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June 19

Discussion by Justice Mansfield with reference to the affidavits as to being in Japanese.

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THE PRESIDENT: "You recognize, Mr. Justice Mansfield, that we are making a big concession here, perhaps not without grave misgivings. This matter was debated among us very very seriously for a considerable time. You realize that the witness or the deponent probably, in most cases, said what he did say as the result of a number of leading questions which we would not allow if he were examined in court. For that reason . . . we will, insist on a high standard of cross examination, or of a high standard of answers in cross examination.

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OUCHI, Hyoe testified on direct examination by affidavit.

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Various objections by defense counsel overruled.

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Reading of affidavit. Professor at the Imperial University of Tokyo and teaches economics and public finance and has done so for the past 27 years. His testimony relates directly to the teaching of military training in the schools.

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In 1922 military training and teaching was again instituted, being given more consideration until 1927 when such teaching became compulsory in the secondary, normal and junior college grade schools. In 1927 the War Ministry demanded a special course in military lectures be given by Army officers assigned from the War Ministry who became part of the faculty. At first they were not compulsory but subsequently became so.

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In 1938 when General ARAKI became Minister of Education, upon insistence of the War Ministry military training became compulsory in all universities, both public and private.

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The military training lectures were conducted by Army officers, the officers making every effort to inspire a militaristic and ultra-nationalistic spirit in the student. In 1937 Marquis Kido demanded and obtained the resignation of Professor YANIHARA for writing an article in the magazine Chu-Koron (Central Review) on peace and the ideals of the state. In 1937, three professors including OUCHI, suspected of being sympathetic to peace ideals were discharged. "Together with others I was arrested by the Police and spent 11 months in the police station."

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"As an educator in the universities for the past 27 years and from my own personal experience as a student in the various grade schools in Japan, it is my opinion that the military training, lectures and teaching given to students in all grade schools and universities had the effect of creating in the students a militaristic and ultra-nationalistic spirit, a belief that the Japanese as a race were superior to all other peoples, glorification of war, that wars were productive and necessary for the future welfare of Japan, and had the effect of preparing the students for future wars of aggression."

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THE PRESIDENT: "You can ask him, if you wish, whether any of his replies in his affidavit were prompted by persons around him at the time. The only thing that matters, of course, is the pressure brought to bear upon him when making his affidavit, if there was any, and the extent of the prompting he got, and you can cover that in a few questions."

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On the cross examination, largely by Mr. McManus, he reiterated that the request of General ARAKI to install military training in Tokyo was carried out and that the military training demanded by General ARAKI in 1931 was not carried out until 1939. Military training using guns or rifles was not compulsory until 1939 but his lectures had been carried out since 1925.

- 965 I think military training was formulated by the Education Ministry after the demand was presented by the Ministry of War. Military Training became compulsory from the 14th year of Showa, or 1939. The statement that text books and lectures were used by the military instructors to inculcate in students the desire to gain control of the Far East and thereafter the world are not my views but the statement is made on the basis of the facts that were brought to my attention by my students. I have looked into the lecture rooms, but I have myself never heard a lecture. Students did tell me in these words that they were inculcated with a desire to gain control of the Far East and thereafter the world.
- 968 Further cross examination by Mr. OKUYAMA: In 1886 it was not called military drill but physical exercise.
- 969 It was the purpose of Minister MORI, who was the most progressive liberal in Japan to lift the people of Japan from the feudalism from which they had been liberated and to discipline them as social beings and to foster a spirit of cooperation.
- 969-970 MORI, Yurci wanted training for a strong national defense.
- 975 The purpose of the military instructors may have been reached formally but had not been reached sufficiently.
- 980 Further cross examination by Mr. Logan.
- 981 I did not bring any text books, copies of any lectures or documents. I do not know of any governmental text books.- as to whether there are any official government text books containing opinions in the affidavit. "Such text books have never been printed" (981)
- 984 Further cross examination by Capt. Kleiman.

The statement that military training became compulsory in the 14th year of Showa 1939 is correct. There was some imperial ordinance or a directive issued by the Ministry of Education making military training compulsory in 1939.

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New witness - TAKIKAWA, Yukitoki - Affidavit I am Dean of Law at Kyota University (990) and familiar with the various subjects that were taught in Japanese schools from the elementary schools up to and including the universities. Beginning about 1925 more attention was given to military lectures and training at Kyota University, there being on the staff teaching military subjects three colonels and one captain, these officers being from the War Ministry. The influence of these officers became more dominant in the schools and they increasingly had more to say in the matter in which the university should be operated. I expressed opposition to the military program together with other professors (991).

I wrote an article in 1931 and 1932 in opposition to the Manchurian incident. In 1933 when Hitler came into power in Germany I wrote another article opposing Hitler. The Japanese Government at that time was copying Hitler's methods and before being published it was censored and greatly cut by the Home Ministry because I criticized the Nazis. In 1932 I wrote a law book in which I urged the Peace Preservation Law should not be invoked for the criminal prosecution of students. Because of this and other transgressions I was discharged from the University.

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The affidavit concludes that the form of education in Japan completely omitted free thought and liberal ideas and was devoted to justifying Japanese aggressive warfare in Manchuria and was intended to teach the students that war was glorious, that war was necessary, that war was productive, that the future greatness and destiny of Japan was dependent upon aggressive warfare and had the effect of inculcating in the minds of the students a contempt for other races

and peoples, a hatred for potential enemies and prepared them for future wars of aggression

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THE PRESIDENT: "I have reminded you before that this is not a national court in a Serbonian bog of technicalities. We are here as a military tribunal to see that justice is done in a speedy trial, that the defendants have their case fairly heard. All these technicalities that are being raised here are utterly unnecessary for a fair hearing."

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CROSS EXAMINATION.

Military training was first introduced in the university in 1925. At that time the war office assigned superior officers as military instructors. The school authority rests with the President but since the introduction of military education the demand of the military with regard to interference became steadily stronger. At first attendance was optional but thereafter compulsory.

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But gradually the interference of the military instructor and other officers became stronger until it reached the point where they insisted that students who do not attend these classes will not be permitted to graduate from the University. For instance, it created the curious situation wherein those who wore long hair were not permitted to attend military classes, and creating a situation where those who wore long hair were therefore not attending classes and were therefore not permitted to graduate.

1007-1009 132

Imperial Ordinance No. 135 - Document 7106.

1012-1017

Discussion by Justice Mansfield, the President, Dr. Kiyose and Mr. Logan with reference to giving defense copies 24 hours in advance of documents and translations thereof.

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Regulations of the Youngmen's Training Institute (Promulgated by Education Ministry Ordinance of April 20, 1926!) Document 7107

<u>Page of Record</u>	<u>Exhibits</u>	
1017	134	Imperial Ordinance No. 249 - the Ordinance of the Youth School Military Drilling Course, dated August 10, 1935. Document No. 7109
1018	135	Document 7110, dated 30 November 1938 is an amendment of clauses in the Ordinance concerning the inspection of military training at the young men's schools.
1019	136	Army Ministry Ordinance No. 8, Inspection Regulations for Military Training at Youth Schools dated 13 August 1935. Document 7111
	137	War Ministry Ordinance No. 10 dated 12 April 1940. Document 7112.
	138	Extract from Pages 516-517 in the Existing Law and Ordinance of the Educational Ministry, June 29, 1938 re education of students and so forth. Document 7113.
1020	139	The Imperial Rescript on Education dated 30th day of the 23d year of Meiji, that being 1897. Document 7114.
1022-1027	140	<u>June 20, 1946</u> MAEDA Affidavit. I was formerly a newspaper editorial writer, one time deputy mayor of Tokyo, a member of the governing body of the International Labor Office at Geneva and Minister of Education beginning August 18, 1945 to January 13, 1946.
1028		"During the years 1928 to 1938 I was an editorial writer on the Tokyo Asahi Shimbun. I have no recollection in 1928 of any organized program by the military or the government of Japan, through newspapers, to build or develop any propaganda in anticipation of the Manchurian Incident."