

10,662 1236 - 1245-G Final exhibits in relation to the Pearl Harbor phase of the case and preparation for war with the U.S.

Tojo's interrogatories - As Premier he knew and approved the attack on Pearl Harbor, Hong Kong, Malaya and the Philippines, on or about Dec. 7 or 8, 1941.

10,709 Q. Do you, as a Japanese, feel proud of the fact that several thousand Americans were killed at Pearl Harbor in this manner?

A. No, I am not proud of it. I should like to make a supplementary explanation of my answer to the last question as to whether I was proud that several thousands of Americans were casualties as a result of the attack on Pearl Harbor. I sympathize with those who died, but Japan had been challenged and so she took justifiable self-defense. The English and American Governments had menaced Japan militarily and economically and they should have had a suitable attitude of readiness. Furthermore, the attack was against military objectives.

10,683 1239 Extract from Kido's Diary, 8 Dec. 1941.
Doc. 1632-W-90 At 12:40 a.m. Foreign Minister TOGO telephoned me to consult about the treatment of the personal telegram from President Roosevelt to the Emperor, which had been brought by Ambassador Grew. I advised him to consult the Premier as regards its diplomatic effect and procedure. . . . I was informed that Foreign Minister TOGO had proceeded to the palace, so I went to the office at 2:40 a.m. to see him. When I was going up the Akasaka slope, I saw the rising sun above a building there. I thought it was symbolic of the destiny of this country now that we had entered the war against the U.S.A. and England, the two greatest powers in the world. I closed my eyes and prayed for the success of our Navy planes making an attack upon Pearl Harbor at that time. At 7:30 a.m. I met the Premier, the Chief of the Army General Staff, and the Chief of the Navy General Staff. I heard from them great news relative to the success of the surprise attack upon Hawaii and felt that the Gods had come to our aid. I saw the Emperor at 11:40 a.m. and talked with him until 12 noon. I was very much impressed by the self-possessed attitude of the Emperor on this day. The Imperial Proclamation of War was issued.
• (10,684)

10,685 1240 Text of the Imperial Rescript of December 8,
Doc. 23620A 1941.

DECLARATION OF WAR AGAINST THE U.S. AND G.B.

"WE, by the grace of heaven, Emperor of Japan, seated on the Throne of the line unbroken for ages eternal, enjoin upon ye, Our loyal and brave subjects:

"We hereby declare war on the United States of America and the British Empire. The men and officers of our Army and Navy shall do their utmost in prosecuting the war, Our public servants of various departments shall perform faithfully and diligently their appointed tasks, and all other subjects of Ours shall pursue their respective duties; the entire nation with a united will shall mobilize their total strength so that nothing will miscarry in the attainment of our war aims.

"To insure the stability of East Asia and to contribute to world peace is the far-sighted policy which was formulated by Our Great Illustrious Imperial Grandsire and Our Great Imperial Sire succeeding Him, and which We lay constantly to heart. To cultivate friendship among nations and to enjoy prosperity in common with all nations has always been the guiding principle of Our Empire's foreign policy. It has been truly unavoidable and far from Our wishes that Our Empire has now been brought to cross swords with America and Britain. More than four years have passed since the government of the Chinese Republic, failing to comprehend the true intentions of Our Empire, and recklessly courting trouble, disturbed the peace of East Asia and compelled Our Empire to take up arms. Although there has been re-established the National Government of China, with which Japan has effected neighbourly intercourse and co-operation, the regime which has survived at Chungking, relying upon American and British protection, still continues its fractricidal opposition. Eager for the realization of their inordinate ambition to dominate the Orient, both America and Britain, giving support to the remaining (T.N.Chungking/ regime, have, under the false name of peace, aggravated the disturbances in East Asia. Moreover, these two Powers, inducing other countries to follow suit, increased military preparations on all sides of Our Empire to challenge us. They have obstructed by every means our peaceful commerce, and finally resorted to a direct severance of economic relations, menacing gravely the existence of Our Empire.

"Patiently have We waited and long have We endured, in the hope that Our Government might retrieve the situation in peace. But our adversaries, showing not the least spirit of conciliation, have unduly delayed a settlement; and in the meantime, they have intensified the economic and military pressure to compel thereby Our Empire to submission.

10,688 This trend of affairs would, if left unchecked, not only nullify Our Empire's efforts of many years for the sake of the stabilization of East Asia, but also endanger the very existence of Our nation. The situation being such as it is, Our Empire for its existence and self-defence has no other recourse but to appeal to arms and to crush every obstacle in its path.

"The hallowed spirits of Our Imperial Ancestors guarding Us from above, We rely upon the loyalty and courage of Our subjects in Our confident expectation that the task bequeathed by Our Forefathers will be carried forward, and that the sources of evil will be speedily eradicated and an enduring peace immutably established in East Asia, preserving thereby the glory of Our Empire.

"The 8th day of the 12th month of the 16th year of Showa."

10,701 1242 Wire from Berlin to Tokyo dated 8 Dec. relating Doc.2593-D(40) to Germany and Italy declaring war on the U.S.

10,703 MR. BLEWETT objects to leading questions in the interrogatories, which, in essence, was overruled by the President.

10,710 MR. KEENAN presents MR. BALLANTINE as next witness and makes statement in relation to his qualifications as such. Statement offered in evidence, Doc.2215, Ex.1245.

MR. LOGAN and MR. SMITH object to statement. Argument by MR. KEENAN, statement by the President. (10,714-10,716).

10,717 MR. SMITH? I ask your Honor to allow me a special exception in refusing to hear the grounds for my objection and your Honor's last remark to me.

THE PRESIDENT: You may have your exception. What I stated from the note is a mere observation that has been made previously and which has been repeated for the common knowledge. No decision is involved; it is a mere statement of fact.

Statement of Mr. Ballantine was read covering his experiences in Japan from 1909, and particularly covers the negotiations carried on between Japan and the U.S., through Ambassadors and Secretary of State, with reference to the differences between the U.S. and Japan and the attempt to settle them. Much of the statement consisted of documents introduced in evidence by the prosecution in this phase of the case. In connection with the statement, exhibits referred to therein were offered and received in evidence.

10,808 1245-H to BALLANTINE continued reading of his affidavit
1245-K and the exhibits contained therein and con-
cluded same. (10,849)

10,850 MR. WARREN makes further objection to the af-
fidavit on the ground that same contains conclusions of the
witness, etc.

THE PRESIDENT: . . . We gave our decision
yesterday, and we are not going to review it.

MR. BLAKENEY: cross-examination by. Question-
ed the witness with reference to the preparation of the affi-
davit, the various statements that were made, and questions
concerning many negotiations with Japan, participated in by
Ballantine, and the Secretary of State, covering six months
period from May to November, 1941. Cross-examination car-
ried on for balance of day. Detail of this is not given be-
cause it follows closely along the lines of the affidavit
in relation to matters with which defense counsel are al-
ready familiar.

10,871 THE PRESIDENT: . . . We will get very little
assistance from any academic discussion about the meaning
of self-defense, or the right to it.

MR. BLAKENEY: . . . I should like to point out
that I think this witness can give us great assistance in
one other way. . . . in understanding diplomatic negotia-
tions, and here you have an expert on the subject. (10,872)

10,873 THE PRESIDENT: From what I told you yesterday
I think you should have inferred that we are not treating
him as an expert; that is, as a person who can draw conclu-
sions for us. There is no diplomatic language, really;
there may be a diplomatic style. But we reserve the right
to give our meaning to the words used without any help from
any diplomat. . . . I told you the Tribunal would
disregard everything in the affidavit except statements of
fact; that we would disregard his opinions, and only to
his opinions can you justly apply the term "sweeping".

On objection by Mr. Keenan with reference to questions in
relation to the position of Japan regarding the Tripartite
Pact (10,989), there is a discussion between Mr. Blakeney
and the President.

10,900 THE PRESIDENT: In view of the very explicit
statement to which I have just referred, the attitude of the
Japanese as to the Tripartite Pact in the course of the ne-
gotiations becomes wholly immaterial. I should say the ap-
parent attitude. Immateriality is a ground for excluding
evidence.

10,903 1246 Continuation of cross-examination by MR. BLAKENEY. This brought out the fact that Doc. 92, Ex. 1246, was not included in the affidavit of the witness.

10,918 1246 Excerpt from Dept. of State's publication "Foreign
Doc. 92 Relations", Vol. I, (pp. 709-710), headed "From
Japanese Ambassador Nomura to the Sec. of State,
dated 7 Nov. 1941." This document states that the
Japanese Government had offered to withdraw 90%
of the troops in China, although no definite
period was set.

10,932 A. The new point there was an equitable peace in
the Far East. I don't think that adds anything whatsoever to
the other thing, because you couldn't have an equitable peace
in the Far East without a settlement of the China Affair.
Also, the term "equitable" - who is to decide which is to be
equitable? It was clearly implication that that was to be
unilaterally determined by Japan. The offer to withdraw,
upon the conclusion of the present agreement, all troops
then stationed in southern Indo-China - if you can call it
a concession; it is perfectly meaningless. (10,934). . .
Because there was no limit placed on the number of Japanese
troops that they could bring into China. If they withdrew
them from Southern Indo-China to Northern Indo-China, they
could have brought a 100,000 into northern Indo-China and
brought those troops back to southern Indo-China within a
few days.

10,938 THE PRESIDENT: It was still possible for the
Japanese to give you evidence of good faith?

THE WITNESS: I think it would have been still
possible.

THE PRESIDENT: By withdrawing troops?

THE WITNESS: By withdrawing troops or any other
practical evidence of an intention to follow peaceful courses
. All of the drafts of that modus vivendi pro-
posal were made public in the Pearl Harbor Inquiry conducted
by the Joint Committee. (10,949) . . . The Department
thought, as a result of the months of conversation, that it
was unlikely that the Japanese Government would accept our
proposal of November 26; but there was always a chance, and
the proposal seemed to us of a character which any peace-
loving nation would have been glad to accept. (10,952) . . .
When Mr. Grew expressed to the Department enthusiasm for and
hopefulness concerning a meeting between the President and
Premier Konoye, he was only reporting from the viewpoint of
Tokyo, as he himself stated. (10,959). . . We did not see
how - what explicit commitments that would be of a satisfac-
tory character could be given in the light of the failure to
reach an agreement on so many fundamental points during all
those months of conversation. (10,960). . . The negotiations

10,965

were designed not to conceal military preparations. Those had been obvious since July, this tremendous forward movement from Japan southward into Indo-China to await some chosen time for some act.

I think in the minds of many of the American authorities the note was connected with the dispatch of this large Japanese armada which had sailed a day previous and of which we had gotten word on the noon of the 6th - this huge armada which was sailing southward or westward in the general direction towards British or American or Dutch territories. I am sure that Mr. Hull has testified to that effect. . . . I don't know that any American officials expressed the opinion that it constituted a declaration of war. Things were happening so fast at that time; this armada had already sailed. (10,983)

10,985

1247-1248

Further cross-examination of MR. BALLANTINE by MR. BLAKENEY, who introduced in evidence defense document No. 25, Ex. 1248. (Answer handed to Mr. Brew in Tokyo in response to telegram of Pres. Roosevelt.)

Answer: "His Majesty has expressed his gratefulness and appreciation for the cordial message of the President. He has graciously let known his wishes to the Foreign Minister to convey the following to the President as a reply to the President as a reply to the latter's message.

"Some days ago, the President made inquiries regarding the circumstances of the augmentation of Japanese forces in French Indo-China to which His Majesty has directed the Government to reply. Withdrawal of Japanese forces from French Indo-China constitutes one of the subject matters of the Japanese-American negotiations. His Majesty has commanded the Government to state its views to the American Government also on this question. It is, therefore, desired that the President will kindly refer to this reply.

"Establishment of peace in the Pacific, and consequently of the world, has been the cherished desire of His Majesty for the realization of which he has hitherto made his Government to continue its earnest endeavors. His Majesty trusts that the President is fully aware of this fact."

10,990

It is correct that the U.S. draft modus vivendi proposal prepared prior to Nov. 26th included a small quantity of petroleum for civilian uses. . . . It is very small, indeed, compared to what the Japanese indicated in one of their intercepts they were going to ask for. . . . Well, the Japanese Government had asked in their proposal of November 20 for such petroleum as Japan might require. That presented great difficulties for us. (10,990) If Japan had reverted to peaceful courses, there would have been no difficulty about any petroleum or any other trade question. (10,991). . . . When Japan moved into southern Indo-China in a position to attack us, we couldn't see our way clear to give Japan petroleum for that purpose. . . We thought there was very little prospect of any acceptance by Japan of the modus vivendi that had been drafted. . . . Sec. Hull said, I believe, that there was "not more than one chance in three" that this would be acceptable. He proposed it to the Chinese Ambassador. (10,992) . . . He didn't think there was a reasonable prospect. He thought there might be a very slight prospect of the thing - the proposal was a worthwhile proposal, but he didn't think there was very much chance of the Japanese accepting it. The Japanese had given a very clear indication in their intercepts that that November 20 was their minimum proposal, and what we were offering was chicken feed compared with what they were asking. (10,993)

10,994 The modus vivendi was a part of the whole proposal. The communication of Nov. 26 - the whole communication was a part of that too, of which the modus vivendi was to be just one part. What we envisaged was that during the life of the modus vivendi we would carry on conversations toward the objectives of a permanent peaceful agreement.

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MR. BLEWETT, cross-examination by.

In southern Indo-China, Japan placed herself in a position where she stood over the Philippine Islands, was able to have threatened vital trade routes affecting our trade with the Far East, and she was also in a position to threaten the territories of our friends who were resisting aggression. Our business interests were a very small part of the consideration. The main part was, the Far Eastern region is a region of great production of strategic commodities such as tin and rubber which we used in great quantities. (10,995). The U.S. continued to aid China under lend-lease or other legislation during the pendency of the negotiations. (10,997). Yes, certainly we had notice of the imminence of Germany's attack on Russia prior to June 21, 1941. That is a matter of public record, that the Acting Secretary of State informed the Russian Government that we had intimation that Germany was going to attack Russia. (10,998). As to whether there was any serious consideration by the State Department relative to recognition of Manchukuo, our position right along was that that was a question between China and Japan. If China were voluntarily, through amicable negotiations, willing to agree to it, we had nothing to say. Our position is clearly stated in the June 21 draft; Amicable negotiations in regard to Manchukuo. Our Department would not have objected to it as far as I know. If there had been peaceful negotiations, without duress, and China had been willing to agree to it, I don't think that anybody would have had anything to say. That is just my personal feeling. That is the clear implication of this draft. (10,999). We consistently took the position that the National Government of China, with temporary capital at Chungking, was the government which we recognized and that was the government of China. We never changed in that position. The economic plan of Japan concerning China, Japan and Manchukuo conformed to the tendency of the Axis Powers, a tendency which we were doing our best to change. (11,000) I suppose from time to time there were questions raised by trade groups in regard to Japanese trade, but those - if there were they went to our economic people and I don't know much about that. In any case, that had no bearing upon the conversations or our attitude toward the thing which was governed by the fixed principles of the United States which have been traditional in our Far Eastern policy and the most complete embodiment of which is found in the Nine-Power Treaty of 1922. Those principles we wanted to see

11,003

carried out in any new agreement which the Japanese government asked us for. We weren't seeking any new agreement. We were satisfied with the existing agreement. Thus, when the Japanese came to us and asked us for a new agreement, we said that we would be willing providing it conformed to our fixed principles. . . . Naturally we had to consider what kind of an agreement we could carry Congress with. . . . Regarding the freezing order of July, 1941, when a desperado gets in position to shoot you, you don't want to give him ammunition for that purpose. . . . I think the State Department recognized that economic measures of that character could only be taken in a very serious situation, but then we were concerned at that moment with a very imminent and overt act which necessitated our taking steps of self-defense. . . . We were concerned, as I said before, then with this question of self-defense which, in view of the imminence of the peril that was created by Japan's move into southern Indo-China - that consideration overrode any other consideration in the situation. I think I explained that in my affidavit. (11,004) . . . We got nothing in writing from an authoritative source that Japan was prepared to enter into an agreement nullifying the Tripartite Pact. (11,006). . . . I think you will find a similar statement in the summary of conversations in the record of "Foreign Relations, U.S.-Japan, 1931 to 1941". It was our desire and our hope to meet the expectations of the American people who desired peace. We wanted to keep alive the spark of peace to the last split second. We wanted to clutch at every straw that might make possible the continuance of peace. Surely there was nothing inconsistent between that objective and giving our armed forces and those of our friends time to prepare adequately for self-defense. . . . Under those circumstances we would all be the more anxious to take anything that was possible, but surely we weren't going to sacrifice our principles. (11010) . . . It is difficult to elaborate on what I have already said. We had to take into consideration, when we entered into the conversations, Japan's past record. At the outset of the conversations there was nothing particularly that indicated insincerity. But as conversations progressed, it was difficult to reconcile these assertions of their peaceful desires with the specific formulas that they proposed for settlement. (11,014)

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MR. CUNNINGHAM: cross-examination by.

I was not present at any of the conferences between Mr. Hull and Mr. Stimson. . . . As I said yesterday that Mr. Hull had said: "The matter is now in the hands of the Army and Navy." If I recall correctly, he said that on November 27th. In any case, the facts are set forth in the Pearl Harbor Inquiry. (11,018) . . . As to whether or not it was the foreign policy of the State Department to totally divorce Japan from Germany, Japan came to us

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and asked for an agreement covering peace in the Pacific area. Naturally, before concluding such an agreement, we wanted to make sure that Japan would not attack us if we got involved in Europe. . . . We made our position clear to the Japanese from the very outset of the conversations. . . . Mr. Hull repeatedly told the Japanese that he would leave it to the Japanese what they could do. (11,020) . . . I would put it this way: The failure - our failure to obtain clarification from the Japanese as to what they would do in case we became involved in the war in the Atlantic was one of the factors which made it difficult for us to reach an agreement. (11,021) . . . The Japanese had said that in the event of failure of the negotiations, that the consequences would be most unfortunate. We felt that we could go so far, and if we could not go any further, we would just stand and take the consequences. (11,022). . . . The changed circumstances were Japan's breaking away from the Nine-Power Treaty of which she was a party. Our position on that is abundantly set clear in a note which we addressed to the Japanese Government on December 30, 1938, which I believe is in evidence before this Tribunal. (11,023) . . . We were conducting informal, exploratory conversations to determine whether a basis for a negotiation existed. The stage of the negotiation was never reached. . . . The B.C.D. Powers were informed that we were having informal, exploratory conversations. They were not given any information in regard to the contents of those things except in connection with the Japanese proposed modus vivendi and our proposed modus vivendi. I do not recall definitely whether the exact Japanese proposal of Nov.20 - whether they were informed of the details of that. I am not sure about that. (11,025). . . . I have no knowledge that those governments (Great Britain, Netherlands and Canada) gave the U.S. a blank check to settle things for them in any way. What we had envisaged was that, after reaching what we thought was a basis of an agreement, that we would go to these other powers and discuss the matter with them then. (11,028) . . . My understanding is that we did not offer mediation; we merely offered good offices. (11,029) It was for the purpose of restoring and maintaining peace. . . . I don't know if the State Department made any official determination as to when the forward movement began. (11,030). . . In the autumn of 1940, Japan concluded an alliance with Hitler's Germany and with Italy. If you will read some of the speeches of some of the Japanese leaders following that alliance and read the speeches of the German representatives, you will see many references to the creation of a New Order throughout the world. It was a world movement of conquest. (11,031)

11,031

It was perfectly clear that the U.S. was a peace loving nation, that the U.S. was not coveting anybody else's territory or was not out on a course of aggression. It is perfectly clear that our nation did not want war even as late as the summer of 1941. The extension of the Selective Service Act was passed by only one vote in the House of Representatives. (11,031) . . . Japanese invasion of Manchuria in 1931 was in clear violation of the Nine-Power Treaty. That certainly was a forward movement. (11,032) . . . The intercepted messages were communicated to the State Department when they were translated. (11,034) . . .

11,035

MR. WARREN, cross-examination by. It is a fact that it was perfectly clear that late in 1941 the U.S. did not want war. I am speaking of both Cordell Hull and Pres. Roosevelt. . . . I am sure neither Cordell Hull nor the President ever had in mind an aggressive war against Japan. . . I have no knowledge of discussions of the nature you have described other than what I read in the Pearl Harbor Report. . . . I was informed that it was the aim of these men in high station that they should strive for peace to the very last. (11,037). . . . I was familiar with memoranda prepared by Mr. Hornbeck, which dealt with a great variety of subjects. . . I would not concur in the generalization that invariably in a memoranda he refused to credit Mr. Grew and Mr. Doonan's Advice on the situation in Japan and the Far East. (11,039).

The witness was cross-examined in detail about certain memoranda prepared by Mr. Hornbeck, concerning which the witness stated he had no knowledge. As to whether or not Mr. Hull and Mr. Hornbeck opposed having Pres. Roosevelt meet with Prince Konoye, Mr. Hull was 99-9/10 per cent of the State Department. Mr. Hull's attitude on that thing is made clear in the record. That is to say that he felt, as we all felt, that some clear commitments by Japan on general principles and their application should be arrived at prior to a meeting. (11,042). . . As far as I know, the President and Mr. Hull had exactly the same attitude on that proposed meeting. . . . Mr. Hull's position from the beginning, and the President's position are crystal clear. (11,043). . . . The reason the modus vivendi was not suddenly abandoned was because, as Mr. Hull explained in his Pearl Harbor testimony very clearly, the Chinese were very much opposed to it. We felt, or Mr. Hull felt that it would be a very discouraging factor on the Chinese, who were being very hard pressed, might cause their resistance to collapse. The other powers were lukewarm toward it. There was a strong body of opinion in the U.S. who we felt would be opposed to it. (11,044). . . As to the State Department not believing that the Army and Navy in Japan

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According to my records, at the end of 1941 the U.S. had under construction in major combat vessels - that includes battleships, carriers, cruisers, destroyers and submarines, a total of something over two million tons. At the same time Japan had under construction, according to the best information available to the U.S., which might not be accuracy because of the secrecy with which Japan guarded her program - had under construction less than 500,000 tons of major combat vessels. (11,277) It would be a pure guess as to whether Japan's Navy was far superior to the American Navy in the Pacific, but if you want a guess, I would say somewhere between 10 and 50 per cent. . . . When I was Commander-in-Chief of the U.S. Fleet the vast majority of the combatant fleet of the Navy which was ready for service was in the Pacific, but I have no idea as to the accuracy of any statement made now. (11,278)

Colloquy between the President and Mr. Brannon in relation to evidence of the witness before the Senate and House Committee on the investigation of the Pearl Harbor attack, and the ruling by the President that there is no necessity for going over matters to which he testified before the Pearl Harbor Committee.

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In my opinion, Order No. 1 was an order to be used, however the war was initiated. It was a plan for the conduct of operations in a war that might be started in any way. . . . In recent times it has been an established naval procedure of the Powers to have prearranged naval war plans against potential enemies. (11,290) . . . It was normal for Japan to have the Pearl Harbor attack in its naval plans, but entirely abnormal for the U.S. because its success depended upon surprise. . . . The retention of the American force in Hawaii came from orders from higher authority to remain there. In October, 1940, President Roosevelt said that the maintenance of the fleet in Hawaiian waters was in order to provide a restraining influence on the action of Japan. (11,295)

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MR. McDERMOTT: cross-examination by.

It is true, except as to a degree, that these same records show that all nations, including Japan and the U.S. engaged in a policy of surveillance, reconnaissance and espionage. . . By degree I mean the U.S. has always made it possible for representatives of foreign nations to see more of what we are doing than Japan has ever permitted any representative of the U.S. to learn what they were doing. . . No records disclose that the U.S. ever carried out a well-defined policy of espionage in reference to the activities of the Japanese navy. . . The Navy records disclose that the knowledge, movements and concentration of the U.S. Fleet

11,045 would back Konoye, all I can say is that it was the belief of the President - as far as I know, because I didn't talk to him - and of the Secretary of State that the Japanese Government, whoever happened to be the spokesman at that time, was not likely to yield on the courses which it was pursuing.

11052 - 61 MR. SMITH, cross-examination by.

11,062 Nov. 22, 1946.

Continuation of cross-examination by MR. SMITH with reference to the effect of the passage of alien land laws by Oregon, California and Washington and the effect on American-Japanese relations. He was also cross-examined with reference to the delay through the Panama Canal of Japanese ships attempting to pass through it.; whether there was any measure taken in order to prevent Japan from getting oil supplies from Mexico and Argentina; also asked how long the State Department estimated it would take to bring Japan to her knees by means of economic embargo. The witness answered that they were taken for self-defense. Continuing series of questions along lines to affect the economic condition of Japan by embargo, etc; also tried to show that the Nine-Power Treaty was a "dead letter" even before Pearl Harbor. Further cross-examination by Mr. Brannon (11,092-94); Mr. Brooks (11,094-115); Mr. Logan (11,115-27), and Mr. Okamoto (11,127-36).

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11,137 1249 - 1265

11,145 MR. OKAMOTO, further cross-examination by -
on matters relating to the affidavit of Mr. Ballantine, in
which he attempted to ask various questions concerning the
position of the U. S., the President and the State Depart-
ment, most of which the Court held were outside the scope
of the affidavit.

11,166 ADMIRAL JAMES O. RICHARDSON called as a witness.
After stating his qualifications, Admiral Richardson read
his prepared statement, Ex. 1249, and the various exhibits
to which reference is made in his statement (Ex. 1250-1265).
This statement presents evidence of plans and preparations
made by the Japanese Navy leading up to naval hostilities
which Japan initiated and waged at Pearl Harbor on Dec. 7,
1941. Statement appears at pages 11,166 to 11,238. Refer-
ence made to the stand taken by Japan at the London Naval
Conference on Jan. 15, 1936. Testified NAGANO had advocated
"the abolition of aircraft carriers and a drastic reduction
in capital ships and "A" Class cruisers. (11,181) The af-
fidavit also charged that NAGANO and the late ADMIRAL YAMA-
MOTO closely cooperated as early as 1936, and especially in
1941-43, in their capacities as Chief of the Japanese Naval
General Staff and Commander-in-Chief of the Combined Fleet
in working out the plans and issuing the orders for the at-
tack on Pearl Harbor. Japan relied on three steps to exe-
cute the policy; namely, to abolish treaty limitations on
construction of aircraft carriers; construction of aircraft
carriers and supporting naval units until Japan had carrier
supremacy over the U.S.; and the use of an aircraft carrier
task force for making a secret, sudden attack to destroy
before the war began the men and ships of the U.S. Pacific
Fleet. Following Japan's withdrawal from the London Confer-
ence in January, 1936, Japan rejected American, British and
French proposals for the reciprocal exchange of information
on naval construction but continued to obtain extensive in-
formation in regard to naval construction in the U.S. by
methods including consular espionage, etc. He also surveyed
the secret developments of the Japanese fleet, showing that
on Dec. 7, 1941, Japan had ten aircraft carriers, whereas Amer-
ica had only six, with only three of them in the Pacific;
that in what he termed the "sneak attack" on Pearl Harbor,
the statement showed that Japan had sent out six carriers,
naming them, which constituted 75% of the Japanese total car-
rier tonnage strength, which hurled into the attack 360 air-
planes. Admiral Richardson termed the Japanese force "one
of the most powerful task forces ever assembled up to that
time, with overwhelming carrier air force supremacy over the
naval forces attacked.

11,238

MR. BRANNON: cross-examination by. As to whether he drafted the report personally, the witness said: "The project is mine; I supervised its preparation and its final re-write is my own work." . . . I did not personally bring the documents with me. They were in the custody of subordinates of mine who accompanied me in the same plane in which I came to Japan. (11,241). . . I repeat that all the evidence I have used came from the official naval files. . . . I made an earnest effort to state facts only and avoid stating opinions. In so far as I know, I succeeded and the facts stated are supported by official documents. (11,242) . . . Admiral NAGANO stated that they advocated the abolition of aircraft carriers and a drastic reduction in capital ships and "A" Class cruisers, and in a memorandum that was the official opinion of the Japanese Delegation they were classified in order of offensive types, one, aircraft carrier; two, capital ships; three, "A" Class cruisers. (11,247). . . As to whether NAGANO advocated abolition of capital ships other than aircraft carriers, I cannot state it in clearer terms than he stated it himself in the part I quoted. . . . As to whether he attributed any special significance to the fact that NAGANO and YAMAMOTO at two different periods represented their country as delegates to the naval conferences - none, except that they were probably considered the best able to present the views of those who selected them. (11,248). . . I attach no importance to it whatever, but no officer can rise to be a Minister of the Navy and another at the same time be Vice Minister, without them having been associated together for a long time. (11,249-50)

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Cross-examination by MR. BRANNON continued. This covered a review of the affidavit of Admiral Richardson and questions arising out of the affidavit. . . . Information secured after this statement was prepared and secured from Japanese sources shows that, with respect to destroyers, instead of being 52 in 1931 and 102 in 1941, it should have been 110 in 1931 and 112 in 1941. (11,260) Court Ex. 916 shows that according to Japanese figures there were 67 in 1931 and 65 in 1941. . . . The witness was questioned with reference to figures submitted pertaining to increase of Japan's naval strength between 1931 and 1941 and admitted that some were inaccurate. (11,260-64) Also, in regard to fifty destroyers handed over to Great Britain in 1940 and that this accounted for the so-called drop in U.S. destroyer power. (11,263) . . . Witness was questioned concerning the displacement of the various Japanese aircraft carriers. . . The figure 75 per cent is warranted on the size and number of ships involved, and for some slight mistake, slight variation from 75, is taken care of by the weasel-word "probably". (11,269)

- 11,297 in Hawaiian waters would be a matter of political and naval concern to the Japanese bearing on the questions of world peace and war. . . . I presume they called it a star boat because it had a star on its sail. . . . I stated I would hazard a guess that the Japanese was superior somewhere between ten and fifty per cent. I know it was superior to the fleet in the Pacific. . . In so far as I know the records of the Navy do not show why this flash of naval power was made in the face of the strained relations between Japan and the U.S. (11,299)
- 11,300 CAPTAIN ROBINSON: re-direct examination as to the statement that the rate of U.S. naval construction in comparison to the rate of Japanese naval construction was approximately four to one. I wouldn't characterize it as a rate of construction but as a statement as to the number of tonnages of combatant ships under construction at the end of December,1941. . . . At the end of 1939 the tonnage of combatant vessels under construction in the United States was approximately 450,000 tons, while that of Japan was something less than 200,000 tons. The amount of tonnage under construction in the U.S. increased rapidly in the year 1939. My belief is that the U.S. felt that it was confronted with a serious world situation where she must be prepared to defend herself. (11,300) Comparison of the LANGLEY and the HOSH0 (11,301-2)
- 11,302 BRIGADIER NOLAN: . . The general ebb and flow of Japanese conquest and the progress of the war itself have been sufficiently shown year by year on the large maps exhibited early in the case. We do not propose to go through the military history, but to present to the Tribunal a selection of political events throwing light on the objects of the war and the conduct of particular accused. (11,303)
- 11,304 1266 Committee meeting attended by TOJO, SHIMADA, TOGO,
Doc.1021 MUTO and OKA.
- 1267 Meeting of Privy Council Dec.10,1941, concerning
Doc.1022 treaty against a separate peace between Germany,
Italy and Japan attended by TOJO, SHIMADA, TOGO,
KAYA and SUZUKI.
- The draft states in the preamble that the three governments, Japanese, German and Italian, would conclude the agreement with the firm resolution not to lay down arms until the common war against the U.S. and United Kingdom would have been achieved completely. . . (11,307)
- 11,311 1270 This is a lengthy series of essays on problems
Doc.1811 of international law related to Greater East Asia war. MR. LOGAN objects on the ground that it was prepared by the International Law Society which is independent of the Government of Japan. Also requests that K.HIAYAS be produced by the prosecution for cross-examination.

- 11,312 THE PRESIDENT: The writers of this could be the others, alleged conspirators in the Indictment. All the alleged conspirators are not named in the Indictment. . . . But they could get these people to write up the law in a way that suited them. I am referring to possible allegations only. We will consider the application to have these people called for cross-examination, HIAYASHI, I should say.
- 11,345 Ex.1272 MR. LEVIN objects to Doc.4076-B, 17 May 1942 on the ground that it is primarily incompetent; that same is a statement for the purpose of obtaining decorations on the part of the Germans. . . . it is indicated in the statement itself that Gen. SUZUKI's attitude toward Germany had always been moderate. (11,346) MR. CUNNINGHAM, MR. HOWARD and MR. LOGAN also object.
- 11,359 1273 These are further excerpts from Kido's diary, Doc.1632^W(114) from 1942 to August 9, 1945.
to 1283
Doc.1632^W(107)
- 11,364 1275 Meeting of Investigation Committee of Privy
Doc.1170 Council, 18 August 1943, relative to conclusion of Treaty between Japan and Thailand concerning Thai territory in Malaya and Shan areas.
- 11,393 1283 Extract from Kido's diary, Aug.9,1945. -
Doc.1632^W(107) At 1:30 pm Premier SUZUKI called at my office and reported that the Supreme War Guidance Council has decided to accept the Potsdam Declaration on the following conditions: (1) preservation of the Imperial Dynasty, (2) Independent evacuation of troops, (3) Handling in our own country of persons responsible for the war, and (4) No guarantee occupation.
- 11,397 JUSTICE MANSFIELD makes application to call witnesses out of turn in relation to Counts 53, 54 and 55. MR. LOGAN states that owing to the fact that the defense has serious objections to this phase, it might not be necessary to hear these witnesses at this time if the Court rules in favor of them. MR. CUNNINGHAM states that this not only presents evidence in another phase, but presents a phase included in the group of Counts in the Indictment, and presenting it in this manner creates a serious handicap to present general objections to the evidence of a particular phase of the case or particular group, and "I urge most seriously that the testimony of these witnesses be deferred until after the opening statement and after the defense has an opportunity to make its objections to the evidence - to the general evidence to be presented in the atrocity phase of the case."
- 11,400 THE PRESIDENT: A majority of the Court are prepared to hear him now. . . .