

25 SEPTEMBER 1946

I N D E X  
of  
WITNESSES  
(none)

I N D E X  
of  
EXHIBITS

<u>Pros.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
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# I N D E X

Of

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1 Wednesday, 25 September, 1946

2 - - -

3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.

11 - - -

12  
13 Appearances:

14 For the Tribunal, same as before.

15 For the Prosecution Section, same as before.

16 For the Defense Section, same as before.

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19 (English to Japanese and Japanese  
20 to English interpretation was made by the  
21 Language Section, IMTFE.)  
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MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now in session.

THE PRESIDENT: Major Moore.

LANGUAGE ARBITER (Major Moore): If the Tribunal please, with reference to prosecution's document 954, exhibit 479, page 2, paragraph 1, line 4 from the bottom of the paragraph, the expression "along the line of joint defense against the Red Peril" within the slants is a translator's note and should have been so indicated. We recommend that this expression be deleted.

THE PRESIDENT: Well, it must be deleted if it was not in the original but was placed there by the person who made the translation for purposes of this trial.

LANGUAGE ARBITER (Major Moore): With reference to prosecution document 1308, exhibit 527, page 2, line 3, it is recommended that the word "not" be inserted between the words "scope of" and "being driven."

THE PRESIDENT: Does the word "not" appear in the original?

LANGUAGE ARBITER (Major Moore): The "not" belongs in the translation, sir.

THE PRESIDENT: The negative is clearly implied, although the word "not" does not appear. Is

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THE PRESIDENT: The negative is clearly implied, although the word "not" does not appear. Is

1 that so?

2 LANGUAGE ARBITER (Major Moore): I am sorry,  
3 sir. My statement was a little inaccurate. The "not"  
4 sir, definitely appears in the original; the negative  
5 is in the original. Yes, sir.

6 THE PRESIDENT: Thank you, Major Moore.

7 Mr. Furness.

8 MR. FURNESS: If the Tribunal please, I did  
9 not understand the ruling on the first recommendation.  
10 Is the phrase which was just added by the translator  
11 now part of the evidence or is it not?

12 THE PRESIDENT: I can't understand your  
13 attitude. I said plainly it had to be struck out.

14 MR. FURNESS: I didn't hear you.

15 THE PRESIDENT: Mr. Logan.

16 MR. LOGAN: If the Tribunal please, yesterday  
17 morning a request was made that the prosecution pro-  
18 duce, for cross-examination by the defense, Mr. Ott,  
19 and the Court took it under advisement. And since  
20 yesterday morning there have been many more documents  
21 introduced by the prosecution and others have been  
22 served on us yesterday which contained many more state-  
23 ments and telegrams made by Ott, and we understand  
24 that Mr. Ott has left Tokyo and at the present time  
25 is in Peiping. We respectfully request that the Court  
entertain this request at this time and direct that  
the prosecution produce him for cross-examination by

1 the defense at the earliest possible moment.

2 THE PRESIDENT: In reply to Mr. Logan, I  
3 may say that I might remind him that these documents  
4 purporting to be signed by Ambassador Ott were found  
5 in the German Foreign Office, and if Mr. Ott is not in  
6 Japan we may be no more inclined to direct that he be  
7 called here than we would be inclined to direct that  
8 any of the other German officials who signed documents  
9 presented in this case be called here. But I haven't  
10 considered that yet with my colleagues. However, it  
11 is always open to the defense to administer interroga-  
12 **tories** and the Court will do all in its power to have  
13 the interrogatories answered. Hitherto we have spoken  
14 only of interrogatories to persons who were called  
15 here as witnesses but there is no reason why we should  
16 not administer interrogatories to others. We realize  
17 that Ott was in Tokyo and that his evidence may be  
18 more important for the defense, seeing that he made  
19 contacts with the accused in Tokyo, than would be the  
20 evidence of German officials who remained in Berlin.

21 Mr. Logan.

22 MR. LOGAN: These documents, you Honor, which  
23 have been submitted, contain opinions and conclusions  
24 by Ambassador Ott and we deem it very important to the  
25 defense to find out from him where he obtained his

1 information on which he based his opinions and con-  
2 clusions. Of course, the best evidence in this case  
3 with respect to these telegrams would have been the  
4 production of Ott himself by the prosecution and he  
5 could have been examined and testified as to whether  
6 or not he actually sent the telegrams. At the present  
7 time we must assume he did as his name appears on them,  
8 and in the absence of them we feel we should be given  
9 the opportunity of cross-examining him. Interrogatories,  
10 as your Honors well know, are very unsatisfactory.

11 THE PRESIDENT: Unless you speak in short  
12 sentences and pause for translation it will take an  
13 interminable time to put what you say in Japanese.

14 MR. LOGAN: I might say, if your Honors  
15 please, that this is the second witness that has left  
16 Tokyo recently that we have been unable to contact  
17 and make any inquiries from. Now, subpoenas --

18 THE PRESIDENT: Mr. Logan, let them translate.

19 MR. LOGAN: Subpoenas have heretofore been  
20 issued to witnesses in China. I can't see where it  
21 makes any difference that this man may be of German  
22 origin but he is in China.

23 THE PRESIDENT: You are treating him as though  
24 he was a witness here, or a person who had made an  
25 affidavit, a person who had voluntarily offered . . .



1 information to the prosecution. It is quite usual  
2 to call such a person for cross-examination. But, as  
3 I pointed out yesterday, this man has not volunteered  
4 any evidence. The evidence appears in a captured  
5 document. He may be the most hostile person in the  
6 world. He is an enemy subject, no doubt. Why should  
7 the prosecution treat him as their witness other than  
8 as a person making admissions? He is identified with  
9 the other side, with the defense, really, in the sense  
10 that his associations were with that side of the case,  
11 that is to say, with the accused and those about them.

12 MR. LOGAN: Well, if your Honor please, the  
13 testimony as adduced from these telegrams definitely  
14 shows that he formed opinions from information which  
15 was given to him by someone. It is extremely difficult  
16 to defend a case unless we know the person to whom  
17 the witness talked.

18 THE PRESIDENT: Put it shortly. Why should  
19 the Allied Powers, the prosecutors here, call their  
20 enemies to prove their case? Why shouldn't they rest  
21 on their enemy's documents?

22 MR. LOGAN: They certainly can do that, your  
23 Honor, but it seems to me it would be of assistance  
24 to the Tribunal and of assistance to the defense to  
25 find out where this witness got his information so

1 that the Court --

2 THE COURT: You are almost asking us to  
3 place this proceeding on the level of a friendly civil  
4 action. We do not forget it is not. It is a criminal  
5 proceeding by the Allied Powers, the prosecutors,  
6 against the accused Japanese in the dock.

7 MR. LOGAN: I fully understand that, your  
8 Honor, but it seems to me that this Tribunal would  
9 be interested in knowing whether or not this witness,  
10 Ott, actually had these conversations, actually  
11 received this information, or whether this was some-  
12 thing he concocted in his own mind for the benefit of  
13 his own German government.

14 THE PRESIDENT: The same applies to every other  
15 German and Japanese official referred to in the docu-  
16 ments and you would not suggest the prosecution should  
17 call all those enemy subjects who, no doubt, are hostile.  
18 They must be presumed to be so until we see them here.

19 MR. LOGAN: I am not making such a suggestion,  
20 your Honor, but, in view of the fact that the prosecu-  
21 tion has elected to call one of them, I think it  
22 would be of assistance to the Tribunal and to the  
23 defense to have him here in person rather than reading  
24 telegrams and memoranda made by this particular witness.

25 THE PRESIDENT: Dr. KIYOSE.

1 DR. KIYOSE: Until recently we are given to  
2 understand that General Ott was in Tokyo and if the  
3 prosecution administered interrogatories upon this man  
4 may we --

5 THE MONITOR: Correction General Ott is  
6 corrected to Mr. Ott or just Ott. We understand that  
7 Ott was in Japan until quite recently. We would like  
8 to know whether the prosecution interrogated Mr. Ott  
9 and, if they have done so, we would like to see the  
10 report, the interrogation report or paper.

11 THE PRESIDENT: The defense is at liberty to  
12 call him as a witness, or interrogate him in the way  
13 we have suggested.

14 Mr. Tavenner.  
15  
16  
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19  
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1 THE PRESIDENT: Mr. Tavenner.

2 MR. TAVENNER: If it please the Tribunal, I  
3 will now read from prosecution document 2137-D, in evi-  
4 dence as exhibit 541. This document consists of  
5 decisions made by the Conference of Prime Minister  
6 KONOYE, Foreign Minister MATSUOKA, War Minister TOJO,  
7 and Navy Minister on 4 September 1940, and by the  
8 Liaison Conference on 19 September 1940, and relates  
9 to the strengthening of the Japan-Germany-Italy Axis.  
10 I will begin reading on page 7. Where appendices are  
11 referred to in the body of the report, with the Tri-  
12 bunal's permission I will read the appropriate appen-  
13 dix before reading the other parts of the report.

14 "Decisions made by the Conference of the Prime  
15 Minister and the Ministers of War, the Navy and Foreign  
16 Affairs on 4 September 1940, and by the Liaison Confer-  
17 ence on 19 September 1940.

18 "Strengthening of the Japan-Germany-Italy Axis.

19 "The trends toward the strengthening of col-  
20 laboration among Japan, Germany and Italy have lately  
21 become very pronounced, and it is believed that now the  
22 time is ripe for speedy initiation of conversations  
23 among the three countries on this matter. It is accord-  
24 ingly proposed to commence negotiations in accordance  
25 with the under-mentioned Basic Principles, with Germany,

1 to start with.

2 "Basic Principles.

3 "1. To make a fundamental agreement among the  
4 three countries, in order that they shall mutually  
5 cooperate by all possible means in the establishment  
6 of a New Order in Europe and in Asia.

7 "2. To carry out consultations among the  
8 three countries in as short a period of time as pos-  
9 sible in regard to the best means of the above men-  
10 tioned cooperation.

11 "3. To begin with, publicity will be given,  
12 at home and abroad, to the purpose in 1 and 2 above,  
13 in the form of a joint declaration of the three coun-  
14 tries.

15 "Explanations.

16 "The German Government has specially sent  
17 Minister Stahmer to Japan. Although his mission may  
18 merely be to prove the situation here, yet the fact  
19 is that he enjoys the special confidence of Foreign  
20 Minister Ribbentrop. At this time, therefore, we had  
21 better take a step forward and commence talks for the  
22 strengthening of the Japan-Germany-Italy Axis. In the  
23 light of the situation now prevailing in this country  
24 and abroad, it is of urgent importance that, to meet  
25 the immediate needs of the situation, a joint

1 declaration should be issued on the sense of 1 and 2  
2 under the Basic Principles.

3 "Inasmuch as the proposed declaration is to  
4 the effect that the three countries will cooperate by  
5 all possible means for the construction of the  
6 respective New Orders, Japan should be resolved, if  
7 need be, to take any action, including recourse to  
8 armed force. In so far as Britain is concerned Germany  
9 may not immediately require our armed cooperation. In  
10 this event, our main objective will be the United  
11 States. The problem of the Soviet Union will also  
12 surely claim deliberation. At any rate, unless we are  
13 resolved on the employment of armed force, it will be  
14 impossible for us to carry on any useful talks with  
15 Germany.

16 "The joint declaration mentioned above is  
17 preliminary in nature. It should be followed up by  
18 negotiations for conclusion of a military agreement.  
19 The consultation as to the best means of cooperation,  
20 mentioned in 2 under the Basic Principles, signify,  
21 in the final analysis, negotiations for military  
22 collaboration.

23 "These negotiations are to be conducted in  
24 accordance with the Main Principles Governing Negotia-  
25 tions annexed hereto.

1 "Basic Principles concerning Negotiations for  
2 a Military Alliance.

3 "1. Japan, Germany and Italy, recognizing the  
4 fact that they stand on common ground in regard to the  
5 construction of a New World Order, will arrive at a  
6 mutual understanding with respect to support for the  
7 establishment and administration of their respective  
8 Spheres of Living, and also in regard to cooperation  
9 concerning their policies toward Britain, the Soviet  
10 Union and the United States. (See Appendix 1)", which  
11 will be found at the bottom of the same page, page 9,  
12 and which I will now read.

13 "Appendix 1 - Terms of Political Understanding  
14 Forming the Basis for the Strengthening of Japan-Germany-  
15 Italy Collaboration.

16  
17 "1. Japan and the two countries of Germany  
18 and Italy, recognizing the fact that they stand on com-  
19 mon ground in regard to the construction of a New World  
20 Order, for the realization of which they are presently  
21 putting forth their efforts, will mutually respect the  
22 Japanese Sphere of Living in East Asia, including the  
23 South Seas, and the German and the Italian Sphere of  
24 Living in Europe and Africa; and will cooperate by all  
25 possible means for the construction of New Orders in  
the said regions.

1           "2. Japan and the two countries of Germany  
2 and Italy will mutually effect close economic coopera-  
3 tion.

4           "With this end in view, they will carry out  
5 the preferential mutual interchange of material re-  
6 sources existing in their respective Spheres of Living  
7 and the exchange of techniques, and will also accord  
8 favorable consideration to the other party's economic  
9 activities in their respective Spheres of Living.

10          "3. Japan and the two countries of Germany  
11 and Italy will cooperate in maintaining peace with the  
12 Soviet Union and in inducing the Soviet Union to bring  
13 her policy into line with the common ground of the two  
14 contracting parties. (In addition, an understanding  
15 will also be reached with respect to consultation as to  
16 the action to be taken in the event of a danger of  
17 either Japan or Germany and Italy entering upon a state  
18 of war with the Soviet Union, if, in the course of  
19 negotiations with Germany and Italy, it turns out that  
20 such desire is entertained by the two countries.)

21          "4. Japan and the two countries of Germany  
22 and Italy will mutually cooperate in order not to allow  
23 the United States to interfere in regions other than  
24 the Western Hemisphere and the United States possessions,  
25 and also in order to safeguard the political and



1 economic interests of both contracting parties in this  
2 connection. Further, in the event of either contracting  
3 party entering upon a state of war with the United  
4 States, the other contracting party will assist that  
5 party by all possible means.

6 "Japan and the two countries of Germany and  
7 Italy will closely cooperate with respect to the action  
8 to be taken in regard to Central and South America.

9 "Note: The present understanding will be  
10 treated as confidential."

11 Returning now to the middle of page 9:

12 "Note: On the basis of this fundamental under-  
13 standing, such further agreements as may be necessary  
14 will be concluded among Japan, Germany and Italy, or  
15 between Japan and Germany, and between Japan and Italy.

16 "2. Japan, Germany and Italy will, along with  
17 the above-mentioned fundamental understanding, speedily  
18 arrive at an understanding with respect to their mutual  
19 support and cooperation concerning the China Incident  
20 and the European War, by which they are respectively  
21 confronted. (See Appendix 2.)"

22 I will read from Appendix 2 beginning near the  
23 bottom of page 10.

24 "Appendix 2 - Terms of Understanding concerning  
25 the Mutual Support and Cooperation of Japan and the Two

1 Countries of Germany and Italy in regard to the  
2 European War and the China Incident.

3 "Japan and the two countries of Germany and  
4 Italy, in settling the China Incident and the European  
5 War, by which the two contracting parties are respec-  
6 tively confronted, will effect mutual support and  
7 cooperation as follows:

8 "Japan will:

9 "a. Accord as much facility as possible in  
10 meeting the desires of Germany and Italy in regard to  
11 the acquisition of natural and material resources  
12 existing in East Asia, including the South Seas; and

13 "b. Cooperate as much as possible in inten-  
14 sifying the pressure upon British influences in East  
15 Asia, including the South Seas; and in facilitating  
16 the prosecution of war by Germany and Italy against  
17 Britain.

18 "Germany and Italy will

19 "a. Cooperate as much as possible in regard  
20 to the supply of such machinery and similar articles,  
21 and in regard to such technical assistance, as may be  
22 desired by Japan, and

23 "b. Give as much political and economic  
24 cooperation as possible in the settlement of the  
25 China Incident.

1 "Note: The present understanding will be  
2 treated as confidential.

3 Returning now to page 9:

4 (Reading) "3. The negotiations under 1 and 2  
5 above will be conducted in accordance with the Basic  
6 Essentials for the Strengthening of Japan-Germany-Italy  
7 Collaboration (in Appendix 3) and on the basis of the  
8 Main Principles Governing Negotiations (in Appendix 4)."

9 I will now read Appendix 3 appearing on page 11.

10 "Appendix 3 - Basic Essentials for the Strengthening  
11 of Japan-Germany-Italy Collaboration.

12 "1. Concerning Japan's Sphere of Living for  
13 the construction of a Greater East Asia New Order,

14 "a. The sphere to be envisaged in the course  
15 of negotiations with Germany and Italy as Japan's  
16 Sphere of Living for the construction of a Greater  
17 East Asia New Order will comprise:

18 "The former German Islands under Mandate,  
19 French Indo-China and Pacific Islands, Thailand,  
20 British Malaya, British Borneo, Dutch East Indies,  
21 Burma, Australia, New Zealand, India, etc., with  
22 Japan, Manchuria and China as the backbone.

23 "It is understood, however, that the South  
24 Seas Region to be indicated by Japan in conducting  
25 the negotiations with Germany and Italy will be the



1 region from Burma eastward, including the Dutch East  
2 Indies, and New Caledonia northward. It is further  
3 understood that India may be recognized, for the  
4 immediate purposes as being included in the Sphere of  
5 Living of the Soviet Union.

6 "b. The goal in regard to the Dutch East  
7 Indies is to have it in a state of preparedness for  
8 independence, but the immediate objective will be to  
9 secure recognition of Japan's position of political  
10 and economic predominance in that country.

11 "In this connection, if German proposals  
12 should be a variance with the above proposition, recog-  
13 nition should still be obtained of Japan's predominant  
14 position in the Dutch East Indies through the prefer-  
15 ential supply to Japan of natural and material resources  
16 existing in that country, through the guarantee of  
17 Japan's continuance of the already existing German  
18 economic undertakings there, and by negotiations of a  
19 political nature on other matters in general.

20 "c. The same principles as in b, above will  
21 be followed with respect to French Indo-China.  
22  
23  
24  
25

1 "2. Concerning Japan-German-Italy economic  
2 cooperation.

3 "a. With regard to trade, Japan will supply  
4 Germany and Italy with agricultural, forestry and aqua-  
5 tic products of Japan, Manchuria and China, and will  
6 also cooperate in supplying Germany and Italy with  
7 special mineral products, rubber and other articles of  
8 China, French Indo-China, the Dutch East Indies, etc.  
9 Germany and Italy, on their part, will supply Japan  
10 with such technical assistance, aircraft, machinery,  
11 chemical products, etc., as may be required by Japan.

12 "With regard to mutual economic activities,  
13 Japan will, especially in China and Manchuria, accord  
14 de facto preferential treatment to Germany and Italy,  
15 and enable the participation of their technique and  
16 equipment.

17 "b. For the above-mentioned purposes, there  
18 will be separately concluded an Economic Agreement, a  
19 Trade Agreement and a Payments Agreement.

20 "3. Concerning Japan's attitude toward  
21 Japan-Germany-Italy cooperation in regard to the Soviet  
22 Union and the United States.

23 "Being destined to be the leader of East Asia  
24 in the postwar new order of things wherein it is  
25 anticipated that the world will be divided into the

1 four large fields of East Asia, the Soviet Union,  
2 Europe and the American Continent, Japan, acting in  
3 close collaboration with Germany and Italy which will  
4 constitute the guiding force of Europe, will

5 "a. Restrain the Soviet Union on the east,  
6 west and south, and, inducing the Soviet Union so to  
7 act as to align with the common ground of Japan, Germany  
8 and Italy, endeavor to cause the advance of the Soviet  
9 sphere of influence to be oriented toward a direction  
10 where the advance has little direct effect upon the  
11 interests of Japan, Germany and Italy, a direction such  
12 as the Gulf of Persia (it being also possible that, in  
13 case of need, Soviet advance toward India may have to  
14 be recognized); and,

15 "b. While peaceful means will be adhered to  
16 as far as possible in dealing with the United States,  
17 contrive to bring about a posture of things wherein  
18 Japan can, as occasion may require, bring pressure to  
19 bear upon the United States through political and  
20 economic collaboration with Germany and Italy in the  
21 East Asian and European fields, so that such posture  
22 of things can contribute toward the attainment of Japan's  
23 aspirations.

24 "In taking these steps, Japan will keep it  
25 in mind to make the best of inducing the Soviet Union.

1 "Further, Japan will make use of the immigrant  
2 and economic foothold, both of importance, which Germany  
3 and Italy presently have in South America, in regard to  
4 such steps as Japan may in future take with respect to  
5 the United States.

6 "4. Concerning Japan's attitude toward the  
7 anti-British cooperation of Japan, Germany and Italy.

8 "a. Japan will, in the construction of an East  
9 Asian New Order, take such steps as the situation may  
10 require, in order to eliminate the political and econo-  
11 mic interests of Britain in East Asia, including the  
12 South Seas.

13 "(Such steps are intended to weaken Britain's  
14 position. Fact shows that the policy which Japan is  
15 already taking toward Britain in China is automatically  
16 producing an effective influence on the war situation  
17 in Europe.)

18 "b. With a view to furthering her cooperation  
19 with Germany and Italy in their prosecution of war  
20 against Britain, Japan will stand no cooperative effort  
21 on her part in meeting the desires of Germany and Italy  
22 in regard to the acquisition of **natural** and materiel  
23 resources existing in East Asia, including the South  
24 Seas. Further, Japan will in larger measure cooperate  
25 with Germany and Italy in the war against Britain, in

1 respect of the elimination of British interests in East  
2 Asia, anti-British demonstrations and propaganda, the  
3 support of independence movements in the colonies and  
4 dependencies of Britain and other matters.

5 "5. Concerning the possible use of armed  
6 force against Britain and the United States, Japan will  
7 make decisions independently in accordance with the  
8 following principles:

9 "(1) In the event that the China Incident has  
10 nearly been settled, Japan will use armed force by  
11 taking as favorable an opportunity, as may be afforded  
12 by the situation prevailing at home and abroad.

13 "(2) In the event that the China Incident has  
14 not yet been settled, it will be Japan's guiding prin-  
15 ciple to take action within limits short of war. If,  
16 however, domestic and foreign conditions take a decidedly  
17 favorable turn, or if it is deemed that, irrespective of  
18 whether our preparations are complete or not, the  
19 development of the international situation permits of no  
20 further delay, Japan will resort to armed force.

21 "(3) The 'domestic and foreign conditions'  
22 signify the European situation, especially the state  
23 of adjustment of our relations with the Soviet Union,  
24 the United States' attitude toward us, our preparations  
25 for war, and so forth, as well as the state of disposal



1 of the China Incident.

2 "Appendix 4 - Main Principles Governing  
3 Negotiations.

4 "1. The principal purpose of the negotiations  
5 under Paragraph 2, Appendix 1, which is designed to  
6 have Germany and Italy recognize and respect Japan's  
7 Sphere of Living in East Asia, including the South Seas,  
8 is to obtain overall recognition of Japan's position  
9 of predominance in the whole of East Asia, including  
10 the South Seas.

11 "Should, however, Germany and Italy be in-  
12 clined to make any reservations in regard to any desig-  
13 nated areas, Japan will conduct negotiations on each  
14 particular matter concerning such areas in pursuance of  
15 Paragraph 1, a., and ensuing principles of Appendix 3  
16 (Basic Essentials for the Strengthening of Japan-  
17 Germany-Italy Collaboration), and thus secure recogni-  
18 tion of Japan's aspirations in these connections.

19 "2. In the event that Germany and Italy pro-  
20 pound a desire for Japanese military cooperation with  
21 them against Britain, Japan is prepared, as a matter  
22 of guiding principle, to meet the desire. It will be  
23 explained to Germany and Italy, however, that, in view  
24 of the existing state of affairs, Japan contemplates  
25 taking the courses of action outlined under (1), (2)

1 and (3) in Paragraph 5, Appendix 4 (Basic Essentials for  
2 the Strengthening of Japan-Germany-Italy Collaboration),  
3 with respect to the use of armed force, i.e., participa-  
4 tion in the war.

5 "Germany and Italy will be enabled by such  
6 explanations to understand Japan's position, and, at  
7 the same time, efforts will be made to the end that  
8 Germany and Italy will cooperate with us in improving  
9 domestic and foreign conditions relating to Japan's entry  
10 into the war against Britain and the United States."

11 I return now to the final paragraph of the  
12 document on page 9.

13 "4. The understandings mentioned above need  
14 not necessarily take the form of agreements, but, if  
15 Germany and Italy so desire, there is no objection to  
16 the conclusion of agreements in this connection."  
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1 and (3) in Paragraph 5, Appendix 4 (Basic Essentials for  
2 the Strengthening of Japan-Germany-Italy Collaboration),  
3 with respect to the use of armed force, i.e., participa-  
4 tion in the war.

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6 explanations to understand Japan's position, and, at  
7 the same time, efforts will be made to the end that  
8 Germany and Italy will cooperate with us in improving  
9 domestic and foreign conditions relating to Japan's entry  
10 into the war against Britain and the United States."

11 I return now to the final paragraph of the  
12 document on page 9.

13 "4. The understandings mentioned above need  
14 not necessarily take the form of agreements, but, if  
15 Germany and Italy so desire, there is no objection to  
16 the conclusion of agreements in this connection."  
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1 MR. TAVENNER (Continuing): Prosecution's  
2 document 1129 is offered in evidence. It is a recital  
3 of salient points in the negotiations conducted on  
4 9 and 10 September 1940, between Foreign Minister  
5 MATSUOKA and Stahmer, Special Envoy of Ribbentrop for  
6 a Japanese-German-Italian military alliance.

7 MR. CUNNINGHAM: If the Tribunal please, I  
8 would like to object to the introduction of this docu-  
9 ment for the reason that one of the participators in  
10 the agreements and discussions, Mr. Stahmer, is avail-  
11 able to the Tribunal for examination, and his evidence  
12 would be the best evidence. He is in Sugamo Prison  
13 and is available to the prosecution for the best  
14 evidence to be submitted in this Tribunal.

15 THE PRESIDENT: The Tribunal's reply to  
16 this is the same, substantially, as its reply to  
17 Mr. Logan with respect to Ambassador Ott. I do not  
18 see any difference, except that this man Stahmer  
19 happens to be in Japan.

20 MR. CUNNINGHAM: For the further reason that  
21 there is no showing by the prosecution as to the pro-  
22 visions of the Charter under which this document is  
23 being offered in evidence. It is not a document of  
24 the army of any belligerent or enemy power, and,  
25 therefore, should be qualified and a better foundation

1 laid for its introduction than the usual document.

2 THE PRESIDENT: The document is clearly  
3 within Article 13-c(1) of the Charter, and is ad-  
4 missible thereunder. But, in any event, it is an ad-  
5 mission from enemy sources, which you would be entitled  
6 to use if there were no provision in the Charter.

7 CLERK OF THE COURT: Prosecution's document  
8 1129 will receive exhibit No. 549.

9 (Whereupon, prosecution's exhibit  
10 No. 549 was received in evidence.)

11 MR. TAVENNER: In view of counsel's objection,  
12 I think I should also state that this is a document  
13 obtained from the Japanese Foreign Minister.

14 (Reading):

15 "STRICTLY CONFIDENTIAL Dates (Sept. 9, 1940  
16 (Sept. 10, 1940

17 "'SOME OF THE SALIENT POINTS IN THE INFORMAL  
18 CONVERSATIONS BETWEEN MATSUOKA AND STAHLER, WITH THE  
19 GERMAN AMBASSADOR ASSISTING.

20 "'1. Germany does not want the present  
21 conflict develop into a World War, and wishes to  
22 bring it to termination as quickly as possible. She  
23 particularly wants the United States to stay out.

24 "'2. Germany does not look for Japan's  
25 military assistance at this juncture in connection

1 with her war with England.

2 "13. What she wishes of Japan is to have  
3 Japan play the role of restraining and preventing  
4 the U. S. from entering the war, by all means.  
5 Although Germany thinks at present that the U. S.  
6 will not enter the war, she cannot take chance.

7 "14. Germany hardly thinks that she and  
8 the U. S. will come to blows in the near future,  
9 but that the clash and war between Japan and the  
10 U. S. cannot eventually be avoided.

11 "15. It is, so Germany believes, to the  
12 mutual advantage of both, Japan and Germany (of  
13 course Italy to be included) to enter into and  
14 understanding or agreement, whereby they will be  
15 thoroughly prepared effectively to meet emergency,  
16 at any moment. This can only prevent, if anything  
17 can prevent America from entering the present war,  
18 or entering into an armed conflict with Japan in  
19 the future.

20 "16. A strong and determined attitude,  
21 unequivocal and unmistakable, on the part of the  
22 three nations, Japan, Germany, and Italy, and the  
23 knowledge of it by the U. S. and the world at large  
24 at this juncture, that alone can only be of a powerful  
25

1 and effective deterrent on the U. S. A weak,  
2 lukewarm attitude or declaration at this juncture  
3 will only invite derision and danger.

4 "17. Germany hopes Japan will also size  
5 up the situation and will realize the magnitude and  
6 the reality of the potential (may be impending who  
7 knows) danger coming from the Western Hemisphere,  
8 and will act quickly and decisively to forestall  
9 it by reaching an agreement between the three  
10 (Japan, Germany and Italy) of such a nature that  
11 neither the U. S. nor the rest of the world would  
12 be left in doubt, conjecturing.

13 "18. Hardly necessary to say that Germany  
14 (and Italy) will do everything in her power to  
15 restrain the U. S. on the Atlantic and will at once  
16 start supplying Japan with as much of the war  
17 equipment (such as aeroplanes, tanks and other  
18 war tools with men even, if Japan wishes it) as  
19 she can reasonably spare, and will otherwise help  
20 her in every possible way. (MATSUOKA remarked  
21 that these things might and in fact will have to  
22 be left to a sort of mixed military and naval  
23 commission of the Axis, granted that Japan joins  
24 the Axis in the sense and in the way Germany wants.)

25 "19. Of course, Germany recognizes and

1 respects Japan's political leadership in Greater  
2 East Asia. All she wants in these regions is of  
3 economic nature, and she is ready to cooperate with  
4 Japan to further her aims. Naturally she looks  
5 to Japan to do her best to accommodate German  
6 enterprises and to enable Germany to obtain in  
7 these regions materials she needs and may need.

8 "10. Better to reach agreement between  
9 Germany, Italy and Japan first and then immediately  
10 to approach Soviet Russia. Germany is prepared to  
11 act part of an honest broker on the question of  
12 rapprochement between Japan and Soviet Russia, and  
13 she can see no unsurmountable obstacle on the path  
14 may be settled without much difficulty. German-  
15 Soviet relations are good contrary to what the  
16 British propaganda tries to represent, and Russia  
17 is carrying out to the satisfaction of Germany all  
18 her engagements.

19 "11. Despite the fact that the Axis  
20 (including Japan) must be thoroughly prepared to  
21 meet the worst emergency, Germany will on the other  
22 hand, make use of every means in her power to prevent  
23 the clashing between the U. S. and Japan, and even  
24 to improve the relations between the two, if it  
25 is humanly possible.



12. Germany, in asking Japan to join the Axis in the fullest sense of the word and that quickly, before the war against England closes, is taking a long view of carrying on stupendous struggle against the British Empire, not to say the Anglo-Saxondom including America. (In short, he is indicating that this war is destined to develop into a strife against the Anglo-Saxondom.) The present war may end before long, but this great struggle will go on for tens of years yet, in one form or another. (MATSUOKA emphasized this phrase). Let the three (Germany, Italy and Japan) stand together knitted very closely until the great aim is finally achieved.

13. As to when Italy should be asked to join in the present discussion, the German Foreign Minister will consider and let the Japanese Foreign Minister know. The German Government has not yet conferred with Italy. Neither STAHRER nor anyone on the German side has seen the Soviet official on the matter.

14. STAHRER's words may be regarded as coming directly from Ribbentrop.

15. The Japanese Foreign Minister also made observation on several points, but they are not noted here."

1 MR. TAVENNER: (Continuing) Prosecution's  
2 document No. 1202 is tendered in evidence. It is  
3 MATSUOKA'S explanation regarding the conclusion of  
4 the Tri-partite Pact at an Imperial conference,  
5 the date of which does not appear on the face of  
6 the document; but, from consideration of the con-  
7 text it must have been between 10 September and 26  
8 September 1940.

9 MR. LOGAN: If the Tribunal please, since  
10 the prosecutor is undertaking to testify as to the  
11 date on which this conference was held, I would  
12 like to have him point out in the document on what  
13 he bases that opinion.

14 THE PRESIDENT: We will insist on his  
15 doing so.

16 MR. TAVENNER: The document plainly shows  
17 on its face that it was after the arrival of Stah-  
18 mer and that it was prior to the conclusion of the  
19 pact.

20 THE PRESIDENT: Well, when did Stahmer  
21 arrive, according to the evidence?

22 MR. TAVENNER: In the early part of Sep-  
23 tember. The exact date is not specified but the  
24 conference in the previous document was shown to  
25 have occurred on the 9th and 10th of September.

1 THE PRESIDENT: This is a convenient break,  
2 Mr. Tavenner. We will recess for fifteen minutes.

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

6 MARSHAL OF THE COURT: The Tribunal is now  
7 resumed.

8 MR. TAVENNER: I desire to call to your  
9 Honor's attention that the document also refers  
10 to the conference with Stahmer as having taken place  
11 on the 10th of September, which definitely fixes the  
12 dates between which the conference must have been held.

13 The document has not been formally admitted.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document  
16 No. 1202 will receive exhibit No. 550.

17 (Whereupon, prosecution's exhibit  
18 No. 550 was received in evidence.)

19 MR. TAVENNER: (Reading)

20 "REGARDING CONCLUSION OF THE TRIPARTITE  
21 PACT

22 "Strictly confidential

23 "Subject: The Conclusion of a Treaty between  
24 Japan, Germany and Italy. (Subject of the Imperial  
25 Conference).

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1 "In order to strengthen the Japan-Germany-  
2 Italy Axis we will negotiate with Germany and Italy  
3 and conclude a pact between Japan, Germany and Italy.

4 "The gist of the Pact.

5 "(1) That Japan will recognize and respect  
6 the leading position of Germany and Italy in the  
7 building of the new order in Europe.

8 "(2) That Germany and Italy will recognize  
9 and respect the leading position of Japan in the  
10 building of the new order in the Greater East Asia.

11 "(3) That Japan, Germany and Italy will  
12 co-operate with one another in the efforts based on  
13 the above principle, and that, in case one of the  
14 three is (publicly or secretly) attacked by a power  
15 not involved at present in European War or China  
16 Incident, the three countries will aid one another  
17 by every means, political, economic and military.

18 "(4) That Japan, Germany and Italy believe  
19 that they can create the fair and lasting foundation  
20 of peace only through the establishment of world new  
21 order, which is in keeping with the changing world  
22 situation, by their mutual assistance, and that they  
23 will adjust and combine their efforts for its realiza-  
24 tion.

25 "(5) That Japan, Germany and Italy confirm

1 that the above items do not in any way affect the  
2 political situation now existing between each of  
3 them and U.S.S.R.

4 "Foreign Minister's (MATSUOKA) explanations  
5 regarding the conclusion of Tripartite Pact.

6 "(Council in the Imperial presence)

7 "A. Development.

8 "The present minister thought of strengthening  
9 Japan's relations with Germany and Italy, on the  
10 principle just stated by the Prime Minister, since  
11 the formation of this Cabinet in the last decade of  
12 July. At that time, Germany had conquered France,  
13 and Britain, too, seemed to be easily conquered in  
14 less than a decade. So German enthusiasm for co-  
15 operation with Japan was generally at a very low ebb.  
16 But even if Germany and Italy could subjugate British  
17 Isles now, the war for the destruction of the whole  
18 British Empire would be no easy matter. Moreover,  
19 they would have to cope with two great influences, -  
20 what may be called Anglo-Saxon kingdom or Bloc, con-  
21 sisting of America and surviving parts of the British  
22 Empire, and Soviet Russia strengthened still further  
23 by the present war. In that case, Japan, geographically  
24 blessed, and possessing a race in a peerless body  
25 politic, would be great in her strength. Even at

1 present Japan has such a strength as is able to tip  
2 the balance of the world as she likes. This is the  
3 present minister's forecast and opinion. Hitler and  
4 at least a few persons near him was aware of this, -  
5 so I imagined. Nay, I even saw some signs. Even at  
6 that time they seem to have had considerable enthus-  
7 iasm for cooperation with Japan. Such being the case,  
8 I thought it unnecessary to ask humbly for German  
9 cooperation, though I was prompted to do so by various  
10 international situations. I decided then to postpone  
11 the negotiation until after the surrender of the  
12 British Isles, if I was obliged to do so, and that  
13 in that case I would take my own time. To show im-  
14 patience would have been a taboo diplomatically for  
15 us.

16 "I believed that Japan must show the atti-  
17 tude that she would stand pat on her independent  
18 position, that she had no need to co-operate with  
19 Germany and Italy, and that she would join hands with  
20 America, or even dare to save Britain, if it was nec-  
21 essary or convenient for her existence and mission.  
22 Then, first of all, I had to begin reconnoitering  
23 throughout the world about this matter. The present  
24 minister had done so about the time of his appointment,  
25 and came to acquire a little information about world

1    affairs. So I went a step further, invited Ambassador  
2    Ott to tea on August 1st, and told him that, as he  
3    knew, strengthening of the Axis was a desire of both  
4    our government and our people, but that the time was  
5    not ripe for it, and that the Cabinet had not come to  
6    concrete decision yet. Then, I continued and informed  
7    him that Japan intended to settle China Incident by  
8    herself by and by, and that Germany had no need to  
9    trouble herself. This silenced the German Ambassador,  
10   who had begun to talk about mediation. I then further  
11   informed him that Japan was seriously determined to  
12   realize the ideal of HAKKO-ICHIU (the whole world--  
13   one house), which was her traditional ideal since her  
14   foundation, and that she was going to try it first  
15   within the Greater East Asia Co-prosperity Sphere.  
16   I went on to say that, even though the British Isles  
17   might succumb shortly, it would be only the beginning  
18   of the collapse of the British Empire, not the end.  
19   (The German Ambassador, too, said so of his own  
20   accord.) I then concluded that Germany should decide  
21   on the problem of Japanese-German cooperation from the  
22   above two long-range viewpoints, and asked him (1)  
23   what attitude Germany was going to take regarding  
24   above-mentioned Japan's realization of her ideal  
25   within the Greater East Asia Co-Prosperity Sphere,

1 how Germany could assist Japan, whether Germany in-  
2 tended to assist Japan or not, what Germany desired  
3 within this sphere, (2) what Germany thought about  
4 Soviet-Japanese relations, what Germany could do  
5 about the situation, (3) what Germany thought about  
6 Japanese-American relations, what Germany could do  
7 about the situation. Lastly I requested him to wire  
8 the above-mentioned 3 items immediately to Fuehrer  
9 Hitler and Foreign Minister Ribbentrop and get their  
10 answer.

11 "The German Minister seemed to think it no  
12 easy matter, and was unwilling to wire to Berlin. I  
13 also expected that I should not get the answer  
14 quickly. It turned out as I expected, but I left the  
15 matter to take its own course, without pressing him.  
16 Meanwhile, Foreign Minister Ribbentrop promoted Consul-  
17 General Heinrich Stahmer, reportedly his right-hand  
18 man in Oriental problems, to the post of Minister,  
19 and ordered him to start from Berlin on Aug. 23rd,  
20 and quickly come to Japan via Moscow. The present  
21 minister showed no sign of impatience to see him.  
22 Then on 9th he asked for an interview. So I met him  
23 and Ambassador Ott at my private residence for the  
24 sake of secrecy. Then on the 10th we met for the  
25 second time, and on the 11th for the third time. At



1 the last meeting we came to agree on a draft treaty.  
2 After exchange of opinions between the German govern-  
3 ment and the present minister, we decided upon something  
4 like the draft now submitted to you for approval.  
5 Regarding various points in this draft, and the pres-  
6 ent minister's questions which had been wired to  
7 Berlin through Ambassador Ott on August 1st, Stahmer  
8 expressed his opinions clearly and frankly. The  
9 present minister is satisfied with this. Therefore,  
10 I am going to carry on negotiations and hope to come  
11 to compromise with this draft as the basis.

12 "B. The Explanation of the Gist of the Pact.

13 "Item 1 says that Japan will recognize and  
14 respect the leading position of Germany and Italy,  
15 in the building of the New Order in Europe. I thought  
16 Germany would speak of the building of the new order  
17 in Africa, but the German Ambassador did not speak of  
18 it, so this item was confined to the recognition of  
19 the position of Germany and Italy in Europe. The  
20 'Greater East Asia' in 'the building of the new order  
21 in the Greater East Asia' of Item 2 means for the  
22 present French Indo-China, Thailand, Burma, Strait  
23 Settlement, and such Oceanic islands as N.E.I., New  
24 Guinea, New Caledonia and C. At that time it was ex-  
25 pected that the meaning would be gradually changed in



1 keeping with the change in East Asia situation and  
2 with the development of world situation. So I spoke  
3 broadly to the German Ambassador on purpose, and told  
4 him that, though Greater East Asia did not at present  
5 contain Australia, New Zealand, and /areas/ to the  
6 south, it will gradually extend itself with time.  
7 I did not refer to India. The German Ambassador did  
8 not ask any detailed questions and agreed with the  
9 present minister.

10 "The German Ambassador said in reply that  
11 Germany recognized Japan's political leadership in  
12 the above area, but that Germany might be given as  
13 many facilities as possible in economic field, in  
14 trade, enterprise, and acquirement of materials, for  
15 instance. I told him that Japan also expected the  
16 cooperation of Germany and Italy in the economic  
17 exploitation of that area.

18 "The 'one power' in Item 3, 'in case 'publicly  
19 or secretly' attacked by one or more powers . . .'  
20 implicitly and chiefly means America. If one of us  
21 three were attacked by that one power, the other two  
22 would be automatically obliged to participate in the  
23 war. That is, our country will enter into a military  
24 alliance with Germany and Italy, with America as the  
25 objective. 'Publicly and secretly' was inserted by

1 Germany, but Minister Stahmer and Ambassador Ott  
2 agreed to striking out the expression for the time  
3 being, and wired to Foreign Minister Ribbentrop for  
4 instructions. But the German Foreign Minister may  
5 insist on its being left as it is. It is pretty  
6 difficult to interpret it correctly, and I asked the  
7 German envoy what was meant by 'secretly attacked.'  
8 He replied that what America had done up to then did  
9 not come within the meaning of this expression. This  
10 expression means such cases as America using important  
11 British bases in the Pacific under a secret Anglo-  
12 American treaty, or American fleet directly entering  
13 Singapore, and it was inserted rather with Japan's  
14 interests in mind, -- so said the German envoy. Then  
15 the present minister asked, 'How about Germany and  
16 Italy?' The German envoy replied it probably meant  
17 such cases as Britain allowing America to occupy  
18 some strategic British base in a region near the  
19 European battlefield, for example, in the Mediterran-  
20 ean Sea. Whether attack is to be divided into the  
21 above two categories, or whether the expressed is to  
22 be simply 'attacked,' the decision upon whether an  
23 action or a chain of actions by America or another third  
24 power would be regarded as constituting 'attack,' shall  
25 only be decided by a consultation among us three powers.

1 We agreed to make the point clear in one form or  
2 another. So, which expression may be used. I think  
3 there is little cause for anxiety."  
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1           "Regarding Item 4, I think I need not explain.  
2 I am now negotiating with the intention of making  
3 this item the preamble of the pact, and the German  
4 envoy has agreed in a general way. The phraseology  
5 has been carefully polished, taking in the principle  
6 of Hakko Ichiu (the whole world - one family), which  
7 was enunciated in the Imperial Rescript at the  
8 time of the foundation of our State, the principle  
9 that every nation and every race shall find its right  
10 place in the world.

11           "Item 5 stipulates that this pact is not  
12 directed against the U.S.S.R. As the U.S.S.R. is  
13 supposed not to be involved in the war of Germany  
14 and Italy against Britain and France, there is room  
15 for doubt if 'one power' in Item 3 may not apply to  
16 U.S.S.R. So this item makes it clear that there  
17 is no possibility that Japan, Germany and Italy will  
18 make an enemy of U.S.S.R. in building world new order.  
19 Especially this item makes it clear that the present  
20 pact in no way affects the existing agreements,  
21 views or situations between the U.S.S.R. and Germany,  
22 regarding Poland and other European countries. So  
23 this item purports to relieve the apprehension of  
24 the U.S.S.R., and to prevent Soviet-American  
25 rapprochement. Apart from this, I want to draw up

1 notes annexed to the pact, and stipulate that,  
2 after the conclusion of this pact, joint military and  
3 economic committees shall be formed immediately in  
4 Tokyo, Berlin and Rome, which shall study detailed  
5 arrangements regarding the carrying out of this  
6 pact, based upon its purport, and that the agreed  
7 arrangements shall be submitted to the government for  
8 approval. I think Germany and Italy will promise to  
9 offer their good offices to make the U.S.S.R. attune  
10 herself with the purport of the present pact, and to  
11 adjust Soviet Japanese relations. I think, too,  
12 Germany will promise to supply us with war materials  
13 and technique, and, at our request, technicians and  
14 other personnel. Germany will also promise to help  
15 us to acquire oil from the U.S.S.R. and other countries.  
16 We, on our part, will promise Germany to supply war  
17 materials, foodstuffs and other necessities of life,  
18 and technique, if we are able to do so. Meanwhile,  
19 the phraseology of the pact will have to be reciprocal  
20 in form for the time being.

21 "Moreover, the purport of this gist may be  
22 changed more or less by the development of negotiations,  
23 or expressions and form may be revised. Regarding  
24 these points I hope I may be allowed to exercise my  
25 discretion which is necessary in diplomacy. I am

1 determined not to change the fundamental purport of  
2 the gist in any case, but if it should ever become  
3 necessary to change the fundamental purport, I shall  
4 take necessary steps anew. I want you to understand  
5 that.

6 "C. Conclusion

7 "The fundamental principle of the recent  
8 negotiations with Germany is entirely different from  
9 that of HIRANUMA Cabinet days. That is, as may be  
10 known from the fact that Germany has explicitly said  
11 Japan need not participate in the European War,  
12 Germany and Japan has a common aim in concluding  
13 this pact. Germany wants to prevent American entry  
14 into the war, and Japanese-American conflict.  
15 Accordingly, the non-intervention policy, which the  
16 Imperial government has maintained up to now, will  
17 be continued for the time being, with the reservation  
18 that it may be influenced by this pact in future.

19 "Shortly after American-Canadian joint defence  
20 plan was decided upon, America has begun to assume  
21 an attitude hardly bearable even in trifling problems  
22 between Japan and America. So the present minister  
23 was obliged to demand the reconsideration of American  
24 President and Secretary of State.

25 "Judging from the recent movements, America,



1 in addition to the military establishments which she  
2 has already built or is building both in the Pacific  
3 and in the South Sea, may now be trying to acquire  
4 strong military bases, in great numbers and in a  
5 hurry, within important British possessions in  
6 Australia, New Zealand, India, Burma and other  
7 regions, and may be preparing a battle array for  
8 encircling Japan. The present minister thought of  
9 this already at the time when the conclusion of the  
10 above-mentioned American-Canadian joint defence  
11 agreement was announced. As I expected, even the  
12 press has come to report a news, which seems to be  
13 pretty trustworthy, that negotiations are going on  
14 among the British Empire, Australian Government and  
15 America. There is some reason to suppose that  
16 America, considering that Japan has suffered greatly  
17 through war of attrition in China Incident, and that  
18 her strength has suffered remarkable decrease, may  
19 use intimidating language. Whatever may be the cause,  
20 I think Japanese-American relations now leave little  
21 room for improvement through courtesy or desire for  
22 friendship. I rather fear such an attitude on Japan's  
23 part may only aggravate the matter. Is there a  
24 measure to improve the situation even a little, or  
25 prevent its further aggravation? I think there is at

1 present nothing left for us to do but to stand firm.  
2 If it is so, we must cope with America by firmly  
3 joining hands with as many countries as possible, to  
4 back up our firm attitude, and by making the fact  
5 known at home and abroad as quickly as possible. I  
6 believe this to be an urgent diplomatic move. The  
7 present minister will watch the repercussions or  
8 effects of such a measure on the one hand, but, on  
9 the other hand, will always be careful not to overlook  
10 an opportunity to improve relations with America.  
11 For all that, we must, first of all, show a firm  
12 coping attitude with a steady resolve to all the  
13 world, so explicitly that there will be no room for  
14 doubt. This is the most important point in concluding  
15 this pact, so I repeat this in conclusion."

16 Prosecution document 1259 --

17 THE PRESIDENT: Doctor KIYOSE.

18 DR. KIYOSE: Mr. President, I refer to the  
19 first page of the exhibit No. 550, just read by  
20 prosecutor Mr. Tavenner. It is written here that it  
21 is the draft of the Foreign Minister's explanation  
22 concerning the three -- Japan, Germany, Italy --  
23 three power pact.

24 THE MONITOR: "Concerning the conclusion of  
25 the Tripartite Alliance."

1 DR. KIYOSE: (Continuing) However, in the  
2 English text the word "draft" does not exist and in  
3 parenthesis it is written "MATSUOKA." As what concerns  
4 Mr. MATSUOKA there is no objection because he was  
5 Foreign Minister; but there is a great difference  
6 between a draft and a document which is not a draft,  
7 and I should like to have this examined by the Language  
8 Arbiter.

9 THE MONITOR: Slight correction there: "There  
10 is a great difference between the draft and the  
11 explanation itself; therefore, I would like to  
12 have the Language Arbiter decide on this issue."

13 THE PRESIDENT: We have no doubt as to what  
14 is meant to be the draft and what is the explanation.

15 Mr. Tavenner.  
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1 MR. TAVENNER: Prosecution's document 1259  
2 is offered in evidence. It is a recital of the  
3 salient points of questions at a Privy Council  
4 meeting on 16 September 1940.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document  
7 No. 1259 will receive exhibit No. 551.

8 (Whereupon, the above-mentioned  
9 document was marked prosecution's exhibit No. 551  
10 and received in evidence.)

11 MR. TAVENNER (Reading):

12 "SALIENT POINTS OF QUESTIONS (PRIVY COUNCIL)

13 "September 16th, 1940.

14 "No. 1. 'Is not there any danger of extreme  
15 intensity of economic pressure by the United States  
16 upon Japan, as result of the conclusion of Tri-Partite  
17 Pact? What would be our counter-measure in such a  
18 case?'

19 "No. 2 'What preparation have you to deal  
20 with, should the worst case (the commencement of war  
21 against U. S. A.) happen?'

22 "1. 'We should be ready for that case. And,  
23 our precautions shall be (1) to strengthen our inter-  
24 national standpoint by the conclusion of this pact,  
25 and (2) to take diplomatic, economic and military

1 measures for the purpose of procuring necessary  
2 natural resources for national defense from the South  
3 Seas and other places, which we have procured hitherto  
4 from the United States. In deciding upon the present  
5 matter this very point was most carefully investigated.'

6 "Question. 'What effect will the Three  
7 Power coalition have upon the disposal of Sino-Japanese  
8 conflict?'

9 The translator's note appears there that  
10 "The answer is not given in the notes available."

11 "Questions asked of the government by the  
12 Supreme Command of the Navy at an Imperial Confer-  
13 ence regarding the military alliance between Japan,  
14 Germany and Italy, Sept. 16, 1940.

15 "No. 1 'To what degree will this pact  
16 contribute to the adjustment of Japan-Soviet re-  
17 lations?'

18 "No. 2 'By concluding this pact, Japan's  
19 trade relations with Britain and U.S. are deemed to  
20 deteriorate and the acquisition of resources now de-  
21 pendent upon the outside is deemed to become more  
22 difficult, should the worst condition come to exist.  
23 And, Japanese-American war will be probably a pro-  
24 longed one. In consideration of the present con-  
25 dition of our country in which our resources have



1 been considerably used up on account of the still ex-  
2 isting Sino-Japanese conflict, what are the prospect  
3 foreseen and precaution taken by our government in  
4 order to maintain our resources?

5 "No.3 'By the conclusion of the present  
6 alliance it becomes imperative that preparation of  
7 our navy for Japanese-American war be accelerated  
8 and strengthened. And, this matter will be imposs-  
9 ible to be realized, unless our government give  
10 serious consideration and cooperation with the Navy.  
11 What principle does our government have in this re-  
12 gard?'

13 "No.4 'Even if Japan should be compelled  
14 to participate in the European war from the partic-  
15 ipation of the United States in it, we would wish to  
16 choose the time of outbreak of hostility, independ-  
17 ently. What measure does our government have in this  
18 regard?'

19 "(War Ministry)

20 "It is the United States that is encour-  
21 aging Chungking government or anti-Japanese move-  
22 ment at the present time. Should a solid coalition  
23 come to exist between Japan, Germany and Italy, it  
24 will become the most effectual expedient to restrain  
25 the United States. The more effectually we restrain



1 the United States, the more possibly and quickly we  
2 shall be able to dispose of Sino-Japanese conflict.  
3 On the other hand, if we can bring about approach-  
4 ment between the Soviet Union and our country as re-  
5 sult of Tri-Partite coalition and through the good  
6 offices of Germany and Italy, especially of Germany,  
7 we shall be able to spur the quick ending of Sino-  
8 Japanese conflict.'

9 "(Navy Ministry)

10 "No. 1. 'Should this Tri-Partite alliance  
11 come to exist, Germany and Italy--especially Germany--  
12 will use its good offices with pretty firm self-  
13 confidence in ironing out Soviet-Japanese relations.  
14 In view of the present amicable relations now exist-  
15 ing between Germany and the Soviet Union, it must be  
16 far easier to iron out, with the aid of Germany, the  
17 difficult problems which involve Japan and the Soviet  
18 Union.'

19 "No. 4 'In the event Japan was compelled  
20 to participate in the European war, the time to  
21 start the war will be virtually decided in the fol-  
22 lowing manner: First, the Army and naval authorities  
23 set a question at rest. Secondly, our government  
24 bring the matter to a settlement, basing upon the  
25 opinions of the Army and naval authorities and other

1 circumstances. Thirdly, our government confers with  
2 German and Italian governments. In this regard  
3 (choice of time to start war) the standpoint of our  
4 Empire will be held independent, as a matter of fact."  
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1 MR. TAVENNER (Continued): I now introduce  
2 in evidence prosecution's document 1461.

3 THE PRESIDENT: On the conclusion of the  
4 Tri-Partite Pact.

5 MR. TAVENNER: It is a record of a conference  
6 of the Investigation Committee of the Privy Council  
7 on the subject of conclusion of the Tri-Partite Pact  
8 between Japan, Germany and Italy held on 26 September  
9 1940 at which War Minister TOJO, Foreign Minister and  
10 concurrently Minister of Overseas Affairs MATSUOKA,  
11 Chief of the Planning Board HOSHINO, and Director of  
12 the Military Affairs Bureau of the War Ministry, Major  
13 General MUTO were present.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document  
16 No. 1461 will receive exhibit No. 552.

17 (Whereupon, the document above mentioned  
18 was marked prosecution's exhibit No. 552 and  
19 received in evidence.)

20 MR. TAVENNER: This and the succeeding document  
21 are used for the purpose of showing some of the consider-  
22 ations which motivated Japanese leaders in concluding  
23 the alliance.

24 (Reading) "CONCLUSION OF THE TRIPARTITE PACT  
25 BETWEEN JAPAN, GERMANY AND ITALY.

1 "Subject: Conclusion of the Tripartite Pact  
2 between Japan, Germany, and Italy.

3 "The Investigation Committee.

4 "The President and the Vice President of the  
5 Privy Council and its members met on September 26  
6 (Thursday) Showa 15 /1940/ at 10 A.M. in the ante-  
7 chamber East-3 in the Imperial Palace, and soon after  
8 the introduction by His Majesty of the draft pact for  
9 review, President HARA opened the conference, design-  
10 ating the set-up of the plenary session of the Commit-  
11 tee."

12 I will read from the list of those present  
13 only those who are accused in this case.

14 "State Ministers: War Minister TOJO,  
15 Foreign Minister and concurrently Minister of Overseas  
16 Affairs MATSUOKA,

17 "Explainers: Chief of the Planning Board  
18 HOSHINO, Director of the Military Affairs Bureau of  
19 the War Ministry Major General MUTO."

20 THE PRESIDENT: Are the Privy Councillors  
21 MATSUI and OSHIMA identical with the accused here?

22 MR. TAVENNER: No, sir, they are not.

23 THE PRESIDENT: The Vice-President SUZUKI is  
24 here too.

25 MR. TAVENNER: The only persons who are

1 accused in this case are those that I read, four.

2 (Reading)

3 "CONCLUSION OF THE TRIPARTITE PACT BETWEEN  
4 JAPAN, GERMANY AND ITALY

5 "Subject: Conclusion of the Tripartite  
6 Pact between Japan, Germany, and Italy.

7 "The Investigation Committee

8 "The President and the Vice President of  
9 the Privy Council and its members met on September  
10 26 (Thursday) Showa 15 /1940/ at 10 A.M. in the  
11 ante-chamber East-3 in the Imperial Palace, and soon  
12 after the introduction by His Majesty of the draft  
13 pact for review, President HARA opened the conference,  
14 designating the set-up of the plenary session of the  
15 Committee.

16 "(The meeting came to order at 10:10 A.M.)

17 "SUZUKI, the Chairman of the Committee,  
18 called the meeting to order.

19 "Premier KONOYE and Foreign Minister MATSUOKA  
20 delivered explanations respectively as on separate  
21 leaf, following which interpellations and answers  
22 were exchanged between the members of the Committee  
23 and State Ministers the gist of which is as follows:

24 "Councillor KAWAI: 'The supplementary  
25 documents accompanying the treaty which has been

1 exchanged concerns the relations between our empire  
2 and the State of Germany but they do not touch upon  
3 Italy. What is the reason for this?'

4 "Foreign Minister MATSUOKA: 'The German  
5 Foreign Minister RIBBENTROP previously advised us  
6 that, as far as Italy is concerned, he himself will  
7 take care of everything, and he desired that we  
8 refrain from even having an interview with the  
9 Italian Ambassador for the time being. That is  
10 why I had an interview with him for the first time  
11 yesterday (the 25th). On that occasion, he stated  
12 that all affairs pertaining to Italo-Japanese  
13 relations had so far been entrusted to Germany,  
14 and that the conclusion of a treaty such as the  
15 present one was what Italy had been looking for-  
16 ward to for some time. Moreover, in the documents  
17 exchanged between the German Ambassador and myself,  
18 we touched upon our relations with Italy to the  
19 effect that Italy in all probability would fall  
20 in line with Japan and Germany.'

21 "Councillor KAWAI: 'How about our prepara-  
22 tions to meet the situations when the worst turns up?'

23 "War Minister TOJO: 'As far as the Army  
24 is concerned, only a part of its strength would be  
25 employed in case of war with the United States.'



1 Therefore, there is nothing to be worried about.  
2 Relations with Russia in such case, I believe,  
3 would be advantageous to us because the present  
4 Treaty acts as a check. But as long as Russo-  
5 Japanese relations are not satisfactorily adjusted,  
6 we of course cannot afford to delay preparations.  
7 Concerning the China Incident, it is necessary that  
8 we bring a speedy end to it and prepare ourselves  
9 for the worst.

10 "Moreover, as regards supplies, we have  
11 enough reserved to last for quite a while."

12 "Navy Minister OIKAWA: 'Preparations  
13 of our ships for battle have already been completed.  
14 Regarding war materials, crude oil in particular,  
15 we have enough to last us for quite awhile. If,  
16 however, the war becomes prolonged, we may be faced  
17 with a major difficulty in the way of replenishment.  
18 In order to meet such possibilities, we will take  
19 the best means possible to expand facilities for the  
20 production of synthetic oil.'

21 "Chief of the Planning Board, HOSHINO:  
22 'We are as yet not complete in the matter of self-  
23 supply and self-sufficiency of resources. According  
24 to our resources mobilization plan for this year, out  
25 of the total amount of ¥5,000,000,000 worth of material

1 necessary, we must depend on ¥2,600,000,000 from  
2 abroad out of which we must depend on the United  
3 States and Britain for ¥1,900,000,000 worth.  
4 However, we are already quite prepared. Regarding  
5 petroleum, particularly gasoline for airplanes  
6 with which we were most acutely concerned in the  
7 past, we have done a great deal in securing them  
8 from various countries with the result that we  
9 have a considerable amount in stock. In case the  
10 war becomes prolonged, the prospect of obtaining  
11 supplies from the Dutch Indies, Sago-lien, and  
12 so forth, are quite good.'

13 "Councillor ISHII: '(1) The treaty  
14 under review does not contain a clause for non-  
15 separate peace. What is the reason for this?  
16 (2) What is the meaning of New Order in Europe  
17 referred to in Article 1 of the treaty?'

18 "Foreign Minister MATSUOKA: 'With regard  
19 to the clause for non-separate peace, we did not  
20 touch upon it at all since the treaty under review  
21 aims, in principle, at prevention of war. If war  
22 should break out we would immediately come to an  
23 agreement on this subject between the three countries.'

24 "As regards the New Order, I interpret it  
25 as a materialization representing the preface of

1 the treaty which embraces the spirit of 'Hakko-riu'  
2 (all the world under one roof) recommended by the  
3 Imperial Empire.'

4 "Councillor ARIMA: 'If Japanese-American  
5 hostilities are at all events unavoidable, I believe  
6 it best to avail ourselves of the present opportunity.  
7 There is, however, one thing of which I cannot but  
8 feel concern. That is the scarcity of petrol. If  
9 war is once started between Japan and America, it  
10 will not end in a year or two. Even if we are  
11 with a good supply of oil in stock at present,  
12 we may become short of it. I would like to know  
13 what measures are being considered to meet such  
14 outcome.'

15 "Navy Minister OIKAWA: 'The production  
16 of synthetic oil is a recent undertaking. We can  
17 hardly expect much here. I, however, believe that  
18 there is still a possibility of importing oil in  
19 quantity from the Dutch East Indies and Northern  
20 Saghalien through peaceful means. I feel we can  
21 cover our needs for a good length of time with our  
22 present stock of oil plus what we will obtain in  
23 the future. Furthermore, our production of aero-  
24 plane gasoline is now reaching a substantial volume.  
25 We are not feeling the dearth which we experienced

1 for a time.'

2 "Councillor KUBOTA: '(1) Judging from  
3 what is stipulated in Article 3 of the treaty, the  
4 Soviet can be considered as coming under the cate-  
5 gory of 'A state which is at present moment partici-  
6 pating neither in the European war nor the Sino-  
7 Japanese conflict.' What is the view with respect  
8 to this? (2) Are there no signs that STAHLER,  
9 the special German envoy, discussed this question  
10 with some Soviet authorities on his way to Japan?  
11 (3) The proposition in view is liable to prompt  
12 a collaboration between the United States and  
13 the Soviet. What are the views of our authorities  
14 concerned?'

15 "Foreign Minister MATSUOKA: 'Specifically  
16 for the purpose of making it clear that the treaty  
17 under review has nothing to do with the Soviet,  
18 Article 5 is provided, while it is indicated in  
19 the supplementary documents to the effect that  
20 Germany shall take the trouble of mediating Russo-  
21 Japanese relations. (2) STAHLER said that he had  
22 no talk with any of the Soviet authorities in re-  
23 lation to this proposition. I, however, can hardly  
24 believe it. Rather I take it that much negotiations  
25 have taken place between Germany and the Soviet.

1 (3) With regard to the supposed collaboration between  
2 the United States and the Soviet, our Foreign Office  
3 authorities are keeping close watch. We are convinced  
4 that so far nothing has been done by them in this  
5 connection. We will continue to be on the alert  
6 and watch their doings. Rather we intend to take  
7 the initiative in adjusting Russo-Japanese relations.'

8 "Councillor ISHIZUKA: 'In the light of  
9 various bygone facts, I fear that we can hardly  
10 expect due fulfillment of the treaty on the part  
11 of Germany. In putting the treaty into effect,  
12 we must prove to her our sincerity; at the same  
13 time we must also ask for sincerity on the part of  
14 Germany. I hope that our government will make due  
15 efforts especially regarding this point.'

16 "Councillor SHIMIZU: '(1) What are the  
17 facts regarding Germany's assistance to the Chung-  
18 king Government? (2) What are the contents of  
19 the talks regarding the mandatory areas, the former  
20 German colonies?'

21 "War Minister TOJO: 'According to reports,  
22 German technicians have made their way into Chung-  
23 king. There is another report that the Chinese  
24 Ambassador in Germany is busy in an attempt to  
25 purchase the arms which Germany seized from France



1 in the current European warfare. However, both  
2 informations are unauthentic.'

3 "Foreign Minister MATSUOKA: 'With regard  
4 to the mandatory areas under our control, the  
5 former German colonies, I wish to dispose of it in  
6 line with the supplementary documents we exchanged  
7 in connection with this proposition. In other  
8 words, we wish to hold the former German colonies  
9 included in our Empire just as heretofore by making  
10 some compensation to her. And the word 'some'  
11 means very little, almost tantamount to nominal.'

12 "Councillor MINAMI: 'What is the real  
13 meaning of Greater East Asia, which recognizes the  
14 leadership of our Empire? I fear that a lack of  
15 understanding between the three states with regard  
16 to the concrete demarcation of such area would give  
17 rise to an undesirable outcome in the future. (2)  
18 Who is the author of the treaty under review,  
19 Japan or Germany? According to rumors, there  
20 are some who say that the treaty was proposed  
21 by Germany, whose military operations turned out  
22 contrary to what she expected at first, for the  
23 purpose of utilizing Japan as a check upon the  
24 United States due to the fear that possibility  
25 of America's participation in the war would increase



1 when the presidential election is over if the Germano-  
2 British war becomes prolonged. I wish to hear from  
3 our Foreign Minister his view in this respect.

4 "(3) Relations between Britain and  
5 America are very close. The latter is vitally  
6 interested in the Greater East Asia sphere; where-  
7 upon it is inevitable that relations between Japan  
8 and the United States grow worse. On the other  
9 hand, there are possibilities of improvement in  
10 relations between Germany and America. Is there no  
11 fear of Japan alone drinking from the bitter cup?  
12

13 "(4) In the event of war between Japan  
14 and America, the attitude of Russia would have a  
15 serious bearing upon us. Why did not your government  
16 make any effort to reach an agreement with the Soviet  
17 also when we negotiated with Germany? Has there  
18 been anything done between Japan and Germany with  
19 a view to cause the Soviet to drop assistance to  
20 Chiang?

21 "(5) What is the meaning of so-called  
22 "participation" contained in Article 3 of the treaty  
23 under consideration?"

24 "Foreign Minister MATSUOKA: '(1) By  
25 "Greater East Asia" I mean the area which includes  
French Indo-China, Thailand, Burma, the Straits

1 Settlements, and the Oceanic Group comprising the  
2 Dutch East Indies, New Guinea, New Caledonia, etc.  
3 Regarding this sphere we have made an understanding  
4 that this sphere could be automatically broadened  
5 in the course of time. This point is already stated  
6 in records of the treaty negotiations.

7 "(2) The treaty under review was pro-  
8 posed by Germany. The rumors in circulation contain  
9 a half truth, but nevertheless the German Foreign  
10 Minister's view as given in the documents exchanged  
11 between us is no empty word.

12 "(3) Our Empire should at this moment  
13 ally itself with Germany and Italy, and adjust its  
14 international relations with the Soviet Union, to  
15 bring about an international situation favorable  
16 to us, and thereby do our utmost to avoid an out-  
17 break of hostility between Japan and America. Even  
18 if Japan and America should unfortunately come to  
19 fight against each other, I consider it advisable  
20 for us after all to maintain friendly terms with  
21 America. Also from such a viewpoint, I consider  
22 it very advantageous for us if we ally with Germany  
23 and manipulate to our interest in Americans of  
24 German descent, who number in the neighborhood  
25 of 20 millions and who already hold an influential

1 position in the United States. Further, I fear  
2 that if we do not bind us in an alliance with  
3 Germany, it would be possible that in future  
4 Britain and Germany might conclude peace between  
5 themselves, create a new situation in Europe, and  
6 attempt to rule over the South Seas area and other  
7 regions for their own purposes. It is necessary  
8 to show at this time Japan's determination."

1           '(4) A Soviet-Japanese Pact had been already  
2 planned by the preceding cabinet. The Soviet, however,  
3 made excessive demands --"

4           I will omit reading down to the sentence  
5 beginning "in other words."

6           (Reading continued): "In other words, the  
7 Pact under review forms the basis of the future foreign  
8 relations of our Empire. Further, although the German  
9 Ambassador, in the course of our negotiations, pro-  
10 posed to me to have the Soviet Union abandon her  
11 pro-Chiang regime policy, and to mediate between the  
12 Chungking government and Japan, I deliberately told  
13 him that our country itself would dispose of such  
14 problems.

15           '(5) For instance, if our country cannot  
16 sit idle watching in case a powerful American fleet  
17 enters Singapore, I believe that we may then get  
18 help from Germany; contrariwise, a U. S. -- Canadian  
19 common defense can hardly be construed as "participation",  
20 since the present Pact aims to avoid war. I feel that  
21 everything has been decided on the basis of the rele-  
22 vant conditions.'

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## 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.

MR. BLAKENEY: May it please the Tribunal, I should like to refer briefly to a matter which occurred at yesterday afternoon's session. On page 6270 of the record can be found a statement by Mr. Prosecutor that TOGO, Shigenori continued in his position as Ambassador to the U.S.S.R. after the change of government in July, 1940. Since I am sure that no misrepresentation was intended, I should like to make the correction that he continued only until August, 1940.

THE PRESIDENT: Mr. Tavenner.

MR. TAVENNER: I am not informed as to the correctness of the date of his leaving the position of Ambassador to Russia. I will check further on it and if counsel is correct, as I have no reason to doubt, I will make the correction in my statement.

1 MR. TAVENNER: (Reading)

2 "Councillor MIWAMI (not the accused): 'With  
3 regard to the situation concerning the supply of ma-  
4 terials, petrol in particular, I wish to be given an  
5 explanation sufficient to set our minds at ease.'

6 "President HOSHINO of the Planning Board:

7 'We have a considerable stock of petrol, but diffi-  
8 culty is inevitable if worst conditions prevail for a  
9 long period. We will in this connection endeavor to  
10 secure its supply by utilizing various domestic in-  
11 stallations and also by establishing connections  
12 with overseas sources.'

13 "War Minister TOJO: 'As for the Army, the  
14 supply of oil on hand would be enough to cover our  
15 operation for sometime to come, but I have no con-  
16 fidence in this respect if war should continue three  
17 to four years further. I feel there will be no alt-  
18 ernative other than to strive for a way out of the  
19 desperate situation.'

20 "Navy Minister OIKAWA: 'For the use of the  
21 Navy, we have sufficient stock of petrol to cover  
22 our requirements for a considerable period. Assum-  
23 ing that our yearly requirement equals to our esti-  
24 mated maximum consumption of oil for a series of full  
25 scale fleet-to-fleet clashes, I do not think that our



1 stock will be exhausted in the course of half a year  
2 or one year. If the war is protracted for a long  
3 period, say five to ten years, the frequency of  
4 battles would automatically drop, and it is our in-  
5 tention to take steps to adjust our consumption so  
6 that our stock can be consumed during an extended  
7 period.'

8 "Councillor MINAMI: 'How about our finance  
9 when hostilities between Japan and the United States  
10 break out before the China Incident is ended?'

11 "Finance Minister KAWADA: 'It will be  
12 quite natural that our financial distress will in-  
13 crease more than ever, but I do not think that there  
14 will be no measures available with which to meet the  
15 situation. As for the source of our revenue, we may  
16 look to bonds and taxes. In either case, we have  
17 no alternative but to rely upon the savings of the  
18 people. If the situation should progress in the  
19 present state for another few years, we would poss-  
20 ibly meet no major difficulty in finance. If the  
21 situation should grow still worse, we must try to  
22 raise funds enough to cover the war expenditures by  
23 exercising utmost economy in the general expenditures.  
24 The difficulty in the field of national finance  
25 would almost be the same as that in the domain of

1 materials.'

2 "Councillor ARAKI (not the accused): 'With  
3 the development of the situation, will there be no  
4 shortage of troops? Besides, I have lately been in-  
5 formed that among the returnees from the battle fields  
6 there are many who are suffering from tuberculosis.  
7 What is the true state of affairs?'

8 "War Minister TOJO and Navy Minister  
9 OIKAWA: 'Since the manpower needed by our Army in  
10 the war against America will be comparatively small  
11 in number, while Naval personnel is by its very na-  
12 ture limited in size, we feel no concern in respect  
13 to number of personnel. There are among the return-  
14 ees a considerable number of tuberculosis cases, but  
15 the military authorities in charge and the Ministry  
16 of Public Welfare are doing their best in the way of  
17 medical facilities for these patients.'

18 "Councillor SUGAWARA: '(1) What is the re-  
19 lationship between the treaty under review and the  
20 anti-Comintern Pact? Moreover, Germany seems to be  
21 the only party with whom we have negotiated this  
22 treaty, and likewise in the supplementary instruments  
23 exchanged between the contracting parties Germany  
24 appears to be the only other party. Thus, there is  
25 concern with regard to our relation with Italy.

1 How about this point? (2) What is the resolve of  
2 our government with respect to the finance to meet  
3 with the outbreak of a Japanese-American war?

4 "Foreign Minister MATSUOKA: 'The Anti-  
5 Comintern Pact shall be retained. As to the adjust-  
6 ment of our relations with the Soviet Union, I be-  
7 lieve that we can consider it separately. The rea-  
8 sons why Germany is the only party with whom we ne-  
9 gotiated the treaty under review and with whom we  
10 exchanged the relevant documents, are that the trea-  
11 ty was negotiated at the request of the German govern-  
12 ment, and also that what is being sought by our Em-  
13 pire is principally related to Germany. With regard  
14 to our relations with Italy, we will endeavor to  
15 leave no cause for any regrets.'

16 "Finance Minister KAWADA: 'With regard to  
17 our finance, doubtless the burden on our people will  
18 grow heavier. I wish to arrange various measures so  
19 that the whole nation can bear the increasing  
20 burden.'

21 "Councillor MATSUURA: 'With the conclusion  
22 of the Alliance under review, the attitude of the  
23 Soviet Union will greatly affect the future destiny  
24 of our Empire. Hence I hope that our government  
25 authorities would direct their efforts especially on

this point.'

1           "Councillor USHIO: 'The conclusion of the  
2 treaty under review will naturally result in increas-  
3 ing difficulties to our country. I feel it essential  
4 for our government authorities and also the leaders  
5 of our people to harness themselves with a renewed re-  
6 solve and to arouse the people's spirit. As the  
7 dearth of civilian consumption goods will engender  
8 unrest in the people's thought, at least the supply  
9 of requisite items for sustaining the civilians'  
10 living should be given adequate consideration so as  
11 to leave no cause for any regrets. What is the  
12 government's intention in this respect?'

13           "President HOSHINO of the Planning Board:  
14 'In our commodity mobilization program, the center  
15 of gravity is laid on the items for military pur-  
16 poses. We have, however, paid a good deal of con-  
17 sideration to secure also the necessities for the  
18 civilians' living.'

19           "Councillor HAYASHI: 'In the light of the  
20 address made by STALIN before the Communist Party  
21 members after the signing of the Soviet-German  
22 agreement, it appears that his basic policy of  
23 launching a movement to Sovietize Germany and Bri-  
24 tain at such a moment when their strength is spent,  
25

1 and likewise to Sovietize Japan and China, remains  
2 unchanged. If this be the case, rapprochement be-  
3 tween Japan and the Soviet Union would be a task  
4 very difficult to accomplish. What is the view of  
5 the Foreign Minister in this respect?

6 "Foreign Minister MATSUOKA: 'In my opin-  
7 ion, pessimism and optimism are divided on a fifty-  
8 fifty basis. Therefore, we intend to utilize Ger-  
9 many to bring the situation to an optimistic view.  
10 It is still not certain to what extent Germany will  
11 work upon the Soviet to adjust Soviet-Japanese re-  
12 lations. If, however, the Soviet Union is afraid of  
13 Germany, the latter would make considerable efforts  
14 to mediate between Japan and the Soviet Union.'

15 "Councillor FUKAI: '(1) In what way will  
16 Germany give us military assistance in the event of  
17 a Japanese-American war? (2) I learned that a pro-  
18 test was made in connection with the Soviet-German  
19 non-aggression treaty on the ground that this in-  
20 fringes on the secret anti-Comintern Pact between  
21 Japan and Germany. How has this turned out?  
22 (3) In the preface of the treaty under review I  
23 find a passage which reads: 'This enables each na-  
24 tion of the world to have a proper place in the  
25 world,' but in Hitler's own language, he says



1 'against other races the survival of the fittest  
2 is the grand high-road of heaven and earth.' These  
3 two clearly contradict each other. Is there no cause  
4 for unrest here? (4) If a Japanese-American war is  
5 unavoidable, as Foreign Minister said, his assertions  
6 might be justified; if, on the contrary, it is not  
7 unavoidable, there must be room for maneuvering be-  
8 hind the scenes.'

9 "In the event of a war, there will be the  
10 unrest in respect to the supply of civilian necess-  
11 aries, and also unrest in thought. Has the govern-  
12 ment any conviction that it can tide over the situ-  
13 ation without the occurrence of a serious state of  
14 affairs? I wish to ask the Premier's resolve on this  
15 point.'

16 "Foreign Minister MATSUOKA, War Minister  
17 TOJO and Premier KONOYE:

18 "(1) German assistance will consist of  
19 the supply of superior arms and materials. This,  
20 however, will depend upon an understanding being  
21 reached with the Soviet Union.'

22 "(2) It is open to question whether the  
23 protest was made to Germany officially. No answer  
24 has been received from Germany.

25 "(3) Any race that dies out under the



1 rule of the survival of the fittest is not worth ex-  
2 isting on this earth. If we fail to accomplish our  
3 grand mission of spreading the Imperial way at the  
4 time it should be done, then it ca n't be helped  
5 even if we go out of existence. The fact that we  
6 succeeded in placing these words in the preface is a  
7 victory of our diplomacy.'

8       "(4) As to whether we shall be able to  
9 avert a crisis by courting America, such idea is  
10 wrong. In order to avoid a crisis, we must take a  
11 firm stand and nothing else. By this we will pre-  
12 vent an unfortunate situation to arise. Our govern-  
13 ment has come to a decision to conclude the treaty  
14 under review with an unusual determination, by tak-  
15 ing into consideration from all conceivable angles  
16 the conditions of our country, the living condi-  
17 tions of the people, red propaganda, etc., in  
18 case of the worst situation. The Emperor himself  
19 also with an unusual resolve granted us his gracious  
20 words. We were deeply impressed at this as it re-  
21 minded us of the resolve of the Emperor MEIJI at  
22 the time of the Russo-Japanese war. We are now de-  
23 termined to lay down our lives to serve the Throne.'

24       "Councillor FUTAGAMI: '(1) Did his  
25 Majesty consult us on the treaty alone? Or are

1 both the treaty and the exchange instruments in-  
2 volved? (2) Does the passage in Article 3 which  
3 reads: 'the European war or the China dispute'  
4 mean that no participation is made in either of  
5 them? (3) What is meant by the mixed expert com-  
6 mission? (4) There exists a non-aggression treaty  
7 between Germany and the Soviet Union. Hence, does  
8 Article 5 mean that Germany will not attack the  
9 Soviet Union even when the latter assaults Japan?  
10 Further, is Japan bound to fight against the Sov-  
11 iet Union if a Soviet-German hostility breaks out?  
12 If this were the case, would not such an arrange-  
13 ment be unilateral. Does the word 'existing'  
14 mean the date of signing?

15 "Foreign Minister MATSUOKA: '(1) What  
16 we had submitted to the Emperor for review was  
17 the draft for the treaty; and we have here pre-  
18 sented to you the draft of the exchanged official  
19 documents for your reference.'

20  
21 "'(2) Yes, that is just what it means.'

22 "'(3) It means the Economic Expert Com-  
23 mission and the Military Expert Commission."

24 I will omit the reading of the answer to  
25 question 4 as it is involved in a later phase of the  
case where it will be considered.

1           " 'With regard to the word 'existing', if  
2 you mean to ask if the present status of the Soviet  
3 Union cannot be modified, I say no; I mean that it  
4 will not be modified by the treaty under consideration.  
5 It will be well to readjust Japan's relation with the  
6 Soviet Union hereafter.'

7           "Councillor OSHIMA: (not the accused) '(1)  
8 To what extent does the Greater East Asia include?  
9 (2) Three or four years later, when Germany will have  
10 recovered from her scars of war she may get herself  
11 involved in hostilities with Russia. Has there been  
12 any talk about Japan and Germany combining to cope  
13 with Russia?'

14           "Foreign Minister MATSUOKA: '(1) This  
15 question has been mentioned before."

16           'Again, if the Tribunal please, I will not  
17 read the answer to question 2 for the reason pre-  
18 viously mentioned.

19           "Councillor OBATA: 'Although we have heard  
20 explanations on the necessity of concluding the treaty  
21 in question, it does not mean that insecurity has been  
22 obliterated. Since we have decided upon this matter  
23 with great determination, unerring insight, and  
24 solemn formality, we shall hope that it will not  
25 bring about the worst situation.

1           "Article III, externally, seems bilateral,  
2 but the United States is about to participate in the  
3 European war, while on the other hand it does not  
4 consider Russian aid to Chiang Kai-Shek an act of  
5 participation. Therefore, in reality, is it not  
6 unilateral? It appears that Japan alone is bound to  
7 a great sacrifice, while the burden on the part of  
8 Germany is hardly conceivable.

9           "Foreign Minister MATEBUKA: 'STAHLER  
10 maintains that the United States' participation in  
11 the war is not desirable and there is no fear of such  
12 a possibility.'

13           "'A Japanese-American war will be fatal.  
14 There is just as much danger of a Japanese-American  
15 war, as there is in the United States' participation  
16 in the European war. The situation of the presi-  
17 dential election will have great influence upon it.  
18 In connection with this election we must not ignore  
19 the influence of Germans residing in the United  
20 States, as these Germans will be a potent factor in  
21 preventing the United States' participation in the  
22 war.'

23           "Councillor TAKEKOSHI: 'In the event of  
24 the worst situation, will Japan be able to choose  
25 the time and place to let the Japanese Navy partici-

1       pate in the war?

2               "Foreign Minister MATSUOKA: 'As it is to  
3       be decided by the three powers whether the exchanged  
4       official documents will prescribe obligations for  
5       participation in a war or not, your opinion in the  
6       case just mentioned is true.

7               "Chairman of the Committee SUZUKI: 'Ir-  
8       respective of whether this pact will be concluded or  
9       not the Japanese people, must realize the inevita-  
10      bility of a Japanese-American war. Both the Japanese  
11      and American Navies will not be able to challenge  
12      each other. If they should fight in the Western  
13      Pacific the Japanese Navy will be able to annihilate  
14      the American Navy. The Americans also may think the  
15      same way. The United States is now going through a  
16      naval-expansion program, but I believe that Japan  
17      will be able to fight with its present strength in  
18      the course of the next year or two. What is the  
19      opinion of the Navy Minister on this point?

20              "Navy Minister OIKAWA: 'For the time being,  
21      if we presume that the United States will challenge  
22      us to a short and decisive war, I have full confi-  
23      dence of victory. With regard to future plans I wish  
24      to improve the quality of our Navy and expand our  
25      armaments as much as possible.



1 "Councillor ISHII: 'I have some doubts re-  
2 garding the disposal of Japan's mandated areas as  
3 stated in the exchanged official documents. May I  
4 have the opinions of the authorities?

5 "Foreign Minister MATSUOKA: 'I wish to  
6 have it arranged, at this moment, that we shall have  
7 these mandated islands ceded to us free from Germany,  
8 to avoid any controversies in the future.'

9 "Councillor MITSUCHI: '(1) As the conse-  
10 quence of the signing of this pact, American economic  
11 pressure upon Japan and the internal economic difficul-  
12 ties to follow will be to some extent inevitable. To  
13 meet with such a situation, it will be necessary to  
14 control the various phases of economic life within  
15 our nation. As a result, some of our people will  
16 lose their power to procure their necessities of life.  
17 What are the Government's measures to cope with such  
18 a situation? (2) The Japanese people have an apti-  
19 tude to look upon the signing of an alliance treaty  
20 as an assurance of perpetual amical relations, and  
21 to consider the nations who oppose it as enemies. I  
22 wish to ask our government, in making the announce-  
23 ment of this treaty, to emphasize that our people  
24 should be careful not to be captivated by Germany and  
25 Italy, and also not to have hostile opinions against



1 the United States and Great Britain.

2 "Chief of the Planning Board HOSHINO and  
3 Prime Minister KONOYE: '(1) With regard to the  
4 Anglo American pressure, we agree with you. As a  
5 result, those concerned with export and import will  
6 have to suffer. We are now taking up this aspect  
7 with a view to obtain some adequate measure to deal  
8 with it. (2) We entirely agree with your opinion  
9 on controlling the anti-Anglo-American movements.

10 "Chairman of the Committee SUZUKI, consider-  
11 ing this the end of interpellations, ordered the State  
12 Ministers and the explainers to leave.

13 "(The State Ministers and explainers retire.)

14 "Then, deliberations were started among the  
15 committee members, every member exchanging his  
16 opinion on the formality and substances of the pact.

17 "Finally, it was decided to avoid any in-  
18 citement that may develop from this proposition  
19 against the United States and Great Britain; and  
20 to smoothen Japan's relations with the Soviet Union;  
21 and moreover, demanded the government authorities  
22 not to neglect preparations for the possible worst  
23 situation. Thus, the pact was unanimously approved."  
24  
25

1 MR. TAVENNER: I now offer in evidence  
2 prosecution's document 1215. It is a record of the  
3 meeting of the Privy Council the 26 September 1940,  
4 at which the draft of the alliance was approved. All  
5 of the accused present at the earlier meeting of the  
6 Investigating Committee were present at this meeting,  
7 with the exception of Major General MUTO.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution's document  
10 No. 1215 will receive exhibit No. 553.

11 (Whereupon, the document above re-  
12 ferred to was marked prosecution's exhibit No.  
13 553 and received in evidence.)

14 MR. TAVENNER: (Reading)

15 "Strictly Confidential. Original. Record  
16 of the Meeting of the Privy Council.

17 "Subject: Conclusion of a Three-Power  
18 Treaty between Japan, Germany and Italy.

19 "The meeting is opened on Thursday, September  
20 26, 1940 at 9:40 P.M.

21 "His Imperial Majesty enters."

22 I will not read the names of those present  
23 in view of the statement I have just made. I will  
24 begin to read near the middle of page 2. (Reading)

25 "PRESIDENT (HARA). The meeting is called

1 to order.

2 "The matter of the conclusion of a three  
3 power treaty between Japan, Germany and Italy is  
4 submitted as the subject for discussion.

5 "I now open the first reading. Omitting the  
6 reading I immediately call for the report of the  
7 Chairman of the Investigation Committee.

8 "REPORTING COUNCILLOR (SUZUKI):" (not the  
9 accused) "Recently the conclusion of a three power  
10 treaty between Japan, Germany and Italy was re-  
11 ferred to this Council for deliveration. Today I  
12 and all other councillors present received the command  
13 to serve on the Investigation Committee. We immediately  
14 opened the committee meeting, and thinking of the  
15 great importance of this draft, we listened minutely  
16 to the explanations given by the ministers of state  
17 and various officials concerned and gave the matter  
18 careful consideration. Moreover as the matter was  
19 urgent there was no time to issue a report on the  
20 investigation. I ask for your understanding concern-  
21 ing the above.

22 "According to the explanations of the  
23 ministers of state, at this time when the China in-  
24 cident is still unsolved the recent attitude of the  
25 United States towards our country had gradually

1 stiffened. The attitude of the Chungking Government  
2 and other countries antagonistic to our country have  
3 also been influenced by this attitude; the interna-  
4 tional position of our country has become more and  
5 more difficult; and we cannot but be gravely concern-  
6 ed over the future. Now the only way to surmount  
7 this crisis and strengthen our international position  
8 is to strengthen our cooperation with countries having  
9 the same interests as ours. Now Germany and Italy  
10 are eager to prevent the entry into the war of the  
11 United States, while our country also is desirous  
12 of avoiding a crisis with that country, so that our  
13 interests coincide. Therefore the Government has  
14 made zealous efforts in this direction ever since  
15 its formation. Recently, based on a German proposal,  
16 the opportunity for us to strengthen our cooperation  
17 (ties) with Germany and Italy without entering the  
18 present European war has arrived. For this reason  
19 we planned to conclude a treaty, opened negotiations  
20 with these two countries, and after many conferences  
21 finally reached a conclusion on the twenty-fourth of  
22 this month. This is the treaty now placed before this  
23 Council for deliberation.

24 "I shall now give the substance of this  
25 treaty. First, in the preamble, the governments of

1 the three countries of Japan, Germany and Italy  
2 recognize that the prerequisite for eternal peace  
3 is the enabling of every country to have its own  
4 place, and therefore, their basic principle is the  
5 construction and maintenance of a new order suf-  
6 ficient to show the fruits of co-existence and co-  
7 prosperity of the various races in Europe and Greater  
8 East Asia. They have decided to act in harmony and  
9 cooperation regarding the efforts to be based on  
10 this object (aim) and furthermore they will give un-  
11 stinting cooperation to countries in every part of  
12 the world who desire to make the same efforts. In  
13 this way the three countries hope to realize their  
14 ultimate aspirations regarding world peace. Next,  
15 in the body of the treaty, the following points were  
16 decided: (1) Japan recognizes and respects the  
17 leading position of Germany and Italy in the con-  
18 struction of a new order in Europe while Germany and  
19 Italy recognize and respect Japan's leading position  
20 in the construction of a new order in Greater East  
21 Asia.

22           "(2) The three countries of Japan, Germany  
23 and Italy will cooperate with each other in their  
24 efforts based on the above-mentioned line of policy.  
25 When one of these three countries is attacked by a



1 country not at present involved in either the  
2 European war or the Sino-Japanese hostilities the  
3 three countries will aid each other with all  
4 political, economic and military means.

5 "(3) In order to carry out this treaty a  
6 mixed special committee composed of members appointed  
7 by each of the governments of the three countries  
8 shall be assembled without delay.

9 "(4) The three countries confirm the fact  
10 that the articles of this treaty shall in no wise  
11 affect the existing political situation between  
12 these three countries and the Soviet Union.

13 "(5) This treaty shall take effect  
14 simultaneously with its signing and shall be ef-  
15 fective for ten years. At an appropriate time be-  
16 fore its expiration, upon the demand of one of the  
17 contracting powers negotiations shall be opened  
18 regarding the renewal of the treaty."  
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1 "We think that the proposed Japan-Germany-  
2 Italy Three Power Treaty is based on the common  
3 interests of the three countries of Japan, Germany  
4 and Italy, and will strengthen all the more the  
5 cooperation of the three countries in working to-  
6 gether and pushing forward in constructing a new  
7 order respectively in Greater East Asia and Europe.  
8 Furthermore it is proposed that the three countries  
9 promise to aid each other in every way against the  
10 attack of another country not at present in the war.  
11 This is indeed a matter of unprecedented gravity  
12 for our country and there is need for deep and  
13 mature deliberation on the influence it will have  
14 on our national destiny. Nevertheless, in view of  
15 the present situation, we are forced to recognize  
16 that it (the treaty) was truly unavoidable. But  
17 there is need to take steps to prevent, as far as  
18 possible, the inciting of Great Britain and America  
19 as a result of the conclusion of this treaty. At  
20 the same time, we must also make ample preparations  
21 in case by any chance worst should come to worst.  
22 The Government has said it will make ample efforts  
23 concerning these several points. Also, as to our  
24 country's relations with the Soviet Union, we need  
25 to make special efforts for smooth relations, and

1 on this point also the government had declared  
2 it will exert itself for the accomplishment of its  
3 object through Germany. Hereupon, I and my colleagues  
4 place our trust in the government's declarations and  
5 furthermore earnestly desire the government to do  
6 its utmost. Thus I and my colleagues unanimously  
7 voted that this draft should be passed at it stands,  
8 together with the above-mentioned requests.

9 "I hereby report the results of the  
10 investigation.

11 "No. 19 (ISHII): I believe that the  
12 proposed draft (this matter) is one of the most  
13 important problems since our country opened up  
14 diplomatic relations. I hereby make clear that  
15 in the final analysis I agree with the proposed  
16 draft. Because I deeply fear that the enforcement  
17 of this alliance is apt to invite grave disasters  
18 I wish to give a few outspoken opinions concerning  
19 this draft and thus urge the careful attention of  
20 the government authorities.

21 "To begin with, modern international  
22 alliances are different from those of olden times,  
23 which gave birth to very intimate relationships  
24 comparable to those of husband and wife, or of  
25 brothers, for they constitute simply a union (partnership)

1 of one country with another. Furthermore in the  
2 operation of a treaty of alliance, one ally tries  
3 to gain exclusive benefits for his own country at  
4 the sacrifice of the other. It is because of this  
5 that diplomatic relations between allied countries  
6 are particularly difficult. With this actual fact  
7 as a premise, let us consider the national character  
8 of the two countries of Germany and Italy. It is a  
9 conspicuous fact that there is not a single country  
10 that has gained any benefit from allying itself with  
11 Germany and her predecessor Prussia. Not only so,  
12 but there are countries which because of this  
13 alliance have suffered unforeseen disasters and  
14 have finally lost their national entity. Chancellor  
15 BISMARCK of Germany once said that in international  
16 alliances one horseman and one donkey are required,  
17 and that Germany must always be the horseman. Sure  
18 enough, just as he had said, in the last European  
19 war, her attitude towards Austria and Turkey was as  
20 that of a horseman shouting at and whipping a donkey--  
21 she made these two countries endanger their very  
22 existence, so that even onlookers could not help  
23 shuddering. But of course these were events con-  
24 cerning Imperial Germany, and there are people who  
25 will say that the newly-arisen Nazi Germany will

1 not necessarily follow in the tracks of the Imperial  
2 Regime. In spite of this I believe that Chancellor  
3 HITLER of Nazi Germany is a character of no little  
4 danger. He is said to have taken MACHIAVELLI as  
5 a model and always has his book Il Principe at his  
6 right hand. Verily, he has declared that international  
7 alliances are a temporary expedient, and has publicly  
8 stated that one should not hesitate in breaking them  
9 as soon as the time comes. For instance the conclusion  
10 of the German-Soviet pact last August, which clearly  
11 conflicts with the anti-Comintern pact that country  
12 had previously concluded with us, should from the  
13 first have occasioned no surprise. From early years  
14 he (HITLER) had studied about the Orient, and held  
15 from the first that Japan should not be allowed to  
16 become a strong power, and it is said he often spoke  
17 of this to those close to him. From whatever angle  
18 we view it, we cannot believe that Nazi Germany under  
19 the leadership of HITLER can be a loyal friend of  
20 Japan for a long time. Next, when we consider Italy,  
21 we find her national character just as unreliable as  
22 that of Germany. From early days she has thought  
23 of herself as being the king (queen) of power politics  
24 among the European powers. Probably this is why she  
25 received no heavy damage from Germany in the last

European War.

"To sum it up, both Germany and Italy should not be trusted too much. Then what is my reason for agreeing to this draft, the purpose of which is to conclude an alliance with these two untrustworthy countries? In spite of the reasons I have here stated, I believe that the proposal of allying ourselves with these two countries is opportune. When one thinks of the position of Germany and Italy in recent years, from the economic viewpoint of haves and have-nots, or from the connection of the balance of power, it may be considered that there are no countries whose interest are as similar as those of Japan, Germany and Italy. The alliance can be said to be based on common national interests, rather than on their national character or the personality of their leaders. Thus the Germany of today must be called a truly invaluable ally for the Japan of today. However as I have said before, as the national character of Germany is such as would suck the blood of others, we must pay deep attention lest she should boast of being the only horse rider, Both in modern science and in her capacity for the production of munitions Germany shows a degree of progress one step ahead of ours. Since we are con-



1 cluding an alliance with her we should of our own  
2 accord make efforts to take advantage of those  
3 points in which she is superior. I am in favor  
4 of the conclusion of this treaty of alliance as  
5 a timely step, but in the light of past history,  
6 I earnestly hope that when this treaty is realized,  
7 the honorable members of the government will not  
8 neglect to take exhaustive and scrupulous care so  
9 that we need have no future regrets. It is a matter  
10 for rejoicing that our isolated and friendless country  
11 has here unexpectedly received a hand from strong other  
12 countries, and I fervently pray that my fears may  
13 prove to be groundless. But if by any chance even  
14 a part of my fears should be realized it will lead  
15 to serious consequences. It is for this reason that  
16 I have taken it upon myself to give some outspoken  
17 advice to the government, and have hereby stated my  
18 inmost thoughts so that they may be of reference to  
19 you.

20 "PRESIDENT (HARA): As no other opinions  
21 are voiced, I shall omit the second reading and so  
22 forth and immediately call for a vote. I ask all  
23 those in favor of the draft to rise.

24 "(The entire body rises.)

25 "PRESIDENT (HARA): The draft has been



1 passed by a unanimous vote. The meeting is adjourned.

2 "His Imperial Majesty leaves.

3 "(Meeting closed at 10:15 P.M.)"

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1           The Tribunal's attention is called to prosecu-  
2   tion document 922, a basic document in evidence as  
3   exhibit 43. It is the Tripartite Alliance of Japan,  
4   Germany and Italy, of 27 September 1940.

5           May I read it?

6           THE PRESIDENT: It is not already read into  
7   the transcript?

8           MR. TAVENNER: I think not, sir.

9           (Reading)

10   "TRIARTITE ALLIANCE OF JAPAN, GERMANY AND ITALY.

11           "We, the governments of Japan, Germany and  
12   Italy, under the common belief that the first essen-  
13   tial for lasting peace rests only upon enabling every  
14   nation to have contentment and peace, being lotted  
15   to a certain sphere of activity of her own, have made  
16   it our fundamental principle to establish a new order  
17   for co-prosperity of its own race, in Great Asia and  
18   Europe, and to maintain the same; and have reached  
19   the decision to cooperate and co-assist each other in  
20   carrying out this basic fundamental in each respective  
21   field; and further, the governments of these three  
22   nations to be willing to extend their cooperative hands  
23   over all nations willing to endeavor in realization  
24   of the same idea in any part of the world; and in hope  
25   of the realization of our final object of establishing

1 lasting peace, the governments of Japan, Germany  
2 and Italy have hereby entered into the following  
3 agreement:

4       "Article I: Japan shall recognize and re-  
5 spect the leadership of Germany and Italy for estab-  
6 lishment of new order in Europe.

7       "Article II: Germany and Italy shall recog-  
8 nize and respect the leadership of Japan for estab-  
9 lishment of new order in Great Asia.

10       "Article III: Japan, Germany and Italy  
11 shall agree to cooperate with one another in carrying  
12 out the aforementioned policy; and, further, if and  
13 when any one of the signatories be attacked by any  
14 third power not presently engaged in the present  
15 European war, or the China Incident, the other two  
16 shall aid her in any way political, economical or  
17 military.

18       "Article IV: In order to effect this alli-  
19 ance, a joint specialized committee, composed of  
20 representative members appointed by each power of  
21 Japan, Germany and Italy, shall meet as early as  
22 possible.

23       "Article V: Japan, Germany and Italy shall  
24 confirm that the above stated articles of this alli-  
25 ance have no effect whatsoever to the present exist-

1 ing political relation between each or any one of  
2 the signatories with Soviet Union.

3 "Article VI: This alliance shall become  
4 effective on the day of signature and shall remain in  
5 force for the period of 10 years.

6 "Upon demand of any one of the signatories  
7 before expiration of the term, the signatories will  
8 confer over its renewal.

9 "As evidence for the conclusion of this  
10 alliance, the undersigned, duly authorized by each  
11 respective nation hereby, has signed his signature  
12 on this paper on this day of twenty-seventh, the month  
13 of September, the Fifteenth Year of Showa, that is  
14 1940 A.D.; the twenty-seventh day of September of  
15 Fascist Eighteenth year, 3 copies were made in Berlin."  
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1 I offer in evidence prosecution document 2600-A.  
2 It is an Imperial Rescript issued on 27 September 1940.

3 THE PRESIDENT: Proclaiming the pact, isn't it?  
4 Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document  
6 No. 2600-A will receive exhibit No. 554.

7 (Whereupon, the document above  
8 referred to was marked prosecution's exhibit  
9 No. 554, and was received in evidence.)

10 MR. TAVENNER: The prosecution contends its  
11 purpose was to unify the nation in support of the prin-  
12 ciples of the Tripartite Pact -- Alliance.

13 (Reading) "27th Sept., 1940 /Showa 15th/.  
14 Official Gazette Extra.

15 "The enhancement of great righteousness in the  
16 eight corners of the world, and the unification of the  
17 world under one roof has been the great instruction  
18 given to us by our august Imperial forefathers, which  
19 we have never neglected. The disturbances in the world  
20 situation today are being endlessly aggravated, and the  
21 disasters which would be inflicted upon humanity would  
22 be immeasurably great. As we earnestly desire that no  
23 time will be lost in overcoming all the troubles and  
24 restoring peace, we have ordered our government to  
25 discuss the matters concerning coalition and collab-  
ration with Germany and Italy, who have similar objects



1 with the Empire. Accordingly, we are deeply pleased  
2 to see the conclusion of the pact between the three  
3 countries.

4 "When we think of it, we realize that we still  
5 have a very long way before we accomplish the unpre-  
6 cedented task of enabling all the nations to have their  
7 own proper places and to live in peace and security.  
8 Ye, our subjects, guard and maintain the prosperity  
9 of our Imperial Throne which is eternal as Heaven and  
10 earth, by overcoming the critical situation of today with  
11 united will and strength and with far-sighted wisdom  
12 and clearer concept of the national polity.

13 "The Imperial signmanual and seal.

14 "27th September, 15th year of Showa (1940)."

15 Among those whose names appear as principal  
16 officers of the government, at the end of this Imperial  
17 Rescript, are the following names of accused:

18 War Minister, TOJO, Hideki.

19 Foreign Minister and Minister of Overseas  
20 Affairs, MATSUOKA, Yosuke."

21 President of Planning Board, HOSHINO, Naoki.

22 I now offer in evidence prosecution documents  
23 940-B, C, and A, as one exhibit; and also prosecution  
24 document 1214-A. These documents contain the secret  
25 letters exchanged at the time of the conclusion of the

1 Pact as referred to by Foreign Minister MATSUOKA in  
2 his explanation of the Pact.

3 940-B is a letter from the German Ambassador  
4 in Tokyo of September 27, 1940. The name of the  
5 addressee does not appear on the English version or on  
6 the translation. But it does appear--

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document  
9 No. 940-A will receive exhibit No. 555-A; and document  
10 940-B, exhibit No. 555-B; 940-C, exhibit No. 555-C;  
11 and document No. 1214-A will receive exhibit No. 556.

12 (Whereupon, the documents above  
13 referred to were marked prosecution's exhibits  
14 No. 555-A, 555-B, 555-C, and 556, respectively,  
15 and were received in evidence.)

16 MR. TAVENNER: Exhibit 555-B, which is prose-  
17 cution document No. 940-B, was addressed to Foreign  
18 Minister MATSUOKA by the German Ambassador, and it is  
19 as follows:

20 (Reading)

21 "Tokyo, September 27, 1940

22 "Strictly confidential.

23 "Excellency:

24 "At the moment when our conversations, be-  
25 gun on the 9th instant at Tokyo, are about to eventu-

1 ate in a successful conclusion of the Three Powers  
2 Pact, it is Minister Stahmer's and my sincerest de-  
3 sire to tender to Your Excellency the expression of  
4 deepest appreciation for the principal part Your  
5 Excellency has played throughout in a most generous  
6 and accomodating spirit.

7 "We wish to take this occasion to state  
8 once more in this letter some of the salient points  
9 reiterated in our conversations with Your Excellency  
10 which are as follows:

11 "The German Government are convinced that  
12 the Contracting Parties are about to enter into a  
13 new and decisive phase of world history in which it  
14 will be their task to assume the leadership in the  
15 establishment of a new order in Greater East Asia  
16 and Europe respectively.

17 "The fact that for a long time to come  
18 their interests will coincide and the unrestricted  
19 mutual confidence of the Contracting Parties form  
20 the solid foundation on which the Pact is built.

21 "The German Government firmly believe  
22 that the technical details concerning the execution  
23 of the Pact will be settled without difficulties and  
24 that it would not be in keeping with the far-reaching  
25 importance of the Pact and it would be practically

1 impossible to anticipate all possible cases which  
2 might arise in the course of its application; they  
3 can only be dealt with in the spirit of mutual con-  
4 fidence and helpfulness as they arise from time to  
5 time.

6 "Conclusions of the Technical Commissions  
7 stipulated in Article 4 of the Pact shall be sub-  
8 mitted to the respective Governments for approval  
9 in order to be put in force.

10 "It is needless to say that whether or not  
11 a Contracting Party has been attacked within the  
12 meaning of Article 3 of the Pact shall be determined  
13 upon consultation among the three Contracting  
14 Parties.

15 "If Japan, contrary to the intentions of  
16 the Pact, should be attacked by a Power so far not  
17 engaged in the European War or the China Incident,  
18 Germany will consider it a matter of course to give  
19 Japan full support and assist it with all military  
20 and economic means.

21 "With regard to the relations between  
22 Japan and Soviet Russia, Germany will do everything  
23 within its power to promote a friendly understand-  
24 ing and will at any time offer its good offices to  
25 this end.

1 "Germany will use her industrial capacity  
2 and other resources technical and material as far  
3 as possible in favour of Japan in order both to fac-  
4 ilitate the establishment of a new order in Greater  
5 East Asia and to enable her to be better prepared for  
6 any emergency. Germany and Japan will further under-  
7 take mutually to aid each other in procuring in  
8 every possible way raw materials and minerals in-  
9 cluding oil which they will have been in need of.

10 "The German Foreign Minister implicitly be-  
11 lieves that Italy will of course act in concord with  
12 Germany and Japan when and where assistance and co-  
13 operation by Italy is sought in reference to the  
14 matters above enumerated.

15 "I have the honour to present to Your Ex-  
16 cellency the above expose as the views of the German  
17 Foreign Minister conveyed personally by his special  
18 delegate, Minister Stahmer, and repeatedly trans-  
19 mitted to me from my Government.

20 "I avail myself of this opportunity to re-  
21 new to Your Excellency the assurance of my highest  
22 consideration.

23 "Signed: Ott"  
24  
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Document 940-C, which is in evidence as  
exhibit 555-C, is likewise a letter from Ambassador  
Ott addressed to Foreign Minister MATSUOKA.

(Reading) "Tokyo, September 27, 1940.

Strictly confidential.

Excellency:

"I have the honour to acknowledge receipt  
of your Excellency's Letter Jyo - ni Nr.133 of this  
date with the contents as follows:

" I have the honour to inform Your  
Excellency that, the Japanese Government earnestly  
share the hope with the Governments of Germany and  
Italy that the present European War will remain  
limited as far as possible in its shpere and scope  
and will come to a speedy conclusion and that they  
shall on their part spare no effort in that di-  
rection.

" However, the conditions actually pre-  
vailing in Greater East Asia and elsewhere do not  
permit the Japanese Government to rest assured  
in the present circumstances that there is no  
danger whatever of an armed conflict taking place  
between Japan and Great Britian, and accordingly  
they desire to call attention of the German Gov-  
ernment to such a possibility and state that they  
feel confident that Germany will do their utmost

1 to aid Japan in such eventuality with all means  
2 in their power.'

3 End of quotation.

4 "I take this occasion to note the con-  
5 tents of Your Excellency's letter.

6 "I avail myself of this opportunity to  
7 renew to Your Excellency the highest consideration.

8 Signed: "Ott."  
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1 I will now read document 556, which is  
2 prosecution document 1214-A.

3 (Reading) "Strictly Confidential (Draft).

4 "Letter from the Foreign Minister to the  
5 German Ambassador. Excellency:

6 "I have the honour to ask Your Excellency to  
7 confirm the following oral declaration which was made  
8 by Your Excellency on behalf of the German Government:

9 "The German Government agree that the former  
10 German Colonies actually under Japan's Mandate in the  
11 South Seas shall remain in Japan's possession, it being  
12 understood that Germany be in a way compensated there-  
13 for. In regard to other former Colonies in the South  
14 Seas, they shall be restored automatically to Germany  
15 upon conclusion of peace ending the present European  
16 War. Afterwards the German Government would be pre-  
17 pared to confer, in an accommodating spirit, with the  
18 Japanese Government with a view to disposing of them  
19 as far as possible in Japan's favour against compen-  
20 sation."

21 "I avail myself of this opportunity to renew  
22 to Your Excellency the highest consideration."

23 I return now to document 555-A.

24 MR. LOGAN: I wish to call the Tribunal's  
25 attention to the fact that prosecution exhibit 556

has no date on it.

1 THE PRESIDENT: So we observed. We also  
2 observed that it purports to be a draft only.

3 MR. TAVENNER: The next document that is intro-  
4 duced in evidence refers to this letter and I think  
5 answers your Honor's question.

6 Prosecution document 940-A, in evidence as  
7 exhibit 555-A, is a letter from the German Ambassador  
8 to MATSUOKA of September 27, 1940, which I will read.

9 "Tokyo, September 27, 1940. Strictly Confi-  
10 dential. Excellency:

11 "I have the honour to acknowledge receipt of  
12 Your Excellency's letter Jyo-ni Nr. 134 of this date  
13 and to confirm the oral declaration made by me concern-  
14 ing the former German colonies in the South Sea con-  
15 tained in Your Excellency's letter under reply.

16 "I avail myself of this opportunity to renew  
17 to Your Excellency the highest consideration.

18 "Signed: Ott."

19 THE PRESIDENT: You may omit those formal  
20 parts.

21 MR. TAVENNER: I present for introduction in  
22 evidence, prosecution document 2361. It is an article  
23 written by the accused SHIRATORI, Toshio.

24 THE PRESIDENT: On the Three-Power Pact and  
25

1 the World of Tomorrow.

2 MR. TAVENNER: Yes, sir.

3 THE PRESIDENT: Admitted on the usual terms.

4 There is no objection, is there?

5 MR. CAUDLE: If it please the Court, I am  
6 Charles Caudle, associate counsel for SHIRATORI. I  
7 would like to object to the introduction of this article,  
8 inasmuch as the translation from the original article,  
9 according to the defendant, is not correct.

10 THE PRESIDENT: Well, this is not the stage  
11 at which we determine contested questions of fact of  
12 that type. The prosecution may be prepared to admit  
13 errors and to correct them. Subject to that, of course,  
14 you have only the right to give evidence for the  
15 defense later correcting any errors.

16 Objection is overruled.

17 MR. TAVENNER: This article is taken from  
18 "Contemporary Japan," a review of Far Eastern Affairs,  
19 Volume IX, December 1940, at page 1514. I would like  
20 to present this volume of "Contemporary Japan" for  
21 identification only.

22 THE PRESIDENT: Mark it accordingly.

23 CLERK OF THE COURT: Prosecution's document  
24 No. 2361, to-wit, a copy of "Contemporary Japan,"  
25 Volume IX, December 1940, will be marked exhibit 557



1 for identification only; and the extract therefrom, to-  
2 wit, prosecution's document 2361-A, will receive  
3 exhibit No. 557-A.

4 THE PRESIDENT: 2361, not A.

5 CLERK OF THE COURT: Correction: Prosecution  
6 document 2361 instead of 2361-A.

7 (Whereupon, the document above  
8 referred to was marked prosecution's exhibit  
9 No. 557 for identification.)

10 THE PRESIDENT: You may read it after the  
11 recess. We will recess now for fifteen minutes.

12 (Whereupon, at 1445, a recess was  
13 taken until 1500, after which the proceedings  
14 were resumed as follows:)  
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1 MARSHAL OF THE COURT: The Tribunal is now  
2 resumed.

3 THE PRESIDENT: Mr. Tavenner.

4 MR. TAVENNER: "The Three-Power Pact and the  
5 World of Tomorrow by Toshio SHIRATORI." I will  
6 begin to read at the beginning of the first paragraph  
7 on page three.

8 "What, then, is the new order which Japan,  
9 Germany and Italy intend to bring about, first in  
10 their respective spheres and ultimately throughout  
11 the world, as stipulated in the instrument? To give  
12 a clear-cut answer to this question is difficult at  
13 the present stage; but in view of the fact that the  
14 three Powers, discarding the ideologies of individual-  
15 ism and democracy, have adopted the principle of deal-  
16 ing with human society from the totalitarian point  
17 of view, the character of the new order to be created  
18 under their leadership must for the most part be clear-  
19 ly perceived.

20 "From the time of ancient Greece down to the  
21 modern age, Western civilization has undergone various  
22 changes in form, but the basis upon which it has  
23 developed has consistently been the individualistic  
24 view of the world. It was the movement for Kultur  
25 staged in various fields of activity by the German

1 people with the rise of Prussia to power which  
2 revolted for the first time against this conception  
3 of civilization. Yet because of the structures of  
4 her state and society as well as the thoughts of her  
5 people not yet being entirely free from liberalism  
6 and individualism Germany was ultimately defeated in  
7 the last European War, and the German term Kultur  
8 was accordingly made the butt of ridicule and contempt  
9 by the conquerors. By its subsequent development,  
10 however, Kultur Kampf has proved that, though its  
11 steps may be temporarily interrupted, it is after  
12 all in line with the inevitable course of progress  
13 which mankind is destined to take. The totalitarian  
14 movement, started by the Fascist Revolution in Italy  
15 and now about to reach its zenith in the National  
16 Socialist Revolution in Germany, is spreading like  
17 a prairie fire, leaving no room for doubt that the  
18 world of tomorrow will be thoroughly permeated with  
19 this new concept of world and man.

20 "The writer understands the totalitarian  
21 movement to mean, in the west, a return to that simple  
22 but virile human instinct which characterized the  
23 German and Latin peoples of more than a thousand years  
24 ago. Simultaneously with the appearance of such a  
25 movement in Germany and Italy, there also arose in

1 Japan a similar movement for going back to the  
2 intrinsically Japanese way of ancient days. In Japan,  
3 however, no such drastic change as warrants being  
4 called revolutionary was necessary, as was the case  
5 in Germany and Italy. For Japan's polity has since  
6 the foundation of the Empire been established and  
7 maintained upon a permanent and unchanging basis, and  
8 the pure and unadulterated totalitarianism embodying  
9 the unity of sovereign and subjects as one organic  
10 body has always been the immutable faith of the  
11 Japanese people. But it would be untrue to say that  
12 the evils of liberalistic civilization have not for  
13 the past half-century poisoned her ancient tradition.  
14 Indeed, the accumulation of its harmful influences  
15 had become so intolerably large in both internal and  
16 foreign affairs that at last the nation revolted and  
17 its dissatisfaction found expression in the form of  
18 the Manchurian incident of 1931. This incident  
19 meant the bursting out of the thitherto suppressed  
20 healthy, racial instinct of the nation, in challenge  
21 externally of unjust conditions long forced upon  
22 mankind by the democratic Powers and internally of all  
23 alien ideas and thoughts grafted upon the people.  
24 It called for a re-examination and a return to what is  
25 really Japanese in politics, economics and indeed in



1 all activities of the people. The characteristics  
2 of this movement in Japan have become even more accen-  
3 tuated in the current China affair, in which the  
4 classic expression, Hakko Ichiu, has been adopted as  
5 the national slogan, and the ultimate object of the  
6 affair, in consonance with the spirit of the slogan,  
7 is to be the establishment of a new order in East  
8 Asia. The controversies of the past ten years in the  
9 Far East, therefore, may well be called the racial  
10 revivalist-reform movement of the Japanese people,  
11 chief obstacles to which having been offered by the  
12 machinations of the democratic Powers who have clung  
13 to the old order as the best purveyor of their own  
14 interests. The war in Asia can thus be regarded as  
15 essentially a conflict between the view of the  
16 world as represented by these democratic Powers and the  
17 Kohdo spirit which has consistently been protected  
18 and fostered by the Japanese nation since the foundation  
19 of the Empire. Since the current war in Europe is,  
20 fundamentally speaking, a struggle between  
21 two different ideologies and a clash between old and  
22 new civilizations, it may safely be said that in this  
23 sense the wars in the East and West are essentially  
24 the same.

25 "Unless one views the present wars in the above



1 light and takes into consideration the fact that the  
2 so-called new order movement is ultimately an ideolog-  
3 ical and cultural movement for a return to man's  
4 innate character, one will never be able to understand  
5 correctly the real nature of the new world order of  
6 tomorrow which is to be established through Japanese-  
7 German-Italian co-operation.

8 "Before a new world order is fully established,  
9 there must first of all be effected a radical change  
10 in the thought of the people in general. In other  
11 words, the mental habit must be broken which has for  
12 past centuries controlled mankind. Everything requires  
13 reappraisal, and even the essential qualities of God  
14 and man must necessarily be re-examined. In this  
15 process many a dogma and prejudice will have to be  
16 wiped out, for in order to achieve the contemplated  
17 change, such things as freedom and equality of individuals,  
18 the inherent rights of man, the absolute sovereignty  
19 of a state and the right of self-determination of the  
20 people must be viewed from a completely different  
21 angle from that of the past. In the new world, many  
22 things which formerly were highly evaluated as making  
23 this earthly life worth living may lose their value,  
24 for it must be emphasized that the very things which  
25 the old forces in the world have specially prized

1 constitute the sources of injustice, irrationality,  
2 tyranny, and exploitation. It is not expected, of  
3 course, that such a tremendous reformation which has  
4 no parallel in world history can be accomplished in  
5 a brief space of time. But now the trend of the age  
6 is definitely in that direction. Not only that, but  
7 the construction of a new order is in fact already  
8 progressing over wide areas of Asia and Europe and  
9 promises to be greatly accelerated hereafter.

10 "In view of this epoch-making movement now  
11 under way in Europe and Asia, there should be no  
12 doubt as to the reasons for the birth of the treaty  
13 among Japan, Germany and Italy or as to the duty with  
14 which it has been charged."

15 I tender in evidence prosecution document  
16 1204-D. It is a radio speech for the president of  
17 the Board of Information in commemoration of the first  
18 anniversary of the conclusion of the Three-Power Pact,  
19 which was published in official announcements concern-  
20 ing foreign relations by the Board of Information.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document  
23 No. 1204-D will receive exhibit No. 558.

24 (Whereupon, prosecution's exhibit  
25 No. 558 was received in evidence.)

1 MR. TAVENNER: (Reading)

2 "RADIO SPEECH OF DR. NOBUMI ITO, PRESIDENT  
3 OF THE BOARD OF INFORMATION IN COMMEMORATION  
4 OF THE FIRST ANNIVERSARY OF THE CONCLUSION  
5 OF THE THREE-POWER PACT BETWEEN JAPAN,  
6 GERMANY AND ITALY.

7 "September 26, 1941.

8 "Exactly a year has elapsed since the  
9 Three-Power Pact was concluded between Japan, Germany  
10 and Italy on September 27 last year. Following its  
11 conclusion Hungary joined it on November 20, last  
12 year, followed by Rumania on the 23rd of the same  
13 month, and Slovakia, on December 24. On March 1, this  
14 year, Bulgaria participated in the Pact and on June 15,  
15 Croatia followed suit. In such a manner the Pact has  
16 gained successively new participants and all the  
17 signatory Powers in the East and West have been ex-  
18 erting themselves to their utmost for the construction  
19 of the new world order. We, the people of Japan, must  
20 bear in mind that tomorrow's anniversary is the day to  
21 be heartily felicitated.  
22

23 "The real meaning of the spirit of the Three-  
24 Power Pact is clear from the Imperial Rescript granted  
25 on the day of its conclusion and from the message of  
Prime Minister Konoye. In the Imperial Rescript is

1 stated, 'We fervently hope that the cessation of the  
2 disturbances and the restoration of peace will be  
3 realized as swiftly as possible,' and in the Prime  
4 Minister's message, also, the same sentiment is ex-  
5 pressed. As stated in the Prime Minister's message,  
6 it goes without saying that the maintenance of world  
7 peace as well as the stabilization of East Asia are  
8 attributable to the spirit of the founding of our  
9 Empire and constitute our immutable policy. The Three-  
10 Power Pact is nothing other than a concrete expression  
11 of this spirit which constitutes the basis of our  
12 foreign policy at present.

13 "The situation prevailing at the time of its  
14 conclusion was such that more than a year had already  
15 passed since the outbreak of the European War with the  
16 hostilities steadily expanding in scope and warlike  
17 clouds appearing to spread over the whole world. Ever  
18 being solicitous of the maintenance of world peace,  
19 the Japanese Government, considering it to be of urgent  
20 necessity for the welfare of mankind to forestall the  
21 spread of the war, concluded the Pact. Expressed in  
22 other words, the Three-Power Pact is not one like  
23 military alliance of the past which were made for the  
24 purpose of acquiring advantages for the prosecution of  
25 war.



1 "The fundamental purpose of its conclusion  
2 lay in the prevention of world-wide conflagration and  
3 the establishment of world peace on a firm foundation.  
4 It was this spirit which largely motivated the con-  
5 clusion of the Three-Power Pact.

6 "The second point is the fact that by this  
7 Pact the leading position of Japan in the establish-  
8 ment of the new order in Greater East Asia was defin-  
9 itely recognized. The very fact that Japan, with a  
10 view to bringing about the permanent stabilization of  
11 East Asia has already waged more than four years of  
12 hostilities for the overthrow of the Chiang Kai-shek  
13 regime which is the cat's paw for the defense of the  
14 countries clinging to the old order, can be considered  
15 as one of the great movements for the change in the  
16 world at present. It is indeed regrettable that the  
17 real intentions of our country have not yet been fully  
18 understood throughout the world. Some think mistakenly  
19 that to persist to maintain the old order means peace,  
20 and some, although they recognize the necessity of  
21 change, still cling to the status quo; and thus they  
22 are prone to oppose the construction of the new order  
23 in Greater East Asia by Japan. Under such circumstances,  
24 it is quite natural that Japan should cooperate with  
25 Germany and Italy, which share with us the same ideals



1 and aspirations.

2 "In the region of Europe, Germany and Italy  
3 have, with irresistible power, made signal progress  
4 towards the establishment of the new order since the  
5 conclusion of the Pact. It needs not be elaborated  
6 here what a strong encouragement it has been to Germany  
7 and Italy that Japan, as one of the signatory Powers,  
8 has maintained in the meantime a firm attitude in  
9 East Asia. In East Asia the first forward step was  
10 made for the construction of the new order with the  
11 three countries--Japan, Manchoukuo and China--serving  
12 as its pivot following the recognition in November  
13 last by Japan of the National Government of China  
14 under Mr. Wang Ching-wei. Not only that, our country  
15 mediated the border dispute between Thailand and  
16 French Indo-China in the early part of this year and  
17 successfully settled it, and, in July, concluded the  
18 Agreement for the Joint Defense of French Indo-China  
19 under which our forces made a peaceful entry into that  
20 country. Thus, the construction of the new order is  
21 also making steady progress in Greater East Asia where  
22 our country is shouldering her responsibility in this  
23 part of the world.

24 "As I have already said, a year has passed  
25 since the conclusion of the Three-Power Pact with new

1 and aspirations.

2 "In the region of Europe, Germany and Italy  
3 have, with irresistible power, made signal progress  
4 towards the establishment of the new order since the  
5 conclusion of the Pact. It needs not be elaborated  
6 here what a strong encouragement it has been to Germany  
7 and Italy that Japan, as one of the signatory Powers,  
8 has maintained in the meantime a firm attitude in  
9 East Asia. In East Asia the first forward step was  
10 made for the construction of the new order with the  
11 three countries--Japan, Manchoukuo and China--serving  
12 as its pivot following the recognition in November  
13 last by Japan of the National Government of China  
14 under Mr. Wang Ching-wei. Not only that, our country  
15 mediated the border dispute between Thailand and  
16 French Indo-China in the early part of this year and  
17 successfully settled it, and, in July, concluded the  
18 Agreement for the Joint Defense of French Indo-China  
19 under which our forces made a peaceful entry into that  
20 country. Thus, the construction of the new order is  
21 also making steady progress in Greater East Asia where  
22 our country is shouldering her responsibility in this  
23 part of the world.

24 "As I have already said, a year has passed  
25 since the conclusion of the Three-Power Pact with new

1 participants increasing, and in East Asia as well as  
2 Europe each signatory Power has steadily marched for-  
3 ward for the construction of the new order. There are  
4 undeniably many difficulties lying in the path of our  
5 country as is mentioned in the Imperial Rescript in  
6 which His Imperial Majesty graciously stated. 'The  
7 task of enabling each nation to find its proper place  
8 and all individuals to live in peace and security is  
9 indeed one of the great magnitude, unparalleled in  
10 history. The goal lies still far distant.' As for  
11 us, it is my belief that we must be strongly deter-  
12 mined to exhaust all peaceful means possible in accord-  
13 ance with the spirit of the Pact, and if there be any  
14 interference by a third Power, to dispel it resolutely,  
15 and to go forward with steady steps toward the ultimate  
16 realization of the new world order.

17 "In welcoming the first anniversary of the  
18 Three-Power Pact, I congratulate upon the various  
19 accomplishments of the past year. Whatever changes  
20 there may be hereafter in international situation and  
21 whatever difficulties we may encounter, there will not  
22 be any change whatever in the fact that the spirit of  
23 the Three-Power Pact constitutes the key-note of our  
24 diplomacy and that it will not be affected in the least  
25 by the activities of third Powers to alienate the



1 three countries from each other. This point I wish  
2 specially to emphasize in view of the present delicate  
3 international situation."

4 This completes the phase of the subject of  
5 the Tripartite Pact as to the conclusion of the Pact.

6 THE PRESIDENT: Mr. Hyde.

7 MR. HYDE: If the Court please, I shall now  
8 take up collaboration between Japan, Germany and Italy  
9 under the provisions of the Tripartite Pact. I offer  
10 in evidence prosecution document No. 955. This is an  
11 agreement providing for the establishment of a general  
12 commission and two technical commissions to be formed  
13 under the provisions of Article IV of the Tripartite  
14 Pact.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution's document  
17 No. 955 will receive exhibit No. 559.

18 (Whereupon, prosecution's exhibit  
19 No. 559 was received in evidence.)

20 MR. HYDE: I will read exhibit No. 559:

21 "Memorandum

22 "The governments of Japan, Germany and  
23 Italy have reached an agreement regarding the mutual  
24 technical commission provided for in Article IV of the  
25 Tripartite Pact concluded in Berlin on 27 September 1940.

1 "Upon instructions from their governments,  
2 the Imperial Japanese Minister for Foreign Affairs,  
3 Mr. Yosuke MATSUOKA, the German Ambassador, Mr. Eugen  
4 Ott, and the Royal Italian Ambassador, Mr. Mario  
5 INDELLI, met in order to confirm and sign the agree-  
6 ment which had been reached. The text agreed upon  
7 has the following wording:

8 "A general commission and two technical  
9 commissions (a military and an economic one) are to be  
10 formed independent of each other in each of the three  
11 capitals--Tokyo, Berlin, and Rome.

12 "The general commission to be formed in  
13 Tokyo is to consist of the Imperial Japanese Minister  
14 for Foreign Affairs (as chairman), the German Ambassador  
15 and the Royal Italian Ambassador.

16 "The general commissions to be formed in  
17 Berlin and Rome respectively are to consist in Berlin  
18 of the German Reichs Minister for Foreign Affairs (as  
19 chairman), the Imperial Japanese Ambassador, and the  
20 Royal Italian Ambassador, in Rome of the Royal Italian  
21 Minister for Foreign Affairs (as chairman), the Imperial  
22 Japanese Ambassador, and the German Ambassador.

23 "The members of the general commission can,  
24 if necessary, take into consultation military, economic,  
25 or other technical experts for their sessions.



1           "The general commissions have the task of  
2     executing the Tripartite Pact. For this purpose they  
3     can claim the support of the military and economic  
4     commissions.

5           "The military and economic commissions are  
6     to consist of permanent members appointed by the  
7     governments of the three countries.

8           "The military commission in Tokyo is to be  
9     composed of the representatives of the Japanese Army  
10    and Navy as well as of the Military, Naval and Air  
11    Attaches of the German and the Royal Italian Embassy.

12           "The economic commission in Tokyo is to be  
13    composed of the number of experts found necessary by  
14    the Japanese Government, and the German and the Royal  
15    Italian Embassy.

16           "The military as well as the economic com-  
17    missions may, if necessary, take into consultation also  
18    non-permanent co-workers and technical experts.

19           "A number of secretaries are to be appointed  
20    for every commission.

21           "The military and economic commissions in  
22    Berlin and Rome are to be composed in a similar way  
23    as they are in Tokyo.

24           "The chairman of each commission is prin-  
25    cipally appointed by the government of the country in

1 which the commission is formed.

2 "The military and economic commissions con-  
3 vene either upon invitation from the appertaining  
4 general commission, or when the necessity arises to  
5 discuss questions which come up. In each case they  
6 will submit their proposals to the general commission.

7 "All proposals of the general commission  
8 will be submitted to the governments of the three  
9 powers for the final approval.

10 "Drawn up and signed in three copies in the  
11 Japanese, the German, and the Italian language.

12 "Tokyo, 20 December 1940.

13 "/s/ OTT

14 "/s/ INDELLI

15 "/s/ MATSUOKA."  
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1 MR. HYDE: The personnel records in evidence  
2 reflect that the following of the accused were members  
3 of the Commission: MATSUOKA, Yosuke; OSHIMA, Hiroshi;  
4 TOGO, Shigenori; MUTO, Akira; OKA, Takasumi; and SATO,  
5 Kenryo.

6 I offer prosecution's document 4042-B, which  
7 is a telegram from Ott, dated 13 December 1940. The  
8 telegram does not indicate to whom it was sent, but  
9 it was found in the files of the German Foreign Minis-  
10 try. It is offered to show the indispensable part  
11 that the accused OSHIMA and SHIRATORI expected to  
12 play in promoting pro-German relations in Japan.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document  
15 No. 4042-B will receive exhibit No. 560.

16 (Whereupon, the above-mentioned docu-  
17 ment was marked prosecution's exhibit No. 560,  
18 and received in evidence.)

19 MR. HYDE: I will read exhibit No. 560.

20 (Reading): "Telegram from Ott, dated  
21 13 December 1940, telegram (Seeret Cipher Process)."

22 It is marked "To be kept in locked file."  
23 It is dated "Tokyo, December 13, 1940." It arrived  
24 December 13, 1940, marked "Secret," and "Most urgent."

25 (Reading continued):



1                   "The Foreign Office reports that Ambassador  
2 KURUSU is commissioned to seek an agreement for General  
3 OSHIMA as Ambassador in Berlin. For the previous his-  
4 tory, I know that the Foreign Minister has repeatedly  
5 offered the Ambassadorial post in Berlin to OSHIMA, who,  
6 however, declined it in order to be able to continue  
7 his politically active work for the Tripartite Pact  
8 in Japan. After the appointment of Admiral NOMURA as  
9 Ambassador in Washington, the Foreign Minister put  
10 renewed pressure on OSHIMA who thereby wanted to avoid  
11 the appearance of a weakening of his Tripartite Pact  
12 policy. At the same time, the army, supported by  
13 important navy circles, urged OSHIMA to accept, in  
14 the endeavour to have a completely reliable proponent  
15 of the Alliance policy with Germany occupy the most  
16 important ambassadorial post in Europe, especially  
17 since the newly appointed Japanese Ambassador in  
18 Rome is primarily a parliamentarian prominent in  
19 domestic policy who has little experience in foreign  
20 policy and since the former press chief SUMA appointed  
21 as envoy to Spain is widely known for his leanings  
22 toward America. Also Ambassador SHIRATORI, who is  
23 at present indispensable here as a leading figure in  
24 a Japanese pro-German rejuvenation movement, has  
25 emphatically supported the candidature of OSHIMA."

Signed, "Ott."

1 MR. HYDE: For the same purpose indicated  
2 with respect to the document just read I now desire  
3 to read prosecution's document 473-C. This is an  
4 extract from prosecution's document 473, a collection  
5 of addresses by Foreign Minister MATSUOKA which is  
6 in evidence as exhibit 261. The part I desire to  
7 read is Chapter XXV of exhibit 261 which we have  
8 identified as prosecution's document 473-C. It is  
9 an address delivered by MATSUOKA on 15 January 1941  
10 upon the departure of Ambassador OSHIMA for Germany.  
11 The Clerk will hand up copies for the convenience of  
12 the Tribunal.

13 I didn't hear the Court.

14 THE PRESIDENT: Was exhibit No. 261 tendered  
15 as to the whole exhibit or as to part of it?

16 MR. HYDE: Yes, your Honor.

17 THE PRESIDENT: Yes.

18 MR. HYDE (Reading): "CHAPTER XXV. 'I Count  
19 Upon AMBASSADOR OSHIMA' (Speech delivered by YOSUKE  
20 MATSUOKA at the farewell party held on 15 January 1941)

21 "I am most delighted to speak a part of my  
22 feeling at this farewell party which is given here  
23 today in honor of the Ambassador to Germany OSHIMA.  
24 At the beginning of the new year of 2601 of the Imperial  
25 Calendar, perhaps, you all will keenly feel that the



1 international situation is growing most serious. In  
2 Europe, the war of Germany and Italy against Britain  
3 is being fought more and more violently, and in Asia  
4 our Empire has already been engaged for three and a  
5 half years in a holy war for the purpose of establish-  
6 ing a New Order in East Asia. And according to the  
7 results of this European War and also to the success  
8 or failure of establishing the New Order in East  
9 Asia by our Empire the history of the world will  
10 fundamentally be altered.

11 "The efforts exerted by our country for  
12 establishing the New Order in East Asia which began  
13 with the Manchurian Incident, and the efforts exerted  
14 by Germany and Italy to break down the Versailles  
15 system both have a fundamental common cause which in  
16 turn will contribute to the establishment of the New  
17 Order of the world. The unity between Japan and  
18 Germany effected by the Tri-Partite Pact was not at  
19 all by chance, but it can be said to be the result of  
20 a strong spiritual combination based on a common idea  
21 surpassing any pledge made between countries which  
22 have simply a common interest.

23 "It is our profound pleasure that His Excel-  
24 lency Hiroshi OSHIMA departs as Ambassador again to  
25 one of the member countries of the Alliance, Germany,

1 which is now in an inseparable relation with us and,  
2 at the same time, is making an effort to establish  
3 the future by overcoming present difficulties, while  
4 the Alliance itself is the leading principle of our  
5 diplomacy. His Excellency not only assumed previously  
6 the posts of military attache and also of Ambassador  
7 to Germany, but has studied about Germany for scores  
8 of years, and must be well-informed of the state of  
9 affairs in Germany. In fact, he has built up such an  
10 absolute personal credit among the leaders of the  
11 German government that he can talk with them without  
12 reserve. No wonder that the German authorities have  
13 already expressed fervent welcome, as soon as his  
14 appointment was announced. With German-Japanese  
15 relations, destined to become closer, this very  
16 suitable appointment will help to promote future  
17 cooperation. The practical use of the Japanese-German  
18 relations which is built upon the foundation stone of  
19 the Tri-Partite Pact will largely depend upon the  
20 future and the field, wherein we will depend upon  
21 His Excellency OSHIDA's ability, is extensive. When  
22 I come to think of the future of the two countries,  
23 which are endeavoring to develop their fate in East  
24 Asia and Europe under the present international situ-  
25 ation, I cannot but think of the importance of

1 responsibility of the Ambassador who is to be sent  
2 to the Allied power. When I come to think of the  
3 future relations between Germany and Japan, I believe  
4 that our national reliance upon Ambassador OSHIMA  
5 will be quite tremendous.

6 "Lastly, I wish to congratulate His Excellency  
7 OSHIMA on his departure, and will look forward to  
8 his future activities."

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1 MR. HYDE (Continuing) I tender in evidence  
2 prosecution's document 4033-A, which is a confidential  
3 memorandum by WEIZSACKER regarding a conference he had  
4 with Ambassador KURUSU in Berlin on 29 November 1940.  
5 This document is offered to show that within several  
6 months after the conclusion of the Tripartite Alliance  
7 collaboration between the three powers was taking the  
8 definite course of preparation for Japanese advance  
9 through the region south of China as a prerequisite  
10 for an attack on Singapore.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Prosecution's document  
13 No. 4033-A will receive exhibit No. 561.

14 (Whereupon, the above-mentioned docu-  
15 ment was marked prosecution's exhibit No. 561,  
16 and received in evidence.)

17 MR. HYDE: I will read exhibit No. 561.

18 (Reading): "The Japanese Ambassador looked  
19 me up today to repeat to me in outline what he had  
20 said at his last visit to the Foreign Minister of the  
21 Reich: that is, that, on account of the peace-feelers  
22 between Japan and China, it is necessary at first to  
23 wait to see what instructions the Chinese Ambassador  
24 will now receive from CHIANG KAI-SHEK. KURUSU indi-  
25 cated that the simplest complete solution (which,

1 however, had supposedly not been given to him by his  
2 Foreign Minister) for a settlement between Japan and  
3 Russia would be the conclusion of a Russo-Japanese  
4 neutrality pact with the simultaneous Japanese  
5 renunciation of her oil concessions in North Sakhalin,  
6 with, however, the guarantee of the exportation of  
7 200,000 tons of Russian oil to Japan. Territorial  
8 questions should at that time be completely left out  
9 of the picture. The publication of the neutrality  
10 pact and the oil arrangements were to be arranged  
11 in such a manner in regard to time that the Japanese  
12 population would not take offense at it.

13 "KURUSU described the conclusion of these  
14 two agreements (the Sino-Japanese and the Russo-  
15 Japanese) as the desired and at the same time required  
16 prerequisites for a Japanese advance through the  
17 regions south of China (including Siam), without the  
18 use of which Singapore could hardly be brought to fall.  
19 KURUSU portrayed the latter idea also as his private  
20 strategy.

21 "(Signed) WEIZSACKER."

22 I present prosecution's document 4032-B,  
23 which is a telegram from the German Ambassador in  
24 Tokyo to the Reich Foreign Minister, dated 31 January  
25 1941, for introduction in evidence. This document is



1 used for the purpose of showing, (1) that the Japanese  
2 Government and nation were unified behind the Tri-Partite  
3 Pact, and (2) that the demand for a Japanese attack on  
4 Singapore by activists circles led by the accused,  
5 SHIRATORI, inspired the making of a research study of  
6 such an attack by the military specialists of the  
7 German Embassy in Tokyo.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution's document  
10 4032-B will receive exhibit no. 562.

11 (Whereupon, the above-mentioned  
12 document was marked prosecution's exhibit  
13 562 and received in evidence.)

14 MR. HYDE: I will read exhibit No. 562.

15 In the upper left-hand corner, in handwrit-  
16 ing, the word, "KURUSU." Marked, "To be kept in  
17 locked file."

18 "Telegram (Secret Cipher Process)."

19 Arrived January 31, 1941, dated Tokyo,  
20 31 January 1941. Marked, "Very urgent" and for the  
21 Reich Foreign Minister.

22 (Reading): "Sharpened attitude of American  
23 Government has heightened the political tension of  
24 Japan considerably and has brought conflict with  
25 America closer.

1 "Unity of government and nation behind the  
2 Tripartite Pact has been unmistakably proved in the  
3 Diet negotiations, economic circles are also decreas-  
4 ing their resistance. The government is trying to  
5 scare America from entering the war by threatening  
6 attitude, armament measures, and sharp speeches in  
7 Diet and press.

8 "In contrast to this, activistic circles  
9 demand preventive attack on Singapore as the key  
10 position in the West Pacific Ocean. They expect to  
11 deprive America by a surprise action of the possibility  
12 of military warfare in the Pacific Ocean or to render  
13 it difficult. This minority group is under the leader-  
14 ship of Admiral SUETSUGU, Ambassador SHIRATORI, and has  
15 the support of the young officers' corps and indi-  
16 vidual high leaders of the Army and Navy.

17 "In two days' research with the attaches of  
18 the armed forces, and the officials in charge of  
19 policy and economic policy at the Embassy, I examined  
20 in detail the prospects of an attack on Singapore with  
21 the following results:

22 "1) Chances of success of an attack against  
23 Singapore, in which case, however, Japan for the first  
24 time meets with a European opponent of full quality,  
25 are favorable; it will have to be carried out in

1 steps by occupying Saigon and landing on the Malayan  
2 Peninsula. At present British forces of any kind  
3 are far inferior to available Japanese offensive  
4 forces and cannot be increased decisively in a short  
5 time. The same holds true for addition of American  
6 forces of the West Pacific Ocean, in case America  
7 automatically renders military support. Japanese  
8 Navy does not consider complete activation of American  
9 Pacific Ocean Fleet. It could easily be detected on  
10 the overly long approaches from Hawaii and would be  
11 endangered to the point of annihilation.

12 "2) As consequences of the capture of  
13 Singapore, Japan will have to expect --"  
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1 MR. HYDE (Continuing): I might pause to  
2 point out that the two words "to expect" do not  
3 appear on the English reproduction.

4 (Reading): "a. Achievement of the claim  
5 for leadership in the Great East Asia Sphere. The  
6 Netherlands Indies would no longer be able to resist  
7 Japanese pressure.

8 "b. Speedy conclusion of the China conflict.  
9 CHIANG KAI SHEK's position would be much weakened by  
10 Japan's gain of prestige and the breakdown of supplies.

11 "c. Acquisition of war economically necessary  
12 raw material sources. However, Japan's well known  
13 unmethodical exploitation would limit planned pro-  
14 duction for a long time.

15 "d. Lessening of tension of inner political  
16 pressure by categorical actions.

17 "Against these advantages stand the disad-  
18 vantages of a continual state of war with England  
19 and America's entry into the war, which will probably  
20 occur. Both states will carry on mostly economic war  
21 against which Japan can stand up with approximately  
22 one year's war supplies.

23 "Summarized the advantages for Japan prevail  
24 if the war does not last longer than one year. Thus  
25 there are chances for the idea of a Japanese preventive

1 attack to be also successful in soberly weighing  
2 economic circles. Experiences in history teach,  
3 however, that Japan would choose as moment for action  
4 least (one group garbled), and, therefore, will try  
5 to await the German attack on England which will  
6 seek the decision.

7 "3) Judgment from the German-Italian  
8 standpoint. All advantages enumerated above strengthen  
9 the Japanese partner in the area of the Pacific Ocean  
10 and are, therefore, indirectly in our interest. The  
11 Netherlands Indies will hardly be able to maintain  
12 their independence in the course of the war, but are  
13 endangered by the grasp of Japan or America. The  
14 Japanese invasion to be mentioned would, therefore,  
15 be the lesser evil. Especially favorable would be a  
16 Japanese pressure from Singapore on the Indian Ocean  
17 and India, the main British reinforcement area to  
18 Africa and the Mediterranean Sea, especially from  
19 Australia and New Zealand--the development of the  
20 Italian war situation has raised the importance of  
21 Singapore extraordinarily. Main disadvantage lies in  
22 an extension of the war, against the endeavors we made  
23 up till now, by the nearly certain entry of America  
24 into the war, which cannot permit dominating position of  
25 Japan in the Pacific Ocean. New theater of war in the



1 Pacific Ocean would be largely removed from our  
2 influence and would complicate a conclusion of peace.

3 "Furthermore Japan would be out for transit  
4 trade from and to Germany and she herself is in need  
5 of raw materials and would no longer be capable of  
6 transit to overseas countries. Whether Russia's  
7 attitude would be unfavorably influenced, cannot be  
8 judged from here.

9 "Then it is essential to unify all forces  
10 to a decisive blow against England, this attack on  
11 Singapore might be useful. The Japanese Government  
12 will, in view of the increasing pressure of the  
13 minority group, orientate itself widely in accordance  
14 to the plans of Germany and will have to be influenced  
15 accordingly. The role of intermediary between Thai-  
16 land and Indo-China gives Japan (one group garbled)  
17 possibility to establish herself in Saigon militarily  
18 as guarantor of peace, as the first politically  
19 unimpeachable step towards the action against Singa-  
20 pore. In case the Japanese government and political  
21 circles should be influenced in the sense of the pre-  
22 ventive action against Singapore, I would ask for  
23 instructions."

24 Signed "OTT."

25 THE PRESIDENT: Those words "to expect" do

1 not appear to me, in all events, to be necessary  
2 either in the English or the German version.

3 MR. HYDE: I am sorry, your Honor. I didn't  
4 have my phones on.

5 THE PRESIDENT: The language is elliptical  
6 without them, but I cannot see they are necessary  
7 to make sense.

8 MR. HYDE: Thank you.

9 THE MONITOR: Mr. President, are you referring  
10 to that German word "vollwertig" and "Anmarschweg", is  
11 that right?

12 (to Mr. Hyde) Is he referring to this German  
13 word mixed in the English text?

14 MR. HYDE: I think it is to the missing words.

15 THE MONITOR: Missing words.

16 THE PRESIDENT: So why add those words?

17 MR. HYDE: Your Honor, I was of the opinion  
18 you were referring to the place where the words were  
19 garbled.

20 THE PRESIDENT: No, refer back to page two.  
21 You say in lines one and two appear the phrase: "Japan  
22 will have to expect." I understood you to say the  
23 words "to expect" did not appear in the English docu-  
24 ment.

25 MR. HYDE: I understand now, your Honor. I

1 had a note on my papers that they had been eliminated.  
2 I didn't realize that this had been corrected and  
3 those words placed in there. I was trying to fill a  
4 blank that was in the paper that I had originally  
5 processed.

6 THE PRESIDENT: They appear in our copy.

7 MR. HYDE: They appear in the copy we have  
8 here.

9 THE PRESIDENT: All I want to know is whether  
10 they are in the original German.

11 MR. HYDE: They are in the original, yes, sir.

12 THE PRESIDENT: Will American counsel for  
13 SHIRATORI come to the lectern, please? Yes. I  
14 understand that you suggested there were mistakes in  
15 that article.

16 MR. CAUDLE: What I meant --

17 THE PRESIDENT: In exhibit 557-A. Have you  
18 noticed the affidavit appended to it?

19 MR. CAUDLE: I am afraid the Court misunder-  
20 stood me, sir. I meant to convey to the Court that  
21 we are in the possession of the original Japanese  
22 manuscript and that the translation in the magazine  
23 article itself is in stronger language than was intend-  
24 ed and is stipulated in the Japanese original document.

25 THE PRESIDENT: The Japanese manuscript is



1 not in evidence, so the Tribunal's direction on your  
2 objection stands.

3 MR. CAUDLE: Yes, sir. I didn't actually  
4 intend to make it as an objection, sir. I just  
5 wanted to call it to the attention of the Court that  
6 we had this original document and would submit it  
7 at any time, either now or at the time we present  
8 our evidence.

9 THE PRESIDENT: We will adjourn now until  
10 half-past nine tomorrow morning.

11 (Whereupon, at 1600, an adjournment  
12 was taken until Thursday, 26 September 1946,  
13 at 0930.)

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