprehensibility of the Imperial Government, made an unreasonable proposal knowing that for the Imperial Government to accept it would be extremely difficult, and with complete disregard of the progress made in the negotiations extending over eight months.

4. From the beginning of the negotiation the Imperial Government, with a constant attitude of utter fairness and moderation, has strived for a settlement and even made all possible concessions in spite of frequent difficulties. As for the China question which constituted an important subject of the negotiation, it proposed a most magnanimous outline for peace and voluntarily displayed a co-operative attitude even as regards such problems as withdrawing troops. As for observance of the principle of non-discrimination in international commerce, advocated by the United States Government, the Imperial Government replied that it desired to see the said principle applied throughout the world, and that, along with the actual practice of that principle, it would endeavour to apply the same to the Pacific Area including China, and made it clear that Japan would not exclude any just economic activities of third powers in China. Furthermore, the Imperial Government firmly promised to withdraw troops from French Indo-China under a certain proviso, and even volunteered to evacuate first from Southern French Indo-China as a measure of easing the situation. It is presumed that the spirit of conciliation exhibited to the utmost degree by the Japanese Government in all these matters is fully appreciated by the United States Government.

However, the United States Government, which in its frequent proposals at times assumed an attitude as if it appreciated the position of the Imperial Government, in the last analysis never actually accepted the position. On the contrary, the United States Government, by adding fresh demands and by retracting its past statements made to the Imperial Government, has not contributed to promoting the conclusion of the negotiation, and has caused undue delay in the negotiation. The Imperial Government is unable to understand this and is constrained to call the attention of the United States Government especially to the following points:

(1) The United States Government, in the name of world peace and in the interest of the prosperity of its own country and the maintenance of the status quo has advocated those principles which would be to its selfish advantage and urged the Imperial Government to accept them. The stability of the world may be brought about only by recognition of the actual situation in each country and by discovering and sincerely applying the mutually acceptable formula by showing a mutual understanding of each other's position. Therefore, an attitude such as disregards the actual situation and imposes one nation's selfish views upon other countries disturbs peace and obstructs the promotion of welfare.

In regards to the fundamental political principles enumerated in Section I---Draft of the Mutual Declaration of Policy---recently proposed by the United States Government as the basis of the Japanese-American Agreement, the Imperial Government already its views on the first, second, and third principles the United States unable. /TN: original text jumbled at this point./

Again, the proposal to conclude a multilateral non-aggression pact among the seven countries, Japan, the United States, the British Empire, China, the

Soviet Union, the Netherlands, and Thailand. (Steps To Be Taken By the Government of the United States and By the Government of Japan, Part I) which is a result of vainly following the concept of a collective peace organization, is far removed from the realities of East Asia. Therefore, on the ground that the above seven countries happen to have their territories in East Asia, since Paragraph 9 of Section II---"Steps To Be Taken By the Government of the United States and By the Government of Japan"---in the present proposal by the American Government can be considered as having been proposed by the United States with the intention of preventing the Empire from fulfilling her obligations under the Tripartite Pact, in case the United States entered the European War, we absolutely cannot accept this---it would be difficult for the Imperial Government to give its acceptance in that calling them together without any definite purpose and establishing such an organization will repeat the failure of the League of Nations. /TN: original text jumbled here./

(2) It cannot help but be said that the United States Government, obsessed with its own views and ideology, is itself scheming for the extension of the European war. That is, while it seeks to secure, on the one hand, its rear by stabilizing the Pacific Area, it is engaged, on the other hand, in aiding the British Empire and preparing to attack, in the name of self-defence, Italy and Germany, two countries that are striving to establish a new order in Europe. Such a policy is in direct contradiction with the many principles upon which the American Government proposes to found the stability of the Pacific Area through peaceful means.

(3) The Japanese Government is constrained to affirm that whereas the United States Government, under the principles it rigidly upholds, objects to dealing with international relations by military pressure, it has utterly forgotten that pressure by economic power is more painful in some cases than military pressure. Deep attention must be paid to the fact that in such circumstances a people that has been subjected to excessive pressure is occasionally liable to take fierce counteraction for its self-existence.

(4) It is impossible not to reach the conclusion that by inducing the British Empire and other countries to follow suit, the United States Government intends to maintain forever its past dominating position in not only China and French Indo-China, but also in other East Asia areas. It is a fact of history that the countries of East Asia for the past hundred years or more have been compelled to observe the status quo under the imperialistic policy of exploitation by America and the British Empire and to sacrifice themselves to the prosperity of the two nations. This runs directly counter to the Empire's fundamental policy to enable all nations to enjoy each its proper place, and the Japanese Government absolutely cannot accept it.

The stipulations regarding French Indo-China in the present proposal by the United States Government ("Steps To Be Taken By the Government of the United States and By the Government of Japan", Part II) can surely be called a good example of this attitude. The six countries---Japan, the United States, ~~the~~ the British Empire, the Netherlands, China and Thailand---excepting France, should undertake to respect the territorial sovereignty of French Indo-China and equality of treatment in trade and commerce. This would be tantamount to placing that territory under the joint guarantee of the Governments of those six countries---actually under the control of the British Empire and the United States. Apart from the fact that such a proposal totally ignores the position of France, it is absolutely unacceptable to the Imperial Government in that such an arrangement cannot but be considered as a new extension to French Indo-China of a system similar to the Nine Power Treaty which is one of the chief factors responsible for the present circumstances of East Asia.

(5) The demands made on the Imperial Government by the United States Government in regard to the China question, such as demands for the wholesale evacuation of troops or the unconditional application of the principle of non-discrimination in trade all ~~##~~ ignore the actual situation in China and are calculated to destroy the position of the Empire as the stabilizing factor in East Asia. In spite of suggesting general peace between the Empire and the Republic of China on the premise of continuance of the Nanking National Government in its previous April proposal, the Government of the United States in its present proposal ("Steps To Be Taken By the Government of the United States and By the Government of Japan, Part 4") demanded that no regime other than the regime at Chungking be supported and displayed an attitude which utterly disregards the Nanking Government. It must be said that this completely nullifies the former proposal. And, in connection with the Imperial Government's proposal of November 20th, the Imperial Government the President of the United States as the "introducer" of peace between Japan and China retracted this and at the same time proves that the Government of the United States does not wish the restoration of the normal situation between Japan and China and the return of peace to East Asia. /IN:original text jumbled here./

In short, in the 10 parts of "Measures To Be Taken By the Government of the United States and.../FROM THIS POINT THE TEXT IS IDENTICAL TO THAT OF THE THIRD DRAFT AS CORRECTED./

(SASAKI, Setsuo)

Doc. No. 3106-(57)

Plan B II.

(1) Plan I.

(2) Plan II.

(3) See p.p. 789, Foreign Relations of U.S. 1931-41.

(4)

(5)

(6). The Japanese Government recognizes the principle of non-discrimination to be applied to all the pacific areas, inclusive of China, on the understanding that the principle in question is to be applied uniformly to the rest of the entire world as well.

(7) With regard to developments of situation prior to the restoration of world peace, both Governments will be guided in their conduct by considerations of protection and self-defense; and, in case the

United States should participate in the European war, Japan would decide entirely independently in the matter of interpretation of the Tripartite Pact between Japan, Germany and Italy, and would likewise determine what actions might be taken by way of fulfilling the obligations in accordance with the said interpretation.

(Note). The above items, 5, 6, and 7 will not be inserted in the first proposal, and, if necessary, they will be added in it.

Besides the above, if necessary, we have no objection to promising "upon the establishment of this understanding, Japan is prepared to transfer her troops stationed in the Southern French Indo-China to the Northern part."

Comde. Maxon

I.P.S. Doc 3106(62) Sept 2

Drafts 1, 2, 3, 4 are returned herewith with two (typed) translations.

One translation is a translation of the Japanese text as amended by inserts in pencil etc. The other called (UN amended) is a translation ~~of~~ of the Japanese text as it was before any inserts were made.

Draft 5 has been treated in a similar way but the inserts have been dealt with in Translator's notes in the pencil ~~translations~~ where they occur.

A.A.

June ^{trial} draft 5

A. A.
for Taverner

Monday afternoon

~~Monday~~ 335

off
sent

Christmas

~~Monday~~
1 day pass

5th Draft

FOREIGN OFFICE - SECRET

Duly Revised

FINAL ~~AD~~

STATE SECRET

Being absolutely "STRICTLY CONFIDENTIAL", please handle with care.

COPY OF TELEGRAM

MEMORANDUM OF THE JAPANESE

GOVERNMENT'S NOTE TO THE

UNITED STATES

^{The word} (T.N. "Draft" followed here is original but has been struck out)

December 6 1941

(T.N. date was originally Dec. 3; amended to Dec 6 in ink)

(T.N. date 3rd Dec. 1941 structure & ~~draft~~
emended to 6th Dec. 1941) Memorandum of The Japanese Govt.
note to the U.S. (T.N. "draft", structure)

1. The Government of Japan,

prompted by a genuine desire to

come to an amicable understanding

with the Government of the United

States in order that the two countries

by their joint efforts may secure

the peace of the Pacific Area and

thereby contribute toward the

realization of world peace, has

continued negotiations with the

utmost sincerity since April last

with the Government of the United

States regarding the adjustment

and advancement of Japanese-

/page 380/ American relations and the
stabilization of the Pacific Area.

"The Japanese Government
has the honor to state frankly
its views concerning the claims
the American Government has
persistently maintained as well
as the measures the United
States and Great Britain ^(T.H. "Great Britain" emended to "British Empire") have
taken toward Japan throughout
the negotiations extending over
the past eight months.

"2. It is the immutable
policy of the Japanese Government

/page 380/ to insure the stability of East Asia and to contribute towards world peace and thereby to enable all nations to find each its proper place in the world.

"Ever since the China Affair unfortunately broke out owing to the failure on the part of China to comprehend Japan's true intentions, the Japanese Government has taken measures for the restoration of peace and it has consistently exerted its best efforts to prevent the

extension of the havoc of war.

It was also merely to that end

that in September last year

Japan concluded the Tripartite

Pact with Germany and Italy.

" However, both the United

^{The British Empire}

States and ~~Great Britain~~ have

resorted to every possible

measure to assist the Chunqing

regime so as to obstruct the

establishment of a general peace

between Japan and China,

interfering with Japan's constructive

endeavours toward the stabilization

of East Asia. Not only that,
but exerting pressure on the
Netherlands East Indies, or
menacing French Indo-China,
they have attempted to frustrate
Japan's aspiration to the ideal
of common prosperity in cooperation
with these regions. (T.N. originally "again" crossed
out & "especially substituted") Especially,
when Japan in accordance
with its protocol with France
took measures of joint defence
of French Indo-China, both
American and British Governments,
misinterpreting it as a threat

to their own possessions, and
inducing the Netherlands Govern-
ment to follow suit, they
enforced the assets freezing
order, thus ^{boldly} severing economic
relations with Japan. While
manifesting thus an obviously
hostile attitude, these countries
^{(T.N. A character}
have strengthened their military
^{now illegible has been crossed out + "military" substituted)}
preparations perfecting an
encirclement of Japan, and
have thereby brought about
a situation which endangers
the very existence of the Empire.

"Nevertheless, to facilitate a speedy settlement of the situation, the Premier of Japan proposed, in August last, to meet the President of the United States for a discussion of important problems existing between the two countries covering the entire Pacific Area. However, the American Government, while accepting in principle the Japanese proposal refused to concede ^{putting it to effect,} by insisting that the meeting should take place after an agreement of

views had been reached on
(T.N. An attempt was made here to revise jip text but
apparently abandoned & ceased. Some word
important problems between the
like "defined problems" was substituted for "important
problems")
two countries.

3. Consequently, on September
25th the Japanese Government
submitted a proposal based on
the United States proposal,
taking fully into consideration
part American claims and also
incorporating Japanese views.

Repeated discussions proved of no
avail in producing readily an
agreement of views. The present
cabinet, therefore, submitted a

revised proposal, moderating
still further the Japanese
claims regarding the principal
points of difficulty in the
negotiations in the past and
endeavoured to reach a settlement.

But the American Government,
adhering steadfastly to its
original assertions, failed to
display a spirit of conciliation.

The negotiations continued to
remain stagnant.

"Thereupon, the Japanese
Government, with a view to

doing its utmost for averting
a crisis in Japanese-American
relations, submitted on November
20th still another proposal in
order to arrive at an equitable
solution of the more essential
and urgent questions which,
simplifying its previous proposal,
stipulated the following points:

"(1) The Government of
Japan and the United States
undertake not to dispatch armed
forces into any of the regions,
excepting French Indo-China,

in the Southeastern Asia and
the Southern Pacific area.

"(2) Both Governments shall
mutually cooperate with the
view to guaranteeing the
acquisition in the Netherlands
East Indies of those goods
and commodities of which
the two countries are in need.

'(3) Both Governments
mutually undertake to restore
commercial relations to those
prevailing prior to the freezing
of assets.

"The Government of the United States promises to supply Japan with the required quantity of oil.

"(4) The Government of the United States undertakes not to resort to actions prejudicial to the endeavours for the restoration of peace between Japan and China.

"(5) The Japanese Government undertakes to withdraw troops detached at present to French Indo-China upon either the restoration of

page 381

Item 17, Resolution No. 1939 - 17 Nov 1939

From Vice Minister of War
to Chief of Staff of Kwangtung Army

while expressing its readiness
to accept the offer of the

President of the United States

to act as "introducer" of

peace between Japan and China

as was previously suggested,

asked for an undertaking on

the part of the United States

to do nothing prejudicial to

the restoration of Sino-Japanese

peace when the two parties

have commenced direct nego-

tiations.

"The American Government

Item 17, Resolution No. 1939 - 17 Nov 1939

not only considered itself unable to accept the above-mentioned new proposal, but manifested its intention to continue its aid to Chiang Kai-shek; and furthermore, in spite of its avowal mentioned above, withdrew the offer of the President to act as so-called "introducer" of peace between Japan and China, pleading that time was not yet ripe for it. Finally on November 26th, in an attitude to force upon the Japanese

/page 382/

Government those principles

it has persistently maintained

in the past, the American

Government made a proposal

totally ignoring Japanese claims,

which is a source of profound

regret to the Japanese Govern-

ment

" 4. From the beginning

of the present negotiation, the

Japanese Government has always

maintained an attitude of

fairness and moderation, and

did its best to reach a settlement,

for which it made all possible concessions often in spite of great difficulties. As for also the China question which constituted an important subject of the negotiation, the Japanese Government showed a conciliatory attitude. (T.N. original has "as far as it lay in their power" which has been crossed out) As for the observance of the principle of non-discriminatory treatment in international commerce, advocated by the American Government, the Japanese Government expressed its desire to see the said

principle applied throughout the world, and declared that along with the realization thereof, the Japanese Government would endeavour to apply the same in the Pacific Area including China as well, and made it clear that Japan had no intention whatsoever of excluding from China economic activities of third powers pursued on an equitable basis. Furthermore, also as regards the question of withdrawing troops from French ^(F.N. original text had "French-India" "India" is crossed out + "Indo-China" written in ink) Indo-China, the Japanese Government

even volunteered, as mentioned
above, to carry out an immediate
evacuation of troops from Southern
French Indo China as a measure
of easing the situation.

"It is presumed that the
spirit of conciliation exhibited
to the utmost degree by the
Japanese Government in all these
matters has been duly appreciated
by the American Government.

"On the other hand, the
American Government, always
holding fast to theories in

disregard of realities, and refusing to yield an inch on its impractical principles, caused undue delay in the negotiation. It is difficult to understand this attitude of the American Government and the Japanese Government desires to call the attention of the American Government especially to the following points:

"1. The American Government advocates in the name of world peace those principles favorable to itself and urges upon the

Japanese Government the acceptance

thereof. The peace of the

world may be brought about

only by discovering a mutually

acceptable formula through

recognition of the reality of the

situation and mutual appreciation

of one another's position. An

attitude such as ignores realities

and imposes one's selfish views

upon others will scarcely serve

the purpose of facilitating the

consummation of negotiations.

"

Of the various principles put

forward by the American Government as a basis of the Japanese-American Agreement, there are some which the Japanese Government is ^{willing} ready to accept in principle, but in view of the world's actual conditions, it must be ^{dismissed} ~~said~~ as being only a utopian ideal on the part of the American Government to attempt to ^{demand} ~~force~~ their ^{immediate} adoption.
 (T.N. "in view of the world's present condition" has been moved to here in ink)

Again, the proposal to conclude a multilateral non-aggression pact between the seven nations comprising

P352 pencil English

XXXXX

Original Text has, "is not only
far removed from the
realities of East Asia
but as it will make
the Tripartite Pact of
Japan, Germany + Italy a
merely nominal matter it
is difficult for the Japanese
to fall in with it!"

9000 The above was
crossed out and the following
substituted in ink,
(removed from the realities of
East Asia ✓" and since it
is inconsistent ~~with~~ with
the course advocated for so
many years by Japan for
maintaining peace in East
Asia and with the peaceful
ideals which are the keynote
(PTO)

~~of the peaceful~~
of the Tripartite Pact
of Japan, Germany +
Italy. ~~It~~ it is
difficult for the Japanese
etc

This was in turn crossed
out + final version
is as in pencil translation

Japan, United States, Great Britain,
China, the Soviet Union, the
Netherlands and Thailand, which
is merely patterned after the
old concept of collective security,
must be said as being far
removed from the realities of
East Asia (TN ^{see} X X X X + 0000)

"2. The latest American
proposal contains a stipulation
which states — "Both Governments
will agree that no agreement,
which either has concluded
with any third power or

powers, shall be interpreted by
it in such a way as to conflict
with the fundamental purpose
of this agreement, the establishment
and preservation of peace throughout
the Pacific area." It is presumed

that the above provision has
been proposed with a view to
restrain Japan from fulfilling
its obligations under the Tripartite
Pact when the United States

participates in the War in Europe,
(T N "positively" was in original
text but has been crossed out in ink)
and, as such it cannot be

accepted by the Japanese Government.

"The American Government, obsessed with its own assertions and conceptions, must be said to be scheming for the extension of the war. While it seeks, on the one hand, to secure its rear by stabilizing the Pacific Area, it is engaged, on the other hand, in aiding Great Britain and preparing to attack, in the name of self-defense, Germany and Italy, two powers that are striving to establish a new order in Europe. Such a

policy is totally at variance with the many principles for the purpose of founding the stability of the Pacific Area through peaceful means.

" 3. Whereas the American Government, under the assertions it rigidly upholds, objects to settle international issues through resort to arms, it is exercising in conjunction with Great Britain and other nations pressure by economic power. Recourse to such pressure as a

means of dealing with international
relations should be ^(T.N. "universally" was in original + was crossed out) condemned as
it is at times more inhumane
than military pressure.

"4. It is impossible not to
reach the conclusion that the
American Government desires to
maintain and strengthen, in
coalition with Great Britain
and other Powers, its dominant
position it has hitherto occupied
not only in China and French
Indo-China, but in other
areas of East Asia. It is a

fact of history that the countries
of East Asia for the past
hundred years or more have been
compelled to observe the *status*
quo under the Anglo-American
policy of imperialistic exploitation
and to rest contented with
sacrificing themselves to the
prosperity of the two nations.
The Japanese Government can,
on no account, tolerate the
perpetuation of such a situation
since it runs wholly counter
to Japan's fundamental policy

to enable all nations to enjoy
each its proper place in the
world.

"The stipulation contained
in the recent proposal from
the American Government relative
to French Indo-China is verily
a good exemplification of the
above-mentioned American
attitude. That the six
countries, — Japan, the United
States, Great Britain, the
Netherlands, China and Thailand,
— excepting France, should

undertake among themselves to respect the territorial integrity and sovereignty of French Indo-China and equality of treatment in trade and commerce would be tantamount to placing that territory under the joint guarantee of the Governments of those six countries. Apart from the fact that such a proposal totally ignores the position of France, it is unacceptable to the Japanese Government in that such an arrangement

cannot but be considered as an extension to French Indo-China of a system similar to the Nine Power Treaty structure which is the chief factor responsible for having brought about complications in the situation in East Asia.

"5. All the items demanded of Japan by the American Government regarding the China problem such as wholesale

evacuation of troops or unconditional application of the principle of non-

discrimination in commerce ignore the actual conditions of China, and are calculated to destroy Japan's position as the stabilizing factor of East Asia. The attitude of the American Government in its recent proposal in demanding Japan not to support militarily, politically or economically any régime other than the régime at Chungking, disregarding thereby the existence of the Nanking Government, may be said as shattering the very basis of

the present negotiation. The foregoing, together with its above-mentioned refusal to cease from aiding the Chungking régime, demonstrates clearly the intention of the American Government to obstruct the restoration of normal relations between Japan and China and the return of peace to East Asia.

(T.N. "5" not in original; added in ink)

5. In brief, the American proposal contains certain items which are essentially not bad such as those concerning

commerce, including the conclusion of a trade agreement, mutual removal of the freezing restrictions, and stabilization of yen and dollar exchange, or the abolition of extraterritorial rights in China. On the other hand, however, the proposal in question ignores Japan's sacrifices in the four and odd years of the China affair, menaces the Empire's existence and disparages its prestige. Therefore, viewed in its entirety, the

Japanese Government regrets that
it is utterly unable to accept
the proposal as a basis of
negotiation.

(T.N. Paragraph was numbered "5" in original; changed
to "6" in ink) 6. The Japanese Government,

in its desire for an early
conclusion of the negotiation,
proposed that, simultaneously
with the conclusion of the
Japanese-American negotiation,

some be signed also by Great

Britain and other interested

countries. The proposal was

accepted on the whole also by

(T.N. "British Empire" in ink)

the American Government. However, since the American Government is considered as having made the various above-mentioned proposals as a result of frequent consultation with Great Britain, Australia, the Netherlands and Chungking, and especially by catering to the wishes of the Chungking régime in the questions of China, it must be concluded that all these countries are at one with the United States in ignoring Japan's position.

(page 384)

(T.N. Paragraph 6 in original; changed³⁷
to "7" in ink)

"7. We deem it to be the

intention of the American Government

to not only please and conspire

(T.N. "British Empire" in ink)

with Great Britain and other

countries in regard to obstructing

Japan's efforts toward the

establishment of peace through

the creation of a new order in

East Asia, but to also preserve

Anglo-American rights and

interests by keeping Japan

and China at war. This

intention has been revealed

clearly during the course of the

present negotiation. Thus, the
hope of the Japanese Government
to adjust Japanese-American
relations and to preserve and
establish the peace of the Pacific
through cooperation with the
American Government has finally
become lost.

"In consequence whereof,
the Japanese Government regrets
to have to notify hereby the
(T.N. original text has,
American Government that in view
"as long as the American Government maintains
of the attitude of the American
its present attitude)
Government it cannot but consider

that it is impossible to reach an
agreement even though the
negotiations should be continued
hereafter.

乙葉(1)



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III + IV

INTERNATIONAL PROSECUTION SECTION
Document Division

380 R.
P.P.

20 Aug 1947

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Attached is Doc. No. 3106 (62) for Tavener

Arrange for translation as follows:

Please translate as per instructions of Mr. Wagner

TOP PRIORITY

Draft #1 #2 #3 of (3rd) Sec. III
5th Dec

Rush!

Sec IV Draft of 6th Dec

RB

(Note: Do not remove from attached material)

Translate original text ignoring alterations, erasures, insertions, deletions etc for comparison with translation for encoded text already made.

AA