



副

極東国際軍事裁判速記録

(英文)

第48,413頁から
第48,674頁まで

昭和23年11月4日

国立公文書館

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分類	法務省 平成11年
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法務大臣官房司法法制調査部

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年月日	午	前	午 後
23-11-4	48.413	~48.565	48.566~48.674
備考	1. 内容の索引については、各日速記録冒頭の Index を参照されたい。 2. 証拠資料(却下資料等を含む。)の索引については、「極東国際軍事裁判記録目録」の英文速記録頁欄を参照されたい。		

めくれば

Thursday, 4 November 1948

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

For the Tribunal, all Members sitting.
For the Prosecution Section, same as before.
For the Defense Section, same as before.

(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

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MARSHAL OF THE COURT: The International
1 Military Tribunal for the Far East is now in session.

2 THE PRESIDENT: All of the accused are present
3 except HIRANUMA, SHIRATORI and UMEZU. The Sugamo prison
4 surgeon certifies that they are ill and unable to attend
5 the trial today. The certificates will be recorded and
6 filed.

7
8 CLERK OF THE COURT: THE UNITED STATES OF AMERICA,
9 THE REPUBLIC OF CHINA, THE UNITED KINGDOM OF GREAT BRITAIN
10 AND NORTHERN IRELAND, THE UNION OF SOVIET SOCIALIST
11 REPUBLICS, THE COMMONWEALTH OF AUSTRALIA, CANADA, THE
12 REPUBLIC OF FRANCE, THE KINGDOM OF THE NETHERLANDS, NEW
13 ZEALAND, INDIA, AND THE COMMONWEALTH OF THE PHILIPPINES.

14
15 AGAINST

16
17 ARAKI, Sadao, DONIHARA, Kenji, HASHIMOTO, Kingoro, HATA,
18 Shunroku, HIRANUMA, Kiichiro, HIROTA, Koki, HOSHINO, Naoki,
19 ITAGAKI, Seishiro, KAYA, Okinori, KIDO, Koichi, KIMURA,
20 Heitaro, KOISO, Kuniaki, MATSUI, Iwane, MATSUOKA, Yosuke,
21 MINAMI, Jiro, MUTO, Akira, NAGANO, Osami, OKA, Takasumi,
22 OKAWA, Shumei, OSHIMA, Hiroshi, SATO, Kenryo, SHIGEMITSU,
23 Mamoru, SHIMADA, Shigetaro, SHIRATORI, Toshio, SUZUKI,
24 Teiichi, TOGO, Shigenori, TOJO, Hideki, UMEZU, Yoshijiro.

25 JUDGMENT OF THE INTERNATIONAL MILITARY TRIBUNAL

FOR THE FAR EAST.

1 THE PRESIDENT: I will now read the Judgment
2 of the International Military Tribunal for the Far East.
3 The title and formal parts will not be read.

4 PART A - CHAPTER I

5 Establishment and Proceedings of the Tribunal

6 The Tribunal was established in virtue of and
7 to implement the Cairo Declaration of the 1st of December,
8 1943, the Declaration of Potsdam of the 26th of July,
9 1945, the Instrument of Surrender of the 2nd of September,
10 1945, and the Moscow Conference of the 26th of December,
11 1945.

12
13 The Cairo Declaration was made by the President
14 of the United States of America, the President of the
15 National Government of the Republic of China, and the
16 Prime Minister of Great Britain. It reads as follows:

17 "The several military missions have agreed upon
18 future military operations against Japan. The Three
19 Great Allies expressed their resolve to bring unrelenting
20 pressure against their brutal enemies by sea, land, and
21 air. This pressure is already rising.

22
23 "The Three Great Allies are fighting this war
24 to restrain and punish the aggression of Japan. They
25 covet no gain for themselves and have no thought of
territorial expansion. It is their purpose that Japan

1 shall be stripped of all the islands in the Pacific which
2 she has seized or occupied since the beginning of the
3 first World War in 1914, and that all the territories
4 Japan has stolen from the Chinese, such as Manchuria,
5 Formosa, and the Pescadores, shall be restored to the
6 Republic of China. Japan will also be expelled from all
7 other territories which she has taken by violence and
8 greed. The aforesaid Three Great Powers, mindful of
9 the enslavement of the people of Korea, are determined
10 that in due course Korea shall become free and independent.

11 "With these objects in view the three Allies,
12 in harmony with those of the United Nations at war with
13 Japan, will continue to persevere in the serious and
14 prolonged operations necessary to procure the unconditional
15 surrender of Japan."

16 The Declaration of Potsdam (Annex No. A-1) was
17 made by the President of the United States of America,
18 the President of the National Government of the Republic
19 of China, and the Prime Minister of Great Britain and
20 later adhered to by the Union of Soviet Socialist Republics.
21 Its principal relevant provisions are:

22 "Japan shall be given an opportunity to end this
23 war.
24

25 "There must be eliminated for all time the
authority and influence of those who have deceived and

1 misled the people of Japan into embarking on world
2 conquest, for we insist that a new order of peace, security
3 and justice will be impossible until irresponsible
4 militarism is driven from the world.

5 "The terms of the Cairo Declaration shall be
6 carried out and Japanese sovereignty shall be limited
7 to the islands of Honshu, Hokkaido, Kyushu, Shikoku
8 and such minor islands as we determine.

9 "We do not intend that the Japanese people shall
10 be enslaved as a race or destroyed as a nation, but stern
11 justice shall be meted out to all war criminals including
12 those who have visited cruelties upon our prisoners."

13 The Instrument of Surrender (Annex No. A-2) was
14 signed on behalf of the Emperor and Government of Japan
15 and on behalf of the nine Allied Powers. It contains
16 inter alia the following proclamation, undertaking, and
17 order:

18 "We hereby proclaim the unconditional surrender
19 to the Allied Powers of the Japanese Imperial General
20 Headquarters and all Japanese armed forces and all armed
21 forces under Japanese control wherever situated.

22 "We hereby undertake for the Emperor, the
23 Japanese Government, and their successors, to carry out
24 the provisions of the Potsdam Declaration in good faith,
25 and to issue whatever orders and take whatever action

1 may be required by the Supreme Commander for the Allied
2 Powers or by any other designated representatives of the
3 Allied Powers for the purpose of giving effect to the
4 Declaration.

5 "The authority of the Emperor and the Japanese
6 Government to rule the State shall be subject to the
7 Supreme Commander for the Allied Powers who will take
8 such steps as he deems proper to effectuate these terms
9 of surrender. We hereby command all civil, military,
10 and naval officials to obey and enforce all proclamations,
11 orders, and directives deemed by the Supreme Commander
12 for the Allied Powers to be proper to effectuate this
13 surrender and issued by him or under his authority."

14 By the Moscow Conference (Annex No. A-3) it
15 was agreed by and between the Governments of the United
16 States of America, Great Britain, and the Union of Soviet
17 Socialist Republics with the concurrence of China that:

18 "The Supreme Commander shall issue all orders
19 for the implementation of the Terms of Surrender, the
20 occupation and control of Japan and directives
21 supplementary thereto."

22 Acting on this authority on the 19th day of
23 January, 1946, General MacArthur, the Supreme Commander
24 for the Allied Powers, by Special Proclamation established
25 the Tribunal for "the trial of those persons charged

1 individually or as members of organizations or in both
2 capacities with offences which include crimes against
3 peace." (Annex No. A-4) The constitution, jurisdiction,
4 and functions of the Tribunal were by the Proclamation
5 declared to be those set forth in the Charter of the
6 Tribunal approved by the Supreme Commander on the same
7 day. Before the opening of the Trial the Charter was
8 amended in several respects. (A copy of the Charter as
9 amended will be found in Annex No. A-5).

10 On the 15th day of February, 1946, the Supreme
11 Commander issued an Order appointing the nine members
12 of the Tribunal nominated respectively by each of the
13 Allied Powers. This Order also provides that "the
14 responsibilities, powers, and duties of the Members of
15 the Tribunal are set forth in the Charter thereof..."

16 By one of the amendments to the Charter the
17 maximum number of members was increased from nine to
18 eleven to permit the appointment of members nominated
19 by India and the Commonwealth of the Philippines. By
20 subsequent Orders the present members from the United
21 States and France were appointed to succeed the original
22 appointees who resigned and the members from India and
23 the Philippines were appointed.

24 Pursuant to the provisions of Article 9(c) of
25 the Charter each of the accused before the opening of

1 the Trial appointed counsel of his own choice to represent
2 him; each accused being represented by American and
3 Japanese counsel.

4 On the 29th of April, 1946, an indictment,
5 which had previously been served on the accused in
6 conformity with the rules of procedure adopted by the
7 Tribunal, was lodged with the Tribunal.

8 The Indictment (Annex No. A-6) is long, containing
9 fifty-five counts charging twenty-eight accused with
10 Crimes against Peace, Conventional War Crimes, and Crimes
11 against Humanity during the period from the 1st of
12 January, 1928, to the 2nd of September, 1945.
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1 It may be summarized as follows:

2 In Count 1 all accused are charged with con-
3 spiring as leaders, organisers, instigators or accom-
4 plices between 1st January 1928 and 2nd September 1945
5 to have Japan, either alone or with other countries,
6 wage wars of aggression against any country or countries
7 which might oppose her purpose of securing the military,
8 naval, political and economic domination of East Asia
9 and of the Pacific and Indian oceans and their adjoining
10 countries and neighboring islands.

11 Count 2 charges all accused with conspiring
12 throughout the same period to have Japan wage aggres-
13 sive war against China to secure complete domination of
14 the Chinese provinces of Liaoning, Kirin, Heilungkiang
15 (Manchuria), and Jehol."

17 Count 3 charges all accused with conspiracy
18 over the same period to have Japan wage aggressive war
19 against China to secure complete domination of China.

20 Count 4 charges all accused with conspiring
21 to have Japan, alone or with other countries, wage
22 aggressive war against the United States, the British
23 Commonwealth, France, the Netherlands, China, Portugal,
24 Thailand, the Philippines and the Union of Soviet
25 Socialist Republics to secure the complete domination
of East Asia and the Pacific and Indian Oceans and their

1 adjoining countries and neighboring islands.

2 Count 5 charges all accused with conspiring
3 with Germany and Italy to have Japan, Germany and Italy
4 mutually assist each other in aggressive warfare against
5 any country which might oppose them for the purpose of
6 having these three nations acquire complete domination
7 of the entire world, each having special domination in
8 its own sphere, Japan's sphere to cover East Asia and
9 the Pacific and Indian Oceans.

10 Counts 6 to 17 charge all accused except
11 PERIRATORI with having planned and prepared aggressive
12 war against named countries.

13 Counts 18 to 26 charge all accused with initiat-
14 ing aggressive war against named countries.

15 Counts 27 to 36 charge all accused with waging
16 aggressive war against named countries.

17 Count 37 charges certain accused with conspiring
18 to murder members of the armed forces and civilians of the
19 United States, the Philippines, the British Commonwealth,
20 the Netherlands and Thailand by initiating unlawful hos-
21 tilities against those countries in breach of the Hague
22 Convention No. III of 18th October 1907.

23 Count 38 charges the same accused with conspiring
24 to murder the soldiers and civilians by initiating hostili-
25 ties in violation of the agreement between the United

1 states and Japan of 30th November 1908, the Treaty between
2 Britain, France, Japan and the United States of 13th
3 December 1921, the Pact of Paris of 27th August 1928, and
4 the Treaty of Unity between Thailand and Japan of 12th
5 June 1940.

6 Counts 39 to 43 charge the same accused with the
7 commission on 7th and 8th December 1941 of murder at Pearl
8 Harbour (Count 39) Kohta Behru (Count 40) Hong Kong
9 (Count 41) on board H. M. S. Petrel at Shanghai (Count 42)
10 and at Davao (Count 43).

11 Count 44 charges all accused with conspiring to
12 murder on a wholesale scale prisoners of war and civilians
13 in Japan's power.

14 Counts 45 to 50 charge certain accused with the
15 murder of disarmed soldiers and civilians at Nanking
16 (Count 45) Canton (Count 46) Hankow (Count 47) Changsha
17 (Count 48) Hengyang (Count 49) and Kweilin and Liuchow.
18 (Count 50).

19 Count 51 charges certain accused with the murder
20 of members of the armed forces of Mongolia and the Soviet
21 Union in the Khalkin-Gol River area in 1939.

22 Count 52 charges certain accused with the murder
23 of members of the armed forces of the Soviet Union in the
24 Lake Khasan area in July and August 1938.

25 Counts 53 and 54 charge all the accused except

OKAWA and SHIRATORI with having conspired to order,
1 authorize or permit the various Japanese Theatre Commanders,
2 the officials of the War Ministry and local camp and labour
3 unit officials frequently and habitually to commit breaches
4 of the laws and customs of war against the armed forces,
5 prisoners of war, and civilian internees of complaining
6 powers and to have the Government of Japan abstain from
7 taking adequate steps to secure the observance and prevent
8 breaches of the laws and customs of war.
9

10 Count 55 charges the same accused with having
11 recklessly disregarded their legal duty by virtue of their
12 offices to take adequate steps to secure the observance
13 and prevent breaches of the laws and customs of war.

14 There are five appendices to the Indictment:

15 Appendix A summarizes the principal matters and
16 events upon which the counts are based.

17 Appendix B is a list of Treaty Articles.

18 Appendix C specifies the assurances Japan is
19 alleged to have broken.

20 Appendix D contains the laws and customs of war
21 alleged to have been infringed.

22 Appendix E is a partial statement of the facts
23 with respect to the alleged individual responsibility of
24 the accused.
25

These appendices are included in Annex A-6.

1 During the course of the Trial two of the accused,
2 MATSUOKA and NAGANO, died and the accused OKAWA was de-
3 clared unfit to stand his trial and unable to defend him-
4 self. MATSUOKA and NAGANO were therefore discharged from
5 the Indictment. Further proceedings upon the Indictment
6 against OKAWA at this Trial were suspended.

7 On the 3rd and 4th of May the Indictment was
8 read in open court in the presence of all the accused, the
9 Tribunal then adjourning till the 6th to receive the pleas
10 of the accused. On the latter date pleas of "not guilty"
11 were entered by all the accused now before the Tribunal.

12 The Tribunal then fixed the 3rd of June following
13 as the date for the commencement of the presentation of
14 evidence by the Prosecution.

15 In the interval the Defence presented motions
16 challenging the jurisdiction of the Tribunal to hear and
17 decide the charges contained in the Indictment. On the
18 17th of May, 1946, after argument, judgment was delivered
19 dismissing all the said motions "for reasons to be given
20 later." These reasons will be given in dealing with the
21 law of the case in Chapter II of this part of the judgment.

22 The Prosecution opened its case on the 3rd of
23 June, 1946, and closed its case on the 24th of January 1947.

24 The presentation of evidence for the Defence
25 opened on the 24th of February, 1947, and closed on the

12th of January 1948, an adjournment having been granted
1 from the 19th of June to the 4th of August 1947, to per-
2 mit defense counsel to co-ordinate their work in the
3 presentation of evidence common to all the accused.
4

5 Prosecution evidence in rebuttal and defense
6 evidence in reply were permitted; the reception of evi-
7 dence terminating on the 10th of February 1948. In all
8 4335 exhibits were admitted in evidence, 419 witnesses
9 testified in court, 779 witnesses gave evidence in de-
10 positions and affidavits, and the transcript of the
11 proceedings covers 48,412 pages.

12 Closing arguments and summations of prosecu-
13 tion and defense counsel opened on the 11th of February
14 and closed on the 16th of April 1948.

15 Having regard to Article 12 of the Charter,
16 which requires "an expeditious hearing of the issues"
17 and the taking of "strict measures to prevent any action
18 which would cause any unreasonable delay", the length
19 of the present trial requires some explanation and comment
20

21 In order to avoid unnecessary delay which would
22 have been incurred by adopting the ordinary method of
23 translation by interrupting from time to time evidence,
24 addresses and other matters which could be prepared in ad-
25 vance of delivery, an elaborate public address system was
installed. Through this system whenever possible a si-
multaneous

1 translation into English or Japanese was given and
2 in addition when circumstances required from or into
3 Chinese, Russian, and French. Without such aids the
4 trial might well have occupied a very much longer
5 period. Cross-examination and extempore argument on
6 objections and other incidental proceedings had, how-
7 ever, to be translated in the ordinary way as they
8 proceeded.

9 Article 13(a) of the Charter provides that
10 "the Tribunal shall not be bound by technical rules of
11 evidence. It shall...admit any evidence which it deems
12 to have probative value..." The application of this
13 rule to the mass of documents and oral evidence offered
14 inevitably resulted in a great expenditure of time.
15 Moreover, the charges in the Indictment directly involved
16 an inquiry into the history of Japan during seventeen
17 years, the years between 1928 and 1945. In addition
18 our inquiry has extended to a less detailed study of
19 the earlier history of Japan, for without that the
20 subsequent actions of Japan and her leaders could not
21 be understood and assessed.

22 The period covered by the charges was one of
23 intense activity in Japanese internal and external affairs.

24 Internally, the Constitution promulgated during
25 the Meiji Restoration was the subject of a major struggle

1 between the military and the civilian persons who
2 operated it. The military elements ultimately gained
3 a predominance which enabled them to dictate, not
4 only in matters of peace or war, but also in the
5 conduct of foreign and domestic affairs. In the
6 struggle between the civilian and the military elements
7 in the Government, the Diet, the elected representatives
8 of the people, early ceased to be of account. The
9 battle between the civilians and the military was
10 fought on the civilian side by the professional civil
11 servants, who almost exclusively filled the civilian
12 ministerial posts in the Cabinet and the advisory posts
13 around the Emperor. The struggle between the military
14 and the civil servants was protracted one. Many
15 incidents marked the ebb and flow of the battle, and
16 there was seldom agreement between the Prosecution and
17 the Defence as to any incident. Both the facts and
18 the meaning of each incident were the subject of
19 controversy and the topic towards which a wealth of
20 evidence was directed.

21
22 Internally, also, the period covered by the
23 Indictment saw the completion of the conversion of Japan
24 into a modern industrialized state, and the growth of
25 the demand for the territory of other nations as an
outlet for her rapidly increasing population, a source

1 from which she might draw raw materials for her
2 manufacturing plants, and a market for her manufactured
3 goods. Externally the period saw the efforts of
4 Japan to satisfy that demand. In this sphere also
5 the occurrence and meaning of events was contested
6 by the Defence, often to the extent of contesting the
7 seemingly incontestable.

8 The parts played by twenty-five accused in
9 these events had to be investigated, and again every
10 foot of the way was fought.

11 The extensive field of time and place involved
12 in the issues placed before the Tribunal and the
13 controversy waged over every event, important or
14 unimportant, have prevented the trial from being
15 "expeditious," as required by the Charter. In addition,
16 the need to have every word spoken in Court translated
17 from English into Japanese, or vice versa, has at
18 least doubled the length of the proceedings. Translations
19 cannot be made from the one language into the other with
20 the speed and certainty which can be attained in
21 translating one Western speech into another. Literal
22 translation from Japanese into English or the reverse
23 is often impossible. To a large extent nothing but a
24 paraphrase can be achieved, and experts in both
25 languages will often differ as to the correct paraphrase.

1 In the result the interpreters in Court often had
2 difficulty as to the rendering they should announce,
3 and the Tribunal was compelled to set up a Language
4 Arbitration Board to settle matters of disputed
5 interpretation.

6 To these delays was added a tendency for
7 counsel and witnesses to be prolix and irrelevant.
8 This last tendency at first was controlled only with
9 difficulty as on many occasions the over-elaborate or
10 irrelevant question or answer was in Japanese and the
11 mischief done, the needless time taken, before the
12 Tribunal was given the translation in English and
13 objection could be taken to it. At length it became
14 necessary to impose special rules to prevent this
15 waste of time.

16 The principal rules to this end were the prior
17 filing of a written deposition of the intended witness
18 and a limitation of cross-examination to matters within
19 the scope of the evidence in chief.

20 Neither these nor any other of the rules imposed
21 by the Tribunal were applied with rigidity. Indulgences
22 were granted from time to time, having regard to the
23 paramount need for the Tribunal to do justice to the
24 accused and to possess itself of all facts relevant and
25 material to the issues.

Much of the evidence tendered, especially
1 by the Defence, was rejected, principally because it
2 had too little or no probative value or because it was
3 not helpful as being not at all or only very remotely
4 relevant or because it was needlessly cumulative of
5 similar evidence already received.
6

Much time was taken up in argument upon the
7 admissibility of evidence but even so the proceedings
8 would have been enormously prolonged had the Tribunal
9 received all evidence prepared for tendering. Still
10 longer would have been the trial without these controls,
11 as without them much more irrelevant or immaterial
12 evidence than was in fact tendered would have been
13 prepared for presentation.
14

Much of the evidence was given viva voce or at
15 least by the witness being sworn and acknowledging his
16 deposition which, to the extent that it was ruled upon
17 as admissible, was then read by Counsel. The witnesses
18 were cross-examined, often by a number of Counsel
19 representing different interests, and then re-examined.
20

When it was not desired to cross-examine the
21 witness, in most cases his sworn deposition was tendered
22 and read without the attendance of the witness.
23

A large part of the evidence which was presented
24 has been a source of disappointment to the Tribunal. An
25

1 explanation of events is unconvincing unless the
2 witness will squarely meet his difficulties and persuade
3 the Court that the inference, which would normally arise
4 from the undoubted occurrence of these events, should
5 on this occasion be rejected. In the experience of
6 this Tribunal most of the witnesses for the Defence
7 have not attempted to face up to their difficulties.
8 They have met them with prolix equivocations and
9 evasions, which only arouse distrust. Most of the
10 final submissions of Counsel for the Defense have been
11 based on the hypothesis that the Tribunal would accept
12 the evidence tendered in defence as reliable. It
13 could not have been otherwise, for counsel could not
14 anticipate which witnesses the Tribunal was prepared
15 to accept as witnesses of credit, and which witnesses
16 it would reject. In large part these submissions have
17 failed because the argument was based on evidence of
18 witnesses whom the Tribunal was not prepared to accept
19 as reliable because of their lack of candour.

20 Apart from this testimony of witnesses a great
21 many documents were tendered and received in evidence.
22 These were diverse in nature and from many sources
23 including the German Foreign Office. The Tribunal was
24 handicapped by the absence of many originals of
25 important Japanese official records of the Army and Navy,

1 Foreign Office, Cabinet and other policy-making organs
2 of the Japanese Government. In some cases what purported
3 to be copies were tendered and received for what value
4 they might be found to have. The absence of official
5 records was attributed to burning during bombing raids
6 on Japan and to deliberate destruction by the Fighting
7 Services of their records after the surrender. It
8 seems strange that documents of such importance as
9 those of the Foreign Office, the Cabinet secretariat
10 and other important departments should not have been
11 removed to places of safety when bombings commenced
12 or were imminent. If it should prove that they were
13 not thus destroyed but were withheld from this Tribunal
14 then a marked disservice will have been done to the
15 cause of international justice.

16
17 We have perforce to rely upon that which was
18 made available to us, relating it by way of check to
19 such other evidence as was received by us. Although
20 handicapped in our search for facts by the absence of
21 these documents we have been able to obtain a good deal
22 of relevant information from other sources. Included
23 in this other evidence of a non-official or at least
24 of only a semi-official nature were the diary of the
25 accused KIDO and the Saionji-Harada Memoirs.

KIDO's voluminous diary is a contemporary

1 record covering the period from 1930 to 1945 of the
2 transactions of KIDO with important personages in
3 his position as secretary to the Lord Keeper of the
4 Privy Seal, State Minister and later as confidential
5 adviser of the Emperor while holding the Office of
6 Lord Keeper of the Privy Seal. Having regard to these
7 circumstances we regard it as a document of importance.

8
9 Another document or series of documents of
10 importance are the Saionji-Harada Memoirs. These have
11 been the subject of severe criticism by the Defence,
12 not unnaturally, as they contain passages the Defence
13 consider embarrassing. We are of opinion the criticisms
14 are not well founded and have attached more importance
15 to these records than the Defence desired us to do.
16 The special position of Prince Saionji as the last of
17 the Genro provoked full and candid disclosure to him
18 through his secretary Harada. Harada's long period
19 of service to the Genro in this special task of
20 obtaining information from the very highest functionaries
21 of the Government and the Army and Navy is a test of his
22 reliability and discretion. Had he been unreliable and
23 irresponsible, as the Defence suggest, this would soon
24 have been discovered by Prince Saionji, having regard
25 to his own frequent associations with the important
personages from whom Harada received his information,

and Harada would not have continued in that office.

1 As to the authenticity of the Saionji-Harada documents
2 presented to the Tribunal, the Tribunal is satisfied
3 that these are the original memoranda as dictated by
4 Harada and edited by Saionji. To the extent to
5 which they are relevant the Tribunal considers them
6 helpful and reliable contemporary evidence of the
7 matters recorded.
8

9 PART A - CHAPTER II

10 THE LAW

11 (a) JURISDICTION OF THE TRIBUNAL

12 In our opinion the law of the Charter is
13 decisive and binding on the Tribunal. This is a special
14 tribunal set up by the Supreme Commander under authority
15 conferred on him by the Allied Powers. It derives its
16 jurisdiction from the Charter. In this trial its members
17 have no jurisdiction except such as is to be found in
18 the Charter. The Order of the Supreme Commander, which
19 appointed the members of the Tribunal, states: "The
20 responsibilities, powers, and duties of the members
21 of the Tribunal are set forth in the Charter thereof..."
22 In the result, the members of the Tribunal, being
23 otherwise wholly without power in respect to the trial
24 of the accused, have been empowered by the documents,
25 which constituted the Tribunal and appointed them as

members, to try the accused but subject always to the
1 duty and responsibility of applying to the trial the
2 law set forth in the Charter.

3 The foregoing expression of opinion is not
4 to be taken as supporting the view, if such view be
5 held, that the Allied Powers or any victor nations have
6 the right under international law in providing for
7 the trial and punishment of war criminals to enact
8 or promulgate laws or vest in their tribunals powers
9 in conflict with recognised international law or rules
10 or principles thereof. In the exercise of their right
11 to create tribunals for such a purpose and in conferring
12 powers upon such tribunals belligerent powers may act
13 only within the limits of international law.

14 The substantial grounds of the defence challenge
15 to the jurisdiction of the Tribunal to hear and adjudicate
16 upon the charges contained in the Indictment are the
17 following:
18

19 (1) The Allied Powers acting through the
20 Supreme Commander have no authority to include in the
21 Charter of the Tribunal and to designate as justiciable
22 "Crimes against Peace" (Article 5(a);

23 (2) Aggressive war is not per se illegal
24 and the Pact of Paris of 1928 renouncing war as an
25 instrument of national policy does not enlarge the

meaning of war crimes nor constitute war a crime;

1
2 (3) War is the act of a nation for which
3 there is no individual responsibility under international
4 law;

5 (4) The provisions of the Charter are "ex
6 post facto" legislation and therefore illegal;

7 (5) The Instrument of Surrender which
8 provides that the Declaration of Potsdam will be given
9 effect imposes the condition that Conventional War
10 Crimes as recognized by international law at the date
11 of the Declaration (26 July, 1945) would be the only
12 crimes prosecuted;

13 (6) Killings in the course of belligerent
14 operations except in so far as they constitute violations
15 of the rules of warfare or the laws and customs of war
16 are the normal incidents of war and are not murder;

17 (7) Several of the accused being prisoners
18 of war are triable by court martial as provided by the
19 Geneva Convention 1929 and not by this Tribunal.
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1 Since the law of the Charter is decisive and
2 binding upon it this Tribunal is formally bound to reject
3 the first four of the above seven contentions advanced for
4 the Defence but in view of the great importance of the
5 questions of law involved the Tribunal will record its
6 opinion on these questions.

7 After this Tribunal had in May 1946 dismissed
8 the defence motions and upheld the validity of its
9 Charter and its jurisdiction thereunder, stating that
10 the reasons for this decision would be given later, the
11 International Military Tribunal sitting at Nuremberg
12 delivered its verdicts on the first of October 1946.
13 That Tribunal expressed inter alia the following
14 opinions:

15 "The Charter is not an arbitrary exercise of
16 power on the part of the victorious nations but is the
17 expression of international law existing at the time
18 of its creation.

19 "The question is what was the legal effect of
20 this pact (Pact of Paris August 27, 1928)? The Nations
21 who signed the pact or adhered to it unconditionally
22 condemned recourse to war for the future as an instru-
23 ment of policy and expressly renounced it. After the
24 signing of the pact any nation resorting to war as an
25 instrument of national policy breaks the pact. In the

1 opinion of the Tribunal, the solemn renunciation of war
2 as an instrument of national policy necessarily involves
3 the proposition that such a war is illegal in inter-
4 national law; and that those who plan and wage such a
5 war, with its inevitable and terrible consequences, are
6 committing a crime in so doing.

7 "The principle of international law which
8 under certain circumstances protects the representative
9 of a state cannot be applied to acts which are condemned
10 as criminal by international law. The authors of these
11 acts cannot shelter themselves behind their official
12 position in order to be freed from punishment in
13 appropriate proceedings.

14 "The maxim 'nullum crimen sine lege' is not a
15 limitation of sovereignty but is in general a principle
16 of justice. To assert that it is unjust to punish
17 those who in defiance of treaties and assurances have
18 attacked neighboring states without warning is obviously
19 untrue for in such circumstances the attacker must know
20 that he is doing wrong, and so far from it being unjust
21 to punish him, it would be unjust if his wrong were
22 allowed to go unpunished.

23 "The Charter specifically provides . . . 'the
24 fact that a defendant acted pursuant to order of his
25 Government or of a superior shall not free him from

1 responsibility but may be considered in mitigation of
2 punishment.' This provision is in conformity with
3 the laws of all nations. . . The true test which is
4 found in varying degrees in the criminal law of most
5 nations is not the existence of the order but whether
6 moral choice was in fact possible."

7 With the foregoing opinions of the Nuremberg
8 Tribunal and the reasoning by which they are reached
9 this Tribunal is in complete accord. They embody
10 complete answers to the first four of the grounds
11 urged by the defence as set forth above. In view of
12 the fact that in all material respects the Charters of
13 this Tribunal and the Nuremberg Tribunal are identical,
14 this Tribunal prefers to express its unqualified adher-
15 ence to the relevant opinions of the Nuremberg Tribunal
16 rather than by reasoning the matters anew in somewhat
17 different language to open the door to controversy by
18 way of conflicting interpretations of the two state-
19 ments of opinions.

20
21 The fifth ground of the Defence challenge to
22 the Tribunal's jurisdiction is that under the Instru-
23 ment of Surrender and the Declaration of Potsdam the
24 only crimes for which it was contemplated that proceed-
25 ings would be taken, being the only war crimes recog-
nized by international law at the date of the

1 Declaration of Potsdam, are Conventional War Crimes as
2 mentioned in Article 5(b) of the Charter.

3 Aggressive war was a crime at international
4 law long prior to the date of the Declaration of
5 Potsdam, and there is no ground for the limited
6 interpretation of the Charter which the defence seek
7 to give it.

8 A special argument was advanced that in any
9 event the Japanese Government, when they agreed to
10 accept the terms of the Instrument of Surrender, did
11 not in fact understand that those Japanese who were
12 alleged to be responsible for the war would be
13 prosecuted.

14 There is no basis in fact for this argument.
15 It has been established to the satisfaction of the
16 Tribunal that before the signature of the Instrument
17 of Surrender the point in question had been considered
18 by the Japanese Government and the then members of the
19 Government, who advised the acceptance of the terms
20 of the Instrument of Surrender, anticipated that those
21 alleged to be responsible for the war would be put on
22 trial. As early as the 10th of August 1945, three
23 weeks before the signing of the Instrument of Surrender,
24 the Emperor said to the accused KIDO, "I could not bear
25 the sight . . . of those responsible for the war being

1 punished . . . but I think now is the time to bear the
2 unbearable."

3 The sixth contention for the Defence, namely,
4 that relating to the charges which allege the commission
5 of murder will be discussed at a later point.

6 The seventh of these contentions is made on
7 behalf of the four accused who surrendered as prisoners
8 of war: ITAGAKI, KIMURA, MUTO and SATO. The submission
9 made on their behalf is that they, being former members
10 of the armed forces of Japan and prisoners of war, are
11 triable as such by court martial under the articles of
12 the Geneva Convention of 1929 relating to prisoners of
13 war, particularly Articles 60 and 63, and not by a
14 tribunal constituted otherwise than under that Conven-
15 tion. This very point was decided by the Supreme Court
16 of the United States of America in the Yamashita case.
17 The late Chief Justice Stone, delivering the judgment
18 for the majority of the Court said: "We think it clear
19 from the context of these recited provisions that Part
20 3 and Article 63, which it contains, apply only to
21 judicial proceedings directed against a prisoner of
22 war for offences committed while a prisoner of war.
23 Section V gives no indication that this part was
24 designated to deal with offences other than those
25 referred to in Parts 1 and 2 of Chapter 3." With that

1 conclusion and the reasoning by which it is reached
2 the Tribunal respectfully agrees.

3 The challenge to the jurisdiction of the
4 Tribunal wholly fails.

5 (b) RESPONSIBILITY FOR WAR CRIMES

6 AGAINST PRISONERS

7 Prisoners taken in war and civilian internees
8 are in the power of the Government which captures them.
9 This was not always the case. For the last two centu-
10 ries, however, this position has been recognized and
11 the customary law to this effect was formally embodied
12 in the Hague Convention No. IV in 1907 and repeated in
13 the Geneva Prisoner of War Convention of 1929.

14 Responsibility for the care of prisoners of war and of
15 civilian internees (all of whom we will refer to as
16 "prisoners") rests therefore with the Government having
17 them in possession. This responsibility is not limited
18 to the duty of mere maintenance but extends to the
19 prevention of mistreatment. In particular, acts of
20 inhumanity to prisoners which are forbidden by the
21 customary law of nations as well as by conventions are
22 to be prevented by the Government having responsibility
23 for the prisoners.

24 In the discharge of these duties to prisoners,
25 governments must have resort to persons. Indeed, the

1 Governments responsible, in this sense, are those
2 persons who direct and control the functions of
3 government. In this case and in the above regard we
4 are concerned with the members of the Japanese Cabinet.
5 The duty to prisoners is not a meaningless obligation
6 cast upon a political abstraction. It is a specific
7 duty to be performed in the first case by those persons
8 who constitute the government. In the multitude of
9 duties and tasks involved in modern government there
10 is of necessity an elaborate system of subdivision and
11 delegation of duties. In the case of the duty of
12 governments to prisoners held by them in time of war
13 those persons who constitute the government have the
14 principal and continuing responsibility for their
15 prisoners, even though they delegate the duties of
16 maintenance and protection to others.

17
18 In general the responsibility for prisoners
19 held by Japan may be stated to have rested upon:

- 20 (1) Members of the government;
21 (2) Military or naval officers in command
22 of formations having prisoners in their possession;
23 (3) Officials in those departments which
24 were concerned with the well-being of prisoners;
25 (4) Officials, whether civilian, military,
or naval, having direct and immediate control of

prisoners.

1 It is the duty of all those on whom responsi-
 2 bility rests to secure proper treatment of prisoners
 3 and to prevent their ill treatment by establishing and
 4 securing the continuous and efficient working of a
 5 system appropriate for these purposes. Such persons
 6 fail in this duty and become responsible for ill treat-
 7 ment of prisoners if:

- 8 (1) They fail to establish such a system.
- 9 (2) If having established such a system,
- 10 they fail to secure its continued and efficient working.

11 Each of such persons has a duty to ascertain
 12 that the system is working and if he neglects to do so
 13 he is responsible. He does not discharge his duty by
 14 merely instituting an appropriate system and thereafter
 15 neglecting to learn of its application. An Army
 16 Commander or a Minister of War, for example, must be
 17 at the same pains to ensure obedience to his orders in
 18 this respect as he would in respect of other orders he
 19 has issued on matters of the first importance.

20 Nevertheless, such persons are not responsible
 21 if a proper system and its continuous efficient function-
 22 ing be provided for and conventional war crimes be
 23 committed unless:

- 24 (1) They had knowledge that such crimes
- 25

were being committed, and having such knowledge they
1 failed to take such steps as were within their power
2 to prevent the commission of such crimes in the future,
3 or

4
5 (2) They are at fault in having failed to
6 acquire such knowledge.

7 If such a person had, or should, but for
8 negligence or supineness, have had such knowledge he
9 is not excused for inaction if his office required or
10 permitted him to take any action to prevent such crimes.
11 On the other hand it is not enough for the exculpation
12 of a person, otherwise responsible, for him to show
13 that he accepted assurances from others more directly
14 associated with the control of the prisoners if having
15 regard to the position of those others, to the frequency
16 of reports of such crimes, or to any other circumstances
17 he should have been put upon further enquiry as to
18 whether those assurances were true or untrue. That
19 crimes are notorious, numerous and widespread as to
20 time and place are matters to be considered in imputing
21 knowledge.

22
23 A member of a Cabinet which collectively, as
24 one of the principal organs of the government, is re-
25 sponsible for the care of prisoners is not absolved
from responsibility if, having knowledge of the commission

of the crimes in the sense already discussed, and omitting or failing to secure the taking of measures to prevent the commission of such crimes in the future, he elects to continue as a member of the Cabinet. This is the position even though the department of which he has the charge is not directly concerned with the care of prisoners. A Cabinet member may resign. If he has knowledge of ill treatment of prisoners, is powerless to prevent future ill treatment, but elects to remain in the Cabinet thereby continuing to participate in its collective responsibility for protection of prisoners he willingly assumes responsibility for any ill treatment in the future.

Army or Navy Commanders can, by order, secure proper treatment and prevent ill treatment of prisoners. So can Ministers of War and of the Navy. If crimes are committed against prisoners under their control, of the likely occurrence of which they had, or should have had knowledge in advance, they are responsible for those crimes. If, for example, it be shown that within the units under his command conventional war crimes have been committed of which he knew or should have known, a commander who takes no adequate steps to prevent the occurrence of such crimes in the future will be responsible for such future crimes.

Departmental officials having knowledge of
1 ill treatment of prisoners are not responsible by reason
2 of their failure to resign; but if their functions
3 included the administration of the system of protection
4 of prisoners and if they had or should have had know-
5 ledge of crimes and did nothing effective, to the
6 extent of their powers, to prevent their occurrence in
7 the future then they are responsible for such future
8 crimes.

9
10 (c) THE INDICTMENT

11 Under the heading of "Crimes Against Peace"
12 the Charter names five separate crimes. These are
13 planning, preparation, initiation and waging aggressive
14 war or a war in violation of international law, treaties,
15 agreements or assurances; to these four is added the
16 further crime of participation in a common plan or
17 conspiracy for the accomplishment of any of the fore-
18 going. The Indictment was based upon the Charter and
19 all the above crimes were charged in addition to further
20 charges founded upon other provisions of the Charter.

21 A conspiracy to wage aggressive or unlawful
22 war arises when two or more persons enter into an agree-
23 ment to commit that crime. Thereafter, in furtherance
24 of the conspiracy, follows planning and preparing for
25 such war. Those who participate at this stage may be

1 either original conspirators or later adherents. If
2 the latter adopt the purpose of the conspiracy and plan
3 and prepare for its fulfillment they become conspirators.
4 For this reason, as all the accused are charged with
5 the conspiracies, we do not consider it necessary in
6 respect of those we may find guilty of conspiracy to
7 enter convictions also for planning and preparing. In
8 other words, although we do not question the validity
9 of the charges we do not think it necessary in respect
10 of any defendants who may be found guilty of conspiracy
11 to take into consideration nor to enter convictions
12 upon counts 6 to 17 inclusive.

13 A similar position arises in connection with
14 the counts of initiating and waging aggressive war.
15 Although initiating aggressive war in some circumstances
16 may have another meaning, in the Indictment before us
17 it is given the meaning of commencing the hostilities.
18 In this sense it involves the actual waging of the
19 aggressive war. After such a war has been initiated
20 or has been commenced by some offenders others may
21 participate in such circumstances as to become guilty
22 of waging the war. This consideration, however, affords
23 no reason for registering convictions on the counts of
24 initiating as well as of waging aggressive war. We
25 propose therefore to abstain from consideration of

counts 18 to 26 inclusive.

1 Counts 37 and 38 charge conspiracy to murder.
2
3 Article 5, sub-paragraphs (b) and (c) of the Charter,
4 deal with Conventional War Crimes and Crimes against
5 Humanity. In sub-paragraph (c) of Article 5 occurs
6 this passage: "Leaders, organizers, instigators and
7 accomplices participating in the formulation or execu-
8 tion of a common plan or conspiracy to commit any of
9 the foregoing crimes are responsible for all acts
10 performed by any person in execution of such plan."
11 A similar provision appeared in the Nuremberg Charter
12 although there it was an independent paragraph and was
13 not, as in our Charter incorporated in sub-paragraph
14 (c). The context of this provision clearly relates it
15 exclusively to sub-paragraph (a), Crimes against Peace,
16 as that is the only category in which a "common plan
17 or conspiracy" is stated to be a crime. It has no
18 application to Conventional War Crimes and Crimes
19 against Humanity as conspiracies to commit such crimes
20 are not made criminal by the Charter of the Tribunal.
21 The Prosecution did not challenge this view but sub-
22 mitted that the counts were sustainable under Article
23 5(a) of the Charter. It was argued that the waging of
24 aggressive war was unlawful and involved unlawful
25 killing which is murder. From this it was submitted

1 further that a conspiracy to wage war unlawfully was
2 a conspiracy also to commit murder. The crimes triable
3 by this Tribunal are those set out in the Charter.
4 Article 5(a) states that a conspiracy to commit the
5 crimes therein specified is itself a crime. The crimes,
6 other than conspiracy, specified in Article 5(a) are
7 "planning, preparation, initiating or waging" of a war
8 of aggression. There is no specification of the crime
9 of conspiracy to commit murder by the waging of aggres-
10 sive war or otherwise. We hold therefore that we have
11 no jurisdiction to deal with charges of conspiracy to
12 commit murder as contained in counts 37 and 38 and
13 decline to entertain these charges.

14 In all there are 55 counts in the Indictment.
15 charged against the 25 defendants. In many of the
16 counts each of the accused is charged and in the
17 remainder ten or more are charged. In respect to
18 Crimes against Peace alone there are for consideration
19 no less than 756 separate charges.
20

21 This situation springs from the adoption by
22 the Prosecution of the common practice of charging all
23 matters upon which guilt is indicated by the evidence
24 it proposes to adduce even though some of the charges
25 are cumulative or alternative.

The foregoing consideration of the substance

1 of the charges shows that this reduction of the counts
2 for Crimes against Peace upon which a verdict need be
3 given can be made without avoidance of the duty of the
4 Tribunal and without injustice to defendants.

5 Counts 44 and 53 charge conspiracies to commit
6 crimes in breach of the laws of war. For reasons already
7 discussed we hold that the Charter does not confer any
8 jurisdiction in respect of a conspiracy to commit any
9 crime other than a crime against peace. There is no
10 specification of the crime of conspiracy to commit
11 conventional war crimes. This position is accepted by
12 the Prosecution and no conviction is sought under these
13 counts. These counts, accordingly, will be disregarded.

14 In so far as the opinion expressed above with
15 regard to counts 37, 38, 44 and 53 may appear to be in
16 conflict with the judgment of the Tribunal of the 17th
17 May 1946, whereby the motions going to the Tribunal's
18 jurisdiction were dismissed, it is sufficient to say
19 that the point was not raised at the hearing on the
20 motions. At a much later date, after the Nuremberg
21 judgment had been delivered, this matter was raised by
22 counsel for one of the accused. On this topic the
23 Tribunal concurs in the view of the Nuremberg Tribunal.
24 Accordingly, upon those counts, it accepts the admission
25 of the Prosecution which is favorable to the defendants.

Counts 39 to 52 inclusive (omitting count 44 already discussed) contain charges of murder. In all these counts the charge in effect is that killing resulted from the unlawful waging of war at the places and upon the dates set out. In some of the counts the date is that upon which hostilities commenced at the place named, in others the date is that upon which the place was attacked in the course of an alleged illegal war already proceeding. In all cases the killing is alleged as arising from the unlawful waging of war, unlawful in respect that there had been no declaration of war prior to the killings (counts 39 to 43, 51 and 52) or unlawful because the wars in the course of which the killings occurred were commenced in violation of certain specified Treaty Articles (counts 45 to 50). If, in any case, the finding be that the war was not unlawful then the charge of murder will fall with the charge of waging unlawful war. If, on the other hand, the war, in any particular case, is held to have been unlawful, then this involves unlawful killings not only upon the dates and at the places stated in these counts but at all places in the theater of war and at all times throughout the period of the war. No good purpose is to be served, in our view, in dealing with these parts of the offences by way of counts for murder

1 when the whole offence of waging those wars unlawfully
2 is put in issue upon the counts charging the waging
3 of such wars.

4 The foregoing observations relate to all the
5 counts enumerated, i.e., counts 39 to 52 (omitting 44).
6 Counts 45 to 50 are stated obscurely. They charge
7 murder at different places upon the dates mentioned by
8 unlawfully ordering, causing and permitting Japanese
9 armed forces to attack those places and to slaughter
10 the inhabitants thereby unlawfully killing civilians
11 and disarmed soldiers. From the language of these
12 counts it is not quite clear whether it is intended to
13 found the unlawful killings upon the unlawfulness of
14 the attack or upon subsequent breaches of the laws of
15 war or upon both. If the first is intended then the
16 position is the same as in the earlier counts in this
17 group. If breaches of the laws of war are founded
18 upon then that is cumulative with the charges in
19 counts 54 and 55. For these reasons only and without
20 finding it necessary to express any opinion upon the
21 validity of the charges of murder in such circumstances
22 we have decided that it is unnecessary to determine
23 counts 39 to 43 inclusive and counts 45 to 52 inclusive.
24
25

PART A -- CHAPTER III

A SUMMARY

Chapter III of Part A of the Judgment will not be read. It contains a statement of the rights which Japan acquired in China prior to 1930, together with a statement of Japan's obligations to other powers, so far as relevant to the Indictment. The principal obligations fall under the following descriptions and are witnessed by the documents listed under each description.

1. Obligations to preserve the territorial and administrative independence of China.

United States Declaration of 1901

Identic Notes of 1908

Nine-Power Treaty of 1922

Covenant of the League of Nations of 1920.

2. Obligations to preserve for the world the principle of equal and impartial trade with all parts of China, the so-called "Open Door Policy."

United States Declaration of 1900 to 1901

Identic Notes of 1908

Nine-Power Treaty of 1922.

3. Obligations to suppress the manufacture, traffic in, and use of opium and analogous drugs.

Opium Convention of 1912

League of Nations of 1925

Opium Convention of 1931.

4. Obligations to respect the territory of powers interested in the Pacific.

Four-Power Treaty of 1921

Notes to Netherlands and Portugal of 1926

Covenant of the League of Nations of 1920.

5. Obligations to keep inviolate the territory of neutral powers.

Hague Convention V of 1907.

6. Obligations to solve disputes between nations by diplomatic means, or mediation, or arbitration.

Identic Notes of 1908

Four-Power Treaty of 1921

Nine-Power Treaty of 1922

Hague Convention of 1907

Pact of Paris of 1928.

7. Obligations designed to ensure the pacific settlement of international disputes.

Hague Convention of 1899

Hague Convention of 1907

Pact of Paris of 1928.

8. Obligation to give previous warning before commencing hostilities.

Hague Convention III of 1907.

9. Obligations relative to humane conduct in warfare.

Hague Convention IV of 1907

Geneva Red Cross Convention of 1929

Geneva P.O.W. Convention of 1929.

Many of these obligations are general. They relate to no single political or geographical unit. On the other hand, the rights which Japan had required by virtue of the documents considered in this Chapter were largely rights in relation to China. Japan's foothold in China at the beginning of the China war will be fully described in the forefront of the Chapter of the Judgment relating to China.

(The following text of Chapter III, Part A, is copied into the record as follows:)

OBLIGATIONS ASSUMED AND RIGHTS ACQUIRED BY

JAPAN.

EVENTS PRIOR TO 1 JANUARY 1928.

Before 1 January 1928, the beginning of the period covered by the Indictment, certain events had transpired and Japan had acquired certain rights and assumed certain obligations; an appreciation of these is necessary in order to understand and judge the actions of the accused.

SINO-JAPANESE WAR OF 1894-5.

1 The Sino-Japanese War of 1894-5 was concluded
2 by the Treaty of Shimonoseki, whereby China ceded to
3 Japan full sovereignty over the Liaotung Peninsula.
4 However, Russia, Germany and France brought diplomatic
5 pressure to bear upon Japan, thereby forcing her to
6 renounce that cession. In 1896 Russia concluded an
7 agreement with China authorizing Russia to extend the
8 Trans-Siberian Railway across Manchuria and operate it
9 for a period of eighty years, with certain rights of
10 administration in the railway zone. This grant was
11 extended by another agreement between Russia and China
12 in 1898, whereby Russia was authorized to connect the
13 Chinese Eastern Railway at Harbin with Port Arthur and
14 was granted a lease for a period of twenty-five years
15 of the southern part of the Liaotung Peninsula with the
16 right to levy tariffs in the leased territory.

FIRST PEACE CONFERENCE AT THE HAGUE

19 The principal powers of the world assembled
20 at The Hague for the first peace conference in 1899.
21 This conference resulted in the conclusion of three
22 conventions and one declaration.

24 The contribution of this first peace conference
25 consisted less in the addition of new rules to the
existing body of international law than in a restatement

1 in more precise form of the rules of customary law and
2 practice already recognized as established. The same
3 observation applies to the second peace conference at
4 The Hague in 1907, as well as to the conventions
5 adopted at Geneva on 6 July 1906 and 27 July 1929.

6 The first convention, that is to say, the
7 Convention for the Pacific Settlement of International
8 Disputes (Annex No. B-1), was signed on 29 July 1899
9 and was ratified by, or on behalf of, Japan and each
10 of the powers bringing the Indictment, together with
11 twenty other powers, and was thereafter adhered to by
12 seventeen additional powers; so that a total of forty-
13 four of the leading powers acceded to the convention.
14 The convention was, therefore, binding upon Japan
15 before the beginning of the Russo-Japanese War on
16 10 February 1904 and at all relevant times mentioned
17 in the Indictment, except in so far as it may have
18 been superseded by the first convention later adopted
19 at The Hague on 18 October 1907.

20 By ratifying the first convention concluded
21 at The Hague on 29 July 1899, Japan agreed to use her
22 best efforts to insure the pacific settlement of inter-
23 national disputes and, as far as circumstances would
24 allow, to have recourse to the good offices or mediation
25 of one or more friendly powers before resorting to

force of arms.

THE BOXER TROUBLES OF 1899-1901.

The so-called Boxer Troubles in China of 1899-1901 were settled on 7 September 1901 by the signing of the Final Protocol at Peking. (Annex No. B-2). That protocol was signed by, or on behalf of, Japan and each of the powers bringing the Indictment, as well as Germany, Austria-Hungary, Belgium and Italy. By this protocol China agreed to reserve the section of Peking occupied by foreign legations exclusively for such legations and to permit the maintenance of guards by the powers to protect the legations there. She also conceded the right of the powers to occupy certain points for the maintenance of open communications between Peking and the sea, these points being named in the agreement.

By signing the protocol, Japan agreed, along with the other signatory powers, to withdraw all troops from the province of Chihli before 22 September following, except those stationed at the points mentioned under the agreement.

RUSSO-JAPANESE WAR

Following the Anglo-Japanese Treaty of Alliance, which she concluded on 30 January 1902, Japan began negotiations with Russia in July 1903 concerning

1 the maintenance of the Open Door Policy in China.
2 These negotiations did not proceed as desired by the
3 Japanese government; and Japan, disregarding the pro-
4 visions of the Convention for Pacific Settlement of
5 International Disputes signed by her at The Hague on
6 29 July 1899, attacked Russia in February 1904. In the
7 fighting that raged in Manchuria, Japan expended the
8 lives of 100,000 Japanese soldiers and 2 billion gold
9 yen. The war ended with the signing of the Treaty of
10 Portsmouth on 5 September 1905.

11 TREATY OF PORTSMOUTH

12 The Treaty of Portsmouth signed on 5 September
13 1905, terminated the Russo-Japanese War and was binding
14 upon Japan at all relevant times mentioned in the
15 Indictment. (Annex No. B-3). By ratifying this
16 treaty, Japan and Russia agreed to abstain from taking
17 any military measures on the Russo-Korean frontier
18 which might menace the security of Russian or Korean
19 territory. However, Russia acknowledged the paramount
20 interests of Japan in Korea. Russia also transferred
21 to Japan, subject to the consent of China, her lease
22 upon Port Arthur, Talien, and adjacent territory of the
23 Liaotung Peninsula, together with all her rights,
24 privileges, and concessions connected with or forming
25 a part of the lease, as well as all public works and

properties in the territory affected by the lease. This transfer was made upon the express engagement that Japan as well as Russia would evacuate and turn over to the administration of China completely and exclusively all of Manchuria, except the territory affected by the lease, and that Japan would perfectly respect the property rights of Russian subjects in the leased territory. In addition, Russia transferred to Japan, subject to the consent of China, the railway from Changchun to Port Arthur, together with all its branches and all rights, privileges and properties appertaining thereto. This transfer was upon the engagement that Japan, as well as Russia, would exploit their respective railways exclusively for commercial purposes and in no wise for strategic purposes. Japan and Russia agreed to obtain the consent of China to these transfers and not to obstruct any general measures common to all countries which China might take for the development of commerce and industry in Manchuria.

Russia ceded to Japan that part of the Island of Sakhalin south of the 50th degree of north latitude, as well as all adjacent islands below that boundary. This cession was upon the engagement that Japan as well as Russia would not construct on the Island of

Sakhalin or adjacent islands any fortifications or
similar military works and would maintain free navigation
of the Straits of La Perouse and Tataria.

In the protocol annexed to the Treaty of
Portsmouth, Russia and Japan as between themselves
reserved the right to maintain railway guards not to
exceed fifteen men per kilometer along their respective
railways in Manchuria.

TREATY OF PEKING

By the Treaty of Peking of 1905, China approved
the transfer by Russia to Japan of her rights and prop-
erty in Manchuria, but she did not approve the provision
for maintenance of railway guards. By an additional
agreement executed by Japan and China on 22 December
1905, which was made an annex to the Treaty, Japan
agreed in view of the "earnest desire" expressed by the
Chinese Government to withdraw her railway guards as
soon as possible, or when Russia agreed to do so, or
at any rate when tranquility should be re-established
in Manchuria.

SOUTH MANCHURIAN RAILWAY COMPANY

Japan organized the South Manchurian Railway
Company in August 1906 as a corporation with its share-
holders limited to the Japanese Government and its
nationals. The company was organized as a successor

1 of the former Chinese Eastern Railway Company in the
2 area traversed by the railroad from Changchun to Port
3 Arthur. It was authorized to, and did, administer the
4 railways and enterprises appertaining thereto, which
5 had been acquired from Russia, together with any new
6 railroads and enterprises established in Manchuria by
7 Japan. In addition, it was vested with certain admin-
8 istrative functions of government in the leased
9 territory and in the railway zone. In short, it was
10 created as an agency of the Japanese Government to
11 administer the interests of that government in Manchuria.

12 Contrary to the provisions of the Treaty of
13 Portsmouth, the charter of this company provided that
14 the commander of the Japanese Army in the leased
15 territory should have power to issue orders and
16 directives to the company in connection with military
17 affairs and in case of military necessity to issue
18 orders involving the business affairs of the company.

19 OPEN DOOR POLICY IN CHINA

20 The Open Door Policy in China was first
21 enunciated during the so-called Boxer Troubles of 1899-
22 1901 by the Government of the United States of America
23 in the following language:

24 "The policy of the Government of the United
25 States is to seek a solution which may bring about

permanent safety and peace in China, preserve Chinese territorial and administrative entity, protect all rights guaranteed to friendly powers by treaty and international law, and safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire."

The other powers concerned, including Japan, assented to the policy thus announced; and this policy became the basis of the so-called Open Door Policy toward China. For more than twenty years thereafter, the Open Door Policy thus made rested upon the informal commitments by the various powers; but it was destined to be crystalized into treaty form with the conclusion of the Nine-Power Treaty at Washington in 1922.

JAPANESE-AMERICAN IDENTIC NOTES OF 1908

Japan recognized this Open Door Policy in China and in the region of the Pacific Ocean when her government exchanged Identic Notes on the subject with the government of the United States of America on 30 November 1908. (Annex No. B-4). The provisions of these notes were duly binding upon Japan and the United States of America at all relevant times mentioned in the Indictment. By this exchange of notes, the two powers agreed:

- (1) That the policy of their governments for

1 encouragement of free and peaceful commerce on the
2 Pacific Ocean was uninfluenced by any aggressive
3 tendencies, was directed to the maintenance of the
4 existing status quo in the Pacific region and to the
5 defense of the principle of equal opportunity for
6 commerce and industry in China;

7 (2) That they would reciprocally respect the
8 territorial possessions of each other in that region;

9 (3) That they were determined to preserve the
10 common interest of all powers in China by supporting by
11 all pacific means the independence and integrity of
12 China and the principle of equal opportunity for
13 commerce and industry of all nations in that Empire;
14 and,
15

16 (4) That should any event occur threatening
17 the status quo they would communicate with each other
18 as to what measures they might take.

19 ANNEXATION OF KOREA

20 Japan annexed Korea in 1910, thereby indirectly
21 increasing Japanese rights in China, since Korean
22 settlers in Manchuria thereby became subjects of the
23 Japanese Empire. The number of Koreans in Manchuria
24 by 1 January 1928 amounted to approximately 800 thousand
25 people.

CONFLICTING CLAIMS BY CHINA AND JAPAN

1 As was to be expected, the exercise by Japan
2 of extra-territorial rights in China, in connection
3 with the operation of the South Manchurian Railway and
4 the enjoyment of the lease of the Liaotung Peninsula,
5 gave rise to constant friction between her and China.
6 Japan claimed that she had succeeded to all the rights
7 and privileges granted to Russia by China in the Treaty
8 of 1896, as enlarged by the Treaty of 1898; that one
9 of those rights was absolute and exclusive administra-
10 tion within the railway zone; and that within that
11 zone she had broad administrative powers, such as
12 control of police, taxation, education and public
13 utilities. China denied this interpretation of the
14 treaties. Japan also claimed the right to maintain
15 railway guards in the railway zone, which right also
16 China denied. The controversies which arose regarding
17 the Japanese railway guards were not limited to their
18 presence and activities within the railway zone. These
19 guards were regular Japanese soldiers, and they fre-
20 quently carried on maneuvers outside the railway areas.
21 These acts were particularly obnoxious to the Chinese,
22 both officials and private persons alike, and were
23 regarded as unjustifiable in law and provocative of
24 unfortunate incidents. In addition, Japan claimed the
25

1 right to maintain consular police in Manchuria. Such
2 police were attached to the Japanese consulates and
3 branch consulates in all Japanese consular districts
4 in such cities as Harbin, Tsitsihar, and Manchouli,
5 as well as in the so-called Chientao district, in which
6 lived large numbers of Koreans. This right was claimed
7 as a corollary to the right of extra-territoriality.

8 TWENTY-ONE DEMANDS, SINO-JAPANESE TREATY OF 1915

9 In 1915 Japan presented to China the notorious
10 "Twenty-one Demands." The resulting Sino-Japanese
11 Treaty of 1915 provided that Japanese subjects would
12 be free to reside and travel in South Manchuria and
13 engage in business and manufacture of any kind. This
14 was an important and unusual right enjoyed in China by
15 the subjects of no other nation, outside the treaty
16 ports, and was later to be so interpreted by Japan as
17 to include most of Manchuria in the term "South Manchuria."
18 The treaty further provided that Japanese subjects in
19 South Manchuria might lease by negotiation the land
20 necessary for erecting suitable buildings for trade,
21 manufacturing and agricultural enterprises.

23 An exchange of notes between the two govern-
24 ments, at the time of the conclusion of the treaty,
25 defined the expression, "lease by negotiation."

According to the Chinese version this definition implied

a long-term lease of not more than thirty years with
1 the right of conditional renewal; but according to the
2 Japanese version, it implied a long-term lease of not
3 more than thirty years with the right of unconditional
4 renewal.

5 In addition to the foregoing, the treaty
6 provided for the extension of the term of Japanese
7 possession of the Kwantung Leased Territory (Liaotung
8 Peninsula) to ninety-nine years, and for prolongation
9 of the period of Japanese possession of the South
10 Manchurian Railway and the Antung-Mukden Railway to
11 ninety-nine years.

12
13 The Chinese consistently claimed that the
14 treaty was without "fundamental validity." At the
15 Paris Conference in 1919, China demanded the abrogation
16 of the treaty on the ground that it had been concluded
17 "under coercion of the Japanese ultimatum threatening
18 war." At the Washington Conference in 1921-2, the
19 Chinese delegation raised the question "as to the equity
20 and justice of the treaty and its fundamental validity."
21 Again in March 1923, shortly before the expiration of
22 the original twenty-five year lease of the Kwantung
23 territory, China communicated to Japan a further request
24 for the abrogation of the treaty and stated that "the
25 Treaties and Notes of 1915 have been consistently

condemned by public opinion in China." Since the
1 Chinese maintained that the agreements of 1915 lacked
2 "fundamental validity," they declined to carry out
3 the provisions relating to Manchuria, except in so far
4 as circumstances made it expedient so to do. The
5 Japanese complained bitterly of the consequent viola-
6 tions by the Chinese of what they claimed were their
7 treaty rights.

8 ALLIED INTERVENTION IN RUSSIA, 1917-20

9 The first World War gave Japan another
10 opportunity to strengthen her position upon the con-
11 tinent of Asia. The Russian Revolution broke out in
12 1917. In 1918 Japan entered into an inter-allied
13 arrangement whereby forces, not exceeding above
14 7,000 by any one power, were to be sent to Siberia to
15 guard military stores which might be subsequently needed
16 by Russian forces, to help the Russians in the organi-
17 zation of their own self-defense, and to aid the
18 evacuating Czechoslovakian forces in Siberia.

19 RUSSO-JAPANESE CONVENTION OF PEKING, 1925

20 Russo-Japanese relations were eventually
21 stabilized for a time by the conclusion of the Convention
22 Embodying Basic Rules for Relations between Japan and
23 the Union of Soviet Socialist Republics, which was
24 signed at Peking on 20 January 1925. The convention
25

was binding upon Japan at all relevant times mentioned
1 in the Indictment. (Annex No. B-5). By concluding
2 this convention, the parties solemnly affirmed:

3 (1) That it was their desire and intention
4 to live in peace and amity with each other, scrupulously
5 to respect the undoubted right of a state to order its
6 own life within its own jurisdiction in its own way,
7 to refrain and restrain all persons in any governmental
8 service for them, and all organizations in receipt of
9 any financial assistance from them from any act overt
10 or covert liable in any way whatever to endanger the
11 order and security in any part of the other's territories;

12 (2) That neither contracting party would
13 permit the presence in the territories under its juris-
14 diction (a) of organizations or groups pretending to
15 be the government for any part of the territories of
16 the other party, or (b) of alien subjects or citizens
17 who might be found to be actually carrying on political
18 activities for such organizations or groups; and,
19

20 (3) That the subjects or citizens of each
21 party would have the liberty to enter, travel, and
22 reside in the territories of the other and enjoy con-
23 stant and complete protection of their lives and
24 property as well as the right and liberty to engage in
25 commerce, navigation, industries and other peaceful

pursuits while in such territories.

TREATY OF PEACE, 1919

World War I came to an end with the signing of the Treaty of Peace at Versailles on 28 June 1919 by the Allied and Associated Powers as one party and Germany as the other party. (Annex No. B-6). With the deposit of instruments of ratification by Germany on 10 January 1920, the treaty came into force. The Allied and Associated Powers consisted of the Principal Allied and Associated Powers and 22 other powers, among which were included China, Portugal and Thailand. The Principal Allied and Associated Powers were described in the treaty as the United States of America, the British Empire, France, Italy and Japan. This treaty was ratified by, or on behalf of, Japan and each of the powers bringing the Indictment, except the United States of America, the Union of Soviet Socialist Republics and the Netherlands.

The Versailles Treaty contains, among other things: (1) The Covenant of the League of Nations, which is Part I consisting of Articles 1 to 26 inclusive; (2) The renunciation by Germany in favor of the Principal Allied and Associated Powers of all her rights and titles over her oversea possessions, which is Article 119; (3) The mandate provisions for

1 government of the former German possessions so
2 renounced, which is Article 22; (4) The declaration
3 prohibiting the use of asphyxiating, poisonous and
4 other gases, which is Article 171; and (5) The
5 ratification of the Opium Conventions signed at The
6 Hague on 23 January 1912, together with provisions
7 for general supervision by the League over agreements
8 with regard to the traffic in opium and other dangerous
9 drugs, which are Articles 295 and 23 respectively.

10 Japan was bound by all the provisions of the
11 Treaty of Versailles at all relevant times mentioned
12 in the Indictment, except in so far as she may have
13 been released from her obligations thereunder by
14 virtue of the notice given by her government on
15 27 March 1933 of her intention to withdraw from the
16 League of Nations in accordance with the provisions of
17 Article I of the Covenant. Such withdrawal did not
18 become effective before 27 March 1935 and did not
19 affect the remaining provisions of the treaty.

20 COVENANT OF THE LEAGUE OF NATIONS

21 By ratifying the Versailles Treaty, Japan
22 ratified the Covenant of the League of Nations and
23 became a member of the League. Twenty-eight other
24 powers also became members of the League by ratifying
25 the treaty, including among them all the powers bringing

the Indictment except the United States of America,
the Union of Soviet Socialist Republics and the
Netherlands. However, the Netherlands and twelve other
powers, who had not signed the treaty, originally
acceded to the Covenant; and the Union of Soviet
Socialist Republics later became a member. At one
time or another sixty-three nations have been members
of the League after acceding to the Covenant.

Under the terms of the Covenant, Japan agreed,
among other things:

(1) That maintenance of peace requires the
reduction of armaments to the lowest point consistent
with national safety, and that she would cooperate in
such reduction by interchange of full and frank informa-
tion respecting armaments;

(2) That she would respect and preserve the
territorial integrity and then existing political
independence of all members of the League.

(3) That in case of dispute with another
member of the League, she would submit the matter to
the Council of the League or to arbitration and would
not resort to war until three months after the award
of the arbitrators or the report of the Council;

(4) That if she resorted to war, contrary to
the Covenant, she would ipso facto be deemed to have

committed an act of war against all members of the League; and

(5) That all international agreements made by the members of the League would have no effect until registered with the Secretariat of the League.

With respect to colonies and territories, which as a consequence of the war ceased to be under the sovereignty of the vanquished nations, and were not then able to govern themselves, Japan agreed:

(1) That the well being and development of the inhabitants thereof formed a sacred trust;

(2) That those colonies and territories should be placed under the tutelage of advanced nations to be administered under a mandate on behalf of the League;

(3) That the establishment of fortifications or military and naval bases should be prohibited in the mandated territories; and,

(4) That equal opportunities for trade and commerce of other members of the League with the mandated territories should be secured.

MANDATE OF THE PACIFIC ISLANDS

Germany renounced in favor of the powers described in the Versailles Treaty as the Principal Allied and Associated Powers, namely: the United States

1 of America, the British Empire, France, Italy and
2 Japan, all her rights and titles over her oversea
3 possessions. Although the United States of America
4 did not ratify that treaty, all her rights respecting
5 these former German possessions were confirmed in a
6 treaty between the United States of America and
7 Germany, which was signed on 25 August 1921. The
8 said four powers: the British Empire, France, Italy
9 and Japan agreed on 17 December 1920 to confer upon
10 Japan, under the terms of the Covenant of the League
11 of Nations, a mandate to administer the groups of the
12 former German Islands in the Pacific Ocean lying north
13 of the Equator in accordance with certain additional
14 provisions. Some of those provisions were:

15 (1) That Japan should see that the slave
16 trade was prohibited and that no forced labor was
17 permitted in the Mandated Islands; and,

18 (2) That no military or naval bases would be
19 established and no fortifications would be erected in
20 the Islands.

21 Japan accepted this mandate, took possession
22 of the Islands and proceeded to administer the mandate,
23 and thereby became bound, and was bound at all relevant
24 times mentioned in the Indictment, to the terms of the
25 mandate contained in the Covenant of the League and the

Agreement of 17 December 1920.

MANDATE CONVENTION, JAPAN AND THE UNITED STATES,
1922.

Since the United States had not agreed to this mandate of Japan over the former German Islands, but possessed an interest therein, Japan and the United States of America began negotiations regarding the subject in Washington in 1922. A convention was agreed upon and signed by both powers on 11 February 1922. (Annex No. B-7). Ratifications were exchanged on 13 July 1922; and thereby Japan, as well as the United States, was bound by this convention at all times mentioned in the Indictment. After reciting the terms of the mandate as granted by the said Principal Allied and Associated Powers, the convention provided, among other things:

(1) That the United States of America would have the benefits of Articles III, IV and V of that Mandate Agreement, notwithstanding that she was not a member of the League;

(2) That American property rights in the Islands would be respected;

(3) That existing treaties between Japan and the United States would apply to the Islands; and,

(4) That Japan would furnish the United States

1 a duplicate of the annual report of her administration
2 of the mandate to be made to the League.

3 In a note delivered to the Government of the
4 United States by the Government of Japan on the day of
5 exchange of ratifications of the Convention, Japan
6 assured the United States that the usual comity would
7 be extended to the nationals and vessels of the United
8 States visiting the harbors and waters of those Islands.

9 WASHINGTON CONFERENCE

10 A number of treaties and agreements were
11 entered into at the Washington Conference in the winter
12 of 1921 and spring of 1922. This conference was essen-
13 tially a Disarmament Conference, aimed to promote the
14 responsibility of peace in the world, not only through
15 the cessation of competition in naval armament, but
16 also by solution of various other disturbing problems
17 which threatened the peace, particularly in the Far
18 East. These problems were all interrelated.

19 FOUR-POWER TREATY OF 1921

20 The Four-Power Treaty between the United States,
21 the British Empire, France and Japan relating to their
22 insular possessions and insular dominions in the Pacific
23 Ocean was one of the treaties entered into at the
24 Washington Conference. (Annex No. B-8). This treaty
25 was signed on 13 December 1921 and was duly ratified by

Japan and the other powers signatory thereto, and was binding on Japan at all times mentioned in the Indictment. In that treaty, Japan agreed, among other things:

(1) That she would respect the rights of the other powers in relation to their insular possessions and insular dominions in the region of the Pacific Ocean; and

(2) That if a controversy should arise out of any Pacific question involving their rights, which could not be settled by diplomacy and was likely to affect the harmonious accord then existing between the signatory powers, she would invite the contracting parties to a joint conference to which the whole subject would be referred for consideration and adjustment.

The day this treaty was signed, the contracting powers entered into a Joint Declaration to the effect that it was their intent and understanding that the treaty applied to the Mandated Islands in the Pacific Ocean. (Annex No. B-8-a).

At the Washington Conference, the powers signatory to this treaty concluded a supplementary treaty on 6 February 1922 (Annex No. B-8-b) in which it was provided as follows:

"The term 'insular possessions and insular

1 dominions' used in the foresaid Treaty (the Four-
2 Power Treaty) shall, in its application to Japan,
3 include only the southern portion of the Island of
4 Sakhalin, Formosa and the Pescadores and the Islands
5 under the Mandate of Japan."

6 FOUR-POWER ASSURANCES TO THE NETHERLANDS AND PORTUGAL

7 Having concluded the Four-Power Treaty on
8 13 December 1921, the powers signatory, including
9 Japan, being anxious to forestall any conclusions to
10 the contrary, each sent identical notes to the Govern-
11 ment of the Netherlands (Annex No. B-8-c) and to the
12 Government of Portugal (Annex No. B-8-d) assuring
13 those governments that they would respect the rights
14 of the Netherlands and Portugal in relation to their
15 insular possessions in the region of the Pacific Ocean.

16 WASHINGTON NAVAL LIMITATIONS TREATY

17 Another of the interrelated treaties signed
18 during the Washington Conference was the Treaty for
19 Limitation of Naval Armament. (Annex No. B-9). This
20 treaty was signed on 6 February 1922 by the United
21 States of America, the British Empire, France, Italy
22 and Japan, and later was ratified by each of them. The
23 treaty was binding upon Japan at all relevant times
24 mentioned in the Indictment prior to 31 December 1936
25 when she became no longer bound by virtue of the

notice to terminate the treaty given by her on
29 December 1934. It is stated in the Preamble to
that Treaty: that "desiring to contribute to the
maintenance of peace, and to reduce the burdens of
competition in armament," the signatory powers had
entered into the treaty. However, as an inducement
to the signing of this treaty, certain collateral
matters were agreed upon and those agreements were
included in the treaty. The United States, the British
Empire and Japan agreed that the status quo at the time
of the signing of the treaty, with regard to fortifica-
tions and naval bases, should be maintained in their
respective territories and possessions specified as
follows: (1) The insular possessions which the
United States then held or might thereafter acquire
in the Pacific Ocean, except (a) those adjacent to
the coast of the United States, Alaska and the Panama
Canal Zone, not including the Aleutian Islands, and
(b) the Hawaiian Islands; (2) Hongkong and the insular
possessions which the British Empire then held or
might thereafter acquire in the Pacific Ocean, east
of the meridian 110 degrees east longitude, except
(a) those adjacent to the coast of Canada, (b) the
Commonwealth of Australia and its territories, and
(c) New Zealand; (3) The following insular possessions

of Japan in the Pacific Ocean, to-wit: The Kurile
Islands, the Bonin Islands, Amami-Oshima, the Ioochoo
Islands, Formosa and the Pescadores, and any insular
possessions in the Pacific Ocean which Japan might
thereafter acquire. The treaty specified that the
maintenance of the status quo implied that no new
fortifications or naval bases would be established in
the territories and possessions specified; that no
measures would be taken to increase the existing
naval facilities for the repair and maintenance of
naval forces, and that no increase would be made in
the coast defenses of the territories and possessions
named.

The signatory powers agreed that they would
retain only the capital ships named in the treaty.
The United States of America gave up its commanding
lead in battleship construction; and both the United
States and the British Empire agreed to scrap certain
battleships named in the treaty. Maximum limits in
total capital ship replacement tonnage were set for
each signatory power, which they agreed not to exceed.
A similar limitation was placed on aircraft carriers.
Guns to be carried by capital ships were not to exceed
16 inches, and those carried by aircraft carriers were
not to exceed 8 inches in caliber, and no vessels of

1 war of any of the signatory powers thereafter to be
2 laid down, other than capital ships, was to carry
3 guns in excess of 8 inches in caliber.

4 NINE-POWER TREATY

5 One further treaty signed at the Washington
6 Conference which cannot be disregarded without dis-
7 turbing the general understanding and equilibrium which
8 were intended to be accomplished and effected by the
9 group of agreements arrived at in their entirety.
10 Desiring to adopt a policy designed to stabilize
11 conditions in the Far East, to safeguard the rights
12 and interests of China, and to promote intercourse
13 between China and the other powers upon the basis
14 of equality of opportunity, nine of the powers at the
15 conference entered into a treaty, which taken together
16 with the other treaties concluded at the conference,
17 was designed to accomplish that object. This treaty
18 was signed on 6 February 1922 and later ratified by
19 the following powers: The United States of America,
20 the British Empire, Belgium, China, France, Italy,
21 Japan, the Netherlands, and Portugal. (Annex No.
22 B-10). This treaty was binding upon Japan at all
23 relevant times mentioned in the Indictment.

24
25 By concluding this treaty, Japan, as well as
the other signatory powers, agreed among other things

as follows:

1 (1) To respect the sovereignty, the inde-
2 pendence, and the territorial and administrative
3 integrity of China;

4 (2) To provide the fullest and most un-
5 embarrassed opportunity to China to develop and
6 maintain for herself an effective and stable government;

7 (3) To use her influence for the purpose of
8 effectually establishing and maintaining the principle
9 of equal opportunity for the commerce and industry of
10 all nations throughout the territory of China;

11 (4) To refrain from taking advantage of
12 conditions in China in order to seek special rights
13 or privileges which would abridge the rights of sub-
14 jects or citizens of friendly states, and from counte-
15 nancing action inimical to the security of such States.

16 (5) To refrain from entering into any treaty,
17 agreement, arrangement or understanding with any
18 power or powers, which would infringe or impair the
19 foregoing principles;

20 (6) To refrain from seeking, or supporting
21 her nationals in seeking any arrangement which might
22 purport to establish in favor of her interests any
23 general superiority of rights with respect to commercial
24 or economic development in any designated region of

China any such monopoly or preference as would deprive the nationals of any other power of the right of undertaking any legitimate trade or industry in China or of participating with the Chinese Government or any local authority in any public enterprise or which would be calculated to frustrate the practical application of the principle of equal opportunity;

(7) To refrain from supporting her nationals in any agreement among themselves designed to create Spheres of Influence or to provide for mutually exclusive opportunities in designated parts of China;

(8) To respect the neutrality of China; and

(9) To enter into full and frank communication with the other contracting powers whenever any situation should arise which in the opinion of any one of them involved the application of the stipulations of the treaty.

Thus the powers agreed in formal and solemn treaty to enforce the Open Door Policy in China. Japan not only agreed to, signed and ratified this treaty, but her Plenipotentiary at the Washington Conference declared that Japan was enthusiastically in accord with the principles therein laid down. He used the following words: "No one denies to China her sacred right to govern herself. No one stands in the way of China to

work out her own great national destiny."

OPIUM CONVENTION OF 1912

Another important agreement entered into by Japan, which is relevant to the issues, and which particularly applies to Japan's relations with China, is the Convention and Final Protocol for the Suppression of the Abuse of Opium and Other Drugs, which was signed on 23 January 1912 at the International Opium Conference at The Hague. (Annex No. B-11). This Convention was signed and ratified by, or on behalf of, Japan and each of the Powers bringing the Indictment, except the Union of Soviet Socialist Republics, and was binding upon Japan at all relevant times mentioned in the Indictment. Forty-six other powers also signed and ratified the Convention, and six additional powers later adhered to it. Being resolved to pursue progressive suppression of the abuse of opium, morphine, and cocaine, as well as drugs prepared or derived from these substances giving rise or which might give rise to analogous abuse, the powers concluded the Convention. Japan, together with the other contracting powers, agreed:

(1) That she would take measures for the gradual and efficacious suppression of the manufacture, traffic in, and use of these drugs;

(2) That she would prohibit the exportation of these drugs to the countries which prohibited the importation of them; and that she would limit and control the exportation of the drugs to countries, which limited the entry of them to their territories;

(3) That she would take measures to prevent the smuggling of these drugs into China or into her leased territories, settlements and concessions in China;

(4) That she would take measures for the suppression, pari passu with the Chinese Government, of the traffic in and abuse of these drugs in her leased territories, settlements and concessions in China; and,

(5) That she would cooperate in the enforcement of the pharmacy laws promulgated by the Chinese Government for the regulation of the sale and distribution of these drugs by applying them to her nationals in China.

SECOND OPIUM CONFERENCE OF THE LEAGUE

1 The Second Opium Conference of the League of
2 Nations further implemented and reinforced the Opium
3 Convention of 1912 by the signing of a Convention on
4 19 February 1925 (Annex No. B-12), which represented
5 a comprehensive effort on behalf of the Signatory
6 Powers to suppress the contraband trade in and abuse
7 of opium, cocaine, morphine, and other harmful drugs.
8 This Convention was signed and ratified by, or on be-
9 half of, Japan and each of the Powers bringing this
10 Indictment, except the United States of America, the
11 Philippines and China. The Convention was also defi-
12 nitely acceded to by forty-six additional Powers. The
13 Allied and Associated Powers had provided in Article
14 295 of the Versailles Treaty that the ratification of
15 that Treaty would be deemed to be ratification of the
16 Opium Convention of 23 January 1912. The Covenant of
17 the League of Nations, which is found in Part I of the
18 Versailles Treaty, provided in Article 23 thereof that
19 the Members of the League would thereafter entrust the
20 League with the general supervision over the execution
21 of agreements with regard to the traffic in opium and
22 other dangerous drugs. The Second Opium Conference was
23 in response to these obligations; and the Convention of
24 19 February 1925 provided for the organization and

functioning of a Permanent Central Board of the League for the Suppression of the Abuse of Opium and Other Drugs. In addition, Japan, as well as the other signatory Powers, agreed among other things to the following:

- (1) That she would enact laws to ensure effective control of the production, distribution and export of opium and limit exclusively to medical and scientific purposes the manufacture, import, sale, distribution, export and use of opium and the other drugs named in the Convention; and
- (2) That she would send annually to the Central Board of the League as complete and accurate statistics as possible relative to the preceding year showing: production, manufacture, stocks, consumption, confiscations, imports and exports, government consumption, etc., of the drugs named in the Convention.

The Privy Council of Japan decided on 2 November 1938 to terminate further co-operation with this Central Board of the League. The reason assigned for this action was that the League had authorized its

Members to invoke sanctions against Japan under the Covenant in an effort to terminate what the League had denounced as Japan's aggressive war against China. Notice of this decision was communicated to the Secretary General of the League on the same day.

OPIUM CONVENTION OF 1931

A third Convention, which is known as the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs was signed at Geneva on 13 July 1931. (Annex No. B-13). This Convention was signed and ratified, or acceded to, by, or on behalf of, Japan and each of the Powers bringing the Indictment, as well as fifty-nine additional Powers. This Convention was supplementary to and intended to make more effective the Opium Conventions of 1912 and 1925 mentioned above. Japan, together with the other Contracting Powers, agreed:

- (1) That she would furnish annually, for each of the drugs covered by the Convention in respect to each of her territories to which the Convention applied, an estimate, which was to be forwarded to the Central Board of the League, showing the quantity of the

drugs necessary for medical and scientific use and for export authorized under the Conventions;

(2) That she would not allow to be manufactured in any such territory in any one year a quantity of any of the drugs greater than the quantity set forth in such estimate; and,

(3) That no import into, or export from, the territories of any of the Contracting Powers of any of the drugs would take place, except in accordance with the provisions of the Convention.

LAWS OF BELLIGERENCY

The law governing the entrance of States into, as well as their conduct while in, belligerency received further restatement during the two decades immediately preceding the period covered by the Indictment and during the years of 1928 and 1929. In 1907, the second Peace Conference at The Hague produced thirteen Conventions and one Declaration, all signed on 18 October 1907. The Kellogg-Briand Pact (Pact of Paris) condemning aggressive war was signed at Paris on 27 August 1928. Then on 27 July 1929 two important Conventions were signed at Geneva, namely: the Convention Relative to the

1 Treatment of Prisoners of War, and the Convention for
2 the Amelioration of the Condition of the Wounded and
3 Sick of Armies in the Field. These Agreements not only
4 impose direct treaty obligations upon the Contracting
5 Powers, but also delineate more precisely the custo-
6 mary law. The effectiveness of some of the Conven-
7 tions signed at The Hague on 18 October 1907 as direct
8 treaty obligations was considerably impaired by the
9 incorporation of a so-called "general participation
10 clause" in them, providing that the Convention would
11 be binding only if all the Belligerents were parties
12 to it. The effect of this clause is, in strict law,
13 to deprive some of the Conventions of their binding
14 force as direct treaty obligations, either from the
15 very beginning of a war or in the course of it as soon
16 as a non-signatory Power, however insignificant, joins
17 the ranks of the Belligerents. Although the obligation
18 to observe the provisions of the Convention as a bind-
19 ing treaty may be swept away by operation of the
20 "general participation clause", or otherwise, the Con-
21 vention remains as good evidence of the customary law
22 of nations, to be considered by the Tribunal along
23 with all other available evidence in determining the
24 customary law to be applied in any given situation.
25

FIRST HAGUE CONVENTION

1 The First Convention agreed upon by the Con-
2 ference at The Hague in 1907 was the Convention for
3 the Pacific Settlement of International Disputes.
4 (Annex No. B-14). The Convention was signed by, or
5 on behalf of, Japan and each of the Powers bringing the
6 indictment, and ratified by, or on behalf of, all of
7 them, except Great Britain, Australia, Canada, India
8 and New Zealand. Twenty-one other Powers also signed
9 and ratified the Convention, and five additional Powers
10 later acceded to it. The Powers bringing the Indict-
11 ment, who did not ratify this Convention, remained bound,
12 in so far as their relations with Japan were concerned,
13 by the Convention for the Pacific Settlement of Inter-
14 national Disputes signed at The Hague on 29 July 1899;
15 since that Convention was signed and ratified by, or
16 on behalf of, Japan and each of these Powers. Neither
17 of the Conventions mentioned under this title contained
18 a "general participation clause"; they were, therefore,
19 binding upon Japan as direct treaty obligations at
20 all relevant times mentioned in the Indictment, Japan,
21 as well as the other Contracting Powers, among other
22 things agreed:

- 23 (1) That, in order to obviate as far as
24 possible recourse to force in her re-

lations with other States, she would use her best efforts to insure the pacific settlement of international differences; and,

- (2) That in case of serious disagreement or dispute, before an appeal to arms, she would have recourse to the good offices or mediation of one or more friendly Powers.

KELLOGG-BRIAND PACT

The Kellogg-Briand Pact or Pact of Paris, which was signed at Paris on 27 August 1928, condemned aggressive war and restated the law evidenced by the First Hague Convention of 18 October 1907 for the Pacific Settlement of International Disputes. (Annex No. B-15). The Treaty was signed and ratified by, or on behalf of, Japan and each of the Powers bringing the Incitement, except the Union of Soviet Socialist Republics, China and the Netherlands. Japan ratified the Treaty on 24 July 1929, and China adhered to the Treaty on 8 May 1929. The Netherlands adhered to the Treaty on 12 July 1929, and the Union of Soviet Socialist Republics adhered on 27 September 1928.

Therefore, Japan and each of the Powers bringing the indictment had definitely acceded to the Treaty by 24 July 1929; in addition, eight other Powers had signed and ratified the Treaty; and forty-five additional Powers, at one time or another, adhered to it. The Treaty was binding upon Japan at all relevant times mentioned in the Indictment.

The Contracting Powers, including Japan, declared that they condemn recourses to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

The Contracting Powers then agreed that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which might arise among them, would never be sought except by pacific means.

Prior to ratification of the Pact, some of the Signatory Powers made declarations reserving the right to wage war in self-defense, including the right to judge for themselves whether a situation requires such action. Any law, international or municipal, which prohibits recourse to force, is necessarily limited to the right of self-defense. The right of self-defense involves the right of the State threatened

with impending attack to judge for itself in the first instance whether it is justified in resorting to force. Under the most liberal interpretation of the Kellogg-Briand Pact, the right of self-defense does not confer upon the State resorting to war the authority to make a final determination upon the justification for its action. Any other interpretation would nullify the Pact; and this Tribunal does not believe that the Powers in concluding the Pact intended to make an empty gesture.

THIRD HAGUE CONVENTION

The Third Convention concluded by the Powers in Conference at The Hague in 1907 was the Convention Relative to the Opening of Hostilities. (Annex No. B-16). The Convention was signed and ratified by, or on behalf of, Japan and each of the Powers bringing the Indictment, except China; but China adhered to the Convention in 1910. A total of twenty-five Powers signed and ratified the Convention, including Portugal and Thailand, and six Powers later adhered to it. This Convention does not contain a "general participation clause". It provides that it shall take effect in case of war between two or more of the Contracting Powers, it was binding upon Japan at all relevant times mentioned in

the Indictment. By ratifying this Convention, Japan agreed, among other things:

That hostilities between her and any other Contracting Powers must not commence without previous and explicit warning, in the form either of a declaration of war, giving reasons, or of an ultimatum with conditional declaration of war.

FIFTH HAGUE CONVENTION

The Fifth Hague Convention of 1907 was the Convention Respecting the Rights and Duties of Neutral Powers and Persons in War on Land. (Annex No. B-17). The Convention was signed and ratified by, or on behalf of, Japan and each of the Powers bringing the Indictment, except Great Britain, Australia, Canada, New Zealand, India and China. However, China adhered to the Convention in 1910. A total of twenty-five Powers signed and ratified the Convention, including Thailand and Portugal; and three Powers later adhered to it. Great Britain and sixteen other Powers, who signed the Convention, have not ratified it.

This is one of the Hague Conventions which contains a "general participation clause"; although it ceased to be applicable in the recent war as a direct treaty obligation of Japan upon the entry of Great Britain into the war on 8 December 1941, it

remained as good evidence of the customary law of nations to be considered along with all other available evidence in determining the customary law to be applied in any given situation, to which the principles stated in the Convention might be applicable.

By this Convention Japan agreed, among other things:

- (1) That the territory of neutral Powers is inviolable;
- (2) That Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral Power; and,
- (3) That a neutral Power is not called upon to prevent the export or transport, on behalf of one or other of the Belligerents, of arms, munitions of war, or, in general, of anything which can be of use to an army or a fleet.

FOURTH HAGUE CONVENTION

The Fourth Hague Convention of 1907 is the Convention Respecting the Laws and Customs of War on Land. (Annex No. B-18). Regulations Respecting the Laws and Customs of War on Land were annexed to and

made a part of this Convention. (Annex No. B-19).
The Convention was signed and ratified by, or on behalf of, Japan and each of the Powers bringing the Indictment, except China. Nineteen additional Powers, including Thailand and Portugal, also signed and ratified this Convention; and two other Powers later adhered to it.

This is another of the Hague Conventions which contains a "general participation clause". What we have said respecting this clause applies equally well here.

As stated in the Preamble to this Convention, the Contracting Powers were animated by the desire, even in the extreme case, to serve the interests of humanity and the needs of civilization by diminishing the evils of war and adopted the Convention and the Regulations thereunder which were intended to serve as a general rule of conduct for Belligerents. Realizing that it was not possible at the time to concert regulations covering all circumstances that might arise in practice, the Powers declared that they did not intend that unforeseen cases should be left to the arbitrary judgment of military commanders; and that until a more complete code should be issued, they declared that in cases not included in the Regulations

1 the inhabitants and belligerents remained under the
2 protection and principles of the laws of nations as
3 they resulted from the usages of civilized peoples,
4 the laws of humanity, and the dictate of the public
5 conscience.

6 By this Convention Japan agreed, among other
7 things:

- 8 (1) That prisoners of war are in the power
9 of the hostile Government, but not of
10 the individuals or corps who capture
11 them; that they must be humanely treated;
12 and all their personal belongings, ex-
13 cept arms, horses, and military papers,
14 remain their property;
- 15 (2) That in case of capture of any of the
16 armed forces of a Belligerent, whether
17 they consisted of combatants or non-
18 combatants, they would be treated as
19 prisoners of war;
- 20 (3) That although she might utilize the
21 labor of prisoners of war, officers
22 excepted, the task would not be ex-
23 cessive and would not be connected with
24 the operation of war; and that she would
25 pay to the prisoners compensation for

all work done by them;

- 1 (4) That as regards board, lodging, and
2 clothing, in the absence of a special
3 agreement between the Belligerents, she
4 would treat prisoners of war on the same
5 footing as the troops who captured them;
6 (5) That prisoners of war in her power would
7 be subject to the laws governing her own
8 army and entitled to the benefits
9 thereof;
10 (6) That she would institute at the com-
11 mencement of hostilities an inquiry of-
12 fice. That it would be the function of
13 this office to reply to all inquiries
14 about the prisoners and to keep up to
15 date an individual return for each pri-
16 soner of war in which would be recorded
17 all necessary vital statistics and other
18 useful information pertaining to such
19 prisoner.
20 (7) That relief societies for prisoners of
21 war would receive every facility from
22 her for the efficient performance of
23 their humane task and their agents would
24 be admitted to places of internment for
25

of the same of administering the same.

the purpose of administering relief,
etc;

1
2 (8) That it was forbidden: (a) to employ
3 poison or poisoned weapons; (b) To kill
4 or wound treacherously individuals be-
5 longing to the hostile Nation or Army;
6 (c) To kill or wound an enemy, who having
7 laid down his arms, or having no longer
8 means of defense, has surrendered at
9 discretion; (d) To declare that no
10 quarter will be given; (e) To make im-
11 proper use of a flag of truce, of the
12 national flag or of the military insignia
13 and uniform of the enemy, or of the dis-
14 tinctive badges of the Geneva Convention;
15 or (f) To destroy or seize the enemy's
16 property, unless such destruction or
17 seizure be imperatively demanded by the
18 necessities of war;

19
20
21 (9) That in sieges and bombardments all
22 necessary steps would be taken by her
23 to spare buildings dedicated to reli-
24 gion, art, science and charitable pur-
25 poses, historic monuments and hospitals
and places where the sick and wounded

are collected;

- (10) That the pillage of a town or other place, even when taken by assault was prohibited and,
- (11) That family honor and rights, the lives of persons, and private property, as well as religious convictions and practice would be respected by her during war.

GENEVA PRISONER OF WAR CONVENTION

The Convention Relative to the Treatment of Prisoners of War was signed at Geneva on 27 July 1929. (Annex No. B-20). Forty-seven Powers signed the Convention; and thirty-four Powers either ratified it or adhered to it. Excepting Australia, China and the Union of Soviet Socialist Republics, the Convention was signed and ratified by, or on behalf of, each of the Powers bringing the Indictment.

Japan sent plenipotentiaries, who participated in the Conference and signed the Convention; but Japan did not formally ratify the Convention before the opening of hostilities on 7 December 1941. However, early in 1942 the United States, Great Britain and other Powers informed Japan that they proposed to abide by the Convention and sought assurances from Japan as to

1 her attitude towards the Convention; Japan, acting
2 through her Foreign Minister, who was the accused TOGO,
3 declared and assured the Powers concerned that, while
4 she was not formally bound by the Convention, she would
5 apply the Convention, "mutatis mutandis". toward
6 American, British, Canadian, Australian and New Zealand
7 prisoners of war. Under this assurance Japan was bound
8 to comply with the Convention save where its provisions
9 could not be literally complied with owing to special
10 conditions known to the parties to exist at the time
11 the assurance was given, in which case Japan was obliged
12 to apply the nearest possible equivalent to literal
13 compliance. The effect of this assurance will be more
14 fully considered at a later point in this judgment.

15 This Convention is the "more complete code of
16 the laws of war" contemplated by the Powers signatory
17 to the Hague Convention Respecting the Laws and Customs
18 of War concluded on 18 October 1907; and the Convention
19 provides by its terms that it will be considered to be
20 Chapter II of the Regulations annexed to that Hague
21 Convention. The Convention does not contain a "general
22 participation clause"; but it does contain a provision
23 that it shall remain in force as between the Belligerents
24 who are parties to it even though one of the Belligerents
25 is not a Contracting Power.

The Convention provides, among other things:

(1) That prisoners of war are in the power of the hostile power, but not of the individuals or corps who have captured them; that they must be humanely treated and protected, particularly against acts of violence, insults and public curiosity; that they have the right to have their person and honor respected; that women shall be treated with all regard to their sex; and that all prisoners of war must be maintained by the detaining power;

(2) That prisoners of war shall be evacuated as quickly as possible to depots removed from the zone of combat; but that the evacuation, if on foot, shall only be effected by stages of 20 kilometers a day, unless the necessity of reaching water and food requires longer stages;

(3) That prisoners of war may be interned; but they may not be confined or imprisoned, except as an indispensable measure of safety or sanitation; that if captured in unhealthful regions or climates, they will be transported to a more favorable region; that all sanitary measures will be taken to insure cleanliness and healthfulness of camps; that medical inspections shall be arranged at least once a month to ensure the general health of the prisoners; that collective

disciplinary measures affecting food are prohibited; that the food ration shall be equal in quantity and quality to that of troops in base camp; that prisoners shall be furnished facilities together with a sufficiency of portable water for preparing additional food for themselves; that they shall be furnished clothing, linen and footwear as well as work clothes for those who labor; and that every camp shall have an infirmary, where prisoners of war shall receive every kind of attention needed;

(4) That although prisoners of war are required to salute all officers of the detaining power, officers who are prisoners are bound to salute only officers of a higher or equal rank of that power;

(5) That belligerents may utilize the labor of able prisoners of war, officers excepted, and provided that noncommissioned officers are used only for supervisory work; that no prisoner may be employed at labors for which he is physically unfit; that the length of the day's work shall not be excessive, and every prisoner shall be allowed a rest of twenty-four consecutive hours each week; that prisoners shall not be used at unhealthful or dangerous work, and labor detachments must be conducted similar to prisoner of war camps, particularly with regard to sanitary condi-

1 tions, food, medical attention, etc.; that prisoners
2 must be paid wages for their labor; and that the labor
3 of prisoners of war shall have no direct relation with
4 war operations, particularly the manufacture and trans-
5 portation of munitions or the transportation of material
6 for combat units;

7 (6) That prisoners of war must be allowed to
8 receive parcels by mail intended to supply them with
9 food and clothing; and that relief societies for
10 prisoners of war shall receive from the detaining power
11 every facility for the efficient performance of their
12 humane tasks;

13 (7) That prisoners of war have the right to
14 make requests and register complaints regarding the
15 conditions of their captivity; that in every place
16 where there are prisoners of war they have the right
17 to appoint agents to represent them directly with the
18 military authorities of the detaining powers; and that
19 such agent shall not be transferred without giving him
20 time to inform his successors about affairs under con-
21 sideration;

22 (8) That although prisoners of war are sub-
23 ject to the laws, regulations, and orders in force in
24 the armies of the detaining power, punishments other
25 than those provided for the same acts for soldiers of

1 the armies of the detaining power may not be imposed
2 upon them; and that corporal punishment, imprisonment
3 in quarters without daylight, and in general any form
4 of cruelty, is forbidden, as well as collective punish-
5 ment for individual acts or omissions;

6 (9) That escaped prisoners of war who are
7 retaken shall be liable only to disciplinary punishment;
8 and that the comrades who assisted his escape may incur
9 only disciplinary punishment;

10 (10) That at the opening of judicial pro-
11 ceedings against a prisoner of war, the detaining power
12 shall advise the representative of the protecting power
13 thereof at least before the opening of the trial; that
14 no prisoner shall be sentenced without having an oppor-
15 tunity to defend himself, and shall not be required to
16 admit himself guilty of the act charged; that the
17 representative of the protecting power shall be entitled
18 to attend the trial; that no sentence shall be pronounced
19 against a prisoner except by the same courts and
20 according to the same procedure as in the case of trial
21 of persons belonging to the armed forces of the detain-
22 ing power, that the sentence pronounced shall be
23 immediately communicated to the protecting power; and
24 that in the case of death sentences, the sentence must
25 not be executed before the expiration of three months

1 after such communication;

2 (11) That belligerents are bound to send
3 back to their own country, regardless of rank or number,
4 seriously sick and seriously injured prisoners of war,
5 after having brought them to a condition where they
6 can be transported;

7 (12) That belligerents shall see that prisoners
8 of war dying in captivity are honorably buried and that
9 their graves bear all due information and are respected
10 and maintained;

11 (13) That upon outbreak of hostilities each
12 belligerent shall institute a prisoner of war informa-
13 tion bureau, which shall prepare and preserve an
14 individual return upon each prisoner showing certain
15 vital information prescribed, and which shall furnish
16 such information as soon as possible to the interested
17 power.

18
19 Japan also assured the belligerents that she
20 would apply this convention to civilian internees and
21 that in applying the Convention she would take into
22 consideration the national and racial manners and
23 customs of prisoners of war and civilian internees
24 under reciprocal conditions when supplying clothing and
25 provisions to them.

GENEVA RED CROSS CONVENTION

The Geneva Red Cross Convention for the Amelioration of the Condition of the Wounded and Sick of Armies in the Field was also signed on 27 July 1929. (Annex No. B-21). The Convention was signed and ratified by, or on behalf of, Japan and each of the powers bringing the Indictment as well as thirty-two other powers. It was binding upon Japan and her subjects at all relevant times mentioned in the Indictment, as a direct treaty obligation. The Convention contains a provision to the effect that it must be respected by the contracting powers under all circumstances; and if in time of war, one of the belligerents is not a party to the Convention, its provisions shall remain in force between the belligerents who are parties to it.

By signing and ratifying the Convention, Japan as well as the other signatory powers, agreed, among other things:

(1) That officers, soldiers and other persons officially attached to the armies, who are wounded or sick shall be respected and protected in all circumstances; and that they shall be humanely treated and cared for without distinction of nationality by the belligerent in whose power they are;

(2) That after every engagement, the

1 belligerent who remains in possession of the field of
2 battle shall search for the wounded and dead and protect
3 them from robbery and ill-treatment; and that those
4 wounded and sick who fall into the power of the enemy
5 shall become prisoners of war to whom the general rules
6 of international law respecting prisoners of war shall
7 be applicable;

8 (3) That all personnel charged exclusively
9 with the removal, transportation and treatment of the
10 wounded and sick, including administration personnel of
11 sanitary formations and establishments and chaplains,
12 shall be respected and protected, and when they fall
13 into the hands of the enemy they shall not be treated
14 as prisoners of war, and shall not be detained, but
15 will be returned as soon as possible to their own army
16 along with their arms and equipment.

17 (4) That mobile sanitary formations, and
18 fixed sanitary establishments shall be respected and
19 protected; and if they fall into the hands of the enemy
20 they shall not be deprived of their buildings, trans-
21 port and other equipment which may be needed for the
22 treatment of the sick and wounded;

23 (5) That only those personnel, formations
24 and establishments entitled to respect and protection
25 under the Convention shall display the distinctive

emblem of the Geneva Convention; and,

(6) That it is the duty of commanders in chief of belligerent armies to provide for the details of execution of the provisions of the Convention, as well as unforeseen cases conformable to the general principles of the Convention.

TENTH HAGUE CONVENTION

The Tenth Convention agreed upon at the Conference at the Hague and signed on 18 October 1907 was the Convention for the Adaption to Naval War of the Principles of the Geneva Convention of 6 July 1906. (Annex No. B-22). The Convention was signed and ratified by, or on behalf of, Japan and each of the powers bringing the Indictment, except Great Britain, Australia, Canada, India, and New Zealand. The Convention was signed and ratified by twenty-seven powers and later five other powers adhered to it. The indicting powers who did not ratify this Convention and also Japan are parties to the Convention which was signed at the Hague on 29 July 1899; and, therefore, as between them, they are bound by the Convention of 1899, which contains most of the provisions found in the later Convention of 1907.

This, also, is one of the Hague Conventions, which contains a "general participation clause," and,

1 therefore, it ceased to be applicable upon Japan as a
2 direct treaty obligation when a non-signatory power
3 joined the ranks of the belligerents. What we have
4 said regarding this clause applies equally well here.

5 The Convention provides, among other things:

6 (1) That after every engagement the belligerents shall take steps to look for the shipwrecked,
7 sick and wounded, and protect them and the dead from
8 pillage and ill treatment; those falling into the power
9 of the enemy shall become prisoners of war; the detain-
10 ing power shall send to their country as soon as
11 possible a description of those picked up by him, and
12 shall treat the sick and wounded and bury the dead;

13 (2) That hospital ships shall be respected
14 and cannot be captured; but these ships may not be used
15 for military purposes and shall be distinguished by
16 markings and flags displaying the emblem of the Geneva
17 Convention; and that the distinguishing markings pre-
18 scribed for hospital ships shall not be used for pro-
19 tecting any ships other than those entitled to protection
20 under the Convention.
21
22
23
24
25

JAPAN WAS A MEMBER OF THE FAMILY OF NATIONS

Thus for many years prior to the year 1930, Japan had claimed a place among the civilized communities of the world and had voluntarily incurred the above obligations designed to further the cause of peace, to outlaw aggressive war, and to mitigate the horrors of war. It is against that background of rights and obligations that the actings of the accused must be viewed and judged.

PART B ----- CHAPTER IVTHE MILITARY DOMINATION OF JAPAN ANDPREPARATION FOR WARINTRODUCTORY

In dealing with the period of Japanese history with which this Indictment is mainly concerned it is necessary to consider in the first place the domestic history of Japan during the same period. In the years from 1928 onwards Japanese armed forces invaded in succession the territories of many of Japan's neighbors. The Tribunal must deal with the history of these attacks and with the exploitation by Japan of the resources of the territories she occupied, but its most important task is to assess the responsibility of individuals for these attacks, in so far as they were illegal. This responsibility cannot be measured simply by studying Japanese activities abroad. Indeed the answers to the

1 questions, "Why did these things happen?" and "Who
2 were responsible for their occurrence?" will often
3 only be found if the contemporaneous history of Japanese
4 domestic politics is known.

5 Moreover, if we embarked in the first place
6 on a study of Japanese activities abroad, we should
7 find it impossible to comprehend these activities
8 fully, while we were engaged in the study; for the
9 timing of these activities, and the manner and extent
10 of their development were often dictated, not alone by
11 the situation abroad, but by the situation at home.
12 It is for these reasons that we now consider in the
13 first place the political developments in Japan which
14 largely controlled and explain her actions overseas.

15 The outstanding feature of the period under
16 review is the gradual rise of the military and their
17 supporters to such a predominance in the government
18 of Japan that no other organ of government, neither
19 the elected representatives of the people, nor the
20 civilian ministers in the Cabinet, nor the civilian
21 advisers of the Emperor in the Privy Council and in
22 his entourage, latterly imposed any effective check on
23 the ambitions of the military. The supremacy of the
24 influence of the military and their supporters in
25 Japanese civilian administration and foreign affairs

as well as in purely military concerns was not achieved at once nor without the occurrence of events which threatened its accomplishment, but it was ultimately achieved. The varying fortunes of the protagonists in the political struggle which culminated in the supremacy of the military will be found to provide the explanation of many of the events abroad. Japanese warlike adventures and the preparations therefor ebbed and flowed with the varying fortunes of the political struggle in the Japanese homeland.

THE "PRINCIPLES" OF KODO AND HAKKO ICHIU

The reputed date of the foundation of the Empire of Japan is 660 B.C. Japanese historians ascribe to that date an Imperial Rescript said to have been issued by the first Emperor, Jimmu Tenno. In this document occur two classic phrases upon which there gradually accumulated a mass of mystical thought and interpretation. The first is "Hakko Ichiu" which meant the bringing together of the corners of the world under one roof, or the making of the world one family. This was the alleged ideal of the foundation of the Empire; and in its traditional context meant no more than a universal principle of humanity, which was destined ultimately to pervade the whole universe. The second principle of conduct was the principle of "Kodo," a

1 contraction for an ancient phrase which meant literally,
2 "The oneness of the Imperial Way." The way to the
3 realization of Hakko Ichiu was through the benign
4 rule of the Emperor; and therefore the "way of the
5 Emperor" -- the "Imperial" or the "Kingly way" --
6 was a concept of virtue, and a maxim of conduct.
7 Hakko Ichiu was the moral goal, and loyalty to the
8 Emperor was the road which led to it.

9 These two ideas were again associated with
10 the Imperial dynasty after the Meiji Restoration. That
11 Emperor proclaimed them in an Imperial Rescript issued
12 in 1871. They then represented a constitutional
13 rallying-point, and an appeal to the patriotism of
14 the Japanese people.

15 THE ADVOCACY OF THESE "PRINCIPLES" BY OKAWA

16 In the decade before 1930, those Japanese who
17 urged territorial expansion did so in the name of
18 these two ideas. Again and again throughout the years
19 that followed measures of military aggression were
20 advocated in the names of Hakko Ichiu and Kodo which
21 eventually became symbols for world domination through
22 military force.
23

24 In 1924 a book was published by a Dr. Okawa
25 who was originally one of the accused but who became
mentally unstable in the course of the trial. He

stated that since Japan was the first state to be created, it was therefore Japan's divine mission to rule all nations. He advocated the Japanese occupation of Siberia and the South Sea Islands. In 1925 and thereafter, he predicted a war between East and West, in which Japan would be the champion of the East. He said, in 1926, that Japan should endeavor to fulfil that sublime mission by developing a strong spirit of nationalism. He had organized a patriotic society which advocated the liberation of the colored races and the moral unification of the world. He had often, at the invitation of the Army General Staff, lectured to them along these lines,

THE RISE OF THE ARMY UNDER THE TANAKA CABINET

In April 1927 when Tanaka took office as Prime Minister, the expansionists gained their first victory. The new Cabinet was committed to a policy of peaceful penetration into that portion of China called Manchuria. But, whereas Tanaka proposed to establish Japanese hegemony over Manchuria through negotiation with its separatist leaders, elements within the Kwantung Army were impatient of this policy. The Kwantung Army was the Japanese unit maintained in Manchuria under the Portsmouth Treaty for the protection of Japanese interests including the South Manchurian Railway. In June 1928

1 certain members of the Kwantung Army murdered Marshal
2 Chang Tso-lin, with whom Tanaka was negotiating. Marshal
3 Chang Tso-lin was the Commander-in-Chief of the Chinese
4 armies in Manchuria.

5 Tanaka's efforts to discipline the Army officers
6 responsible for this murder were successfully resisted
7 by the Army General Staff, which had the War Minister's
8 support. The Army had defied the government, and re-
9 sistance among the Chinese had been greatly stimulated.
10 The government had been gravely weakened by the aliena-
11 tion of the Army's supporters.

12 In April 1929 Okawa launched a public campaign
13 designed to take the Manchurian question out of the
14 government's hands. The Army General Staff, encouraged
15 by Okawa's success, soon began to cooperate with him.
16 Competent propagandists were sent to ventilate the
17 question in the various parts of Japan.

18 In the face of this opposition and of continued
19 disorders in Manchuria, the Tanaka Cabinet resigned on
20 1 July 1929.

21 EXPANSIONIST PROPAGANDA

22 DURING THE PERIOD OF THE HAMAGUCHI CABINET

23 When Hamaguchi became Prime Minister in
24 succession to Tanaka, Baron Shidehara returned to the
25 Foreign Ministry. In the governments before Tanaka had

1 taken office, Shidehara had been the foremost proponent
2 of the liberal policy of friendly international rela-
3 tionships. His return to power constituted a threat to
4 the Army's program of expansion through military force.
5 In the face of this challenge, Okawa continued his
6 propaganda campaign with the assistance of members of
7 the Army General Staff. He maintained that Manchuria
8 must be separated from China and placed under Japanese
9 control. Thus would be ended the domination of the
10 white races over Asia and in its place would be created
11 a land founded upon the principle of the "kingly way;"
12 Japan would assume the leadership of the peoples of
13 Asia, and would drive out the white races. Thus, as
14 early as the year 1930, Kodo had come to mean Japanese
15 domination of Asia, and a possible war with the West.

16 The military authorities had not been slow in
17 following Okawa's lead. Military officers had launched
18 a formidable campaign to spread the doctrine that Man-
19 churia was Japan's lifeline; and that Japan should
20 expand into it, develop it economically and industrially,
21 and defend it against the Soviet Union. In June 1930,
22 Colonel ITAGAKI, then a staff officer of the Kwantung
23 Army, favored the establishment, through military force,
24 of a new state in Manchuria. He repeated after Okawa
25 that such a development would be in accordance with the

"kingly way," and would lead to the liberation of the Asiatic peoples.

HASHIMOTO AND THE MARCH INCIDENT OF 1931

Throughout the year 1930 the Hamaguchi Cabinet followed a policy of retrenchment which sharpened the antagonism of the military faction. Smaller budgets were voted for the Army and Navy. The standing Army was reduced in size. The Treaty for Naval Disarmament was ratified in the face of strong opposition. Among young naval officers and in the patriotic societies there was considerable indignation. In November 1930 the Prime Minister was mortally wounded by an assassin, but the Cabinet carried on under the liberal leadership of Baron Shidehara.

Liberalism had therefore become the chief target of the Army's resentment, and in January 1931 a plot was hatched to overthrow it. This was the so-called "March Incident" and was a conspiracy engineered by Okawa and Lieutenant-Colonel HASHIMOTO to create an insurrection which would justify the proclamation of martial law, and would lead to the installation of a military Cabinet. It had the support of the Army General Staff. The Chief of the Military Affairs Bureau, Lieutenant-General KOISO, abetted the conspirators. It failed because Ugaki, who had been selected as the new

Prime Minister, refused to countenance the scheme.

1 HASHIMOTO had returned to Japan from Turkey in
2 January 1930, imbued with a knowledge of, and enthusiasm
3 for, the methods of European dictatorships. In September
4 1930 he had formed among his fellow senior officers of
5 the Army General Staff a society designed ultimately
6 to achieve a national reorganization, if necessary, by
7 force. The abortive March Incident of 1931 was the
8 result of this work.

9 HASHIMOTO's work was complementary to Okawa's.
10 In his hands the "way of the Emperor" became also the
11 way of military dictatorship. He confessed to Okawa
12 that the Diet, which had aroused the Army's indignation,
13 should be crushed. Okawa himself had told Ugaki that
14 the ready-made political parties must be swept away,
15 and the Imperial dignity uplifted under military rule.
16 This would be the work of the "Showa restoration."
17 "Showa" is the name given to the reign of the present
18 Emperor.
19

20 Under the Japanese constitution the War and
21 Navy Ministers enjoyed direct access to the Emperor
22 upon a footing of equality with the Premier. The Chiefs
23 of Staff also were directly responsible to the Emperor;
24 so there was historical warrant for the claim that the
25 way of Kodo was the Army's way.

Although the March Incident of 1931 failed, it had set the precedent for later developments. The Army had aroused great public resentment against the advocates of disarmament and liberalism. One such malcontent had assassinated the liberal Premier, Hamaguchi. In some quarters the naval and military reduction program was regarded as an unwarranted interference by the Cabinet with the affairs of the armed forces. The militarists had in a measure succeeded in diverting to their own ends the patriotic sentiment of loyalty to the Emperor.

We will recess for fifteen minutes.

(Whereupon, at 1045, a recess was taken until 1100, after which the proceedings were resumed as follows:)

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: THE WAKATSUKI CABINET AND THE MUKDEN INCIDENT.

Under Wakatsuki, who on 14 April 1931, succeeded Hamaguchi as Premier, Cabinet and Army pursued anti-
thetical policies. While Shidehara, who remained Foreign
Minister, laboured wholeheartedly to negotiate a peace-
ful settlement of the Manchurian issue, the Army actively
fomented trouble, which culminated in the attack at
Mukden on 18 September 1931. This was the beginning of
what came to be known as the Mukden Incident which
eventually led to the establishment of the separate govern-
ment of Manchukuo. This will be dealt with at a later
point.

During the five intervening months resistance
to the Cabinet's policy of armament reduction and budget-
ary economies increased. HASHIMOTO and his group of
army officers, known as the "Cherry Society" and designed
to bring about the rational reorganisation, continued to
advocate the occupation of Manchuria by force. The Black
Dragon Society, pledged to nationalism and an anti-Soviet
policy, began to hold mass meetings. Okawa continued
his campaign for popular support. The army, he said,
was completely out of control; and it would only be a

matter of time before the Cabinet acquiesced in its wishes. Yosuke Matsuoka, who, like Okawa, was an official of the South Manchurian Railway Company, published a book in support of the familiar theme that Manchuria was, both strategically and economically, the lifeline of Japan.

Okawa, with HASHIMOTO and his Cherry Society, instigated the Mukden Incident. The Army General Staff approved the scheme, which was commended to them by Colonel DOHIHARA. DOHIHARA and Colonel ITAGAKI, both members of the Kwantung Army Staff, each played important parts in the planning and in the execution of the attack.

Lieutenant General MINAMI, Vice-Chief of the Army Staff under the Tanaka Cabinet had become War Minister in Wakatsuki's Cabinet. Unlike his predecessor, Ugaki, he took the Army's part against that of the liberal Cabinet in which he held office. On 4 August 1931, he talked to his senior officers of the intimate relationship between Japan, Manchuria and Mongolia; spoke disapprovingly of those who advocated measures of disarmament; and urged them to carry out their training conscientiously, so that they might serve to perfection the cause of the Emperor.

Lieutenant General KOISO, who, as Chief of the Military Affairs Bureau, had been privy to the

planning of the March Incident of 1931, still occupied that position. War Minister MINAMI, though he took the Army's part, and favored the Army's scheme for the conquest of Manchuria, was disposed to pay some deference to the views of the Cabinet and the Emperor. The Wakatsuki Cabinet had continued the policy of seeking reductions in the budgets for the armed forces; and, by 4th September, 1931, War Minister MINAMI and Finance Minister Inoue had reached substantial agreement in this regard. MINAMI was immediately subjected to strong criticism by KOISO for agreeing to this step; and, as a result, the agreement reached between MINAMI and Inoue was rendered nugatory.

By 14 September 1931 the Army's schemes in Mongolia and Manchuria were known in Tokyo. On that day MINAMI was warned by the Emperor that these schemes must be stopped. This message he conveyed to a meeting of Army leaders and others in Tokyo. It was thereupon decided to abandon the plot. MINAMI also despatched a letter to the Commander in Chief of the Kwantung Army ordering him to abandon the plot. This letter was not delivered until the Incident, at Mukden had occurred. The messenger who was despatched to Mukden to deliver this important letter was General Tatekawa; and, as will appear in our discussion of the

1 Mukden Incident, he seems to have intentionally delayed
2 presenting this letter until after the incident had
3 occurre..

4 On 19 September 1931, the day after the
5 Mukden Incident occurred, it was reported to the
6 Cabinet by MINAMI, who characterised it as an act of
7 righteous self-defence.

8 CONSOLIDATION OF THE ARMY'S POWER DURING THE
9 PERIOD OF THE WAKATSUKI CABINET.

10 Wakatsuki gave immediate instructions that
11 the situation must not be enlarged; and expressed con-
12 cern at the Army's failure to carry out thoroughly
13 the policy of the government. Five days later, on
14 24 September 1931 the Cabinet passed a formal resolu-
15 tion denying that Japan had any territorial aims in
16 Manchuria.

17
18 The Army was indignant that the Emperor should
19 have been induced to support the Cabinet's Manchurian
20 policy; and almost daily MINAMI reported Army advances
21 made in violation of his own assurances to the Premier.
22 On 22 September 1931 he proposed a plan to send the
23 Korean Army to Manchuria, but was rebuked by the
24 Premier for the action taken. On 30 September 1931,
25 MINAMI demanded the despatch of further troops, but
the Premier again refused. One week after the Cabinet's

1 resolution was passed the Chief of the Army Staff warned
2 Wakatsuki that the Kwantung Army might be compelled to
3 advance further into the Yangtze area; and that it would
4 brook no outside interference with its prerogatives.

5 During October 1931 a new conspiracy was planned
6 by HASHIMOTO and his Cherry Society. He had confessed
7 his part in the Mukden Incident, which, he said, was
8 aimed, not only at the establishment in Manchuria of a
9 new country founded on "the Kingly Way," but also at
10 resolving the political situation in Japan.

11 The October plot was designed to accomplish
12 this latter aim. It was planned to destroy the political
13 party system with a military coup d'etat, and to estab-
14 lish a Cabinet in sympathy with Army policy.

15 The plot was exposed, and the scheme was then
16 abandoned upon MINAMI's orders. But, during October
17 and November 1931, military activity continued in Man-
18 churia in direct violation of Cabinet policy. Rumors
19 were circulated that, if the Cabinet continued to with-
20 hold cooperation, the Kwantung Army would declare its
21 independence; and, in the face of this threat, the re-
22 sistance of the moderate elements among the liberalists
23 was broken.

24 On 9 December 1931 the War Minister reported to
25 the Privy Council on the Manchurian situation.

1 Opposition to the Army's activities was now confined to
2 the deleterious influence which they might exert upon
3 Japanese relations with the Western Powers. MINAMI
4 agreed that the conflict between Japanese official
5 assurances and Army actions was unfortunate; but issued
6 a sharp warning that there must be no interference by
7 outsiders in matters of Army discipline.

8 Three days later, on 12 December 1931, Wakatsuki
9 resigned, after admitting his Cabinet's inability to
10 control the Army. The Manchurian Incident, he said, had
11 continued to expand and spread in spite of the Cabinet's
12 decision to prevent it. After abandoning the prospect
13 of forming a coalition Cabinet which could control the
14 Army, he had decided reluctantly that Shidehara's policy
15 must be abandoned. As the Foreign Minister would not
16 yield, he had been compelled to tender his Cabinet's
17 resignation.

18 The Army had achieved its goal of a war of
19 conquest in Manchuria, and had shown itself to be more
20 powerful than the Japanese Cabinet.

21 THE CONQUEST OF MANCHURIA DURING THE PERIOD OF
22 INUKAI'S CABINET.

23 It was now the turn of the Seiyukai party, which
24 had been in opposition, to attempt to control the Army.
25 When Inukai was given the Imperial Mandate, he was

1 instructed that the Emperor did not desire Japanese
2 politics to be wholly controlled by the Army. His party
3 contained a strong pro-military faction, led by Mori,
4 who became Chief Cabinet Secretary under the new govern-
5 ment. But Inukai adopted immediately a policy of cur-
6 tailing the activities of the Kwantung Army, and of
7 negotiating with Generalissimo Chiang Kai-shek a gradual
8 Army withdrawal from Manchuria.

9 General Abe had been nominated for the post of
10 War Minister in the new government; but many young Army
11 officers had opposed this appointment upon the ground
12 that Abe had no knowledge of, or sympathy for, their
13 feelings. At their insistence Inukai had appointed
14 Lieutenant General ARAKI as War Minister, believing that
15 he would be able to control the Army.

16 General Honjo, commanding the Kwantung Army,
17 which was already planning to create in Manchuria a new
18 state under Japanese control, despatched Colonel ITAGAKI
19 as his emissary to Tokyo, and received the support of
20 War Minister ARAKI.

21 Inukai opened secret negotiations with General-
22 issimo Chiang Kai-shek, which, however, came to the
23 knowledge of Mori and the military faction. Mori warned
24 Inukai's son of the Army's indignation; and the negotia-
25 tions, though promising well, were perforce abandoned

1 by the Premier. An Imperial Conference was held in late
2 December 1931, two weeks after the Cabinet had taken
3 office; and immediately afterwards a new offensive in
4 Manchuria was planned by ARAKI, the War Ministry and the
5 Army General Staff. Inukai was refused an Imperial
6 Rescript sanctioning the withdrawal from Manchuria; and
7 Colonel ITAGAKI threw out hints of the Kwantung Army's
8 plan to install a puppet ruler and to take over the ad-
9 ministration of the new state. The new Premier's plan
10 to control the Army had been frustrated in a matter of
11 weeks.

12 A new offensive in Manchuria began as the Army
13 had planned, while in Tokyo War Councillor MINAMI advised
14 the Emperor that Manchuria was Japan's lifeline, and
15 that a new state must be founded there. On 18 February
16 1932, the independence of Manchukuo was declared; on
17 9 March 1932, the first organic law was promulgated;
18 and three days later the new state requested international
19 recognition. One month afterwards, on 11 April 1932, the
20 Inukai Cabinet, which had now accepted this fait accom-
21 pli, discussed plans for the Japanese guidance of
22 Manchukuo.

24 THE ATTACK ON PARTY GOVERNMENT AND ASSASSINATION
25 OF INUKAI.

During the first quarter of 1932 HASHIMOTO and

1 Okawa were each preparing the way for the national re-
2 organization or renovation which would rid Japan of
3 democratic politics. On 17 January 1932, HASHIMOTO
4 had published a newspaper article advocating the reform
5 of the Japanese parliamentary system. He propounded
6 the theme that democratic government was incompatible
7 with the principles upon which the Empire was founded.
8 It was, he said, necessary to make a scapegoat of the
9 existing political parties, and to destroy them for the
10 sake of constructing a cheerful new Japan.

11 Okawa was forming a new society, named after
12 Jimmu Tenno, the legendary founder of the Empire and
13 the legendary enunciator of "Kodo" and "Hakko Ichiu."
14 The objects of the new society were to further the
15 spirit of the Empire, to develop nationalism, and to
16 inspire the Japanese to the leadership of East Asia;
17 to crush the existing political parties and to achieve
18 the realisation of a government constructed on nationalis-
19 lines; and so to plan the control of Japanese industrial
20 development as to encourage expansion of the national
21 power abroad.

22 Though the Inukai Cabinet had yielded on the
23 question of Manchuria, the liberal elements within it
24 still resisted the type of national renovation which
25 Okawa and HASHIMOTO advocated. Inukai favoured a

reduction in the Army budget, and was opposed to the recognition of Manchukuo by Japan. Through his son he received repeated warnings from Mori that his opposition to the military faction was endangering his life. The cleavage between the militarists and those who still believed in Cabinet control affected both the Cabinet and the Army itself. The pro-military group was led by War Minister ARAKI and had become known as the "Kodo faction" -- the supporters of the "principle" of "the Imperial Way."

On May 1932 Inukai delivered a speech in which he extolled democracy and condemned fascism. A week later he was assassinated in his official residence. HASHIMOTO was a party to the plot, which was carried out by naval officers.

Prince Konoye, Baron Harada and others discussed the situation which had arisen. KIDO, Chief Secretary to the Lord Privy Seal, Lieutenant General KOISO, Vice-Minister of War, and Lieutenant Colonel SUZUKI of the Military Affairs Bureau were present. It was agreed that Inukai's assassination was directly attributable to his championship of party government. SUZUKI considered that similar acts of violence would occur if new Cabinets were organised under political leadership, and he therefore favoured the formation of a coalition government.

PREPARATIONS FOR WAR DURING THE PERIOD OF
THE SAITO CABINET.

The Saito Cabinet, which took office on 20 May 1932, attempted to achieve a compromise in the conflict between Cabinet and Army. The Cabinet would control the military; and would effect general economies, including a reduction in the army budget. On the other hand, the Cabinet accepted the Army policy in Manchukuo; and determined upon the promotion, under Japanese domination, of the economic and industrial development of that country. Lieutenant General ARAKI was still War Minister; and Lieutenant General KOISO, who had become War Vice-Minister in February 1932, retained that position.

It was inevitable that the new Cabinet policy in regard to Manchukuo should cause a deterioration in Japanese relations with the Western Powers. But the Army, unfettered by opposition within the Cabinet, was also preparing for war with the U.S.S.B., and for a further struggle with the central government of China.

As early as December 1931 it had been planned to include in the new state the Chinese province of Jehol; and in August 1932 it was declared that this area formed part of Manchukuo. In the same month KOISO vacated his post in Tokyo to become Chief of

Staff of the Kwantung Army.

A month earlier, in July 1932, the Japanese Military Attache in Moscow had reported that the greatest stress must be laid upon preparation for war with the Soviet Union, as such a war was inevitable. He saw in the restraints of the League, in Chinese resistance, and in the attitude of the United States, further obstacles to the accomplishment of Japan's great task in Asia. War with China and with the U.S.S.R. he believed to be a foregone conclusion, and with the United States a possibility for which Japan must be ready,

Recognition of Manchukuo by Japan had been withheld for six months; but in September 1932 it was decided by the Privy Council that the international repercussions which this step would cause need not be feared. With the Council's approval, an agreement was concluded between Japan and the puppet regime which the Kwantung army had installed. It was considered to be an appropriate measure in ensuring the extension of Japanese interests on the Continent. Under its provisions the new state guaranteed all Japanese rights and interests, and undertook to provide every possible establishment which the Kwantung army might require. Japan undertook, at Manchukuoan expense, the defence of, and maintenance of order in, that country. The key positions in both central and local governments were reserved for Japanese; and all appointments were made subject to the approval of the Commander of the Kwantung army.

In pursuance of this agreement, KOISO, as Chief-of-Staff of the Kwantung army, drew up a plan for the economic "co-existence and co-prosperity" of Japan and Manchukuo. The two countries would form one economic bloc, and industries would be developed in the most suitable places. The Army would control ideological movements, and would not in the meantime permit political

1 parties to exist. It would not hesitate to wield mil-
2 itary power when necessary.

3 Soon after the Saito Cabinet had taken office,
4 War Minister ARAKI had announced that, in view of the
5 establishment of Manchukuo, the resolutions of the
6 League of Nations and statements previously made by
7 Japan could no longer be considered binding upon her.
8 The League of Nations in 1931 appointed the Lytton
9 Commission to investigate the circumstances of Japan's
10 intervention in Manchuria. After the report of the
11 Lytton Commission had been received, the League had
12 voiced strong disapprobation of Japanese activities in
13 Manchuria, and in fostering new incidents elsewhere in
14 China. In view of this opposition to her plans, the
15 Saito Cabinet decided, on 17 March 1933, to give notice
16 of Japan's intention to withdraw from the League of
17 Nations; and, ten days later, that action was taken.
18 Simultaneously steps were taken to exclude foreigners
19 from Japan's mandated Pacific islands. Preparations
20 for war in the Pacific could therefore be made in
21 breach of treaty obligations, and freed from foreign
22 surveillance.
23

24 Meanwhile military preparations upon the contin-
25 ent were aimed directly at the Soviet Union. In April
1933, Lieutenant-Colonel SUZUKI of the Military Affairs

Bureau characterised the U.S.S.R. as the absolute enemy, because, as he said, she aimed to destroy the national structure of Japan.

THE PREPARATION OF PUBLIC OPINION FOR WAR:

ARAKI DISCLOSES THE ARMY'S PLANS

The publicists heralded the events of this period as the foundation of Japan's "new order". HASHIMOTO took some of the credit, both for the conquest of Manchuria, and for secession from the League. It was, he said, in part the result of the schemes which he had devised upon his return from Europe in January 1930.

Okawa said that the Japanese-Manchukuoan Agreement had laid the legal foundation for the co-existence and co-prosperity of the two countries. The spirit of patriotism, he said, had been suddenly awakened in the hearts of the Japanese people. Democracy and Communism had been swept away, and in Japan the nationalistic tendency had reached an unprecedented climax.

Okawa also welcomed Japan's withdrawal from the League of Nations, which, in his view represented the old order of Anglo-Saxon supremacy. Japan, he said, had at one stroke overcome her dependence upon Britain and America; and had succeeded in exhibiting a new spirit in her diplomacy.

In June 1933 War Minister ARAKI made a speech

1 of the utmost significance. In form it was an emotional
2 appeal to the patriotism of the Japanese people, ex-
3 horting them to support the Army in a time of crisis.
4 But in it was clearly revealed a settled intention to
5 achieve the armed conquest of East Asia, which ARAKI
6 identified with the traditional goal of Hakko Ichiu.

7 In fostering a sentiment for war, he drew
8 liberally upon the political philosophy which Okawa and
9 HASHIMOTO had popularised. Japan, said ARAKI, was
10 eternal, and was destined to expand. The true spirit
11 of the Japanese race lay in finding order amid chaos,
12 and in realising an ideal world, a paradise in East
13 Asia.

14 Herein lay the distinction between the new order
15 and the old; for, said ARAKI, under the leadership of
16 the League of Nations, the whole world had opposed the
17 fulfillment of Japan's holy mission. This, therefore,
18 was the critical period for Japan. Recent events had
19 shown that it was necessary to prepare for a nation-
20 wide general mobilisation.

21
22 Upon this interpretation of the international
23 situation ARAKI based his appeal for popular support.
24 He told his audience that the foundation of Manchukuo
25 was a revelation from heaven, which had re-awakened the
national spirit of the Japanese people. If the zeal

1 which the Mukden Incident had engendered was sustained,
2 the new order would be achieved. A revival of the
3 national spirit would resolve the international difficul-
4 ties which beset Japan; for the issue of wars depended
5 ultimately upon the spiritual power of the people.

6 The path for the people to follow, said ARAKI,
7 was the "way of the Emperor", and the Army of Japan was
8 the Emperor's Army. It would therefore fight against
9 anyone who opposed it in its task of spreading the
10 "Imperial Way".

11 ARAKI also discussed the term "national defence",
12 which was later to become the basic principle of Japan-
13 ese preparations for war. It was, he said, not limited
14 to the defence of Japan itself, but included also the
15 defence of the "way of the country", which was Kodo.
16 He therefore showed clearly that by "national defence"
17 was meant the conquest of other countries through force
18 of arms. In his writings of the same period ARAKI
19 disclosed the Army's designs upon Mongolia, and re-
20 affirmed once more his country's determination to crush
21 any country which turned against the "Imperial Way".

22 PREPARATIONS FOR WAR DURING THE PERIOD OF THE

23 SAITO CABINET: AND THE IMAU STATEMENT

24 In the months which followed, ARAKI's policy
25 gained both popular support and Cabinet recognition.

1 By September 1933 an intense antipathy for the arms
2 limitation-treaties had been built up through the
3 efforts of the military leaders. There was a uni-
4 versal demand for the revision, in Japan's favour,
5 of existing naval ratios; and any Cabinet which resisted
6 this popular clamour would have had to face an outraged
7 public. Notice was given of Japan's intention to
8 abrogate the Washington Treaty for the Limitation of
9 Naval Armaments.

10 Meanwhile the Saito Cabinet had made ARAKI's
11 principle of national defence the over-riding consider-
12 ation in its Manchukuoan policy. By December 1933 this
13 policy was settled. The economies of the two countries
14 would be integrated, and their military expenses would
15 be shared. Manchukuoan foreign policy would be modelled
16 upon that of Japan. The "national defence power" of
17 the two countries would be increased to overcome the
18 international crisis which before long Japan might en-
19 counter. The "open-door" provisions of the Nine-Power
20 Treaty would be observed only in so far as they did not
21 conflict with the requirements of "national defence."
22

23 In December 1933 the Kwantung Army was making
24 operational and other preparations for the day upon
25 which Japan would open hostilities against the Soviet
Union. In the space of two years the "friendship"

1 policy of Foreign Minister Shidehara had been complet-
2 ely discarded.

3 In April 1934 a new policy in respect of East
4 Asia was formulated in the "Ameu statement." This un-
5 official declaration, released to the press by a Foreign
6 Office spokesman, caused international alarm, and was
7 quickly disclaimed by the Saito government. It was how-
8 ever, wholly consistent with the Cabinet decisions of
9 1933, and repeated, in less inflammatory language, much
10 the same policy which War Minister ARAKI had enunciated
11 ten months earlier.

12 It was stated that, as Japan had a special pos-
13 sition in China, her views might not agree on all points
14 with those of other nations. It was this divergence of
15 opinion which had necessitated Japan's withdrawal from
16 the League of Nations. Although she desired friendly
17 relations with other countries, Japan would act on her
18 own responsibility in keeping peace and order in East
19 Asia. This responsibility was one which she could not
20 evade; nor could she share it with countries other
21 than China herself. Therefore any attempt by China to
22 avail herself of foreign support in resisting Japan
23 would be opposed.
24
25

THE FOREIGN POLICY OF HIROTA
DURING THE PERIOD OF THE SAITO AND OKADA CABINETS

1 On 14 September 1933, in this atmosphere of in-
2 creasing international tension, HIROTA had become for-
3 eign Minister of Japan. While Cabinet and Army were
4 planning and preparing for the new order, he attempted
5 to allay the misgivings of the Western Powers, and to
6 minimise the aggressive nature of his country's national
7 policy. In February 1934 he assured the United States
8 of his firm belief that no problem existed between that
9 country and Japan which was fundamentally incapable of
10 amicable solution.

11 On 25 April 1934, one week after the Amou
12 statement had been published, HIROTA sought to discount
13 its significance. He advised Hull, the American Secre-
14 tary of State, that the declaration had been made with-
15 out his approval, and that it had created a false im-
16 pression. He gave a categorical assurance that Japan
17 had no intention whatever of seeking special privileges
18 in China in derogation of the provisions of the Nine-
19 Power Treaty. Yet his government had already decided
20 to subordinate the "open-door" provisions of that very
21 treaty to the needs of Japanese preparation for war in
22 Manchukuo.

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Again in April and May 1934, similar assurances were given by the Japanese Ambassador in Washington. The Ambassador did, however, admit that his government claimed a special interest in preserving peace and order in China; but, in response to Hull's direct questioning, he denied that this phrase signified an over-lordship in the Orient, or even an intention to secure preferential trade rights as rapidly as possible.

By July 1934 no assurances could conceal the fact that a petroleum monopoly was being set up in Manchukuo; and Hull protested against the exclusion of American concerns in violation of Japanese treaty obligations. In August 1934, after Okada had succeeded Saito as Premier, Foreign Minister HIROTA advised Hull that Manchukuo was an independent state, and that Japan had no responsibility in the matter. Although Manchukuo was under the control of the Kwantung Army, and although the development of the petroleum monopoly was a direct result of the Saito Cabinet's "national defence" policy, further communications from the United States failed to elicit any acknowledgment of Japanese responsibility.

The disparity between HIROTA's professions and his country's actions was made even more apparent in December 1934. In that month the Manchurian Affairs

1 Bureau was created as an organ of the Japanese govern-
2 ment to coordinate its policy in regard to Manchukuo.

3 ARMY EXPANSION AND GOVERNMENTAL

4 ECONOMIC PREPARATIONS ON

5 THE CONTINENT IN 1935

6 While HIROTA denied that Japan's intentions
7 were aggressive, the Army accelerated its preparations
8 for war. In 1935 it took the initiative in preparing
9 for military expansion on the continent of Asia; while
10 the Okada Cabinet, which had taken office on 8 July 1934,
11 gave its support to the Army's economic planning in
12 Manchukuo.

13 Simultaneously with the creating of the Man-
14 churian Affairs Bureau in December 1934, General MINAMI
15 was appointed Commander of the Kwantung Army and
16 Ambassador to Manchukuo. Major-General ITAGAKI became
17 his Vice-Chief-of-Staff.

18 With ITAGAKI's support, MINAMI made plans to
19 foster the establishment of autonomous governments in
20 Inner Mongolia and in the five provinces of North China.
21 This would inflict a serious loss upon the national
22 government of China, and would at the same time create
23 buffer states between Manchukuo on the one hand and
24 China and the Soviet Union on the other.

25 During May 1935 the North China Army under

Lieutenant-General UMEZU made a pretext to issue a virtual ultimatum to the Chinese forces in that area; and KINAMI mobilised the Kwantung Army to back up UMEZU's demands. Some units moved into the demilitarised zone of North China; and in June 1935 the Chinese capitulated, moving their armies and administration from the Tientsin area. As KIDO observed in Tokyo, this step against China was based upon the plans of ITAGAKI and others that the military, not the diplomats, should take the lead in dealing with China, as they had done in the case of Manchukuo.

During the same period the Kwantung Army manufactured an incident at Changpeh and Major-General DOHIMARA took charge of the intrigue with prospective puppet rulers, the aim being the formation of new autonomous governments. The Foreign Ministry took no hand in these developments, but HIROTA received full advice of their progress from the Peiping Embassy. On 2 October 1935, he was told that the Army intended to establish a virtually autonomous state for the sake of including North China in the Japanese-Manchukuoan economic bloc, and of promoting national defence. He was also told that the Army's Inner Mongolian scheme was making steady progress, and that DOHIMARA was no doubt engaged in promoting it.

1 According to defence witness Kawabe the Changneh
2 Incident was settled on 27 June 1935, by the conclusion
3 of the Ching-DOHIMARA agreement. The Army was now in
4 control of local regimes in half of Inner Mongolia, and
5 in substantial portions of the five provinces of North
6 China.

7 Meanwhile, on 3 July 1935, the Privy Council,
8 in the presence of Foreign Minister HIROTA, had met to
9 consider closer economic cooperation with Manchukuo.
10 The Investigation Committee of the Privy Council reported
11 that, while measures of military diplomacy in Manchukuo
12 were well advanced, no system had yet been devised to
13 coordinate measures in the economic field. Therefore
14 they recommended the conclusion of a pact to establish
15 a Joint Economic Committee, which would provide the
16 necessary machinery. The Privy Council approved the
17 measure, after HIROTA had given an assurance that Japan
18 would always be able to rely upon a preponderance of
19 votes in the Committee; and the new agreement was
20 signed on 15 July 1935.

22 THE COORDINATION OF HIROTA'S

23 FOREIGN POLICY WITH ARMY PLANNING

24 During the last three months before the Okada
25 Cabinet fell, Army policy and foreign policy under
HIROTA were completely coordinated. In December 1935

General MINAMI sent troops to aid the local government in Inner Mongolia in taking over from the Chinese the remaining portion of that area. General Tada, who on 1 August 1935, had succeeded UWEZU as Commander of the North China Army, made plans to place the railways in that area under his control, so that he might use them to achieve his military objectives.

During that month also the Kwantung Army communicated to the War Ministry its propaganda plan, which would be carried out in conformity with its military activity in North China. As soon as the advance into China proper should take place, a campaign would be launched to convince the whole world of the lawfulness of the Japanese cause. An attempt would also be made, by means of anti-Kuomintang and anti-Communist agitation to estrange the inhabitants of North China from the central authorities. This slogan of "anti-Communism" had been chosen by DOHIMARA, ITAGAKI and others, when the autonomous movement was first launched in 1935.

On 21 January 1936 HIROTA despatched to the Japanese Ambassador in China a precis of the plan which the Army had drawn up for dealing with North China. The Ambassador was instructed that the intention was gradually to build up self-government in the five provinces of North China. The Foreign Ministry was

determined to give support and guidance to the new political organisation and thus to expand and strengthen its functions. No measures would be taken which the world might understand as indicating a Japanese intention to set up in North China an independent government similar to that of Manchukuo. The various military organisations would be told to keep closely in touch with the Foreign Office and the Navy in carrying out the plans. A provisional organisation to handle the problems of self-government would be established under the Commander of the North China Army.

With this reconciliation between Foreign Ministry and Army the first period of military preparation was complete. The resources of Manchukuo were in course of development. The standing strength of the Army had risen from 250,000 men at the beginning of 1930 to 400,000 at the beginning of 1936. In the second period military planning would involve the whole nation in a general mobilisation for war.

THE INCREASING POWER OF THE ARMY

DURING THE PERIOD OF THE OKADA CABINET

Keisuke Okada, who was Prime Minister of Japan from 8 July 1934 to 8 March 1936, has testified that, during his tenure of office and that of his predecessor Saito, the power of the Army was increasing. Both

Cabinets, said Okada, had incurred the Army's resentment because it recognised in them an influence opposed to the Army's policy of using force in connection with the expansion of Japanese influence in Asia.

The power and the ruthlessness of "activist" circles within the Army had been evinced in July 1935, when the Inspector-General of Military Education had been forced to resign. In protest against this action, Lieutenant-General Nagata, Chief of the Military Affairs Bureau, had been assassinated in his office by an Army officer of field grade. Although Okada, as Prime Minister, had felt very strongly about this incident, he had been powerless to investigate the crime. The Army had conducted its own investigation, and had permitted no interference by Premier or Cabinet.

In consequence of this incident, and because he feared further trouble from the militarists, General Hayashi had tendered his resignation as Minister of War, and had been succeeded in that office by General Kawashima, whom all the generals agreed to try to protect. It was realised by the members of the Cabinet that, in accepting the appointment, Kawashima ran a considerable risk.

THE 26 FEBRUARY 1936 INCIDENT,AND THE DOWNFALL OFTHE OKADA CABINET

Subsequent events proved that these fears were not without warrant; for, on 26 February 1936, Army resentment against the Okada Cabinet culminated in the attempted assassination of Okada himself by a group of young Army officers. Twenty-two officers and some fourteen hundred men, revolting against the government and seizing its principal administrative offices, terrorised Tokyo for three and a half days. During this period the government was carried on by the Minister of Home Affairs while the Premier was besieged in his residence. The Finance Minister, Takahashi, and Saito, Lord Keeper of the Privy Seal, were assassinated by the terrorists. Ten days later Okada, being unable to control the military, tendered the resignation of his Cabinet.

OKADA'S POLICY AND DOWNFALLSHOW THE EXTREME NATUREOF THE ARMY'S DEMANDS

During Okada's period of office many steps had been taken to place the Japanese nation in a state of preparation for war. HIROTA, as Foreign Minister, and Nagano, as Japanese delegate to the London Naval

Conference, played a major part in the policy which led Japan, in December 1934, to declare her intention of abrogating the Washington Treaty for Limitation of Naval Armaments, and to secede from the London Naval Conference in December of the following year. In the Mandated Islands during the same period, air bases and storage facilities were under construction at various points, and elaborate precautions were being taken to prevent foreign travellers from entering the area.

During the year 1935 also, a strict censorship of news had been instituted under the immediate supervision of the Home Ministry; and newspapers had become little more than vehicles for the dissemination of government-approved propaganda. The police had exerted a large measure of censorship and control over all media of expression of public opinion. In August 1935 the War Ministry had issued regulations designed to investigate the conditions of military training in schools and universities, contribute to its developments and to ensure that the potential military value of the qualifications of graduating students was assessed. Despite repeated protests from the United States, an oil monopoly had been established in Manchuria by the Japanese; and machinery for the exploitation of the natural resources of that country had been provided.

Since October 1935 at the latest the Army had taken an active and independent part in Japanese foreign policy; for in that month the defendant OSHIMA, then Military Attache in Berlin, had begun negotiations for a Japanese-German Pact, and had expressed to Von Ribbentrop the desire of the Japanese Army General Staff for a general treaty between the two countries.

Notwithstanding all of these developments, and although the Kwantung Army had proceeded steadily towards the realisation of its aims in Manchuria and North China, the extremists were not satisfied. The Army regarded the Okada Cabinet as one formed by the Navy in an effort to control the militarists. It did not consider that it was receiving proper support for its policies in North China. By means of assassination and insurrection, the extremists within the Army had cleared from their path, first the more moderate influences within the War Ministry itself, and then the Cabinet, which, though it had provided no substantial resistance to pressure from the militarists, still represented a less violent policy. On 27 February 1936, the very day after the Army insurrection had begun in Tokyo, the Japanese consulate in Amoy, China, let it be known that the purpose of the insurrection was to replace the divided Cabinet by a military Cabinet. They said that the

young military group intended to take the whole of China at one stroke and to prepare for an immediate war against the Soviet Union so that Japan might be the only power in Asia.

This was the Army's design; and these were the circumstances in which HIROTA's government took office on 9 March 1936. As SHIRATORI had suggested to a friend in November 1935, if neither diplomats nor political parties could suppress the militarists, it was better to support their policy and to endeavour to carry it out.

HIROTA AND HIS CABINET

When the new Cabinet took office on 9 March 1936 all of Okada's ministers were replaced with the sole significant exception of HIROTA himself. He had become Foreign Minister on 14 September 1933 during Saito's premiership, and had held that office for thirty months. As Japanese encroachment upon the continent of Asia continued, he had been required to deal with an increasing volume of protests from other powers whose interests were affected, and particularly from the United States. Although Japanese usurpation of sovereignty upon the continent and the wide-spread violations of the "open door" provisions of the Nine-Power Treaty had not been rectified, he had contrived to retain in a measure the confidence of the Western Powers. Now, in the moment of

the Army's ascendancy, when other Cabinet Ministers relinquished office, HIROTA became Prime Minister of Japan. Nagano, who had led the Japanese delegation which seceded from the London Naval Conference in December 1935, became his Navy Minister. Lieutenant-General UMEZU, who had commanded the North China Army until 1 August 1935, became Vice-Minister of War. Vice-Admiral SHIMADA remained Vice-Chief of the Naval General Staff. Arita replaced HIROTA at the Foreign Ministry; and Baron HIRANUMA, Vice-President of the Privy Council since October 1926, attained the Presidency of that institution.

Under this Cabinet the Army's scheme for a new order in East Asia became the settled policy of the Japanese government.

THE ORDINANCE REQUIRING
SERVICE MINISTERS TO BE CHOSEN FROM
GENERAL OFFICERS UPON THE ACTIVE LIST

Two months after the formation of the new Cabinet, a measure was taken which established more securely the power of the Army over successive governments. On 18 May 1936 the new government promulgated an ordinance reviving an old rule that the Navy and War Ministers must be officers on the active list of the rank of Lieutenant-General or above. As events were soon to

prove, this placed in the hands of the military authorities a weapon which could make or break governments without recourse to the methods of intimidation which had led Okada to resign.

THE BASIS OF JAPAN'S NATIONAL POLICY

WAS DECIDED ON 11 AUGUST 1936

On 11 August 1936, at a conference of Five Ministers attended by Prime Minister HIROTA, Foreign Minister Arita, War Minister Terauchi, Navy Minister Nagano, and Finance Minister Baba, the fundamentals of Japan's national policy were decided. In this statement were set out in the utmost clarity the principles which were to guide Japan, both in her relationships with other nations and in completing her internal preparations for war. We may consider first the contents of the decision itself, and then the process which led to its adoption.

THE PRINCIPLES DECIDED UPON

The fundamental principle of national policy was to be the strengthening of Japan, both internally and externally, so that the Japanese Empire would "develop into the stabilisation power, nominal and virtual, in East Asia, secure peace in the Orient and contribute to the peace and welfare of mankind throughout the world." The next sentence left no room for

1 doubt as to the nature of the development contemplated.
2 The establishment of the national policy would consist
3 "in securing a steady footing of (the Japanese) empire
4 in the Eastern Continent as well as developing in the
5 South Seas, under the joint efforts of diplomatic skill
6 and national defence."
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8 The second part of the statement was devoted to
9 considering the situations which this policy would en-
10 tail, and the steps which would be taken to meet them.
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1 In the first place, it was realised that the
2 policy would lead to difficulties with other powers
3 having interests in the Orient. Therefore, Japan would
4 "exclude the Military Rule Policy of the Powers" and
5 would follow her own policy based on the "co-existence
6 and co-prosperity" principles. This policy was to find
7 more concrete definition a year later in the Five-year
8 Programme of Important Industries. It was then said
9 that industries requisite for national defence would be
10 pushed forward to the Continent as much as possible
11 "according to the principle of right work in the right
12 place," and that Japan "should pick out the most impor-
13 tant resources, should ingeniously take the initiative
14 in economic exploitation of North China, and should
15 make efforts to secure its natural resources." Such a
16 policy was in open conflict with the provisions of the
17 Nine-Power Treaty of 1922.

18 The second principle laid down in August, 1936,
19 was implicit in the first. "In order to secure the
20 stability of our Empire and to safeguard its develop-
21 ment so as to acquire the position of the real stabili-
22 sation power in East Asia, nominally and virtually,
23 we are to complete our defensive armament." This
24 statement also was to receive concrete definition in
25 the army's plans of 1937.

1 The third principle made clear the relation of
2 the first two to practical policies. Japan "should
3 strive to eradicate the Russian menace on the North,
4 in order to realise a steadfast development of Man-
5 churia, and for the solid defence of both Japan and
6 Manchuria." Japan "should also be prepared for Britain
7 and America, attempting at the same time an economic
8 development by the close cooperation of Japan, China
9 and Manchuria." Nevertheless, in achieving her objects,
10 Japan "should always be careful to hold most amicable
11 relations with the Powers."

12 The same note of caution was sounded in the fourth
13 and final principle. "For the furtherance of our plan
14 to achieve the social and economic development of our
15 Empire toward the South Seas, especially in the outer
16 South Seas Islands Areas, we should take a gradual and
17 peaceful measure, always avoiding to stimulate other
18 nations, and try to fulfill our national strength
19 correlative with the completion of Manchuria."
20

21 THE MEASURE OF THE PREPARATIONS

22 FOR WAR DEMANDED BY

23 THE 1936 DECISION

24 In the final portion of the 1936 policy state-
25 ment, the balance of military and diplomatic function
was worked out. Defence armament would be completed.

The measure of military strength would be that necessary

"to counteract all the military forces that Russia can furnish and employ in the Far East;" and especial attention would be paid to the completion of military strength in Korea and Manchuria so that Japan might "strike a hit at the very outset of the war upon the Russians." Naval armaments would be strengthened to an extent sufficient to secure the command of the Western Pacific against the United States Navy.

Japan's diplomatic policy would be "to try to prosecute the national scheme in smooth and amicable manner," and the military authorities were charged with the duty of assisting the activities of the diplomatic organ, so that it might act fully and advantageously.

Lastly, internal policy would be determined in accordance with the basic plan. Steps would be taken to lead and unify public opinion, and to strengthen the people's will to tide over Japan's extraordinary emergency. Measures would be taken to secure their livelihoods, to develop their physical strength, and to "foster sound and healthy minds and ideas." Japanese diplomacy would be revitalised; and her systems of overseas information and publicity would be completed. Drastic progress would be made in air and sea transportation. Administrative and economic agencies would be

created to advance and further trade and industry essential to the national policy. The establishment of a programme for self-sufficiency in important resources and materials would be expedited.

THE SIGNIFICANCE OF THE AIMS
EXPRESSED IN THE 1936 POLICY DECISION

The statement of basic national policy which the Five Ministers adopted on 11 August 1936 expressed Japan's determination, not only to achieve the domination of East Asia, but also to extend her influence southwards. This expansion to the south would, if possible, be achieved peacefully; but the threat of military strength would be used to ensure diplomatic victories. It was recognised that Japan's designs upon the continent would lead to an almost certain collision with the U.S.S.R., and would also lead inevitably to disputes with other nations having interests in the Orient. Among such powers must be numbered all the signatories to the Nine-Power Treaty of 1922, and most notably Great Britain and the United States. It is apparent that Japan's determination to substitute her own principles of "co-existence and co-prosperity" for the "existing military rule policy of the powers" meant merely that the rulers of Japan were bent upon the economic and industrial exploitation of Manchuria and

1 the rest of China in violation of Japan's obligations
2 as a signatory to the Nine-Power Treaty.

3 It was frankly acknowledged that this policy
4 could succeed only if backed by a vast plan of mobili-
5 sation for war. It was agreed that the goal of naval
6 expansion should be a force large enough to secure to
7 Japan the command of the Western Pacific against the
8 United States Navy; and that the goal of military ex-
9 pansion must be the creation of a fighting machine
10 strong enough to inflict a crushing blow upon the strong-
11 est force which the Soviet Union could deploy upon its
12 Eastern borders. It was recognised that these objectives
13 in turn demanded the institution of a comprehensive
14 programme for industrial development and self-sufficiency
15 and that every phase of the lives of the Japanese people
16 must be so directed and controlled as best to prepare
17 them to play their parts in a period of expected na-
18 tional emergency.

19
20 THE ORIGINS OF THE

21 NATIONAL POLICY DECISION

22 This basic national policy decision, which
23 proved to be the cornerstone in the whole edifice of
24 Japanese preparations for war, originated not with
25 HIROTA's Cabinet as a whole, but in the War and Navy
Ministries. On 30 June 1936, War Minister Terauchi

1 and Navy Minister Nagano agreed in conference upon a
2 draft proposal which corresponded in every material
3 respect with the statement finally adopted by the
4 Conference of Five Ministers on 11 August 1936. There
5 were certain differences in emphasis; and in these
6 cases the blunter wording of the two service min-
7 isters served to show more clearly the intentions
8 of the policy-makers. Where the final draft spoke
9 vaguely of securing a steady footing in Asia and
10 developing in the South Seas, the service ministers
11 had stated categorically that Japan's guiding principle
12 must be to realize the spirit of the "Imperial Way"
13 by following a consistent policy of overseas expansion.

14 Upon the same day, 30 June 1936, Terauchi
15 and Nagano laid their plan before HIROTA, Arita and
16 Baba, their colleagues in the Five Ministers' Confer-
17 ence. Finance Minister Baba, agreeing that the mili-
18 tary rule policy of the Powers should be ousted from
19 the continent of Asia, thought fit to remark that it
20 was essential for Japan herself not to practice a
21 militaristic despotism. Foreign Minister Arita laid
22 stress upon the need, in existing international cir-
23 cumstances, for retaining the good will of Great
24 Britain and the United States; but had otherwise no
25 objections to the draft proposal, the sentiment of

which he found to be in keeping with his own concept of Japanese foreign policy. Prime Minister HIROTA said that he had no fault to find with the proposal; and the meeting adjourned leaving it to the Army or Navy to draw up a detailed plan.

The Five Ministers met again on 7 August 1936, and approved the plan in its final form. Four days later, on 11 August 1936, these decisions were reiterated and embodied in an official statement signed by each of the five ministers concerned.

THE ANTI-COMMUNIST PACT

It may here be noted that, several months before the Five Ministers' Conference of June and August 1936, another Army design of major importance had been adopted by HIROTA's government. In October 1935, informal discussions for a Japanese-German alliance had been instituted by OSHIMA, the Military Attache in Berlin, with the approval of the Army General Staff. In the spring of 1936, after HIROTA had become Prime Minister, Ambassador Mushakoji had returned to Berlin; and thenceforward had himself conducted the negotiations. After protracted discussions between von Ribbentrop and Mushakoji, the Anti-Comintern Pact was initialed by them in Berlin on 23 October 1936. On 25 November 1936 the treaty was

ratified by the Japanese Privy Council.

ECONOMIC AND INDUSTRIAL PREPARATIONS

FOR WAR UNDER HIROTA

The transactions of the HIROTA Cabinet, both before and after the redefinition of the basic national policy, accorded closely with the principles set out in that decision. Great strides were being made in consolidating Japanese control of Manchuria and North China. While the Kwantung Army exercised control in Manchuria itself, in Japan the civil authorities were working towards the establishment of a nominally independent satellite state whose national policy Japan would dictate and whose natural resources Japan would be free to exploit. The Japanese-Manchukuoan Treaty, signed on 10 June 1936, marked the virtual attainment of this aim.

Two days later Cordell Hull, the United States Secretary of State, advised a representative of the Japanese Foreign Ministry that the impression had been created that Japan sought absolute economic domination, first of East Asia, and then of such other areas as she thought fit. This, said Hull, would in the end mean political and military domination as well.

On 11 August 1936, at the very conference

which settled the fundamentals of Japanese national policy, the "Second Administrative Policy towards North China" was also approved. Its main purpose was to set up an anti-communistic, pro-Japanese and pro-Manchurian area in which Japan would serve materials necessary for her programme of preparations for war, and in which she would also improve transportation facilities in case of war with the Soviet Union.

While the Army on the continent was securing new sources of materials and new avenues of industrial expansion, steps were being taken to develop a new war-supporting economy in Japan. The assassination of Finance Minister Takehashi during the February 1936 Army insurrection, and the subsequent formation of HIROTA's Cabinet, marked a turning-point in the financial policy of the Japanese Government. The nation now embarked upon a series of financial measures emphasizing state control of the national economy for political purposes. The new policy was designed to accommodate a sweeping programme of industrial expansion. From this time onwards the government issue of National Loan Bonds was steadily increased to make provision for enormous budget cutleys; and little consideration was paid to the principles of sound financing. In January 1937 the transactions involving

foreign exchange were made subject to government licence, and expenditure of foreign assets was virtually confined to the purchase of commodities essential to the war-supporting industries.

On 29 May 1936, a law was passed for the express purpose of establishing the production of automobiles "in order to adjust the national defence and the nation's industry." Prior to this date the automobile industry was virtually non-existent, nor was it an economically sound proposition. Yet its development under strict governmental control was now fostered with the aid of state subsidies and sweeping tax exemptions.

Japan's merchant shipping fleet was also being rapidly increased under government subsidy. The third "scrap and build" programme was inaugurated during HIROTA's term of office. Together with the programme of the previous year, it produced 100,000 new gross tons of shipping, giving Japan at the end of 1936 the most modern merchant fleet, in proportion to size, of any nation in the world.

We will recess now until 1:30 o'clock.

(Whereupon, at 1200, a recess was taken.)

AFTERNOON SESSION

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The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: (Continuing)

PLANS FOR CONTROL OF PUBLIC OPINION IN TIME OF WAR

On 20 May 1936, the War Ministry produced that portion of its General Mobilization Plan which dealt with intelligence and propaganda activities before the outbreak of war and during its initial phases. The plan provided that, if war became imminent, an Intelligence Bureau would be created to give effect to the Government's policy of publicity and propaganda. The scope of the activities of this bureau, and the methods of its functioning, were set out in minute detail. Its task would be to guide and to control every form of communication to the public, and to utilize every medium of public expression to promote the policy approved by the government.

NAVAL PREPARATIONS

1 While HIROTA was Prime Minister, the Navy
2 was not less active than the Army in promoting the
3 national mobilization for war. The two service min-
4 isters had acted in conjunction in preparing their
5 statement of basic national policy, and in supporting
6 it before the Conference of Five Ministers. It was,
7 indeed, the Navy Minister, Admiral Nagano, who sponsored
8 the new statement of policy before the conference; and
9 it appears from his remarks that the concrete plan,
10 as finally approved on 11 August 1936, was drafted to
11 the Navy Ministry.
12

13 This was the year of the Navy's emancipation
14 from all obligation to limit her naval armaments; for
15 the Washington Treaty expired on 31 December 1936.
16

17 With Japan's earlier expansionist schemes the
18 Japanese Navy had had little direct concern. Now for
19 the first time it was assigned a major role, namely,
20 that of securing the command of the Western Pacific
21 Ocean against the United States fleet. The policy of
22 naval expansion to which Japan thus committed herself
23 had commanded a growing volume of support since the
24 year 1930. It is therefore appropriate to the topic
25 of preparations for war to review at this point the
steps by which Japan had abandoned the system of

limitation of naval armaments through international agreement.

JAPAN'S RIGHTS AND OBLIGATIONS

UNDER THE TREATIES FOR NAVAL DISARMAMENT

The United States, Great Britain, Japan, France and Italy were parties to the Treaty for the Limitation of Naval Armaments signed at Washington on 6 February 1922. Articles IV and VII of that treaty had declared respectively the total tonnage of capital ships and of aircraft carriers which might be maintained by each of the signatory powers, the limitation being based upon the defensive needs of the power concerned. In both cases the upper limit for Japan was 60 per centum of that permitted to the United States or Great Britain. A limitation had also been placed upon the calibre of the guns which might be mounted on these and other classes of vessels -- 16" in the case of capital ships and 8" in the case of aircraft carriers. The treaty was not to expire before 31 December 1936, and was to remain in force until the expiration of two years from the giving of notice by one of the contracting powers of intention to terminate it. All the signatory powers were to meet within one year from the giving of such notice.

The United States, Great Britain and Japan,

1 together with India and the British dominions, were
2 also parties to the Treaty for the Limitation and
3 Reduction of Naval Armament signed at London on
4 22 April 1930. This treaty had not abrogated the
5 Treaty of Washington, but had provided for a further
6 reduction and limitation within the framework of the
7 older treaty. Provision had been made for limitation
8 of the permissible displacement of aircraft carriers
9 and submarines, and of the calibre of the weapons
10 carried by them. Detailed tables had also been pro-
11 vided, setting out the total tonnage of surface vessels,
12 other than capital ships and aircraft carriers, which
13 might be maintained by each of the signatory powers--
14 the limit for Japan being approximately 70 per centum of
15 that permitted for the United States or Great Britain.
16 The third important provision had been that each
17 signatory should communicate to the other signatories
18 certain information upon the laying down and upon the
19 completion of each vessel of war. In addition, the
20 agreement had involved the scrapping of certain capital
21 ships, and this provision had been manifestly favorable
22 to Japan. The provisions as to aircraft carriers were
23 to remain in force for the same period as the Treaty of
24 Washington; but in other respects the treaty was defin-
25 itely to expire on 31 December 1936. A new conference

was to be held between the signatory powers during the year 1935.

In evaluating the advantages which the London Treaty offered to Japan, weight must be given to the views of Takarabe, the Navy Minister during 1930. It had, he said, been considered essential for the Navy to have 70 per centum of the strength maintained by the probable potential enemy, and Japan had attempted to maintain this ratio in capital ships at the Washington Conference. Finally this aim had been abandoned, and Japan had acceded to a ratio of 60 per centum. She had, however, attained her two other major aims, namely 70 per centum in strength of cruisers with 6" guns, and her present strength in submarines. At the London Conference every effort had been made to gain the third major aim, namely 70 per centum in total tonnage; and this aim had succeeded.

While it was indeed true that the ratio of Japanese to United States cruisers with 8" guns would, under the provisions of the London Treaty, fall from 70 per centum to 60 per centum, there were compensations in the increased ratio of less formidable ships allotted to Japan. Above all, said Takarabe, the treaty was a bid for friendly relations with the United States, and had saved Japan the possible predicament of an armament

race with that country. The Prime Minister, Hamaguchi, had echoed this sentiment, admitting that some aspects of the agreement were not entirely satisfactory, but pointing out that Japan would in any case be free to build again after 1936.

Although Prime Minister Hamaguchi, his Navy Minister and his Cabinet had championed the treaty, it had not been ratified without considerable opposition. Thirteen stormy sessions of the Investigating Committee of the Privy Council had debated the question between 18 August and 26 September 1930. An open rift had developed between Cabinet and Privy Council; and also, it appeared, between Cabinet and the Naval General Staff, of which Nagano was then Vice-Chief. Hamaguchi, when taxed with disregarding the advice of his service chiefs, had answered pacifically that the views of the military had been considered, but that the matter of concluding treaties should be decided by the Cabinet. As the discussions had progressed it had become more apparent that there was a line of cleavage between those who placed reliance upon friendly international relations, and those who advocated armaments sufficient to confront the United States or any other power intervening in Sino-Japanese affairs with a Japanese preponderance of strength at the scene of conflict. The latter view had been well

represented by one Councillor who had said that the military system was characteristic of Japan; that the United States would attempt to drive Japanese influence out of China and Mongolia; and that military strength must therefore be supplemented. Japan's importance in the world, two Councillors had said, lay in her military power alone.

On 1 October 1930, the London Treaty had been ratified by the Privy Council, Hamaguchi and Takarabe expressing the views attributed to them above. Great public interest, speculation and unrest had been aroused. MIRANUMA, as Vice-President of the Privy Council, had attended every meeting.

THE PERIOD OF GROWING OPPOSITION
TO THE NAVAL TREATIES.

The minority, which had in 1930 opposed the ratification of the London Treaty, in time became a majority; and under the two "navy" Cabinets of Saito and Okada, opposition to the treaty restrictions had gathered strength.

On 15 September 1933, while Saito was Premier, Ambassador Grew had reported to Washington a growing dissatisfaction with the restrictions imposed by the London Treaty. Ever since its ratification, he said, and especially during the preceding twelve months,

Japanese naval leaders had insisted that Japan must demand parity, or at least a great increase in relative tonnage at the Conference to be held in 1935. They had built up a feeling of resentment and contempt for anything connected with the treaty. The assassinations of Hamaguchi and Inukai and the intimidation of other statesmen were due in part to their defense of it. The retirement of Takarabe and other senior naval officers had been attributed to the support which they had given to the treaty.

Grew emphasized that public opinion in Japan was now bitterly opposed to any form of limitation of armament, and that the new policy of the United States in building towards the treaty limits had served only to incite the feeling aroused. Japanese naval leaders now faced the dilemma of entering with unequal resources upon a naval armament race, or of braving the public opinion which they themselves had fostered.

At this juncture the Saito Cabinet had held office for eighteen months. ARAKI, War Minister in this and the preceding Cabinet, had dealt cautiously with the question, conceding that the Washington and London Treaties had saved public money, and had prevented competitive rearmament and the development of new weapons. He had, nevertheless, made it clear

that Japan considered the provisions of these treaties outmoded, and that she would demand a change in ratios at the next conference.

The day before Grew's report was written, HIROTA became Foreign Minister of Japan, and a Supreme War Councillor. Just over a year later, on 17 September 1934, HIROTA informed Grew that Japan had definitely decided to give notice before 31 December 1934 of her intention to terminate the Washington Treaty. In the interval the Amai statement had been made and Saito's Cabinet had been replaced by that of Okada.

THE POLICY OF THE
COMMON UPPER LIMIT, 1934.

The London Treaty, 1930, had provided for a meeting of signatories in 1935 to frame a new treaty. In July or August 1933, Vice-Admiral Takahashi, Vice-Chief of the Naval Staff under Prime Minister Saito, had said frankly, "We are going to the Conference in 1935 with a demand for parity. If our demand is rejected, we shall return home."

In October 1934 when Japanese representatives met British and American delegates at London for preliminary discussions, this was the stand they adopted. They were convinced, they said, that a common upper

1 limit, within which all powers might build, but which
2 no power might exceed, was the only way in which to
3 secure equality of security. They would favor a
4 limit fixed by agreement at as low a level as possible.
5 In particular, they would favor total abolition or a
6 radical reduction in the strength of aircraft
7 carriers, capital ships and cruisers with 8" guns.
8 These vessels they regarded as being peculiarly
9 offensive in nature. Submarines, on the other hand,
10 they regarded as essentially defensive weapons, owing
11 to their comparative unseaworthiness and relatively
12 short range. If the provision of the London Treaty
13 prohibiting their use in attacking merchant vessels
14 could be made universal, the offensive character of
15 submarines would, they thought, be ended.

16 This proposal was designed to enhance
17 Japan's naval power in comparison with that of the
18 United States. In 1933 the United States had inaugu-
19 rated a new naval policy, building towards, but still
20 keeping considerably below, the limit prescribed by
21 the Washington and London Treaties. The proposal for
22 a general reduction to a relatively low common upper
23 limit would have required the leading naval powers,
24 having navies larger than the limit fixed, to scrap
25 or sink many ships. Therefore, the practical effect

of the Japanese proposal would have been the sacrifice of a portion of the American fleet, and of the whole of the results achieved by its building program, with no corresponding sacrifice on the part of Japan.

Again, it has already been noted that, under the provisions of the London Treaty, Japan had successfully claimed an increased ratio in total displacement at some expense to her proportionate strength of cruisers with 8" guns. The provisions of the Washington Treaty still operated to keep her comparative strength in capital ships and aircraft carriers at the lower level. Therefore, the three types of naval vessels, the total abolition of which Japan was disposed to recommend, were those in which she was proportionately weakest.

Finally, it was apparent that since 1930 Japan had revised her views concerning the role of submarines. One Privy Councillor, vehemently opposing the ratification of the treaty, had then said that what the United States feared most was submarines; and that, as long as Japan possessed submarines, she had nothing to fear from the United States. Navy Minister Takarabe had made a special point of his government's success in retaining its submarine strength at the existing level. This had constituted one of the three

great principles of Japan's naval policy.

1
2 In October 1934 while the London discussions
3 were in progress, the Japanese government had issued
4 an official statement for the guidance of public
5 opinion. It was there stated that Japan's experience
6 with the League had shown that a just claim was not
7 always recognized at an international conference. As
8 the maintenance of Japan's naval strength was the
9 basis of the peace of East Asia, her future depended
10 upon the fortunes of her navy. Therefore the people
11 must be put upon their guard against foreign propa-
12 ganda. Even if the Japanese claim should not be
13 accepted, and no agreement should be reached, this
14 would not necessarily mean the beginning of a naval
15 construction race; and even should such a race ensue,
16 the authorities were confident that Japan's position
17 could be maintained by independent measures.

18
19 The preliminary discussions had terminated
20 on 19 December 1934 without achieving any measure of
21 agreement. On the same day the Japanese Privy Council
22 had unanimously approved the government's decision
23 to abrogate the Washington Treaty, and on 29 December
24 1934 had given to the United States notice of Japan's
25 intention so to do. An unsuccessful attempt had
previously been made to persuade Great Britain to

1 join in this step, so that Japan might avoid the
2 embarrassment of unilateral action.
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WITHDRAWAL FROM
THE LONDON CONFERENCE 1935

On 7 December 1935, a naval conference, called in pursuance of the Washington and London Treaties, and attended by the delegates from the five powers signatory to the Washington Treaty, had opened in London. The United States delegation had proposed an all-round quantitative reduction of 20 per centum in each category of naval vessels upon the basis of existing ratios, and had also been prepared to discuss qualitative limitations, particularly limitations in the calibre of weapons. The chief Japanese delegate, Nagano, had in reply reiterated that public opinion in Japan no longer supported the Washington Treaty, and had reaffirmed his country's insistence upon the common upper limit. The American delegation had pointed out that over-all parity would mean overwhelming Japanese superiority in the Pacific, while the existing treaty system provided equality of security for all signatory nations. Therefore the Japanese demands, if persisted in, could lead only to competitive naval construction. The Japanese delegation had made no substantial attempt to answer these objections, saying merely that, in their country's view, while the United States Navy was superior in strength, it menaced Japan's very

existence.

1 Despite an American suggestion that the
2 provisions of the Washington Treaty should endure
3 until a new agreement could be reached, and despite
4 British attempts to reach an agreement on qualitative
5 limitations, Japan had insisted that the parity issue
6 must first be determined. Accordingly, on 15 January
7 1936, the principle of the common upper limit had been
8 discussed in plenary session. As no other delegation
9 had offered any support for the proposal, the Japanese
10 delegation had formally withdrawn from the Conference.

11
12 Thus in 1934 and 1935, when Okada was Premier
13 and HIROTA his Foreign Minister, the way had been
14 cleared for naval rearmament. In August 1936, the
15 Conference of Five Ministers had decided upon the
16 creation of a navy sufficiently strong to secure the
17 command of the Western Pacific against the United
18 States fleet; and, in so doing, had confirmed American
19 fears that the abandonment of the existing treaty system
20 could lead only to competitive naval rearmament.

21 NAVAL EXPANSION UNDER HIROTA

22
23 In December 1936, the month of the expiry of
24 the Washington Treaty, the Chief of the Naval Affairs
25 Bureau was able to report -- in a speech which was not
for publication -- that the armaments and materials of

the Japanese Navy were making rapid progress from
1 day to day. Vice-Admiral Toyoda warned his audience
2 that the new construction programme would involve
3 heavy capital expenditure. Appropriations for this
4 purpose should not, he said, be grudged, although
5 detailed accounts would not be furnished. It would
6 be unprofitable for Japan to let other powers know too
7 early the future building policy of her Navy.

8
9 The new programme, which HIROTA's Cabinet
10 had instituted, bore fruit in the following year; for
11 in 1937 the increase in Japanese naval construction
12 figures was the greatest for any year between 1931
13 and 1945.

14 But, to secure command of the Western Pacific,
15 the Navy needed bases as well as fighting ships. Japan's
16 mandated South Seas Islands -- the Mariannas, the
17 Marshalls and the Carolines -- which covered the whole
18 area of the central western Pacific, became, on 20
19 January 1937, subject to naval administration.

20 THE HISTORY OF THE MANDATED ISLANDS.

21 Under the provisions of the Treaty of
22 Versailles, Japan received under Mandate from the
23 League of Nations these three widely-scattered island
24 groups, which she administered through the agency of
25 the South Seas government with headquarters at Palau.

1 Under the provisions of the League Covenant there
2 was imposed upon the mandatory the duty of preventing
3 the establishment of fortifications or military and
4 naval bases; and by virtue of a treaty signed at
5 Washington on 11 February 1922 relating to Pacific
6 possessions, Japan had undertaken this same obligation
7 in relation to the United States.

8 The Japanese Mandated Islands were served
9 by the Nippon Yusen Kaisha Steamship Company, which,
10 from the year 1933 onwards, had followed a policy of
11 excluding foreigners from its service to the islands.
12 On 28 March 1933, when the "navy" Cabinet of Saito
13 was in power, this company had advised its Honolulu
14 office that bookings should be refused to foreigners,
15 and that persistent applicants would be given passage
16 only after approval had been secured from the proper
17 authorities in Japan.

18 THE FORTIFICATION OF
19 MANDATED ISLANDS BEFORE 1936

20 There are indications that the building of
21 naval installations in the mandated islands area was
22 begun in 1932 or 1933, and that these beginnings were
23 contemporaneous with the new policy of exclusion of
24 foreigners. By 1935 at the latest, an airstrip and a
25 naval air base were under construction upon the island

of Saipan in the Mariannas. This island, the largest of the Mariann group, is situated approximately 200 miles northward from the American island of Guam.

During the latter half of 1935, steps were to intensify the restrictions placed on foreign travel in the South Seas Islands. The Japanese steamship company on 14 October 1935 again advised its Honolulu branch that every effort was being made not to accept passengers for voyages into this area. In any exceptional case full details concerning the intended passenger should be furnished to the South Seas Islands government, which would reach a decision only after consultation with the Foreign and Navy Ministries. Experience had indicated that in most cases the application would be refused.

Twice more in October and November 1935 these instructions were repeated. It was stipulated that all problems concerning the South Seas line should be handled only by Japanese, and that correspondence should be written only in Japanese. Refusal of bookings would be attributed to poor standards of accommodation and irregularity in sailing times. Approval in any given case would rest with the Navy Minister and with Foreign Minister HIROTA.

SECURITY IN THE MANDATED ISLANDSMAINTAINEDDURING THE PERIOD OF THE HIROTA CABINET

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In June 1936, when HIROTA's government was three months old, the American Secretary of State advised Grew that grave suspicions were entertained as to harbour developments or fortifications in the Mandated Islands. It was pointed out that Japanese vessels had been permitted to visit closed ports in Alaska; and the American Ambassador was instructed to seek permission for a United States destroyer to visit the Japanese Mandated Islands. Grew made the request, as on his own initiative, to HIROTA himself. The Prime Minister professed to be well-disposed, but to have no knowledge of the question. It was later indicated to Grew that a decision rested with the Overseas Affairs and Navy Ministries. No permission was forthcoming, although Japan and the United States had, in 1922, agreed to extend to each other the usual comity in visiting the harbours and waters of their respective mandated islands.

On 28 July 1936, the Japanese steamship company again advised its Honolulu branch that passengers should not be accepted for travel on the South Seas line. Further communications dated 8 April 1937 and 13 March

1939 show that the restrictions imposed were not relaxed in subsequent years.

These facts, taken together, show that, both before and after the national policy decision of 11 August 1936, Japan was making preparations for war in the South Seas area, in breach of her obligations as a mandatory. The Foreign and Navy Ministries were throughout concerned to divert attention from these developments; and in these efforts HIROTA had a full share, both as Foreign Minister and as Premier.

NAVAL OFFICERS AS ADMINISTRATORS IN THE
MANDATED ISLANDS

On 20 January 1937, while HIROTA's government was still in office, the Privy Council approved a measure permitting naval officers in active service to be appointed as administrative officials of the South Seas government without loss of seniority in the service. HIROTA himself and Navy Minister Nagano were among those who attended the Council meeting over which HIRANUMA presided. In the privacy of the Council meeting the true nature of Japan's interest in the mandated islands was declared. The reasons given for the measure were that the South Seas islands had come to hold an important position in the defence of the Empire; and that, in view of the international situation and of the many installations in the islands concerned with navigation routes, harbours, roads, aviation and communications, special attention must be paid to the convenience and military circumstances of the Navy.

POSITIONS OF ACCUSED UNDER HIROTA

It has been seen that the period of HIROTA's premiership, which lasted from 9 March 1936 to 1 February 1937, was one of active planning and preparations for war, which originated with the War and Navy Ministries, and which involved the other principal departments of

government in the execution of the long-range planning.

1 Among the most important office-holders at this
2 time was Lieutenant-General UMEZU, who became, on 23
3 March 1936, Vice-Minister of War. This office he re-
4 tained during the Premierships of HIROTA, Hayashi and
5 Konoze until 30 May 1938. Under HIROTA, he held, in
6 addition, many subsidiary appointments, which might
7 serve as an index of the Army's interests at that time.
8 He was a Councillor of the Manchurian Affairs Bureau,
9 of the Cabinet Investigation Bureau, and of the Infor-
10 mation Bureau. He was a member of the commission
11 appointed to investigate the affairs of the automobile
12 industry, and a member of the Council for Educational
13 Reform. He was in charge of the War Ministry's affairs
14 in the Imperial Diet.

15 KITAHARA, appointed Major-General on 1 August
16 1936, was Chief of the Control Section of the Mobili-
17 zation Plans Bureau. On 20 May 1936 his Bureau had pro-
18 duced the mobilization plan for control of public
19 opinion in time of war or emergency. Lieutenant-Colonel
20 MUTO was a staff member of the Military Affairs Bureau
21 until 19 June 1936; and Colonel SUZUKI was attached to
22 that office until 1 August 1936.

23 ITAGAKI, who was appointed Lieutenant-General
24 on 28 April 1936, had been Vice-Chief-of-Staff of the
25

1 Kwantung Army since 10 December 1934. From 23 March
2 1936 to 1 March 1937, he was that Army's Chief-of-Staff,
3 and, in addition, a Member of the Japanese-Manchukuoan
4 Joint Economic Committee. He was therefore intimately
5 connected with the progress, during HIROTA's term of
6 office, of Japanese military and economic preparations
7 in Manchuria and in the provinces of North China. HOSHINO
8 who, since 1 July 1934, had been a section chief in
9 the Finance Ministry of Manchukuo, became, on 9 June
10 1936, the Vice-Chief of that Ministry.

11 Vice-Admiral SHIMADA was Vice-Chief of the
12 Naval Staff from 2 December 1935 to 1 December 1937,
13 during which period the Navy had contributed to the
14 national policy decision of August 1936, had achieved
15 control of the mandated islands, and had instituted a
16 new policy of naval expansion. Captain OKA was, until
17 1 December 1936, a member of the Naval General Staff,
18 and an observer in the Navy Ministry.

19 During HIROTA's term of office, KAYA was in
20 charge of the affairs of the Finance Ministry in the
21 Diet, and was also a Councillor of the Manchurian Affairs
22 Bureau. On 2 February 1937, when Hayashi replaced
23 HIROTA, KAYA became Vice-Minister of Finance.

24 HASHINOTO AND THE GREATER JAPAN YOUNG MEN'S
25 SOCIETY

In August 1936, a few days after the basis of Japan's national policy had been decided, Colonel HASHIMOTO was placed on the Reserve List. He embarked immediately upon the task of founding a new society, the aims of which he expounded in speeches and in pamphlets during the latter half of 1936.

HASHIMOTO based his doctrines upon the two traditional precepts of Kodo and Hakko Ichiu. For, said HASHIMOTO, the first step in unifying the world was to unify the people of Japan itself directly under the Emperor. To achieve the renovation the blood and enthusiasm of young men were required; and it was the purpose of the Greater Japan Young Men's Society to supply this need. Young men would become the framework of the New Japan, and would unite the entire strength, moral and physical, of the Japanese race in the spirit of Kodo or loyalty to the Emperor.

It has been seen that in the period under review the history of the Army was one of defiance of the civil power. Statesmen and governments had been removed by intimidation, assassination and insurrection when their policies were in conflict with those of the Army. Now in 1936, with HIROTA as Premier, the Army had established a settled ascendancy over a Cabinet in office. HASHIMOTO had taken this process a further step, building for a

1 day when there would be one party only, the Army party,
2 and when the rulers of the Army would no longer be
3 encumbered by the forms of democratic government. The
4 immediate goal of totalitarianism was symbolised in the
5 idea of Kodo; the ultimate goal of world domination in the
6 idea of Hakko Ichiu.

7 And here may be reviewed the steps which had
8 already been taken to prepare the minds of the Japanese
9 people for war and for military rule.

10 THE HISTORY OF MILITARY TRAINING IN SCHOOLS

11 AND UNIVERSITIES

12 As early as 1886, military training and lectures
13 had been instituted in the elementary, secondary and
14 normal schools of Japan; and after the Japanese-Chinese
15 War of 1896 regular Army officers had conducted the
16 training. After the 1914-18, little attention was paid
17 to the matter for some years; but from 1922 onwards the
18 War Ministry detailed officers to supervise the teaching.

19 During 1925 and thereafter the War and Education
20 Ministries worked in conjunction to ensure that male
21 students received training. On 23 April 1925, it was
22 ordained that military officers of active service status
23 should be stationed in schools. They would, by agreement
24 between the War and Education Ministries, be posted to
25 teacher's training institutions, to all types of public

and governmental schools, and, upon request, to private schools. They would be under the supervision and orders of the school authorities; but they themselves remained the servants of the War Ministry, which was given the right to inspect the actual conditions of training in the schools. A year later, in September 1926, the War Ministry organised an inspectorate which was required to furnish reports upon the work being carried out.

In April 1926 the Education Ministry created a new teaching organization designed to cater for youths of seventeen to twenty-one years of age, who had received no formal schooling. The course, which was of four years duration, included subjects of general and vocational value; but one half of the total hours of instruction were specifically set aside for military training. In the month of their foundation, provision was made by the War Ministry for inspection of the military drills carried out at these youth schools.

By the year 1927, military training was compulsory throughout the whole school system; and from 1925 to 1930, the amount of school time devoted to this type of instruction was steadily increased.

In the universities, classes in military subjects were obligatory from the year 1925; though the obligation was not, at first, strictly enforced.

Actual military training remained upon a voluntary basis; but, as university students who attended both classes and parades were subsequently exempted from two out of three years of compulsory military service, there was a strong inducement to secure attendance.

Shortly before the Mukden Incident occurred students were taught that Manchuria was Japan's lifeline, upon the control of which depended the establishment of a stable economic order. With the outbreak of war in Manchuria lingering opposition to the military training programme was lost in the new spirit of ultra-nationalism which the military teaching inspired. From 1931 onwards the military instructors, though nominally subordinate to the school and university authorities, achieved an increasing measure of independence and domination.

After the military operations in Manchuria had subsided, time devoted to military subjects decreased a little; but it received a new impetus in 1936, when HIKOTA's government was in power. The training consisted of drilling, physical culture and war games. The textbooks used in the schools dealt with Japanese military history, and were designed to foster enthusiasm for the fighting services among the students.

THE HISTORY OF CENSORSHIP AND THE DISSEMINATION
OF PROPAGANDA

Freedom of the press had always been limited
in Japan. The enforcement of censorship under existing
laws was a task for the Police Bureau, which was controlled
by the Home Ministry. The police enforced the censorship
laws in connection with every form of public expression;
and they were particularly concerned to control expressions
of opinion which were in conflict with governmental
policy. All material for speeches and public entertainment
was subject to their approval. Any material which was
in their opinion objectionable was suppressed; any
individual or society which disobeyed their ruling was
punished under the provisions of the Preservation of
Peace Law of 1925. There was, in addition, a security
police organization, created in 1928 to watch over
subversive elements of the extreme right and left. From
1931 onwards these "High Police" kept watch on everybody
who opposed the policy of the government in power, and
on every public expression of opinion. Enforcement of
censorship became accentuated before the outbreak of
war in Manchuria, and during the same period government-
inspired propaganda was disseminated through the newspapers.
Beginning in 1930, authors, speakers, and editorial
writers were united in a concerted effort to prepare
public opinion for war in Manchuria, and, by the end of
that year, steps were being taken to suppress all who

opposed this policy.

From 1931 onwards the Army had exercised an unofficial censorship of its own. Any writer or publisher whose work was deemed by the Army to be unsatisfactory, received personal visits from Army representatives, who advised him that he had incurred the Army's disfavour. Such threats and warnings were also issued by the various patriotic societies, whose activities have been mentioned in connection with the war in Manchuria.

After the Manchurian war, the government and the Army launched an organised campaign to justify Japan's position on the continent, and to stifle criticism at home. Material dealing with military matters could be printed only after it had been approved by the Police Bureau of the Home Ministry. From 1935 onwards the press was completely under the domination of that Ministry.

At the instigation of the Army, and in contemplation of the outbreak of war, the Information Bureau was established by the HIROTA government during 1936. Its task was to coordinate, on behalf of all Ministries, the control of information and the dissemination of propaganda. It provided the government with a ready means for carrying out the 11 August 1936 national policy decision to lead and unify public opinion, and to strengthen the people's determination to tide over "Japan's"

extraordinary "emergency."

HASHIMOTO'S POLICY IN 1936

HASHIMOTO, while engaged in founding his Greater Japan Young Men's Society, was, in all his writings and utterances, preparing Japanese public opinion for war. He advocated, in terms less guarded than those the Five Ministers had used, expansion in the south, and especially in the Netherlands East Indies. He recognized in the British Navy the chief obstacles to his plan; and warned Japan that great resolution would be needed. He extolled the superior qualities of the Japanese race, whose mission it would be to end the tyrannical rule and the oppression of the white race.

Later in 1936, HASHIMOTO published the declaration, which embodied the aims of his new society. In this document, he said that Japan should increase her armaments to the amount absolutely necessary for conquering other countries of different principles that tried to hinder her from achieving the "Imperial Way." The essence of rearmament, he added, should be the realization of an invincible air force.

THE POLITICAL CRISIS OF JANUARY1937.

Meanwhile the program of economic and military expansion to which the HIROTA government was now committed had met with a mixed reception, and a struggle had developed between the militarists and their remaining opponents. The Cabinet had incurred, on the one hand, the opposition of the Seiyukai party, which accused it of bureaucratic tendencies, and of undue pandering to the military; and, on the other hand, that of the Army faction, which would now tolerate the expression of no viewpoint other than its own.

On 20 January 1937 a mass meeting of the Seiyukai party published a declaration criticizing the diplomatic and administrative policies of the HIROTA government. They expressed their intention of strengthening parliamentary institutions, and of subjecting all government measures to careful scrutiny. In particular they attacked the militarists, in whom they recognized the qualities of self-complacency and of a superiority complex. They declared that the military wished to interfere in every sphere of state function and said that if this evil were permitted to grow the people's will would be thwarted, constitutional government would become nominal, and the tyranny of a small group would

1 be introduced.

2 This challenge the Army authorities took up
3 immediately in a statement no less extravagant in its
4 terms than those which HASHIMOTO had used. The twin
5 themes of Kodo and Hakko Ichiu formed the basis of their
6 policy.

7
8 The political parties were accused of making
9 it their sole business to attack the military authorities,
10 without reflecting upon their own conduct. It was said
11 that their policy could not satisfy the Japanese people,
12 since it would confine them to the islands of Japan.
13 It would mean that Japan could not become the stabiliz-
14 ing force in East Asia. It would be the end of the
15 program of wholesale administrative reform. The state-
16 ment recommended the abolition of the present state of
17 Parliament, and a return to a form of constitutional
18 government which would clarify the national polity,
19 develop industry, complete national defence, stabilize
20 living conditions, and steadily dispose of important
21 questions.

22
23 In short, the Army recognized that everything
24 it had achieved under HIROTA was now at stake.

25

THE DOWNFALL OF THE HIROTA CABINET AND THEREFUSAL OF THE ARMY TO PERMIT UGAKI TOFORM ONE

Two days later, on 22 January 1937, the War Minister, Terauchi, resigned from the HIROTA Cabinet saying that the views of some Cabinet members differed fundamentally from those of the Army. In the circumstances he believed it to be absolutely impossible to enforce military discipline, the completion of national defence, and the all-out administrative reform to which he had devoted his utmost efforts since taking office.

The terms of the War Minister's resignation implied clearly that no other general would accept that portfolio in the HIROTA Cabinet; and no time was spent in looking for one. On 24 January 1937, the Imperial Mandate to form a new Cabinet was offered to General Ugaki, who was ultimately forced to decline it. Before doing so he spent at least four days in a determined, but fruitless, attempt to find a War Minister.

By long-established practice the nomination of a new War Minister rested with a triumvirate composed of the outgoing War Minister, the Chief of the Army General Staff, and the Inspector-General of Military Education. On 25 January 1937 Ugaki called upon General Terauchi, the outgoing War Minister, to nominate his successor.

Terauchi told Ugaki that the Army would not

dare to prevent the formation of a Cabinet by him; but asked him to reconsider his own position in relation to the maintenance and control of the Army. The next day General Sugiyama, Inspector-General of Military Education, called upon Ugaki, and after outlining the position in the Army, again tried to dissuade him from attempting the formation of a Cabinet. That afternoon the Triumvirate met, and submitted the names of three generals, each of whom declined appointment as War Minister. The Triumvirate thereupon decided that the other eligible generals would also refuse the position, and Terauchi advised Ugaki accordingly. All this was reported to ex-soldiers' associations by Lieutenant-General UMEZU, Vice-Minister of War, who explained that, as General Ugaki did not command the Army's confidence, it was considered that no one was able, as War Minister in a Ugaki Cabinet, to bear the heavy responsibility of controlling the Army.

Two days later Ugaki had still not given up hope. On 27 January 1937 UMEZU gave a talk commenting upon the deadlock, and expressing the hope that Ugaki would decline the mandate peacefully. This, of necessity, Ugaki did; and the Imperial Mandate was thereupon given to General Hayashi. The HIROTA Cabinet resigned on 1 February 1937, and Hayashi took office the following

day.

The protest of the Seiyukai party on 20 January 1937 against the increasing control of the military men over aspects of the government of Japan was almost the last serious attempt made by a political party in Japan to arrest this pernicious process. It had done no good. It had merely formed the occasion for a demonstration by the military of the fact that without their willing cooperation a cabinet could not continue to exist, nor could a new cabinet be formed. It had demonstrated also that the military now felt strong enough to refuse to cooperate in the government of Japan except with a cabinet which was agreeable to them.

THE COMPOSITION OF THE
HAYASHI AND FIRST KONOYE CABINETS

After emerging victoriously from this trial of strength, the Army proceeded steadily with its industrial planning. Hayashi's term of four months as Prime Minister is remarkable for nothing but the steady fruition of the plans the Army had made in 1936. HIROTA himself went out of office; but Lieutenant-General UMEZU, who had upheld the Army's standpoint during the Ugaki crisis, remained Vice-Minister of War. KAYA, who under HIROTA had been in charge of the affairs

of the Finance Ministry in the Diet, now became Vice-Minister of Finance. Vice-Admiral SHIMADA remained as Vice-Chief of the Naval Staff.

Some remnants of the liberalist faction must have remained in positions of influence; for, on 17 March 1937, HASHIMOTO returned to his attack upon politicians. There were in the Imperial Diet, he said, liberalists who stood for the maintenance of the status quo, and who were busily denouncing the military for mixing in politics. This he characterized as a subtle trick to spread anti-military thought among the people, and to obstruct the military movement for political renovation. From the point of view of national defense, it was, he said, the duty of the military to mix in politics.

Prime Minister Hayashi had, in July 1935 himself been out of favor with the Army; and had then felt obliged to tender his resignation as War Minister. Four months after the crisis which had brought his Cabinet to power, he relinquished office and was succeeded as Prime Minister by Prince Konoye. Again there was no perceptible pause or change in the progress of the Army's planning. UMEZU and SHIMADA again retained their offices. HIROTA returned to power as Foreign Minister, the position he had held under Saito and

Okada until he himself had become Prime Minister. KAYA became Finance Minister, and thus achieved the topmost position of all in the busy field of economic and industrial planning, and of financial controls. Baron HIRANUMA, under both Hayashi and Konoye, continued to preside over the Privy Council.

NEW ECONOMIC POLICIES

FOR NORTH CHINA UNDER HAYASHI

On 20 February 1937, three weeks after taking office, the Hayashi Cabinet approved a new basic policy for North China, which reiterated and supplemented the Five Ministers' decision of 11 August 1936. It was now declared that Japan's principal aims in administering North China were to establish it as an anti-Soviet buffer state, and to provide a source of materials, particularly for munition industries.

Again during the Hayashi Cabinet's tenure of office, on 16 April 1937, Japanese policy in North China was restated. The new plan, which merely added emphasis to the old, declared that economic infiltration would be achieved by encouraging the investment of both Japanese and Chinese private capital. The availability of such vital mineral resources as iron and coal would thereby be secured. The establishment of communications, sources of electricity, and other industrial aids would

speedily be completed. Strict precautions would, however, be taken not to arouse unnecessarily the suspicions of foreign powers.

THE ARMY'S PART IN THE
ECONOMIC AND INDUSTRIAL DEVELOPMENT OF
MANCHURIA UNDER HIROTA AND HAYASHI

In January 1937 the Kwantung Army drew up a five-year plan for the economic and industrial development of Manchukuo. Ever since the beginning of the war in Manchuria, this Army had steadily been taking control of the public utilities and the financial organs of that country. During the five years from 1931 to 1936 the work of prospecting for raw materials, creating industrial plants and improving the communications system, had gone ahead hand in hand with purely military measures. During 1935 the Japanese-Manchukuoan Joint Economic Committee had been established; and in November of that year the integration of the currencies of the two countries had been achieved through the establishment of the yen bloc. On 10 June 1936, a new treaty had been signed which gave to Japanese subjects all the rights of native citizens in Manchukuo. Special laws were to be passed for their protection. They were given immunity from the local jurisdiction and certain taxation exemptions.

The number of Japanese settlers, many of whom were also potential soldiers, increased rapidly, and was then in excess of 390,000. Natives were dispossessed of their holdings to provide good land for the newcomers at nominal purchase prices. In December 1936 the Industrial Bank of Manchukuo had been created to provide easy financing for preferred industries in accordance with Japanese Cabinet policy.

Over all of these developments the military authorities in Japan had exercised control through the agency of the Kwantung Army. Under the terms of the treaty of 10 June 1936, all legislation affecting Japanese subjects required the Kwantung Army Commander's approval; and, in addition, he exercised through his subordinates complete control over the internal administration of the country.

From 23 March 1936 to 1 March 1937 Lieutenant-General ITAGAKI was Chief of Staff of the Kwantung Army; and, as the occupant of that position, he was also a member of the Joint Economic Committee. It was his avowed policy to realize in Manchukuo the political and economic conditions required by Japan, to integrate the military planning and preparations of the two countries, and at the same time to promote the prosperity of Manchukuo itself. He exercised in the name of General

Ueda, the Kwantung Army Commander, full powers over the country's internal affairs.

The position of Director of the Board of General Affairs of Manchukuo was also held by a Japanese. His was the key position in the shaping of internal policies. All appointments were made by his direction, subject to the approval of ITAGAKI as Army Chief of Staff. HOSHINO, who had then had six months' experience as Manchukuoan Vice-Minister of Finance, became Chief of the General Affairs Section of the National Affairs Board on 16 December 1936. He was regarded in Japan as an economic expert, and it was his task to promote the economic development of Manchukuo. In carrying out this duty he maintained a constant liaison with the Commander of the Kwantung Army.

THE FIVE-YEAR PLAN FOR MANCHUKUO

Army planning in 1936 and 1937 was aimed directly at securing and developing the fruits of the Manchurian Incident. The five-year plan was designed to replace haphazard development with a concrete coordinated program. HOSHINO took part in its formulation, working with the representatives of the Finance and other Ministries of Manchukuo. ITAGAKI also took part in the work; and the right of final decision rested with General Ueda, the Commander of the Kwantung Army. On

17 February 1937 the Manchukuoan government issued an official report, announcing that, with the inauguration of the new program that country was entering upon a period of epoch-making constructive activity.

So closely did the Manchukuoan plan resemble those which the Army was preparing for Japan itself, that both may be considered as a single program of industrial and economic development.

THE FIVE-YEAR PLAN FOR IMPORTANT INDUSTRIES

29 MAY 1937

On 29 May 1937, while the Hayashi government was in power, the first major step was taken towards the achievement of the goals set in the basic policy decision of 11 August 1936. On that date the Army issued a document entitled "The Essentials of a Five-Year Programme of Important Industries." This plan was designed systematically to promote the activities of important industries generally by 1941, so that by that year Japan, Manchukuo and North China might constitute a single sphere, self-sufficient in important materials. Thus would Japan's position of leadership in East Asia be secured.

Thirteen industries were selected for priority during this five-year period--munitions, aircraft, automobiles, engineering machinery, iron and steel,

liquid fuel, coal, general machinery, aluminum, magnesium, electric power and railway rolling-stock. The basis of their selection was their importance in time of war. Separate plans were to be prepared by the Army for the aircraft and munitions industries within the framework of this general program. No radical change would be made in the existing capitalistic system of production; but the progress of the scheme would be secured by financial and price controls, direction of labor at the expense of less important industries, and control of foreign purchases. At the end of the five-year period, progress would be reviewed.

THE DECISION TO EXPLOIT

THE RESOURCES OF THE CONTINENT

The Five-Year Plan for Important Industries stated specifically that the industries selected for expansion would be located both in Japan itself and in Manchukuo, which would be regarded for that purpose as a single sphere. Furthermore, Japan would "ingeniously" (as it was translated) take the initiative in North China, and would make efforts to exploit its natural resources.

The five-year plan for Manchukuo had already shown the use which could be made of the resources of that country. Munitions industries for the production

of weapons of war, aircraft, automobiles and rolling-stock would be firmly established. Basic major industries, including those of iron, coal, liquid fuel and electric power would be developed. Efforts would be made to increase the quantities of those agricultural products needed as military stores. Railways and harbors would be provided with the facilities necessary for the industrial developments contemplated.

The object of the whole plan would be to open up those Manchurian resources which might be required in time of war; to establish a firm foundation for that country's industrial development; and so to order that development as to create self-sufficiency in Manchukuo, while supplying to Japan those materials which she lacked.

THE DETAILED PLANS FOR THE WAR-SUPPORTING INDUSTRIES
AND FOR THE PRODUCTION OF WAR MATERIALS

When on 4 June 1937 Konoye replaced Hayashi as Prime Minister there was no break in the continuity of Army planning.

On 10 June 1937 the Army produced a tentative draft of its program for putting into operation the Five-Year Plan for Important Industries. This program followed faithfully the aim of securing self-sufficiency in important material resources by 1941. Each of the

thirteen nominated industries was separately considered; but certain basic principles were common to the plan for each. Rigorous measures would be adopted to place each industry under the control and constant supervision of the government. Special juridical persons would be created, and systems of licensing would be adopted, as aids to the enforcement of governmental control. Production would be ensured through tax exemptions, through subsidies, and through governmental guarantees of operating losses.

Three weeks later, on 23 June 1937, the War Office produced a third plan entitled "Outline of the Five-Year Plan for Production of War Materials." Whereas the first two plans had dealt generally with the development of the war-supporting industries, the third was concerned with the Army's own role in this program of large-scale expansion. It was designed to coordinate military expansion and control with the achievement of self-sufficiency in the industries necessary to war potential. Certain industries, such as the munitions industry, fell primarily within the orbit of this plan. Others, more remotely connected with the Army's immediate needs, such as the supply of electric power, belonged more appropriately to the sphere of the major industries plan. Yet others, such

1 as the automobile, aircraft and machine tool industries,
2 were equally within the orbit of each plan. But all
3 phases of the planning were indis severably connected.

4 THE CONNECTION BETWEEN THE
5 1936 DECISIONS AND THE 1937 PLANS

6 In these three plans, produced by the Army
7 in May and June 1937, were embodied the principles which
8 the Five Ministers had laid down in the basic national
9 policy decision of 11 August 1936. The fundamental aim
10 was, in each case, the establishment of a steady footing
11 on the Asiatic continent, and the domination of East
12 Asia through military power.

13 The Plan for Important Industries, issued on
14 29 May 1937, and designed to achieve economic self-
15 sufficiency, had as its object a "long-stride develop-
16 ment, ensuring the actual power of leadership in East
17 Asia." The more detailed program which the Army issued
18 on 10 June 1937 had the same end in view. Self-
19 sufficiency was to be achieved by 1941 "in order to
20 be prepared for the epochal development" of Japan's
21 destiny, which would "be attained in spite of all
22 difficulties." In the third plan, which dealt with
23 war materials, these aims were reiterated and amplified.
24 Not only would there be a "speedy epoch-making expansion
25 of war industries" by 1941, but also the operation of

1 Japan's economy would be made to develop rationally by
2 unifying the handling of affairs by military administra-
3 tion." Special attention would be paid to a speedy
4 conversion from a peacetime to a wartime basis.

5 During the period in which these War Ministry
6 plans were prepared and published, Lieutenant-General
7 UMEZU was Vice-Minister of War. He had taken office on
8 23 March 1936, two weeks after HIROTA had become Premier,
9 and three months before the important Five Ministers'
10 conferences of that year. He had played an important
11 part in the Army's refusal to countenance Ugaki as
12 HIROTA's successor. He remained as War Vice-Minister
13 under both Hayashi and Konoye until 30 May 1938.

14 THE PLANS SIGNIFIED THE ARMY'S INTENTION TO ATTACK

15 THE SOVIET UNION

16 The Army's 1937 planning was not directed
17 wholly or principally towards the conquest of China.
18 The defence witness Okada maintained that the plans
19 were drawn up in emulation of the Soviet Five-Year
20 plans, and were intended to ensure that Japan's strength
21 compared favorably with that of the Soviet Union. He
22 said that Japan's position was such that she had to take
23 measures to cope with the phenomenal expansion of that
24 country's national and military power.

25 Nevertheless, the planning was not, as Okada

1 maintained, defensive in nature. Both in the plans
2 relating to major industries and in that dealing with
3 the production of war materials, the goal set was the
4 achievement of "national defence power"; and this was
5 to be accompanied by the perfection of Japanese arma-
6 ments. Ever since June 1933, when War Minister ARAKI
7 had defined the term, "national defence" had signified
8 expansion on the Asiatic continent through force of
9 arms; and in the 1937 plans themselves was expressed
10 unequivocally the Army's intention to achieve that
11 result.

12 There is, however, no doubt that the Army
13 regarded the Soviet Union as the inevitable enemy of
14 her Asiatic policy. The Military Attache in Moscow
15 had said so in July 1932: Lieutenant-Colonel SUZUKI
16 of the Army General Staff had repeated it in April
17 1933. The Kwantung Army had carried out consistently
18 preparations for such a war, and had tested its strength
19 against the Russians in border engagements. "Anti-
20 communism" had been the slogan of Japanese encroachment
21 upon North China and Inner Mongolia. In the basic
22 policy decision of 11 August 1936 the Five Ministers
23 had determined that the measure of military expansion
24 would be that necessary to deal with all the forces
25 which the Soviet Union could mobilize upon her Eastern

1 borders. The Anti-Comintern Pact of October 1936 had
2 paved the way for such a conflict.

3 On 9 June 1937, before the last of the three
4 Army plans had been produced, there was new proof that
5 the Army intended to initiate a war against the Soviet
6 Union. Lieutenant-General TOJO, who had, on 1 March
7 1937, succeeded ITAGAKI as Chief of Staff of the
8 Kwantung Army, considered that this aim should be
9 deferred and advised the Army General Staff accordingly.
10 Taking into consideration the prevailing situation in
11 China and the state of military preparations against
12 the Soviet Union, he was convinced that Japan should,
13 first, if her military power permitted it, attack the
14 Chinese national government's forces, which the Japanese
15 regarded as a menace to the Kwantung Army's rear. A
16 month later, when the Lukouchiao Incident had occurred,
17 it became apparent that the Army did consider her
18 military power sufficient to permit the taking of such
19 a step.

20 THE ARMY'S PLANS WERE DIRECTED ALSO AGAINST THE
21 WESTERN POWERS

22 But the Army's 1937 planning was not exclusively
23 directed against the Soviet Union; for it had long been
24 recognized that, in achieving the conquest of East Asia,
25 Japan would earn the enmity of the Western Powers. Nor

were her interests confined to the continent of Asia. In 1924 and 1925 Okawa had advocated the occupation of the islands of the East Indies, and had predicted a war between East and West in which Japan would emerge as the champion of the East. In July 1929 he had looked forward to the liberation of the Asiatic peoples, through the expulsion of the white races. Japan's withdrawal from the League of Nations in March 1933 had been heralded by Okawa as emancipation from Anglo-Saxon supremacy; and, in June 1933, ARAKI had told the Japanese people that the whole world, under League leadership, was opposed to the fulfilment of their country's destiny. He had spoken of the critical period ahead, and ever afterwards this had been a theme of the publicists and planners.

By September 1933 Japanese public opinion was bitterly opposed to any form of limitation of armaments through international agreement. In December of the same year the Saito Cabinet had decided that Japan's obligations under the Nine-Power Treaty would not be permitted to stand in the way of her aims upon the continent. In 1934 and 1935 Foreign Minister HIROTA had set the precedent for mollifying Western resentment with reassuring statements, while proceeding steadily to encroach upon established Western interests in

Manchukuo.

This was the policy adopted by the Five Ministers on 11 August 1936. The military rule of the Western Powers would be excluded from the continent; Japan would develop in the South Seas by gradual and peaceful measures, but would at the same time strive to maintain amicable relations with the powers.

Nevertheless, it had not been assumed that the policy of soft replies could do more than delay an open breach with the Western Powers. The Five Ministers had decided that naval armament must be strengthened sufficiently to secure command of the Western Pacific Ocean against the United States. During the same period HASHIMOTO had openly advocated expansion to the south and especially into the Netherlands East Indies. He had seen in the British Navy the chief obstacle to this scheme and had called for further rearmament, the essence of which would be the creation of an invincible air force.

This aim received Army recognition in the War Materials Plan of 23 June 1937, which provided for huge increases in the numbers of military and naval aircraft and designated 1942 as the first year in which required wartime capacity would be achieved.

A week later, on 1 July 1937, HASHIMOTO

1 published another article in which he warned the Japanese
2 people that the powers were making desperate efforts to
3 enlarge their air forces. He once more extolled the
4 need for an invincible air force, which might not only
5 be used against the U.S.S.R., but which would also serve
6 as the mainstay of Japanese armaments.

7 The Army plans of May and June 1937 were
8 similar to the national policy decision of 1936; and
9 the keynote of the planning was that the goal of overseas
10 expansion would be attained in spite of all difficulties.
11 While it was not intended prematurely to provoke the
12 Western powers to war, it was clearly recognized that
13 they constituted such a difficulty. The Army, in its
14 five-year plans, was making timely provision for the day
15 when such difficulties could be resolved only by resort
16 to war.

17 Meanwhile the Navy, unencumbered either by
18 treaty restrictions or by participation in the Army's
19 continental schemes, was assiduously preparing for war
20 in the Pacific.

21 NAVAL PREPARATIONS AND PREPARATIONS IN THE MANDATED
22 ISLANDS DURING 1937
23

24 The year 1937 saw a large and abrupt increase
25 in every aspect of Japanese naval strength and naval
construction figures. Three heavy cruisers and one new

1 aircraft carrier were commissioned--the first new
2 cruisers since 1932 and the first new carrier since 1933.
3 The strength of naval manning rose during the year by
4 more than 25 per centum. Construction was begun upon a
5 new capital ship of unprecedented dimensions and fire-
6 power. The total displacement of heavy cruisers, after
7 being for some years relatively static, rose by 25,500
8 tons. Apart from destroyer strength, which had also
9 been greatly augmented, the most marked increases were
10 in those very classes of vessels which the Japanese
11 delegates to the London Naval Conference had labeled
12 as peculiarly offensive weapons.

13 Throughout this period Vice-Admiral SHIMADA
14 was Vice-Chief of the Naval Staff. He had taken office
15 under the Okada Cabinet on 2 December 1935, a few days
16 before the London Naval Conference had opened. He
17 held office continuously under three Navy Ministers
18 during the premierships of HIROTA, Hayashi and Konoye
19 until 30 November 1937. During this period Japan had
20 withdrawn from the international agreements for naval
21 disarmament; had planned to create a Navy which would
22 rival the United States Pacific fleet; and had embarked
23 upon a rapid but extensive program of naval construction.

24 During this period also the Navy had been given
25 charge of Japan's mandated South Seas Islands and had,

under cover of secrecy and in breach of treaty obligations, set about their fortification and equipment as naval bases. Construction of a naval air base on Saipan in the Marianas had been in progress at least since 1935. During 1937 ten-inch guns were imported and stored, and work was commenced under naval direction upon the installation of underground fuel tanks. In 1937 or earlier the work was extended to the Carolines, for in this year an airstrip was being made on Peleliu in the Palau group, and a thousand miles to the eastward military installations were in the course of construction upon the islands of the Truk atoll.

THE REFUSAL TO AGREE TO AN INTERNATIONAL

LIMITATION OF NAVAL GUN CALIBRE

Even after Japan's withdrawal from the London Naval Conference on 15 January 1936, the Western powers had not abandoned hope of mitigating the evils of a naval rearmament race.

The United States, Great Britain, France and Italy had, on 25 March 1936, concluded a new treaty which renewed or preserved in modified form certain of the provisions of the two expiring treaties. The limitation of the calibre of guns mounted on capital ships was, under the provisions of the new treaty, to be reduced from 16" to 14", provided that a general agreement

1 to this effect was reached with nonsignatory powers
2 before 1 April 1937. Although it was within Japan's
3 power to make this provision effective, a British request
4 that she do so drew a specific refusal from Hayashi's
5 Foreign Minister.

6
7 On 4 June 1937, the day of the formation of
8 Konoye's first Cabinet, the United States, expressing
9 her earnest desire that the limitation should be carried
10 into effect, made a direct appeal to Japan to give the
11 requisite undertaking. It was explained that Japan's
12 answer would determine whether 14" or 16" guns would be
13 mounted upon United States capital ships then under
14 construction. Two weeks later, on 18 June 1937,
15 Foreign Minister HIROTA conveyed Japan's refusal to
16 Ambassador Grew and reiterated his country's adherence
17 to the views which the Japanese delegation had expressed
18 in London.

19
20 Thus, during the very months in which the
21 Army was producing its large-scale plans for military
22 preparation, new proof was given of Japan's intention
23 to proceed steadily with those warlike preparations,
24 which were directed primarily against the Western powers.
25

SATO ON THE PURPOSE OF THE ARMY'S 1937 PLANS

1 The evidence thus far considered establishes
2 clearly the purposes towards which Japanese preparations
3 for war and Japanese Army planning were directed in
4 1937. Striking corroboration is afforded by a very full
5 newspaper report of a public address made on 11 March
6 1942 by Major-General SATO, then Chief of a Section of
7 the Military Affairs Bureau, as an Army Day Commemoration
8 Lecture. Although characterized by the defence as mere
9 wartime propaganda the accuracy of the report was not
10 contested.

11
12 "In 1936," said SATO, "our army formulated a
13 national defence plan, for the army felt keenly the
14 necessity of expanding armaments and productive power
15 in order to secure and develop the results of the
16 Manchurian Incident. As the expansion of armaments
17 and rearmament by the European powers were to be com-
18 pleted by 1941 or 1942, we anticipated an international
19 crisis at about that time. Therefore, considering it
20 necessary to complete by every means possible the
21 expansion of our armaments and productive power by
22 1942, we decided to effect a great expansion by means
23 of a six-year armament plan for the period 1937 to 1942,
24 and a five-year production expansion plan for the period
25 1937 to 1941."

There will be occasion again to refer to this speech, for in it SATO reviewed the constancy with which the Army's ultimate purpose was kept in view, and the measure in which its efforts were attended by success. But first must be considered the new machinery which was provided to coordinate and direct Japanese governmental policy and planning during the expected period of economic and industrial expansion.

THE EFFECT OF THE 1937 PLANS

UPON THE INDUSTRIALIZATION PROGRAM OF JAPAN

The Army, in its 1937 five-year plans, subordinated all other considerations to that of attaining "national defence power." A rapid expansion of the war-supporting industries would be achieved; and that expansion would be so planned and guided that the utmost attention would be paid to ease of conversion from a peacetime to a wartime basis. These aims in turn demanded a unification of industrial control under military supervision; but it was recognized that, without the cooperation of the industrialists, such a system would be fruitless.

Accordingly, the Army, in its War Materials Plan of 23 June 1937, aimed to combine the establishment of a new industrial hierarchy, responsible to governmental and Army control, with the maintenance of good

conditions for both the industrialist and his employees. Hours of work would not be lengthened. New machinery and technique would replace outmoded methods of production. Due regard would be paid to the danger of permitting the industrialist to sustain capital or operating losses. These precautions being taken, an increased measure of control would facilitate the achievement of the military goals of expansion and convertibility.

The specific measures by which it was planned to increase control over industry were all devoted to creating larger industrial units. Guidance would be given to industrial mergers and to the incorporation of enterprises; and a special institution to exercise general control over them would gradually be established. Organic production blocs would be formed linking together groups of inter-dependent producers. Unions of small manufacturers would be organized from a military point of view so that their full productive capacities might be harnessed for wartime purposes.

The 1937 plans did not constitute an altogether new departure in industrial policy, for the first steps had long before been taken. In 1929 a rationalization committee of the Ministry of Commerce and Industry had been formed; and in the following year

1 there was created a bureau, which took normal steps
2 to simplify production processes and to eliminate
3 waste. The Major Industries Control Law, passed in
4 1931, had been the first step towards a planned and
5 controlled economy. Its effect was to increase the
6 power of the great manufacturing interests, compelling
7 smaller operators to group themselves together for self-
8 protection. This tendency of small operators to form
9 guilds or unions had received legislative encouragement
10 in 1931 and again in 1932.

12 In 1936 more sweeping measures had been taken.
13 An amendment to the Major Industries Control Law had
14 enforced the formation of cartels in heavily capitalized
15 industries. By legalizing agreements, made between
16 producer and manufacturer, the formation of monopolies
17 was encouraged. At the same time a similar development
18 had been instituted among small manufacturers by granting
19 increased banking facilities to guilds.

21 The 1937 plans were, nevertheless, a landmark.
22 For the first time the planning was on a comprehensive,
23 long-term scale; and for the first time its objects
24 were directly related and subordinated to the require-
25 ments of the Army.

THE CABINET PLANNING BOARD

1 On 14 May 1937, during Hayashi's premiership
2 and immediately prior to the production of the Army's
3 five-year plans, the Cabinet Planning Board was
4 established. It replaced the Investigation Bureau
5 which had in the past examined matters of national
6 policy. The new board, like its predecessor, was a
7 subdivision of the Cabinet itself, charged with the
8 primary task of facilitating decisions on matters of
9 national policy. Its staff of a hundred and fifty
10 included technical experts, and senior cabinet officials
11 were appointed as its councillors. The Imperial
12 Ordinance creating the Board provided that it should,
13 under the Premier's direction, make recommendations and
14 give pertinent advice in regard to important national
15 policies and their application. Its regular function
16 would be to advise the Prime Minister so that adjust-
17 ments might be made and conflicts avoided between the
18 various ministries.

19
20 The other duties of the Board, which are
21 listed in the Ordinance, indicate the major role it was
22 to play during the period of economic and industrial
23 expansion. It would investigate the policies proposed
24 to the Cabinet by its members and would make appropriate
25 recommendations concerning them. It would evaluate the

1 relative importance of the plans proposed by individual
2 departments of government, with a view to their inte-
3 gration and coordination. Its decisions upon these
4 matters would not be made public, but would be tendered
5 in the form of advice to the Prime Minister. It would
6 also make recommendations concerning budget estimates.

7 A description of the manner of its functioning
8 was given by the defendant HOSHINO, who, in July 1940,
9 became President of the Board. It made its plans in
10 collaboration with the other government departments,
11 which submitted estimates of their requirements for the
12 coming year. Its major task was to plan the economy
13 of Japan proper; but this necessarily entailed a know-
14 ledge of industrial development in those parts of the
15 continent which were under Japanese control, and par-
16 ticularly in Manchukuo. Hence, in the Board's estimates,
17 plans for Manchukuo were included by agreement with the
18 responsible Japanese officials in that country. Above
19 all, it was the Board's duty to see that each ministry
20 should get, as nearly as possible, what it wanted.

21 On 10 June 1937, a few days after the first
22 Konoye Cabinet had taken office, Foreign Minister
23 HIROTA received the additional appointment of President
24 of the Planning Board.
25

We will recess now for fifteen minutes.

1 .(Whereupon, at 1445, a recess was
2 taken until 1500, after which the proceedings
3 were resumed as follows:)
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MARSHAL OF THE COURT: The International
1 Military Tribunal for the Far East is now resumed.

2 THE PRESIDENT: THE EFFECT OF THE CHINA WAR
3 UPON THE FIVE-YEAR PLANS.
4

5 While Hayashi's government was in power, and
6 before the Army's five-year plans had even been com-
7 pleted, major steps had been taken towards putting into
8 practice the new policy of industrial expansion. Dur-
9 ing March 1937 a five-year plan was inaugurated to
10 increase the indigenous production of finished steel.

11 In April 1937 the fourth period of Japan's
12 "scrap and build" shipping replacement programme came
13 into force. Since 1932, Japan had, by provision of
14 subsidies, built approximately forty-eight fast cargo
15 ships, giving her the highest proportion of tonnage,
16 less than five years old, in the world. The new programme
17 provided for subsidised construction of passenger and
18 passenger-cargo liners with minimum specifications
19 for tonnage and speed. The subsidy rate amounted in
20 some cases to one-half of the building cost.

21
22 On 1 May 1937 legislative authority had been
23 obtained for the Army's plans in Manchukuo. On that
24 date there was enacted a Manchukuoan law, which gave
25 to the state complete control of all industries, the
products of which were deemed to be vital to preparation

for war.

1 The planning for Japan itself was not so far
2 advanced. When, on 7 July 1937, the incident at
3 Lukouchiao occurred, consideration of the five-year
4 plans was for a time deferred. In the months which
5 followed the immediate requirements of the war in
6 China absorbed the attention of the Japanese govern-
7 ment.

8
9 The Army's first plan, outlining the pro-
10 gramme for important industries, had been submitted
11 for approval to the first Konoye Cabinet. A brief
12 summary of the Army's detailed programme for putting
13 that plan into action reached President HIROTA of the
14 Planning Board on 13 July 1937, six days after the
15 fighting had begun. The third plan, dealing with the
16 production of munitions, aircraft and other war materials,
17 was produced only two weeks before the war commenced.

18
19 This third plan was temporarily abandoned
20 because it was inadequate to meet the Army's needs:
21 and the plans for important industries were altered to
22 ensure production of the greatest possible amount of
23 supplies for military consumption. Under the stimulus
24 of a national emergency, industrial expansion was, be-
25 tween July 1937 and December 1938, developed piece-
meal in greater measure than had been planned.

1 But, although during this period the Planning
2 Board was required to deal with first things first,
3 the original aim of large-scale planning for war was
4 never lost to sight. Early in 1938 the mobilisation
5 plan was reinstated as an annual measure limited to
6 that year only. The National General Mobilisation Law,
7 passed in February of that year, made it possible for
8 the Japanese government to take far-reaching steps in
9 preparation for war, without first submitting them to
10 the Diet for approval. In June 1938 concern was ex-
11 pressed in governmental circles lest Japan's financial
12 difficulties should imperil the success of the five-
13 year plans.

14 In January 1939 the Planning Board issued a
15 new and comprehensive programme based upon the ex-
16 perience gained in the intervening eighteen months of
17 war, and setting new targets for the coming years.
18 Basically, this plan, which received the approval of
19 the HIRANUMA Cabinet, was the original programme pro-
20 pounded by the War Ministry in its 1937 planning.

21 THE LUKOUCHIAO INCIDENT
22 WAS INSTIGATED BY THE ARMY.

23 The incident at Lukouchiao, was the culmin-
24 ation of the Army's scheme for bringing North China
25 under Japanese rule. In May 1935 KIDO had noted the

determination of elements within the Kwantung Army
1 that the military should take the lead in dealing with
2 North China, as they had done in the case of Manchukuo.
3 In December of that year the Kwantung Army had des-
4 patched to the War Ministry a propaganda plan made in
5 contemplation of that Army's advance into China proper.
6 In the following month HIROTA, as Foreign Minister in
7 the Okada Cabinet, had established the policy of
8 diplomatic cooperation with the soldiery in carrying
9 out the Army's plans for North China. The opening
10 battle of this phase of the war in China, like the
11 Mukden Incident, which had led to the conquest of
12 Manchuria, was planned, instigated and carried out upon
13 the initiative of the Army itself.
14

15 Less than a month before the fighting began,
16 Lieutenant-General TOJO had placed the issue of peace
17 or war squarely before the Army General Staff. As
18 Chief-of-Staff of the Kwantung Army he believed that the
19 moment was propitious for an offensive against the
20 Chinese government's forces; and that such a campaign
21 should precede the initiation of a war with the Soviet
22 Union. Whether or not Japanese military strength
23 warranted the taking of such a step was a question of
24 larger strategy to be decided by the General Staff.
25

The decision was a momentous one, for the

1 long-range economic and military planning, upon which
2 the War Ministry was even then engaged, took no
3 account of an immediate embroilment in China. All
4 the factors in this complex situation must have been
5 known to Lieutenant-General UMEZU, who had for the
6 fifteen previous months occupied the position of Vice-
7 Minister of War. The manner in which the first out-
8 break of fighting was permitted to assume the propor-
9 tions of a full-scale offensive shows that the Army
10 General Staff had made its election in favour of a war
11 with China.

12 On the night of 7 July 1937, Japanese garrison
13 troops at Lukouchiao held an unusual manoeuvre; and,
14 alleging that a Japanese soldier was missing, demanded
15 entry into the City of Wanping to conduct a search.
16 Fighting broke out while the Japanese complaint was
17 still under negotiation; and, on the afternoon of
18 8 July 1937, the Japanese issued an ultimatum for the
19 surrender of the City. In the battle which ensued,
20 the Japanese forces sustained substantial casualties;
21 and, on 10 July 1937, a truce was agreed to upon the
22 proposal of the Japanese commander.

23 The incident might then have been regarded
24 as closed; but that was not the Japanese intention.
25 Within twenty-four hours of the initial conflict, large

units of the Kwentung Army began to converge upon the scene of the fighting. Reinforcements having reached North China, new demands were made for the withdrawal of Chinese forces. On 13 July 1937, the Army General Staff decided that, if Chinese troops were sent to North China, resolute steps would be taken to meet the situation. In default of compliance with the new Japanese demands, fighting was resumed at Lukouchiao upon the following day.

THE FIRST KONOYE CABINET ADOPTS THE ARMY
POLICY OF WAR WITH CHINA.

Although the Army had chosen the time and place for the attack, war with China was a foreseen consequence of Japanese national policy. In February 1936, while Hayashi was Prime Minister, it had been decided to establish North China as an anti-Soviet buffer state, and to include it in the Japanese-Manchukuoan economic bloc. Now, in the months which followed the first onset at Lukouchiao, government and Army worked together, in the words approved by the Five Ministers on 11 August 1936, to achieve "a steady footing on the Asiatic continent", and "to become the stabilization power in East Asia".

When the first news of fighting was received, the Cabinet had resolved to seek a local settlement

1 of the matter; but had not countermanded orders for
2 the movement of further troops to the area. Two days
3 later, on 11 July 1936, the Cabinet, of which HIROTA
4 and KAYA were members, reconsidered the situation
5 which had arisen. Afterwards there was issued an
6 official statement to the effect that the Japanese
7 government, though anxious to maintain peace and order
8 in North China, intended to take all necessary measures
9 for despatching troops to that region. Mobilisation
10 within Japan itself was postponed; but units of the
11 Kwantung Army were permitted to continue their
12 advance. Simultaneously steps were taken to send to
13 North China new diplomats and consular officials,
14 who now once more came under the control of Foreign
15 Minister HIROTA. A new Chinese offer to submit the
16 quarrel to negotiation and an American tender of good
17 offices, both of which followed the resumption of
18 fighting, were alike unheeded. Although direct negoti-
19 ation continued, preparations for an army mobilisation
20 within Japan went forward uninterruptedly after 17 July
21 1937, and received specific governmental sanction.

22
23 On 26 July 1937, a new Japanese ultimatum led
24 to fighting at Peiping; and on the following day Prime
25 Minister Konoye revealed in the Diet his government's
determination to achieve the "new order" in Asia. He

1 protested, as other government spokesmen had protested
2 before the conquest of Manchuria, that Japan did not
3 covet Chinese territory. He said, in the language of
4 the advocates of the Greater East Asia Sphere, that all
5 Japan looked for was cooperation and mutual assistance
6 -- a contribution from China to Far Eastern culture
7 and prosperity. He added, more significantly, that he
8 did not consider it sufficient to settle locally ex-
9 isting problems with China. Japan, he declared, must
10 go a step further, and obtain a fundamental solution
11 of Sino-Japanese relations.

12 It was then clear that the Cabinet had reached
13 the same conclusion as the Army General Staff; and that
14 Japan was irrevocably committed to the conquest of
15 China.

16 THE RELATIONSHIP BETWEEN PREPARATIONS FOR
17 WAR AND THE CONQUEST OF CHINA.

18 It is important to note that this decision
19 was not merely in furtherance of the basic national
20 policy; but that it also added an element which was
21 lacking in the decision of the previous year. The
22 Five Ministers, with HIROTA at their head, had decided
23 that Japan would at all costs expand upon the Asiatic
24 continent. They had realised that this process of
25 expansion would make enemies of the Western Powers, and

would render war with the Soviet Union almost inescap-
1 able. They had recognised that nothing short of
2 mobilisation for war on a national scale over a period
3 of years would enable Japan to meet the consequences
4 of her expansionist programme. But they had not deter-
5 mined at what stage in the programme of preparations
6 it would be expedient to make a new major onslaught
7 upon Chinese territory.
8

9 TOJO had assumed the conquest of China would
10 be a minor affair, incidental to the coming trial of
11 strength with the Soviet Union; and later events
12 showed that the Japanese Cabinet also had underrated
13 Chinese powers of resistance. In September 1937,
14 Foreign Minister HIROTA was still speaking in terms of
15 a quick punitive blow against the nationalist armies.
16 Furthermore, the whole area of North China was included
17 in the plans for war-supporting economic and industrial
18 development, and was therefore necessary to the success
19 of the national mobilisation itself.

20 The essence of the decision which Konoye's
21 government made was that the dangers of prematurely
22 intensified international hostility did not outweigh
23 the advantages already enumerated. The very circum-
24 stances in which this fighting in China broke out
25 show that the conquest of China was regarded as ancillary

to the programme of preparation for a greater struggle.

THE RELATION OF THE FIGHTING IN CHINA TO THE
"PRINCIPLES" OF KODO AND HAKKO ICHIU.

This was, in later years, the view taken by the foremost Japanese publicists, who related the progress made upon the Asiatic continent to the earlier planning of the "new order", and to the principles of Kodo and Hakko Ichiu.

SHIRATORI, in a book published in December 1940, said that the classic phrase of Hakko Ichiu had been adopted as a national slogan to represent this movement, the ultimate object of which would be the establishment of a "new order" in East Asia. The conflict, both in Manchuria and in China, had represented the spirit of the "Imperial Way", and was directed against the democratic viewpoint. He added that the war between Germany and the Western Powers might be said to have arisen from essentially the same conflict.

Yosuke Matsuoka, when Foreign Minister in 1941, gave a similar description of his country's development. He denied, as Konoye and other statesmen had consistently denied, that Japan had desired to acquire new territories or to exploit other countries. He said that the Manchurian Incident was an exultation of the national spirit, which had, in a way, been

caused through the oppression of Japan's peaceful
development by America and the European Powers.

He told his audience that Japanese diplomacy
must play an important part in spreading the great
spirit of Hakko Ichiu throughout the world. In ex-
ecuting her national policy, Japan would need to remember
that she was a divine country which must go forward
in accordance with the divine will. This, and no
material constraint, had been the reason for the
"China Incident".

HASHIMOTO, who published a new book in the
same month as SHIRATORI, was even more explicit. He
said that the "China Incident" might well be called
the opening battle for the construction of a "new
world order"; and that the achievement of that order
was incompatible with any compromise with Great Britain
and the United States. The China War he described as
"a grand revelation of national polity".

He urged then, in December 1940, as he had
urged in August 1936, that the whole force of the nation
should be united in the principle of Kodo, which would
make possible the achievement of the goal of world
domination or Hakko Ichiu. The crisis of the European
War would, he said, be turned into a golden opportunity,
enabling Japan to lead the world to a "new world order".

HIROTA'S FOREIGN POLICY AFTER THE LUKOUCHIAO
INCIDENT.

During the latter months of 1937 the war in China increased steadily both in scale and in intensity. Foreign policy statements were made in accordance with the Kwantung Army's plan for conducting, simultaneously with the advance into China, a propaganda campaign to convince the whole world of the lawfulness of Japan's actions.

On 1 September 1937, Horinouchi, the Vice-Minister of Foreign Affairs, gave a radio address, in which he insisted that Japan had no wish to acquire Chinese territory; and that she desired merely the realisation of conditions permitting genuine cooperation between the two countries.

Four days later, on 5 September 1937, Foreign Minister HIROTA developed the same theme in reviewing foreign policy in the Diet. He said that the basic policy of the Japanese government was aimed at stabilising relations between Japan, China and Manchukuo for their common prosperity and well-being. China, ignoring Japan's true motives, had mobilised vast armies, which Japan could not do otherwise than counter by force of arms. In self-defence and in the cause of righteousness, Japan was determined to deal a decisive

1 blow to China, so that that country might reflect upon
2 the error of its ways, and so that the Chinese armies
3 might lose their will to fight.

4 A month later, however, on 6 October 1937,
5 the League of Nations decided that Japan's military
6 operations against China were out of all proportion
7 to the incident which had occasioned the conflict; and
8 could be justified, neither under existing treaty
9 rights, nor upon the ground of self-defence.

10 Meanwhile HIROTA followed the principle laid
11 down in the national policy decision, which stipulated
12 that Japan, while attempting to maintain amicable
13 relations with the Western Powers, would let nothing
14 stand in the way of her schemes for expansion upon
15 the Asiatic continent. On 29 July 1937, two days
16 after Konoye had stated his cabinet's policy towards
17 China, HIROTA advised the budget committee that he
18 did not expect interference from third powers in
19 regard to the China dispute. He assured the committee
20 that, if any such proposal should emanate from a third
21 power, the government would not hesitate to give a
22 firm refusal.

23
24 On 10 August 1937, Ambassador Grew conveyed to
25 HIROTA a new tender of good offices by the United
States; and only then did HIROTA acknowledge Secretary

1 Hull's first pronouncement of 16 July 1937. In the
2 reply, delivered to Hull on 13 August 1937, it was
3 stated that, while the Japanese cabinet concurred in
4 the principles which Hull had enunciated, for the
5 maintenance of world peace, it believed that the
6 object of those principles could be obtained in the
7 Far East only by giving consideration to the particular
8 circumstances of that region.

9 On 25 September 1937, HIROTA replied in
10 similar terms to an invitation to participate in the
11 work of the League of Nations Advisory Committee,
12 which was then investigating the situation in China.
13 He said that the Japanese Cabinet was convinced that
14 an equitable and practical solution of their difficulties
15 could be found only by China and Japan themselves.

16 The resolution of the League Assembly on 6
17 October 1937, showed the extent of the international
18 resentment which Japanese activities in China had
19 aroused. It was then resolved that the member states
20 would refrain from taking any action which might
21 weaken China's position, and that each should consider
22 what steps it might take to offer her positive aid.

23 It was also agreed that, pursuant to the pro-
24 visions of the Nine-Power Treaty of 1922, a conference
25 of the powers signatory to that treaty should be held

1 to consider the situation of difficulty which had
2 arisen in China. The United States expressed general
3 concurrence in these findings and resolutions.

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1 THE BRUSSELS CONFERENCE AND VIOLATION OF
2 TREATY OBLIGATIONS AS PART OF THE PATTERN OF PREPARA-
3 TIONS FOR WAR.

4 During October 1937, the Cabinet, of which
5 HIROTA, KAYA, and KIDO were now members, refused an
6 invitation to attend the Nine-Power Conference, which
7 was to be held in Brussels. The Cabinet, in conveying
8 this decision, alleged that Japanese action in China
9 was of a defensive nature, and expressed great resent-
10 ment at the unfriendly findings and resolutions of the
11 League Assembly. In the cabinet's view, the solution
12 of the conflict lay in Chinese realisation of the need
13 for cooperation with Japan; and only by comprehending
14 this need could other nations contribute effectively
15 towards the stabilisation of the Far East.

16 Whatever justification Japan might plead for
17 her actions in China, her refusal frankly to discuss
18 the situation was inconsistent with her obligations as
19 a signatory to the Nine-Power Treaty. It was, however,
20 wholly consistent with earlier pronouncements; for
21 violation and repudiation of treaty obligations had
22 long formed part of the general scheme of preparations
23 for war.

24 Japan's withdrawal from the League in 1933
25 had been precipitated by just such an adverse finding --

1 on that occasion in relation to the Manchurian Inci-
2 dent. In giving notice to the League of her intention
3 to withdraw, Japan had charged that body with failure
4 to grasp the realities of the Far Eastern situation,
5 thus detracting from the stabilisation of East Asia.
6 Her spokesmen had said that Japan could no longer
7 cooperate with an organisation, the majority of the
8 members of which "had attached greater importance to
9 upholding inapplicable formulae than to the real task
10 of ensuring peace."

11 During the same year, the Navy Minister in the
12 Saito Cabinet had been invited to expound the Japanese
13 attitude toward the naval limitation treaties. In
14 doing so, he stressed Japan's dissatisfaction with the
15 existing ratios, and said that, if changes in the
16 international situation should occur, "there is no
17 reason why a nation should remain forever content with
18 a treaty which it had once signed. Only out of regard
19 for the welfare of humanity, we signed the London
20 Naval Treaty, but we did not do it unconditionally.
21 As regards the Washington Agreement, it was signed
22 twelve years ago and in our opinion is no longer
23 adequate to guarantee the security of this empire, as
24 the international situation has thoroughly altered in
25 that period of time."

When preliminary discussions for a naval disarmament conference were held in London in 1934, the Okada Cabinet issued a statement for the guidance of public opinion at home. "Japan," they said, "who resigned from the League of Nations with regard to the Manchurian Incident, experienced the fact that a just claim is not always recognized at an international conference." Japan, it was added, would have nothing to fear, even though the agreement should not be concluded. In the following year, 1935, non-recognition of her "just claims" caused Japan to abandon the system of limitation of armement by international agreement. In 1937, the first year after the treaties expired, the Japanese programme of naval preparations for war took definite shape.

During December 1934, Sir John Simon had pointed out to Matsudaira, the Japanese delegate to the preliminary naval conference, that Great Britain, as a party to the Nine-Power Treaty, had rights and obligations in respect of China; and had asked what the Japanese policy was to be in regard to the independence of that country. No satisfactory or clear-cut reply was received. But in the 1936 policy decision and in the Army's 1937 five-year planning, the position was clarified. Japan would secure a steady footing of her Empire on the continent,

and would "ingeniously" exploit the resources of North
1 China. The war in China was a consequence of that policy.

2 INDUSTRIAL PLANNING IN MANCHUKUO AFTER THE
3 LUKOUCHIAO INCIDENT.

4 During the latter half of 1937, many facets of
5 Japanese policy and planning were exemplified in the
6 measures concerning Manchukuo. Steps were taken to
7 develop the resources of that country and to promote the
8 establishment of heavy industries. These measures were
9 in general accordance with the Army's five-year planning,
10 and involved the creation of larger industrial units,
11 responsive to governmental control.

12 This policy in turn gave rise to further viola-
13 tions of the rights of the Western Powers under the
14 provisions of the Nine-Power Treaty. While Japan exer-
15 cised complete control over the development of Manchu-
16 kuoan industry, some deference was still paid to the
17 fiction that the two countries were entirely independent
18 of each other; for, by this device, Japan might disclaim
19 responsibility for the broken treaty obligations of which
20 the Western Powers complained.

21 On 3 August 1937, the two governments concluded
22 an agreement to establish, under their dual control, a
23 joint stock company. Its objects were to promote
24 Japanese immigration into Manchukuo, and to develop the
25

lands of that country.

1
2 On 22 October 1937, three days before Foreign
3 Minister HIROTA ceased to hold the additional appointment
4 of President of the Planning Board, the Cabinet met to
5 consider new industrial measures for Manchukuo. Finance
6 Minister KAYA and Education Minister KIDO were then
7 among its members. The Cabinet was agreed that the
8 situation in which Japan found herself demanded, in par-
9 ticular, the urgent expansion of heavy industries; and
10 that, to achieve this result in Manchukuo, new measures
11 of industrial control were necessary. It was decided
12 that the two governments, acting in conjunction, should
13 promote a new national policy company, which would estab-
14 lish and develop heavy industry in Manchukuo. Special
15 attention would be given to the use of substitutes as
16 raw materials. The Manchukuoan government would supply
17 half the capital required; and the remainder would be
18 subscribed privately. The management of the new venture
19 would be entrusted to the most suitable Japanese civi-
20 lian; and the products of the new enterprise would be
21 treated in Japan as though they were not of foreign
22 origin.
23

24 In Manchukuo itself, HOSEINO, who had held in
25 succession the positions of Vice-Minister of Finance
and Chief of the General Affairs Section of the National

Affairs Board, became, on 1 July 1937, the head of that board. As Chief of General Affairs of Manchukuo, all industries were under his control; and, as a Manchukuoan member of the Joint Economic Committee, his was the vote which enabled Japan to carry all decisions. HOSHINO used these large powers to place Japanese in charge of all industries, and to exclude the people of Manchuria from business enterprises.

On 1 December 1937, pursuant to an agreement made in the previous month, Japan released her extra-territorial rights in Manchukuo. This measure, which had been contemplated in the Japanese-Manchukuoan Treaty of 10 June 1936, was used by the Japanese-dominated Manchukuoan government as a device for insisting that all foreign firms in that country be subjected to its jurisdiction. An immediate protest was made to Japan by the United States concerning this action, which constituted a violation of the rights secured by the "open door" provisions of the Nine-Power Treaty.

DEVELOPMENT OF THE WAR-SUPPORTING INDUSTRIES
AFTER THE LUKOUCHIAO INCIDENT.

On 25 October 1937, the Planning Board was reorganized; and thereafter, HIROTA, whose office as President was abolished, was free to devote his whole attention to the conduct of foreign affairs. But, prior

1 to that date and immediately following the outbreak of
2 war in China, measures were taken to promote within
3 Japan itself the development of the war-supporting in-
4 dustries, and to make the Japanese economy subservient
5 to the needs of war. Though the war in China undoubtedly
6 prompted the measures taken, and determined their rela-
7 tive priorities, they were of that long-range character
8 which the Army had planned.

9 An assured supply of oil and petroleum was the
10 most crucial need of all, for Japan was itself able to
11 supply only 10 per centum of normal civiliar needs. By
12 building up a steadily increasing reserve of oil and
13 oil products substantial provision had been made for
14 such a contingency as a short war in China; but the Army,
15 in its 1937 planning, had decided, in the interests of
16 self-sufficiency, to develop a synthetic industry under
17 government subsidy. New national policy companies were
18 to be created to promote the production of synthetic
19 petroleum.

20 During August 1937, the month after hostilities
21 were renewed in China, legislation was passed giving
22 effect to these long-range plans. It was decided to
23 advance the production of synthetic petroleum, using
24 coal as the raw material. New national policy com-
25 panies, under governmental guidance and control, were

1 established to develop and finance the industry; and
2 provision was made for a system of licensing, tax
3 exemptions and governmental subsidies.

4 Japan was also poor in indigenous supplies of
5 iron, and was therefore deficient in iron and steel
6 industries. Since 1933, the industry had been under
7 governmental control, and in the decade before 1937,
8 local production had been trebled, but, in March 1937,
9 while Hayashi's Cabinet was in office, new plans had
10 been made setting increased production goals. On
11 12 August 1937, a new law was passed, giving effect to
12 the Army's plans for the iron and steel industries, and
13 designed to double local production within a five-year
14 period. To encourage the production of these and other
15 strategic materials, large subsidies were paid; and
16 special encouragement was given to those industrialists
17 who manufactured parts essential to the growing ship-
18 building industry.

19 In its detailed plan of 10 June 1937, the
20 Army had also stipulated that the government should
21 strive completely to equip all railways, harbours and
22 roads. On 1 October 1937, legislation was passed for
23 the creation of a new and heavily capitalised national
24 policy company, which would develop and control all
25 transportation facilities within Japan.

But, even at this stage in the China War,
1 long-range industrial preparations were not confined to
2 measures affecting the specific industries and utilities
3 most vital to the war effort. As in Manchukuo, so in
4 Japan itself, effect was given to the Army's plan for
5 regimenting heavy industry into larger units, more
6 susceptible of governmental control. The Major Indus-
7 tries Control Law, passed in August 1937, encouraged the
8 formation by industrial groups of new associations or
9 cartels, which were given wide powers of self-government.

11 THE ESTABLISHMENT OF A CONTROLLED ECONOMY.

12 The Army, which had planned these things in
13 its detailed programme of 10 June 1937, had also fore-
14 seen that they must be achieved in conjunction with a
15 planned and regulated economy, which would require far-
16 reaching measures of trade and financial control. The
17 measures requisite to achieve this end had been set out
18 at length and in detail; and had ended with this exor-
19 dium: - "The success or failure of this programme is
20 doubtless solely dependent upon the government's con-
21 sistent and firm guidance under the national policy.
22 The government should support various industries with
23 all possible means from the standpoint of strengthening
24 the nation's power, and it is especially of vital
25 necessity that measures for financial aid should be

1 taken by the government." The estimated amount of
2 government assistance required for the war-supporting
3 industries rose from 57 million yen in the remaining
4 months of 1937 to 338 million yen in 1941. Much of the
5 responsibility for the success of economic and indus-
6 trial preparations for war therefore rested with
7 Finance Minister KAYA.

1 In August 1937, the month most productive
2 of industrial legislation, special measures were passed
3 to stimulate the production of gold as a means of
4 acquiring foreign exchange; and the government took
5 power to control the disposition of all gold reserves.

6 In this same month a first measure of import
7 licensing was taken; and in the following month a
8 more comprehensive measure was passed to adjust the
9 balance of trade. Under this law of September 1937,
10 passed as a temporary expedient but never repealed,
11 the government assumed complete control of imports,
12 their selection, distribution and utilisation. These
13 powers the Planning Board exercised through govern-
14 ment-controlled export and import associations, one
15 to each essential industry.

16 Restrictive legislation of this type was not
17 entirely new, for Japan's exports had seldom been
18 sufficient to pay for her imports; and on these she was
19 dependent for her economic livelihood and position
20 as an industrial nation. The rising tide of her pro-
21 gramme of industrialisation, and the virtual extinc-
22 tion of her foreign credit since the time of the Man-
23 churian Incident, had led to the adoption of a suc-
24 cession of measures for trade and financial control.
25 Laws relating to foreign exchange control were passed

1 in 1932 and 1933. The Foreign Exchange Control Law,
2 passed in March 1933, had given the cabinet wide powers
3 to control and canalise all foreign exchange transac-
4 tions.

5 These powers, however, had not been completely
6 invoked until January 1937, when all exchange transac-
7 tions involving more than thirty thousand yen per
8 month were made subject to government license. By
9 December 1937, the position had so far deteriorated
10 that the exemption level stood at one hundred yen per
11 month.

12 Under the Temporary Fund adjustment Law of
13 10 September 1937, complete authority over Japan's
14 finances was centralised in the Bank of Japan, and
15 made subject to the overriding discretion of Finance
16 Minister KAYA.

17 ARMY PREPARATIONS AGAINST THE USSR

18 AFTER THE LUPOUCHIAO INCIDENT

19 Although the drastic financial controls im-
20 posed in 1937 were occasioned in part by the large
21 subsidies paid in that year to encourage the develop-
22 ment of the war-supporting industries, these were
23 small in comparison with the demands made upon the
24 national exchequer by appropriations for the Army and
25 Navy. Ordinarily the budget of each Ministry was

comprised of a general account and a special account; but in 1937 a third account was set up to meet expenditure directly entailed by the war in China. This "War Expenditure Account," although originally a temporary measure occasioned by the emergency in China, was never closed. Total expenditure upon the Army alone rose from rather more than 500 million yen in 1936 to nearly 2,750 million yen in 1937.

This large expenditure had made possible an enormous increase in Japanese military strength. The League's Advisory Committee, in its report of 6 October 1937, found that Japan had not ceased to intensify her action; and that she was employing larger and larger forces, and more and more powerful armaments. The standing strength of the Army rose from 450,000 men on 1 January 1937, to 950,000 men on 1 January 1938.

The Army, which had initiated the hostilities in North China, in part, upon Lieutenant-General TOJO's advice, still regarded them as a preliminary to the coming struggle with the U.S.S.R. While the fighting raged in China, TOJO, as Chief of Staff of the Kwantung Army, made other plans in preparation for an attack upon the Soviet Union; and, in December 1937, he transmitted them to Lieutenant-General UMEZU, Vice-Minister of War. In the following month TOJO

1 suggested to UMEZU, and obtained, the passage of a
2 regulation which increased the strength of the Kwantung
3 Army; and, on 24 January 1938, General Ueda, then in
4 command of that army, advised War Minister Sugiyama of
5 the contribution which North China should make to the
6 preparation for "the fast approaching war with Soviet
7 Russia."

8 THE CHINA WAR LED JAPAN

9 TO ADOPT THE ARMY'S SCHEME

10 FOR A NATION-WIDE MOBILISATION

11 More important than the purely military pre-
12 parations of 1937, was the degree in which the Army
13 had achieved the realization of its broader scheme
14 to mobilise the entire strength of the Japanese nation
15 for war. By electing to renew the war in China the
16 army had undertaken a new commitment, the magnitude
17 of which it had not fully realised. It had thereby
18 interrupted the smooth progress of its long-range
19 planning for the Japanese nation. But, on the other
20 hand, in the first six months of war, the Army had
21 seen its major schemes adopted by government and nation
22 with a readiness scarcely possible of attainment in
23 time of peace.

24
25 Already the basic steps to secure a planned
and regimented war-supporting economy had been taken

both in Manchukuo and in Japan itself. Even the Navy,
whose armaments were steadily increasing, had been
brought to play an active part in the Army's all-embracing
purpose.

In August 1937, when the Army attacked Shanghai,
it was supported by a force of some thirty naval vessels,
despatched to the scene by order of the Cabinet.
Later in the same month, the Navy proclaimed a block-
ade of the China coast, with the object of preventing
supplies from reaching Chinese troops.

In December 1937, a new step was taken to bring
Chinese territory within the "co-prosperity sphere."
In that month the Japanese established at Peiping, a
new provisional Chinese government, one of the avowed
purposes of which was to exploit the industries of the
area it governed. A publicity organisation, created
for the purpose of bolstering the new regime, was
placed under the control of the Japanese military forces
in North China. The Kwantung Army expected from this
occupied area a contribution towards its preparations
for war with the Soviet Union.

SATO ON NATIONAL PREPARATIONS FOR

WAR AFTER THE LUKOUCHIAO INCIDENT

Major-General SATO, when Chief of a Section
of the Military Affairs Bureau in March 1942, had

1 occasion to survey broadly the developments with which
2 we had been dealing. In a speech, to which refer-
3 ence has already been made, he corroborated the con-
4 clusions which other evidence has established.

5 SATO pointed out that the Lukouchiao Incident,
6 which revived the war in China, occurred during the
7 first year of the Five-Year Plan for the Expansion of
8 Productive Power. "What worried us most," he said,
9 "was the fear that this incident might cause the
10 breakdown of our Armament Expansion Plan and the
11 Five-Year Production Expansion Plan. So we decided
12 to see that the Chinese Incident would not end in a
13 war of attrition on our side. Accordingly, generally
14 speaking, we spent 40 per cent of our budget on the
15 Chinese Incident and 60 per cent on armament expansion.
16 In respect to iron and other important materials al-
17 lotted to the army, we spent 20 per cent on the Chinese
18 Incident and 80 per cent on the expansion of armaments.
19 As a result, the air force and mechanised units have
20 been greatly expanded and the fighting power of the
21 whole Japanese Army has been increased to more than
22 three times what it was before the Chinese Incident.
23 I believe that our Navy, which suffered very little
24 attrition in the China Affair, must have perfected and
25 expanded its fighting power. Of course, productive

power of the munition industry has been expanded seven
or eight fold at a rough estimate."

This was a topic on which SATO could claim
to speak with some authority, for from 24 June 1937
to 29 July 1938, he had been first an investigator, and
then Secretary, of the Planning Board. During the same
period he had served as a special member of the China
Affair General Mobilisation Business Affairs Committee,
and as a section staff member of the War Ministry's
Bureau of Military Affairs. He had been released from
his staff appointments in December 1938. In March 1941,
he had assumed such important posts as Commissioner
dealing with the affairs of the War Ministry in the
Diet; secretary of the Liaison Committee of the Asia
Development Board; and Secretary of the Manchurian
Affairs Board. These and similar appointments he still
held at the time he made this speech.

THE CABINET ADVISORY COUNCIL,

IMPERIAL GENERAL HEADQUARTERS,

AND THE WAR EXPENDITURE ACCOUNT.

During this same period steps were taken
which tended to increase the Army's influence over the
cabinet, and to make effective its long-range planning.
On 15 October 1937 there was created, as a temporary
measure, a Cabinet Advisory Council, whose task it was

1 to render expert advice upon matters arising out of
2 the "China Incident." The twelve members of this body,
3 who were each accorded the privileges of a Minister of
4 State, would represent the three principal aspects of
5 the national mobilisation for war. Businessmen would
6 join with military men and politicians in advising
7 the cabinet, and in participating in the Cabinet's de-
8 liberations. **Matsuoka** and General **AKAKI** were appointed
9 as Cabinet Councillors on the day of the Council's
10 inception.

11 As Japan became more deeply embroiled in the
12 war with China, members of Konoye's Cabinet discussed
13 the setting up of Imperial General Headquarters. This
14 was an organisation which functioned only in time of
15 war or serious incident; and there was some debate as
16 to whether the undeclared and unacknowledged war then
17 being fought in China warranted its institution. On
18 3 November 1937 War Minister Sugiyama and Education
19 Minister KIDO discussed the question in relation to
20 the saving of the situation which then existed. On
21 19 November 1937, the Cabinet, of which **HIROTA**, **KAYA**,
22 and **KIDO** were then members gave consideration to the
23 matter; and, on the following day, Imperial General
24 Headquarters was established.

25 It was a composite body, representative of the

1 Army and Navy Ministries and General Staffs. The Army
2 and Navy Sections met separately in their own General
3 Staff Offices; but, once or twice a week, joint ses-
4 sions were held at the Imperial Palace. These joint
5 meetings were concerned with questions of tactics and
6 strategy. Questions of administrative policy were
7 matters for the Cabinet to decide with the assistance
8 of its Advisory Council; but Imperial General Headquar-
9 ters was charged with the direction of military opera-
10 tions.

11 This was a sphere in which secrecy was held
12 to be essential and in which the Cabinet was to have
13 no part. Imperial General Headquarters was responsible
14 only to the Emperor; and its staff members, while act-
15 ing in that capacity, were under the direct control,
16 not of the War and Navy Ministers, but of the Army and
17 Navy Chiefs of Staff.

18 There is little evidence to indicate the im-
19 portance of the part played by Imperial General Head-
20 quarters in the events of subsequent years. It was a
21 poorly coordinated body, which tended to resolve it-
22 self into the Army and Navy Sections of which it was
23 composed. But, by its very establishment, the armed forces
24 were given the opportunity to make important decisions
25 on military matters without the approval, or even the

knowledge, of the Cabinet of the day.

1 More important still was the power over Japan's
2 finances which the Army gained through the institution
3 of the War Expenditure account. Disbursements from
4 that account might be made upon the authorisation of
5 the War, Navy, or Finance Minister; and, in the years
6 which followed, such disbursements were made, not only
7 upon the authorisation of KAYA and his successors in
8 the Finance Ministry, but also upon those of War Min-
9 isters ITAGAKI, HATA, and TOJO, and of Navy Minister
10 SHIRADA.

12 THE CONTROL OF PROPAGANDA

13 AND THE USE OF CENSORSHIP

14 AFTER THE LUKOUCHIAO INCIDENT

15 As the Five Ministers had acknowledged in
16 their national policy decision of 11 August 1936,
17 their plans depended, in the last resort, upon the
18 Japanese people's will to achieve its "destiny." They
19 had then decided that internal policies must be made to
20 subserve the national plan of expansion; and that, there-
21 fore, steps would be taken "to lead and unify public
22 opinion at home, and to strengthen the will of the
23 people to tide over the extraordinary emergency of our
24 country," On 20 May 1936, before that decision was
25 made, the Army had issued a mobilisation plan which

1 described in detail the measures required to direct
2 and control public opinion at the outbreak of war.
3 Each ministry would establish its own intelligence
4 and propaganda organs in every part of Japan. In the
5 same year, a Bureau of Information had been created
6 to centralise and coordinate the dissemination of
7 propaganda by the various departments of government.

8 In September 1937, two months after the
9 Lukouchise Incident had occurred, this body was re-
10 constituted as a bureau of the Cabinet itself. Lieu-
11 tenant-General UMESU, Vice-Minister of War, became, on
12 25 September 1937, a member of the new Cabinet Informa-
13 tion Bureau, upon which devolved the task of carrying
14 out the Army's mobilisation plan for information and
15 propaganda.

16 A more immediate result of the outbreak of
17 war was the intensification of existing measures of
18 censorship. The High Police, who watched over the
19 activities of all who criticised the policy of the
20 Japanese Government, now permitted no one to express
21 opposition to the war in China. It became one of the
22 principal functions of the Home Ministry to suppress
23 such criticism; and the regular police force, which
24 was under that ministry's control, saw that this policy
25 was enforced. Anyone who spoke publicly and in a

1 critical vein of the Cabinet's policy was detained
2 and interrogated. Persons found to have opposed it
3 were arrested and imprisoned.

4 Nowhere was the control of public opinion
5 better exemplified than in the schools and universities
6 of Japan. Professors and teachers were expected to
7 cooperate whole-heartedly in propagating the policy
8 of the Cabinet. Expressions of thought in favour of
9 the ideals of peace, or in opposition to the policy
10 of preparations for war, were rigorously suppressed.

11 When, on 22 October 1937, KIDO became Minis-
12 ter of Education, he lent himself immediately to the
13 enforcement of these measures of control. Teachers,
14 whose attitude towards the national policy appeared
15 to be critical, were either dismissed or forced to
16 resign. Often they were arrested and charged under
17 the Public Peace Law upon suspicion of being opposed
18 to the political structure of the Empire of Japan.

19 The facility with which these oppressive
20 measures were carried out affords an indication of
21 the success which had attended the efforts of soldiers,
22 statesmen and publicists to prepare Japanese public
23 opinion for war. The dismissal or forced resignation
24 of these teachers raised no domestic issue at the time,
25 for the general public looked upon them as isolated

sympathisers with liberalism.

1 THE USE MADE OF EDUCATION
 2 TO PREPARE PUBLIC OPINION FOR WAR
 3 AFTER THE LUKOUCHIAO INCIDENT

4 Even before the Lukouchiao Incident had oc-
 5 curred, the Army, through its military instructors,
 6 had taken control of military teaching and training
 7 in the schools; and, after the fighting recommenced
 8 in China, this control became so absolute that the
 9 military instructors dictated the manner in which
 10 the schools should be conducted. The Education Min-
 11 istry well understood that teaching must subserve the
 12 government's aims; for, in May 1937 it issued to
 13 teachers, students and the public at large, a book
 14 entitled "The Fundamentals of National Polity".
 15

16 In this year also the Educational Council was
 17 established to study and investigate the Japanese
 18 school system. It was to pursue its studies without
 19 regard to changes of Cabinet and to consider the
 20 manner in which the national qualities of the Japanese
 21 people might be enhanced. Although it was not created
 22 for the specific purpose of promoting military train-
 23 ing and teaching in schools, that became its task
 24 when the China War broke out.
 25

The Educational Council's recommendations for

comprehensive changes in school curricula and in teaching methods did not become effective until 1940; but
1 in 1937 the Council adopted as its fundamental aim the
2 promotion of the cause of service to the country.
3

4 With KIDO's appointment as Education Minister
5 on 22 October 1937, the reorganisation of the Japanese
6 school system began to take effect. After 1937 teaching
7 was designed to promote the warlike feeling of the
8 nation. In the subjects of the ordinary school course,
9 as well as in those periods set aside for purely mili-
10 tary training, the spirit of Kodo, or ultra-nationalism,
11 was instilled into school children. They were taught
12 that Japan was strong, and that she must show to the
13 world her special characteristics. In universities
14 as well as in schools military training and academic
15 teaching were both used to inculcate a spirit of mili-
16 tarism, until the idea of regarding Japan as supreme
17 had permeated the whole nation. Was was represented
18 as glorious, productive, and necessary to Japan's future.
19

20 KIDO AVERTS A CABINET CRISIS

21 IN NOVEMBER 1937

22 During the latter half of 1937, Foreign Min-
23 ister HIROTA had striven unsuccessfully to gain German
24 support for the conquest of China, representing that
25 conflict, both to his own people and to the Germans,

1 as a struggle against Communism. Although, on 6 Nov-
2 ember 1937, the Privy Council had ratified a new treaty
3 admitting Italy as a third partner in the Anti-Comintern
4 alliance, German disapproval of Japan's activities in
5 China remained undiminished. Germany had important
6 interests in China and considered the Kuomintang as
7 a potential ally in her anti-Soviet policy. She had
8 therefore elected to ignore the existence of hostili-
9 ties and to regard herself as not bound by the rules
10 of strict neutrality because neither China nor Japan
11 had declared war.

12 In November 1937, the Konoye Cabinet was op-
13 pressed by problems arising out of the lengthening war
14 in China. In spite of huge expenditure in materials
15 and manpower, the war continued to assume greater pro-
16 portions, and there was now no prospect of a speedy
17 victory. The acute strain placed upon the nation's
18 economy was giving rise to grave financial difficulties.
19 The Nine-Power Conference, then meeting at Brussels,
20 served only as a reminder that Japan was friendless
21 among the nations. On 3 November 1937 War Minister
22 Sugiyama and Education Minister KIDO discussed the
23 manner in which the situation might be saved.
24
25

1 The Japanese Army was, like the Germans, pre-
2 occupied with the coming war against the Soviet Union.
3 So great did the embarrassment of the China War become,
4 that the Army General Staff sought German intervention
5 to bring the fighting to a close. Major-General
6 OSHINA, military attache in Berlin, was instructed
7 to use his influence to this end.

8 When, on 15 November 1937, Prime Minister
9 Konoye told KIDO that he was thinking of tendering his
10 Cabinet's resignation, KIDO was quick to see the
11 repercussions which this development might entail.
12 He thought that it would affect adversely financial
13 and other circles, and that the rate of exchange would
14 fall. This, in turn, would prejudice the outcome of
15 the war in China. KIDO considered that an unsettled
16 political situation at home and the changing of the
17 war in China into a defensive operation were each
18 possible results of a Cabinet resignation. He saw that
19 in either event, the unfriendly attitude of foreign
20 countries, which, he acknowledged, "had finally turned
21 serious", would be strengthened. Such a development
22 should be avoided at all costs.

23
24 On 16 November 1937, KIDO urged these views
25 upon Konoye, and asked him to retain his office; and
this for the present Konoye agreed to do. Four days

1 later, by establishing Imperial General Headquarters,
2 the Cabinet displayed a new resolution in the prosecu-
3 tion of the China War.

4 HIROTA STRENGTHENS THE CABINET'S
5 RESOLVE TO ACHIEVE THE CONQUEST OF CHINA

6 But, in this same month of November 1937, there
7 was an opportunity, had the Cabinet so desired, of
8 bringing the war in China to an end. So unsatisfactory
9 had Japan's position become, that even the Army General
10 staff had abandoned hope of a speedy victory. Under
11 pressure of German disapproval, and through German
12 intermediaries, Foreign Minister HIROTA presented,
13 on 5 November 1937, the first of three peace offers
14 to the Chinese. The negotiations thus begun continued
15 through December 1937 and into January 1938; but
16 HIROTA's vague and changing demands provided no basis
17 for a concrete agreement. While the negotiations were
18 proceeding, the Japanese continued their offensive in
19 China with vigour.
20

21 By January the Cabinet had strengthened its
22 opposition to any compromise peace. On 11 January 1938,
23 an Imperial Conference, called to determine the dispo-
24 sition of the "China Incident", decided that, if the
25 Kuomintang would not yield to Japan's demands, it must
be crushed, or merged into a new central regime.

To the last of Japan's three peace offers the
1 Chinese returned a conciliatory answer, asking that
2 the Japanese proposal be stated more specifically.
3 HIROTA, at whose instigation the proposals had been
4 put forward in a very indefinite form, and who now
5 feared that the Chinese might gain support from Great
6 Britain and the United States, reacted angrily. On
7 14 January 1938, he told the German intermediaries that
8 China was beaten, and must give a speedy reply. He
9 emphasized that Japan would not permit the matter to
10 become the subject of international discussion or
11 mediation. The Germans, in reporting to their own
12 government, made it clear that, in their opinion, Japan
13 was not acting with candour.

15 On this same day, 14 January 1938, it was
16 decided at a Cabinet Conference which Kenoye, HIROTA
17 and KIDO attended, that Japan would have no further
18 dealings with the national government and would negotiate
19 only with a new Chinese Government, the establishment
20 of which was expected. This was not an empty expecta-
21 tion, for already, on 1 January 1938, the Japanese had
22 inaugurated with some ceremony a new local government
23 at Nanking. In an official statement, issued on
24 16 January 1938, the Japanese Cabinet reiterated its
25 respect for the sovereignty and territorial integrity

1 of China, but this, now, had reference to a Chinese
2 Government of Japan's creating. The same statement
3 promised respect for the rights and interests of other
4 powers in that country.

5 On 22 January 1938, both Konoye and HIROTA
6 echoed these assurances in the Diet, while reaffirming
7 once more that the Japanese Cabinet held fast to the
8 principles set forth in the 1936 national policy
9 decision. "It is scarcely necessary for me to say",
10 said Prime Minister Konoye on this occasion, "that
11 Japan's immutable national policy aims at building the
12 edifice of permanent peace for East Asia on the
13 unshakable foundation of close cooperation between
14 Japan, Manchukuo and China, and to contribute thereby
15 to the cause of world peace." He added that the end
16 of the conflict was still far ahead; and that Japan's
17 mission as the stabilizing force of East Asia was
18 greater than ever.

19
20 Five days later the real design of exploit-
21 ation and armed domination was once more revealed.
22 On 27 January 1938, the Cabinet decided that the
23 Japanese-sponsored Nanking regime should form the
24 nucleus of a Central China Provisional Government.
25 It was to be "a highly pro-Japanese regime", which
would gradually free itself from dependence upon

1 Great Britain and the United States. Its naval and air
2 forces would be included in Japan's defence plan. It
3 would "smoothly amalgamate" with the existing puppet
4 government of North China.

5 On 26 January 1938, the German Ambassador in
6 Tokyo, being now convinced that Japan would conquer
7 China, urged his Cabinet to accept the fait accompli.
8 Ambassador TOGO in Berlin had offered to the Germans
9 the additional allurements of economic participation
10 in the new China which Japan was building. After this
11 date Germany withdrew her support of China, and her
12 opposition to Japan's designs upon that country.

13 On 20 February 1938, Chancellor Hitler took the long-
14 delayed steps of announcing German recognition of the
15 state of Manchukuo, and his own preference for a
16 Japanese victory in China.

17 In the space of two months, and in the face of
18 the Premier's despondency, KIDO and HIROTA had
19 succeeded in committing Japan once more to the pursuit
20 of that "steady footing in the Eastern continent", which
21 was to be achieved in spite of all difficulties.

22
23 THE ARMY CONTINUES TO PLAN AND

24 PREPARE FOR THE EXPECTED WAR WITH THE SOVIET UNION.

25 In the opening months of 1938, while the
Cabinet formed a new resolve to complete the conquest

1 of China, the Army continued to make preparations for
2 war with the Soviet Union. In December 1937, Lieutenant-
3 General TOJO, as Chief of Staff of the Kwantung Army,
4 had communicated to UMEZU, the War Vice-Minister, a plan
5 for meteorological installations in Inner Mongolia in
6 preparation for a war with the U.S.S.R. On 12 January
7 1938, TOJO urged upon Lieutenant-General UMEZU the need
8 for the speedy completion of this work, which he con-
9 sidered to be of vital importance in regard both to
10 the "China Incident" and to anti-Soviet strategy.
11 At the same time he referred to UMEZU, for decision,
12 the question of extending the enlistment of soldiers
13 serving with units in Manchukuo; and, on 29 January 1938,
14 UMEZU informed him that such action would be taken.
15 On 11 February 1938, TOJO sent to UMEZU the Kwantung
16 Army's plan for the erection of anti-Soviet fortifica-
17 tions during the years 1938 and 1939.

19 The Army did not, however, confine its
20 attention to purely military planning and preparation.
21 The leaders of the Kwantung Army, standing upon the
22 fringe of the fighting in China, regarded that conflict,
23 and every other aspect of Japan's domestic and foreign
24 policies, as so many factors to be considered in rela-
25 tion to the approaching struggle with the Soviet Union.

1 While TOJO and UMEZU settled the detailed
2 military planning, General Ueda, then in command of
3 the Kwantung Army, addressed his attention to a question
4 of broader strategy. On 24 January 1938, he communicat-
5 ed to War Minister Huziyama, his views upon the manner
6 in which North China should be developed so that its
7 people might best be made "to contribute to the prepar-
8 ation for the fast approaching war with Soviet Russia."

9 Measures taken during the same period for the
10 economic and industrial development of Manchukuo and
11 of the occupied provinces of North China were closely
12 related to the Kwantung Army's planning. Until
13 20 December 1937, the promotion of all heavy industries
14 in Manchukuo had been governed by the South Manchurian
15 Railway Company -- the first of the great "national
16 policy" companies. Under Matsuoka, it continued after
17 that date to play an important part in the Kwantung
18 Army's preparations for war, cooperating not only in
19 the enforcement of domestic policies, but also in the
20 Army's operational and other preparations for war with
21 the Soviet Union.
22

23 But the South Manchurian Railway Company could
24 not meet the additional strain of financing strategic
25 developments in North China; and, on 20 December 1937,
a new holding company was created by Manchukuoan

1 Ordinance. In this new "Manchurian Industry Develop-
2 ment Corporation", set up pursuant to an agreement
3 between the Japanese and Manchukuoan governments,
4 was centered the control of industries in Manchukuo.
5 The Manchukuoan General Affairs Board, under HOSHINO,
6 assisted in drafting the laws which governed it, and
7 which placed it under governmental supervision. The
8 new corporation was established early in 1938.

9 After February 1938, when Manchukuo was accorded
10 German recognition, the Army made plans to foster closer
11 relations between that state and Germany. Diplomatic
12 relations were established between the two countries,
13 and a treaty of amity was signed. On 15 May 1938
14 TOJO expressed to the Army General Staff the Kwantung
15 Army's wish that Manchukuo should, as soon as possible,
16 become a party to the Anti- Comintern Pact. On 24 May
17 1938 UMEZU replied to the effect that the Japanese
18 Cabinet would offer no objections, but desired to pre-
19 serve the fiction of Manchukuoan independence. It was
20 thought best that the Manchukuoan government should
21 take the first step, acting as if of its own volition,
22 and requesting Japanese assistance.
23
24
25

1 THE CONSOLIDATION OF JAPANESE POWER
2 AND THE DEVELOPMENT OF
3 WAR-SUPPORTING INDUSTRIES IN CHINA

4 Meanwhile, in the areas of China which the
5 Japanese had subdued, Japan's "new order" was in process
6 of building. After the fall of Nanking in December 1937,
7 various Japanese-controlled local governments were set
8 up; and, on 28 March 1938, a new government for Central
9 China was established upon the Manchukuoan pattern.
10 The nominally independent "Renovation Government of the
11 Republic of China" was bound by its constitution to
12 exploit the resources of the areas it governed, and to
13 promote their industrial development. It would also
14 take anti-Communist measures, but would strive to
15 maintain friendly foreign relations. As in the case
16 of North China, a new propaganda society was formed to
17 support the puppet government.

18
19 The official "Tokyo Gazette" proclaimed the
20 inauguration of a new phase in Japanese relations with
21 China, significant because it marked the progress made
22 towards the goal of *Hakko Ichiu*. It was declared that
23 the ideal of "the whole world as one family" had always
24 constituted the basis of Japan's domestic and foreign
25 policies; and that it explained the policy now adopted

1 towards China.

2 The article followed closely the tenor of the
3 policy statements which Konoye and HIROTA had made
4 before the Diet. Japan's first aim had been to deal
5 China "a punishing blow", in the hope that she would
6 abandon her anti-Japanese attitude. In January 1938
7 the Japanese Cabinet had expressed its irrevocable
8 determination to have no further dealings with the
9 Kuomintang, and to assist in development new govern-
10 ments in North and Central China. The ultimate purpose
11 of Japan's present action, the article continued, was
12 to eliminate all those causes of friction which imperil-
13 ed the peace and security of East Asia. Thus would the
14 countries of the Far East be enabled to enjoy among
15 themselves "the ideals of co-existence and common
16 prosperity."

17
18 In this manner Japan acquired a new field for
19 the production of war materials and the expansion of
20 war-supporting industries. On 8 April 1938, a new
21 Japanese-financed company was promoted to develop and
22 exploit the iron ore deposits of the Yangtse Valley.

23 On 30 April 1938, the two new "national policy"
24 companies were created to serve the same purpose in
25 China as similar companies had done in Manchukuo.

1 The North China Development Company and the Central
2 China Promotion Company were established to promote
3 the development of heavy industries in the subjugated
4 areas of China. Half the capital of each company was
5 subscribed by the Japanese government; and Lieutenant-
6 General UMEZU, Vice-Minister of War, was appointed as
7 a member of the organizing committee of each. Konoye
8 considered that the work of these two companies was
9 vital, both to Japan's military operations, and to
10 her political activities, upon the continent.
11

12 We will adjourn now until half past nine tomorrow
13 morning.

14 (Whereupon, at 1600, an adjournment
15 was taken until 0930, Friday, 5 November 1948.)
16
17
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25



