BOMBINGS OF CIVILIANS BY THE JAPANESE AND OTHER ACTS ENDANGERING THE LIFE AND WELFARE OF AMERICAN CITIZENS IN CHINA
BOMBINGS OF CIVILIANS BY THE JAPANESE AND
OTHER ACTS ENDANGERING THE LIFE AND WEL-
FARE OF AMERICAN CITIZENS IN CHINA

1937

[For lists of incidents involving bombings and attacks upon Ameri-
can citizens, 1937–1941, see Summary of Past Policy, and of More
Immediate Events, in Relation to the Pacific Area, House Document
No. 458, 77th Congress, 1st Sess., annex 6, “American Nationals Killed
53–54; annex 7, “American Property in China Reported To Have Been
Damaged, Destroyed, or Seriously Endangered by Japanese Air Bom-
ing or Air Machine Gunning Since July 7, 1937,” pp. 54–63; annex 8,
“American Nationals Who Have Been Reported To Have Been Assa-
aluted, Arbitrarily Detained, Subjected to Indignities, Et Cetera,
Since July 7, 1937, by Japanese Authorities or Agents,” pp. 63–72.]

793.94/10421

The Commander in Chief of the United States Asiatic Fleet (Yarnell),
et al., to the Commander of the Japanese Third Battle Fleet at
Shanghai (Hasegawa)

SHANGHAI, 22 August, 1937.

MY DEAR ADMIRAL HASEGAWA: For several nights it has been the
practice for a Japanese destroyer to anchor near the Augusta. Last
night for some time this destroyer was almost abreast of the bow of the
Augusta. On the night of August 20th this destroyer opened fire on
some buildings on the Pootung side of the river, the shells passing close
to the bow of this vessel.

As you are doubtless aware, the Chinese government demanded of
the neutral powers on August 19th that they remove all of their men-
of-war and merchant vessels at least five nautical miles from Japanese
naval vessels, or to require the Japanese vessels to move five miles from
neutral vessels. If this demand was not complied with within 12 hours
from date of notification the Chinese government refused to assume any
responsibility for any damages which might be caused to the men-of-
war or merchant vessels of neutral countries during the engagements
taking place between the Chinese and Japanese forces.

Due to the necessity of evacuating the nationals of the several coun-
tries from the International Settlement and for other obvious reasons,
this demand can not be complied with.
On August 20th, several shell[s] fell in the water in the immediate vicinity of the Augusta. One fell on the deck of the Augusta killing one man and wounding 18 others. Three large shell[s] passed over the Lamotte-Picquet and Sacramento striking a Chinese Customs vessel and a building in the French Concession. The danger to which the neutral vessels are placed by this gunfire of the opposing forces in their immediate vicinity is apparent.

The neutral men-of-war must remain in this vicinity to have access to their sectors in the perimeter of the Settlement and to protect their nationals. They cannot be withdrawn.

In order to reduce the danger to neutral vessels, at the naval buoys it is strongly urged that Japanese men-of-war be kept below Hongkew Creek at all times in order that as great an interval as possible be kept between the vessels under your command and those of the neutral powers. It is observed that the Japanese Naval buoys have now been vacated and it is hoped that this berth will be left vacant as long as the present situation continues.

You have clearly expressed your understanding of our position in the present unfortunate situation and your desire to refrain from any military operations tending to embarrass the fulfillment of our difficult task. We therefore do not hesitate to bring this matter to your attention and know you will appreciate that occurrences such as the above no matter what their significance can only tend toward a complication of the existing situation.

We have [etc.]

H. E. YARNELL
Admiral, U. S. Navy
Commander in Chief U. S. Asiatic Fleet

C. J. C. LITTLE, K. C. B.
Admiral, Royal Navy
Commander in Chief
British Naval Forces, China Station

LE BIGOT
Vice-Admiral, French Navy
Commander in Chief
French Naval Forces in the Far East

793.94/9594 : Telegram
The Ambassador in Japan (Grew) to the Secretary of State
Tokyo, August 23, 1937—5 p. m.
[Received August 23—7:20 a. m.]
299. Shanghai’s unnumbered August 19, 3 p. m., and my 294, August 21, 2 p. m., paragraph 3.¹

¹Neither printed; the telegram of August 19 was sent to the Department as No. 514.
August 20 the Embassy delivered to the Foreign Office copy of the list of places of residence of American missionaries contained in Shanghai's August 19, 3 p. m. Today the Foreign Office orally stated that after consultation with the Navy Department the following reply is made:

Desiring as Japan does to avoid harm to Americans or American property the Japanese Navy has issued orders to that effect. List received from the American Embassy has been transmitted to the Japanese officers in command. The Navy hopes that American properties will be conspicuously marked. The Navy suggests that Americans be advised to evacuate such properties as may become occupied by Chinese forces. It is also the hope of the Navy that the American authorities will continuously feel free to convey any additional information about such properties which might add to the effectiveness of Japan's desire to keep American interests unharmed.

Repeated to Shanghai for relay to Nanking.

Grew

735.94/9590: Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, August 23, 1937—9 p. m.

[Received August 23—10:20 a. m.]

302. Department's 158, August 21, 10 p. m., and our 295, August 23, 10 a. m.²

1. I have today made oral representations to the Vice Minister in support of the recommendation of the five Ambassadors at Nanking contained in Nanking's 485, August 21, 1 p. m.,³ to instruct Japanese bombers to avoid operations in a specified area of Nanking.

2. My Italian and British colleagues have today done likewise. The German and French Embassies state that they have supported or will support the recommendation.

3. Acting upon the advance information supplied by this Embassy last night (our 295, August 23, 10 a. m., paragraph 1), the Foreign Office last night submitted the recommendation to the Navy Department and has now informed the Embassy (by memorandum in English to be considered as oral reply) as follows:

"(1) It is the earnest desire of the Japanese Government to safeguard the Embassies of Germany, Great Britain, France, Italy and America in Nanking and the warships and merchant vessels belonging to these powers anchored there. The Japanese Government have already on their own initiative instructed the authorities concerned to use utmost caution in order to ensure as far as possible under the circumstances the safety of these Embassies and ships and they want to inform the Ambassadors of the powers concerned that the Japanese authorities are acting in conformity with these instructions.

² Neither printed.
³ Not printed.
(2) The Japanese Government understand that the proposed area is one which embraces the sites of the Embassies above mentioned and the mooring points of the men-of-war and merchant vessels of the powers. In this area, however, there are various Chinese military works and a number of establishments connected with military operation as well as Chinese warships and fortresses. The Japanese Government desire to warn the powers in advance that in case the Chinese should make use of them for any hostile or provocative acts they might be forced to take necessary measures to cope with it.

(3) Even in the above-mentioned circumstances the Japanese Government would try as much as possible to avoid inflicting damage upon the Embassies, et cetera, of the powers concerned. They request, therefore, that the powers will, as a precautionary measure, mark plainly their Embassies, warships and merchant vessels so that these may be easily identified from the air.

August 28, 1937."

Repeated to Shanghai for relay to Nanking.

Grew

783.94/10022

The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Hirota)

No. 781 Tokyo, August 27, 1937.

EXCELLENCY: Acting under instructions, I have the honor to inform Your Excellency that my Government reserves all rights on its behalf and on behalf of American nationals in respect to damages to or loss of American property or on account of death or injuries sustained by American nationals as a result of the activities of Japanese armed forces in the course of or incident to military operations now in progress in China.

I avail myself [etc.]

Joseph C. Grew

783.94/9775: Telegram

The Secretary of State to the Ambassador in Japan (Grew)

Washington, August 30, 1937—2 p. m.

180. Nanking’s 554, August 29, 1 p. m., is repeated for communication by you to your interested colleagues as follows:

“If the Department approves please inform Tokyo that British, German, Italian, French Embassies and I wish that our several ambassadors at Tokyo would represent to the Japanese Government that the railway which connects Hankow with Canton and Hong Kong is now being used by foreign nationals being evacuated from China and that we hope that every care will be used by Japanese military planes not to machine gun or bombard trains or otherwise interrupt use of that line for evacuation of foreigners.”
The Department approves of your associating yourself with your interested colleagues in making appropriate representations to the Japanese Government in regard to this matter.

HULL

793.94/9777 : Telegram

The Secretary of State to the Ambassador in Japan (Grew)

WASHINGTON, August 30, 1937—8 p. m.

188. The Department has received from Nanking a telegram reading substantially as follows:

In view of the fact that there are American citizens still scattered throughout the country who will have to use the railways and motor roads as their only means of leaving for places of comparative safety, and in view of widespread bombing operations now being carried out by the Japanese military throughout Chinese territory, I wonder whether the several Governments could not properly make representations to the Japanese Government with a view to persuading it to refrain from these attacks upon defenseless cities, hospitals, trains and motor cars, etcetera. Sooner or later some incident is going to happen resulting in the death or injury to American citizens going about their legitimate occupations within the interior of China where such dangers should not exist. Japan declares that it is not at war with China and yet its planes are conducting raids far in the interior dropping deadly missiles in deliberate disregard of the rights of other nations.

The Department desires that unless you perceive objection you call at the Japanese Foreign Office and invite attention to the situation described in the telegram quoted above, in the hope that the Japanese Government will cause appropriate instructions to be issued to its military forces in the field. It is suggested that you leave an aide-mémoire at the Foreign Office.

It is desired that you inform your principally interested colleagues of the action you propose taking and suggest for their consideration the advisability of taking action along similar lines.

HULL

793.94/9814 : Telegram

The Ambassador in Japan (Grew) to the Secretary of State

TOKYO, August 31, 1937—6 p. m.

[Received August 31—9 a. m.]

333. Department’s 180, August 30, 2 p. m., Hankow-Canton railway. 1. I have today addressed the following note to the Minister for Foreign Affairs.

"Tokyo, August 31, 1937. Number 785. Excellency: Under instruction from my Government I have the honor to invite the atten-
tation of Your Excellency to the fact that the railway which connects Hankow with Canton and Hong Kong is now being used by foreign nationals who are being evacuated from China. My Government accordingly expresses the hope that every care will be used by Japanese military planes not to machine-gun or bomb trains or otherwise interrupt the use of that line for the evacuation of foreigners.

In thus approaching Your Excellency I wish at the same time to associate myself with similar representations on this matter which I am informed certain of my colleagues are submitting to Your Excellency.

I avail myself, et cetera, Joseph C. Grew”.

2. My British and French colleagues are also addressing to the Minister for Foreign Affairs notes of a similar character.

3. My German and Italian colleagues envisage only an oral approach to the Foreign Office and will not address written notes.

Grew

793.94/10157

The Japanese Minister for Foreign Affairs (Hirota) to the American Ambassador in Japan (Grew)

[Translation]

No. 102, Asia I

TOKYO, August 31, 1937.

EXCELLENCY: I have the honor to inform Your Excellency that I have duly noted the contents of Your Excellency’s note No. 781 of August 27.

As stated to the Government of the United States on several occasions, the Japanese Government, keenly solicitous of the safety of lives and property of Japanese and of other nationals in China, has spared no effort to prevent the present incident from assuming larger proportions. The military operations which have been taken and are being taken by Japanese forces in China are confined to measures of defense against illegal and provocative attacks on the part of China. I therefore have the honor to invite Your Excellency’s attention to the fact that, in consequence, the Japanese Government is not liable for damages or losses sustained by nationals of third countries as a result of fighting in that area.

I avail myself [etc.]

KOKI HIROTA (seal)

793.94/10157

Memorandum by the Ambassador in Japan (Grew)

[Extract] 4

[TOKYO,] September 1, 1937.

Called on the Minister for Foreign Affairs by appointment at his official residence at 5 o’clock.

*For remainder of this memorandum, see p. 359.
I began the interview by referring to our combined efforts during the past years to improve Japanese-American relations. It was my constant endeavor to see those relations maintained and consolidated. Now, however, I felt a daily dread that some serious incident might occur in China arising out of the indiscriminate bombing operations of the Japanese forces which might result in the injury or death of American citizens, and such an incident, as the Minister could well appreciate, would exert a most unfortunate effect on Japanese-American relations because it could not fail to enflame public opinion in the United States. My purpose today was to appeal to the Minister in the most earnest manner to take steps which would obviate the grave risks to which peaceful Americans in China, going about their daily occupations or perhaps on their way to places of greater safety, were now constantly subjected.

[Here follow statements giving in substance the aide-mémoire of September 1, 1937, printed infra.]

I then said to the Minister, after reading to him and leaving with him our Aide mémoire of September 1, that he himself was responsible for the conduct of Japan’s political relations with other countries and that these relations should be considered paramount to military considerations. I therefore appealed to him with great earnestness and strong emphasis to exert his authority in this direction having especially in mind the great importance of avoiding the risk of grave incidents which could injure the friendship between Japan and the United States for the maintenance and development of which we both had been constantly working during the past four years.

The Minister inquired whether the bombing on August 26 of which I had spoken, had taken place within the area mentioned in my representations to the Vice Minister on August 23. I replied that I believed this to be the case but whether this was so or not, it did not alter the humanitarian and other aspects of the situation which I had just brought out in my representations to him. Mr. Hirota said that it was the intention of the Japanese military forces to attack only military establishments but that sometimes the bombs failed to reach their precise objectives and accidents happened. He said that he would bring my representations to the attention of the War and Navy Ministries.

J[OSEPH] C. G[REW]
The American Embassy in Japan to the Japanese Ministry for Foreign Affairs

AIDE-MÉMOIRE

The American Ambassador on August 23 brought orally to the attention of the Vice Minister for Foreign Affairs the desire of the diplomatic representatives at Nanking of the United States, Great Britain, France, Germany and Italy that Japanese bombing operations be excluded from an area in that city wherein they and some of their nationals reside and where foreign shipping is anchored. The American Government feels, however, that other aspects of the matter demand equal consideration. The extensive bombing of that city on the night of August 26 placed in danger the lives and property of noncombatants, both foreign and Chinese, and it has seemed to the American Government that the appropriate Japanese authorities, when this fact is brought to their attention, may desire to limit future action in accordance with the restraints which considerations of humanity and of international comity usually impose on the bombing of the political capital of a country, especially when no state of war exists. Both before and after the earlier request for the protection of a defined area, there occurred bombing operations over the city which extensively damaged the buildings and killed and injured several of the employees of the National Central University and also resulted in the burning alive of numerous peaceful Chinese in one of the poorer quarters. These scenes of destruction have been visited by foreign diplomatic officers. The Government and people of the United States are in friendly relations with China as with Japan. Basing its appeal, therefore, on these friendly relations and on the principle of ordinary humanity, the American Government requests the discontinuance of activities which, despite their military objectives, result actually in the indiscriminate destruction of property used for educational and other non-military purposes and in the wounding and painful death of civilians.

The American Government is also greatly concerned over the fact that there are American citizens still scattered throughout China who will have to use the railways and motor roads as their only means of leaving for places of comparative safety. In view, therefore, of the widespread bombing operations now being carried out by the Japanese military throughout Chinese territory the American Government feels that it may properly make representations to the Japanese Government with a view to persuading it to refrain from attacks upon defenseless cities, hospitals, trains and motor cars, et cetera. There is grave risk that sooner or later some incident will take place resulting in the death or injury to American citizens who
are going about their legitimate occupations within the interior of China where such dangers should not exist. Japan declares that it is not at war with China and yet its planes are conducting raids far in the interior, dropping deadly missiles with consequent serious damage to the rights of other nations.

The attention of the Japanese Government is invited to the situation described in the foregoing paragraphs in the hope that appropriate instructions may be issued to its military forces in the field.

Tokyo, September 1, 1937.

793.94/10408

The Japanese Minister for Foreign Affairs (Hirota) to the American Ambassador in Japan (Grew)

[Translation]

No. 108, Asia I

Tokyo, September 3, 1937.

EXCELLENCY: I have the honor to acknowledge the receipt of Your Excellency’s note No. 785 of August 31.

In the present incident the Japanese Government has taken, and is still taking, all possible measures for the prevention of injury and loss of lives and property of both Japanese and foreigners, as the United States Government must already be aware. Japanese forces have no intention of interrupting evacuation of nationals of third countries by machine-gun fire or the dropping of bombs. However, the railway connecting Hankow with the Canton area is now being used by China for military purposes including the transportation of troops and munitions of war. I desire to invite Your Excellency’s attention to the fact that so long as the railway is used for such purpose the Japanese Government cannot guarantee to refrain from interrupting its operations.

I avail myself [etc.]

KOKI HIROTA

793.94/10408

The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Hirota)

No. 788

Tokyo, September 6, 1937.

EXCELLENCY: I have the honor to inform Your Excellency that on September 4 the commanders-in-chief of the American, British and French naval forces at Shanghai addressed communications respectively to the commander of the Japanese naval forces at Shanghai and to the commander of the Chinese military forces in the Pootung area, calling attention to the consequence of an artillery duel which took place about midday on September 3d between Chinese guns in Pootung
and Japanese warships in sections 5, 6, and 7 of the Shanghai harbor. They point out that several shells fell in the International Settlement south of Soochow Creek and in the French Concession, causing forty or fifty casualties, and that serious damage was caused to property in Pootung. They consider that if these engagements continue and possibly become more general the safety of the foreign areas will be seriously involved and life and property further endangered. They therefore recommend and request that in order to avoid this state of affairs and in order to preserve the safety of the foreign areas under their protection, the Chinese and Japanese forces should be withdrawn as follows: (1) Japanese naval forces to withdraw below section 7 of the river, (2) Chinese forces in Pootung to withdraw to the eastward of Pootung Road and south of Changkudu Creek.

In bringing this matter to Your Excellency’s attention, I most earnestly hope that the recommendations of the commanders-in-chief of the American, British, and French naval forces will be acted upon favorably.

The American Ambassador to China is addressing a communication in the foregoing sense to the Chinese Government.

I avail myself [etc.]

JOSEPH C. GREW

783.94/10408

The Japanese Minister for Foreign Affairs (Hirota) to the American Ambassador in Japan (Grew)

[Translation]

No. 112, Asia I

TOKYO, September 10, 1937.

EXCELLENCY: I have the honor to acknowledge the receipt of Your Excellency’s note No. 788 of September 6.

The Japanese Government is of opinion that arrangements of the kind proposed require first of all practical study by officers on the spot. With regard to the present proposal a reply has been received from the officer in command of Japanese naval forces at Shanghai stating that he has already informed the senior officers of the American, French, and British naval forces at Shanghai to the effect that even though Japan and China should mutually withdraw their respective warships and troops from the areas specified, it is very likely that Chinese forces would launch attacks from points outside those areas, and in that event Japanese warships would inevitably be obliged to respond, thus endangering quarters where nationals of third countries are residing in the concessions, although Japan desires to avoid that danger. It is therefore deemed imperative that all Chinese troops, including plain clothes corps, be withdrawn from the areas of Pootung and Nanshih which are within a six-kilometer curve with
Pootung Point as center, in which the right bank of the Whangpoo includes an area from the vicinity of the Hai Feng shipyard to the southern boundary of the French Concession. If such withdrawal be carried out, the commander is ready to give consideration to cessation of bombardment of Pootung and Nanshih by Japanese war vessels from above Section 7 of the river.

I avail myself [etc.]

KOKI HIROTA

494.11/26: Telegram

The Secretary of State to the Ambassador in Japan (Grew)

WASHINGTON, September 14, 1937—6 p. m.

205. Your 337, September 2, 4 a. m. In order to avoid any possible assumption by the Japanese Government that this Government acquiesces in the broad disclaimer of all liability, you may acknowledge the Foreign Minister's note and say that your Government cannot accept the position of the Japanese Government that, under the circumstances of the military operations which have been and are now being taken by Japanese forces in China, it is not liable for damages or losses sustained by nationals of third countries as a result of fighting in that area; and that your Government will be under the necessity of looking to the Japanese Government for compensation for such damage and loss suffered either by this Government or its nationals to the extent that liability therefor exists under international law.

HULL

793.94/10720

The Japanese Ministry for Foreign Affairs to the American Embassy in Japan

[Translation]

TOKYO, September 15, 1937.

AIDE-MÉMOIRE

His Excellency the American Ambassador, in an aide-mémoire of September 1st, 1937, conveyed the request of the American Government for the discontinuance of such bombing operations over Nanking of Japanese forces as might result in the destruction of property of non-military character and in the wounding and death of civilians, and also for their abstinence from attacks upon defenceless cities, hospitals, trains, motor-cars, et cetera, with a view to preventing danger to the American citizens who are still scattered in the interior of China.

*Not printed; it transmitted the text of note No. 102, August 31, 1937, to the American Ambassador in Japan from the Japanese Minister for Foreign Affairs, p. 492.
*The note was delivered on September 15, 1937 (494.11/27).
As His Excellency is aware, Nanking is the pivotal base wherein are planned and originated all Chinese hostile operations against the Japanese forces. In view of the fact that the city is defended by many forts; is possessed of numerous other military organs and establishments in and around it, it is quite proper that against these, the Japanese should carry out bombing operations. It should be stated definitely that the objectives of their bombing are limited, from the standpoint of humanity, strictly to those military organs and establishments, and absolutely in no instance non-military property and civilians are ever made the direct objectives of attacks. That, in spite of all such caution exercised on our part, non-combatants should sometimes be made victims of the hostilities and suffer unforeseen disasters in respect of their lives and property, is also regretted deeply by the Japanese Government. That, however, has been an inevitable concomitant of hostile operations in all ages. In order to ensure, as far as possible, the safety of non-combatants in the present case, it is believed that, in parallel to the caution exercised by the Japanese as above stated, the Chinese on their part should take appropriate measures, such as the evacuation of non-combatants from the neighborhood of their military organs and establishments.

The Japanese Government, as has repeatedly been made known, are most solicitous of the security of the lives and property of the nationals of third countries, including American citizens, in China, and are prepared to do whatever lies in their power to facilitate their withdrawal to places of safety and to afford protection to their property. And they wish to assure Your Excellency that nothing is farther from the thought of the Japanese forces than to make attacks, such as are referred to in the American aide-mémoire, upon defenceless cities, hospitals, trains, and motor-cars, which are not used by the Chinese for military purposes.

793.94/10720

The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Hirota)

No. 796 Tokyo, September 17, 1937.

EXCELLENCY: I have the honor, by direction of my Government, to address to Your Excellency the following note:

"Since the beginning of the present fighting in China the American Government has received reports of attacks by Japanese armed forces in China upon American nationals and their property, including attacks upon American humanitarian and philanthropic establishments and upon the persons and property of non-combatants generally.

The American Government desires in particular to bring to the attention of the Japanese Government a recent attack on September 12
by Japanese planes on an American missionary hospital in South China, located at Waichow, Kwangtung Province. Information in the possession of the American Government indicates that three Japanese planes flew low three times over the mission compound where two large American flags were flying; that each time the planes dropped bombs all of which exploded seriously injuring personnel of the hospital as well as damaging the hospital and the residence, that there were no anti-aircraft guns at Waichow, and that the mission itself is two miles distant from any Chinese military encampment.

Attack upon non-combatants is prohibited both by long accepted principles and by established rules of international law. Also, attack upon humanitarian establishments, especially those which are lawfully under the flags of countries in no way party to military operations, have no warrant in any system of law or of humane conduct. The American Government, therefore, is impelled, in fulfillment of its obligations toward its nationals and on behalf of those fundamental principles of law and of morality which relate to the immunity of non-combatants and humanitarian establishments, emphatically to voice objection to such attacks and to urge upon the Japanese Government, which the American Government cannot believe approves of such disregard of principles, that effective steps be taken toward averting any further such attacks.”

I avail myself [etc.] 

JOSEPH C. GREW

798.9/1014: Telegram

The Consul General at Shanghai (Gowe) to the Secretary of State

SHANGHAI, September 19, 1937—1 p. m.
[Received September 19—4:28 a. m.]

728. The Japanese Consul General has just handed me the following translation of a statement by the commander in chief of the Japanese Third Fleet, with the request that it be communicated to you for the information of our nationals and with the further request that you communicate it to other foreign embassies and legations at Nanking:

“It being the objective of the Japanese operations to bring the present state of hostilities to an early conclusion by terminating hostile actions of the Chinese forces, and Nanking being the principal base of the Chinese military operations, the Japanese naval air force may, after 12 o’clock noon of September 21, 1937, have to resort to such offensive measures as bombing and otherwise upon the Chinese forces, as well as all establishments pertaining to their military and activities, in and around the city of Nanking.

It needs no reiteration that the safety of the lives and property of nationals of friendly powers will be taken into full consideration during the projected offensive. In view, however, of the possibility of such nationals becoming dangerously involved in the Sino-Japanese hostilities in spite of all precautions, the commander in chief of the Third Fleet, Imperial Japanese Navy, is constrained to earnestly advise such officials and residents as are now living in and around Nan-
king to take adequate measures for voluntarily moving into areas of greater safety. The foreign warships, as well as those who [which] propose to avoid the danger on the Yangtse-kiang, are advised to moor upstream from Hsiasanshan.”

Sent to Nanking, repeated to Department, commander in chief informed.

Gauss

793.94/10720

Memorandum by the Ambassador in Japan (Grew)

[Tokyo.] September 20, 1937.

My conversation with the Minister for Foreign Affairs at his official residence at 6 o'clock this evening was prefaced by a word of appreciation from me with regard to the arrangements made by the Japanese authorities to avoid bombing the Hankow-Canton railway during the evacuation of Americans on September 22 and 26. The Minister inquired if I had received his note concerning the bombing of the American missionary hospital at Waichow to which I replied in the affirmative and expressed further appreciation of the Minister’s expressions of regret and the offer to consider indemnification.

Nanking

I then turned to the announced plans of the Japanese naval forces to bomb Nanking commencing tomorrow at noon, and I made to the Minister the most emphatic and earnest representations with regard to the serious danger to which foreign diplomatic establishments and personnel, as well as other non-combatants, would inevitably be subjected if such a course is pursued. I spoke of the very serious effect which would be produced in the United States on the American Government and people if some accident should occur in connection with those operations, and I then spoke of the steadily mounting feeling which is developing in the United States and in other countries against Japan, which by her course of action is laying up for herself among the peoples of the world a liability of distrust and suspicion, popular antipathy and the possibility of Japan’s becoming ostracized from the family of nations. I said to the Minister that the goodwill between our countries which he and I had been building up during these past years was rapidly dissolving as a result of Japan’s action in China and that while the American people are patient they are nevertheless easily aroused by some serious incident involving their legitimate interests abroad and that I am constantly dreading the effects in my country which would undoubtedly be called forth if as a result of Japanese operations in China some serious incident should occur which

1 Note dated September 20; not printed.
the American people would feel had touched their honor. I said to
the Minister that at times like these we must not forget historical fact
and that he would remember what had happened in the United States
when the Maine was blown up in Havana. Neither the American
Government nor the American people desired war with Spain, but that
incident in itself was sufficient to provoke war. I then spoke earnestly
of the Minister's own responsibility for guiding Japan's foreign rela-
tions and for restraining the Japanese naval and military forces in
China from their course of action which is rapidly causing Japan to
lose the world's goodwill and is building up abroad a practically
universal sentiment of antagonism against his country. I said that
the military and naval forces did not understand and appeared not to
care about Japan's foreign relations and her position in the world
and it was therefore his own responsibility to guide the course of
action which is now being pursued in China. The force and directness
of my statements and appeal left nothing whatever to Mr. Hirota's
imagination. My effort was to bring home to the Minister with maxi-
mum effect the certain repercussion which would occur in the United
States if some serious accident involving American interests were to
happen in connection with the proposed bombing of Nanking.

Mr. Hirota, while making no effort to counter my observations,
listened gravely and silently throughout my talk. When I had finished
he observed that orders had gone out four hours ago from Tokyo to
the naval command in China that every effort was to be made to avoid
injury to the foreign diplomatic establishments or to non-combatants
in Nanking in connection with the proposed bombing operations. I
said that the afternoon press had reported that certain bombing opera-
tions in Nanking had already occurred yesterday, but the Minister said
that these were unimportant and far away from the diplomatic estab-
lishments. With regard to the warning by the Japanese navy that the
bombing operations would commence at noon on September 21, the
Minister volunteered the opinion that the warning was "too short".

Although I talked to the Minister today with an emphasis and
directness unprecedented since my arrival in Japan, there was no indi-
cation on his part of resentment. His demeanor was naturally graver
than usual and he appeared to me to receive my observations rather
sadly but without any effort whatever to try to rebut my remarks.
While recent developments indicate that he has made and is making
efforts to avoid antagonizing the United States by cautioning the
military and naval forces in individual local issues, we must reluctantly
face the fact that the civil government in Tokyo has very little
influence with these forces where their general objectives are concerned.

J[OSEPH] C. G[REW]
Memorandum by the Chief of the Division of Far Eastern Affairs (Hamilton)

[WASHINGTON,] September 20, 1937.

The Japanese Ambassador called by request of the Acting Secretary of State, Mr. Moore.*

The Acting Secretary said that he had asked the Ambassador to call in regard to the proposed Japanese bombing of Nanking.

The Acting Secretary said that the announced plans of the Japanese naval forces had been brought to our notice only 48 hours before the actual bombing might commence, and the Acting Secretary stressed that the shortness of the notice was extremely regrettable. The Acting Secretary referred to the fact that according to a report which we had received from our Ambassador at Nanking the notice did not give sufficient time for the Ambassador and other American nationals to arrange for precautionary measures to insure the safety of the American Embassy and of American nationals and property. The Acting Secretary said that we were very much concerned about the whole matter. He referred to the fact that the Japanese Admiral's notice stated that the nationals of third countries should withdraw from Nanking and its vicinity to areas of greater safety but did not specify in any way where such areas of greater safety might be.

Mr. Wilson informed the Ambassador that in addition to our serious concern with regard to the safety of the American Embassy and of American nationals at Nanking we also were concerned with regard to the very unfortunate repercussions which would be bound to arise should large sections of the city of Nanking be laid waste as a result of a general bombing. Mr. Wilson pointed out that the killing and injuring of non-combatants which would inevitably result therefrom would be a shock to the world and that, whether or not such destruction was accidental or premeditated, wide-spread and hostile criticism would inevitably result from any such Japanese attack.

The Acting Secretary told the Japanese Ambassador that Mr. Grew at Tokyo had already made representations to the Japanese Minister for Foreign Affairs on the subject. The Ambassador commented that the Japanese Foreign Minister had sent him a telegraphic report covering Mr. Grew's conversation with Mr. Hirota and that the Foreign Minister had informed Mr. Grew that foreign diplomatic establishments and non-combatants were to be avoided and that the Japanese bombing operations would be directed at Chinese military establishments. The Acting Secretary emphasized to the Ambassador that if the bombing attack were to be carried out it seemed highly desirable

*Assistant Secretary of State Hugh R. Wilson was also present.
that the attack be restricted in area and that the bombing be postponed in order to afford the nationals of third powers reasonable opportunity to take precautionary measures.

The Japanese Ambassador said that he would send a telegram to his Government that evening reporting the conversation and the fact that the American Government viewed the announced plans of the Japanese to bomb Nanking with deep concern.

(Note: It was agreed that in reply to inquiries from the press both the Japanese Ambassador and officers of the Department would state that the Ambassador had called to discuss the Chinese-Japanese situation. The Acting Secretary told the Ambassador, however, that developments over night or later might cause the Department to make known the fact that the Acting Secretary had asked the Ambassador to call in order to express to the Ambassador this Government’s deep concern in regard to the proposed Japanese bombing of Nanking.)

M[AXWELL] M. H[AMILTON]

798.94/10169 : Telegram

The Commander in Chief of the United States Asiatic Fleet (Yarnell) to the Commander of the Yangtze Patrol (Marquart)8a

[SHANGHAI] September 21, 1937.

0021. Yesterday the following letter was sent to Admiral Hasegawa.

“`My Dear Admiral Hasegawa: I have received the notice which was issued through the Japanese Consulate General with reference to the proposed bombing by Japanese naval air force of Nanking, the operations to begin after 12 o’clock, noon, on September 21st.

This notice contained the advice that foreign warships are advised to moor upstream from Hsiasanshan.

The United States Navy has at Nanking two river gunboats, the Luzon and the Guam. These two ships are anchored in the river abreast of the Butterfield and Swire Pontoon.

As long as the United States Embassy and any United States nationals remain in Nanking, it is necessary for these two vessels to remain there also. These two vessels are distinguished by the United States flag being spread horizontally on the upper works.

It is requested that you issue the necessary instructions to the Japanese naval air force to avoid dropping bombs in the vicinity of these vessels. In case Japanese Army planes are bombing in this vicinity it is requested that they be issued similar instructions.”

In view of the fact that your anchorage has been notified to the Japanese Admiral, Cincafe considers it the safest location in case of bombing attacks. 1123.

8a Copy transmitted to the Department of State by the Navy Department on September 21, 1937.
The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Hirota)

No. 780

Tokyo, September 22, 1937.

Excellency: I have the honor, by direction of my Government, to address to Your Excellency the following note:

"The American Government refers to the statement by the Commander-in-Chief of the Japanese Third Fleet which was handed to the American Consul General at Shanghai on September 19 announcing the project of the Japanese naval air force, after twelve o'clock noon on September 21, 1937, to resort to bombing and other measures of offense in and around the city of Nanking, and warning the officials and nationals of third powers living there 'to take adequate measures for voluntary moving into areas of greater safety'.

The American Government objects both to such jeopardizing of lives of its nationals and of non-combatants generally and to the suggestion that its officials and nationals now residing in and around Nanking should withdraw from the areas in which they are lawfully carrying on their legitimate activities.

Immediately upon being informed of the announcement under reference, the American Government gave instructions to the American Ambassador at Tokyo to express to the Japanese Government this Government's concern; and that instruction was carried out. On the same day, the concern of this Government was expressed by the Acting Secretary of State to the Japanese Ambassador in Washington.

This Government holds the view that any general bombing of an extensive area wherein there resides a large populace engaged in peaceful pursuits is unwarranted and contrary to principles of law and of humanity. Moreover, in the present instance time limit allowed for withdrawal is inadequate, and, in view of the wide area over which Japanese bombing operations have prevailed, there can be no assurance that even in areas to which American nationals and non-combatants might withdraw they would be secure. Notwithstanding the report that assurance that 'the safety of the lives and property of nationals of friendly Powers will be taken into full consideration during the projected offensive', this Government is constrained to observe that experience has shown that, when and where aerial bombing operations are engaged in, no amount of solicitude on the part of the authorities responsible therefor is effective toward insuring the safety of any persons or any property within the area of such operations.

Reports of bombing operations by Japanese planes at and around Nanking both before and since the issuance of the announcement under reference indicate that these operations almost invariably result in extensive destruction of non-combatant life and non-military establishments.

In view of the fact that Nanking is the seat of government in China and that there the American Ambassador and other agencies of the American Government carry on their essential functions, the American Government strongly objects to the creation of a situa-
tion in consequence of which the American Ambassador and other agencies of this Government are confronted with the alternative of abandoning their establishments or being exposed to grave hazards.

In the light of the assurances repeatedly given by the Japanese Government that the objectives of Japanese military are limited strictly to Chinese military agencies and establishments and that the Japanese Government has no intention of making non-military property and non-combatants the direct objects of attack, and of the Japanese Government’s expression of its desire to respect the embassies, warships and merchant vessels of the Powers at Nanking, the American Government cannot believe that the intimation that the whole Nanking area may be subjected to bombing operations represents the considered intent of the Japanese Government.

The American Government, therefore, reserving all rights on its own behalf and on behalf of American nationals in respect to damages which might result from Japanese military operations in the Nanking area, expresses the earnest hope that further bombing in and around the city of Nanking will be avoided.”

I avail myself [etc.]

JOSEPH C. GREW

793.04/10330

Memorandum by the Chief of the Division of Far Eastern Affairs (Hamilton) of a Conversation With the Counselor of the Japanese Embassy (Suma)

[WASHINGTON,] September 25, 1937.

Mr. Suma called at his own request on another matter and, referring to the notice issued by the Japanese admiral at Shanghai of the project to bomb Nanking, said that he was sorry that the notice had caused so much misunderstanding. He said that in his opinion the notice should have contained a more adequate explanation of the Japanese admiral’s motive in issuing the notice and that the Japanese naval and military authorities had no intention of bombing other than military objectives. I said that we had received a number of assurances from the Japanese Government to that effect but the fact remained that the Japanese bombing operations were, according to our reports and reports contained in the press, resulting in the killing of large numbers of non-combatants. I referred to the recent Japanese bombing operations at Canton where, according to the reports, some 2,000 non-combatants had been killed. I said that I had noticed a statement in some newspaper to the effect that the Japanese military were very much surprised that reports were being sent from China to the effect that Japanese military operations were resulting in the death of non-combatants. I said that this killing of non-combatants at Canton, at Hankow, at Nanking and at various other places in China could not but create the most deplorable impression in this country and in other countries. Mr. Suma said that there were of course a number of Chinese military fortifi-
ocations and organizations in Nanking. I inquired whether most of such Chinese military organizations and activities were not located outside the city wall. Mr. Suma said that most of them were but that in addition there were a number of Chinese military organs inside the city. To this I commented that while there might be some Chinese military organs within the city of Nanking, there were large areas in the city which were entirely non-military in character and yet the Japanese bombing operations were causing the death of non-combatants in those areas. I said again that this whole matter of bombing non-combatants was deplorable and was creating a most unfortunate impression.

M[AXWELL] M. H[AMILTON]

Resolution Adopted by the League of Nations Advisory Committee on September 27, 1937

The Advisory Committee,

Taking into urgent consideration the question of the aerial bombardment of open towns in China, by Japanese aircraft,

Expresses its profound distress at the loss of life caused to innocent civilians, including great numbers of women and children, as a result of such bombardments,

Declares that no excuse can be made for such acts which have aroused horror and indignation throughout the world,

And solemnly condemns them.

Press Release Issued by the Department of State on September 28, 1937

The Department of State has been informed by the American Minister to Switzerland of the text of the resolution unanimously adopted on September 27 by the Advisory Committee of the League of Nations on the subject of aerial bombardment by Japanese air forces of open towns in China.

The American Government, as has been set forth to the Japanese Government repeatedly, and especially in this Government’s note of September 22, holds the view that any general bombing of an extensive area wherein there resides a large populace engaged in peaceful pursuits is unwarranted and contrary to principles of law and of humanity.

+Reprinted from Department of State, Press Releases, October 2, 1937 (vol. xvii, No. 418), p. 263.
Tokyo, September 29, 1937—8 p. m.
[Received September 29—10:13 a. m.]

431. Our 403, September 22, 6 p. m. 10a Bombing of Nanking. The following reply to our note of September 22 has today been received from the Foreign Office:

"No. 121, September 29, 1937.

"Excellency: I have the honor to inform Your Excellency that I have duly noted the contents of Your Excellency’s note number 780 of September 22 regarding the bombing of Nanking by Japanese forces.

As Your Excellency’s Government is well aware, Nanking is exceptionally strongly fortified and it is the most important strategic base of military operations for the Chinese forces. The bombing of the military facilities and equipment located in and around the said city is a necessary and unavoidable measure for the attainment of the military objectives of the Japanese forces. It goes without saying that bombing operations by Japanese forces will be strictly confined to such scope and will not be aimed at noncombatants, as evidenced by the fact that warning was given even to Chinese noncombatants.

The frequently stated policy of the Imperial Japanese Government to respect as far as possible the rights and interests of third countries and the safety of the lives and property of the nationals thereof remains unaltered in the present bombing operations. The recent proposal of the Imperial Japanese Government that the officials, citizens, and vessels of Your Excellency’s country take refuge was the result of the desire to avoid if possible the occurrence of injury to nationals of third countries, which might be unavoidable notwithstanding the greatest precautions which may be taken by the Japanese forces.

It is hoped that Your Excellency’s Government will understand that the Imperial Japanese Government has desired the safety of the nationals of third countries in spite of the fact that the Japanese forces are restricted in their strategic movements by reason of the giving of advance warnings, and it is earnestly hoped that Your Excellency’s Government, with full appreciation of the circumstances, will cooperate with the measures taken by the Imperial Japanese Government. Furthermore, the view of the Imperial Japanese Government with regard to damages sustained by nationals of third countries as a result of the present hostilities in China remains as stated in my note number 102, Asia 1, under date of August 31.

I avail myself, et cetera, signed Koki Hirota."

Repeated to Shanghai.

\[10a\] Not printed.
The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, September 30, 1937—1 p. m.
[Received September 30—7:33 a.m.]

435. Shanghai's August 19, 3 p.m., to the Department. Reference bombing operations.

1. The following is the text in translation of a memorandum received today from the Foreign Office.

Tokyo, September 29, 1937, number [30, European II], memorandum. With a view to cooperating with the Japanese forces in their desire not to cause damage to the property of nationals of third countries, especially to eleemosynary institutions, during attacks on military establishments and facilities, the Japanese Department of Foreign Affairs has the honor to express to the American Embassy the hope that a list will be supplied, as soon and in as much detail as possible, indicating the location of the hospitals, churches, schools, and other eleemosynary establishments belonging to the United States and to nationals of the United States, preferably accompanied by maps and photographs."

2. I suggest that the Department instruct Nanking whether or not the Department desires that the information requested by the Foreign Office be supplied.

Repeated to Shanghai.

Grew

The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Hirota)

Tokyo, October 1, 1937.

My Dear Minister: With reference to the assurances, both written and oral, which from time to time have been conveyed by Your Excellency to my Government to the effect that the bombing operations of the Japanese forces in China are aimed exclusively at Chinese military establishments, and that strict orders have been issued to officers in the field that non-combatants as well as humanitarian and other non-military establishments are to be scrupulously and solicitously avoided, I consider it pertinent to bring to Your Excellency's attention the substance of a telegram which I have received from the American Ambassador in Nanking reporting the bombing of that capital, as follows:

So far as the American Embassy at Nanking is aware, the only establishments at Nanking which can warrantably be regarded as bases for Chinese military operations are establishments such as the military air field, arsenal and barracks outside the walls of Nanking. The term “military establishment” cannot properly be applied to the Central

"Not printed.
University, the Central Hospital, the Ministry of Health, the Legislative Yuan, the Ministry of Education, and the electric light plant, all of which have apparently been the targets of Japanese bombers and some of which have been hit and damaged by bombs. The Central University has been bombed three times. It is also to be emphasized that bombs in certain instances have fallen within a hundred yards of the official residences of certain of the foreign diplomatic representatives in Nanking.

I am [etc.]

JOSEPH C. GREW

793.94/10331: Telegram

The Secretary of State to the Ambassador in Japan (Grew)¹²

WASHINGTON, October 5, 1937—7 p. m.

250. Your 435, September 30, 1 p. m.

1. The Department desires that you reply to the Foreign Office substantially as follows:

In the light of the assurances repeatedly given by the Japanese Government that the objectives of Japanese military operations are limited to Chinese military agencies and establishments and that the Japanese Government has no intention of making non-military property and noncombatants the objects of attack, it is not perceived that there is need for the supplying of a list and the indicating of the locations of American properties, with the possible exception of properties located in the immediate vicinity of Chinese military agencies and establishments.

Although it has been our procedure, for the purpose of safeguarding and serving the American interests involved, to inform both the Japanese and the Chinese authorities of the location of American institutions endangered by their proximity to places in the range of military operations when and so far as practicable, Japanese bombing operations have now been extended to a vast area and have been directed against objectives where it is often not apparent that any military purpose is to be served thereby. Consequently no reliable indication is afforded as to what places are likely to come next within the range of Japanese military operations. Furthermore, American institutions generally, so far as this Government has been informed, have been adopting the practice of plainly displaying on their buildings clear nationality marking, and the location of such buildings is usually described in published directories, maps, etc., which are doubtless available to the Japanese military authorities. It would thus appear to the American Government that the Japanese military authorities are in better position than are the American authorities to determine what American institutions will be endangered by virtue of their proximity to Japanese military objectives, and to take adequate precautions accordingly.

In the event that Japanese authorities request information to supplement that which is already available in regard to a particular point where American property may be located near to a Chinese military

¹² Repeated by the Department to the Embassy in China as telegram No. 299, October 5, 1937, 8 p. m.
establishment which the Japanese authorities contemplate attacking, the American authorities would be prepared as heretofore to give such information as may be practicable in regard to the location of American property and institutions. However, in giving any such information, the American Government does so only for the purpose of protecting American life and property; it reserves entirely its declared attitude and position in regard to the hostilities in which Japanese and Chinese armed forces are engaged; and its reservation of rights in regard to destruction of American life or property which may arise therefrom will in no way be altered by the fact of its having given or not having given such information.

2. A supplementary instruction follows.

HULL

393.1163Am3/236: Telegram

The Secretary of State to the Ambassador in Japan (Grew)

WASHINGTON, October 5, 1937—8 p. m.

251. Supplementing Department's 250, October 5, 7 p. m. Your 431, September 29, 8 p. m.; 435, September 30, 1 p. m.; 450, October 5, 7 p. m.

The publication of the text of the Japanese reply of September 29 to this Government's note of September 22 was followed by widespread comment in the press in this country to the effect that the reply was "unsatisfactory". There was much comment, some of astonishment, some severely critical, and some expressive of perplexity, on the expression of hope that this Government would "cooperate with the measures taken by the Imperial Japanese Government". We realize that Hirota's statement in that context related to measures which the Japanese wish to take to avoid endangering or destroying American lives and property. But, many commentators failed accurately to grasp the intended application and dealt with this suggestion that we "cooperate" without reference to the limitation implicit in the context. Subsequently, both in the memorandum reported in your 435, September 30, 1 p. m., and in the last paragraph of Hirota's note reported in your 450, October 5, 7 p. m., the Foreign Office again solicits our "cooperation" in relation to procedure for the safeguarding of American lives and property.

The idea that we should or that we can cooperate with Japan in anything related to or connected with the carrying on of the hostilities to which Japan and China are parties is an idea entirely contrary to our whole attitude and policy in regard to those hostilities. Disapproving as we do of the military operations in their entirety, we cannot take a step or make a contribution which implies assent on our part to

18 Repeated by the Department to the Embassy in China as telegram No. 302, Oct. 6, 1937, 7 p. m.

24 Telegram No. 450 not printed.
such operations provided they do not endanger or destroy American lives and property. We must and we will do what we appropriately can toward causing American lives and property not to be endangered. But, in so doing, it should not be expected or be construed that we are “cooperating” with either of the parties engaged in military operations or that what we do is done in any sense for the purpose of facilitating the conducting by either party of such operations.

In view of the type of comment to which the Foreign Office use of this expression “cooperate” has given rise, both in unofficial and in official circles in this country, we feel that you should bring this matter to Hirota’s attention and make clear to Hirota that what this Government seeks and expects is not “cooperation” between the two countries in relation to any phase of military operations but that American lives and property shall not be endangered by and in consequence of any military operations. We appreciate the assurances and the apparently sincere effort of the Japanese Foreign Office to help toward avoiding endangering American lives and property, but in our opinion it would be advisable to avoid use of the term “cooperate” in any context relating to or bearing upon the military operations.

HULL

Memorandum by the Counselor of the American Embassy in Japan (Dooman) of a Conversation With the Director of the American Bureau of the Japanese Ministry for Foreign Affairs (Yoshizawa)

[TOKYO], October 7, 1937.

I called on Mr. Yoshizawa this morning and read to him the Department’s 250 of October 5, 7 p.m. and 251 of October 5, 8 p.m. Mr. Yoshizawa listened attentively and asked me again to read No. 250. He then enumerated the several points brought out in the telegram and asked whether he had correctly outlined the purport of the telegram. I replied that he had. Mr. Yoshizawa then asked whether I could give him in writing the substance of the first and third paragraphs of No. 251. I said that I would do so.

As I was about to leave, Mr. Yoshizawa said that he had just read the State Department’s announcement. He said that he would be interested in seeing, now that the American Government has declared that Japan has resorted to war, whether the Neutrality Act would be invoked.

EUGENE H. D[OOMAN]

15 See press release issued by the Department of State on October 6, 1937, p. 386.
The Commander in Chief of the United States Asiatic Fleet
(Yarnell) to the Chief of Naval Operations

[SHANGHAI,] October 24, 1937.
[Received 11:05 p.m.]

0024. Following letter sent to Vice Admiral Hasegawa commanding
Third Japanese Fleet this date:

"My dear Admiral Hasegawa: During the past two months Japa-
nese shells and bombs have fallen in the sector of the International
Settlement defended by the United States marines as follows:

September 2d. Shrapnel shell from Hongkew Park batteries
fell near post number 8 without exploding. Shrapnel fragments
fell near post 6-affirm.

September 9th. Nine 72-milimeter shrapnel shell fell in second
battalion sector near Foo Sing Mill. Base of 9-inch shell fell near
post number 4.

September 27th. One shell fell at Sing Yue Mill.

October 2d. Twelve shells fell near junction of Robinson Road
and Soochow Creek. Shells approximately five inches in di-

meter.

October 14th. Two bombs fell near corner of Changping and
Markham Roads. Forty casualties among noncombatants.

October 15th. One large shell fell near Gordon Road.

October 22d. A bomb fell at corner of Sinza and Myburg Road
causing about fifty casualties among noncombatants.

In addition to the above, anti-aircraft fragments and shells have
fallen in this sector on 29 different days.

Japanese planes loaded with bombs have at times flown directly over
this part of the Settlement.

Representations have been made by the marine commander to the
commanding officer of the naval landing party on a number of occa-
sions, requesting that more care be observed with reference to bombs
and shell[s] falling in the Settlement, and assurances have been given
that this would be done.

It is obvious, however, judging from the bomb that was dropped in
the Settlement on October 22d, that these assurances have little weight.

I am confident that you realize the necessity of avoiding any action
that would result in loss of life of personnel of the Marines Brigade
defending this sector and may I request and urge that steps be taken
by the forces responsible for the above-mentioned incidents to prevent
their recurrence in the future.

I am, very sincerely, H. E. Yarnell, Admiral U. S. Navy, Commander
in Chief U. S. Asiatic Fleet." 1200.18

18 Under instructions from the Department of State, oral representations of a
similar nature were made by the Embassy in Japan to the Japanese Foreign Office
on October 27, 1937 (793.94/10819, 10856, 11115).
Press Release Issued by the Department of State on October 27, 1937

The American Consul General at Shanghai, Mr. Clarence E. Gauss, reported to the Department of State that on the afternoon of October 24 a party of about ten persons, including three American men and two American women, were horseback riding on Keswick Road, at the corner of that road and Great Western Road, close to the western boundary of the foreign protected area and in the British guarded sector, were machine gunned by an airplane stated to be a Japanese plane. One British soldier was killed. None of the party of riders was injured. Two of their horses were killed and two wounded.

Consul General Gauss immediately made oral representations to the Japanese Consul General, who expressed his sincere regret and stated that the authorities were investigating.

At Tokyo on October 25 Ambassador Joseph C. Grew orally communicated the facts set forth above to the Japanese Foreign Office and urged that measures be taken at once to safeguard against such attacks. The Foreign Office expressed regret and stated that it was awaiting results of an investigation being made by the Japanese Consul General with the collaboration of the Japanese military and naval authorities.

On October 26 Ambassador Grew received a note from the Japanese Minister for Foreign Affairs, of which the following is a translation:

"Excellency: In the name of the Imperial Government I express regret that, on October 24, an airplane of the Imperial forces fired in error upon American nationals near the corner of Keswick Road and Great Western Road in Shanghai. The Imperial Government hereby makes known to Your Excellency that necessary measures are being devised to prevent the recurrence of incidents of this character, and that, after investigation, it will appropriately deal with those responsible for the incident under reference. It desires to add that it is prepared to make necessary compensation in respect of any injury which may have been incurred by your nationals.

"I avail myself et cetera, Koki Hirota, Minister for Foreign Affairs".

Ambassador Grew has been instructed to express to the Japanese Minister for Foreign Affairs the appreciation of this Government for the prompt expression of regret offered by the Imperial Japanese Government.

---

The Commander in Chief of the United States Asiatic Fleet (Yarnell) to the Chief of Naval Operations

[SHANGHAI,] October 29, 1937.
[Received 6 a.m.]

0029. Following from Vice Admiral Hasegawa dated and received 28 October:
“My Dear Admiral Yarnell: I have the honor to acknowledge receipt of your letter of 24 October in regard to shells and bombs which have fallen in the sector guarded by the United States Marine forces. The commanding officer of the United States Marines has in the past made frequent representations to the commanding officer of the Japanese naval landing party in regard to this matter, and I can assure you that the Japanese forces also are desirous of preventing incidents of this kind. I regret very much the incident of 22 October, when an object dropped by a Japanese plane fell in the United States Marine sector, and, on the following day, I sent a member of my staff to express official regrets to the commanding officer of the United States Marine forces.

The above incident occurred when three Japanese planes in formations which had completed their bombing operations in Chapei were returning to the north of Soochow Creek. One of these planes, through error, dropped an emergency gasoline tank which, being light, was blown by a northeast wind into the United States Marine sector and which burned when it struck. That it was not a bomb is clear from the facts that it did not explode and that the object came from only one plane of a three-plane formation which had already completed bombing operations. I believe that you will agree with me in regard to the above facts.

I am in entire agreement with your statements that it is necessary to prevent these incidents, and I assure you that I have directed the Japanese naval forces to exercise greater care in the future.

Respectfully yours, K. Hasegawa, Vice Admiral Commander in Chief Third Fleet.” 1009.

Press Release Issued by the Department of State on November 2, 1937

The latest figures available on the number of American nationals who have been evacuated from China and the number of those remaining have come from the commander in chief of the Asiatic Fleet at Shanghai. They are as follows:

American nationals evacuated to October 29 from—

Shanghai .................................................. 2,046
Peiping-Tientsin area ..................................... 510
Chefoo-Tsingtao area ..................................... 1,193
Yangtze River ports and interior ..................... 352
Foochow-Amoy-Swatow area ............................. 93
Kwangtung, Kwangsi, Kweichow Provinces, and Hainan Island ......................... 367

Total evacuated ......................................... 4,561

American nationals remaining at—

Shanghai .................................................. 2,293
Peiping-Tientsin area ..................................... 1,055

---

17 Reprinted from Department of State, Press Releases, November 6, 1937 (vol. xvii, No. 423), p. 351.
American nationals remaining at—Continued.

<table>
<thead>
<tr>
<th>Area</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chefoo-Tsingtao area</td>
<td>676</td>
</tr>
<tr>
<td>Yangtze River ports and interior</td>
<td>1,156</td>
</tr>
<tr>
<td>Foochow-Amoy-Swatow area</td>
<td>216</td>
</tr>
<tr>
<td>Kwangtung, Kwangsi, Kweichow Provinces, and Hainan Island</td>
<td>406</td>
</tr>
<tr>
<td><strong>Total remaining</strong></td>
<td><strong>5,802</strong></td>
</tr>
</tbody>
</table>

---

793.94/10639: Telegram

The Commander in Chief of the United States Asiatic Fleet (Yarnell) to the Chief of Naval Operations

[Substance]

[Shanghai,] November 2, 1937.
[Received 10:40 a.m.]

0002. The Japanese Military Commander, General Matsui, was represented by the Japanese Military Attaché, General Harada, and by Consul General Okazaki this morning in my conference at which the senior British, French, Italian, and Netherlands naval officers also were present. I expressed my regret at not being able to confer with General Matsui directly, and plainly and emphatically informed the Japanese that a very grave situation was being created by the killing and wounding of neutral uniformed men and noncombatants through the firing of shells and the dropping of bombs into the Shanghai International Settlement and French Concession and that it is most essential that the recurrence of such incidents be prevented in the future by the taking of effective steps. It was deemed to be most important for General Matsui to realize the situation's gravity and for both neutral and Japanese authorities to make every effort by conference or other practicable means for the avoidance of future incidents.

In reply, the Japanese stated that, since the Chinese were entrenched west of the Settlement immediately in the neighborhood of British and French troops, a very difficult situation existed, for it was necessary to shell and to drop bombs close to the boundary in order to dislodge the Chinese, and some would inevitably occasionally drop on neutral territory. Orders had been issued, however, against shelling or bombing the immediate neighborhood, and the Japanese were likewise attempting at some distance from the boundary to penetrate the Chinese lines to force their withdrawal. There had been issued to artillery and to liaison officers with the Anglo-French forces a large-scale map, and it was fully realized that further incidents must be avoided. General Matsui would immediately be informed of the neutral attitude.
Harada and Okazaki, who were impressed, I believe, by the conference, will endeavor to have the situation improved. A great danger of more incidents continues so long as the Settlement is flanked by both Chinese and Japanese forces. I am trying to arrange with the Chinese military leaders a similar conference. 1650.

793.94/11083 : Telegram

The Commander in Chief of the United States Asiatic Fleet (Yarnell) to the Chief of Naval Operations

[SHANGHAI,] November 12, 1937.
[Received 1 p. m.]

0012. Have sent following letter to Admiral Hasegawa:

"My Dear Admiral Hasegawa: The American Ambassador, Nan-king, has informed me of a message from the foreign chairman of the Soochow International Relief Committee to the effect that the Japanese military authorities through notices dropped from planes have marked [warned] Soochow that after November 13th they will bomb Soochow indiscriminately. He states that Soochow is filled with civilian population and refugees from areas involved in hostilities and has requested me to get in touch with the Japanese military authorities to endeavor to prevent such a disaster, or at least to give time for some arrangements to be made between the Chinese and Japanese military authorities for mutually agreed upon safe area to which refugees could be taken. The present plan is for refugees to be taken to Eastern Hill adjacent to lake and Western Hill, an island near by and in the lake.

Appreciating the sincere and sympathetic consideration you have given request in the past, and knowing your earnest desire to reduce the loss of life and suffering of noncombatants as much as possible in the present unhappy strife, may I request your influence with the military authorities to accede to the request of the American Ambassador.

I am, very sincerely, H. E. Yarnell, Admiral U. S. Navy commanding Asiatic Fleet." 1826.
SINKING OF THE U. S. S. "PANAY," DECEMBER 12, 1937

Summary of Events at Nanking Between November 21 and December 10, 1937 38

On November 21, 1937, the Chinese Minister for Foreign Affairs at Nanking asked the American Ambassador to inform the latter's colleagues of the Minister's imminent departure from Nanking and of his desire that the foreign Chiefs of Mission leave Nanking as soon as possible. The American Ambassador communicated this information to his colleagues and it was agreed by the Chiefs of Mission that they would leave as nearly together as possible for Hankow at which place the Chinese Foreign Office would be established.

On November 22, the various foreign Ambassadors and Ministers, together with some of their nationals, boarded vessels to depart for Hankow, the American Ambassador with part of his staff boarding the U. S. S. Luson, flagship of the Yangtze Patrol of the United States Asiatic Fleet. Part of the staff of the American Embassy was left in Nanking to keep the Embassy functioning as long as possible in the light of the expected Japanese attack upon Nanking and to render assistance to Americans who, notwithstanding the urging of the Embassy, did not wish to leave on the Luson. The U. S. S. Panay was instructed to remain at Nanking for the purpose of maintaining communications between the Embassy and other American diplomatic and consular officers and the Department of State and to take remaining Americans aboard when that action should appear necessary.

Upon departure from Nanking, the American Ambassador sent to the Japanese Ambassador at Shanghai by naval radio through the American Consulate General at Shanghai a message to the effect that, as the Ministry of Foreign Affairs of the Chinese Government had announced its removal to Hankow, the American Ambassador had likewise left Nanking for that city in order to perform his appropriate duties; that he had taken with him part of the Embassy staff, but the Embassy office at Nanking continued to function; and that the Embassy requested that "the Japanese military and civil authorities take note of the circumstances described above and should necessity arise accord full recognition to the diplomatic status of the Embassy per-

38 This summary of the events leading to the sinking of the U. S. S. Panay was prepared in the Department of State on the basis of numerous telegrams and reports which are not printed.
sonnel and premises and give them appropriate facilities and full protection 7.
In the light of the situation developing, which included continuous Japanese air raids on Nanking and steady progress by Japanese forces in their march against the capital, the Code Section of the American Embassy was removed to the U. S. S. Panay on December 2. By that date, all but a few British subjects were sleeping on board a merchant hulk upriver from Nanking under the protection of British gunboats, but due to the small size of the Panay, the Americans who planned to board that ship continued to remain temporarily on shore.
On December 7 the officer in charge of the American Embassy 78 reported to the Department that he felt that everything possible had been done for the Americans in Nanking. He pointed out that since the middle of August they had been urged to withdraw and until recently the water route to Shanghai was safe and open and river steamers were operating to Hankow until a few days before; that on November 22 the U. S. S. Luson had offered every American still in Nanking opportunity to proceed on that vessel to Hankow; and that the U. S. S. Panay had offered to take aboard every remaining American and the Embassy had urged those Americans to board the Panay.
He stated that American property had been posted with proclamations issued by the Defense Commander's headquarters and the Embassy had issued identification cards and armbands to servants left in charge of American property. Ropes had been prepared for the use of the remaining Americans in case they later wished to escape from the city over the walls, and arrangements were being made with the military authorities to facilitate such departure. He also informed remaining Americans that his residence in the Embassy compound was at their disposal in case they were endangered in their own dwellings and that this might provide a refuge from looting and street fighting, although probably not from artillery fire because of the situation of the Embassy on exposed elevated ground. To one of the Americans remaining for the purposes of the so-called safety zone, he had given the use of his motor car for himself and other Americans, if needed, and to facilitate escape to the walls.
On December 7, Japanese forces marching on Nanking reached the outskirts of Tangshan, twenty miles east of Nanking. The officers in charge of the American, British and German Embassies decided that the remaining foreign Embassy staffs would go aboard various vessels on the following night, returning the succeeding day if that should be feasible (the officer in charge of the Italian Embassy was already aboard the U. S. S. Panay). In accordance with this decision, the American, British and German officials boarded ships on the night of December 8 and a temporary office of the American Embassy was

78 George Atcheson, Jr., Second Secretary of Embassy in China.
established on the Panay. On that day, the Embassy received through the American Consulate General at Shanghai a communication, addressed by the Japanese Consul there to the Senior Consul, stating in substance that it was the earnest wish of the Japanese forces that all foreign nationals remaining in Nanking should stay away from that zone of actual fighting by evacuating from that city without delay. On the morning of December 9, the officer in charge of the American Embassy sent from the Panay a radio reply advising the Japanese Embassy of the names of the eighteen Americans planning to remain in Nanking indefinitely in connection with hospital, safety zone and newspaper work, stating that "the American Embassy requests that in case of need, the Japanese authorities give appropriate protection and facilities to these Americans" and giving notification that officers of the Embassy continued to be ashore during the daytime.

Also that morning, the officer in charge of the Embassy received a message on the Panay from an officer of the Defense Commander's headquarters stating that the situation was serious and advising that no one go ashore. As, however, there were no other indications from the city of trouble within, three officers of the American Embassy proceeded to the Embassy buildings. Subsequently, Chinese reports indicated that Japanese units had reached the area of Molingkuan, some seventeen miles southeast of Nanking. Also on that day, Japanese troops reached a point outside the Kwangsu gate of Nanking, near the military airfield, and began exchanging machine-gun fire with Chinese troops on the city wall. Cross artillery fire between the area outside the gate and Chinese batteries on Purple Mountain was proceeding and a column of Chinese soldiers near the National Government headquarters inside the city was bombed by planes. The waterfront area at Nanking was subsequently heavily bombed and, pursuant to telegraphic instructions from the Department and at the urgent request of the Chinese military authorities, the staff of the Embassy returned to the Panay at 3 p.m., accompanied by the First Secretary of the British Embassy, who was subsequently transferred to a British gunboat.

[For account from this time forward, see despatch dated Shanghai, December 21, 1937, from the Second Secretary of Embassy in China to the Secretary of State, page 532.]

394.115 Panay/20: Telegram

The Secretary of State to the Ambassador in Japan (Grew)

WASHINGTON, December 12, 1937—11:45 p.m.

340. Telegrams from Hankow indicate that yesterday and today American and British naval and merchant vessels at various points
on Yangtze above Nanking were repeatedly fired on and bombed. A 
Japanese source is reported to have stated at Wuhu that Japanese 
military forces have orders to fire on all ships on the Yangtze. Today 
the U. S. S. Panay and three Standard Oil steamers at point twenty-
seven miles above Nanking are reported bombed and sunk and sur-
vivors—including Embassy personnel, Navy personnel and some 
refugees—are now in Hohsien. Please immediately inform Hirota,\(^\text{180}\) 
ask for information, and request that Japanese Government immedi-
ately take appropriate action. Impress upon him the gravity of the 
situation and the imperative need to take every precaution against 
further attacks on American vessels or personnel.

When we have further particulars I shall give you further in-
struction.

---

\text{HULL}

394.115 Panay/6 : Telegram

\text*{The Ambassador in Japan (Grew) to the Secretary of State}

\text{Tokyo, December 13, 1937—noon.}
[Received December 13—3:30 a. m.]

619. Embassy’s No. 587, December 2, 3 p. m.\(^\text{19}\) On the basis of tele-
grams received this morning from the Embassies in Nanking and Han-
kow with regard to the jeopardizing of the U. S. S. Panay and Amer-
ican refugees on Standard Oil Company’s ships on the Yangtze by 
shelling, I called on my own initiative this morning on the Minister 
for Foreign Affairs and with reference to our aide-mémoire of Decem-
ber 1 requested him to take further steps to restrain the Japanese 
military forces from continuing the serious risks to American lives 
and property involved in the dropping of shells in the vicinity of these 
ships. I left with the Minister an aide-mémoire and also copies of 
portions of the telegrams from Nanking and Hankow giving the facts. 
These excerpts were left with the Minister informally and not as 
diplomatic documents at his request after I had read them to him.

The Minister’s only comment was that the Japanese military author-
ities had already warned foreign nationals to evacuate the area of 
hostilities around Nanking. I pointed out the deplorable and serious 
effect which would be caused in the United States if the shells falling 
in the vicinity of these vessels should cause injury to Americans.

Repeated Peiping for Nanking and Hankow.

---

\(^{180}\) Koki Hirota, Japanese Minister for Foreign Affairs.

\(^{19}\) Not printed.
The Secretary of State, the Honorable Cordell Hull, said this morning that he is getting all the essential facts concerning the sinking of the Panay. When they have been assembled, representations based on those facts will be made at Tokyo.

The Department of State this morning announced that Ambassador Johnson reported from Hankow at 5 p.m., December 13 (Shanghai time), that Dr. Taylor at Anking had telephoned again at 4:15 transmitting a statement from Mr. Atcheson that the survivors were in danger at Hohsiien. Dr. Taylor stated he thought that the danger was due to fighting there. Mr. Atcheson stated that Mr. Gassie had a wound in the leg. The other members of the Embassy staff are unhurt. A British gunboat reported at 3 o'clock the afternoon of December 13 that it had been off Hohsiien for over half an hour and that it could see no signs of life on the north bank, that the Standard Oil Company’s Meian was beached and deserted, apparently hit by bombs on the bridge; that the Panay’s outboard sampan had been recovered from the mud half a mile below the Meian; that Socony ship Meiping was burning fiercely at Kaiyuan wharf on right bank of river and that the Bee was proceeding to investigate.

---

394.115 Panay/2: Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, December 13, 1937—3 p.m.
[Received December 13—6 a.m.]

622. My 619, December 13, noon. The Minister for Foreign Affairs has just called on me in person at the Chancery and has informed me of the receipt of a Domei report from Shanghai that in following fleeing remnants of the Chinese Army Japanese planes had bombed three Standard Oil vessels and had sunk U. S. S. Panay while in the close vicinity on the Yangtze above Nanking. The Minister said that he had as yet received no official report but that he had come immediately to express to our Government the profound apology of the Japanese Government and that Saito would do the same to you. He said that Admiral Hasegawa had accepted full responsibility for the accident. He said that immediately after my visit this morning he had communicated my representations to the Japanese naval and military.

---

\(^{20}\) Reprinted from Department of State, Press Releases, December 18, 1937 (vol. xvii, No. 429), p. 446.

\(^{20a}\) H. B. Taylor, American medical missionary.

\(^{20b}\) Emile Gassie, clerk of the Embassy in China.

\(^{20c}\) British gunboat.

\(^{20d}\) Hiroshi Saito, Japanese Ambassador at Washington.
authorities. Hirota said, "I cannot possibly express how badly we feel about this." The Navy and War Minister[s] have sent similar expressions of regret to the Navy and War Departments in Washington through the naval and military attachés here.

Repeated to Peiping for Nanking and Hankow.

Grew

394.115 Panay/118

Memorandum by the Secretary of State

[WASHINGTON,] December 13, 1937.

The Ambassador of Japan called upon his own request. He proceeded to read from a memorandum in Japanese and sought to give me such facts as it contained relative to the bombing and sinking of the U. S. Gunboat Panay. The memorandum recited that there were thirteen refugees and a crew of 59 on this boat; that the Panay was anchored in the river at time of the bombing; that Japanese officials had received reports that Chinese troops were retreating up the river in boats; that the naval airplanes were sent to attack them and by mistake the Panay was bombed and sunk. The Ambassador then said that Japanese officials had been informed by United States authorities as to the whereabouts of the Panay, and so the bombing and sinking of this boat is considered a very grave blunder. He said that Hirota, before receiving official reports, proceeded to call on Ambassador Grew at Tokyo and to offer full apologies and regrets; that Hirota also sent orders to the Japanese Embassy at Washington for reports of the bombing and sinking of the Panay to be given the United States Government and for full and sincere apologies and regrets to be conveyed to the United States Government by the Ambassador, which he was thus undertaking to do. The Ambassador then said that the Japanese Navy, upon receiving a telegram from Ambassador Nelson Johnson regarding the sinking of the Panay, at once sent a war vessel, together with hospital and other supplies for all relief purposes, to the Americans. He said that Hohsien, where the survivors were taken, is near the neighborhood where Japanese and Chinese troops are fighting, so that it has been difficult to get these relief supplies to the American survivors of the bombing. He said also that United States authorities had requested Japanese officials to render these Americans all possible aid and that they were doing this as best they could. He read from his manuscript to the effect that the Panay and Standard Oil ships were anchored by a hulk or something of the sort.

At the conclusion of the Ambassador's statement, I said that of course this Government was glad to have the benefit of his statement; that we here were never quite so astonished at an occurrence as at the news of this promiscuous bombing of neutral vessels on the
Yangtse; that we were now most diligently undertaking to assemble all of the essential facts regarding the matter, and that then we will comment to the Japanese Government in the light of these facts. I said, "In this connection, I read to you as follows:

The White House
Washington

Memorandum handed to the Secretary of State at 12:30 P. M., December 13, 1937.

Please tell the Japanese Ambassador when you see him at one o'clock:

1. That the President is deeply shocked and concerned by the news of indiscriminate bombing of American and other non-Chinese vessels on the Yangtse, and that he requests that the Emperor be so advised.

2. That all the facts are being assembled and will shortly be presented to the Japanese Government. 

3. That in the meantime it is hoped the Japanese Government will be considering definitely for presentation to this Government:
   a. Full expressions of regret and proffer of full compensation;
   b. Methods guaranteeing against a repetition of any similar attack in the future.

F.D.R."

I said that the contents of this memorandum were, of course, wholly reasonable, especially in the light of what the Ambassador had just stated was a "very grave blunder". I again expressed my amazement and also the hope that the military officials operating in this area would realize the extreme danger of their unprecedented conduct.

The Ambassador, in reply, agreed absolutely with everything I said.

C[ORDELL] H[ULL]

394.115 Panay/92: Telegram

The Secretary of State to the Ambassador in Japan (Grew)

WASHINGTON, December 13, 1937—8 p. m.

342. Please communicate promptly to Hirot a note as follows:

"The Government and people of the United States have been deeply shocked by the facts of the bombardment and sinking of the U. S. S. Panay and the sinking or burning of the American steamers Meiiping, Meian and Meisian [Meihisia] by Japanese aircraft.

The essential facts are that these American vessels were in the Yangtze River by uncontested and incontestable right; that they were flying the American flag; that they were engaged in their legitimate and appropriate business; that they were at the moment conveying American official and private personnel away from points where danger had developed; that they had several times changed their position, moving upriver, in order to avoid danger; and that they were attacked by Japanese bombing planes. With regard to
the attack, a responsible Japanese naval officer at Shanghai has informed the Commander-in-Chief of the American Asiatic Fleet that the four vessels were proceeding upriver; that a Japanese plane endeavored to ascertain their nationality, flying at an altitude of three hundred meters, but was unable to distinguish the flags; that three Japanese bombing planes, six Japanese fighting planes, six Japanese bombing planes, and two Japanese bombing planes, in sequence, made attacks which resulted in the damaging of one of the American steamers, and the sinking of the U. S. S. Panay and the other two steamers.

Since the beginning of the present unfortunate hostilities between Japan and China, the Japanese Government and various Japanese authorities at various points have repeatedly assured the Government and authorities of the United States that it is the intention and purpose of the Japanese Government and the Japanese armed forces to respect fully the rights and interests of other powers. On several occasions, however, acts of Japanese armed forces have violated the rights of the United States, have seriously endangered the lives of American nationals, and have destroyed American property. In several instances, the Japanese Government has admitted the facts, has expressed regrets, and has given assurances that every precaution will be taken against recurrence of such incidents. In the present case, acts of Japanese armed forces have taken place in complete disregard of American rights, have taken American life, and have destroyed American property both public and private.

In these circumstances, the Government of the United States requests and expects of the Japanese Government a formally recorded expression of regret, an undertaking to make complete and comprehensive indemnifications, and an assurance that definite and specific steps have been taken which will ensure that hereafter American nationals, interests and property in China will not be subjected to attack by Japanese armed forces or unlawful interference by any Japanese authorities or forces whatsoever."

Before seeing Hirota inform your British colleague of intended action and text, but do not thereafter await action by him.

We are informing British Government of this instruction to you.

HULL

394.115 Panay/50: Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, December 14, 1937—6 p. m.
[Received December 14—10 a. m.]

630. 1. At 5 o’clock this afternoon Yoshizawa 206 called on me upon instructions from the Minister for Foreign Affairs and handed me a note of which the following is an informal translation made by the Foreign Office. The translation is accurate in point of substance and corresponds closely to the original Japanese text.

206 Director of the American Bureau of the Japanese Ministry for Foreign Affairs.
"December 14, 1937.

Monsieur l’Ambassadeur: Regarding the incident of the 12th December in which the United States gunboat Panay and three steamers belonging to the Standard Oil Company were sunk by the bombing of the Japanese naval aircraft on the Yangtze River at a point about twenty-six miles above Nanking, I had the honor, as soon as unofficial information of the incident was brought to my knowledge, to request Your Excellency to transmit to the Government of the United States the apologies of the Japanese Government. From the reports subsequently received from our representatives in China, it has been established that the Japanese naval air force, acting upon information that the Chinese troops fleeing from Nanking were going up the river in steamers, took off to pursue them, and discovered such vessels at the above-mentioned point. Owing to poor visibility, however, the aircraft, although they descended to fairly low altitudes, were unable to discern any mark to show that any one of them was an American ship or man-of-war. Consequently, the United States gunboat Panay and the vessels of the Standard Oil Company, being taken for Chinese vessels carrying the fleeing Chinese troops, were bombed and sunk.

While it is clear, in the light of the above circumstances, that the present incident was entirely due to a mistake, the Japanese Government regret most profoundly that it has caused damages to the United States man-of-war and ships and casualties among those on board, and desire to present hereby sincere apologies. The Japanese Government will make indemnifications for all the losses and will deal appropriately with those responsible for the incident. Furthermore, they have already issued strict orders to the authorities on the spot with a view to preventing the recurrence of a similar incident.

The Japanese Government, in the fervent hope that the friendly relations between Japan and the United States will not be affected by this unfortunate affair, have frankly stated as above their sincere attitude which I beg Your Excellency to make known to your Government.

I avail myself, etc., signed Koki Hirota."

2. Yoshizawa then read to me portions of the official Japanese naval report on the disaster the purport of which is that the disaster was not caused by deliberate intention to bomb American vessels but was due to the inability of the aviators to distinguish the nationality of the vessels bombed. I informed Yoshizawa that his explanation does not cover the fact that, notwithstanding information in Japanese hands that foreign vessels were in the neighborhood of Nanking, bombing and shelling operations by both naval and military forces were carried out without any precautions taken against attack upon foreign vessels. I also pointed out that the bombing and shelling was carried out in the face of repeated assurances that measures had been taken to safeguard against attacks upon American nationals and property.

3. I also stated to Yoshizawa that I had just received instructions to present to the Minister for Foreign Affairs a note from the American Government. I added that, although I appreciated the action of the Japanese Government in delivering to me its note, I would proceed with the instructions which had been given to me.
4. I am still waiting for an appointment to call on Hirota which I asked for at 4 o’clock.
Repeated to Peiping for Hankow.

Grew

394.115 Panay/68: Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, December 14, 1937—9 p. m.
[Received December 14—10:26 a. m.]

631. Department’s 342, December 13, 8 p. m. After being detained all afternoon at a conference with the Prime Minister, the Minister for Foreign Affairs received me at the Foreign Office at 8:30 o’clock when I read to him and presented a signed note embodying the Department’s text. I pointed out orally that while the Japanese note delivered to me this afternoon (Embassy’s 630, December 14, 6 p. m.) was responsive to some of the points set forth by my Government, it did not meet all of them, as, for example, assurances as to the future safeguarding of American nationals, interests and property in China from unlawful interference by any Japanese authorities or forces whatsoever and that I would, therefore, expect an answer. Hirota promised me a prompt reply. Hirota added, “I wish to do everything in my power to maintain good relations with the United States.”

Repeated to Peiping, for Ambassador Johnson.

Grew

394.115 Panay/83: Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, December 15, 1937—4 p. m.
[Received December 15—8:20 a. m.]

638. At 2:15 o’clock today Captain Kondo, senior aide to the Navy Minister, called on the Naval Attaché to express the following with regard to the bombing and sinking of the U. S. S. Panay on December 12.

“Our Navy, regretting the unfortunate accident, has taken the following steps for the time being.
1. Strict and definite instructions have been issued to commanding officers in the China area to the effect that recurrence of a fault of the same kind should be absolutely avoided in the areas where English and American war vessels or steamers are present, even if at the risk of missing the chance of attacking Chinese troops.
2. The commanding officer of the naval air corps in the Shanghai vicinity as the officer who was responsible for this incident, was transferred today, 15 December, to a certain post in home waters.
That the commanding officer should take the full responsibility when any one of his officers should commit a fault is the tradition of the Japanese Navy."

Repeated to Shanghai for communication to the commander in chief and relay to Hankow.

Grew

394.115 Panay/131: Telegram

The Secretary of State to the Ambassador in Japan (Grew)

WASHINGTON, December 16, 1937—1 p. m.

350. I desire that you call as soon as possible upon the Minister for Foreign Affairs and that you make to him, as under instruction from your Government, a statement along lines as follows:

The official reports which are now reaching the Government of the United States in regard to the attack upon the U. S. S. Panay are of a character greatly adding to the seriousness of the reports on which the Government of the United States based its communication to the Japanese Government of December 14. These reports state that while the survivors were escaping from the sinking Panay Japanese airplanes dived and machine-gunned the boats at extremely low altitudes; that before the Panay sank two Japanese Army motorboats approached the ship, machine-gunned it, boarded the ship and stayed for five minutes although colors at the gaff were flying and easily discernible; and that, on reaching shore, the survivors hid the wounded and scattered as planes repeatedly flew over apparently searching to exterminate all. These reports give very definite indication of deliberateness of intent on the part of the Japanese armed forces which made the attack on the U. S. S. Panay and American merchant ships. The Government of the United States is still awaiting the receipt of further and most detailed official reports. Meanwhile, the Government of the United States brings to the notice of the Japanese Government knowledge of the information which the Government of the United States is now receiving and of the seriousness of the character of that information.

The Government of the United States refers to the statement contained in the note of December 14 from the Minister for Foreign Affairs to the American Ambassador at Tokyo that the Japanese Government "will deal appropriately with those responsible for the incident" and states that present information raises still more acutely that question. This information also raises more acutely the question of the character of the specific steps which have been taken to "ensure that hereafter American nationals, interests and property in China will not be subjected to attack by Japanese armed forces or unlawful interference by any Japanese authorities or forces whatsoever".

Hull
The Ambassador in Japan (Grew) to the Secretary of State

TOKYO, December 16, 1937—7 p. m.
[Received December 16—2:05 p. m.]

645. Department's 347, December 15, 7 p. m.20f We have been receiving all day a succession of Japanese individuals and deputations who have called to express regret over the Panay disaster. We appreciate also receiving a large number of letters.

Cash donations to Americans in the disaster are being brought in or sent to the Embassy and we hear that the newspapers and various Government departments are receiving donations for transmission to us. A delicate problem is thus being presented. In those cases where donations were brought to us in person we have courteously declined acceptance but donations are also being sent by mail including some sent anonymously which therefore cannot be returned. We realize that the acceptance of the donations for the purpose for which they are offered might prejudice the principle of indemnification for which the Japanese Government has assumed liability. On the other hand the donations are all of trivial amounts so that sentiment is chiefly involved in the problem and to return the donations might give rise to a misunderstanding of our attitude. Logical grounds for refusal are difficult to explain to people who know of no other way to express their regrets and sympathy over the disaster.

It is suggested that one way out of the difficulty would be to accept the donations if the donors are agreeable to the money being sent to the American Red Cross for relieving distress among Americans in China.

We would welcome the Department's early instructions in the matter.

Grew

The Ambassador in Japan (Grew) to the Secretary of State

TOKYO, December 17, 1937—1 p.m.
[Received December 17—7:23 a.m.]

647. Department's 350, December 16, 1 p.m. I have just carried out your instructions at noon today and after oral representations I left with the Minister for Foreign Affairs an aide-mémoire precisely and fully embodying the contents of your telegram. I talked to Hirota in the strongest possible way regarding the seriousness of the facts presented, which beyond peradventure disprove the allegation that a mistake had been made in bombing the Panay, and the seriousness with which my Government regarded this new evidence. I pointed out that according to this evidence Japanese naval and military forces were

20f Not printed.
both clearly guilty of deliberate attack carried out from points from which there could be no question whatsoever as to the visibility of the colors flying from the American ship. I read the aide-mémoire textually to the Minister, informing him that I would later communicate such further facts as might come to our attention.

Hirota said that he was totally unaware of the facts which I had presented and that he would immediately take up the matter with the naval and military authorities. He was visibly upset by the facts communicated and the gravity of the manner in which I presented them.

Grew

394.116 Panay/148

Memorandum by the Secretary of State

[WASHING]TON,] December 17, 1937.

The Japanese Ambassador called upon his own request and proceeded to say that the reports reaching his Government indicated that neither the Panay nor any of its survivors were fired upon by Japanese military boats with machine guns. He had no particular facts, and before he got through I said that there was evidently no question about the fact that two of such military motorboats did fire on the Panay, and some of their crew then boarded the Panay; that we have incontrovertible proof to that effect.

The Ambassador then backed away from this phase and spoke a few words to me which he asked to be kept off the record. I did not interpret them as of any particular significance or importance. They related to one of his officials.

I said that if Army and Navy officials in this country were to act as the Japanese had over there, our Government would quickly court martial and shoot them, and I was wondering whether his Government would take charge of this military situation and deal with it or whether it would not; that I was saying this in the interest of everybody concerned. The Ambassador endeavored to indicate his concurrence in the sentiments I was expressing.

He then said that the Navy at Shanghai had undertaken to correct the statement of the Ambassador to me some days ago to the effect that the whereabouts of the Panay had been made known in advance to the proper Japanese military and naval officials; that in point of fact the latter did not receive such notice on the occasion of this trip of the Panay up the river. I replied that it must have been difficult, in the first place, for the proper Japanese officials not to know that the Panay had left from in front of Nanking and retired up the river for some distance; that that was not a matter of the same importance it would have been if the reported order of the Japanese to fire on all vessels in the Yangtze had not been in operation; that in any event the officials of the United States Government at Nanking and on the
Panay had sought at all times to make known in advance its movements to the appropriate Japanese officials at Nanking, Shanghai and Tokyo, according to my present recollection.

I again expressed astonishment at the occurrence and again referred to the question of whether these wild, runaway, half-insane Army and Navy officials were going to be properly dealt with.

[ORDELL] H[ULL]

394.115 Panay/123: Telegram

The Secretary of State to the Ambassador in Japan (Grew)

WASHINGTON, December 18, 1937—6 p. m.

361. Your 645, December 16, 7 p. m. In view of the apparent sincerity of feeling in which the donations are being proffered and of the likelihood that a flat rejection of such offers would produce some misunderstanding of our general attitude and offend those Japanese who make such a gesture, the Department is of the opinion that some method should be found whereby Japanese who wish to give that type of expression to their feelings may do so.

The Department feels, however, that neither the American Government nor any agency of it nor any of its nationals should receive sums of money thus offered or take direct benefit therefrom. It occurs to the Department to suggest that you approach Prince Tokugawa or some other outstanding Japanese personage inquiring whether he would be willing to constitute himself an authorized recipient for any gifts which any Japanese may wish voluntarily to offer in evidence of their feeling, public announcement to be made of such arrangement and an accompanying announcement that funds thus contributed will be devoted to something in Japan that will testify to good will between the two countries but not be conveyed to the American Government or American nationals. Perhaps you can think of some better method of handling the problem presented. Obviously, the prompt making of some such arrangement would be advantageous.

Meanwhile, in the Department's opinion, the only American agencies which should receive tentatively any such funds are the American Ambassador in Japan and the American Ambassador in China. Any American agencies to whom such funds are proffered should refer the donors to the American Ambassadors, and in turn the Ambassadors should make appropriately appreciative acknowledgement and refer the donors to the persons who may be agreed upon, of Japanese nationality, for acceptance of such gifts.

For your information, Admiral Yarnell has just been offered a large sum by personnel of the Japanese Third Fleet, has replied that he has no authority to receive any funds, and is being instructed to continue in that attitude until further instructed along the lines of the above.

HULL
The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, December 20, 1937—3 p. m.
[Received December 20—9:20 a. m.]

662. The senior aide to the Navy Minister came to the Naval Attache’s office at 9:30 Sunday night to inform him of the substance of a report received from Rear Admiral Eijiro Kondo at Nanking, commander of the Japanese Yangtze Patrol, who had investigated the bombing by naval planes and machine gunning of the Panay by Japanese military launches.

"On the 11th and 12th Japanese military forces had occupied the area between Wuhu and Taiping on the south bank of the Yangtze. Nanking did not come under complete control of the army until the 13th. Naval force arrived off Nanking at 3:30 on the 13th. Naval bombing operations on the 11th and 12th were carried on from bases about half way between Nanking and Shanghai. Reports were received on the morning of the 12th that Chinese were crossing the river from Nanking to Pukow. Also reports were sent by army units near Taiping above Nanking that ten steamers carrying Chinese troops were fleeing up the river. This report was made by radio to naval air forces. Orders were given to the army units above Nanking to cross the river and cut off the Chinese forces at Pukow, and all Japanese forces had orders to display a vigorous offensive to use all their strength to annihilate the enemy. This order included naval air forces. A battalion on the south bank of the Yangtze at Taiping, a few miles above Mayqueen Island off which the Panay and the three Standard Oil Company vessels were anchored, stood down stream in launches about 9 a. m. The adjutant of the battalion went on board the Panay and exchanged cards with the commanding officer. The latter asked him not to attack stating that the Panay was moving upstream out of the area of hostilities. These launches then stood down the river and presumably landed on the north bank several miles below that vicinity. At 2:10 p. m., another Japanese launch with noncommissioned officers and privates stood down the river from the same point. The Panay was seen being attacked by Japanese planes and returning the fire. The launch put back, disembarked its excess soldiers and put out again to ‘investigate the situation.’ Incidentally a Japanese plane bombed these Japanese soldiers after they had been landed, killing one. The Japanese launch upon returning to the vicinity of the Panay found bullets falling around and, thinking it was a Chinese steamer, commenced firing on the Panay with its machine gun. The firing was continued for a ‘short time’ at a fairly great range with the bullets apparently falling short. The launch then went closer to ‘examine’ the ship."

(The report did not state that the Panay was boarded but the senior aide thinks the word “examine” might mean boarding.)

He also stated that the first bombing of the Panay had occurred before 2:10 p. m., probably about 1:30 p. m.

— December 19, 1937.
When asked whether survivors of the Panay were seen going ashore in boats or if naval planes had machine gunned the Panay and the survivors, the reply was that there was no report on that.

Three bombing attacks were made on the Panay. When asked when the naval authorities first learned that these planes had sunk an American gunboat, the senior aide stated that the pilots knew it after the third bombing attack. In contradiction to this he later stated that the naval bombing planes had returned to their bases jubilant over the successful execution of their mission to annihilate the enemy and that the first knowledge Admiral Hasegawa had of the "unhappy accident" was Monday morning.\footnote{21a}

The senior aide appeared to lay great stress upon the confusion that existed in the area above Nanking due to the numerous uncoordinated military and naval operations that were being carried out on the 12th. When asked if such military and naval units were not aware that vessels of third powers were in that locality, he said information at that time was to the effect that they were at Nanking. The American flag was not seen by the aviators. Army personnel which "examined" the Panay still thought it a Chinese vessel. He inferred that should it be established the survivors had been machine gunned after leaving the Panay the reason for it would be that it was thought they were fleeing Chinese.

---

\textbf{Grew}

394.115 Panay/248

\textit{The Second Secretary of Embassy in China (Atcheson) to the Secretary of State}\footnote{22}

\textbf{SHANGHAI, December 21, 1937.}

[Received January 5, 1938.]

\textbf{Sr:} I have the honor to refer to Shanghai's telegram No. 1174, December 17, 6 p. m., containing my preliminary report on the bombing of the U. S. S. \textit{Panay}, December 12, 1937.

As reported in my telegram No. 1018, December 8, 10 p. m., the remaining Embassy personnel at Nanking boarded the U. S. S. \textit{Panay}, then lying off The Bund at Hsiakuan, at 9:30 p. m., December eighth. The next morning Secretary Paxton,\footnote{22a} Captain Roberts \footnote{22b} and I returned to the Embassy premises, but, at the urgent request of the Chinese military authorities, who stated that the city gate might close at any moment, went back to the \textit{Panay} at three o'clock.

As reported in my No. 1024, December 9, 4 p. m., the Pukow waterfront was heavily bombed just after we returned to the \textit{Panay}, bombs
fell in the river near us, and Lieutenant Commander J. J. Hughes, U. S. N., commanding, decided to move the Panay up river about two miles to San Chia Ho, off the Asiatic Petroleum Company’s installation, whence American refugees from inside the city could proceed if they decided to join us. H. M. S. Scarab and H. M. S. Cricket were then at San Chia Ho and notified us that at five in the afternoon they would move up river about half a mile in order to be near the Jardine-Matheson hulk on which a large number of British and other foreigners had taken refuge. On December eleventh (my No. 1033, December 11, 1 a.m.) shells were reported to have fallen in the neighborhood of Hsiakuan railroad station and we anticipated that an advance by the firing batteries and deviation of the fire might compel the Panay to move farther up river, and Americans in the city were so informed. At two-forty-five that afternoon (my No. 1035, December 11, 5 p.m.) shells began falling on the near (south) shore not far up river from the Panay. Reluctant to leave San Chia Ho, and the possibility of further contact with those Americans who chose to remain in Nanking (although telephone communication was broken), the Panay delayed moving until shells were falling in the water ahead of the vessel and on the right (south) bank of the Yangtze. She then proceeded up river about twelve miles from Nanking to mileage 208 above Woosung.

As in the case of previous moves of the Panay, by the telegram last referred to I requested the Consul General at Shanghai to inform the Japanese Embassy of our position with the request that appropriate instructions be issued to the Japanese forces, including the air force, since Japanese bombing planes had flown daily over the Panay at San Chia Ho, as well as over the ship when it was at its former Hsiakuan anchorage.

As reported in my No. 1037, December 11, 7 p.m., some of the shells fell close to the Jardine-Matheson hulk then anchored about half a mile above the Panay and near H. M. S. Scarab and H. M. S. Cricket. One reportedly fell within fifty feet of the British passenger steamer Whangpoa. Some fell on both sides of the Standard-Vacuum Oil Company’s S. S. Meiping and near other merchant vessels, including the British merchant launch Woo Kwang on which one Chinese was wounded by shrapnel. As these vessels and the Panay moved up river the firing batteries changed their direction of fire, or extended it, for the shells appeared to follow for at least two miles the line of ships under way and fell continuously in the water before us, all off the port bow as if the ships were accompanied by an artillery barrage.

As stated in my No. 1037, Colonel Lovat-Fraser, British Military Attaché, and Dr. Rosen, Secretary of the German Embassy, who were on one of the British vessels, said that in their opinion there was no question that the batteries responsible were Japanese and that they deliberately fired on the ships, continuing their attempts to hit the
vessels as the latter moved up river to get out of range. This was also the independent opinion of the officers and American passengers on the Meiping, and several other passengers endangered by the shelling. At that time, as reported in the telegram under reference, the opinion of Captain F. N. Roberts, U. S. A., Assistant Military Attaché, was that the shells were fired by Chinese batteries in or near Nanking South City searching Japanese positions on the river bank. I was then inclined to agree but in view of the subsequent experience of H. M. S. Ladybird at Wuhu I have changed this opinion, although Captain Roberts adheres to his original report. Admiral Holt of the British Navy informed me that after the shelling of H. M. S. Ladybird at Wuhu about December twelfth (the vessel was hit seven times by shells some of which were six inch) the Japanese Commander on shore informed him that he, the Japanese Commander, had received a blanket order to destroy all shipping. Seemingly the only possible conclusion, therefore, is that our ships were fired at by Japanese batteries pursuant to this blanket order.

At nine o'clock on the morning of December twelfth shell fire again caused the Panay to move farther up stream. About an hour later a Japanese military unit on the north shore signalled the Panay, which stopped, and a motor boat with a machine gun mounted in the bow and carrying about twenty Japanese soldiers, all armed, put out and came to the starboard ladder. Two Japanese officers, accompanied by four soldiers, came aboard and after climbing to the deck by the ladder the four soldiers with fixed bayonets took posts at the gangway. I followed Commander Hughes to the ladder to talk with the Japanese officers, the senior of whom gave his name as Lieutenant M. Shigeru. They spoke very little English but questioned us as to our purpose in proceeding up river and Commander Hughes told them it was to escape shell fire. Commander Hughes and I gave them our cards and they invited Commander Hughes ashore but he declined. We shook hands and they departed. The action of the soldiers in fixing their bayonets after boarding the Panay we put down to ignorance because while the officers were not very friendly they did not on the other hand seem unfriendly.

At eleven o'clock the Panay anchored twenty-seven miles above Nanking at mileage 221 above Woosung. The Standard Oil tankers followed us and anchored near by: the S. S. Mehsia about 500 feet ahead; the S. S. Meiping about 300 feet from the Mehsia on the latter's starboard quarter; and the S. S. Meian about 700 feet directly behind the Panay. All vessels were flying American flags and the colors were painted horizontally on the awnings and superstructures. By my priority radiogram No. 1040 of December 12, 11 a. m., I requested the Consul General at Shanghai to inform the Japanese Embassy of the new position of the Panay and the Ameri-
can merchant vessels in question and to ask that appropriate instructions be issued to the Japanese forces. I requested that the Consul General, in communicating with the Japanese Embassy, add that circumstances might again cause the Panay to move either up or down river and that the vessel expected to return down river to Nanking as soon as feasible in order to reestablish communication with the Americans who remained in Nanking and in order that the Embassy might as soon as practicable resume its functions ashore. Mr. Gauss received this priority message about 12:15 p. m., at once telephoned to the Japanese Consul General, and sent a written communication to the Japanese Consul General which was received by the latter before one p. m.

The U. S. S. Panay and the Standard Oil vessels were bombed by Japanese planes shortly after 1:30 p. m., December 12th. The weather was clear, sunny and still. The bombing was by at least six planes believed to have been light bombers using bombs estimated to have been about 100 pounds in weight. Before the bombing and when the planes were first heard approaching, Captain Roberts proceeded to the boat deck to observe them. He watched them through field glasses and identified them by their markings as Japanese, as did also Mr. Malcolm MacDonald (British, correspondent of the London Times) who saw them from the sick bay, which was being used as a press room. According to Mr. Norman Alley, Universal News Reel camera man who took motion pictures of the planes while they were dive-bombing the Panay, and who was also on the boat deck, the bombing was effected by nine planes. The general consensus of opinion among the ship’s company was that there were six planes. The bombing planes power dived at the Panay in succession and, according to Captain Roberts and others who saw them, the bombs were dropped from an altitude of not more than 1,000 feet. Approximately 20 bombs were dropped at the Panay, with four or five direct hits on the naval vessel and two or three hits on the S. S. Meiying. Most of the bombs fell at the port side forward of the Panay, with at least one on the starboard side. The first bomb hit the port bow, disabling the forward three-inch gun, giving the ship a terrific jolt and causing her to begin to list to starboard. One bomb fell amidships on the port side. I personally did not see the planes. I was in my quarters, the forward starboard cabin on the main deck, working on Embassy business, when I heard the first power dive, followed at once by the first bomb which fell on the other side of the ship. Secretary Paxton and Clerk Gassie were working in the ship’s office below the main port deck when the bombing began. Mr. Paxton states that there was a severe explosion on the port side of the ship which threw him, Mr. Gassie, Seaman W. P. Lander and Yeoman J. P. Weber completely across
the room onto a pile of debris, filing cases and other heavy objects, and that water began to leak in through the hull. Some heavy object, presumably the desk of the office, which was hurled against them, broke Mr. Gassie’s leg and injured Mr. Paxton’s knee. Mr. Paxton and the Navy personnel helped Mr. Gassie up the ladder and placed him in the doorway of the forward lavatory opening on to the forward main passage way between the two sides of the ship.

During the bombing the Japanese planes machine-gunned the ship as they power dived. Commander Hughes, who was on the bridge, gave the call to general quarters and three (possibly four) of the mounted machine-guns on the boat deck were manned by their crews. Lieutenant A. F. Anders, U. S. N., Executive Officer of the Panay, went to the boat deck and himself attempted to man one machine-gun and while doing so was wounded in both hands. The after three-inch gun was not uncovered or manned. Failing in his attempt to man the machine-gun Lieutenant Anders proceeded to the bridge, where he found Commander Hughes with a broken leg. Lieutenant Anders was wounded in the throat by shrapnel while on the bridge at this time. Lieutenant Anders, and Chief Quartermaster Lang who was wounded on the chin, in the right arm and one leg, carried the Commander to the forward galley of the main deck. Meanwhile I had left my cabin, just as the inner steel wall was blown in, in an effort to learn what was happening to the others and met Mr. Paxton, who was covered with debris, and Captain Roberts, who had been knocked flat by the concussion of a bomb and again knocked down by splattering steel fragments caused by machine-gun fire from a plane. Bombs were still falling and at each power dive we took cover in the center of the passage way and huddled together until after the explosions. I found Mr. Gassie in the lavatory and asked some sailors to help him, and then found Commander Hughes in the galley and heard give him [him give] the order to abandon ship. This was about 2:05 p. m. I then called a sailor and we carried Commander Hughes along the starboard deck aft and placed him in a small boat, which some members of the party had lowered, and sent him ashore. This boat was machine-gunned from the air and Machinist’s Mate, second class, A. Kozak, was wounded during the journey ashore. Four bullet holes were later found in this boat. Meanwhile the engine room watch had opened the steam safety valves in order to lessen the chances of a boiler explosion, and while this was the proper thing to do, one result was that it was no longer possible to maneuver the ship. The power had been turned off immediately after the first bomb hit the Panay and it was therefore impossible to send an SOS. According to one member of the crew the first bomb injured the batteries of the radio apparatus and this put the radio out of commission. Badly wounded and unable to
speak as he was, Lieutenant Anders took charge of the evacuation of the ship, wrote his orders on pieces of paper or bulkheads and kept to his feet until his task was accomplished.

The Meihsia came to our assistance but we waved her away as we knew she was filled with gasoline.

On the third trip of the ship’s boats, the last members of the crew and passengers reached shore. These two boats put off from the Panay practically simultaneously, and in one was Lieutenant Anders, the executive officer, and Ensign Biwerse 226 was in the other. Because the outboard motor of the smaller sampan broke down, this boat containing Lieutenant Anders was actually the last to reach shore. As soon as a check had been made, the larger sampan returned to the ship for water and other needed supplies.

After the Panay had been abandoned and was settling by the starboard bow, two Japanese armed patrol boats came down river, machine-gunned the Panay with several bursts, went around the stern, and several Japanese soldiers boarded the vessel on the port side, remained for about five minutes and then departed. The Panay’s flags were flying in plain view at this, as at all times, until the vessel sank. The machine-gun bursts fired by these patrol boats were apparently directed at the bridge. I personally did not see these patrol boats as I was helping to carry Commander Hughes into the marsh reeds. I heard the motors of the boats and the machine-gun fire. Captain Roberts, who was closer to the water’s edge, saw them, as did a number of the members of our party, including Mr. MacDonald and Mr. Roy Squires. In fact, the patrol boats appeared and began firing while the boat which had gone back to the ship for supplies was still off shore. Boatswain’s Mate Ernest R. Mahlmann and Machinist’s Mate G. L. Weimer were in this small boat of ours at the time and stated that they heard bullets whistling overhead.

The Japanese patrol boats started up river again but turned back toward our landing point; however, we were all now hidden and they departed.

Meanwhile the burning Meiiping headed first toward the north shore but turned toward the south bank and eventually was brought alongside a pontoon located there. The Meihsia followed the Meiiping. The Meiian remained along the north shore farther down stream. According to the Americans on the Meiiping and Meihsia, when the Meiiping came to the south bank about 100 Japanese soldiers appeared and ordered the ship’s company ashore. These soldiers apparently had no contact with the patrol boats which had machine-gunned the Panay; they gave some first aid treatment to Mr. Pickering of the Standard-Vacuum Oil Company and Mr. Vines of the Yee Tsoong Tobacco Distributors, Ltd., and after questioning they

226 Denis H. Biwerse.
ordered the ship’s company aboard again. Almost immediately after
the company had returned on board, six planes appeared over the river
and again bombed both the Meiping and the Meiksa from low alti-
tudes. Large fires broke out on the vessels and the explosions of
gasoline drums on the Meiping could be heard for hours afterwards.

While we were searching for a way out of the marsh in which
we were hidden a fleet of three Japanese bombers proceeding down
river flew over us and one Japanese plane circled above the marsh
reeds where we had concealed our wounded and ourselves. The ac-
tions of this plane and the previous action of the Japanese army
patrol boats, in connection with the incredible fact of the bombing
of the Panay, gave us every reason to believe that the Japanese were
searching for us to destroy the witnesses to the bombing.

During the period we were in the marsh Commander Hughes, after
consultation with me and with my approval, asked Captain Roberts
to take charge of the party since all three most senior naval officers
were wounded and the remaining naval officer, Ensign Biwerse,
was badly shell-shocked, having had his trousers blown away by the
explosion of the bomb. From then on the responsibility for our
actions fell chiefly to Captain Roberts and me, in consultation with
Commander Hughes who, in spite of his painful wound, remained
calm and collected and bore himself with admirable fortitude.

The Panay sank with colors flying at 3:54 p.m.

We sent Secretary Paxton inland in an attempt to get out a mes-
 sage and make known what had occurred. We did not know at that
time that Mr. Paxton was wounded both in one arm and one knee.
With complete selflessness he did not tell us of his wounds but went
off alone into territory that was under attack on his important
mission.

After darkness came we made our way in relays to some farm
houses about one mile up river and a little in-shore and there obtained
some food and temporary shelter. Several police from Hohsien
arrived and told us they came to help us; also one or two soldiers
came and assisted us in finding coolies to act as stretcher bearers.
We had only two stretchers from the ship, and there were thirteen
men so badly wounded they had to be carried. We obtained some
bamboo beds and improvised stretchers out of boards from pig pens
and from doors of the farm houses, and began the journey to Ho-
hsien, a point five miles away and three miles inland. At the gate
of Hohsien Mr. Malcolm MacDonald (correspondent of the London
Times) and I, who were with the advance party carrying Com-
mander Hughes, were met by a Chinese employee of the Standard-
Vacuum Oil Company from Nanking, Mr. T. H. Chen, who placed
himself at our disposal and rendered us great assistance. Just in-
side the gate the Magistrate’s secretary came to us and told us
that quarters had been arranged for our wounded and ourselves, and Mr. MacDonald and I proceeded to the Magistrate’s yamen while the wounded were taken to their quarters, under the direction of Captain Roberts who stayed at the small hospital helping to care for the wounded, as Dr. Grazier, 22d U. S. N., the Panay surgeon, who was with a later section of our party, did not reach Hohsien until 4:15 a.m. The Magistrate, Mr. Wang Tien-chih, an American returned student, did everything possible for us and while we were in Hohsien devoted his entire time to our needs and wishes. He told us that his city had already been attacked three times by Japanese patrols and we decided that as soon as we could give the wounded some care and rest and make arrangements to do so we would proceed on inland under cover of the darkness of the next night. The wisdom of our decision seemed to be subsequently confirmed by the appearance on December 13th of Japanese planes which circled over Hohsien. One of these planes flew at an altitude of not more than 400 feet over the little thatched-roof hospital where we had our wounded concealed. Apparently the airmen did not see any of us; they did not shoot; one machine-gun bullet could have set fire to the thatch and burned up the helpless wounded. The appearance of this plane had a most unfortunate effect upon the shell-shocked and wounded men.

On the morning of December 13th I managed at about 8:30 to get a clear telephone connection with Dr. Taylor, an American medical missionary at Anking, and he relayed our news to the Ambassador a little later. I managed also to telephone to Dr. C. A. Burch, an American missionary at Luchowfu (Hofei) and he also relayed a message to the Ambassador.

Mr. Sandro Sandri, an Italian journalist who was a guest on the Panay, and Storekeeper Charles Ensminger died of their wounds at Hohsien. In the afternoon of December 13th the Magistrate informed me that a group of about 1000 Japanese soldiers had crossed the river from the south bank and landed on the north bank near the point where we ourselves had landed the afternoon before and were only six miles away. He and other Chinese at Hohsien were plainly concerned at our presence in their city and feared that the Japanese would attack the place in an attempt to capture our party. The Magistrate kindly arranged for the hire of six small junks and after dark we loaded our wounded on these vessels and proceeded up a nearby creek twenty miles to the town of Hanshan, a journey which took ten hours. We arrived at the point on the creek nearest to Hanshan at 6:00 a. m., December 14th. Captain Roberts and I walked to the town about two miles distant and persuaded the soldiers at the gate to admit us and to take us to the Magistrate’s

22d Lt. Clark G. Grazier.
yamen. We found in the Magistrate, Mr. Kiu Jui-chuan, as kind and helpful a friend as was Magistrate Wang of Hohsien. Mr. Kiu arranged for quarters and food for the wounded and ourselves and did everything for us within his power.

On the morning of December 14th, while we were trying to telephone to Luchowfu for motor busses or trucks with which to continue on to that place, 130 miles distant, I received a telephone message from Admiral Holt of the British Navy, then at Hohsien, that the situation was clear and that arrangements had been made for our passage to Shanghai under Japanese escort. At about noon Dr. Burch arrived from Luchowfu with medical supplies, then drove 30 miles to Chaohsien and brought Mr. Paxton from that place back to Hohsien. We left Hohsien [Hanshan] at 2:15 p.m., December 14th, by junk and after 8:00 p.m., reached Hohsien where Admiral Holt and Magistrate Wang had arranged for the transportation of our wounded to, and accommodations for the party on, H. M. S. Bee, H. M. S. Ladybird and U. S. S. Oahu.

The Panay is sunk in about 30 fathoms. The Meiping and Meihsia and their cargoes are total losses. A statement compiled by the Standard-Vacuum Oil Company and containing an estimate of its losses as a result of the bombing is enclosed.

A statement of the casualties is also enclosed. The number of foreign dead has now reached four.

In a radiogram which I addressed to the Ambassador from the U. S. S. Oahu on December 15th I had the honor to state that great credit for our escape from shore inland was due to Captain F. N. Roberts, U. S. A., Assistant Military Attaché. His courage, leadership and selflessness in refusing to be beaten can be described only in terms of highest praise.

I wish also to note in this record the courage and resourceful conduct of Secretary Paxton. In his lonely and arduous attempt to get out a message which would let be known what had happened and which would prevent a further attack upon us, which we had strong evidence to believe was contemplated, Mr. Paxton proceeded as far as Chaohsien, thirty miles beyond Hanshan, fifty miles from the river.

The following instances of gallant conduct on the part of naval personnel came under Captain Roberts' and my observation:

Lieutenant Commander J. J. Hughes sustained a broken leg and shock when the first bomb exploded, but though in great pain courageously continued to give directions and orders until the ship had to be abandoned. Ashore, he preserved the same calmness and fortitude.

Lieutenant A. F. Anders was shot through the hand, and in the throat so that he could not speak, but wrote instructions on the white
paint work, and refused to be put ashore till the last. He had lost a
great deal of blood and was very weak, but insisted that the other
wounded of the party be given medical attention before he himself
received it, and during the time ashore he was continuously concerned
for the safety and welfare of the men.

Dr. Grazier, U. S. N., with courage and calmness under fire and at
all times, devoted himself untiringly to the care of the wounded.

Chief Quartermaster John H. Lang was painfully wounded in the
chin, in the right arm, and right leg, but refused to become a stretcher
case in view of the requirements of the other wounded, and with great
courage and fortitude kept on his feet the entire way.

Coxswain M. D. Rider, after helping carry a wounded comrade
six miles, voluntarily remained the rest of the night at the improvised
hospital to assist in caring for the wounded.

Chief Boatswain’s Mate Ernest R. Mahlmann and Machinist’s Mate
G. L. Weimers courageously returned to the ship for additional sup-
plies although hostile airplanes were expected to return at any mo-
moment. While returning to shore these men narrowly escaped being
fired on by a Japanese river patrol.

Captain Roberts and Secretary Paxton collaborated in the prepara-
tion of this report and have given it their approval. It is respectfully
requested that a copy be furnished the War Department.

Respectfully yours,

GEORGE ATCHESON, JR.

---

394.115 Panay/170 : Telegram

The Secretary of State to the Ambassador in Japan (Grew)

WASHINGTON, December 23, 1937—7 p. m.

371. Your 668, December 22, 11 a. m., and Department’s 368, De-

cember 22, 4 p. m., and previous.

The Department has now received the report of the findings of the
Naval Court of Inquiry. The Navy Department is radioing the Com-
mander-in-Chief at Shanghai to repeat to you by radio, if he has not
already done so, the report of findings. I desire that you immedi-
ately communicate a copy of the report of findings to the Minister
for Foreign Affairs under cover of a formal note reading as follows:

“In further reference to the Panay incident, the Government of the
United States encloses a copy of the report of findings of the United
States Naval Court of Inquiry”.

For your information, it is expected that the text of the report of
findings will be made public here shortly.

By separate telegram the Department is sending you for your in-
formation but not for communication to the Japanese Government
the opinion of the Court of Inquiry.

---

HULL

22a Neither printed.
The Commander in Chief of the United States Asiatic Fleet (Yarnell) to the Secretary of the Navy (Swanson)

December 23, 1937.
[Received 1:15 a.m.]

The following are finding[s] of facts of the Court of Inquiry ordered to investigate the bombing and sinking of the U. S. S. Panay.

The Court was composed of Captain H. V. McKittrick, Commander M. L. Deyo, Lieutenant Commander A. C. J. Sabalot, members, and Lieutenant C. J. Whiting, Judge Advocate. The findings are approved.

The record of the Court will be forwarded to the Department by airmail leaving Manila about 29 December.

The Court finds as follows:

1. That on December 12, 1937, the U. S. S. Panay, a unit of the Yangtze Patrol of the United States Asiatic Fleet, was operating under lawful orders on the Yangtze River.

2. That the immediate mission of the U. S. S. Panay was to protect nationals, maintain communication between the United States Embassy, Nanking, and office [of] the Ambassador at Hankow, provide a temporary office for the United States Embassy staff during the time when Nanking was greatly endangered by military operations and to afford a refuge for American and other foreign nationals.

3. That due to intensive shell fire around Nanking the U. S. S. Panay had changed berth several times to avoid being hit and, on the morning of December 12, 1937, formed a convoy of Socony Oil Company vessels, principally the S. S. Meiping, Meihsia and Meian, and proceeded upriver.

4. That adequate steps were taken at all times to assure that the Japanese authorities were informed of the movements of the U. S. S. Panay.

5. That in addition [to] her regular complement the U. S. S. Panay had on board at this time four members of the American Embassy staff, four American nationals and five foreign nationals.

6. That at zero nine forty while standing upriver, the U. S. S. Panay stopped in response to a signal from a Japanese landing boat; a Japanese Army boarding officer with guard went on board and was informed that the U. S. S. Panay and convoy were proceeding to anchorage 28 miles above Nanking; no warning was given of any danger likely to be encountered.

7. That at about eleven hundred December 12, 1937, the U. S. S. Panay and convoy anchored in the Yangtze River in a compact group at about mileage two hundred twenty-one above Woosung, twenty-eight miles above Nanking.
(8) That the U. S. S. Panay was painted white with buff upper works and stacks and displayed two large horizontal flags on her upper deck awnings plus large colors at her gaff.

(9) That the Socony Vacuum ships Meiiping, Meihsia and Meinan each displayed numerous horizontal and vertical American flags all of large size.

(10) That at thirteen thirty the crew of the U. S. S. Panay were engaged in normal Sunday routine and were all on board except a visiting party of eight men on board the S. S. Meiiping.

(11) That at about thirteen thirty eight, three large Japanese twin-motored planes in a vee formation were observed at a considerable height passing overhead downriver. At this time no other craft were in the near vicinity of the Panay and convoy and there was no reason to believe the ships were in a dangerous area.

(12) That without warning these three Japanese planes released several bombs, one or two of which struck on or very close to the bow of the U. S. S. Panay and another which struck on or very close to the S. S. Meiiping.

(13) That the bombs of the first attack did considerable damage to the U. S. S. Panay, disabling the forward three-inch gun, seriously injuring the Captain and others, wrecking the pilothouse and sick bay, disabling the radio equipment, the steaming fireroom, so that all power was lost and causing leaks in the hull which resulted in the ship settling down by the head and listing to starboard, thereby contributing fundamentally to the sinking of the ship.

(14) That immediately thereafter a group of six single-engined planes attacked from ahead, diving singly and appearing to concentrate on the U. S. S. Panay, a total of about twenty bombs were dropped many striking close aboard and creating by fragments and concussions great damage to ship and personnel. These attacks lasted about twenty minutes during which time at least two of the planes attacked also with machine guns, one machine gun attack was directed against a ship's boat bearing wounded ashore causing several further wounds and piercing the boat with bullets.

(15) That during the entire attack the weather was clear with high visibility and little if any wind.

(16) That the planes participating in the attacks on the U. S. S. Panay and its convoy were unmistakably identified by their markings as being Japanese.

(17) That immediately after the first bomb struck air-defense stations were manned, the 30-caliber machine guns battery opened fire and engaged the attacking planes throughout the remainder of the attack. The three-inch battery was not manned nor were any
three-inch shells fired at any time. This was in accordance with the ships air-defense bill.

(18) That during the bombing many were injured by flying fragments and concussion and all suffered shock on the first bomb. The Captain suffered a broken hip and severe shock; soon thereafter Lieutenant Anders, Executive Officer, was wounded by fragments in throat and hands, losing power of speech; Lieutenant J. G. Geist, Engineer Officer, received fragments in the leg; Ensign Biwser had clothing blown off and was severely shocked. This included all the line officers of the ship, the Captain being disabled, the Executive Officer carried on his duties giving orders in writing. He issued instructions to secure confidential publications, to get underway and to beach the ship. Extensive damages prevented getting under way.

(19) That at about fourteen hundred, believing it impossible to save the ship and considering the number of wounded and the length of time necessary to transfer them ashore in two small boats, the Captain ordered the ship to be abandoned. This was completed by about fifteen hundred. By this time the main deck was awash and the Panay appeared to be sinking.

(20) All severely wounded were transferred ashore in the first trips, the Captain protested in his own case; the Executive Officer, when no longer able to carry on due to wounds, left the ship on the next to the last trip; and Ensign Biwser remained until the last trip.

(21) That after the Panay had been abandoned Mahlmann, c. b. m., and Weimers, m. m. first, returned to the Panay in one of the ship’s boats to obtain stores and medical supplies. While they were returning to the beach, a Japanese powerboat filled with armed Japanese soldiers approached close to the Panay, opened fire with a machine gun, went along side, boarded and left within five minutes.

(22) That at fifteen fifty four the U. S. S. Panay, shortly after the Japanese boarding party had left, rolled over to starboard and sank in from seven to ten fathoms of water, approximate latitude 30–44–30 north, longitude 117–27 east. Practically no valuable government property was salvaged.

(23) That after the Panay survivors had reached the left bank of the river, the Captain, in view of his own injuries and the injuries and shock sustained by his remaining line officers and the general feeling that attempts would be made to exterminate the survivors, requested Captain F. N. Roberts, United States Army, who was not injured and who was familiar with land operations and the Chinese language, to act under his directions as his immediate representative. Captain Roberts functioned in this capacity until the return of the Panay’s crew on board the U. S. S. Oahu on 15 December, 1937, performing outstanding service.
(24) That Messrs. Atcheson and Paxton of the United States Embassy staff rendered highly valuable services on shore where their knowledge of the country and language coupled with their resourcefulness and sound advice contributed largely to the safety of the party.

(25) That after some fifty hours ashore during which time the entire party suffered much hardship and exposure somewhat mitigated by the kindy assistance of the Chinese, they returned and boarded the U. S. S. Oahu and H. M. S. Ladybird.

(26) That from the beginning of an unprecedented and unlooked-for attack of great violence until their final return, the ship's company and passengers of the U. S. S. Panay were subjected to grave danger and continuous hardship; their action under these conditions was in keeping with the best traditions of the naval service.

(27) That among the Panay passengers Mr. Sandro Sandri died of his injuries at thirteen thirty, 13 December; Messrs. J. Hall Paxton, Emile Gassie and Roy Squires were wounded.

(28) That early in the bombing attacks the Standard Oil vessel got underway, Meiping and Meihsia secured to a pontoon at the Kaiyuan wharf and the Meian was disabled and beached further down the river on the left bank. All these ships received injuries during the first phases of the bombing. Serious fires on the Meiping were extinguished by the Panay visiting party of eight men who were unable to return to their ship.

(29) That after attacks on the Panay had ceased the Meiping and Meihsia were further attacked by Japanese bombing planes, set on fire and destroyed. Just previous to this bombing Japanese army units on shore near the wharf attempted to avert this bombing by waving Japanese flags; they were not successful and received several casualties. It is known that Captain Carlson of the Meian was killed and that Messrs. Marshall, Vines, Pickering and Squires were wounded. Casualties among the Chinese crews of these vessels were numerous but cannot be fully determined.

(30) That the following members of the Panay crew landed on shore from the Meiping after vainly attempting to extinguish oil and gasoline fires on board: V. F. Puckett, c. m. m.; J. A. Granes, g. m. first; J. A. Dirnhofer, seaman first; T. A. Coleman, c.p.h.m.; J. A. Bonkoski, g.m. third; R. L. Browning, e.m. third; J. L. Hodge, fireman first; and W. T. Hoyle, m.m. second. These men encountered Japanese soldiers on shore who were not hostile on learning they were Americans.

(31) That all of the Panay crew from the Meiping except J. L. Hodge, fireman first, remained in one group ashore until the following day when they were rescued by H. M. S. Bee. Hodge made his way to Wuhu and returned Shanghai via Japanese naval plane on 14 December.
That, in searching for and rescuing the survivors, Rear Admiral Holt, R. N., and the officers and men of H. M. S. Bee and H. M. S. *Ladybird* rendered most valuable assistance under trying and difficult conditions thereby showing a fine spirit of helpfulness and cooperation.

That Charles L. Esminger, s. c. first, died at thirteen thirty 13 December at Hohsien, China, from wounds received during the bombing of the U. S. S. *Panay* and that his death occurred in line of duty, not the result of his own misconduct.

That Edgar C. Hulsebus, coxswain, died at zero six thirty, 19 December at Shanghai, China, from wounds received during the bombing of the U. S. S. *Panay* and that his death occurred in line of duty, not the result of his own misconduct.

That Lieutenant Commander James J. Hughes, Lieutenant Arthur F. Anders, Lieutenant (jg) John W. Geist, John H. Lang, c.q.m., Robert R. Hebard, fireman first, Kenneth J. Rice, e.m. third, Carl H. Birk, e.m. first, Charles Schroyer, seaman first, Alex Kozak, m.m. second, Peres D. Ziegler, s.c. third, and Newton L. Davis, fireman first, were seriously injured in line of duty, not the result of their own misconduct.

That Lieutenant Clark G. Graziar, m.c., Ensign Denis H. Biwerse, Charles S. Adams, r.e.m. second, Tony Barba, s.c. third, John A. Bonkoski, g.m. third, Ernest C. Branch, fireman first, Raymond L. Browning, e.m. third, Walter Cheatham, coxswain, Thomas A. Coleman, c.p.h.m., John A. Dirnhoffer, seaman first, Yuan T. Erh, m.a.t.t. first, Fred G. Fichtenmayer, c.m. first, Emery F. Fisher, c.w.t., Michael Gerent, m.m. second, Cecil B. Green, seaman first, John L. Hodge, fireman first, Fon B. Huffman, w.t. second, Karl H. Johnson, m.m. second, Carl H. Kerske, coxswain, Peter H. Klumpers, c.m.m., William P. Lander, seaman first, Ernest R. Mahlmann, c.b.m., William A. McCabe, fireman first, Stanley W. McEwen, seaman first, James H. Feck, q.m. second, Reginald Peterson, r.m. second, Vernon F. Puckett, c.m.m., King F. Sung, m.a.t.t. first, Harry B. Tuck, seaman first, Cleo E. Waxler, b.m. second, John T. Weber, yeoman first, and Far Z. Wong, m.a.t.t. first, were slightly injured in line of duty, not the result of their own misconduct.

---

394.115 Panay/184: Telegram

*The Commander in Chief of the United States Asiatic Fleet (Yarnell) to the Secretary of the Navy (Swanson)*

December 23, 1937.

[Received 10:50 a.m.]

0023. The following is the opinion of the Court of Inquiry ordered to investigate the bombing and sinking of the U. S. S. *Panay*. The opinion is approved.
Opinion was that the U. S. S. *Panay* was engaged in carrying out the well-established policy of the United States of protecting American lives and property.

2. That the Japanese aviators should have been familiar with the characteristics and distinguishing markings of the *Panay* as this ship was present at Nanking during the Japanese aerial attacks on this city.

3. That, while the first bombers might not have been able on account of their altitude to identify the U. S. S. *Panay*, there was no excuse for attacking without properly identifying the target, especially as it was well known that neutral vessels were present in the Yangtze River.

4. That it was utterly inconceivable that the six light bombing planes coming within about six hundred feet of the ships and attacking for over a period of twenty minutes could not be aware of the identity of the ships they were attacking.

5. That the Japanese are solely and wholly responsible for all losses which have occurred as the result of this attack.

6. That the death of C. L. Ensminger, stk first and E. W. G. Hulsebus, coxswain occurred in line of duty and were not the result of their own misconduct.

7. That the injured and wounded members of the crew of the U. S. S. *Panay* received their wounds and injuries in the line of duty and were not the result of their own misconduct.

8. In considering the case as a whole and attending incidents that the court is of the opinion that no offenses have been committed nor blame incurred by any member of the naval service involved. 1735.

394.115 Panay/91: Telegram

*The Ambassador in Japan (Grew) to the Secretary of State*

Tokyo, December 23, 1937—11 p. m.

[Received December 23—1 p. m.]

676. Embassy’s 668, December 22, 11 a. m.23 The conference at the Embassy this evening lasted nearly three hours and consisted in a general statement by the Vice Minister of the Navy followed by detailed reports of the Japanese naval and military officers sent to Nanking to investigate the circumstances attendant upon the sinking of the *Panay*. The main effort of these officers was clearly to lay before me the evidence to prove their contention that the bombing and subsequent machine-gunning of the *Panay* and other American ships and survivors were mistakes and unintentional. The discrepancies between

---

23 Not printed.
the factual reports of these officers and the information from American sources now before us do not appear to us to be great. A series of misunderstandings and consequent errors are freely admitted, while a detailed account was given of the circumstances which created the misunderstandings. We were all impressed, including the counselor and naval and military attachés who were present at the conference, with the apparently genuine desire and efforts of both Army and Navy to get at the undistorted facts.

Nevertheless the evidence offered still leaves undetermined whether the bombing of the Panay was done with deliberate disregard of consequences or was the result of negligence of some responsible person. The latter at least seems to be admitted as evidenced by the statements today of the Vice Minister of the Navy and the recall of Rear Admiral Mitsunami.

The Vice Minister said that the military forces had come into the trouble entirely as a result of the original naval mistake and that the Navy therefore accepted any blame which might be attached to Army units and desired to make complete amends including apology, indemnity and future guarantees against similar incident.

I closed the conference with a statement along the lines of paragraph 4 of Department’s telegram No. 368, clearly bringing out the pertinent points therein mentioned. I said that I was not yet in possession of the findings of the American naval court of inquiry nor of all of the evidence thereto presented but that I was in possession of some of the evidence and that while that evidence tallied in many respects with the Japanese reports it did not tally in all respects. I added that we are still awaiting a reply from the Japanese Government to our representations of December 14 and 17 because the Foreign Minister’s note of December 14 was not responsive to all of the points raised by my Government and I then laid stress with the utmost emphasis on the serious results which could flow from a repetition of the Panay incident or from any incident analogous to it.

Miss Arnold took full stenographic notes of the proceedings which will be forwarded by mail to the Department and by earliest means to the commander in chief in Shanghai when transcribed.

Repeated to Shanghai for the commander in chief.

Grew

24 December 22; not printed.
The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, December 24, 1937—8 p.m.  
[Received December 24—12:05 p.m.]

679. My 677, December 24, 4 [6?] p.m. Following is unofficial translation of Panay note handed to me by the Foreign Minister at 7 p.m. The Minister said that only résumé will be published in Japan but that the Japanese Government has no objection to the immediate publication of the full text in the United States. Comment follows in section 2.

“December 24, 1937.

Monsieur l’Ambassadeur: Regarding the unfortunate incident occurring on the Yangtze River about twenty-six miles above Nanking on the 12th instant, in which Japanese naval aircraft attacked by mistake the U. S. S. Panay and three merchant ships belonging to the Standard Oil Company of America, causing them to sink or burn with the result that there were caused casualties among those on board, I had the honor previously to send to Your Excellency my note dated the 14th of December. Almost simultaneously, however, I received Your Excellency’s note No. 838, which was sent by the direction of the Government of the United States, and which, after describing the circumstances prior to the occurrence of the incident, concludes that the acts of the Japanese forces in the attack were carried out in complete disregard of the rights of the United States, taking American life and destroying American property, both public and private; and which states that, ‘in these circumstances, the Government of the United States requests and expects of the Japanese Government a formally recorded expression of regret, and an undertaking to make complete and comprehensive indemnifications, and an assurance that definite and specific steps have been taken which will ensure that hereafter American nationals, interests, and property in China will not be subjected to attack by Japanese armed forces or unlawful interference by any Japanese authorities or forces whatsoever.’

As regards the circumstances surrounding the present unfortunate incident, I desire to state that while it is concluded in Your Excellency’s note that the incident resulted from disregard of American rights by Japanese armed forces, it was entirely due to a mistake, as has been described in my note above mentioned. As a result of the thorough investigations which have been continued since then in all possible ways to find out the real causes, it has now been fully established that the attack was entirely unintentional. I trust that this has been made quite clear to Your Excellency through the detailed explanations made to Your Excellency on the 23rd instant by our naval and military authorities.

With reference to the first two items of the requests mentioned in Your Excellency’s note, namely, a recorded expression of regret, and indemnifications, no word needs to be added to what I have said in my afore-mentioned note. As regards the guarantee for the future,

---

Note: The document is a historical telegram discussing the incident involving the U.S.S. Panay in China in 1937, and the subsequent diplomatic correspondence between the U.S. and Japan regarding the incident.
I wish to inform Your Excellency that the Japanese Navy issued without delay strict orders to ‘exercise the greatest caution in every area where warships and other vessels of America or any other third power are present, in order to avoid a recurrence of a similar mistake, even at the sacrifice of a strategic advantage in attacking the Chinese troops.’ Furthermore, rigid orders have been issued to the military, naval, and Foreign Office authorities to pay, in the light of the present untoward incident, greater attention than hitherto to observance of the instructions that have been repeatedly given against infringement of, or unwarranted interference with, the rights and interests of the United States and other third powers. And the Japanese Government are studying carefully every possible means of achieving more effectively the above-stated aims, while they have already taken steps to ascertain, in still closer contact with American authorities in China, the whereabouts of American interests and nationals, and to improve the means of communicating intelligence thereof speedily and effectively to the authorities on the spot.

Although the attack on the man-of-war and other vessels of the United States was due to a mistake as has been stated above, the commander of the flying force concerned was immediately removed from his post, and recalled, on the grounds of a failure to take the fullest measures of precaution. Moreover, the staff members of the fleet and the commander of the flying squadron and all others responsible have been duly dealt with according to law. The Japanese Government are thus endeavoring to preclude absolutely all possibility of the recurrence of incidents of a similar character. It needs hardly be emphasized that, of all the above-mentioned measures taken by the Japanese Government, the recall of the commander of the flying force has a significance of special importance. It is my fervent hope that the fact will be fully appreciated by the Government of the United States that this drastic step has been taken solely because of the sincere desire of the Japanese Government to safeguard the rights and interests of the United States and other third powers.

I avail, et cetera, signed Koki Hirota.”

In handing me the note the Minister said that the Government is taking every step to meet the desires of the American Government and that the strictest orders in this connection have been issued to the military and naval forces. He said that the recall of Admiral Mitsunami as the officer responsible for the incident was extremely severe punishment because it implies disgrace and the fact that he is no longer competent to command “on the field of battle.” The Minister furthermore gave me in strict confidence a list of eleven naval officers against whom measures have been taken in accordance with law.

I said to the Minister that I would send him the findings and report of the American Naval Court of Inquiry as soon as received. I expressed appreciation of the direct reports made to me by naval and military officers last night and repeated part of the remarks made to them in my final statement, especially with regard to the dangers of another incident analogous to that of the Panay. Hirota said rather sadly: “I am having a very difficult time. Things happen unexpect-
edly." He did not elaborate this remark. I gathered that it was his earnest hope that his present note would serve toward settling the incident. I said that I would cable the note immediately to my Government.

A responsible officer in the Foreign Office explained to us that the reference in the Japanese note to the punishment of high naval officers and to the precaution now being incorporated in military orders made it inexpedient to publish the note textually in Japan.

Grew

394.115 Panay/196: Telegram

The Secretary of State to the Ambassador in Japan (Grew)

WASHINGTON, December 25, 1937—3 p.m.

376. Your 679, December 24, 8 p.m. Please communicate immediately to the Minister for Foreign Affairs as under instruction from your Government a note as follows:

"The Government of the United States refers to its note of December 14, the Japanese Government's note of December 14 and the Japanese Government's note of December 24 in regard to the attack by Japanese armed forces upon the U. S. S. Panay and three American merchant ships.

In this Government's note of December 14 it was stated that "the Government of the United States requests and expects of the Japanese Government a formally recorded expression of regret, an undertaking to make complete and comprehensive indemnifications, and an assurance that definite and specific steps have been taken which will ensure that hereafter American nationals, interests and property in China will not be subjected to attack by Japanese armed forces or unlawful interference by any Japanese authorities or forces whatsoever."

In regard to the first two items of the request made by the Government of the United States, the Japanese Government's note of December 24 reaffirms statements made in the Japanese Government's note of December 14 which read 'the Japanese Government regret most profoundly that it (the present incident) has caused damages to the United States' man-of-war and ships and casualties among those on board, and desire to present hereby sincere apologies. The Japanese Government will make indemnifications for all the losses and will deal appropriately with those responsible for the incident.' In regard to the third item of the request made by the Government of the United States, the Japanese Government's note of December 24 recites certain definite and specific steps which the Japanese Government has taken to ensure, in words of that note, 'against infringement of, or unwarranted interference with, the rights and interests of the United States and other third powers' and states that 'The Japanese Government are thus endeavoring to preclude absolutely all possibility of the recurrence of incidents of a similar character'.

The Government of the United States observed with satisfaction the promptness with which the Japanese Government in its note of
December 14 admitted responsibility, expressed regret, and offered amends.

The Government of the United States regards the Japanese Government's account, as set forth in the Japanese Government's note of December 24, of action taken by it as responsive to the request made by the Government of the United States in this Government's note of December 14.

With regard to the facts of the origins, causes and circumstances of the incident, the Japanese Government indicates in its note of December 24 the conclusion at which the Japanese Government, as a result of its investigation, has arrived. With regard to these same matters, the Government of the United States relies on the report of findings of the Court of Inquiry of the United States Navy, a copy of which has been communicated officially to the Japanese Government.

It is the earnest hope of the Government of the United States that the steps which the Japanese Government has taken will prove effective toward preventing any further attacks upon or unlawful interference by Japanese authorities or forces with American nationals, interests or property in China."

Department is releasing text for publication in Sunday morning²⁷ papers which do not appear on the street before 9:30 p. m. tonight.

HULL

394.115 Panay/200 : Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, December 26, 1937—noon.
[Received December 26—10:35 a. m.]

683. Department's 376, December 26 [25], 3 p. m., Panay incident. Note delivered to the Minister for Foreign Affairs at noon today.

After I had read the note aloud, Hirota said to me: "I heartily thank your Government and you yourself for this decision. I am very, very happy. You have brought me a splendid Christmas present." The Minister added that the Japanese Government has taken and will continue to take all possible measures to prevent the recurrence of such an incident.

GREW

394.115 Panay/206 : Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, December 28, 1937—5 p. m.
[Received December 28—8:35 a. m.]

691. The Naval Attaché has just given me the following translations of a communication on the subject of the Panay incident addressed by the Navy Minister and the Chief of the General Staff

²⁷ December 26, 1937.
to Admiral Hasegawa, commander in chief of the Japanese Fleet in China, and of Admiral Hasegawa’s reply thereto.

From the Navy Minister and the Chief of the General Staff to Admiral Hasegawa:

It is most gratifying from the point of view of the friendly relations between the United States and Japan that the Panay incident has been amicably settled because of the appropriate measures taken by the Imperial Government and the headquarters at the front and of the calm attitude on the part of the American authorities.

In view of the fact however that the true settlement of the said incident lies in that whether or not the Imperial Government should abide by its guarantee to respect in the future the American lives, properties and interests and also that since it is a serious matter upon our ability or inability of fulfillment of which depend the dignity of the Imperial Navy and even the prestige of the Empire, Your Excellency is expected to further urge your subordinates to take thorough precautions for the prevention of a similar incident.”

From Admiral Hasegawa to the Navy Minister and the Chief of the General Staff:

“In receiving His Highness’ and His Excellency’s kind message informing us of the amicable settlement of the Panay incident, our trepidation is deepened for giving anxiety to His Majesty and aggravating the concern of the Government and the people with the incident caused by our blunder.

As for the Imperial Government’s guarantee to respect in future American lives, properties and interests, the officers and men of the Fleet are determined to engage in operations with greater caution so as not to repeat similar blunders.”

Repeated to Shanghai for the commander in chief.

GREW

394.115 Panay/282: Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, January 14, 1938—noon.

[Received January 14—5 a. m.]

27. Our 694, December 29, 10 a. m.27a Prince Tokugawa called on me this morning and said that the delay in dealing with the question of the disposal of the Panay sympathy donations has been occasioned by the absence from Tokyo of people which he wished to consult, notably Count Kabayama who is to return at the end of this week. Prince Tokugawa proposed to form a Japanese committee to deal with the fund and will endeavor to make specific arrangements for receiving the fund early next week and to make a public announcement at that time. He states that he himself fully understands the attitude of our Government but fears that some of the donors may resent the use of

27a Not printed.
their donations for purposes other than the specific purpose for which they were given. I pointed out that the public announcement should aim to make the situation as clear as possible and that if any of the donors then wished to withdraw their donations, this could still be done.

We have constantly endeavored to hasten the decision but in such matters the tendency in Japan is to move slowly and no efforts on our part could have brought earlier results. We now have some $5,000 in the fund but contributions have almost ceased. I hope very much to be able to arrange for the transfer of the money next week and shall keep the Department informed.

Repeated to Shanghai.

Grew

394.115 Panay/303: Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, January 21, 1938—7 p. m.
[Received January 21—11:20 a. m.]

46. Our 27, January 14, noon.

1. Prince Tokugawa's personal advisers, who have been considering for several weeks the question of his taking over the Panay sympathy contributions, met yesterday evening and after long discussion recommended to Tokugawa that he should not undertake to dispose of the funds under the conditions which the Department laid down in its 361, December 18, 6 p. m. Tokugawa, who had given me reason to believe that he was disposed to undertake the disposal of the fund, called on me this evening and said that he must accept the recommendations of his personal advisers, who are representative of the best and most substantive elements in the country.

2. Two of these advisers informed us last night after the meeting that their decision had been most reluctantly reached, as they did not wish to see Tokugawa, who is in the very forefront of those working for friendly relations with the United States, appear to be unwilling to promote a project the very purpose of which is to further such relations. Nevertheless they felt that the motives of the contributors and the spontaneity with which the contributions were made were matters of the utmost delicacy and that they deserved to be considered with the greatest circumspection. It is the general custom in this country for friends to give money when death has occurred and in cases of loss by fire or from natural calamities. I had occasion myself recently to subscribe to a fund to replace the home of a Japanese friend which was recently destroyed by fire. As indicated in my 645, December 16, 7 p. m., the customary method of expressing sympathy in this country is by making gifts of money. Tokugawa's advisers feel certain that if the money were to be taken over by him under the conditions laid down by the Department the contributors would strongly resent the diversion of the contributions from the object for
which they were made, namely, to help those who suffered from the
attack on the Panay. In these circumstances there are left but two
alternatives, as follows.

3. The first alternative, against which I strongly recommend, is for
me to return the contributions with the explanation that it is the view
of the American Government that American citizens should not benefit
from them. The fund, now amounting to something over yen 17,000
with additional substantial amounts in prospect of which I have just
heard, was made up not only of gifts from some of the leading people
in Japan but in large part of donations of trivial sums by children
and by persons in humble circumstances who would be unable to com-
prehend why gifts made in line with a universal Japanese custom
should be refused. Such refusal would seem to them a grave offense
and would not fail to be interpreted as indicating intention on the part
of our Government to deny the Japanese people at large an oppor-
tunity to make atonement by giving expression to their sympathy
toward the Panay victims. I would have to obey instructions to
return the contributions with the utmost regret and misgivings.

4. The second alternative is that there be simultaneously a nominal
acceptance of the fund by the Panay survivors and a contribution by
the survivors in their turn of the fund to some deserving project in
Japan. Under this procedure I would inform each of the contribu-
tors that the survivors are appreciative of the good will and sympathy
which animated the donors and that the survivors after acceptance
have authorized me to apply the fund to some purpose in Japan which
would promote friendly relations between the two countries. Such
contribution would be in the Japanese view a "return present" which
also is customary and would therefore be eminently proper in the
Japanese scheme of things.

5. The Department will probably have difficulty in appreciating the
importance of these hairsbreadth distinctions and may view this matter
with impatience, but I hope that the Department will understand that
when a number of intelligent Japanese have spent a month in study
it means that questions of form are of extraordinary importance to
these people. The course I have recommended cannot be followed
without modification of the Department’s position but I agree with
Tokugawa’s advisers when they state that this matter is capable of
doing “serious harm unless the American Government can see its way
clear to compromise.” I realize that the Department has already con-
siderately accepted one compromise. A second compromise seems to
me in every way desirable.

6. Should insurmountable legal difficulties stand in the way, would
the Department be disposed to recommend Congressional action?

Repeated to Shanghai.

Grew
The Secretary of State to the Ambassador in Japan (Grew)

WASHINGTON, January 23, 1938—4 p. m.

23. Your 46, January 21, 7 p. m. The Department appreciates the concern of the Embassy over reaching a solution of this matter which will not wound Japanese susceptibilities and is itself giving sympathetic consideration to the problem, but finds itself confronted with serious difficulty in reaching a decision owing to the lack of clear indication as to what was in the minds of the donors. There is no explicit indication whether the donations have been intended for beneficiaries of those killed as well as for survivors, whether civilians are to be included as well as Government personnel and whether the donations are to be apportioned equally among all or in amounts proportionate to individual injuries and losses sustained. It is apparent that in the absence of such indication, any disposition or allocation which might be made by this Government of the donations might be open to criticism or objection on the part of dissatisfied individual potential beneficiaries.

The Department realizes that in the circumstances the Embassy may not be able on the basis of such indications as it may have had from the contributors to clarify the foregoing points. It occurs to the Department, however, that you may wish to approach Prince Tokugawa again for suggestions in regard to these difficulties or perhaps for a statement either by himself or some other outstanding personality which you and we could regard as interpreting the spirit of the donors collectively in regard to the allocation of the funds. The Department will await your further report on this matter before reaching any decision.

Hull

The Ambassador in Japan (Grew) to the Secretary of State

TOKYO, February 9, 1938—7 p. m.
[Received February 9—9:03 a. m.]

91. Department's 44, February 7, 5 p. m.²⁷b

1. Prince Tokugawa has been engaged during the past three weeks in organizing a committee to represent the donors as widely as possible. This committee met yesterday evening and adopted a resolution in translation as follows:

"Resolved: That the contributions were made for the purpose of manifesting the sympathy of the Japanese people toward those persons who were wounded and the families of those persons who were

²⁷b Not printed.
killed on board the United States gunboat Panay and the three American steamships on December 12, 1937, during the Japanese military operations on the Yangtze River directed at [the enemy?], and in consequence of attacks mistakenly made by the Japanese forces; and that the disposal of such contributions in keeping with the original purposes for which they were made shall be left entirely to the discretion of His Excellency, the American Ambassador, Mr. Grew."

2. I hope that the Department will shortly be in a position to authorize me to proceed along the lines described in paragraph 4 of my 46, January 21, 7 p.m.

Repeated to Shanghai.

Grew

394.115 Panay/356: Telegram

The Secretary of State to the Ambassador in Japan (Grew)

WASHINGTON, February 12, 1938—3 p.m.

57. Your 91, February 9, 7 p.m. In the light of the opinion of the Department, in which the Navy Department concurred, that neither the American Government nor any agency of it nor any of its nationals should receive sums of money proffered by Japanese private donors in connection with the Panay disaster or take direct benefit therefrom, and of the authority which the resolution quoted by you confers upon you regarding the disposal of such contributions, the Department desires that you proceed along the lines indicated in paragraph 4 of your 46, January 21, 7 p.m., if in your judgment such a course will best dispose of the matter and be satisfactory to the Japanese donors.

Hull

394.115 Panay/380: Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, February 28, 1938—4 p.m.

[Received February 28—7:15 a.m.]

139. Department's 57, February 12, 3 p.m., reference Panay contributions.

1. Count Kabayama who was requested by me to present suggestions as to possible ways in which the money might be used has been consulting other interested Japanese. He has now presented to me various suggestions among which are:

(a) Endowment of beds in a charity hospital.
(b) Endow a scholarship for Japanese graduates of the American school in Tokyo who continue their studies in the United States.
(c) Give to the English-speaking Society of Japan for ordinary expenses.
(d) Found a Townsend Harris memorial museum.
(e) Endow a special section in some existing library in Japan to make available American publications, particularly American Government publications.

2. Although each of these suggestions has merit, I am not entirely satisfied that any or all of them provide means for the use of the money to the best possible advantage. Furthermore in the past a number of deserving projects coming within the field of American-Japanese relations could not be either carried out or continued because of lack of funds. For example, funds for essential repairs to the temple at Shimoda where Townsend Harris stayed were collected some years ago only with the greatest difficulty and further repairs are now necessary; the grave in a temple graveyard of Heusken, Harris’ secretary, has fallen into disrepair but no funds are available; and money is required for the upkeep of graves of American naval sailors buried in various parts of the country. The Panay contributions (especially if increased to 100,000 yen which Kabayama suggested his friends might be prepared to do in certain circumstances) might supply a small but extremely useful income to meet constant or unforeseeable needs.

3. The Japanese contributors have entrusted to me the disposal of the money and I am aware that responsibility in this regard is on me. Nevertheless I would appreciate having the Department’s advice on the following plan:

(a) The contributions to be held in perpetuity under a trust in Japan to be known as the America-Japan Trust.
(b) The trustees to be the American Ambassador, the Japanese President of the America-Japan Society, and one other American to be nominated by the other trustees.
(c) The income of the fund to be expended in accordance with the principles laid down in the Department’s 361, December 18, 6 p.m.

4. The contemplated trust would be in effect a miniature pilgrim’s trust which has been operated in Great Britain with signal success.

5. I have not discussed with officers of the America-Japan Society the possible establishment of a trust fund but I believe that they would be entirely receptive.

6. The fund now in my handling is deposited in a special account with the National City Bank in Tokyo and amounts to yen 37,099.95.

Grew

394.115 Panay/333: Telegram

The Secretary of State to the Ambassador in Japan (Grew)

WASHINGTON, March 2, 1938—4 p.m.

73. Your 139, February 28, 4 p.m. The Department perceives no objection to the plan set forth in your numbered paragraph 3, it being
assumed that in your judgment that plan will best dispose of the matter and be satisfactory to the Japanese donors.

It occurs to the Department to suggest, however, that the proposed American Japan Trust be so constituted as to have a wider scope than to serve exclusively as a repository for the Panay contributions. That is to say, it might be advantageous if these contributions, even though they do in fact compose the nucleus of the Trust, could be merged and gradually lose their identity in a fund which might receive accretions from time to time from sources unconnected with the Panay case. In this way, your responsibility under the resolution of the donors would be more definitely terminated by the transfer by you of the Panay contributions to the Trust, and at the same time the fund would tend gradually to become dissociated from the Panay episode.

You should of course be careful to avoid giving any encouragement to the suggestion for an increase in the Panay contributions.

HULL

394.115 Panay/399a: Telegram

The Secretary of State to the Ambassador in Japan (Grew)

WASHINGTON, March 19, 1938—4 p. m.

99. Please communicate following note to the Minister for Foreign Affairs:

"Reference is made to the exchanges of communications between my Government and the Government of Japan regarding the attack upon the U. S. S. Panay and American merchant vessels on December 12, 1937, by Japanese armed forces, and to the assurances contained in your Government's note dated December 14, 1937, and reaffirmed in its note of December 24, 1937, that the Japanese Government would make 'indemnifications for all the losses' sustained.

I am instructed by my Government to state that it finds (1) that the amount of the property losses sustained is $1,945,670.01, and (2) that the amount of the indemnification which should be paid in the death and personal injury cases is $268,337.35. Therefore the total amount which my Government is prepared to accept is $2,214,007.36.

These figures have been arrived at after careful consideration and represent only the actual property losses and a conservative estimate of the damages resulting from deaths and personal injuries. The amount includes no item of punitive damages." 28

HULL

28 Text of note dated March 21, 1938, delivered by the Ambassador in Japan on March 22, 1938.
394.115 Panay/403: Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, March 22, 1938—6 p.m.
[Received March 22—10:55 a.m.]

194. Department’s 81, March 9, 11 a.m., and our 171, March 14, 4 p.m.29 The Naval Attaché has presented to me the following memorandum:

“At a conference this morning the senior aide to the Navy Minister stated: (1) The report that ‘the Navy Minister had exonerated the naval officers connected with the Panay bombing, blaming poor communications therefor’ was untrue; (2) the Japanese Navy traditionally holds the highest ranking officers fully responsible for their units and the commander of the naval air forces, Rear Admiral Mitsunami, was immediately recalled and he and another unit commander have been given appropriate punishment. For reasons of morale and discipline the nature of this cannot be disclosed; (3) when asked if the pilots or Captain Senda (the director of air operations) were punished, Captain Kondo replied that all responsible parties had been appropriately punished but this could not be disclosed for the above reason; (4) when asked if any of those responsible parties had benefited by the Imperial amnesty on Constitution Day, the reply was ‘no’."

Repeated to Shanghai for Hankow and for the commander in chief. Grew

394.115 Panay/420: Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, April 4, 1938—4 p.m.
[Received April 4—6:11 a.m.]

227. My 191, March 22, 1 p.m.29a We received today from the Foreign Office a communication dated April 1 in the form of an unofficial letter from Yoshizawa to Dooman,30 asking for an itemized statement of the Panay incident indemnification claim. A translation of the letter follows:

“My dear Mr. Dooman: With reference to note number 898, dated March 21st, by which the American Ambassador at Tokyo requested indemnification for American property losses and for the death of and injury to American citizens caused by the attack on December 12th by Japanese naval airplanes on the American warship Panay and on American merchant vessels, the various departments concerned of the Japanese Government have expressed a desire for an itemized statement, which is required for purposes of accounting, covering the amount requested as indemnification.

29 Neither printed.
29a Not printed.
30 Eugene H. Dooman, Counselor of Embassy in Japan.
I would, therefore, be grateful if you would be good enough urgently to furnish me with the information requested. Sincerely yours, Seijiro Yoshizawa."

Please instruct.

394.115 Panay/423: Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, April 5, 1938—noon.
[Received April 5—2:34 a.m.]

229. Our 227, April 4, 4 p.m.
1. This morning Yoshizawa gave us orally an explanation of the circumstances of the sending of his letter quoted in our telegram under reference: (a) Upon receipt of the Panay incident claim a committee composed of representatives of various government departments was established to take action on the claim. Owing to constant attendance of these representatives at the sessions of the Diet, the committee did not meet until last week. (b) The committee agreed that the claim would be paid "without haggling or quibbling." (c) The representative of the Ministry of Finance however took the position that for purposes of accounting an itemized statement would be necessary.

2. Yoshizawa said that the question was raised in the committee whether the statement in our note of March 21st to the effect that the claim presented did not include any "punitive claim" indicates that the American Government intends hereafter to present a punitive claim, and that he expressed the opinion that the American Government has no such intention. He inquired of us whether we could confirm this opinion.

394.115 Panay/423: Telegram

The Secretary of State to the Ambassador in Japan (Grew)

Washington, April 7, 1938—6 p.m.

123. Your 227, April 4, 4 p.m., and 229, April 5, noon. Dooman may reply to Yoshizawa in the form of an unofficial letter as follows:

"The total amount of $2,214,007.36 which my Government is prepared to accept as indemnification for losses and damages resulting from the incident of December 12, 1937, is itemized as follows (in U. S. dollars):

A. Property losses:
   I. Navy Department: Loss of Panay $455,727.87; Loss of ship's equipage, supplies, etc. $97,766.48; Effects of personnel $40,263.00. Total $593,757.35.
II. Post Office Department: Stamps, funds, and supplies $74,274.
III. Department of State: Effects of Embassy personnel $6,400.80.
IV. Standard-Vacuum Oil Company: Cost of replacement of 5 vessels (Mei Ping, Mei Hsiu, Mei An, Mei Foo IX, Bulk Junk 163); damage to 2 others (Mei Foo XI, and Lighter No. 206); loss sustained by reason of deprivation of use of vessels until new vessels can be placed in operation; office furniture, cargo, bunkers and ship's stores, cash; less depreciation on first 5 vessels named, in the amount of $229,703.00; $1,251,006.00. Other personal property on board vessels, $36,934.00. Total, $1,287,942.00.
V. Personal property of 13 American nationals not members of the Navy, Embassy, or Standard-Vacuum Oil personnel, $57,495.59.

Total of all property losses $1,945,670.01.

B. Death and personal injury indemnifications:

For death of two members of crew of Panay and Captain of Mei Ping, and injury to 74 people on board the Panay or other vessels $239,887.98, and for hospitalization and loss of services during sick status, etc., $28,449.37.

Total for deaths and personal injuries, $268,337.35.

With regard to the items of personal property, there happens to have been on the several vessels a larger amount of personal property than usual, because of the fact that at the time of this incident a number of the persons affected were withdrawing from Nanking under circumstances of evacuation. The figures as presented constitute as accurate a computation of the damages sustained as it is reasonably possible to make. As stated in the Embassy's communication of March 21, my Government has not included punitive damages. Furthermore, my Government does not intend to ask for any punitive damages.9]

[Paraphrase.] Upon presentation of the letter by Doorman, should the Japanese authorities ask for a more detailed itemization, he may state orally that the United States Government will have no objection to giving the Japanese Government a full statement ultimately of the disbursements when settlement shall have been made by this Government individually with the various claimants. [End paraphrase.]

Hull

394.115 Panay/438: Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, April 20, 1938—noon.
[Received April 20—7 a. m.]

237. Department's 126, April 9, 1 p. m.31

1. An announcement with regard to the proposed America-Japan

31 Not printed.
trust released by me yesterday to the press was promptly and favorably dealt with this morning by all the vernacular papers, which refer to this disposition of the Panay contributions in such terms as "splendid undertaking", "enlightened project", "spur to friendly relations".

2. The Foreign Office last night issued to the vernacular press the following statement:

"The Foreign Office had no previous knowledge to this happy plan but it thoroughly approves of it and will spare no effort to support it. The sympathy of the Japanese people over the Panay incident has been admirably converted to practical use. It now remains for the Japanese people to make the America-Japan trust as large as possible."

3. A substantially similar oral statement was conveyed by the Foreign Office to me this morning.

4. Our press release stated that the contributions which have gone into the fund have no relation to the payment officially undertaken by the Japanese Government for American losses at the time of the sinking of the Panay.

Grew

394.115 Panay/441 : Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, April 22, 1938—5 p. m.
[Received April 22—5:37 a. m.]

264. My 262, April 22, noon.\(^2\) Panay check for $2,214,007.36, payable to the order of the Secretary of State of the United States of America, received at 5 p. m. today.

Grew

\(^2\) Not printed.
1938

793.94/11940: Telegram

The Secretary of State to the Ambassador in China (Johnson) at Hankow

WASHINGTON, January 7, 1938—7 p. m.

7. Department’s 4, January 4, 3 p. m., in reply to Shanghai’s 3, January 2, noon.\textsuperscript{23}

Supplement: It is highly important that, in responding to requests from Japanese or Chinese authorities for information of the character under reference \textsuperscript{24} with such information, there be communicated expressly the specification that, in giving such information, the American Government or its agent does so only for the purpose of contributing toward the safeguarding of American life and property; and that this Government’s general position in regard to the hostilities and its reservation of rights in regard to destruction of American life or property which may arise from the hostilities will in no way be altered or modified by the fact of its having given or not having given such information regarding the location of American nationals, property, institutions, etc.

Hull

393.115/109: Telegram

The Ambassador in Japan (Grew) to the Secretary of State

TOKYO, January 10, 1938—1 p. m.
[Received January 10—7:15 a. m.]

16. The following telegram has been sent to the Consul General at Shanghai.

"January 10, 10 a. m. Your 43, January 8, 5 p. m., regarding reports of looting of American property by Japanese troops at Soochow and Hangchow.

1. I made informal representations to the Minister for Foreign Affairs this morning and told him that while I was not yet in possession of detailed reports I thought he would wish to know of these general reports immediately so that prompt action might be taken. Hirota said that he would at once bring the matter to the attention of the Japanese military authorities.

\textsuperscript{23} Neither printed.
\textsuperscript{24} i. e., information concerning the location of American property within or near the zone of present hostilities.

564
2. It seems to me very important that detailed affidavits covering these reports of looting should be obtained at the earliest possible moment and that copies should be conveyed both to the Japanese Consul General at Shanghai and to me.

3. Repeated to the Department.”

GREW

793.94/12345

The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Hirota)

No. 866

Tokyo, January 17, 1938.

EXCELLENCY: I have the honor, under instruction from my Government, to bring to Your Excellency’s attention reports and complaints from American residents that in the course of recent military operations at Nanking and Hangchow and other places, the Japanese armed forces have repeatedly entered American property illegally and removed goods and employees and committed other acts of depredation against American property, which has almost invariably been marked by American flags and by notices in English, Chinese, and Japanese issued by the American authorities and setting forth the American character of the property concerned. According to these reports, not only have Japanese soldiers manifested a complete disregard for these notices but they have also in numerous instances torn down, burned, and otherwise mutilated American flags. I am directed to impress upon Your Excellency the seriousness with which my Government regards such acts and to convey its most emphatic protest against them. My Government finds it impossible to reconcile the flagrant disregard of American rights shown by Japanese troops as described with the assurances contained in Your Excellency’s note of December 24, 1937,56 that “rigid orders have been issued to the military, naval and foreign office authorities to pay ... greater attention than hitherto to observance of the instructions that have been repeatedly given against infringement of or unwarranted interference with the rights and interests of the United States and other third Powers”.

In view of the fact that a number of these acts are reported as having occurred subsequent to the receipt of the aforementioned assurances of the Imperial Japanese Government, and inasmuch as this disregard of American rights is reported as still continuing, the American Government is constrained to observe that the steps which the Imperial Japanese Government have so far taken seem inadequate to ensure that hereafter American nationals, interests and property in China shall not be subjected to attack by Japanese armed forces or unlawful interference by any Japanese authorities or forces.

whatsoever. My Government must, therefore, request that the Imperial Japanese Government reenforce the instructions which have already been issued in such a way as will serve effectively to prevent the repetition of the outrages.

I avail myself [etc.]

JOSEPH C. GREW

393.115/119: Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, January 17, 1938—1 p. m.
[Received January 17—8:30 a.m.]

34. Department’s 16, January 15, 3 p. m.35a looting of American property in China by Japanese troops.

After reading and presenting our notes to the Minister for Foreign Affairs this morning I said to Hirota that in the interests of a clear understanding of the situation I desired to make some supplementary observations. Incoming American newspapers and periodicals have shown beyond doubt that the entire American nation has been profoundly stirred by the Panay incident.36 Fortunately, owing to the good sense of both of our Governments, the incident was prevented by our exchange of notes from leading to more serious developments. Nevertheless, I felt that the Minister ought to realize that the requests and expectations set forth in our note of December 14 were no idle gestures and that they meant precisely what they said. I therefore could not feel sure the Panay incident could be regarded as liquidated if the Japanese authorities failed to carry out effectively and in good faith the assurances given in the Japanese note of December 24. There had already occurred numerous unlawful interference[s] by Japanese forces with American nationals, interests and property in China since those assurances were given and I felt that this looting of American property was an especially serious aggression. If these various acts of interference and aggression should continue—and it was quite certain that they would find their way into the American press—I greatly feared that the American people would begin to question the trustworthiness of the assurances which had been given us as a direct result of the Panay incident and that public opinion in the United States would become increasingly exacerbated. Facts count more than statements. I therefore desired emphatically to impress upon the Minister the real dangers inherent in these repeated acts of interference and aggression. I reminded the Minister of the furor which had been created in Japanese military circles and in the Japanese press when a Japanese flag had been subjected to disrespect in the streets of Shang-

35a Not printed.
36 See pp. 517 ff.
hai. The Japanese authorities were consequently in a favorable position to appreciate the feelings of the American Government and people arising out of the reports that American flags in Nanking, Hangchow and other places had been torn down, burned and otherwise mutilated. I spoke of the emotional devotion which our flag inspired among our people. The seriousness of such incidents was self evident.

In conclusion I once again appealed to the Minister gravely and with the utmost emphasis to take further steps which would effectively implement the assurances of the Japanese Government and would obviate the dangers to the relations between our country [countries] which must inevitably and progressively increase if the various acts of interference with American interests in China should continue. I told him in the strongest terms at my command that I was seriously worried at the outlook.

The Minister said that he could not at all understand how these undisciplined acts by Japanese troops could have occurred because the strongest possible orders had gone out to both Army and Navy to avoid acts or measures which might interfere with Japan’s good relations with the United States. He tried to pin me down as to the precise dates and I left him in no doubt that these acts had occurred subsequent to the Japanese assurances and are still continuing. He authorized me to tell you in reply to my insistence that he would bring my representations to the “highest quarter”.

I have thought it best to leave to the Department any announcements to the American press that these representations have been made.

Repeated to Peiping for Johnson.

Grew

393.115/125 : Telegram
The Third Secretary of Embassy in China (Allison) to the Secretary of State

Nanking, January 18, 1938—4 p. m.
[Received 5:11 p. m.]

27. Between noon of January 15 and noon today there have been reported to this Embassy 15 cases of irregular entry of American property by Japanese soldiers. In addition to property of American citizens and organizations which was removed during these irregular entries, 10 Chinese women refugees residing at the properties concerned were forcibly taken away. The most recent and most flagrant case took place this morning when Japanese soldiers with two trucks entered a compound belonging to the United Christian Mission and took away a piano and other property. In removing it they broke down a large section of the wall surrounding the compound. An
American member of the mission states he saw the wall this morning and it was intact. I saw the wall personally at 1:45 p.m. after it had been torn down and can testify that it was within the previous three hours, for, while early this morning it rained, the fragments of the wall on the ground were perfectly dry. I have repeatedly called the attention of the Japanese Embassy to such matters which continue to be of daily occurrence but I am forced to the conclusion that the Japanese Embassy is powerless to stop these depredations and that the Japanese Army is either unwilling or unable to afford adequate protection to American property. There has been no appreciable change in the situation since January 15, upon which date, according to Tokyo's January 15, 5 p.m., to Shanghai, the Japanese War Department instructed the military authorities in Nanking to refrain from the irregular entry of American property.

Repeated to Embassy, Hankow, and Shanghai. Shanghai please repeat to Tokyo.

ALLISON

793.94/12345

Memorandum by the Counselor of the American Embassy in Japan (Dooman) of a Conversation With the Director of the American Bureau of the Japanese Ministry for Foreign Affairs (Yoshizawa)

[TOKYO], January 19, 1938.

I told Mr. Yoshizawa that I had come under the Ambassador's instructions to supplement and enforce the statements which the Ambassador made to the Minister for Foreign Affairs on January 17, when presenting his note on the subject of desecration of the American flag by Japanese soldiers, illegal entry into American property, abuse of Chinese civilians, etc. There had just come in from Nanking a telegram (No. 27, January 18, 4 p.m.), which I requested Mr. Yoshizawa first to read. When he had completed reading the telegram, I said to Mr. Yoshizawa that the Ambassador was genuinely alarmed over the consequences of the actions of the Japanese forces in the field. It was our desire and intention to discuss on their legal and logical merits those questions in which were involved injury to American commercial and economic interests, but where there were involved deliberate offenses to the American flag and violations of the elementary rules of human conduct there existed no basis whatever for discussion. I was, therefore, instructed to say that we expected that, as previous instructions sent from Tokyo had been ineffective, the Japanese Government would take at once the most drastic action to restore and thereafter to maintain conditions which would not create issues of the gravest character.

Mr. Yoshizawa said that he had seen the Foreign Minister soon after his conversation on January 17 with the Ambassador; that Mr.
Hirota had repeated to him the statements made by the Ambassador; and that he had directed Mr. Yoshizawa to translate our note in order that it might be laid before the Cabinet at its next meeting (which was held yesterday). The note had been discussed at the Cabinet meeting, and there was under consideration a plan which, it was thought, would ensure the forces in China complying with orders from Tokyo. I remarked that this plan would seem to indicate that the Japanese Government is satisfied that its orders are not being obeyed. Mr. Yoshizawa ignored my remark and went on to say that he believed that he would be in a position tomorrow to inform me of the plan under consideration.

Mr. Yoshizawa, at my suggestion, took notes of the salient features of Nanking’s telegram above-mentioned, and he said that he would get into touch with the War Office at once. It was then about 6:30 p.m., and he fortunately had an appointment with the Minister for Foreign Affairs, when he would not fail to report to Mr. Hirota the purport of the statement which I had been instructed to make.

EUGENE H. DOOMAN

793.94/12207: Telegram

The Consul General at Shanghai (Gauss) to the Secretary of State

SHANGHAI, January 25, 1938—3 p.m.
[Received 9:06 p.m.]

135. Ambassador’s January 21, 5 p.m., to the Consulate General:
Tokyo’s 39, January 19, noon concerning actions of Japanese troops.
With reference to behavior of Japanese troops in immediate vicinity of Shanghai and such cities as Soochow and Hangchow, the following information is offered based on written reports on file here and oral statements made by American missionaries:

1. Shanghai and environs: As result of heavy and protracted hostilities in immediate vicinity of Shanghai almost the entire Chinese population of these areas fled, some seeking refuge in the interior and others fleeing to the International Settlement and French Concession. In consequence the Japanese found the areas around Shanghai practically uninhabited with the exception of Pootung and Nantao. With reference to Pootung few if any foreigners have penetrated in the hinterland and no reports have been received from foreign sources regarding the behavior of Japanese troops in that area. Chinese reports, some of which are undoubtedly credible, indicate that there has been some killing of Chinese civilians, raping of women, and looting and burning of private property. With reference to Nantao, American doctors and missionaries report a number of cases of rape, the shooting of approximately 80 Chinese civilians, and the burning and looting of much Chinese private property shortly after the Jap-

---

36a Not printed.
anese occupied that area. Conditions in Nantao are slowly improving but cases of rape are still reported from time to time.

2. Hangchow: Reports from American missionaries at Hangchow indicate that between December 24 and January 5 there was much raping of women and looting and destruction of Chinese private property by Japanese troops and that in a number of instances women who had taken refuge in American and other foreign mission property were dragged away and raped by Japanese soldiers. A considerable force of Japanese military police is now functioning in the city and conditions are reported to have improved.

3. Soochow: Detailed reports just received from American missionaries who remained to care for refugees at Kwangfuh, some ten miles southwest of Soochow, and who visited Soochow several times between November 21 and December 21 indicated that Japanese troops indulged in an appalling orgy of raping and looting. One report states that: “In our visits to the different mission compounds of Soochow, it was necessary for us to pass through the most important business and residential sections of the city. Every shop, bank, and residence that came under our review had been broken into and uniformed Japanese soldiers were seen going in and coming out of these buildings, coming out loaded down with bales of silk, eiderdown quilts, pillows, clothing, etcetera. That this looting was not something done for the sole benefit of the individual soldiers who were doing the work but for the benefit of the Japanese Army and with the knowledge and consent of the officers, is proved by the fact that we saw some of this loot being loaded on Army trucks. We saw one big truck standing in front of the military headquarters loaded to the top with fine blackwood Chinese furniture. All this robbing by Japanese in Soochow was terrible, but the worst remains to be told . . . the violation of Chinese women of all classes by the Nipponese marauders. The number of victims was great.” Similar depredations undoubtedly occurred in many other cities and towns but authenticated reports are not likely to be received until the missionaries are allowed to return to their stations.

Sent to Hankow, repeated to Tokyo.

GAUSS

Press Release Issued by the Department of State on January 28, 1938

Before the Japanese military forces took the city of Nanking, all American nationals who could be induced to do so, including the staff of the American Embassy, withdrew from that city.

Eighteen American nationals, most of them missionaries, doctors, nurses, or teachers, elected to remain there.

The American Embassy premises were left in charge of Chinese custodians and watchmen and were appropriately posted with notices and identifications showing that they were American official premises. Other American properties in the City were similarly equipped with appropriate identifications of their American ownership or interest.

The Japanese military forces occupied the city on December 13, 1937.

Thereafter, on December 28, the hostilities at that point having been terminated, Mr. John M. Allison, Third Secretary of Embassy, was sent officially to Nanking to reopen the Embassy and survey the condition and circumstances of American nationals and American property in that city as well as to perform the usual services of the Embassy in safeguarding rights and interests of American nationals. Mr. Allison has been busily engaged in the faithful carrying out of his mission; he has been in close contact with those American nationals who remained in Nanking; he has made records of and reports on the condition of the Embassy, the property of Embassy personnel, the circumstances in which American nationals are living, and the condition of American properties. There have been reported to him and reported to the Department by him a considerable number of cases of disregard of American rights and interests, including, among other things, destruction of American property, and invasion of American premises. He has, among other appropriate activities, been making efforts to obtain, verify, and report the facts in regard to these matters.

Although Mr. Allison has been working under difficulties (his staff consisting of but one other officer and one clerk, in a very large city where the conditions are those of recent extreme violence), and although he has encountered many obstacles to the successful carrying on of investigations which it is his function to make, there has at no time been in any of the many reports which the Department has been receiving from China any indication that Mr. Allison has at any time been lacking in judgment or acted with indiscretion; it has received several reports indicating that he has had the confidence and the cooperation of his Japanese official associates.

Mr. Allison has lived in Japan and speaks Japanese.

Among other cases, Mr. Allison has been investigating a report that late on the night of January 24, 1938, armed Japanese soldiers forced their way into Nanking University, an American institution. This violation of American property was reported to him on the 25th, and after making a partial investigation Mr. Allison reported the matter to the Japanese Embassy, following which, on the afternoon of January 26, a Japanese consular policeman and Japanese
gendarmes went to Nanking University to investigate the matter and proceeded from there with a Chinese woman witness to a building occupied by Japanese soldiers, some of whom were alleged to have invaded the American property. Mr. Allison and Mr. Charles Riggs, an American citizen and a member of the faculty of Nanking University, accompanied the Japanese consular policeman and gendarmes in their investigation. The facts as reported to the Department of State by Mr. Allison under date of January 27 are set forth below:

“During the course of an investigation yesterday into the irregular entry of American property, Mr. Charles Riggs, an American citizen (and a member of the faculty of Nanking University, an American institution), and myself were slapped in the face by a Japanese soldier and Mr. Riggs was further attacked and had his collar torn.

“This incident was the culmination of a series of minor incidents which had marked the efforts of this office during the past few days to bring to an end the continued irregular entry of American property. During a general discussion of the matter the evening of January 25, Mr. Fukui of the Japanese Embassy had stated to me that I was placing too much confidence in the statements of American missionaries.

“It was reported to me on the 25th, at about 11 o’clock the previous evening armed Japanese soldiers had forced their way into the agricultural implement shop of Nanking University, an American institution, and after searching one of the Chinese on the premises, had taken a Chinese woman, who returned after 2 hours and reported she had been raped three times. On the afternoon of January 25, Mr. Riggs and Dr. M. S. Bates, an American professor, interviewed the woman who was able to identify the place to which she was taken. This proved to be a former residence of Catholic priests, now occupied by Japanese soldiers. The matter was reported to the Japanese Embassy and on the afternoon of January 26 a consular policeman and gendarmes in civilian clothes came to investigate the matter and went to the place from which the woman was taken, accompanied by Mr. Riggs and myself. After questioning the people there the Japanese took the woman and two Chinese to the building where the rape was alleged to have taken place. At that point a discussion was held as to whether or not Mr. Riggs and myself should accompany the woman into the building while she attempted to identify her assailants. Because of previous experience of intimidation of Chinese who had accused Japanese of wrongdoing, Mr. Riggs did not wish the woman to be left alone. The gendarmes said we had better not go into the building but did not definitely say we could not. One of them forcibly took the woman and walked with her through the open gate of the compound, whereupon he was followed by Mr. Riggs. I followed and just inside the gate we stopped to discuss the matter. While doing so a Japanese soldier dashed up angrily and shouted in English ‘back, back’ at the same time pushing me back toward the gate. I backed up slowly but before I had time to get out of the gate he slapped me across
the face and then turned and did the same to Mr. Riggs. The gendarmes with us tried feebly to stop the soldier, and one of them said in Japanese ‘these are Americans’ or words to that effect. We were then outside the gate on the street. As soon as the soldier heard we were Americans he became livid with rage, repeated the word ‘Americans’ and also attempted to attack Mr. Riggs who was nearest him. The gendarmes prevented him, but he succeeded in tearing the collar and some buttons off Mr. Riggs’ shirt. In the meantime the officer in command of the unit appeared and shouted at us in an offensive manner. At no time did either Mr. Riggs or myself touch a Japanese soldier nor did we speak to any except the gendarmes with us.”

Mr. Allison further reports that they then went to the Japanese Embassy

“where a full report was made to Mr. Fukui. Mr. Fukui’s attitude was that we should not have been in the soldier’s compound, even though at the time we were investigating the above-mentioned irregular entry of American property by Japanese soldiers, and that the soldier had told us to leave and was therefore seemingly within his rights in slapping us. I told Mr. Fukui there could be no excuse for the slapping and that I would expect a call from the military to explain the matter. He said he would report at once to the military authorities.”

Mr. Allison’s report concludes as follows:

“At 11 o’clock this morning, Major Hongo came to the Embassy and on behalf of the Commander of the Japanese forces expressed regret for the incident and offered apologies. He stated that a strict investigation was being made of the unit responsible and that while this unit’s departure from Nanking had been scheduled for today it was being kept here for several days to complete the investigation. I told Major Hongo I appreciated his call and that while I personally accepted his apology I could not say what view of the matter would be taken by my Government.”

Mr. Allison telegraphed the Department of State on January 28 as follows:

“I was astounded to hear over the radio this afternoon that according to the official Japanese version I had refused to leave the premises when the Japanese soldier challenged me and that I had insulted the Japanese military officer.

“As stated in my report of January 27 I was backing out of the compound when the assault took place and according to Mr. Riggs who was at one side in a position to see, I had actually been backed up against the gate and could not go further when the slapping occurred.

“With regard to the alleged insult, Major Hongo mentioned no such thing when he called to apologize yesterday morning. I inquired of Mr. Fukui this evening how I had insulted the Japanese military and he replied that it was my going into the quarters without permission. I assured him that I had no intention of insulting the military authorities and requested him so to inform them.”
The Department of State on the evening of January 28, 1938, instructed the American Embassy at Tokyo to make oral representations to the Japanese Foreign Office with reference to the incident involving the slapping by a Japanese soldier of Mr. John M. Allison, third secretary of the American Embassy at Nanking, on January 26.

The Department instructed the Embassy at Tokyo orally to communicate the substance of Mr. Allison's telegrams of January 27 and 28 to a high officer of the Japanese Foreign Office and that in so doing there be emphasized that in weighing the gravity of the incident this Government takes into account the fact that the whole incident, including the slapping by a Japanese soldier of a diplomatic representative of this Government, is not an isolated case, but represents but one of and cannot be dissociated from a series of cases of irregular entry of American property and disregard of American rights by Japanese soldiers. The Embassy was also to emphasize that in the light of all these continuing incidents and of the statement made by Mr. Fukui of the Japanese Embassy at Nanking that Mr. Allison was placing too much confidence in the statements of American missionaries, it was important that this Government's representative at Nanking ascertain the truth in regard to reports of the continued invasions of American property. It was suggested that the Embassy point out that Mr. Allison was investigating an unauthorized and unwarranted entry of American property; that, in company with a Japanese consular policeman and Japanese gendarmes, Mr. Allison proceeded to the American property in question; that the investigation led from the American property to property which was a former residence of Catholic priests but now occupied by Japanese soldiers; that the purpose in going to the last-mentioned property was to identify if possible the persons who had without warrant entered the American property in question; that Mr. Allison and Mr. Riggs, without encountering any sentry or guard, followed the Japanese gendarme[s] inside the open gate of the compound occupied by the Japanese soldiers; that as soon as a Japanese soldier indicated that they should withdraw, they began doing so; and that the soldier slapped Mr. Allison before Mr. Allison had time to get out of the gate and while Mr. Allison was in process of backing out of the compound.

The Foreign Office was to be informed that this Government expected to receive from the Foreign Office a suitable expression of regret and an assurance that the Japanese Government will take adequate measures to punish the offenders.

---

Ambassador Grew reported on January 29 that the Department's instructions were fully carried out in a long conversation which he held with the Vice Minister for Foreign Affairs on the evening of January 29. Ambassador Grew emphasized the importance of prompt compliance with the expectations of the American Government and said that he would remain at home all day Sunday, January 30, in the hope of receiving an immediate answer.

Ambassador Grew reported last night that the Vice Minister for Foreign Affairs asked him to come to his official residence at 10 o'clock the night of Sunday, January 30, and expressed to Mr. Grew in the name of the Japanese Government profound regret at the assault on Mr. Allison and gave assurances that after strict investigation the Japanese Government will take suitable and adequate measures to punish those concerned in this affair. The following is the Embassy's translation of the text of the Vice Minister's oral communication:

"1. Whatever the antecedent circumstances might have been the striking by a Japanese soldier of an American consular officer is a most regrettable occurrence. A Japanese staff officer has already expressed in the name of the commanding officer regrets and apologies over the incident, and although Mr. Allison has apparently accepted such regrets and apologies the Imperial Government for its part hereby expresses its profound regrets over the occurrence of this unfortunate incident.

"2. In view of the serious character of this incident the Imperial Government gives assurance that after strict investigation it will take suitable and adequate measures to punish those concerned in this affair.

"3. Whenever incidents of this character take place, discrepancies are likely to occur between the respective contentions of the persons involved, and in this instance there are substantial differences between Consul Allison's report, as described in the complaint of the American Government, and in the report received by the Japanese Government in respect of the circumstances leading up to the slapping of the American consul by the Japanese soldier. The determination of the actual facts must await a careful investigation which is now to be undertaken, and it is desired accordingly to report the carrying out of such investigations."

The third secretary of embassy, John M. Allison, has now reported to the Department of State that he was informed on the afternoon of January 30 by Major Hongo that after a preliminary investigation the commanding officer and 20 men of the unit concerned are being tried by court-martial. Major Hongo also stated that he realized there had been a misunderstanding with regard to Mr. Allison's having insulted the Japanese Army and that the matter had been explained to the higher military authorities.
Telegram

The Counselor of Embassy in China (Lockhart) to the Secretary of State

PEIPING, February 2, 1938—7 p. m.
[Received February 2—3: 42 p. m.]

81. Ambassador's circular, January 10, 11 a.m.

1. The following communication was received today from the local Japanese Embassy under date January 31.

"I have the honor to inform you that I am in receipt of a communication from the Chief of Staff of the Terauchi forces pertaining to the protection and respect of life and property of the nationals of the third powers as hereinafter mentioned:

(1) The request is made for the placement of the proper marks visible both from the ground and the air on all the establishments maintained by the nationals of third powers in order to assure their protection from bombing and gunning in the area extending generally from the lines connecting the cities of Tsingtao, Yenchow, Taming, Changte and Taiyuan (these cities proper are not included) southward to the Yangtze River.

It is further requested to communicate to the Japanese Embassy regarding the positions of such establishments bearing the marks and other necessary information, with an inclosure, if possible, of city or town maps containing specific designations.

(2) It is unofficially requested that proper steps will be taken for the encouragement of nationals of the third powers to evacuate from the areas of hostilities in order to avoid possible danger to their lives."

2. The Embassy has before it the Department's 299, October 5, 8 p. m., and supplementary instruction 302, October 6, 7 p. m., both contained in your January 5, 5 p. m., but is uncertain whether it should reply in the sense of those two telegrams or whether it should instruct the consulates concerned to supply such of the information as is available or can be obtained. In this connection see paragraph 2 of Shanghai's 3, January 2, noon. Your instructions are respectfully requested.

3. It is believed that the consulates concerned would find it impossible in many instances now to communicate with places within the zone indicated by the above-mentioned letter in which there may be American property.

4. It would appear that the request contained in paragraph number 2 of Morishima's letter has already been complied with.

Sent to the Ambassador.

---

See footnote 12, p. 500.
See footnote 13, p. 510.
Not printed.
Memorandum by the Ambassador in Japan (Grew)

[TOKYO,] February 4, 1938.

I called on the Minister for Foreign Affairs at his official residence at 9 o'clock this morning and presented a formal note concerning the looting of American property by Japanese forces in China, reviewing the reports of depredations, and containing the substance of the final paragraph of the Department's no. 33, February 2, 5 p.m.

Having received from the Department no comment on my supplementary oral representations made to the Minister for Foreign Affairs on January 17 (our 34, January 17, 1 p.m.) I assume that they were approved and I therefore took an equally strong attitude in my talk with the Minister today. I told him that the data which I was now presenting in our note effectually disproved the reports which had come to me from Japanese sources that we were depending upon Chinese informants for our information and I said that we were now giving certain precise dates on which looting had been observed by American citizens. I spoke of the steadily mounting evidence of Japanese depredations which was coming before the American public; that the inflammable effect of this evidence should not be overlooked or minimized and that the patience of the American people was not inextinguishable. I said to the Minister once again in strong terms that I was becoming increasingly disturbed at the situation and the future outlook for Japanese-American relations. I asked the Minister for a precise statement which I might convey to my Government in reply to its assumptions and expectations of assurances.

The Minister said that the strictest possible instructions had gone out from General Headquarters to be handed down to all commanding officers in China to the effect that these depredations must cease and that Major General Homma had been sent to Nanking to investigate and to ensure compliance. The Minister said that he confidently expects the immediate cessation of such looting. He furthermore authorized me to inform you that in the light of the investigations now being carried out full indemnification will be made for losses and damages inflicted.

With regard to reports of the desecration of the American flag the Minister said that the Japanese authorities had as yet been unable to confirm these reports.

J[OSEPH] C. G[REW]

3rd Infra.

* Not printed.
The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Hirota)

No. 872

Tokyo, February 4, 1938.

EXCELLENCY: I have the honor to refer to my note no. 866, of January 17, 1938, and, under instructions from my Government, to inform Your Excellency that numerous complaints are being received by the American Government of the utter disregard shown by Japanese armed forces in China for American property. Among such cases are:

Soochow: According to American missionaries who visited Soochow a number of times between November 21 and December 21, on November 24 they found that property of the Baptist Mission had been broken into and thoroughly looted, and they observed Japanese soldiers looting the ladies’ home and school buildings. On the same day these missionaries inspected the American Presbyterian Mission Hospital, saw one building burning, and found that the administration building had been looted. They inspected the Methodist Episcopal Mission Hospital, and found that the lower floor of the doctor’s residence had been looted, and saw Japanese soldiers engaged in looting the upper floor. On November 26 they inspected property of the American Church Mission in company with Japanese officers detailed by military headquarters, and they saw three Japanese soldiers on the premises engaged in looting. They inspected Soochow Academy property and found the principal’s and treasurer’s offices thoroughly looted, and all safes and filing cabinets broken open. They found also that one foreign residence had been thoroughly looted, and that the Church had been broken into and vestments looted or strewn about in great disorder. On December 1 they found Japanese soldiers in the treasurer’s office in the Yates Academy, trying to break open the safe. On visiting the office the following day they found that the safe had been broken open. They also saw soldiers loading loot from Baptist residences and school buildings.

According to Bishop Arthur J. Moore, in charge of the missions of the Methodist Episcopal Church, South, in China, who had visited Soochow, where the Mission has large holdings, including Soochow University and Laura Haygood School for Girls, all the buildings had been looted, four buildings had been bombed, and Japanese were occupying other buildings, using the new chapel of Laura Haygood School for Girls as a stable.

Hangchow: Reports from missionaries at Hangchow indicate that on December 26 Japanese soldiers entered three American residences, on which American flags were flying and on which American consular proclamations and notices issued by the Japanese military police had been posted, and stole money, jewelry, and other articles. On December 27 Japanese soldiers again entered the same residences and stole property.

In calling Your Excellency’s attention to these and other numerous depredations, I am instructed to say that my Government finds it
impossible to reconcile these lawless acts directed against American mission properties with the assurances repeatedly given by the Japanese Government that American rights and interests in China will be fully respected by the armed forces of the Japanese Government. It appears that these incidents have occurred with the knowledge, and some indeed in the presence, of Japanese officials, while others, such as the occupancy of mission properties by Japanese troops, were presumably by the express direction of military officers. Arbitrary entry and occupation, together with pilfering, looting, and wanton destruction of property, can in no sense be regarded as acts of a character to be expected from a properly controlled military organization. My Government assumes that the Japanese Government in no wise approves or condones such lawlessness, and expects assurances from the Japanese Government that it will take immediate and specific steps to put an end to the depredating of American properties and that it will make full and complete indemnification for all losses and damages inflicted.

I avail myself [etc.]

JOSEPH C. GREW

393.115/154: Telegram

The Secretary of State to the Ambassador in China (Johnson) at Hankow

WASHINGTON, February 4, 1938—8 p.m.

53. Your 77, February 3, 3 p. m., and Peiping’s 81, February 2, 7 p. m. Department requests that Peiping send a preliminary reply to the Japanese Embassy giving such information as is available in regard to the location of establishments maintained by American nationals within the area outlined in the Japanese Embassy’s note of January 31 and informing the Japanese Embassy that an effort is being made to obtain more detailed information which will be communicated in due course. Peiping may in its discretion point out that such information, insofar as the provinces of Kiangsu and Anhui are concerned, has already been supplied by the American Consul General at Shanghai to the Japanese naval authorities there (Shanghai’s 532, August 22, 11 a.m.).

Peiping should ask the consular offices concerned, including Tientsin, Tsingtao, Hankow and Shanghai, to prepare a list of American property located in the area outlined in the Japanese Embassy’s note of January 31. When this information has been received it should be made available to the Japanese Embassy.

Any communication to the Japanese Embassy containing information of the nature indicated should of course contain a safeguarding statement in the sense of the Department’s 7, January 7, 7 p.m.

40 Not printed.
In Peiping's communication to the Japanese Embassy appropriate mention might be made of the circumstances mentioned in numbered paragraph 3 of Peiping's telegram under reference.
Repeated to Peiping.

HULL

793.34/12620

The Japanese Minister for Foreign Affairs (Hirota) to the American Ambassador in Japan (Grew)

[Translation 4]

No. 17, American II

Tokyo, February 12, 1938.

Monsieur l'Ambassadeur: I have the honour to state to Your Excellency that careful perusal has been made of Your Excellency's Note No. 866, dated the 17th January, notifying the occurrence of various cases of the infringement of American interests by Japanese forces during their recent military operations in Nanking, Hangchow and other places.

The Japanese Government have steadfastly pursued their policy, as repeatedly declared on various occasions, of respecting as far as possible the rights and interests in China of the United States and other third Powers. In view of the unfortunate incident that occurred in December last, they again issued, as Your Excellency knows by my Note of the 24th December last, most strict orders to the Japanese authorities in China to devote their attention still more closely than before to the matter of those rights and interests. It is, therefore, with most profound regret that, despite these steps taken by them, the Japanese Government received the above-mentioned Note of Your Excellency's. Orders were immediately sent to the Japanese authorities on the spot to conduct thorough-going investigations, as a result of which the following circumstances have so far become clear.

In Nanking various cases have been found which are considered as having occurred on account of inadequate control in that city, due to the unavoidable insufficiency of force detailed to the duty of protecting the rights and interests of third Powers as well as to general police purposes, the insufficiency being caused by the frequent movements of the troops in the front lines, the shifting of units, and the work of clearing the city of the remnants of the defeated Chinese forces and of lawless Chinese elements.

The Japanese Government therefore once more despatched rigorous instructions on the 15th and the 20th of January with the object of making their above-mentioned orders thoroughly understood by all the authorities concerned, and in the meantime they and, in an especial

---

4 Notation on file copy: "'Unofficial translation' supplied by the Foreign Office."
degree the highest command of the fighting services, have with extraordinary concern been doing their utmost for a satisfactory settlement of the affairs in question, by causing the authorities on the spot to establish the facts in every case as clearly and promptly as possible, and then to deal appropriately with the responsible parties according to military law and to make restitution of damages. As there remain certain points requiring further investigation, the Foreign Office authorities and the Army authorities on the spot are now earnestly endeavouring to establish the facts of each case. As regards compensation for loss and damage, it is the intention of the Government to let such matters be settled as far as possible on the spot, and for this purpose they have been maintaining intimate contact with the American authorities there. I trust that Your Excellency is already aware of these matters.

With respect to Hangchow, the Japanese forces which occupied the city on the 22nd December last year, found their supplies from the rear temporarily cut off and they were obliged to obtain provisions on the spot, which necessarily had to be requisitioned owing to the flight of the inhabitants. Prior to their entry into Hangchow, however, the Japanese military authorities had given strict instructions to the commanders of all units regarding the protection of the rights and interests of third Powers, and furthermore, at the time of their entry, they sent gendarmes to post notices on the buildings belonging to the nationals of third Powers, in order to ensure their protection. Nevertheless, in view of the fact that the requisitioning of provisions had to be effected at night, with fighting still in progress, they might have failed to recognize such notices and flags, and furthermore, by reason of the fact that the buildings of the nationals of third Powers were intermingled with those of the Chinese, and that there were no owners to be found in the houses in question, it is possible that some of the requisitioning squads made mistakes in identifying these objects. At the same time, the fact should be noted that there were at the time numerous cases of looting and destruction committed by Chinese rabbles, taking advantage of the prevalent confusion. The difficulty of ascertaining the facts in circumstances such as these will be easily understood.

In the circumstances stated above, if there were cases of Japanese soldiers at Hangchow entering by mistake houses owned by the nationals of third Powers, the purpose of such entry was either the requisition of food or a search for the remnants of Chinese troops, as a necessary measure incident to the conduct of military operations. The military authorities, as the result of a rigid investigation, discovered no evidence to show that any thing whatever other than food-stuffs had been removed from these houses.
A protest is made in Your Excellency’s Note on the part of the United States Government on the ground that they had received reports alleging that there had occurred improper acts on the part of Japanese soldiers toward American flags. Deeming it greatly regrettable if, indeed, there had been such occurrences, the Japanese authorities on the spot, requesting the American authorities in Shanghai and Nanking to submit concrete data on these cases, have been conducting thoroughgoing investigations regarding the matter. With reference to the report that on the 13th December last, Japanese soldiers at Wuhu pulled down and threw into the Yangtze an American flag from a Chinese boat belonging to the American-owned General Hospital at Wuhu, investigations have been made among the troops which were in that city at the time of the reported incident, as a result of which it has been established that no Japanese soldiers have either been involved in, or aware of, the occurrence of any incident of this sort. Besides, an American connected with the said hospital is reported to have stated that, although he had, in the circumstances then existing, presumed the case to be due to the act of Japanese soldiers, he had by no means actually witnessed the facts, such as the throwing of an American flag into the river. Of these facts, I believe, Your Excellency is aware, since they have already been communicated to the American Consul-General at Shanghai by the Japanese Consul-General. Our authorities have been earnestly conducting further investigations in other places than Wuhu, but so far no evidence has been found. The Japanese Government, with a view especially to bringing home to the minds of all troops the importance of respecting the American national emblem, have ordered their instructions in that regard to be transmitted to every unit in China.

In view of the circumstances stated above, the Japanese Government are studying how they can elaborate effective and adequate measures that can as soon as possible be put in force so as to put a definite stop to any occurrence of similar events. Meanwhile, they have taken, in addition to the various measures already in force, other steps including, (1) the despatch to the spot of a high officer from Tokyo in order to insure the full execution of the instructions mentioned above, (2) the stationing of special officers at important points in China to take charge of matters relating to the rights and interests of third Powers, and (3) the reinforcement of the military police in China.

I beg Your Excellency to convey to your Government the earnest intention of the Japanese Government as stated above to devote their best efforts toward the prevention of any recurrence of these incidents in future.

I avail myself [etc.] 

KOKI HIROTA (seal)
Memorandum by the Counselor of the American Embassy in Japan (Dooman) of a Conversation With the Director of the American Bureau of the Japanese Ministry for Foreign Affairs (Yoshizawa)

[Tokyo,] February 15, 1938.

I called on Mr. Yoshizawa at the Foreign Office this evening in accordance with a request which came by telephone from Mr. Ishii, Mr. Yoshizawa's assistant. Mr. Yoshizawa said that he would be grateful if I would convey to the Ambassador a message from the Foreign Office, as follows:

The Japanese Government earnestly desires to settle as soon as possible the question of forcible entry by Japanese troops into the premises of the American Embassy at Nanking and to that end it has directed Major-General Harada, Military Attaché of the Japanese Embassy and concurrently Chief Political Officer to the Expeditionary Forces, to express regrets to the designated officer of the American Government.

The Japanese Government also desires to settle the cases of reported desecration of the American flag, and the Acting Japanese Consul General at Nanking has requested that Allison supply evidence in the various cases. Allison has supplied a memorandum setting forth the facts in each of five different cases, but he has not indicated the names of any eye-witnesses. In these circumstances, Harada is prepared now to express regrets for desecration of the American flag "if such desecration shall have been established."

Mr. Yoshizawa hoped that the Ambassador could see his way clear to recommending to Washington that the procedure proposed be accepted. I said that I would communicate the message at once to Mr. Grew.

E[tuGENE] H. D[ooman]

The Japanese Minister for Foreign Affairs (Hirotu) to the American Ambassador in Japan (Grew)

[Translation]

No. 6, Asia I

Tokyo, February 15, 1938.

EXCELLENCY: I have the honor to state that in the present incident in spite of the fact that the Imperial Army in its policy of respecting to the utmost the lives and property of third countries in China has from the beginning exerted the fullest efforts, it is regretted that there have been instances where the property of nationals of third countries suffered incidental damages to some degree during the fighting between the Japanese and Chinese armies owing to the inability to
discern the location of property or the lack of distinguishing marks or the use of the above-mentioned property for military purposes.

While the policy of the Imperial armies with respect to the protection of the lives and property of nationals of third countries in China is unchanged, in view of the recent illegal methods of warfare employed by the Chinese Army following the extension of the sphere of fighting operations between the Japanese and Chinese armies there have been attendant cases of misuse of the flags of third countries, and in order to provide greater facilities to commanders on the spot in the protection of lives and property of nationals of Your Excellency's country it is respectfully requested that you inform Americans or administrators of American property outside the zones now occupied by the Imperial forces, to wit, (1) the district south of Tsingtao, Yenchow, Taming, Changteh, and Taiyuan lines (excluding those cities and towns) to the Yangtze River, particularly the lines of the Lunghai Railway, Tientsin-Pukow Railway, and the Peiping-Hankow Railway; (2) the districts along the Yangtze River; (3) the districts along the Canton-Hong Kong Railway; and (4) in various ports on the eastern China Sea and on the South China seacoast to carry out the following provisions: (a) in addition to setting up horizontal beacons clearly discernible from high altitudes to set up large vertical beacons clearly discernible from a great distance on the ground; (b) to define by street maps if possible the exact location of the above-mentioned property and to transmit this, together with the designs of such beacons without delay to the nearest Imperial Army authorities, or to the nearest Japanese Embassy or Consulate; (c) not to permit Chinese armies to station themselves in the vicinity of such property or to set up military establishments there; (d) not to permit the use of the above-mentioned beacons by Chinese armies; (e) to communicate at the earliest opportunity with the nearest Imperial Army authorities or with the nearest Japanese Embassy or Consulate in case of damage occurring. With respect to (b) above, in those cases where it is difficult to communicate the exact location of property and the designs of beacons to the nearest Imperial Army authorities or the nearest Embassy or Consulate, it is requested that Your Excellency so far as possible report this information to the Foreign Office.

It is believed, aside from the foregoing, if the nationals of Your Excellency's country residing in areas where fighting is going on between the Japanese and Chinese armies would take refuge beforehand in safety zones this, together with the fullest care on the part of the Imperial armies, would contribute greatly to the prevention of unfortunate incidents.

I avail myself [etc.] 

Koki Hirota
Memorandum by the Counselor of the American Embassy in Japan (Dooman) of a Conversation With the Director of the American Bureau of the Japanese Ministry for Foreign Affairs (Yoshizawa)

[TOKYO,] February 16, 1938.

I informed Mr. Yoshizawa of the substance of Shanghai’s 240, February 11, 11 p. m. with regard to the occupation by Japanese forces and looting of the University of Shanghai. I said to Mr. Yoshizawa that such occupation could not be squared with the official assurances repeatedly given that American property would be respected.

Mr. Yoshizawa expressed surprise over the statement by Mr. Gauss that the Japanese Consul General has thus far failed to reply in writing to Mr. Gauss’s repeated written representations. He said that he would inquire into the matter and do his best to see that it was satisfactorily settled.

EUGENE H. DOOMAN

The Japanese Minister for Foreign Affairs (Hirota) to the American Ambassador in Japan (Grew)

[Translation]

No. 7, Asia I

TOKYO, February 17, 1938.

EXCELLENCY: I have the honor to refer to my communication No. 6 Asia I, Confidential, of February 15, 1938, regarding the marking of the location of property of nationals of third countries in China and to inform Your Excellency that as a result of recent aerial reconnoiters by the Imperial armies in the areas along the Peiping-Hankow railway and the banks of the Yellow River it has been ascertained that there are numerous cases of the Chinese armies deliberately stationing trains and setting up objects of a military nature nearby churches, factories, and the like of nationals of third countries in, first of all, Luchow [Puchow?] and in the cities of the left bank of the Yellow River.

Although as I have repeatedly stated, it is the policy of the Imperial Army to respect to the utmost the lives and properties of nationals of third countries, inasmuch as it has become necessary from the standpoint of military operations to attack these Chinese trains and other objects of a military character, it goes without saying that the Imperial Government cannot assume responsibility for incidental damage suffered, by reason of proximity to the Chinese, by third countries in those cases where the Chinese have deliberately used areas

--

42 Not printed.
adjoining property of nations of the third countries for military purposes.

In this connection it is earnestly requested that in those cases where objects of a military nature lie in the vicinity of churches, factories, and the like owned by your nationals, the Chinese be urged to move these military objects elsewhere and to refrain from placing them in contiguous areas.

I avail myself [etc.]  

Koki Hirota  

(seal)

793.94/12701

The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Hirota)

No. 880  

Tokyo, February 21, 1938.

Excellency: I have the honor to acknowledge the receipt of Your Excellency's notes no. 6 of February 15, 1938, with regard to the marking of property in China of nationals of third countries, and no. 7 of February 17, 1938, in which it is stated that the Japanese Government cannot assume responsibility for incidental damage done to such property in those cases where the Chinese have deliberately used areas adjoining such property for military purposes. I did not fail to communicate to my Government the texts of these notes.

Under instruction from my Government I take note of the statement that notwithstanding the efforts made by the Imperial Army in its policy of respecting to the utmost the lives and property of nationals of third countries in China it is regretted that there have been instances where the property of nationals of third countries has suffered damages owing to inability to discern the location of property or to lack of distinguishing marks or to use of such property for military purposes; and of the statement that it continues to be the policy of the Imperial Army to respect the lives and property of nationals of third countries in China. Further I note the request that I inform Americans or administrators of American property outside of zones indicated that they should carry into effect certain precautionary measures.

I have communicated the text of Your Excellency's note to the appropriate American officials and I assume that appropriate communication will be made in so far as feasible to American nationals or administrators of American property in China outside zones now occupied by Japanese Imperial forces.

I am instructed, however, to point out that under the circumstances which prevail and in connection with the areas described there rests upon American officials and other American nationals in China no obligation whatsoever to take precautionary measures requested on
behalf of the Imperial forces in Your Excellency’s note under reference; I am to state that toward safeguarding American lives and interests involved precautionary measures have voluntarily been advised and voluntarily been taken in so far as possible and that such measures will continue voluntarily to be taken; but that, nevertheless, irrespective of whether American nationals take or do not take such precautionary measures, obligation rests upon the Japanese military authorities to exert the utmost precaution to the end that American nationals and property shall not be injured by Japanese military operations; and that whether such requests of the Imperial forces have or have not been complied with, whenever and wherever American nationals or property have been or may be injured in consequence of the operations of Japanese armed forces the American Government is compelled to attribute to the Japanese Government responsibility therefor.

American nationals and property lawfully located in China possess there certain well-recognized rights which are in no way altered by the circumstances of the present conflict; American nationals, although advised by American authorities to withdraw from areas in which danger exists, are under no obligation to do so, and in some cases find withdrawal impossible; American property situated in areas which are made or which are about to be made theaters of military operations can in most cases not be removed; this is obviously the case as regards real property; the presence of Chinese military personnel or equipment in the neighborhood of American nationals or property is clearly a circumstance over which American officials or other American nationals do not and cannot exercise control, and it in no way alters the rights of such American nationals or lessens the obligations of the Japanese armed forces or authorities to respect those rights; disclaimers of the responsibility by the Imperial forces will not alter these rights or these obligations respectively. In the light of these facts and considerations, failure on the part of American officials or nationals to have complied with the requests of the Imperial forces under the circumstances affords no excuse for injury which has occurred or which may occur to American nationals or property by Japanese armed forces; and any such injury, as has been stated in my note No. 781 of August 27, 1937,\(^\text{a}\) is considered by the American Government as upon the responsibility of the Japanese Government.

I avail myself [etc.]

JOSEPH C. GREEW

\(^a\) *Ante*, p. 490.
The American Embassy in Japan to the Japanese Ministry for Foreign Affairs

AIDE-MÉMOIRE

The American Embassy had the honor, in its note No. 892 of March 12, 1938, to invite the serious attention of the Ministry of Foreign Affairs to the continued occupation by Japanese forces of certain American mission property in Shanghai. The occupation of American property by Japanese military forces is not confined to the cases cited in that note but is a condition which obtains extensively in areas in Central China under occupation by Japanese military forces. American missionaries have been denied access to mission property and during their enforced absence nearly all buildings have been looted and damaged and some have been destroyed by fire.

American mission property at the following named places is occupied at the present time by Japanese troops: Changshu, Changchow, Chinkiang, Liuho, Nanking, Nansiang, Quinsan, Shanghai, Soochow, Sungkiang, Yangchow, and Wusih in the Province of Kiangsu, and Huchow and Kashing in Chekiang Province.

It will, of course, be apparent to the Japanese Government that the action of the Japanese military authorities in preventing American owners or their representatives from occupying or even inspecting their properties prevents them from assessing the damages recently occasioned by Japanese soldiers.

The Ministry of Foreign Affairs will undoubtedly realize that the attitude of the Japanese military authorities in denying American citizens access to their lands and buildings in the places mentioned is obstructive of the early settlement of claims for damages which have been or are to be presented. For example, although the Japanese Government admitted responsibility for the bombing on November 12 of the American Church Mission at Wusih and indicated its readiness to compensate for losses sustained, it would appear that not even at this late date are representatives of the Mission permitted to resume rightful occupation of or even to inspect the lands and buildings at Wusih with a view to ascertaining losses sustained.

In drawing the attention of the Ministry of Foreign Affairs to the circumstances above set forth, the American Embassy requests that prompt action be taken by the Japanese Government to cause the evacuation by Japanese forces of American property, and to direct the Japanese military authorities in China to permit American owners or their representatives to occupy or to inspect their properties.

Tokyo, March 26, 1938.

---

4 Not printed.
The Japanese Minister for Foreign Affairs (Hirota) to the American Ambassador in Japan (Grew)

[Translation]

No. 41, American I

Tokyo, April 2, 1938.

EXCELLENCY: In Your Excellency’s note no. 872 dated February 4, 1938, you made reference to your note no. 866, and stated, upon instruction of your Government, that American missionaries had ascertained or had seen entry into, occupation of, and other depredations committed by Japanese military forces on properties of American missions at Soochow, Hangchow, and other places. You requested that the Imperial Government cause special measures to be promptly taken with a view to bringing to an end acts of the kind above mentioned, and that the Imperial Government give complete assurances that all losses and damages will be indemnified.

It has been affirmed on various occasions that it is the fundamental policy of the Japanese Government to do everything possible to respect the interests and property of the United States and of third countries, and that to give effect to that policy various appropriate and effective measures are being earnestly applied by every available means. I have already had the honor to inform Your Excellency of the preoccupation in putting such declarations into effect by my confidential notes no. 173 of December 24, 1937, and no. 17 of February 12, 1938.

In view of the fact that the various cases referred to by Your Excellency require thorough investigation, Japanese officials on the spot are now endeavoring to ascertain the facts by communication with the persons who discovered or saw the incidents under reference and with those who made report of these incidents. The Imperial Government is prepared to pay appropriate indemnification in those cases where, as a result of such investigations, definite evidence is obtained that injury was improperly caused by Japanese forces. The following conclusion with reference to the above-mentioned incidents occurs in the concluding portion of Your Excellency’s note under acknowledgment:

“It appears that these incidents have occurred with the knowledge, and some indeed in the presence, of Japanese officials, while others, such as the occupancy of mission properties by Japanese troops, were presumably by the express direction of military officers.”

The Imperial Government desires to make the reservation that it cannot concur in that conclusion until investigation of the actual circumstances should make available evidence of the facts.

I avail myself [etc.]

KOKI HIROTA

---

The American Embassy in Japan to the Japanese Ministry for Foreign Affairs

No. 925

The American Embassy presents its compliments to the Japanese Ministry of Foreign Affairs and has the honor to state that, according to information received through the American Consulate General at Hankow, on May 10 and 11 Japanese planes bombed property of the American Southern Presbyterian Mission at Hsuchowfu, Kiangsu Province, China. In the east suburb two bombs fell in the yard of the American church, another hit the church, and seven fell very close to the yard wall, causing extensive damage. The roof of the church building was covered by two American flags and two flags showing a blue cross on a white background, all very large. The report further states that the north suburb chapel was also damaged by bombing.

The American Embassy, acting under instructions from its Government, has the honor to request that the Japanese Government cause an investigation to be made of the circumstances referred to in the foregoing report and that the American Embassy be informed of the results thereof at the earliest possible moment.

Tokyo, May 16, 1938.

The American Embassy in Japan to the Japanese Ministry for Foreign Affairs

No. 942

The American Embassy presents its compliments to the Japanese Ministry of Foreign Affairs and has the honor to refer to the damage to American mission property at Nantungchow on August 17, 1937, as a result of Japanese military operations.

This case was orally brought to the attention of the Foreign Office on August 20, 1937, by Mr. Coville in conversation with Mr. Yoshizawa, and on that occasion a copy of a telegram on this subject from the American Consul General at Shanghai was left with Mr. Yoshizawa. Mr. Coville was informed at that time that the protest of the American Consul General at Shanghai to the Japanese Consul General at Shanghai had been received by the Foreign Office.

On August 20, 1937, the Senior Aide to the Japanese Navy Minister expressed regret to the Assistant Naval Attaché of this Embassy and gave his assurances that the bombing of the American mission at Nantungchow had not been deliberate.

A memorandum on this case dated November 24, 1937, was handed informally to Mr. Suma, Counselor of the Japanese Embassy at Wash-

---

44 Cabot Coville, Second Secretary of Embassy in Japan.

46 Not printed.
BOMBINGS OF CIVILIANS

ington, by the then Assistant Chief of the Division of Far Eastern Affairs in the Department of State, Mr. Hamilton,49 on November 30, 1937, in response to the initiative which Mr. Suma had taken on August 25, 1937, in bringing up this case. Mr. Suma at that time referred to the way in which an informal settlement had been effected of the damage to American mission property at Tungchow, near Peiping, and said that he thought the present case might be handled in the same manner.

In addition to the foregoing, various conversations have since been held on this case between members of this Embassy and members of the American Bureau of the Foreign Office.

According to information received from the American Consul General at Shanghai, Mr. C. A. Burch of the United Christian Missionary Society, who proceeded to Nantungchow to make an investigation, stated in a sworn statement that, during an air raid which occurred at ten-thirty on the morning of August 17, 1937, four two-winged hydroaeroplanes described by witnesses as bearing the “Red Sun” insignia on the wings flew low over the mission property and dropped a number of bombs, one of which was believed to be incendiary, on the hospital and other mission buildings causing extensive damage.

Acting under instructions from its Government, the American Embassy expresses the earnest hope that, in view of the long period which has elapsed, assurances will be given that this matter will be settled promptly.

Tokyo, May 30, 1938.

49 Maxwell M. Hamilton appointed Chief of the Division on August 16, 1937.
Four foreigners, none of whom are Americans, were aboard the launch. They pointed out the American flag to the Japanese. The foreigners were rudely treated but not beaten. Thirteen of the beaten Chinese are employees of the Texas Company.

The Japanese refused to permit the launch to proceed until 5:15 a.m., May 19. They searched it but did not take anything.

Two of the injured Chinese suffered fractured arms, three have serious contusions, the rest suffered bruises.

The *Texaco One* has been registered at the American Consulate General at Shanghai since April 15, 1931. It has been used continuously during recent months to carry passengers and supplies between the company’s Gough Island installation and Shanghai. The Texas Company states that all the Chinese on the launch were known to the company and that none of them could be accused of being guerrillas.

Your Excellency’s attention is also invited to the following further report received through the American Consul General at Shanghai:

The Dollar Wharf and Warehouse Company, an American firm reports that its steam launch *Dahlay* (which is registered at the American Consulate General at Shanghai) while flying the American flag and proceeding up the Whangpoo with two lighters in tow was stopped at 2:45 a.m., May 20, by a “Japanese naval launch”. Four Japanese in naval uniforms boarded the launch. The *Dahlay* at the time was hired out to Parsons & Company, a British firm, engaged in the transportation of cargo and passengers and towing between Shanghai and small ports on the Yangtze near Shanghai such as Shupu. The crew consisted only of Chinese employees of the Dollar Wharf and Warehouse Company. Two Chinese representatives of the owners of the cargo which consisted of rice were also aboard. These two Chinese were asked for passes and not answering quickly enough were beaten with sticks about their heads and bodies by the Japanese. The number one lao dah held out his pass to a Japanese who immediately hit him with a stick. The Japanese also beat the number two lao dah and a sailor with a stick. The Japanese ordered the lao dah to cut the lighters adrift and to proceed to the Pootung side of the river where the launch was tied up at the Kailan Mining Administration’s coal dock. About 3:15 a.m. a foreign river policeman arrived on the scene. He took the number two lao dah to a hospital to have his wounds dressed. After daylight the *Dahlay* picked up the lighters it had been towing and proceeded to the Shanghai bund without further incident.

I am instructed to point out to Your Excellency that my Government is inclined to take strong exception to these evidences of disregard by the Japanese authorities at Shanghai of the rights and immunities of American vessels, and that my Government expects that Your Excellency will without delay cause instructions to be issued to the Japanese authorities at Shanghai which will serve to prevent further interference with the movements of American vessels.

I desire to add that, although the personnel aboard the two vessels under reference was not American, knowledge of the physical abuse
to which the personnel aboard was subjected by Japanese who unlawfully boarded the vessels creates in the mind of the American public an unfavorable impression of the gravity of the offense involved.

I avail myself [etc.]  

JOSEPH C. GRIEVE

The American Embassy in Japan to the Japanese Ministry for Foreign Affairs

No. 946

The American Embassy presents its compliments to the Japanese Ministry of Foreign Affairs and has the honor to state that the following message from Haichow has been received through the American Consul General at Shanghai:

“American Presbyterian Chapel only a few feet from American Presbyterian Hospital and American Presbyterian Women’s Bible School, in same yard with our residence, were bombed on May 24th by Japanese planes causing great damage; residences only very slightly damaged. Chapel and school greatly damaged, in addition our chapel[s] inside the city and at Shaiho were bombed and greatly damaged. American flags were prominently displayed at each building. Our residential property is in well defined area outside the Haichow west gate. Women’s Bible School, Girls’ School, and three of our residences are in a large block of property well segregated from other property, not near Chinese property. West gate chapel and hospital compound are also clearly defined and easily distinguishable. Difficult to mistake either of our large compounds. No soldiers occupying any of our property here. Please take steps to prevent further damage to our property and to preclude danger to life.”

The American Consul General at Shanghai reports that a second message has been received stating that the Mission was again bombed on May 28, one bomb landing less than thirty-five yards from Mr. McLaughlin’s residence, but that they were, however, fortunately unharmed. Mr. McLaughlin requests that measures be taken for the bombing to be ceased.

The American Embassy, acting under instructions from its Government, has the honor to request that the Japanese Government cause an investigation to be made of the circumstances referred to in the foregoing report and that the American Embassy be informed of the results thereof at the earliest possible moment.

The American Embassy has the honor to observe to the Ministry of Foreign Affairs that these unwarranted attacks upon non-combatants and property used for humanitarian purposes were made despite the fact that, as in other cases, American flags were prominently displayed at each building.

Tokyo, May 31, 1938.
Memorandum by the Ambassador in Japan (Grew)

[TOKYO,] May 31, 1938.

In an interview with the Vice Minister for Foreign Affairs, Mr. Horinouchi, today at 3.45 at the Foreign Office, I took up with him and left notes covering the following subjects:

Return of American Citizens to their property in China.

I left with Mr. Horinouchi our signed note no. 945,* informing him that the Department proposes to release immediately to the press the text of this note and adding that the effect of this publicity might be favorably offset if the Japanese Government were promptly to assure us of positive and favorable action by the Japanese military to meet our desires by removing the obstacles mentioned in our note. The Vice Minister replied that he would do his best but made no commitment. I told the Department that I felt that the publication of the note is desirable.

Assault on Chinese under American flag on launches Texaco One and Dahlay.

Vigorous representations were made as desired by the Department in our signed note no. 943.*

Bombing of Lutheran United Mission, Chumatien, Honan.

Representations were made in note verballe no. 947.†

Bombing of Southern Presbyterian Mission, Haichow.

Representations were made in note verballe no. 946.‡

Bombing of Mission, Nantungchow.

Desired representations were made in note verballe no. 942.§

Bombing of Southern Presbyterian Mission at Sutsien and Hwaian, Kiangsu.

Representations were made in note verballe no. 944.||

In delivering to the Vice Minister for Foreign Affairs today our various notes dealing with injuries by Japanese forces to American interests in China I took occasion to point out in emphatic terms the cumulative effect of these injuries on public opinion and feeling in the United States and expressed my earnest hope that the assurances given me today by the new Minister for Foreign Affairs that he would "guarantee the protection of American interests in China" would promptly bear fruit. The Vice Minister examined our several notes

---

* See Embassy’s despatch no. 2993, of June 8, 1938. [Footnote in original; despatch No. 2993 not printed.]
† See Embassy’s despatch no. 2996, of June 8, 1938. [Footnote in original; despatch and note verballe under reference not printed.]
‡ See Embassy’s despatch no. 2995, of June 8, 1938. [Footnote in original; despatch No. 2995 not printed.]
§ See Embassy’s despatch no. 2992, of June 8, 1938. [Footnote in original; despatch No. 2992 not printed.]
|| See Embassy’s despatch no. 2994, of June 8, 1938. [Footnote in original; despatch and note verballe under reference not printed.]
reporting the bombing of American Mission property and surmised that the Japanese planes had not been able to discern from the air the American flags and markings. At this point I stated in no uncertain terms and in the strongest language at my command that his suggestion was astonishing and totally unacceptable. At the request of the Japanese authorities themselves and notwithstanding the absence of any obligation whatever on the part of the Americans involved, the position of American property in China had been clearly designated and the desired markings by American flags had been carried out. The responsibility of avoiding those locations devolved exclusively on the Japanese forces. The excuse which the Vice Minister advanced of possible poor visibility could not for a moment be accepted by my Government and it was certainly not an excuse which would appeal to the American people, both of whom are becoming increasingly concerned at Japanese depredations carried out in complete disregard of contrary assurances repeatedly given us. The Vice Minister made no comment.

JOSEPH C. GREW

Statement by the Acting Secretary of State, June 3, 1938

The Government of the United States has on numerous occasions expressed its belief that the outbreak of serious hostilities anywhere in the world might in one way or another affect the interests of this country. Both in the Far East and in Europe there have been going on hostilities every aspect of which the American people and this Government have deplored. When the methods used in the conduct of these hostilities take the form of ruthless bombing of unfortified localities with the resultant slaughter of civilian populations and in particular of women and children, public opinion in the United States regards such methods as barbarous. Several times during the past year, especially on September 28, 1937, and on March 21, 1938, the Secretary of State has expressed the views of this country to the effect that any general bombing of an extensive area wherein there resided a large population engaged in peaceful pursuits is contrary to every principle of law and of humanity. During the past few days there have taken place in China and in Spain aerial bombings which have resulted in the death of many hundreds of the civilian population. This Government, while scrupulously adhering to the policy of non-intervention, reiterates this nation's emphatic reprobation of such

---

47 See press release issued by the Department of State on September 28, 1937, p. 506.
methods and of such acts, which are in violation of the most elementary principles of those standards of humane conduct which have been developed as an essential part of modern civilization.

783.94116/32 : Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, June 9, 1938—7 p. m.
[Received June 9—9:30 a. m.]

368. Department’s 185, June 6, 7 p. m.,49 paragraph numbered 2.
1. Taking the opportunity of my call today on the Vice Minister for Foreign Affairs in connection with the Scovel case,49a I said that I wished to speak informally with regard to the bombing by Japanese forces of civilian populations in China. I said distinctly that I was not making official representations and that in fact I had no instructions to do so, and that I was acting on my own initiative and from the point of view of Japanese-American relations. I said that, having worked steadily during the past six years for the maintenance and development of good relations between our two countries, I always felt constrained to point out to the Japanese Government, at least informally, issues and developments which in my opinion were likely to injure these relations. I said that I did not wish today to go into the technical aspects of these bombing operations nor approach the question of military objectives or of fortified or unfortified areas. What I did wish to do was to point out the deplorable effect on American public opinion when large numbers of civilian populations were killed or injured by large bombing operations anywhere and to raise the question whether the military advantage to be gained from such operations was sufficiently important to justify the inevitable harm which such wholesale slaughter must have on Japan’s reputation abroad, especially in the United States. I said that this seemed to me to be an aspect of the problem which chiefly concerned the Ministry of Foreign Affairs, responsible as that Ministry is for Japan’s foreign relations. It seemed to me of the utmost importance that the Japanese Government should constantly bear in mind the deep humanitarian interest of the American Government and of the American people in the bombings of civilian populations wherever and however carried out.

2. The Vice Minister expressed appreciation of the friendly way in which I had approached the subject and said that General Ugaki would be equally appreciative. He said that full consideration would be given to my observations and that in fact the Foreign Minister is

49 Not printed.
49a Dr. Frederick G. Scovel, American missionary, wounded June 2, 1938, at Tsining, China, by a Japanese soldier.
now negotiating with the military authorities in connection with this problem.

3. It was agreed that no publicity would be given to the foregoing conversation.

Repeated to Shanghai for Hankow.

Grew

393.115/402

The American Embassy in Japan to the Japanese Ministry for
Foreign Affairs

No. 965

The American Embassy presents its compliments to the Ministry of Foreign Affairs and has the honor to state that according to information received through the American Consul General at Shanghai, the nurses’ home and two residences on the compound of the Soochow Hospital, property belonging to the American Methodist Episcopal Mission South, were occupied by Japanese troops on May 30 last. The American Consul General at Shanghai has made representations to his Japanese colleague concerning this report of the recent occupation of additional American property.

The occupancy by Japanese troops of the American property under reference is unwarrantable and is contrary to the repeated assurances given by the Japanese Government that American interests and property would be respected. The American Embassy, accordingly, requests that the competent Japanese authorities will take urgent measures to cause the immediate vacation of this property. The right is reserved to claim compensation in full for all losses and damage sustained by the Methodist Episcopal Mission South and by the individual members thereof during Japanese occupation of the premises.

Tokyo, June 10, 1938.

793.94/13190: Telegram

The Consul General at Shanghai (Lockhart) to the Secretary of State

Shanghai, June 11, 1938—noon.

[Received June 11—6 a.m.]

812. 1. I have this morning received a letter, marked urgent, dated June 11, addressed to the Ambassador from Matsayuki Tani, [Japanese] Minister at Large reading as follows:

2. "Your Excellency: I have the honour to inform you that I have been requested by our naval authorities to notify our honourable colleagues concerned of the following: (1) While the Japanese naval authorities believe that there are neither men-of-war nor other vessels of third powers within the area from Wuhu to Hukow on the Yangtze River, they earnestly hope that, in view of the possibility that the area in question will become a field of hot fighting and after the 11th of
June, none of such vessels will enter that area so long as the commander in chief of the Japanese Fleet in China seas will find it strategically inconvenient for them to enter; (2) in case there are men-of-war or other vessels of third powers in that area, it is hoped that the immediate notification be made of their names, principal item[s] and present locations, etc., and that they will immediately move to safer places, down from Wuhu or far up the Yangtze River; (3) it is hoped that men-of-war or other vessels of third power[s] now floating on the upper stream above Hukow of the Yangtze River and the lakes adjacent, will sail up beyond Hankow as the hostilities spread to that direction. It is further hoped that their names, principal items, present locations and sailing schedules to the upper stream above Hankow will be immediately notified and that every actual movement of them will be notified as soon as possible.

These requests are based on the sincere wishes on the part of our naval authorities to preclude any possibility in the course of our military operations of causing damage on the vessels of third powers and thus bringing about untoward incidents between Japan and third powers, which they are very anxious to avoid. It is earnestly hoped, therefore, that the third powers concerned, on their part, would cooperate with our naval authorities by complying with the above requests voluntarily. In this connection, I should be grateful if Your Excellency would be good enough to take immediate steps to bring the above to the notice of the interested parties.

I have the honour to be, with the highest consideration, etc.”

3. I have given to the commander in chief a copy of the above-mentioned letter.
Repeated to Hankow, Peiping and Tokyo.

LOCKHART

793.94/13191: Telegram

The Consul General at Shanghai (Lockhart) to the Secretary of State

SHANGHAI, June 11, 1938—1 p. m.

[Received June 11—6 a. m.]

813. My No. 812, June 11, noon.

1. I have this morning received a further letter addressed to the Ambassador, dated June 11, from Mr. Tani, Japanese Minister, reading as follows:

2. “At the request of the Japanese naval authorities, I have the honor to bring the following to Your Excellency’s attention.

The experiences of Japanese air forces during the present hostilities have shown that although the men-of-war and other vessels of third powers painted their respective national flags upon their awnings to make themselves distinguishable from Chinese boats, it was hardly possible for Japanese fliers to recognize these painted flags from the air. They earnestly hope therefore that the powers concerned would find out a new method to make their vessels more distinguishable, for example, such as painting the greater part of the vessels scarlet or in other colours, and that they would at the same time take necessary
steps to prevent Chinese from resorting to the same measure in order to escape trial bombardments.

The suggestion arose from the earnest wishes of the Japanese Navy to avoid as far as possible the occurrence of untoward incidents between Japan and third powers by causing unwanted \textit{[unwarranted?]} damages on vessels of third powers. I should be grateful therefore if you would be good enough to give favorable consideration to the suggestion."

3. I have given to the commander in chief a copy of the above-mentioned letter.

Repeated to Hankow, Peiping and Tokyo.

\textbf{LOCKHART}

\textit{793.94/13201: Telephone}

\textit{The Consul General at Shanghai (Lockhart) to the Secretary of State}

\textit{Shanghai, June 11, 1938—10 p. m.}

\textit{[Received June 11—2 p. m.]}

822. Following from Tokyo:

June 11, noon. Department's 189, June 9, 7 p. m.\footnote{Not printed.}

1. We have today presented the following note to the Minister for Foreign Affairs:

"No. 957. The American Embassy presents its compliments to the Japanese Ministry of Foreign Affairs and has the honor to refer to the assurances given on various occasions by the Japanese Government that American lives and property in China would be respected. Attention is invited to the fact that there are now residing in Hankow a substantial number of American citizens, and that property is held in various parts of Hankow by American citizens. Further, there are on the Yangtze River in the vicinity of Hankow American and other foreign naval and merchant vessels. The American Embassy confidently expects that, in the event of military operations, of whatever character, being conducted against Hankow by the Japanese military forces, the assurances of the Japanese Government that American lives and property will be respected will be scrupulously observed.

Tokyo, June 11, 1938."

2. My British colleague states that he will take similar action.

3. My French colleague is informing Paris of my action and requesting instructions. He says that Naggjar\footnote{French Ambassador in China.} is arriving in Hankow today and will no doubt confer with Johnson. Johnson may wish to suggest to Naggjar that he recommend action by his colleague in Tokyo.

4. I have not yet heard whether the German and Italian Embassies will take similar action. Repeat to Hankow and Department as our 375, June 11, noon.

\textbf{Grew}

\textbf{LOCKHART}
The Ambassador in China (Johnson) to the Secretary of State

HANKOW, June 12, 1938—1 p. m.
[Received June 12—8: 15 a. m.]

286. My 284, June 12, 11 a. m. Following from Admiral Yarnell:

"Reference letters from Mr. Tani to you dated 11 June there are no United States men-of-war in Yangtze between Wuhu and Hukow at present. It is my intention to visit Nanking and Wuhu about 24–25 June in U. S. S. Isabel. Future presence of United States naval vessels in area Wuhu-Hukow will depend on whether American nationals that area in need of assistance. Due notice of movements of United States men-of-war will be given Japanese and Chinese authorities. This also applies to movements of vessels above Hukow. While due care will be taken to avoid unnecessary exposure in dangerous areas, assistance to American nationals in evacuation of such areas is paramount mission of Navy and will be followed. It is not considered that warning given by Japanese Ambassador relieves that nation in slightest degree of responsibility for damage or injury to United States naval vessels or personnel. With reference to suggestion contained in second letter that United States naval vessels should be made more distinguishable, 'such as painting the greater part of the vessel scarlet or in other colors,' this suggestion cannot be considered. United States naval vessels on Yangtze are painted white with large American flags painted on their awnings. These flags and nationality of vessels should be apparent to any aviator at several thousand feet altitude. Attention is invited to fact that Chinese Government has no vessel of river gunboat type on Yangtze. Comyangpat 51 by copy of this despatch will carry out policy of Cincafe 52 with reference to details of execution."

I am instructing Lockhart to make a reply to Mr. Tani in my name along lines of Admiral Yarnell's telegram above quoted.

Shanghai is being requested to mail to Tokyo a copy of Yarnell's comments.

JOHNSON

The Commander in Chief of the United States Asiatic Fleet (Yarnell) to the Commander of the Yangtze Patrol (Le Breton) 02a


0012. In connection my despatch of 12th to Ambassador, it is not intended that United States ships shall remain within area of active military engagements. After full opportunity has been offered for evacuation of nationals, notice of probable date of withdrawal of gunboats from a specific area should be given. These dates will normally be left to your discretion.

1335.

02b Not printed.
02 Commander, Yangtze Patrol.
02a Commander in Chief, Asiatic Fleet.
02a Copy transmitted to the Department of State by the Navy Department on June 13, 1938.
The Counselor of the American Embassy in Japan (Dooman) to the Director of the American Bureau of the Japanese Ministry for Foreign Affairs (Yoshizawa)

TOKYO, June 14, 1938.

MY DEAR YOSHIZAWA: I enclose herewith a copy of the substance of a letter addressed by our Consul General at Shanghai to Mr. Tani in reply to the latter's letters of June 11, with regard to the movements of foreign vessels between Wuhu and Hukow on the Yangtze River.

Sincerely yours,

EUGENE H. DOOMAN

[Enclosure]

The American Consul General at Shanghai (Lockhart) to the Japanese Minister at Large in China (Tani)

I have been advised by Admiral Yarnell that there are no United States vessels in the Yangtze between Wuhu and Hukow at this date. However, Admiral Yarnell plans to visit in that vicinity on the 24th and 25th of this month in the U. S. S. Isabel. It will depend on what assistance American nationals may need in that locality as to future presence of our vessels there, at which time due notice will be given to both the Chinese and Japanese, and this will include areas above Hukow. Admiral Yarnell also adds that due care will be taken as to unnecessary exposure in those areas, but that assistance to Americans evacuating is of paramount importance to the Navy and will be carried out; and the information given in Mr. Tani's letters of June 11 does not in the slightest degree relieve the Japanese Government of responsibility for any harm to our vessels or persons. Further that our vessels are painted white and have large flags painted on their awnings, and should be apparent [at] several thousand feet altitude.

---

The Consul General at Shanghai (Lockhart) to the Secretary of State

SHANGHAI, June 18, 1938—8 p. m.
[Received 8:11 p. m.]

867. 1. Rear Admiral Nomura issued a long statement here yesterday in which he attempted to defend the bombing of civilian populations. The essence of the statement is that similar bombings are taking place in other parts of the world against defended cities and towns; that marksmanship is necessarily poor from the air (citing the relatively small number of hits scored against even large targets); that there had been warnings to both third-party nationals and Chinese civilians to withdraw; that common sense would dictate that noncombatants living near military objectives should withdraw to less dangerous zones.
2. The statement, which is in no way convincing, reflects sensitiveness on the part of the Japanese naval authorities to the widespread criticism directed against them for the recent bombings of civilian populations at Canton.

Repeated to Hankow, Peiping and Tokyo.

LOCKHART

393.115/424

The Japanese Minister for Foreign Affairs (Ugaki) to the American Ambassador in Japan (Grew)

[Translation]

No. 18 Go, Asia I

[TOkyo,] June 20, 1938.

Excellency: While informing Your Excellency that accompanying the extension of the hostilities in China the areas (excepting leased territories and international settlements of third countries, and areas in possession of the Japanese army) south of the Yellow river and east of a line connecting Sian, Ichang, Hengchow, and Pakhöi, constitute an area of active military operations, I have the honor to state that the Imperial Government desires to prevent, as far as possible, accidental injury to nationals of Your Excellency's country, or their property, caught in the hostilities between the Japanese and Chinese forces.

In order that the realization of this desire may be assured it is urgently hoped that the points mentioned below will be carried into effect by the nationals of Your Excellency's country and by those persons in charge of their property within the stated area, and it is hoped that the persons concerned may be promptly notified.

a. Nationals, vessels, etc cetera remaining within the stated area not to approach Chinese military establishments.

b. Property of nationals in the stated area to be marked so as to be clearly visible from the air and from the ground, and at the same time notification of such property to the Japanese military authorities at the front to be expedited.

c. Since, in event of the Chinese forces taking advantage of the property of nationals of Your Excellency's country, the Japanese forces, being forced to attack, cannot accept the responsibility of protecting such property, arrangements to be made to prevent the Chinese forces from utilizing or approaching the said property.

With a view to preventing the occurrence of all kinds of undesirable incidents involving the nationals of Your Excellency's country, I should like to add here that it is sincerely hoped (although the Imperial Government does not, of course, require it) that nationals of Your Excellency's country living in the above-mentioned area who are able to leave, will, to as great an extent as possible, withdraw from the area of hostilities to safe districts.
Further, even outside the above-mentioned area the Japanese military forces must carry out bombardment of all kinds of important military establishments of the Chinese forces, and I shall therefore greatly appreciate a report of the location of any interests of Your Excellency’s country of which notice has not yet been received. At the same time it is desired that properties be so marked as to be plainly visible from the air. It is also requested that nationals be instructed not to approach Chinese military locations.

The past experience of the Imperial Army has been that often marks to be observable from the air have not been clear, and it will be appreciated if all such are made plainly visible.

The foregoing is based upon the sincere wish of the Imperial Government to avoid risk of occurrence of unpleasant incidents and disaster to nationals of Your Excellency’s country and their property in China, with the coming expansion of military activities. In regard thereto I have the honor sincerely to request Your Excellency’s full understanding and prompt consideration in the premises.

I avail myself [etc.]

KAZUSHIGE UGAKI

The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Ugaki)

No. 972

Tokyo, June 27, 1938.

EXCELLENCY: I have the honor to acknowledge the receipt of Your Excellency’s note No. 18 Go, Asia I, dated June 20, 1938, relating to the measures recommended for the protection of American nationals and property in the area of active military operations in China and to inform Your Excellency that this note has been referred to my Government. This note has also been brought to the attention of the American Ambassador to China.

In this connection it appears desirable to recall to Your Excellency the position taken by my Government that, although American nationals have been and are being advised voluntarily to withdraw to places of safety, to place distinguishing marks on their property, and to take other precautionary measures, and that in so far as practicable and reasonable such nationals are voluntarily doing so, obligation to avoid injuring American lives and property rests upon the Japanese military authorities irrespective of whether American nationals do or do not take such precautionary measures. My Government holds, furthermore, that the presence of American nationals and property within the areas of military conflict and possible proximity to such American nationals and property of Chinese military personnel or equipment—clearly a circumstance over which American officials or other American nationals cannot exercise control—in no
way lessens the aforementioned obligation of the Japanese armed forces.

I avail myself [etc.]

JOSEPH C. GREW

393.1163Am33/91

The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Ugaki)

No. 975

TOKYO, June 28, 1938.

EXCELLENCY: Acting under instructions from my Government I have the honor formally to protest an unwarranted attack on June 15, 1938, by Japanese airplanes upon the American Southern Baptist Mission at Pingtu, Shantung, which resulted in placing the lives of two hundred school children and seven American missionaries in grave jeopardy and in wounding other noncombatants, and which inflicted extensive damage upon American property.

According to information received through the American Consul at Tsingtao:

The American Southern Baptist Mission at Pingtu reported that at 8:30 on the morning of June 15, with clear visibility and no wind, two Japanese naval bombers released two high explosive bombs, “number 260 kilograms” as shown by markings on scrap found directly over the mission boys’ school compound. Both bombs exploded doing extensive damage to the residence of the American principal and school buildings. One bomb struck less than fifteen feet from the principal’s residence and the second twenty-five feet.

The boys’ compound is about one eighth of a mile south of the city wall and not closer to any possible military objective.

After circling, the planes returned over the same course and dropped two bombs about fifty feet directly west of the mission girls’ school compound which is closer to the city wall. Damage from concussion was done to buildings on this compound and adjacent mission property. The girls’ school was not in session. The boys’ school was having final examinations. Two hundred boys were endangered but escaped.

None of the seven American missionaries were injured but Chinese civilian women and children were injured.

Six American flags were flying on the compounds at the time of the raid. During the occupation of Pingtu this year by forces of the Japanese army, various compounds were visited by officers in command of detachments. Naval bombers have flown low over compounds on several occasions.

Acting further under instructions from my Government, I have the honor to request that the Japanese Government cause an investigation to be made of the circumstances referred to in the foregoing report and that I be informed of the results thereof at the earliest possible moment.
At the same time I have the honor to request that Your Excellency cause instructions to be issued promptly which will prevent the recurrence of similar acts.

I avail myself [etc.]

JOSEPH C. GREW

Memorandum by the Ambassador in Japan (Grew)

[TOKYO,] July 4, 1938.

Following our 399, June 22, noon, and the Department's reply 212, June 25, 4 p. m., I called today on General Ugaki, Minister for Foreign Affairs, at his official residence, and made representations according to the precise statement appended hereto. My presentation was prepared in this form in order to convenience the English interpreter, Mr. Tsuchiya, and to leave a precise although informal record of what was said. Mr. Tsuchiya held a copy of the document and rapidly interpreted each sentence as I read it to the Minister. There was no interruption during the entire reading and translation of this document.

The Minister after listening to my complete representations said that he wished to express appreciation of the manner of my approach. His actual words as translated by the interpreter were that the Minister wished to express “appreciation and gratitude for the sympathy and friendliness” of my representations. Frankly, the Minister’s reaction somewhat surprised me because I had spoken to him forcefully and emphatically and had set forth in no uncertain terms the highly unfavorable attitude of my Government and of the American public towards Japan’s conduct of the hostilities in China, and I had rather expected a far less favorable reception of my remarks. I think that the Minister’s reaction can only be explained by the comments which I advanced to him under the heading “Japanese-American Relations” and my observation under the heading “General Principles” that during the entire conflict of the past year my Government has endeavored to follow a course of strict impartiality and this attitude, we feel, entitles us to express our views without risk of misunderstanding.

The Minister then continued with the following further comments. He would take a further opportunity, he said, to discuss the points which I had raised. These points required most careful investigation, consideration and detailed examination but for the present he wished to make the following observations:

---

*Neither printed.*

*Infra.*
1. The Japanese Government is making wholehearted efforts to settle the conflict and to secure peace in East Asia at the earliest possible moment. The Minister hopes that we understand that desire.

2. The Japanese Government is giving most careful thought to Japanese-American relations. There must be frank discussion and we must understand each other on a basis of mutual fairness and justice.

3. The Open Door in China will be maintained. We may rest assured that the Japanese Government will maintain full respect for the principle of equal opportunity. In some cases there may be temporary difficulties during the period of hostilities not entirely satisfactory to the American Government. These are purely temporary.

4. Indiscriminate bombing is strictly prohibited by special instructions. In actuality a few Japanese aviators have not had long enough training and miss their marks which explains the damage of which I complained. Every effort is to be made to avert this kind of damage.

5. Full consideration is being given to the return of American citizens to their goods and property. The Minister hopes we will understand that ordinary Japanese people are not allowed to follow the army but only contractors and purveyors. He gave the illustration of sea gulls following a ship.

6. In Shanghai and Nanking there is now peace and order but while the Japanese are pushing their drive on Hankow those places are actually bases of military activity. The Minister hopes that we will take that fact into consideration.

Immediately at the commencement of the interview and prior to my own representations General Ugaki said that he desired to take up certain points with me and he thereupon read in Japanese a document which was interpreted into English by Mr. Tsuchiya. In reply to my inquiry the Minister said that this document would be sent me as soon as certain typographical corrections had been made. The points which he raised were as follows:

**Protection of Lives and Property of American Nationals**

Desiring to prevent accidental injuries to American nationals and their property in the area of hostilities in China the Imperial Government has suggested to the foreign ambassadors and ministers in Tokyo measures for the protection of their nationals. It is also stated in the above-mentioned note that in many cases (actual examples listed below) the Chinese have taken advantage of American property from a military standpoint. The Japanese forces must of course attack military objectives once they have been established by the Chinese. In spite of these facts the Imperial Government is giving the most careful thought and consideration to harmonizing this situation with actualities. In our note no. 972 we had informed the Japanese Government that even if there are Chinese military establishments near American property the American Government can
exercise no control over this and therefore the fact that such military establishments exist in no way lessens the responsibility of Japan for losses which American nationals may sustain when such Chinese military establishments are attacked by Japanese military forces. Although the Japanese forces are endeavoring in every way to avoid damage to American property it is very difficult in the prosecution of hostilities to prevent inevitable loss of some extent, especially in instances in which the Chinese have clearly occupied American property. In view of this it is not at all logical that the responsibility should be borne by Japan. As the American Government is aware of the above realities the Japanese Government earnestly hopes that we will wish to endeavor to prevent the utilization of American property in a military sense by the Chinese. If without making the above endeavor the American Government speaks of responsibility on the part of Japan alone, the feeling of partiality cannot be removed.

I said to the Minister that I took note of his statement and that I would deal with it in my subsequent representations which could clearly indicate that most if not all of the American property damaged by such military operations had been widely separated from any Chinese military objective. Those representations clearly indicated that the American Government must hold the Japanese Government responsible for such losses and damages.

List of Examples

1. At Shunet, Hopeh Province, on November 12 of last year, the American Presbyterian church being used as the staff headquarters of the Chinese army was bombed.

2. At the time of the attack on Fenyang, Shansi Province, on February 17 of this year the Chinese army occupied military emplacements which placed an American church at their back and forced severe obstacles on our forces in their selection of a method and an opportunity for attack. Finally this church also suffered bombardment.

3. There is information to the effect that on May 14 of this year during the hostilities in the neighborhood of Hsuchow, one part of the Chinese army established a wireless set in an American church building at Chunyin in Kiangsu Province and engaged in communications.

4. On May 25 of this year Sen Chih-ti, head of the Tsimo plain-clothes anti-Japanese group and at the same time head of the military police, (said to have 1500 subordinates) was discovered inside Tsingtao. During the pursuit of this individual he was hidden in the Tsungteh middle school under the management of the Yanghsin Lu American Presbyterian church.

**ARTICLES IN AMERICAN MAGAZINES DISRESPECTFUL TO JAPAN**

Recently there have appeared many articles disrespectful to the Japanese Imperial Household published in American magazines
(examples listed below). Although by taking suitable measures the Japanese authorities are endeavoring to prevent exacerbation of the feelings of the people towards the United States, nevertheless if these articles were made known to the Japanese people the Minister fears that the incident concerning the Imperial Household would give rise to a serious problem. In view of the good relations between Japan and America the continued appearance of such publications is a source of concern to the Imperial Government. It would be gratifying if the American Government would take suitable measures in connection with this situation.

I said to the Minister that one of the fundamental principles of the American Constitution and Government was free speech and free press and that with the best will in the world my Government could exert no control over the press. When statements appeared in the American press of a nature to injure the feelings of foreign countries, especially comments regarding foreign royalty, the American Government deplored these utterances but it had been shown by experience that when protests were made they generally served only to draw greater public attention to the utterances in question and often resulted in throwing more fuel on the flames, whereas if allowed to pass without comment such press utterances generally died a natural death very quickly and were soon forgotten. It would therefore be highly inadvisable for my Government to take steps along the lines of the Minister’s request. I added that our own Chief of State and Government are continually subject to adverse criticism, sometimes rather vitriolic criticism, by the American press.

Names of magazines
1. Ken (April)
2. Life (April 14 and May 8)
3. Esquire (April)
4. Saturday Evening Post (May 7)
5. Time (April 18)
6. Liberty (February 19)
7. Focus (July)

Disadvantages of American Press Announcements Concerning Incidents in Process of Settlement

The Minister then said, with regard to the present incident, the Japanese authorities in the field (Foreign Office, army, navy) are all zealously working for a local settlement. However, the publication in the press by the American Government of incidents which are progressing towards a local settlement is a measure on the part of the American Government which not only does not contribute towards a settlement of the case but on the contrary, the Minister fears, delays the settlement. With regard to local settlements, because of the manner of treatment by the American Government as
mentioned above, the authorities in the field receive the impression that the American Government believes that if it brings the problem to the attention of the central authorities it will be able to expedite the settlement. This has a tendency to stiffen the attitude of the authorities in the field. On the contrary when a matter is entrusted to local settlement, if we cite the example of the settlement of the recent question of the return of American missionaries to Suchow, the rapidity of the solution is clear. In this connection, in addition to our full understanding of the foregoing circumstances the Minister most earnestly hopes that for the solution of the problems of the present hostilities the most practical measures directly relative to actual conditions will be adopted. Furthermore, on the part of the Japanese, individuals from the concerned bureaus of the Foreign Office, army and navy, are now being called to Tokyo and the conditions minutely examined.

I promptly took issue with the Minister on his point that we should deal exclusively with the authorities in the field rather than with the central authorities and I pointed out that the Minister must realize that our proper principal channel for explaining American interests and for making representations if such interests were injured was the Foreign Office in Tokyo, not the army and navy, and that we must hold the Minister himself directly responsible for dealing with the foreign relations of Japan.

(The Minister’s meaning with regard to the publication by the American Government “of incidents which are progressing towards a local settlement” was not entirely clear but I suppose he had in mind various press releases of the Department of State from time to time concerning representations made to the Japanese Government and that the knowledge of these representations had tended to stiffen the attitude of the military and naval authorities in the field. Considerable publicity was given in Japan to an alleged statement by someone in the Department of State that our representations concerning the return of missionaries to Suchow had brought results with amazing and almost unprecedented rapidity. It was of course pure coincidence that the permits were given so soon after our representations but the nature of the publicity in Japan gave the impression that our Embassy possessed great influence with the Foreign Office through which it was able to get immediate results and this may well have angered the military and naval authorities.)

**Recent Statement by the Japanese Spokesman in Shanghai Concerning Extraterritoriality**

As a result of investigations made by the Imperial Government of the reports which were circulated concerning the statement by the spokesman of the Japanese Consulate General in Shanghai concern-
ing extraterritoriality, it has been found that they were based upon a misunderstanding. It goes without saying that the Japanese Government has no intention of denying the right of extraterritoriality in China which America and other countries enjoy and of giving the present conditions in China as an excuse. This is considered to be entirely a problem between those various countries and China. However, the Imperial Government strongly maintains the view that it is only right, because of the present hostilities between Japan and China extending over a broad area, that the Japanese armed forces take whatever measures are necessary from a military standpoint. This is particularly justifiable when there is an attempt to endanger the safety of the forces or when an act is done or attempted which would injure the carrying out of Japanese military activities. In such cases the army will take necessary measures without questioning the nationality of the person. The above-mentioned statement by the Japanese spokesman in Shanghai was, after all, nothing more than an expression to the above purport. It may be said that the statement in question was entirely separate from the question of extraterritoriality. The Imperial Government sincerely desires to correct the misunderstanding on the part of the American Government and to obtain its understanding of the true motive of the Imperial Government.

I replied that I took note of the Minister's statement but I wished to point out that the original statement of the Japanese spokesman in Shanghai had been officially published by Domei and it was therefore natural that we had taken it at its face value. (I noticed that both the Minister and the interpreter smiled broadly at this comment on my part.) The position of my Government with regard to this question had been fully recorded.

**Embargo on Hides and Skins in North China**

The Department's telegram no. 229, July 2, 7 p. m., via Peiping, was received at the Embassy on July 4, at 1:30 a. m., and although it was then too late to incorporate the subject in the typed record of my representations to the Minister for Foreign Affairs on that day, I did take up this subject with General Ugaki in accordance with the final paragraph of the Department's instruction under reference, making emphatic representations along the lines of the Department's telegram and requesting that the Japanese Government take steps to cause the removal of the unwarranted restrictions placed upon the American trade with North China.

---

*Not printed.*
The Minister appeared to search his memory with regard to the embargo mentioned and finally said that he knew nothing about the matter and would cause an immediate investigation to be made.

J[OSEPH] C. G[REW]

894.00/806

The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Ugaki)\(^55\)

I have not wished to bother His Excellency by frequent visits until he had had an opportunity to become settled in office.

I have therefore taken up either with the Vice Minister or the Director of the American Bureau the various issues and cases that have arisen.

Furthermore, I feel that the Minister has been making efforts on his own initiative to find solutions to various difficulties for American interests in China arising out of the present conflict.

I have wished to watch the working out of those efforts which I have reported to my Government and which are fully appreciated.

Now, however, I feel that the time has come for a talk along general lines.

I hope that the Minister will regard our talk today as concentrating what might have been said in several interviews since he assumed office.

I do not wish to present any diplomatic document, formal or informal. My representations will be oral. But if it will convenience the Minister in recording our conversation, I shall be happy to leave with him these rough notes, not as a diplomatic document but merely as an informal guide to what has been orally presented.

**Respect for American Property Rights**

At my first interview with the Minister when I asked what report I might make to Washington concerning the Minister’s attitude towards American interests in China, I was very much gratified when His Excellency replied that he would guarantee the protection of those interests.\(^57\)

My Government has been informed of those assurances.

I now feel that the Minister would wish to be informed of the great and widespread injury to American property in China at the hands of Japanese military and naval forces during the year since the hostilities in China began.

---

\(^{55}\) Statement left with the Japanese Minister for Foreign Affairs on July 4, 1938.

\(^{57}\) See telegram No. 746, June 1, 1938, from the Consul General at Shanghai, p. 766.
A list has therefore been prepared, which I shall leave with His Excellency, giving an accurate and itemized statement of some of these damages.

This list is however only partial and not complete.

The Minister will note that much of the damage has occurred through the indiscriminate bombing of buildings carefully and conspicuously marked with American flags.

This includes many hospitals, missions, schools, churches and colleges.

We believe that very few of these damaged buildings were situated nearby to any Chinese military objectives.

As a typical case, one of very many cases, I shall ask the Interpreter to be good enough to translate to His Excellency a recent letter from our Embassy in Peiping to Mr. Horiuchi, Counselor of the Japanese Embassy in that city. (Appended)\(^{58}\)

Not only has American property been widely injured or wholly destroyed but American lives have been continually placed in immediate danger.

These incidents obviously have created a most unfortunate reaction in the United States, not only in the interested business circles and among the many millions of Christians whose churches, missions, schools and hospitals have been damaged or destroyed, but on American public opinion as a whole.

The deplorable effect on Japanese-American relations is obvious.

To overcome this effect and to carry out the guarantees which the Minister was good enough to give me in our conversation of May 31, I urge His Excellency, under the heading of respect for American property rights, to take concrete steps as follows:

(a) to ensure the exercise of particular care by the armed forces of Japan in China to avoid damaging American properties by direct military action, especially through bombing activities from airplanes;

(b) to ensure the restoration to American citizens of the full possession and unhampered use of their properties in the areas controlled by the Japanese wherein warfare has ceased;

(c) and to ensure compensation for such loss and damage as have been caused by Japanese military operations in China.

MAINTENANCE OF THE PERSONAL RIGHTS OF AMERICAN CITIZENS

Under this general heading, several important desiderata come into view.

First and foremost, of course, is the prime importance of avoiding danger to American lives by indiscriminate bombing operations.

\(^{58}\) Not printed.
The charge that many of these operations in the past have been indiscriminate can hardly be denied, for the results have been clear.

The American buildings were clearly marked by American flags; many or most of them were widely separate from any Chinese military objectives.

Yet they were bombed nevertheless, and American lives were thereby placed in jeopardy.

Secondly, American citizens have been in various cases and localities molested or affronted by Japanese soldiers.

There have been, among other cases, the Allison incident in Nanking, and the Massie incident in Tsingtao, all cases of personal assault without good cause. The slapping across the face of American citizens, including the wife of an American naval officer, by Japanese soldiers, cannot pass unnoticed in my country. Were the positions reversed, I cannot believe that the Japanese Government would be inclined to tolerate such incidents.

Of an even graver nature was the Scovel incident in Tsining where an American missionary was shot by a drunken Japanese soldier.

I shall not now go into these cases in detail because they have been or are being dealt with individually, and today I wish to speak along more general lines.

But my Government feels very strongly that greater control and care should be exercised by the Japanese armed forces in avoiding injury and indignities to American citizens.

Finally, under this heading, I wish to speak of the rights of American citizens to visit and control their goods and properties and to resume their lawful occupations in the areas controlled by Japan wherein hostilities have terminated.

I know that the Minister has been making efforts along those lines and, in the case of Nanking, that passes are being issued in certain cases.

But in a locality where hundreds of Japanese civilians have already established themselves, we feel that the bars should be let down more generally and that American citizens, having lawful interests and occupations in Nanking and other localities in the occupied areas where warfare has ceased should be permitted to proceed forthwith.

The continued occupation by Japanese troops of the University of Shanghai, American property, is particularly to be deplored. I may say that there are some millions of Baptists in the United States keenly interested in that question today.

In this general connection there is a long outstanding case of the detention and partial destruction at Nanking of a cargo of wood oil belonging to an American concern, the Werner G. Smith Company,
which the owners wish to ship to Shanghai, yet permission has been withheld for many months.

All of these situations and incidents have created an unfortunate impression on my Government and on American public opinion.

The smoothing out of these cases is essential in the interests of good relations between our countries.

Summarizing the desiderata under this heading, I would mention the following points:

(a) avoidance of danger to American lives through indiscriminate bombing operations and other acts;

(b) avoidance of assaults and indignities inflicted on American citizens by Japanese armed forces;

(c) restitution of the rights of American citizens to visit and control their goods and properties and to take up their lawful occupations in the areas controlled by Japan in which hostilities have ceased.

MAINTENANCE OF EQUALITY OF OPPORTUNITY IN JAPANESE CONTROLLED AREAS IN CHINA AS BETWEEN JAPANESE AND OTHERS

Under this heading I refer to the avoidance of restrictions and obstacles to American trade and other enterprise as might result from the setting up of “special companies”, officially supported and granted preferred status;

Avoidance of the granting of monopolies;

And avoidance of the establishment of exchange control involving restrictions upon the trade between the United States and China while at the same time allowing the free movement of funds and goods between Japan and China.

In that respect the situation in Manchuria, where American enterprise and trade are subject to restrictions in favor of Japanese enterprise and trade, and in marked contravention of the principle of the Open Door, long assured in theory but denied in practise, is illustrative of what we do not desire to see occur elsewhere in China.

This is a point upon which I would particularly like to be able to communicate to my Government assurances from His Excellency the Minister.

PROTECTION OF LEGITIMATE AMERICAN FINANCIAL INTERESTS

Included under this heading of desiderata are the preservation of the machinery of administration of the Chinese Maritime Customs and the continued servicing of American obligations secured upon the salt, customs and consolidated tax revenues.

These are subjects which I frequently discussed with His Excellency’s predecessor, Mr. Hirota, and upon which our views are amply recorded in notes and other documents filed with the Gaimusho.
AVOIDANCE OF INTERFERENCE WITH AMERICAN TREATY AND PRESCRIPTIVE RIGHTS IN CHINA

Under this desideratum we envisage non-interference with American extraterritorial and other rights arising from American-Chinese treaties;

Also avoidance of interference with the administrative functions and organization of the International Settlement at Shanghai;

As well as with the functions and organization of the Chinese Courts serving the International Settlement.

On December 27, 1937, the spokesman of the Japanese military authorities at Shanghai is reported as having stated to representatives of the press that nationals of third countries were subject in China to Japanese military law, officially reported by Domei.

On January 10, 1938, I informed Mr. Hirota in the course of a conversation which I had with him on this matter that the American Government would not recognize or countenance any attempt on the part of the Japanese authorities in China to exercise jurisdiction over American nationals in China.

I feel that, a Japanese official spokesman having again made a public statement on the subject of rights of nationals of third countries, I should make it clear to His Excellency that there can be no change in the position of my Government that the extraterritorial status of its nationals in China must be respected.

An unfortunate impression has been created abroad, and we feel that caution should properly be observed by Japanese spokesmen in touching on this important subject.

JAPANESE-AMERICAN RELATIONS

The foregoing points embrace certain litigated and tangible issues which have arisen out of the hostilities in China.

They represent important American interests, and to ensure the protection of those interests my Government would welcome the effective cooperation of His Excellency the Minister.

I know very well that His Excellency desires to work for the friendship and good relations between our two countries.

These various issues and incidents which I have mentioned have inevitably created a marked reaction and influence on public opinion in the United States. My Government must listen to public opinion within our country.

Therefore, in the interests of Japanese-American relations, now and hereafter, I earnestly appeal to the Minister to bring to bear the full and important weight of his own influence in ensuring the desiderata which I have mentioned.
Those desiderata are of great importance, and I feel it my duty to try to convey to the Minister a full appreciation and understanding of those interests, concerns and anxieties of the American Government and people.

International friendship depends in large degree on international understanding.

An Ambassador must be an interpreter of his country’s views, opinions, sentiments and considered reactions.

Sometimes these interpretations may be welcome, sometimes not, but the Ambassador would be failing in his duty if he avoided the truth, or tried to minimize or obscure it.

The true friend in every walk of life is the friend who speaks frankly, not the friend who merely says the things which he thinks the other would like to hear.

I believe His Excellency to be a searcher after truth, and in the friendliest way I must portray the truth, even though the picture may be painted in dark colors, whereas we would both of us prefer to see nothing but a happy picture.

For long I have been seriously concerned about the relations between our two countries.

At times during the past year most serious incidents have occurred which required the most careful handling on the part of both of our Governments, lest the repercussions of those incidents should lead our relations into dangerous channels.

Incidents of a more or less serious nature are still taking place.

I constantly fear the occurrence of some further incident, or merely the amassingment of many incidents, affronts, indignities, assaults, possible loss of American lives, loss or damage to American property, injury to legitimate American interest, the cumulative effect of which might create on American public opinion the most deplorable if not disastrous results.

I have had many evidences of the apparently sincere desire on the part of the Japanese Government, especially the Ministry of Foreign Affairs, to prevent relations between our two countries from becoming seriously impaired, and I appreciate the many assurances which I have received that incidents of various kinds will either be prevented or not permitted to recur.

However, there are continual indications that the armed forces of Japan in China pay little if any attention to the assurances given us by the Government in Tokyo.

Only yesterday we heard of a particularly glaring case of such lack of attention.

At the time of the sinking of the United States ship Panay, several vessels belonging to the Standard Oil Company were likewise sunk.
On April 22 last the Japanese Government expressed a wish to salvage those vessels for conversion into scrap metal.

On April 25 we informed the Foreign Office that the Japanese Government might salvage the vessels on the understanding that representatives of the Standard Oil Company should be present when the vessels were raised and be permitted to recover books, documents and papers constituting official records of the company, as well as logs, registry documents et cetera, for the purpose of turning them over to the American consular officers in China.

On June 2 we were informed that the salvaging of these vessels had already begun without the presence of representatives of the company.

On June 3 we were advised by the Foreign Office that the Japanese Government desired to deal with this matter in such manner as to meet substantially the wishes of the American Government.

We were at the same time informed that Commander Kami of the Japanese Navy was to arrive in Shanghai on June 6 and would be directed to ensure satisfactory arrangements for the presence of the Company's representatives during salvage.

We are now informed that the vessels since that date have been blown into scraps without the presence of representatives of the Company, rendering impossible the taking out of the documents.

My Government has consequently asked me to make known to His Excellency the inability of the Government of the United States to comprehend how the Japanese Government could be so unmindful of its assurances.

I appeal to the Minister to bring to bear the full and important weight of his own influence to obviate the constant risks of which I have spoken and to prevail upon the Japanese naval and military forces in China to honor the assurances given by their own Government in Tokyo, both in regard to individual cases and along general lines involving fundamental international rights.

**General Principles**

But while the foregoing desiderata are of great importance, I feel it my duty to convey to the Minister certain interests and concerns of the American Government and people along broader lines.

These interests and concerns have from time to time been publicly expressed by Mr. Hull with admirable clarity.

I refer in this connection to Mr. Hull's public statements of July 16 and August 23, 1937, making clear and applicable to the Pacific area the principles by which the American Government is being guided, principles with which Japan is in direct conflict.

---

^28a Ante, pp. 325 and 355.
I furthermore refer to Mr. Hull's speeches before the National Press Club in Washington on March 17 and before the annual meeting of the Bar Association of Tennessee at Nashville on June 3, 1938.

No doubt the Minister has seen these various published statements and speeches; if not, they must be in the files of the Gaimusho.

These statements and speeches by the American Secretary of State have, among many other clearly stated facts, indicated that the existence and circumstances of the present conflict in China is deplored by the American people who have become increasingly perturbed by the method employed by Japan to resolve its disputes with China.

During the entire conflict of the past year my Government has endeavored to follow a course of strict impartiality.

This attitude, we feel, entitles us to express our views without risk of misunderstanding.

In this world of ours no nation and no people can escape the effects of warfare anywhere.

The present manifestation of Japan's foreign policy and the methods which the Japanese armed forces are employing in pursuit of that policy are looked upon with deep regret by the American Government and people.

Not only on grounds of humanity but also on grounds of the menace to American life and property, the widespread bombing of civilian populations in China has profoundly shocked both our Government and people.

There may be as has been claimed sanction under the rules of war for bombing defended areas, but it is my profound conviction that conditions have altered since the rules of war were formulated—in the days which preceded the invention of airplanes—and that the conscience of mankind abhors the wholesale destruction from the air of innocent non-combatants.

My Government is most deeply anxious that the conflict be concluded and that peace be restored at the earliest possible moment, with due regard for the establishment and maintenance of orderly processes in the relations of nations, along lines consistent with the provisions of existing international commitments and with principles of justice and equity with regard to all concerned.

These concerns of my Government and the American people are broad and fundamental.

I cannot too earnestly stress the public thought and comment that are being given to these matters in my country today, where acts and facts speak louder than words.

---

*Ante, p. 452.
*See extracts in Department of State, Press Releases, June 4, 1938 (vol. xvIII, No. 453), pp. 645-647.
Now I have spoken with the utmost frankness, but in all friendliness and friendship.

I shall say nothing of this interview to the press. Perhaps the Minister may wish to tell the press merely that I came to discuss Japanese-American relations in general terms.

Once again I earnestly appeal for His Excellency’s cooperation and most careful thought in considering the desiderata and facts presented.

The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Ugaki)

No. 1026

TOkyo, August 16, 1938.

EXCELlENCY: I have the honor to refer to notes addressed to the Ministry under the direction of Your Excellency nos. 992 and 993, dated July 13, 1938, nos. 1005 and 1006, dated July 22, 1938, and nos. 1022, 1023, 1024, and 1025, dated August 15, 1938, relating to the attacks by the Japanese military on American mission properties at Wuchang.

I am directed to make comprehensive and emphatic representations to the appropriate Japanese authorities through Your Excellency, recalling succinctly the essential facts and circumstances of the attacks of these American mission properties at Wuchang, and to point out that notwithstanding the fact that the mission properties have been marked on maps delivered by the American Consul General at Shanghai to the Japanese authorities the mission properties under reference have been bombed no less than seven times since July 6 last, and particularly to emphasize the fact that in the course of these attacks American lives have been directly imperilled.

Acting under instructions from my Government I accordingly have the honor to request through Your Excellency that immediate and effective steps be taken to prevent a recurrence of such deplorable attacks.

I avail myself [etc.]

JOSEPH C. GREW

Press Release Issued by the Department of State on August 26, 1938

Text of a note presented to the Japanese Foreign Office by the American Ambassador at Tokyo, upon instruction of the Secretary of State:

*None printed.

[Tokyo,] August 26, 1938.

Excellency: Acting under instructions, I have the honor on behalf of my Government to protest to Your Excellency against the unwarranted attack on August 24, 1938, near Macao, by Japanese airplanes upon a commercial airplane operated by the China National Aviation Corporation resulting in the total destruction of the commercial airplane, the loss of the lives of a number of noncombatant passengers, and the endangering of the life of the American pilot.

This attack upon the plane has aroused public feeling in the United States.

I am directed to point out to Your Excellency, with reference to the attack in question, that not only was the life of an American national directly imperilled but loss was also occasioned to American property interests as the Pan American Airways has a very substantial interest in the China National Aviation Corporation.

I am directed to invite the special attention of Your Excellency to the following points in the account of Pilot Wood: the China National Aviation Corporation plane was pursued by Japanese planes which started machine gunning; after the China National Aviation Corporation plane had successfully landed it was followed down by Japanese pursuit planes which continued to machine gun it until it had sunk; and when Pilot Wood started swimming across the river he was followed by one of the Japanese planes which continued to machine gun him.

My Government desires to express its emphatic objection to the jeopardizing in this way of the lives of American as well as other noncombatant occupants of unarmed civilian planes engaged in clearly recognized and established commercial services over a regularly scheduled air route.

I avail myself [etc.] (Signed) JOSEPH C. GREW

The Japanese Ministry for Foreign Affairs to the American Embassy in Japan

[Translation]

No. 81, Asia I NOTE VERBALE

The Imperial Ministry of Foreign Affairs presents its compliments to the American Embassy and has the honor, in view of the attack which is soon to be made on Hankow and its environs by the Imperial Army, to convey to the American Embassy the following communication regarding the safety of the rights and interests in Hankow of third countries.
Information concerning the safety of the rights and interests in Hankow of third powers was conveyed in a note verbale dated January 11 of this year." From that time up to the present the attack on Hankow has been limited to aerial bombardment.

Since the capture of Hankow is soon to be carried out by means of military force both land and water, the Imperial Government by enlarging upon and explaining the purport of the above-mentioned note verbale is desirous of contributing toward assuring the safety of the rights and interests of third countries.

As was stated in the preceding note verbale, the conditions under which the Imperial Army will not attack the specified area are that Chinese forces are not present within the said area; that absolutely no military advantage of the area be taken by the Chinese Army and that the movements of Japanese forces outside the area are not hindered from within the area. In consequence of these conditions:

1. The Chinese forces are not to be allowed to pass through the said area.
2. The Chinese forces’ arms, ammunition, military supplies, et cetera, are not to be allowed to be stored in or to be transported through the area.
3. The Chinese forces are not to confront the Imperial forces by taking a position in front of this area.
4. The area is not to be utilized by the Chinese military authorities for espionage, communications, or as a base of operations for creating disturbances behind the Japanese lines.
5. Vessels used by the Chinese forces are not to be allowed to navigate along or to anchor at the river front in the said area.
6. Plain clothes troops, assassins, and criminals are to be considered as elements of the Chinese Army and the foregoing conditions are properly to be applicable also to them.

The Imperial forces consider these to be especially important items in connection with the need for planning for the safety of third-party interests at the time of the capture of Hankow, and accordingly they urgently ask that the countries concerned will take steps to see that they are strictly carried out.

In regard to the abuse by the Chinese forces of third-party rights: the experiences during the hostilities in the western part of Shanghai last year fully evidence that, in the event that the Chinese forces confront the Imperial forces in the vicinity of foreign property or use such property as cover, as an unavoidable consequence the property of third parties is unintentionally subjected to fire.

Accordingly it is particularly to be added that as long as there are Chinese military forces or military emplacements within one thousand meters from the outer edge of the established area at Han-

*Not printed.*
kow herein referred to, it is exceedingly difficult for the Imperial
forces to bear responsibility for unforeseen damages to the rights
and interests of third parties which may occur as a result of an attack
on such Chinese forces or emplacements.

[Tokyo,] September 3, 1938.

793.94/14098

The American Embassy in Japan to the Japanese Ministry for
Foreign Affairs

No. 1038

The American Embassy presents its compliments to the Imperial
Ministry of Foreign Affairs and has the honor to refer to the
Ministry’s note verbale dated September 3, 1938, Asia I, No. 81, re-
late to the safety of the rights and interests at Hankow of third
countries.

This note verbale has been carefully studied by the American
Government.

The American Government’s views in regard to military operations
in and against a definitely arranged specified area at Hankow are
well known to both the Japanese and the Chinese Governments. In
this connection, however, the Japanese Government will doubtless
understand that the American authorities cannot assume any re-
sponsibility to either side in the present unfortunate hostilities be-
tween Japanese and Chinese forces for any actions or undertakings
of the other side.

Attention is called to the fact that from time to time the American
authorities have, with the purpose of facilitating the protection of
American lives and property and without prejudice to the general
rights, supplied the Japanese authorities with maps showing the loca-
tion of American properties in areas of hostilities in China, including
properties in Hankow and Wuchang. The specified area at Hankow
consists very largely of foreign owned property including a con-
siderable amount of American property. A considerable number of
American citizens are amongst the large foreign community in that
area, and, as the Japanese Government is aware, there are also Amer-
ican citizens and American property in Wuchang.

Irrespective of the outcome of efforts made to separate the speci-
fied area at Hankow from all military activities, the American
Government fully expects that the Japanese authorities will so con-
duct their military activities in China as to avoid injury to American
lives and properties and makes full reservation of its rights and of
the rights of its nationals in the event of the failure of the Japanese
authorities to do so.

Tokyo, September 12, 1938.
The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, October 13, 1938—4 p. m.

[Received October 14—7 a. m.]

664. Our 657, October 12, 10 a. m.,*3a and 396, June 21, 6 p. m.*a

Following is our translation of a note received this morning from the Foreign Minister:

"Number 37500 [37 Go], Asia I. Ministry of Foreign Affairs.

October 12, 1938. Excellency:

1. The Imperial Government previously communicated, by its note dated June 20, as urgent, desires of the Imperial Government and gave the viewpoint of protecting the rights and interests of nationals of third countries that in the area south of the Yellow River and east of a line connecting Sian, Huon, Hengchow, and Pakhoi, which area it was assuming would become in the future the scene of military land operations:

(a) Nationals of third countries will withdraw from military emplacements of the Chinese;

(b) Property of nationals of third countries be clearly marked so as to be visible from the ground and from the air, and notification of such property to the Japanese authorities be expedited;

(c) In the event of the Chinese forces exploiting property of nationals of third countries within such area, the Japanese forces will be obliged to attack such property; and in such cases the Japanese forces cannot assume responsibility for protection of such property;

(d) From the point of view of preventing the occurrence of incidents of all kinds, the withdrawal so far as possible of nationals of third countries from the area of actual hostilities to safe places is greatly to be desired.

The Japanese Government now has the honor, in view of the fact that military operations are actually being undertaken in South China, again to invite Your Excellency’s attention to the communication above mentioned and at the same time urgently to request Your Excellency’s Government to take appropriate measures, especially in regard to the following points:

2. During the hostilities at Shanghai and Kiukiang, the Chinese Army deliberately constructed defensive emplacements contiguous to the property of nationals of third countries or employed property of nationals of third countries to offer resistance to the Japanese Army, which circumstances created for the Japanese Army the greatest difficulty in protecting such property. Accordingly, the Imperial Government urgently requests that Your Excellency’s Government will be disposed to take appropriate and effective measures to the end that the Chinese be prevented from resorting, in the operations in South China, to the practices above described.

*3a Ante, p. 476.
a Not printed; but see note of June 20, 1938, from the Japanese Minister for Foreign Affairs to the Ambassador, p. 602.
With relation to this point the Imperial Government maintains the view that, if the Chinese Army should take positions contiguous to the property of nationals of third countries, responsibilities for any damage which might thereby arise must properly be borne by the Chinese Army.

Further, the Imperial Government ardently desires that special measures will be taken to prevent acts of any kind (even though the Imperial Government is confident that such acts will not occur) which might give rise to suspicion on the part of the Japanese Army that Your Excellency's country is manifesting sympathy toward China.

3. The Imperial Government, being apprehensive lest movements of troops, vessels, and airplanes of third countries on Chinese territory, in Chinese waters, and in the air over Chinese territory in all that part of China extending from Swatow to Pakhoi give rise to unforeseen incidents with Japanese troops, vessels, and airplanes, urgently desires that the countries concerned will, so far as possible, avoid all such movements. If it should be absolutely necessary to move troops, vessels, or airplanes of Your Excellency's country within the above-indicated area, it is desired that the Japanese authorities be informed, so far as the communication facilities permit, at least ten days in advance.

4. In conclusion, as the possibility cannot be precluded that the Chinese may intend to utilize the territory, wireless equipment, or air over the territory of third countries, the Imperial Government confidently expects and urgently requests that any such designs on the part of the Chinese Army will not in any way be tolerated.


The British Embassy has received a similar note.
Copy by mail to Peiping.

Grew

793.94/14315

The Japanese Ministry for Foreign Affairs to the American Embassy in Japan
[Translation]

No. 97, Asia I

NOTE VERBALE

The Imperial Ministry of Foreign Affairs presents its compliments to the American Embassy in Tokyo and has the honor to acknowledge the receipt of the latter's note verbale dated September 12, 1938, in which the views of the American Government concerning the safety of the rights and interests of third countries in a specified area at Hankow were set forth.

In the above-mentioned note verbale, the American Government urgently requested that the Japanese authorities so conduct their military operations in China as to avoid injury to the lives and property of American nationals. The fact that the Imperial military forces are
already to as great an extent as possible, strictly adhering to a policy of giving consideration to the safety of the lives and property of the nationals of third countries has previously been made clear by frequent communications and public statements by the Japanese Government, and has been substantiated by past examples. Accordingly, even if a lack of concurrence and cooperation on the part of the Chinese authorities should unhappily prevent the implementation of the arrangement between the Japanese Government and the Powers concerned looking toward the safety of the lives and property of the nationals of third countries as a whole in a specified area at Hankow, there will be of course no change in the policy followed up to the present.

When the Chinese military forces utilize the rights and interests of third countries for military operations, that is, when they offer military resistance from points in close proximity to such interests or use such interests as cover, it becomes practically impossible to avoid the occurrence of unforeseen damage to the rights and interests of third countries. Nevertheless, according to reports from all sources, the Chinese military forces are utilizing the rights and interests of third countries, within and without the area in question, they are building military emplacements, and they are storing arms, ammunitions, military supplies, etc. It is important that the Powers concerned, if they are desirous of securing the safety of those interests, should take effective and appropriate measures to prevent acts of the Chinese forces which can be anticipated to jeopardize or injure such rights and interests. If, on the contrary, measures which should appropriately be taken are not taken, and the Powers concerned demand of the Japanese Government alone satisfaction in regard to the results of damages to rights and interests, such demands cannot be said to be just. For this reason the Imperial Government must continue to hold the view, as set forth in its note verbale dated September 3, 1938, that in such circumstances the Japanese Government cannot assume responsibility for damages to rights and interests.

[TOKYO,] October 14, 1938.

353.115/488: Telegram

The Ambassador in Japan (Grew) to the Secretary of State

TOKYO, October 16, 1938—3 p. m.

[Received October 17—8 a. m.]

671. Department's 354, October 14, 7 p. m. 65 I have today addressed the following signed note to the Minister for Foreign Affairs:

"Tokyo, October 16, 1938. Number 1085. Excellency: I have the honor to refer to the statement to me on October 12, 1938, of His

* Not printed.
Excellency, the Vice Minister for Foreign Affairs, relating to the question of the rights and interests of third powers in China, and to acknowledge the receipt of Your Excellency’s note number 37 Go, Asia I, dated October 12, 1938, marked confidential, relating to the measures recommended for the protection of American nationals and property in the areas of active military operations in China.

The foregoing note makes reference to the Japanese Government’s note No. 15 Go, Asia I, dated June 20, 1938, relating to the same subject. In my reply thereto, No. 972, dated June 27, 1938, I ventured to recall to Your Excellency’s predecessor the position taken by my Government that although American nationals have been and are being advised to take certain measures for their safety and for the protection of their property and that insofar as practicable and reasonable such nationals are doing so, nevertheless obligation to avoid injury to American lives and property rests upon the Japanese military authorities irrespective of whether American nationals do or do not take such precautionary measures. I also stated that my Government holds, furthermore, that the presence of American nationals and property within the areas of military conflict and possible proximity to such American nationals and property of Chinese military personnel or equipment in no way lessens the obligation of the Japanese armed forces.

With reference to the statement to me on October 12, 1938, of His Excellency, the Vice Minister, I have the honor to inform Your Excellency that my Government takes special note of the statement that in the military operations under reference the Japanese Government intends to respect foreign interests and to make the ‘best of efforts’ to prevent any damage to them. I am instructed to add that my Government will expect scrupulous observance of this assurance. I avail myself, et cetera. Joseph C. Grew. His Excellency Prince Fumimaro Konoye, His Imperial Majesty’s Minister for Foreign Affairs.

Repeated to Chungking and Peiping, Commander in chief informed.

Grew

793.94/14378

The American Ambassador in Japan (Grew) to the Japanese Vice Minister for Foreign Affairs (Sawada)

Tokyo, October 27, 1938.

My Dear Minister: I have received a report that the Japanese naval authorities at Shanghai have urgently requested representatives in China of third powers that, owing to the presence in the immediate vicinity of third party vessels anchored off Hankow of a large number of junks carrying Chinese troops, these third party vessels move to previously designated anchorages in order that unfortunate incidents may be avoided. In the communication in which this request is made, the Japanese naval authorities refer to the intensive character of the hostilities which are expected to occur at Hankow and state that it is difficult to give assurance that Chinese troops in close proximity to third party vessels will not be attacked.
My Government takes the strongest possible exception to the position as above intimated of the Japanese naval authorities at Shanghai. The American vessels now anchored off Hankow bear appropriate and adequate markings, and the Japanese naval authorities are, of course, fully aware of their position. Further, there are in Hankow a number of American citizens and important American property interests, whose protection in the existing circumstances requires the presence of American naval vessels and so long as this need exists the American naval vessels must remain. Quite apart from this consideration, there appears to be no warrant for attacks to be made in the vicinity of these vessels.

It is most urgently requested that the appropriate Japanese naval and military authorities be explicitly instructed to refrain from making any attack in the immediate vicinity of American vessels.

Sincerely yours,

JOSEPH C. GREW

Memorandum by the Ambassador in Japan (Grew)

[TOKYO,] October 31, 1938.

After repeated efforts to see the Minister for Foreign Affairs had failed I called today on the Vice Minister and made emphatic representations regarding the Nyhus case. I said to Mr. Sawada that I regarded this as an extremely serious case because it involved not only the bombing of American property but the loss of American life, that it was only a wonder that greater loss of American lives had not occurred through the repeated bombings of American property in China ever since the hostilities began and that unless effective steps were taken to prevent such attacks in future the risk of further incidents of this nature would be continual, and I pointed out to him the deplorable effect which the inevitable publicity concerning the Nyhus incident would exert on American public opinion. My oral representations were supported by a signed note addressed to the Minister for Foreign Affairs and couched in vigorous terms.

The Vice Minister after listening to my presentation said: "I agree with you that this is a very serious incident" and promised an immediate investigation.

The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Arita)

No. 1105

EXCELLENCY: I have the honor to inform Your Excellency that information has reached me that property belonging to the Lutheran
Brethren Mission at Tungpeh, Honan, was bombed by Japanese airplanes on October 24, 1938, which action resulted in the death of an American national, Phoebe Nyhus, aged three years, and in the wounding of two other American nationals, her mother, Mrs. Arthur E. Nyhus, and her sister, Ruth Nyhus, aged eight years. The building which was the object of the attack was destroyed.

Acting under instructions from my Government, I am compelled emphatically to protest this unwarranted bombing of American property which resulted in the death of an American national and wounded two others. The attention of Your Excellency is especially invited to the fact that a map of Tungpeh showing the location of the property was furnished to the Japanese authorities more than seven months ago, on March 3, 1938, and that, therefore, there would appear to be no grounds upon which the bombing could be excused because of lack of identification of the property.

My Government urgently requests that the Japanese Government cause an investigation to be made of the circumstances referred to in the foregoing report and that immediate steps be taken with a view to fixing the responsibility for this unfortunate occurrence and to the taking of measures which will ensure that similar incidents do not occur.

I avail myself [etc.]                              JOSEPH C. GREW

The Japanese Minister for Foreign Affairs (Arita) to the American Ambassador in Japan (Grew)

[Translation]

No. 41 Go, Asia I                                   [TOKYO,] November 7, 1938.

EXCELLENCY: Since the outbreak of the present incident, the Imperial Government has constantly exercised care to protect the lives and property of nationals in China of third countries, and it has, as the area of hostilities in China expanded, repeatedly set forth in notes dated February 15, 1938, June 20, 1938, and October 12, 1938, its desires with regard to the measures which should be taken in order that this objective might be accomplished. Canton and even Hankow have been occupied recently by the Japanese forces; and as a result of the flight of the Chiang Kai-shek régime to the western part of China, the area of hostilities in China will henceforth gradually expand further toward the west, and Shensi Province, Hupeh Province, and Hunan Province are in the near future to become areas of hostilities. Further, even west of the above-mentioned areas up to a line connecting Suchow, Batang, and Tali, military objectives in Chinese territory are to be subject to attack by Japanese military airplanes. Accordingly, with a view to effecting even more completely its con-
sistent desire that the lives and property in China of nationals of third countries be protected, the Imperial Government now sets forth hereunder its earnest desiderata and urgently requests that Your Excellency’s Government take prompt and appropriate measures in the premises.

1. In view of the fact that the Chinese forces are using for military purposes civilian airplanes manufactured in third countries, and in order to avoid the occurrence of unforeseen incidents, it is desired that measures be taken to prohibit the flight in the above-mentioned areas of aircraft having any connection with Your Excellency’s country.

2. Travel in the above-mentioned areas by nationals of Your Excellency’s country is to be undertaken at the risk of the travellers themselves.

3. From the standpoint of assuring their safety, the withdrawal wherever possible to safe areas of those nationals of Your Excellency’s country staying in the above-mentioned areas who are able to withdraw therefrom is to be desired.

4. It is desired that the Japanese authorities be notified in reasonably ample time of the property interests of nationals of Your Excellency’s country, and that such properties be very clearly marked so as to be visible from the air and from the ground.

It should be understood that it is impossible fully to protect interests of Your Excellency’s country in regard to which such measures as described above are not taken.

5. The Chinese, in order to evade the exercising of the just rights of the Japanese armed forces, are deliberately transferring public and private property to the names of nationals of third countries. Therefore, the Japanese forces cannot assume the responsibility of protecting property which has been transferred for that purpose.

Further, it has been repeatedly stated that the Japanese military forces cannot assume the responsibility of protecting third countries’ interests which are utilized by, or in close proximity to, the Chinese forces. I desire here, once again, to invite Your Excellency’s attention to this fact.

I avail myself [etc.]

HACHIRO ARITA

The Japanese Vice Minister for Foreign Affairs (Sawada) to the American Ambassador in Japan (Grew)

[Translation]

[TOKYO.] November 11, 1938.

My DEAR AMBASSADOR: I have carefully perused the contents of Your Excellency’s letter, dated October 27, setting forth your views
concerning the urgent request for the withdrawal of naval and other vessels of Your Excellency's country from the vicinity of Hankow at the time of the attack on and capture of that place by the Japanese armed forces. The urgent request of the Japanese authorities concerned at Shanghai to which you refer was made in an effort to do everything possible to avoid the occurrence of unforeseen damage to naval and other vessels of third countries during the attack on junks which were known definitely to the Japanese military authorities to have a large number of Chinese soldiers aboard and to be brazenly swarming in the proximity of naval and other vessels of third countries. This, just as prior announcements of the Imperial Government which have frequently been made, was an act based upon the sincere wish for the preservation of the rights and interests of third countries and should, I believe, be so understood by Your Excellency.

The Japanese Government, considering the view expressed in the last part of the Minister's official note, no. 97, Asia I, October 14, 1938, must endorse the action of the Imperial military authorities who, with the above-mentioned intent, made that urgent request.

As Your Excellency is aware no unforeseen incidents involving vessels of Your Excellency's country occurred.

Sincerely yours,

RENZO SAWADA

494.11/96

The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Arita)

No. 1157

TOKYO, December 22, 1938.

EXCELLENCY: Acting under instructions from my Government, I have the honor to invite the attention of Your Excellency to the fact that numerous notes addressed by me to the Japanese Government regarding the bombing by Japanese airplanes of American mission property in China remain unanswered. In this connection reference is made, for example, to the following notes addressed to the Ministry under the direction of your Excellency: 97

No. 923, May 16, 1938, relating to the bombing on or prior to May 18, 1938, of the American Southern Baptist Mission, Chenghsien, Honan.

No. 925, May 16, 1938, relating to the bombing on May 10 and 11, 1938, of the American Southern Presbyterian Mission, Hsuchowfu, Kiangsu.

No. 926, May 18, 1938, relating to the bombing on April 29, 1938, of the Saint Joseph Hospital, Wuchang, Hupeh.

No. 927, May 19, 1938, relating to the bombing on January 24, 1938, of the American Advent Mission, Chao Hsien, Anhwei.

97 Of the notes listed, only notes No. 925, May 16, 1938, and No. 946, May 31, 1938, are printed; see pp. 590, 593.
No. 935, May 23, 1938, relating to the bombing on May 13 and 19, 1938, of the Free Methodist Mission, Chengchow, Honan.

No. 944, May 31, 1938, and no. 980, July 6, 1938, relating to the bombing on May 19, 1938, of property of the Southern Presbyterian Mission at Sutsien, Kiangsu, and of property of this same mission at Hwaiyin (Tsingkiangpu) on May 24, 1938.

No. 946, May 31, 1938, relating to the bombing on May 24 and 28, 1938, of the American Presbyterian Mission, Haichow.

No. 947, May 31, 1938, relating to the bombing on May 21, 1938, of the Lutheran United Mission, Chumatien, Honan.

Your Excellency's attention is also invited to my note no. 975, dated June 28, 1938, relating to an attack upon the Southern Baptist Mission property at Pingtu, which note remains unanswered notwithstanding oral assurances given to me by the Vice Minister for Foreign Affairs on August 26, 1938, that an immediate investigation would be made in the matter; to my unanswered note no. 242, dated May 30, 1938, regarding the bombing on August 17, 1937, of the Central China Christian Mission at Nantungchow, which note was sent in pursuance of a request made by the Ministry of Foreign Affairs; and to my unanswered note no. 1105, dated October 31, 1938, regarding the bombing of the Lutheran Brethren Mission at Tungpeh, Honan, resulting in the destruction of American property and the death and injury of American citizens.

I am instructed by my Government to state that it desires to be informed whether it may expect a formal expression of regret on the part of the Japanese Government for the death and injury of American citizens in the Tungpeh bombing and also assurances that appropriate indemnities will be granted, and when it may expect replies to the other above-mentioned notes and notes subsequently sent regarding the repeated bombings of American mission properties, including churches and hospitals, by Japanese airplanes.

I avail myself [etc.]

JOSEPH C. GREW

Memorandum by the Ambassador in Japan (Grew)

[TOKYO,] December 26, 1938.

In my conversation with the Minister for Foreign Affairs today he anticipated the presentation of our note, no. 1157 of December 22, in which we asked for replies to various notes already addressed to the Japanese Government regarding the bombing by Japanese airplanes of American mission property in China. This anticipation was a result of Mr. Dooman having informed Mr. Yoshizawa in advance that I had the intention to approach this matter. Mr. Arita said he understood that there had been ten or twelve cases of the bombing of American property in China and that while these cases would be
dealt with in due course, he wished now to refer to the attack on the Lutheran Brethren Mission at Tungpeh, Honan, resulting in the destruction of American property and the death and injury of American citizens. He said that as Tungpeh was not under Japanese occupation it had been up to the present impossible to conduct an investigation into this case and the question of responsibility and indemnity could not be approached until such investigation had taken place. Nevertheless, in view of the fact that American life had been lost there as a result of the hostilities in China, he wished now to express his regret on behalf of the Japanese Government. He understood that such an expression of regret had already been tendered by the Japanese representative in Shanghai. Mr. Arita then handed me a note confirming his oral statement. 68

I acknowledged the Minister's expression of regret and received his note but at the same time I said that I had already written him a note, no. 1157, December 22, covering this and other cases of bombing and referring to several notes of ours to which we had as yet received no reply, including the Tungpeh case. I handed this note to the Minister and expressed the hope that he would expedite replies to the various notes mentioned.

In view of the Minister's implied supposition that there were only ten or twelve cases of the bombing of American property in China, I took occasion to say to him that if I was not mistaken the number of such cases already totalled between two hundred and three hundred, and on December 28 I wrote to him stating that so far as we are now advised the cases of injury to American property in China at the hands of Japanese forces, including bombing, looting, assault, etcetera, totalled 296.

Our note, no. 1157, December 22, is based on the Department's telegram no. 420, December 16, 6 p.m. 69a

J[OSEPH] C. G[REW]

393.1123 Nyhus, Phoebe/08

The Japanese Minister for Foreign Affairs (Arita) to the American Ambassador in Japan (Grew)

[Translation]

No. 117, American I [Tokyo,] December 26, 1938.

Excellency: I have the honor to acknowledge the receipt of Your Excellency's note no. 1105, dated October 31, 1938, stating that on October 24 of this year the American Lutheran Brethren Mission at Tungpeh, Honan Province, was bombed by Japanese planes and that as a result of this action one American citizen was killed, two were injured and the property of the mission was damaged.

68 infra.

69a Latter not printed.
The contents of Your Excellency's note were promptly forwarded to the front and an investigation in the premises was requested. Tungpeh is outside of the territory occupied by the Japanese forces and, although it is impossible to carry out a complete investigation, a report to the following effect has been received. Since it is a fact that on October 24, the date mentioned in Your Excellency's note, the Imperial army carried out bombing operations under conditions as set forth in a separate report herewith attached, against enemy positions at Tungpeh, it was surmised that the incident which Your Excellency mentioned might be an accidental, unfortunate occurrence resulting from these bombing operations. Accordingly the Japanese Consul General and the appropriate authorities of the Imperial army at Shanghai expressed to the American authorities regret for the occurrence of the incident and stated that appropriate measures would be taken when the circumstances became clear. Although it is expected that this incident will be satisfactorily settled locally in the near future, the Imperial Government also expresses regret for the occurrence of the incident in which the life of an American citizen was lost.

I avail myself [etc.]

HACHIRO ARITA

494.11/97

The Japanese Ministry for Foreign Affairs to the American Embassy in Japan

[Translation]

No. 118, American I

NOTE VERBALE

The Imperial Ministry of Foreign Affairs presents its compliments to the American Embassy in Tokyo and has the honor to acknowledge the receipt of, and to reply to, the notes, sent by the Embassy at frequent intervals, in which it was stated that the Embassy had been informed that the property of American nationals at various places in China had been damaged as a result of bombing by the Japanese forces, and in which it was requested that investigations of the circumstances of these bombings be made, and that the Embassy be informed of the results of such investigations.

The text of each note was forwarded to the authorities concerned both in Tokyo and at the front and investigations are being carefully carried out. However, it is, of course, impossible to make an investigation when the incident occurred outside of the territory occupied by the Japanese forces, and even when within occupied territory, owing to a lapse of time, indefinite dates given in the evidence, and to other factors, it is extremely difficult to make effective investi-
tions of the conditions obtaining at the time of the incident. However, the replies which have been received thus far concerning the results of investigations of the circumstances of the bombings carried out by the Imperial forces are as set forth on a separate enclosure.

The Japanese forces, when carrying out aerial bombing operations necessary for strategic reasons, are exerting their best efforts in order to protect non-combatants, and in addition to this, as has frequently been announced, they are, in order to respect the property of the nationals of third countries, exhausting every possible precautionary and technical measure. This fact is made clear by the results of the investigations set forth on the separate enclosure. Accordingly, if, as reported by the American Embassy, damage was done to the property of American citizens in China, it must be surmised that such damage was caused by stray shells or bomb fragments from bombing operations. These operations were carried out without the least anticipation of the existence of American property rights and interests in the close proximity of Chinese military emplacements, troops, war materials, et cetera, for the reason that it was impossible to recognize the markings identifying American property rights and interests, either at the time of executing the bombing operation or in prior photographic scouting, because American property rights and interests were not effectively marked so as to be visible from the air or because the markings were inadequate.

However, in order to prevent to as great extent as possible the occurrence of such regrettable losses in the future, the authorities at the front are being instructed by the military authorities also to pay in the future even more attention to the respecting of the rights and interests of nationals of third countries. It is accordingly the earnest hope of the Imperial Government that American citizens in China will also, on their part, try to take precautions in order to avoid such unforeseen damages by putting up adequate markings visible from the air.

Further, among various incidents concerning which the American Embassy has made representations, some have already been the subject of a request for an investigation from the local American authorities to the Japanese authorities in that locality, and in a considerable number of these instances replies or explanations by the local Japanese authorities have already been made. There is no alternative but that investigations of this kind, by their very nature, be based upon reports from the locality concerned. For example, although the central authorities receive a request for an investigation, it is the practice to send all details to the authorities at the front. Accordingly, in order to decrease the difficulties of investigation which arise because of a lapse of time, et cetera, it is desired that the exchange of correspondence concerning these investigations, to as great an extent as
possible, be made locally. The Imperial Government sincerely hopes that the American Government also, with the above objective, will lend its support to the procedure of seeking settlement in the area concerned.

[TOYKO,] December 28, 1938.

[Enclosure]

ADDENDUM

1. The results of an investigation show these facts with regard to the incident set forth in the note verbale, no. 925, May 16, 1938, from the American Embassy at Tokyo, in which it was said that as a result of bombing operations at Hsuchow by Japanese military planes, property belonging to the American Southern Presbyterian Mission at that place was damaged. The above bombing operations by Japanese military planes were carried out on both May 10 and May 11, 1938. The military objectives being the enemy forces between Suking and Hsuchow and the Hsuchow railway station, no American or other third country property whatsoever was a target. It was ascertained that, at the time of this bombing attack, no markings whatsoever indicating the existence of American property were perceived. Therefore, even if it be a fact that American property was damaged in this case, it is to be concluded that such damage accidentally occurred for the reason that American property was in the close proximity of military facilities of the Chinese forces.

2. The results of an investigation show these facts with regard to the incident set forth in the note verbale no. 926, May 18, 1938, from the American Embassy at Tokyo, in which it was said that as a result of bombing operations at Wuchang by Japanese military planes, property belonging to the Saint Joseph hospital at that place was damaged. Since these operations were directed against the arsenal at Hanyang, it is clear that Wuchang was not an objective of the attack. Further, fearing, in view of the severe battle in the air, that some bombs might have fallen from airplanes which were partially damaged, a detailed investigation was made particularly in that connection. Evidence of such a fact, however, was not found.

3. The results of an investigation show these facts with regard to the incident set forth in the note verbale, no. 928, May 19, 1938, from the American Embassy at Tokyo, in which it was said that the motor yacht Gypsy owned by Anthony Clifford Miccia was damaged by bombing by Japanese military planes at South Soukong in the vicinity of the Shanghai Yacht Club located at Ming Hong, about 18 miles south of Shanghai. The personnel in the Japanese airplanes which had set out on September 8 of last year to bomb the enemy forces in

---

90 Not printed.
the Ming Hong area definitely observed that a large number of junks being towed by tugs and having Chinese soldiers aboard were moving in a creek at a point two kilometers from the Ming Hong ferry. Therefore, for strategical reasons, bombing operations against these forces were unavoidable. It was ascertained that, in respect of this bombing also, the maximum precautions were taken to guard the safety of property of third countries, and that damage to such property was avoided. It is, accordingly, to be concluded that, even if it be a fact that American property was damaged in this case, such damage occurred as the unavoidable result of the bombing operations against the above-mentioned Chinese military forces.

4. The results of an investigation show these facts with regard to the incidents set forth in the notes verbale, no. 944, May 31, 1938, no. 980, July 6, 1938, and no. 990, July 14, 1938, from the American Embassy at Tokyo, in which it was said that properties belonging to the Southern Presbyterian Mission at Sutsien and Hwaian, Kiangsu Province, and property belonging to the Central China Mission at Nanling, Anhwei Province, were damaged by bombing operations by Japanese military planes. In these various locations also, as is usual, Japanese military planes carried out bombing operations accurately directed against Chinese military facilities and there was not an instance of making a target of the property of the United States or other third country. It was ascertained that during these bombing operations, the Japanese military planes did not perceive any markings identifying American property. It is, accordingly, to be concluded that, even if it be a fact that American property was damaged in these cases, such damage was accidentally caused by stray shells, or bomb fragments, owing to the close proximity of American property to Chinese military facilities. Further, also in view of these several protests from the American authorities, the commanding officers at the front have been instructed by the appropriate Japanese military authorities to pay, in the future, the greatest attention to the rights and interests of third countries.

5. The results of an investigation show these facts with regard to the incident set forth in the note verbale, no. 947, May 31, 1938, from the American Embassy at Tokyo, in which it was said that buildings and other property within the compound of the Lutheran United Mission at Chumatien, Honan Province, were damaged by bombing operations at that place by Japanese military airplanes. These operations were directed against the Chumatien railway station and Chinese military vehicles assembled near that station for the purpose of cutting the Peiping-Hankow railway line, and it was ascertained that property of the United States or other third country was not
made a target. Accordingly, it is to be concluded, even if it be a fact that American property was damaged in this case, such damage occurred for the reason that American property was not marked so as to be visible from the air and that property was in the close proximity of Chinese military facilities.

6. The results of an investigation show these facts with regard to the incident set forth in note no. 975, June 28, 1938, from the American Ambassador at Tokyo, in which it was said that as a result of bombing operations at Pingtu, Shantung Province, by Japanese military planes, property belonging to the Southern Baptist Mission at that place was damaged. On June 15, a squadron of Japanese military planes while scouting for the enemy in the area which they were assigned to cover recognized, at about 8:30 a.m. a rather large body of enemy forces retreating between buildings resembling a school. After three observation flights at a height of seven hundred meters no marking of a third country was recognized, and the enemy was therefore bombed. Accordingly, even if bombs fell within the compound of the mission grade school, it was ascertained that it was entirely unavoidable in view of the circumstances at that time. Concerning this case, the American Consul at Tsingtao has already, by a note dated June 18, addressed the acting Japanese Consul General in that city, and the American Consul [sé] in Peiping has, by a note dated June 21, protested to the Japanese Embassy in that city. Information has been received that in reply to the above notes, the local Japanese military authorities through the acting Japanese Consul General explained the circumstances at that time, as have been set forth above, and expressed the earnest desire that reliable and effective markings which would be visible from an airplane be installed by the Americans. In addition the opinion was expressed that the most effective method of avoiding the occurrence of accidents was that nationals of third countries should temporarily withdraw from such areas as this in which bandits are gathered.

7. The results of an investigation show these facts with regard to the incident set forth in an official note, no. 976, June 29, 1938, from the American Embassy at Tokyo, in which it was said that as a result of bombing operations at Tsimo, Shantung Province, by Japanese military planes, property of the American Lutheran Mission at that place was damaged. Although Japanese military planes cooperating with land forces in subduing bandits were, on June 25, engaged in bombing enemy soldiers assembled in villages south of Tsimo, it was ascertained that at the time of this bombing no markings whatsoever visible from the air, indicating property of third countries, were perceived. This case is a regrettable incident which occurred as a result of the fact that it was entirely im-

——Not printed.
possible for the Japanese planes to recognize this American church, and it is absolutely impossible for an airplane flying at a rather high altitude to distinguish a national flag flying perpendicularly. The Japanese naval authorities have, in view of this incident, however, instructed the commanding officers concerned to take every measure to avoid the recurrence of such incidents.

8. The results of an investigation show these facts with regard to the incidents set forth in the *notes verbale* no. 978, July 5, 1938, no. 981, July 6, 1938, no. 984, July 8, 1938, from the American Embassy at Tokyo,\(^7\) in which it was said that as a result of bombing operations of Japanese military planes, the residence of Dr. Gillette, an American citizen, at Mamei, Fukien Province, and property belonging to the American Christian Herald Industrial Mission at Foochow were damaged and that the American Standard Vacuum Oil Company’s gasoline storage tanks at Swatow were gravely endangered. At the time of the bombing of Mamei, Foochow, and Swatow by Japanese military planes, the appropriate Imperial military authorities carried out a prior complete investigation concerning foreign rights and interests, and further just before the bombing operations a photographic scouting expedition was made. Those who were assigned to go with the planes were particularly experienced soldiers. The bombing operations were confidently carried out with the Mamei shipbuilding yard at Mamei, the Foochow Tunghu barracks at Foochow and the Municipal Government and Swatow Garrison Headquarters at Swatow as the respective military objectives. It was ascertained that they were not at all indiscriminate bombing operations as was reported to the American authorities by those who suffered damage in the locality concerned, and that the actual bombing operations, as was expected, accurately struck the military objectives. Accordingly it is to be concluded that, even if it be a fact that American property was damaged as was stated in the above mentioned *notes verbale* from the American Embassy, such damage was an accident arising from the fact that American property was in the extremely close proximity of Chinese military facilities. Information has also been received that Japanese military planes at the time of the photographic scouting expedition, before the bombing, and also at the time of the carrying out of the bombing operations did not perceive any markings whatsoever indicating American property rights and interests.

9. The results of investigations show these facts with regard to the incidents set forth in the American Embassy’s *notes verbale* no. 992, July 15, 1938, no. 993, July 15, 1938, no. 1005, July 22, 1938, no. 1006, July 22, 1938, no. 1022, August 15, 1938, no. 1023, August 15, 1938, no. 1024, August 15, 1938, no. 1025, August 15, 1938,\(^7\) and the American

\(^{7}\) None printed.
Ambassador’s note no. 1026, August 16, 1938, in which it was stated that as a result of bombing operations at Wuchang by Japanese military airplanes, the Saint Hilda’s School for Girls, property of the American Church Mission, property of the American Christian Missionary Alliance, the buildings of the Central China College of the American Church Mission, property of the Sisters of Notre Dame, property of the Saint Anne Convent, and the clinic of the American Seventh Day Adventist Mission, all at Wuchang, were respectively damaged. Japanese military planes carried out bombing operations against military objectives as follows: on July 12 (above mentioned American Embassy’s notes verbale nos. 992 and 993) against a high-angle gun emplacement at Wuchang and a group of barracks south of that place, and July 19 and August 11 (American Embassy’s notes verbale nos. 1005, 1006, 1022, and 1023) against the Sheshan high-angle gun emplacement at Wuchang and a group of barracks south of that place, and on August 12 (American Embassy’s notes verbale nos. 1024 and 1025) against the Fangsha (sic) Bureau of the Commanding General’s Headquarters. Since in each instance these bombing operations were carried out against a military objective, it was ascertained that there is absolutely no instance of making a target of facilities belonging to the United States or to any other third country. Accordingly it is to be concluded that, even if it be a fact that American properties were damaged in these cases, such damage occurred accidentally from stray shells or bomb fragments for the reason that American properties were in the close proximity of Chinese military facilities.

10. The results of an investigation show these facts with regard to the incident set forth in the American Embassy’s note verbale no. 1045, September 16, 1938, in which it was said that kerosene oil, belonging to an American juridical person, the Texas Oil Company, Ltd., was destroyed while in transit in the vicinity of the Behang station by bombing by Japanese military planes. Although, on May 10, Japanese military planes bombed trucks and armored cars which were fully loaded with enemy soldiers and were proceeding in the direction of Chuann Chow, it was ascertained that there was no instance of the bombing of any automobiles having markings identifying American property. Accordingly, it is to be concluded that, even if it be a fact that American property was damaged in this case, such damage arose from the fact that the American property bore no markings or was proceeding exceedingly close to the Chinese military forces.

11. The results of an investigation show these facts with regard to the incident set forth in American Embassy’s note verbale no. 1054,

---

7 Ante, p. 639.
8 Not printed.
September 19, 1938,\(^{80}\) in which it was stated that a building of the American Presbyterian Mission at Hoiohow, Hainan Island, was damaged by bombing by a Japanese plane. Although Japanese military planes on September 9, 1938, bombed the promontory forts at Hainan and on September 10 bombed the military headquarters at Haichow, it was ascertained that at neither time were any markings identifying American property perceived. Accordingly, it is to be concluded that, even if it be a fact that American property was damaged in this case, such damage was an accident occurring only for the reason that the American property was unmarked.

12. The results of an investigation show these facts with regard to the incident set forth in the American Embassy’s note verbale no. 1058, September 19, 1938,\(^{80}\) in which it was said that as a result of bombing by Japanese planes, property at Canton of the American Standard Vacuum Oil Company was damaged. Japanese military planes on May 28, 1938, and June 4, bombed the Wongsha station and on June 6, the military communications office. It was ascertained, however, that at that time no marks identifying American property were perceived. Even if it be a fact that American property was damaged in this case, it is accordingly to be concluded that such damage was an accident occurring for the reason that the American property was entirely unmarked.

13. The results of an investigation show these facts with regard to the incident set forth in the American Embassy’s note verbale no. 1059, September 20, 1938,\(^{80}\) in which it was said that as a result of the bombing by Japanese military planes, church property of the American South China Cumberland Presbyterian Mission was damaged. While Japanese military planes on August 8 bombed the Canton military headquarters, it was ascertained that in that vicinity no markings identifying American property were perceived. Even if it be a fact that American property was damaged in this case, it is, accordingly, to be concluded that such damage was an accident occurring only for the reason that the American property was unmarked.

---

494.11/97

The Japanese Minister for Foreign Affairs (Arita) to the American Ambassador in Japan (Grew)

[Translation]

No. 119, American I

[Tokyo,] December 30, 1938.

Excellency: I have the honor to inform Your Excellency that I have carefully perused your note no. 1157, December 22, 1938, in which inquiry was made concerning the replies of the Imperial Gov-

\(^{80}\) Not printed.
ernment to the numerous notes which Your Excellency has sent regarding various incidents in which as a result of bombing operations by Japanese military planes, damage was done to American church property in China; and in which inquiry was made concerning the attitude of the Imperial Government with regard to the incident in which damage was done to the American church at Tungpeh, Honan Province, causing death and injury to American citizens.

By note No. 118/American I, December 28, 1938, replies were made to the following communications which were among the various items referred to in Your Excellency’s note under reference: American Embassy’s notes verbale no. 925, May 16; no. 926, May 18; no. 944, May 31; no. 980, July 6; and no. 947, May 31; and Your Excellency’s note no. 975, June 28.\textsuperscript{81}

Further, it is to be noted that this Ministry’s note above mentioned also sets forth the results which have been obtained thus far of investigations of various other incidents.

With regard to the incident in which damage was done to the American church at Tungpeh, which was the subject of Your Excellency’s note no. 1105, October 31,\textsuperscript{82} and to which reference was made in your note under acknowledgment, I wish to call Your Excellency’s attention to my confidential note no. 117/American I, December 26,\textsuperscript{83} which was delivered personally on the occasion of my interview with Your Excellency on December 26. Further, with regard to the claim for indemnity for loss of life occurring in this case, the Japanese Consul General at Shanghai during the early part of November informed the American Consul General at that place that, although it is impossible to make a detailed investigation as Tungpeh is outside of the territory occupied by the Imperial forces, the Japanese Government is prepared, as soon as the conditions are made clear, to devise some method of providing a solutium. I believe that Your Excellency’s Government, being in receipt of a report to that effect, is already aware of these circumstances.

I avail myself [etc.]

HACHIRO ARITA

\textsuperscript{81} Notes No. 925, May 16, 1938, and No. 975, June 28, 1938, are only ones printed; see pp. 590, 604.

\textsuperscript{82} *ante*, p. 627.

\textsuperscript{83} *ante*, p. 632.
1939

The American Embassy in Japan to the Japanese Ministry for Foreign Affairs

AIDE-MÉMOIRE

Reference is made to the informal memorandum presented by the American Embassy to the Japanese Foreign Office under date of February 6, 1939, relating to certain irksome and seemingly unwarranted restrictions placed upon American personal and business interests in Tientsin by the Japanese military authorities in that city.

Information has now reached the Government of the United States indicating that there has been little or no relaxation in the restrictions referred to above and that further restrictions are to be imposed effective March 10, 1939, which will undoubtedly have a most unfavorable effect upon the extensive American personal and business interests in Tientsin.

Within the last week or ten days the Japanese military have constructed along the south and west boundaries of the British and French Concessions and the road to the East Arsenal live-wire fences with solid posts, and heavy insulators and wire, flanked by heavy wire, and have collected near the keyed entrances to the Concessions and within the first special area large quantities of “knife supports” for wire entanglements of heavy poles, much larger and more substantial than any used hitherto. These measures constitute a serious danger to the lives of American citizens.

In view of the foregoing the Government of the United States expresses the hope that the Japanese authorities will immediately take the necessary steps to alleviate those restrictions already imposed and to prevent further restrictions being imposed such as those contemplated to be made effective on March 10, 1939.

Tokyo, March 8, 1939.

393.115/330

Memorandum by the Ambassador in Japan (Grew)

[Tokyo,] March 30, 1939.

I called this afternoon on the Minister for Foreign Affairs and presented our note no. 1230. After reading to the Minister the prin-

---

33 Not printed.
44 Infra.

642
principal points brought out in the note I said to him that this situation is
becoming increasingly serious and that these continual bombings of
American property, already totalling 135 in number, reports of which
are coming across my desk almost daily, are causing increasing per-
turbation in the United States. I pointed out especially a few of the
outstanding cases including that of the American Lutheran Mission
at Tunghpeh and that of the American Southern Baptist Hospital at
Chengchow which had been bombed seven times since February 1938
and then urged with all earnestness that effective steps be taken to
put an end to these bombings, stating that the American Government
will carefully watch future developments in the expectation that the
Japanese Government by taking effective measures will relieve the
American Government of the obligation to publish the note.

The Minister expressed deep regret at the report which I had laid
before him and said that he would immediately take the matter up
with the appropriate authorities.

I then said to the Minister that having completed my official repre-
sentations I wished to speak to him personally, informally and off the
record, and I then said that these continual bombings of American
property in China were leading to a growing conviction in the United
States that these attacks are intentional and part and parcel of a
studied campaign to drive foreign interests out of China. I said
that it seemed to us impossible to place any other construction on the
matter.

The Minister took these remarks in good part but said that he must
deny that there was any truth in them, especially because since the
publication of the news that U. S. S. Astoria was bringing the remains
of the late Ambassador Saito to Japan a wave of friendly feeling for
the United States had swept through this country and as this feeling
was undoubtedly shared by “the soldiers” it was inconceivable that
they would intentionally resort to such tactics as the intentional
bombing of American property.

J[oseph] C. G[rew]

The American Ambassador in Japan (Grew) to the Japanese Minister
for Foreign Affairs (Arita)

No. 1230
Tokyo, March 30, 1939.

EXCELLENCY: Acting under instructions, I have the honor to inform
Your Excellency that my Government formally and emphatically
protests the continued disregard by the Japanese military forces of
American lives and property in China.

In this connection I am directed to invite the attention of the
Japanese Government to the ever lengthening list of instances in
which, as a result of air raids by the Japanese forces, American properties, although clearly marked and the location thereof previously reported with accompanying maps to the Japanese authorities, have been damaged and in some cases destroyed.

I am at this juncture constrained to refer to my note no. 880, dated February 21, 1938, to His Excellency Mr. Hirota,⁸⁵ then Minister for Foreign Affairs, in which it was pointed out that under the circumstances which prevailed in the areas in China outside zones then occupied by Japanese forces there rested upon American officials and other American nationals in China no obligation to take the precautionary measures requested on behalf of the Japanese forces by His Excellency Mr. Hirota in his note no. 6, dated February 15, 1938.⁸⁶ It was also pointed out, however, that toward safeguarding American lives and interests involved, precautionary measures had been advised and had voluntarily been taken in so far as possible, and that such measures would continue voluntarily to be taken. Despite the fact that such voluntary precautionary measures continued since that time and are continuing to be taken in respect of the property of American missions in China, there have occurred not less than 135 instances of aerial attacks by Japanese forces endangering American lives and resulting in damage to American property which have been brought by this Embassy to the attention of the Japanese Government. In virtually every such case the property had been clearly marked by American flags and other visible signs indicating American ownership, and wherever possible maps indicating the precise location of such property had been furnished to the Japanese authorities.

An outstanding example of the instances to which my Government refers is the recent bombing of the American Lutheran Mission at Tungpeh which resulted in death or grave injury to certain members of the Nyhus family. Twenty-eight of the attacks upon American property reported to the Japanese Government since the beginning of this year include three bombings on November 13, 14, and 18, 1938, of property of the Christian and Missionary Alliance at Taiping; bombing of the Peniel Missionary Home at Sai Nam, Kwangtung, in June 1938 and again on October 22, 1938; bombing on October 3 and 5, 1938, of property of the Standard-Vacuum Oil Company at Nanchang; bombing on December 24 and again five days later on December 29, 1938, of buildings of the Christian and Missionary Alliance at Kweilin, which resulted in the killing of members of the staff of the mission and refugees therein; the bombing on December 29, 1938, of the American Southern Baptist

⁸⁵ Ante, p. 586.
⁸⁶ Ante, p. 588.
Mission hospital, also at Kweilin, and the bombing on December 29, 1938, of the American Southern Baptist Mission at Shiuchow. Further bombings occurred on January 10, 1939, which resulted in the demolition of and damage to buildings belonging to the Evangelical Lutheran Mission at Shasi, Hupeh; on November 13 and November 23, 1938, and again on January 12, 1939, which resulted in the destruction of hospital and residence buildings belonging to the American Presbyterian Mission, North, at Hengyang, Hunan; on January 15, which resulted in serious damage to the property of the Suthe Girls' School of the American Methodist Episcopal Mission at Chungking; on January 28, which resulted in damage to the American Church Mission at Kuling; on February 4, which resulted in damage to property belonging to the Werner G. Smith Company at Wanhsien; on February 22, which resulted in damage to the hospital of the Covenant Missionary Society at Kingmen; on February 25, which resulted in damage to the American Catholic Mission at Loting, and the serious wounding of Father Kennelly; on March 8, which resulted in damage to two compounds of the American Church Mission at Ichang, bombed in separate raids; and again on March 14, which resulted in damage to the St. James School property of the same mission at Ichang; on March 17, when the American Southern Baptist hospital at Chengchow was bombed twice, causing six casualties; again on March 19, when this same property was bombed for the seventh time since February 1938; on March 20, resulting in serious damage to property of the Covenant Missionary Society at Siangyang, Hupeh, and to the Santeh Bible School premises of the Lutheran United Mission at Fancheng, Hupeh.

Accordingly, I have the honor urgently to ask that Your Excellency take steps to the end that the Japanese Government promptly issue to its appropriate authorities in China such instructions as may be required to prevent any future recurrence of the bombing of American properties. These bombings have, as indicated above, resulted in death and injury to American citizens and in extensive material loss and, if continued, could not fail to have further such deplorable effects. The Government and people of the United States are becoming increasingly perturbed over these acts on the part of the Japanese military forces, and the weight which they can attach to assurances of the Japanese Government in this respect is necessarily determined by the extent to which Japanese forces in the field respect or fail to respect those assurances.

I avail myself [etc.]                                      Joseph C. Grew
Memorandum by the Ambassador in Japan (Grew)

[Tokyo,] May 11, 1939.

In accordance with the Department’stelegram 119, May 8, 7 p. m. I called this morning on the Foreign Minister and made emphatic oral representations against the recent indiscriminate bombings by Japanese forces in China, basing my representations primarily on humanitarian grounds involving the safety of non-combatant civilian populations and furthermore on the grounds of the serious risks involved in jeopardizing the lives and property of American nationals both official and private.

The text of my oral statement, a copy of which I left with the Minister, and a coded text of which is being sent tonight by air mail to Shanghai for repetition to the Department by the naval radio is appended.

The Minister’s only comment was the usual formula that every effort was made by the aviators to avoid accidents when bombing military objectives but that he would convey my representations both to the military and naval authorities. I pointed out to the Minister that in view of the great heights from which the bombs were dropped, in a wholesale and indiscriminate way, the chance of hitting specific objectives was very small while the risk of injuring foreign nationals or property and of causing widespread casualties among the local population was very great. The Minister replied merely that such bombing operations were part and parcel of the Japanese military operations in China and that as soon as these hostilities ceased, the risks of which I complained would likewise cease.

The Minister asked me what sort of publicity I thought ought to be given to our interview. I suggested that he say that I had come to discuss the general political situation but he replied that this would be too vague to satisfy the press. He then suggested an announcement that I had come to discuss current American problems in China. I agreed with this suggestion on the ground that some elements in the Army might be undesirably inflamed by a statement of my precise representations which might merely serve to incite the military to more intense depredations. (In agreeing to the Minister’s proposal I had in mind the fact that if my precise representations were passed down to the Bureau of Information, the official spokesman, Mr. Kawai, if true to form, would very likely serve up the story in an inaccurate and sensational form. Mr.
Dooman, at my suggestion, later discussed the point with Mr. Yoshizawa who thought that it would be best to leave the matter of publicity as arranged between the Minister and myself). I however told the Minister that with a view to satisfying American public opinion my Government might feel obliged to give detailed publicity in the United States to my representations.

[Annex]

Oral Statement by the American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Arita) on May 11, 1939

On September 20, 1937, I called on His Excellency Mr. Hirota, then Minister for Foreign Affairs, and, under the instruction of my Government, I made to him most earnest and emphatic representations with respect to the plan announced at that time by the Japanese naval forces to bomb Nanking. I pointed out and dwelt at length on the grave danger to foreign diplomatic establishments, personnel and non-combatants, as well as the serious effect on American public opinion which some accident in connection with those operations would entail.

Two days later, on September 22, 1937, again acting under the instructions of my Government, I delivered to Mr. Hirota a note, no. 780, dated September 22, 1937, setting forth clearly and succinctly the American Government’s views with respect to the announcement of the Japanese naval forces in China of the plan to resort to bombing and other measures of offense in and around the city of Nanking.

I have now been instructed by my Government to call on Your Excellency and, primarily on humanitarian grounds, and in reiteration of the representations made on both occasions mentioned, emphatically to express the most serious concern at the recent indiscriminate bombings of the civilian populations of Chungking, Swatow, Ningpo, and Foochow. According to information reaching my Government, the destruction caused by these air raids by the Japanese forces was confined almost entirely to civilian lives and the property of civilians.

Your Excellency is undoubtedly aware of the feeling aroused in the United States by the indiscriminate aerial bombing of the civilian population in various areas in China in the past. I cannot too earnestly impress upon Your Excellency the serious responsibility which devolves upon the authorities charged with the guidance of Japan’s

---

88 See memorandum of September 20, 1937, by the Ambassador in Japan, p. 500.
89 Ante, p. 504.
foreign relations to restrain the military or naval forces responsible for these indiscriminate bombings from a course which, if continued, will inevitably create a progressively deplorable reaction in the United States. The American Government and people—let me repeat from previous representations—are and always will be concerned, primarily from the humanitarian point of view, in the mass bombing of civilian populations wherever and however carried out.

Added to the humanitarian factor applying to non-combatants generally, there exists the emphatic objection of the American Government to the jeopardizing of the lives of its own nationals which must inevitably arise from such indiscriminate attacks. I need hardly remind Your Excellency of the repeated bombings of American property in China, of which approximately 140 separate instances have come to my Government’s attention during the present hostilities, in spite of the fact that these properties were clearly marked by American flags and their positions notified to the Japanese military authorities. Loss of American life, wounds and serious property damage were caused. The fact that during a recent period reports of these attacks on American property dwindled, and for a time actually ceased, gave us the hope that effective steps were being taken to meet our representations.

But now, with wholesale bombing operations renewed, I must draw Your Excellency’s special attention to the fact that the American Embassy in China is at present appropriately established in Chungking, the seat of Government, while American Consulates exist in Swatow and Foochow, and that private American citizens, following their lawful occupations, are present both in those places and at other points currently subjected to these indiscriminate attacks from the air. I respectfully point out to Your Excellency the grave risk of incidents which might have a seriously adverse influence upon the relations between our two countries. In saying this I merely state a fact which must be patent to anyone having knowledge of the normal reactions of the American Government and people to a given circumstance or set of circumstances. In the light of past experience I would be derelict in duty if I failed to emphasize this risk, and the prime importance of avoiding such risk.

Therefore both on humanitarian grounds, involving the safety of non-combatant civilian populations, and on the grounds of the serious risks involved in jeopardizing the lives and property of American nationals, both official and private, I earnestly appeal to Your Excellency to take such effective steps as will terminate these indiscriminate bombing operations now current in China.
The Chargé in Japan (Dooman) to the Secretary of State

Tokyo, May 19, 1939—4 p. m.
[Received May 22—3:20 p. m.]

238. [From the:]

"Ministry of Foreign Affairs May 17, 1939.

Excellency: I have the honor to acknowledge the receipt of Your Excellency's note No. 1230 dated March 30, in which there are presented various instances of damage done to American property in China since the beginning of the present year by bombing from the air, in which the attention of the Imperial Government is drawn to these circumstances, and in which request is made that necessary instructions be issued to the authorities in the field with a view to preventing the recurrence of damage of the foregoing character.

As Your Excellency is aware, the Imperial Forces are exercising special care toward the protection of third-party property in China, particularly churches, schools, hospitals, private interests and other cultural establishments; and, as pointed out in a note verbale No. 118 dated December 28, 1938, if any damage should be done to such institutions as a result of military operations, such damage arises from unexaggerated circumstances.

There occurs in the concluding paragraph of Your Excellency's note under acknowledgment of March 30, the following statement: 'The Government and people of the United States are becoming increasingly perturbed over these acts on the part of the Japanese military forces, and the weight which they can attach to assurances of the Japanese Government in this respect is necessarily determined by the extent to which Japanese forces in the field respect or fail to respect those assurances.' The impression is conveyed by the above-quoted statement that the American Government believes that the results of action by the Japanese military authorities in the field do not necessarily coincide with the wishes of the central authorities. If that impression is correct, our sentiments can only be those of greatest regret. The Japanese authorities in the field are, at the risk of their lives, engaged in conducting military operations on a vast scale. Further, one of the counter measures against air attack of the Chiang regime is to endeavor to make it as difficult as possible for the Japanese to avoid doing injury to the properties of third parties. It is a matter of extreme regret to the Imperial Government that, notwithstanding the above-described circumstances and the strenuous efforts made by the Japanese, the facts are not understood.

Nevertheless the Imperial Government, taking into consideration Your Excellency's request, anticipates that even more effective steps will no doubt be taken from the point of view of respecting the properties in China of third parties. The Imperial military and naval authorities have repeatedly cautioned their forces in China to exercise care with a view to avoid causing unintentional damage to third-party properties especially cultural institutions. The army recently addressed an instruction to the officers in the field in the following sense: 'Complaint has been made by the United States that the number of cases, according to investigations made by the American Government, of bombing of American properties from the air since
the beginning of the present year exceeds more than twenty. If that statement is a fact, the conditions referred to are of course due to recent improvements by the enemy of anti-aircraft defenses which prevent bombing at low altitudes; or again they are presumably due to machinations calculated to create dissention between Japan and other countries, especially the United States; or again to the fact that the Chinese forces are intentionally making use of foreign properties or are placing themselves in the vicinity of such properties. Nevertheless it is hoped that redoubled care will be exercised in all directions with a view to avoid causing damage to foreign properties. The Navy is taking steps to issue instructions in a similar sense. The Imperial Government seizes this occasion to express the hope that American nationals, by adequately marking their properties so that they are readily discernible from the air, will give even more cooperation than that which they have given in the past with a view to avoiding unfortunate and unintentional damage. Further, the hope is again expressed that measures will be taken, as has been frequently communicated by Japanese military authorities in the field, to prevent Chinese forces from utilizing or approaching American properties.

The Imperial Government also regrets that the cases which have already occurred include instances in which American citizens have lost their lives or have incurred injury, and it deplores the occurrence of such instances. With particular reference to the cases at Tungpeh and at Loting, both of the places mentioned are situated outside the areas occupied by the Japanese forces, and, therefore, investigations cannot be carried out; nevertheless, as Your Excellency is aware, the authorities in the field are endeavoring earnestly to devise a settlement of both cases. A solutum has already been forwarded to Father Kennelly, and efforts are being made to devise some method for granting the Nyhus family an appropriate solutum. It is hoped that the American authorities will also cooperate with a view to reaching a settlement in each of these cases.

I avail myself.  

Repeated to Chungking, Peiping.

DOOMAN

393.115/642: Telegram

The Chargé in Japan (Dooman) to the Secretary of State

Tokyo, May 22, 1939—6 p.m.
[Received May 23—9:10 a.m.]

241. Department's 138, May 20, 4 p.m.,

1. The text of the note presented today to the Foreign Office is as follows:

"Excellency: I have the honor to acknowledge the receipt of Your Excellency's note No. 51 dated May 17, 1939 replying to Mr. Grew's note No. 1230 dated March 30, 1939 in which Mr. Grew informed

* Not printed.
Your Excellency that the American Government formally and emphatically protests the continued disregard by the Japanese military forces of American lives and property in China—a disregard manifested by constant, and, in many cases repeated, bombings of American property. I have not failed to communicate to my Government the text of the note under acknowledgment, but pending the receipt of instructions which my Government may give me on the basis of Your Excellency’s note it is my painful duty to bring to your attention the recent recrudescence of bombing by Japanese military of American property, as indicated in my two notes of even date, No. 1272 and No. 1273.  

According to reports received from reliable sources, the American Lutheran Brethren Mission property at Tangho, Honan Province, was bombed on May 4, and on May 2 the property of the same mission at Tungpeh was bombed and the church and school belonging to the mission were destroyed. Both properties were marked, the report concerning the latter case stating specifically that a large American flag was flying from a high pole at the time of bombing and that the American flag was painted on the roof. A bomb was also dropped on April 27 on hospital property at Kingmen, Hupeh, belonging to the Covenant Missionary Society.

In view of the killing or wounding of members of the Nyhus family during the bombing of the Lutheran Brethren Mission properties at Tungpeh, on October 24, 1938, and of the improbability that the Japanese military could have been ignorant of the location of that property, the bombing and destruction of that property which occurred on May 2 is regarded by my Government as especially flagrant. Similarly, the property at Kingmen was unmistakably known to the Japanese military in view of the representations made in regard to the bombing of the property there on February 22.

In addition to the cases above cited, there are reports of other instances of bombing.

Your Excellency, in the note under acknowledgment the steps calculated to cause the Japanese military in China to avoid doing damage to third-party properties in China have not been taken. It is justly clear, from the fact that American property, the existence and location of which must have been known to the responsible Japanese authorities, have again been bombed, that such authorities are not uniformly animated by that measure of concern for avoiding injury to the interests of the United States which the United States can rightfully expect of servants of a nation with which it maintains relations of peace. The persistence of incidents of the character under reference, must have had, as was emphatically stated by Mr. Grew, deplorable effects on the American public mind, and I venture to hope that the Japanese Government will take steps which will promptly yield results which would warrant the allaying of anxiety on this score.

I avail myself, et cetera”.

Repeated to Peiping, Chungking.

DOOMAN

*Neither printed.*
Press Release Issued by the Department of State on June 19, 1939

At his press conference today the Secretary of State made the following statement:

"This Government is not concerned in the original incident at Tientsin relating to the requested delivery of the four accused Chinese. It is concerned, however, with the nature and significance of subsequent developments, in their broader aspects, coupled with other past and present acts and utterances in other parts of China. This Government therefore is observing with special interest all related developments in China as they occur from day to day. I have nothing further to add today."

The Chargé in Japan (Dooman) to the Secretary of State

[Paraphrase]

Tokyo, June 22, 1939—2 p. m.
[Received June 22—3:33 a. m.]

290. Yesterday I was talking with the Director of the American Bureau, Japanese Foreign Office, and stated to him that the Japanese would be making a great mistake if they assumed that by not mistreating nationals of the United States in Tientsin they would fail to arouse a strong reaction on the part of the American public to the reports in the press of indignities, highly offensive to our sense of decency, which are being inflicted on the British.

Telegram sent to Peiping for repetition to Tientsin, Chungking, and Shanghai.

The Secretary of State to the Chargé in Japan (Dooman)

Washington, June 24, 1939—2 p. m.

173. Your 290, June 22, 2 p. m. I approve of your timely action in expressing your opinion to Yoshizawa as reported in your telegram. Although no serious incidents involving American citizens with Japanese military have been reported as a result of Japanese restrictive measures against the two Concessions at Tientsin, the reports of the humiliation and indignities which are being inflicted by the Japanese upon other nationals at the Concessions' boundaries are receiving widespread publicity in this country and are causing a general feeling of indignation on the part of the American people. Continuance of acts of the character mentioned cannot fail to contribute toward making more difficult the composing of an already difficult situation. Repeated to Peiping, Chungking and Tientsin.
BOMBINGS OF CIVILIANS

393.115/983: Telegram

The Secretary of State to the Ambassador in Japan (Grew)

[Paraphrase]

WASHINGTON, July 6, 1939—7 p.m.

183. On July 5, and at his own request, the Counselor of the Japanese Embassy (Suma) called at the Department. He stated that a telegraphic report of Hirasawa’s investigation had been received by the Embassy from the Japanese Foreign Office. The report, he said, made mention of four general points, as follows:

1. Before any particular area was bombed, the location of foreign properties was investigated by the Japanese aviation authorities.
2. The scope and direction of the proposed attack was decided by them in the light of their investigation.
3. An endeavor was made to avoid American and other foreign properties even when this avoidance caused inconvenience to the Japanese.
4. When Japanese aviators saw that American and other foreign properties would be in jeopardy by their bombings, the Japanese aviators ceased bombing operations notwithstanding that Chinese military objectives might be nearer such properties.

Mr. Suma added that the conclusions drawn by Hirasawa was that it was impossible for anything further to be done by the Japanese air force toward making effective their desire to avoid the bombing of American and other foreign properties; it was Hirasawa’s recommendation that there be an isolation distance of one kilometer for American properties from Chinese and Chinese military objectives.

Mr. Suma was informed in reply that reports had been received from Shanghai and Hankow by the Department relative to Hirasawa’s investigation; that of the American properties scattered all through China, a substantial number were institutions of learning which Chinese students naturally attended; that on many occasions the Government of the United States had pointed out to the Government of Japan that we had no control over the question of proximity of military objectives to American properties; that in our opinion the important fact was whether the bombing of American properties would continue or whether it would not.

An informal memorandum was then handed to the Counselor in which was described the bombings of certain Protestant and Roman Catholic mission properties on June 23, 24 and 25, and the bombing of the Union High School, Foochow, on June 29.

Telegram repeated to Chungking.

Hull
The Ambassador in China (Johnson) to the Secretary of State

CHUNGKING, July 7, 1939—noon.

[Received 2:04 p.m.]

429. Another air raid was conducted by Japanese planes on Chungking this morning commencing about 12:40 and lasting until about 2:10 a.m. Bombs were dropped in various areas of the city though the downtown business section appeared to be the main target. A number of bombs fell in the Lungmenhiao district on the south bank of Yangtze. The British gunboat escaped a direct hit by the narrowest of margins while one bomb falling within one hundred fifty feet of Peck's quarters caused about thirty Chinese civilian casualties. Casualties and property damage as a result of raid appear to have been small and confined almost exclusively to civilians. The Embassy has thus far received no reports of injury to American life or property in consequence of raid.

Repeated to Peiping, Hankow, Shanghai. Shanghai please mail to Tokyo.

JOHNSON

The Secretary of State to the Ambassador in Japan (Grew)

WASHINGTON, July 7, 1939—8 p.m.

186. Chungking's 425, July 6, 10 a.m., and 429, July 7, noon.

The Department is greatly perturbed at the danger to which Ambassador Johnson and the American Embassy staff are being subjected; also by the continued bombing of American properties as exemplified in this latest instance in which the Lewis Memorial Institutional Church in Chungking was damaged. Press despatches from Chungking state that today's raid caused the serious and perhaps fatal injury of Jasper Shen, said to be a Hawaiian-born American citizen.

Unless you perceive objection, please call as soon as practicable on the Minister for Foreign Affairs, conveying to the Minister as under instruction an expression of this Government's deep concern for the safety of the Ambassador and his staff at Chungking and for the safety of other Americans and American property, and saying that this Government expects that the Japanese Government will without delay take such steps as may be necessary to insure the avoidance of further endangering by Japanese bombing operations of American lives and property.

In view of the possibility that the issuance of restraining orders to the Japanese air force in the field might be expedited thereby, the

---

63 Not printed.
Consul General at Shanghai is requested to ask his Japanese colleague to take appropriate action vis-à-vis the Japanese military command. Repeated to Peiping, Chungking and Shanghai.

Shanghai please repeat to Tokyo Chungking’s telegrams under reference.

HULL

793.94/15181 : Telegram
The Consul General at Shanghai (Gauss) to the Secretary of State

SHANGHAI, July 8, 1939—4 p.m.
[Received July 8—8:45 a.m.]

576. Reference Department’s 186, July 7, 8 p.m., for Tokyo. I have taken action as requested in last paragraph of this message. At the same time I have informed Japanese Consul General that, according to information from the Commander of the Yangtze Patrol, five bombs struck within two hundred yards of the U. S. S. Tutuila at Chungking during the recent air raids there. Commander Yangtze Patrol has made representations to senior Japanese naval officer here but I have deemed it appropriate to add this information in my representations to the Japanese Consul General, and the Embassy at Tokyo may wish to do likewise.

Repeated to Tokyo, Chungking and Peiping.

GAUSS

793.94/15187 : Telegram
The Chargé in Japan (Dooman) to the Secretary of State

TOKYO, July 10, 1939—4 p.m.
[Received July 10—5:30 a.m.]

320. Department’s 186, July 7, 8 p.m. and our 317, July 9, noon.44 I called this afternoon on the Minister for Foreign Affairs and made the strongest possible representation with regard to the recent bombings at Chungking. Mr. Arita said that he was distressed to learn that Ambassador Johnson and his staff had been put in jeopardy. It was impossible for him to promise that the bombing of Chungking would cease, as attack from the air was an important and effective phase of the military operations, but he had already caused the information which we supplied to the Foreign Office on July 8 to be communicated to the Navy Department with an urgent request that some new method be devised to safeguard American lives and property. I emphasized the likely serious consequences of continued indiscriminate bombing at Chungking.

Repeated to Shanghai for relay to Chungking and Peiping.

DOOMAN

44 Latter not printed.
Memorandum by the Secretary of State


The Japanese Ambassador came in at my request. I then proceeded, without particular preliminaries, to read him the following:

"On two occasions between midnight and 2:00 a.m., July 6, two squadrons of Japanese planes raided Chungking. Bombs fell at random on both banks of the Yangtze River and in the city. One bomb fell within 400 feet of the residence of the Counselor of the American Embassy. Other bombs fell in the same general neighborhood, one landing about 300 yards from the residence of the American Ambassador. The Lewis Memorial Institutional Church at Chungking, an American institution, was badly damaged.

"Another raid was made by Japanese planes on Chungking on July 7 commencing about 12:40 a.m., and lasting until about 2:10 a.m. On this occasion bombs fell in various areas of the city and also on the south bank of the Yangtze, one bomb falling within 50 yards of the quarters of the Counselor of the American Embassy and causing about 30 Chinese civilian casualties.

"During these raids five bombs struck within 200 yards of the U.S.S. Tushing.

"The bombing appears to have been carried out in an indiscriminate manner and the damage and loss of life inflicted to have been confined almost exclusively to civilians. The Government of the United States has repeatedly expressed this country's abhorrence of such indiscriminate bombing. Added to this general humanitarian concern is the consideration that the bombings under discussion, which are but the most recent of a long list of similar bombings, have exposed to grave hazards the American Ambassador, his staff, an American naval vessel and American naval personnel thereon, and all other Americans at Chungking.

"The President in person has asked that the Secretary of State protest to the Japanese Ambassador against a continuation of these indiscriminate bombings. The President would like to have an immediate statement from the Japanese Government, without making the matter one of a formal exchange of notes."

At the conclusion of the reading, I handed the Ambassador a copy of what I had read. He began to indicate his lack of belief in the facts, by saying that his Government had given special instructions to the military authorities in China to be careful to avoid injuries to persons and properties of other nations, etc., etc. I interrupted him and said that without taking up the question of what kind of instructions the military authorities were under from Tokyo, the official facts speak for themselves and show clearly that the Japanese military authorities are proceeding indiscriminately and recklessly with bombings in and about Chungking; that I was speaking from the facts, while the Ambassador was speaking from his understanding that instructions to be careful in bombing had been issued. He
then abandoned this phase. I said that, of course, if this sort of reckless bombing went on something serious in the way of injuries to other nationals and their properties would inevitably occur, and, that in the interest of both his country and mine, my Government seeks to avoid such an unfortunate development. The Ambassador then said he would promptly transmit the written statement I had read to him to his Government.

He then referred to a conversation between Ambassador Grew and Foreign Minister Arita, before the Ambassador recently left Tokyo for America, in which Mr. Arita had brought up (1) the idea of our two countries exercising their influence toward avoiding war in Europe; (2) the reported apprehension of my Government that the Japanese occupation of the Hainan Islands is part of a plan of permanent military conquest; and (3) my Government’s concern about the extent of possible injury and loss of American interests, including American trade, in China, by reason of possible permanent Japanese policies of control. He said he would be interested in anything I might have to say on these points.

Point 3. I said that, taking the last point first, I need not remind him that for six years I had been earnestly pleading with and urging upon his Government the view that there is enough room on this planet for fifteen or eighteen great nations like his and mine, and that by cooperating along progressive and mutually desirable lines, great progress of the entire world population would gradually follow, etc., etc.

Point 2. I said that, on the other hand, while present American interests and rights in the Far East are highly important, the big consideration relates to the question whether all of China and the Pacific islands skirting it is to be Manchuria-ized by Japan, with international law destroyed and treaty observation abolished and all other nations not allowed into that one-half of the world—the door shut and locked by Japan except over preferences for her own citizens. I added that if some one nation is to do this in one-half of the world, some other nation in the other half of the world might undertake to follow the same example, and nothing would be more absurdly impossible for the future progress of the population of the world, including the countries assuming this species of domination, than such attempted course. I proceeded further to say that the Ambassador might suppose an announcement that this hemisphere and a part of Europe would be foreclosed against his country in the sense of being Manchuria-ized, and added that I need not speculate on what his country would think and how it would feel. I said that such efforts at domination, with no facilities for financing and progressive development, and the going forward on such a huge scale, could only result in disaster for all concerned, speaking, of course, from my view-
point, and that this general idea had been urged by me on his statesmen for six years.

The Ambassador undertook to advance the idea that Japan was just interfering temporarily with other people's interests on account of military exigencies. To this I replied that the fact that the rights and interests of other nationals all over China are being seriously interfered with, beyond all possible military requirements or even pretext, gives rise to the disappointment, not to say resentment, of the governments whose nationals are thus affected; that these excesses have occurred in north China and in South China and all up and down the Yangtze River; that Americans and other nationals are required to abandon their businesses, while the Japanese businessmen are permitted to step in and take their places and carry on business almost as usual—not temporarily, but apparently indefinitely. I added that these signs and circumstances indicating the Manchuria-izing of all China, or an attempt to do so at least, gives rise to the American apprehension, to which the Ambassador referred, that American trade and other interests might be permanently jeopardized or held in abeyance by Japan.

Point 1. As to the question raised with Ambassador Grew by Foreign Minister Arita about the possible cooperation of our two countries to compose the threatened dangers of Europe, I said that the single test of my Government in dealing with other Governments relates to the question of peace; that we consider the preservation of peace so supremely important to the future of all nations that we draw the line between honest, law-abiding, peaceful countries and peoples, without reference to their form of government, on the one hand, and those who are flouting law and order and officially threatening military conquest without limit as to time or extent; that we will work in a friendly spirit with every peaceful nation to promote and preserve peace, without serious thought as to who they are; that while we have not the slightest alliance, or secret or other understandings with any nation on earth, and do not propose to have any, we will keep thoroughly armed and prepared to take care of our interests and rights; that we have, in the spirit I was describing, made every kind and character of plea to the countries of Europe to indicate a willingness for the peaceful settlement and adjustment of their economic and other relations, and we have indicated our readiness to cooperate in every feasible plan to restore international trade and finance to a normal basis; that, notwithstanding these earnest pleas, (which the Japanese Government itself might well have been making, if it has not been doing so, or might well make now and persistently in the future,) nations perhaps could not but take notice that Japan herself is engaged in military operations for purposes of conquest, and that this situation might well call for an ending, if Japan were to exercise
her fullest influence along with the United States and other countries in efforts to compose threatened military conquest in other parts of the world.

The Ambassador made no particular comment, except to state that there had been reports in this country to the effect that Japan might enter into a military pact with Germany and Italy, whereas the truth is that his country has no idea of doing so; that Japan, because of its proximity and difficulties with Russia, has been interested in the anti-Comintern policy of certain European states and in working with them against Bolshevism. I replied that, of course, this was primarily the business of his country; that my country, of course, strongly opposes the doctrines of Bolshevism, and he said he knew this; that it also, as I had indicated, abstains from any entanglements or involvements with European countries; that, of course, if Japan desires to tie herself up with the horribly complicated European controversies, so as to make herself immediately involved in any European war, that still was her business primarily; and I might again reiterate that my Government is keeping itself in a detached position, with peace as its supreme objective, and with armaments sufficient for all purposes of security.

The Ambassador again and finally indicated that he would present my written statement, regarding bombing of American nationals and property, to his Government. I again emphasized that, in my opinion, something serious would inevitably occur if this sort of reckless conduct should continue; that, of course, we were making complaint primarily from this viewpoint and in the end it should be highly to the interest of both Governments thus to deal with dangerous practices before something happens of a serious nature; that my Government, of course, desires to preserve relations of fair-play and fair-dealing and friendliness with all nations at all disposed to this end. I said that if I might so add, without in any way referring to the local differences between Japan and Great Britain in China, but only basing my remarks on an incident, I would suggest that stripping nationals of other countries of all clothing in public is something abhorrent to the average citizen everywhere; that while it accomplishes next to nothing for the Government engaging in such practice, it does arouse universal resentment and condemnation; that the point I was coming to and the only thing I had in mind in thus referring to this sort of practice was that if some of our American nationals in China should be thus stripped to the point of stark nakedness and exposed to the public view, there would doubtless arise a surprising amount of bitterness and denunciation; and that, therefore, I did hope the Government of Japan would see its way clear to refrain not only from all excesses in depriving our nationals of their rights and interests and busi-
nesses in China, but also from other such practices as may be calculated to create unfriendliness and hostility between our peoples. The Ambassador spoke approvingly of these views.

C[ordell] H[ull]

793.94/15201a: Telegram

The Secretary of State to the Chargé in Japan (Doorman)

[Paraphrase]

WASHINGTON, July 10, 1939—6 p.m.

190. Referring to your telegram No. 320, July 10, 4 p.m. At my request the Japanese Ambassador came to see me this morning, at which time I talked with him about the bombings of Chungking by the Japanese on the mornings of July 6 and 7. I affirmed our opposition to continuation of these indiscriminate bombings and told him that I had been asked by the President personally to make this protest. I also informed Mr. Horinouchi that the President desired to receive without delay and with no exchange of formal notes, a statement on the matter from the Japanese Government.

Hull

Press Release Issued by the Department of State on July 10, 1939

In connection with the bombings of Chungking on July 6 and 7 by Japanese planes, American diplomatic and consular officials have made appropriate representations to the Japanese authorities against the indiscriminate bombings which seriously endangered American life and property. The American Embassy at Tokyo reports that on July 10 the American Chargé d'Affaires at Tokyo, under instructions, made emphatic representations to the Japanese Minister for Foreign Affairs in regard to the matter.

793.94/15232

Memorandum by the Chief of the Division of Far Eastern Affairs (Hamilton)

[WASHINGTON,] July 13, 1939.

Mr. Suma\(^a\) said that the Embassy had received a telegram from the Japanese Foreign Office reporting the representations made by Mr. Doorman to the Japanese Foreign Minister on July 10 in regard to the recent bombings of Chungking. Mr. Suma said that the report received by the Embassy indicated that, even prior to the making by Mr. Doorman of representations, the Japanese Foreign Office had

---

\(^a\)Reprinted from Department of State, Bulletin, July 15, 1939 (vol. 1, No. 3), p. 48.

\(^b\)Counselor of the Japanese Embassy.
gotten in touch with the Japanese Navy Department in regard to the bombings.

M[AXWELL] M. H[AMILTON]

793.94/15208 : Telegraph

The Ambassador in China (Johnson) to the Secretary of State

CHUNGKING, July 13, 1939—noon.
[Received July 13—6:45 a.m.]

438. Reference my despatch No. 212, May 22.7 With reference to Tokyo’s 320, July 10, 4 p.m., Department may consider it appropriate to communicate the following to Tokyo for possible informal communication to Foreign Minister Arita in connection with his statement that attack from the air upon Chungking “was an important and effective phase of the military.” I may, I think, with all modesty, consider that my views on the subject are not without value as I have personally witnessed from the ground and in a sense from the point of view of one under attack from the air, some 66 raids by Japanese planes made in the night as well as in the day. I have learned to distinguish between a raid made upon a military objective and one that is made merely for the purpose of terrifying and killing unarmed and innocent civilian population. I feel that I can say that Chungking is unarmed in any sense that might be construed as offensive. To say that anti-aircraft weapons comprise military establishments and therefore offensive weapons is like saying that when I raise my hands to a defenseless [sic] position to meet the threat of an attacker I thereby justify the attacker on the ground that he subsequently does what he does to me in self-defense. I witnessed the two raids mentioned in this telegram. I have inspected the damage done to the city during the previous raids when incendiary bombs were used. I feel that I can say without fear of contradiction that in all of these raids the bombing was indiscriminately carried out with the deliberate intention of terrorizing the unarmed population of the city of Chungking and without regard to immediate objectives; that no objects of military character were hit or damaged; that while thousands of innocent men, women and children were killed in the fires started by incendiary bombs dropped among the wooden houses which characterize the housing of Chungking, no armed or military forces were injured or hurt. I feel that I can say without fear of contradiction that the only effect of this type of bombing has been to blast deeper the spiritual chasm that has been growing during the past two years between the Chinese and the Japanese peoples, a chasm that will keep these peoples sadly apart for years to come, postponing the establishment of that peace.

7 Not printed.

469186—43—vol. i—48
which the Japanese have so often said was the object of their campaign on the Continent. The effect of these bombings of undefended cities far behind the lines has been to unify the people and to build up in them a spirit of resistance that was not there before.

JOHNSON

703.94/15187: Telegram

The Secretary of State to the Chargé in Japan (Dooman)

WASHINGTON, July 15, 1939—6 p. m.

202. Your 320, July 10, 4 p. m.

1. Unless you perceive objection, please seek an early appropriate occasion to read to the Japanese Foreign Minister the pertinent portions of Chungking's no. 438, July 13, noon, which Chungking has been instructed to repeat to you via Shanghai.

2. In bringing to the Foreign Minister's attention the report under reference, you should allude to the Foreign Minister's statement made to you on July 10 to the effect that it was impossible for him to promise that the bombing of Chungking would cease, as attack from the air was an important and an effective phase of military operations, and you should emphasize the importance which this Government attaches to the report as a carefully considered statement of fact and opinion by a highly qualified observer. You should also inform the Foreign Minister that it is difficult for this Government to reconcile with this report the general tenor of the statements attributed to Hirasawa by the Counselor of the Japanese Embassy (reference the Department's telegram 183, July 6, 7 p. m.).

Repeated to Chungking and Peiping.

HULL

393.1163 Lutheran Brethren/101

The Japanese Minister for Foreign Affairs (Arita) to the American Chargé in Japan (Dooman)

[Translation]

No. 90, American I

Tokyo, July 17, 1939.

Sir: I have carefully perused your notes, no. 1272, May 22, 1939, no. 1273, May 22, 1939, and no. 1274, May 22, 1939,* in which it was stated that property belonging to the Lutheran Brethren Mission at Tangho, Honan Province, was bombed by Japanese military planes on May 4, 1939; further that the property of the Lutheran Brethren Mission at Tungpeh, Honan, the same property at which the incident resulting in death and injury to members of the Nyhus family on October 24, 1938, occurred, was again bombed on May 2, 1939, by Japanese airplanes. You stated that both properties were marked;

* None printed.
and that particularly in the latter case it was entirely improbable that the Japanese military authorities could be ignorant of the existence of the above property. At that time, you stated, there was an American flag flying from a pole on the property and also there was an American flag painted on the roof. In view of these facts, you stated that this bombing of the same property must be viewed as especially flagrant. You protest to the Japanese Government concerning these incidents, and request that measures be taken to prevent any future occurrences of a similar nature.

The actual facts, however, according to the investigations of the Japanese forces which have recently entered Tangho and Tungpeh, are as set forth in the addendum herewith attached.

As I have already frequently explained to you, the Japanese air forces have paid from the beginning, and are paying, the strictest attention to the protection of the rights and interests of third countries in China. Nevertheless, in time of war accidental injury may be done to such rights and interests. The Imperial Government sincerely regrets such instances, but it has been learned that these injuries are very often caused, as in the cases at Tangho and Tungpeh, by the fact that the property of American nationals has given the appearance of being that of the enemy, or for the reason that enemy forces have assembled in large numbers, or have constructed their military emplacements in close proximity thereto. The Imperial Government being greatly embarrassed by these facts, I desire emphatically to invite your attention to instances of the above nature.

You conclude in the latter part of your above-mentioned note no. 1274 that the Japanese authorities are not uniformly animated by a spirit of concern for American rights and interests. As the Minister for Foreign Affairs has, at every opportunity, affirmed to His Excellency, Ambassador Grew, and to you, the Japanese people, the Japanese Government and authorities both civil and military at home and abroad, have always been and are anxious for the maintenance and promotion of friendly relations between Japan and the United States, and have invariably considered in good faith the protection of American rights and interests in China. Accordingly, under present circumstances your statements, such as those mentioned above, are indeed inapposite. I earnestly hope that to a greater degree than heretofore the sincerity of Japan’s attitude will be appreciated.

Needless to say, the Japanese Government will take all possible measures to protect rights and interests in China. It is requested that the United States, on its part, cooperate fully with Japan toward avoidance of such damages by preventing the Chinese forces from utilizing such property, by prohibiting the building of military emplacements of the Chinese forces in close proximity to that property, and by other measures.
Finally, I wish to call your attention to the fact that officials of the Japanese Army at Shanghai, officials of the Ministry of Foreign Affairs and other officials concerned are at present conferring and are giving particular attention to the question of a solatium for the members of the Nyhus family who were injured in the recent unfortunate accident at Tungpeh.

I avail myself [etc.]  

HACHIRO ARITA

[Enclosure—Translation]

ADDENDUM

1. It was determined that Japanese airplanes did, in fact, bomb and destroy an American mission at Tungpeh. This mission was comprised of two buildings constructed near the provincial government's building. Of the above two buildings, one, the main building a two-story structure, was struck by a bomb and destroyed with the exception of one portion of about one hundred and forty-four square feet in the north corner. On the roof of that part left standing, there was a small observation lookout. The other building was a barracks-like structure. Inside there were definite evidences of the housing of a large number of people and straw was spread on the floor. There was a brick wall around this mission and there were loopholes cut into the wall. The property clearly had enemy character.

It is definitely established that all of the buildings within the walls of Tungpeh were appropriated by enemy forces and were utilized as barracks. For example the school building in the center of the walled city was remodeled as a military barracks and a neighboring house was used as a military telephone exchange with many telephone lines converging on it. There was a room marked "Commander's Headquarters" in the provisional government's office building near the above mission which clearly indicates that this served as the headquarters of the enemy forces. Further, houses in the immediate or close proximity of this same mission were practically all marked "Training Corps no."

There were many evidences that these buildings were barracks of the enemy forces and such buildings were destroyed by the Japanese air forces. The propriety of such action from the standpoint of prosecution of hostilities may be proved by actual evidence.

2. The Japanese air forces had discovered at the time of the bombing of Tangho that there was a large concentration of enemy troops near the American mission at that place. This discovery was later verified as a fact through investigations among the local populace. This mission was very small and not more than one very small part of it was destroyed. Even in this case as well, there are many evidences that the enemy forces took military advantage of American rights and interests.
The Chargé in Japan (Dooman) to the Secretary of State

[Extract]

Tokyo, July 18, 1939—8 p. m.
[Received July 19—6 a. m.]

340. Department's 202, July 15, 6 p. m.

Yoshizawa told me that the Chungking bombings were being carefully investigated and that the Japanese Ambassador at Washington would be shortly instructed to make a full statement in response to the representations made to him by the Secretary on July 10.

Repeated to Chungking, Peiping.

[DOOMAN]

Memorandum by the Secretary of State

[WASHINGTON,] July 20, 1939.

The Japanese Ambassador came in today as a result of my request, made on yesterday, for an early report in reply to our conversation of July tenth, at which time I asked for an explanation and suitable expressions of the Japanese Government in regard to the reckless bombing near an American vessel anchored in the Yangtze River, damage to a church owned by American missionaries, and the dropping of bombs near the official residences of the American Ambassador and Counselor in Chungking. The Ambassador handed me the two attached statements, one of the Japanese Government and the other a report of their Commander-in-Chief of the China Sea Fleet, relative to this matter. As I read the statements I observed that the Government of Japan was repeating its old line of suggestions and comment to the effect that their military forces were warned to exercise full care in bombing operations and that Americans should be more appreciative of this attitude than they seem to be. I said further that this line of comment gets nowhere; that the big fact to be considered and dealt with is that Japanese bombs fell dangerously near the residences of our Ambassador and Counselor and our vessel on the Yangtze; that it is no answer in regard to this sort of dangerous bombing merely to repeat that Japanese officials are always warned to be cautious. I said that the fact is that this dangerous bombing did occur and, if it should be continued, something very serious was liable to happen, as the Government of Japan must realize, and, hence, the double emphasis my Government is placing on this single fact. I further

Transmitted to the Department by the Consul General at Shanghai (Gauss).

Infra.
said that, naturally, I did not attach much importance to these repetitions of the Government of Japan that the military officials are directed to exercise caution; that the big point is that some way must be found to avoid this dangerous bombing in localities entirely away from any of the armed forces or properties of the Chinese Government. I indicated my disappointment, by repeating such remarks as the foregoing, and in no way indicated any satisfaction with the Japanese communication, but, on the contrary, continued to say that the sole question relates to whether the Japanese Government would in the future use sufficiently increased precautions as to put an end to such dangerous bombing as occurred in the instant case.

The Ambassador said that it was hoped my Government would urge its nationals to exercise as much caution as possible to keep away from places of danger. I replied that my Government does not concede the right of any other outside country to a monopoly of highways or streets or other localities in China; that my Government, from the general standpoint of their personal safety, and without any implied concessions of any superior right or privilege of Japanese nationals to travel in and to occupy given areas, does caution its nationals in China to use reasonable and ordinary diligence to avoid danger or injury to their persons or properties. I further added that at the same time my Government stands unalterably for the doctrine of damages for any injury to the person or property of its nationals in connection with the Japanese activities in China. The Ambassador then said his Government hoped that our nationals would mark and locate their properties so these could be recognized and their locality and nature known. I said to him that while my Government, as just stated, does advise its nationals to exercise reasonable and ordinary diligence for the avoidance of injuries both to person and property, it does not undertake to indicate the manner in which this shall be done, but leaves this to its nationals there on the ground; that I might add, however, that they naturally and on their own initiative take many different steps to avoid injury to themselves or their properties, and, probably in most instances, they do endeavor to mark or otherwise indicate and make known the location of their properties to the proper officials of the Japanese forces. I said my recollection was that there could not well have been anything lacking in the way of information given to Japanese officials as to the location of the American Embassy, the residence of the Counselor, the American vessel nearby on the Yangtze River, and the church building. The Ambassador did not pursue this matter any further.

He then inquired what my opinion was about the outlook in Europe. I replied that my Government makes no predictions about the future in Europe but it is taking absolutely nothing for granted; that when
the rulers of powerful nations put all their resources in armaments and in the organization of huge military forces, and when in speeches, every week or two, announce to the world that they have not got as much of the world’s goods as they are entitled to and that they propose to get the desired additional amount by force, my Government still makes no predictions, but it does undertake to arm and to continue to arm so as to be prepared for any possible eventuality, and that this will continue to be its very definite policy. I then said that with so many nations exhausting all of their economic vitality by putting their entire substance into armaments and armies and navies, it is just a question of time when most nations will be utterly bankrupt and when not only will their peoples be in a state of more or less destitution, but, what is far worse, they will continue, as they are doing today, to drag the entire world down towards lower levels of existence; that this is a course now being accelerated in its awful effects in the way of human deterioration. I then added that my country fights Bolshevism as do numerous others, but that the powerful nations, who are steadily lowering the standards of life of their own and other peoples by a course of militarism and military conquest, are really the greatest friends that Bolshevism has, in that they are steadily dragging the entire world unerringly in the direction of Bolshevism, even though they may imagine that they are actually fighting Bolshevism. The Ambassador did not express any disagreement with this.

C[ORDELL] H[ULL]

793.94/15253

The Japanese Ambassador (Horinouchi) to the Secretary of State

STATEMENT OF THE JAPANESE GOVERNMENT:

As stated by the Foreign Minister to the Charge d’Affaires of the United States upon the latter’s representation on July 10, the Japanese Government regrets to learn that bombs fell near the official residences of the American Ambassador and Counselor in Chungking and an American warship anchored in the Yangtze, and caused damage to a church owned by American missionaries during the bombing of that place by the Japanese naval air force on the 6th and 7th of July.

However, it should be stated that the occurrence of such an incident was accidental. As described in the report of our Commander-in-Chief of the China Sea Fleet attached hereto, the air force concerned in the accident “is at a loss to know by what chance any bomb could have fallen on the southern bank of the Yangtze River.” It is to be regretted, therefore, that the American authorities, on the basis of this unfortunate occurrence alone, should charge the Japanese naval
air force with an indiscriminate and reckless bombing without according due credit to the assiduous care and the sincerity of purpose with which Japanese air forces have been endeavoring not to inflict any damage to the interests of third powers.

It has been repeatedly explained to the American authorities, either orally or in written statement, that the Japanese forces, regardless of whether they belong to the army or the navy, have taken every conceivable measure in their efforts for precluding the possibilities of endangering the lives and property of third power nationals. They have made it their practice to investigate as minutely as possible the relative positions of their bombing objectives and the property of third powers before deciding upon the direction and sphere of their action, and in actual bombing the crews of their planes, though exposed at every moment to the attacks from the land and air forces of the enemy and by no means sure of the safety of their own lives in the next moment, have assiduously striven for accurate aiming and for the prevention thereby of any damage to the interests of third powers. It is earnestly hoped that the American Government will fully appreciate these circumstances and have confidence in the military discipline with which the Japanese air forces are performing their operations.

Notwithstanding these painstaking efforts of our air forces, untoward accidents do occur on account of the extreme difficulties arising from the fact that aerial markings of property are often imperfect and that Chinese forces, military organs and establishments are situated close to the property of third powers, as well as the fact that bombing has to be carried on while our air force is engaged in an aerial combat and is also exposed to fire from the ground. We earnestly hope that the American Government will appreciate the unavoidability of some bombs going astray under circumstances such as these. We are nevertheless very sorry for any damage that might be caused thereby to the interests of third powers. We have been constantly applying ourselves to the problem of discovering a method of minimizing such hazard to third powers, and will put forth still greater efforts with that end in view.

It is earnestly desired in this connection that the American Government will take further measures along practical lines with regard to the marking of property and the furnishing to the Japanese authorities more complete maps that show clearly the location of their rights and interests, as well as the prevention of the Chinese from constructing military establishments and organs, or concentrations of their troops, near such rights and interests.

[WASHINGTON,] July 20, 1939.
The Japanese Ambassador (Horinouchi) to the Secretary of State

REPORT OF THE COMMANDER-IN-CHIEF OF THE CHINA SEA FLEET:

Upon the receipt of the news that during the air raid on Chungking by our naval air force in the early morning hours on July 6 and 7 bombs fell in the neighborhood of American property, including the residences of the American Ambassador and Counselor and an American warship, the Commander-in-Chief of our China Sea Fleet, who recognized the regrettable character of the incident, immediately issued an order to take further precautions against recurrence of similar incidents, and at the same time called to Shanghai the senior staff officer of the air force concerned and made a personal inquiry into the affair. The Commander-in-Chief ordered the air force again, through the senior staff officer, to exercise caution. The facts of the case as established by the inquiry are as follows:

“A Japanese naval air force raided Chungking on July 6 between 2:55 and 4:00 o’clock A. M. (Japanese Standard Time) and on July 7 between 2:50 and 4:05 o’clock A. M. (Japanese Standard Time), the principal objectives being the Chungking headquarters of the chairman of the military affairs committee and the military establishments in the vicinity of the central park. During these raids it was noted that all the bombs landed nearly those objectives.

“The said air force was aware of the existence of American property on the south bank of the Yangtze River, namely on the opposite side of Chungking, and every precautionary measure was taken against inflicting any damage upon the property. Especially on the morning of July 6, despite the difficult circumstances in which our airmen found themselves as they were subjected to enemy gunfire under illumination, they exercised the utmost care even to the extent of performing the approach maneuver all over again when there was the slightest doubt as to the accuracy in aiming.

“Our men noted on July 7 two bombs go astray and fall in the river northeast of Chungking, but on neither July 7 nor 6 did they note any other bomb fall in the river or on the south bank. They cannot but wonder by what chance any bombs could have fallen near the American property.”

[WASHINGTON,] July 20, 1939.

Press Release Issued by the Department of State on November 20, 1939

In response to inquiries at the press conference today concerning the situation at Tientsin, the Acting Secretary said that the American

---

Consul General, Mr. John K. Caldwell, at Tientsin has been reporting that difficulties of transit at the Japanese military barriers around the foreign concessions at Tientsin are increasing. Mr. Caldwell telegraphed under date of November 13 that although there have been reported only a few cases of delay to American citizens he has received many complaints of delays, varying from many hours to more than a day, to American goods. For example, the Japanese military authorities have required that loads of coal and of peanuts be dumped on the street for inspection. He has reported under date November 16 that these transit difficulties are on the increase. An American rug manufacturer has complained that a truckload of rugs proceeding under an American pass bearing a Japanese consular visa was refused permission to pass through the barrier until the rugs had been spread out in the street. Another American had complained of difficulties in bringing food supplies into the concessions. The coal situation was becoming critical although ample supplies of coal are easily available across the river.

398.1163 Lutheran Brethren/146
The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Nomura)

No. 1426

TO: The American Ambassador in Japan

TO: The American Ambassador in Japan

EXCELLENCY: I have the honor to inform Your Excellency that I have been informed through the American Embassy at Chungking that the property of the Lutheran Brethren Mission at Tungpeh, Honan, has again been damaged as the result of an air raid by Japanese planes on August 1, 1939. The location of this property is undoubtedly well known to the Japanese military authorities since the property has been bombed on two previous occasions, first on October 24, 1938, resulting in the death of an American national and the wounding of two other American nationals, and again on May 2, 1939. In this connection reference is made to my note no. 1105 dated October 31, 1938, and to my note no. 1273 dated May 22, 1939.

According to a report received by the American Embassy at Chungking, while no direct hits were made on the mission property during the Japanese air raid on August 1, 1939, three bombs fell near enough to cause additional damage to that property. Large holes in the roofs of the buildings were caused by falling debris; one brick wall is bulging and may fall at any time; the missionary residence was machine-gunned, one bullet passing through the roof and ceiling and stopping at the brick wall of an upstairs room.

*ANTE, p. 627.
*Not printed; but see telegram No. 241, May 22, 1939, 6 p. m., from the Chargé in Japan, p. 650.
The report states that two of the three bombs mentioned fell within one hundred feet of the mission property, near enough to give the appearance of having been directed at the mission.

I am constrained emphatically to protest these continued attacks upon this mission property, especially in view of the tragic and disastrous result of the first bombing on October 24, 1938, and to request that immediate and effective steps be taken to prevent the recurrence of such unwarranted attacks. It is also requested that the Japanese Government cause an investigation to be made of the circumstances referred to in the foregoing report and that the Embassy be informed of the results thereof at the earliest possible moment in order that it may communicate with its Government.

I avail myself [etc.]

JOSEPH C. GREW

404.11/117: Telegram

The Secretary of State to the Ambassador in Japan (Grew)

[Extract—Substance]

WASHINGTON, December 8, 1939—6 p. m.

390.

The Secretary refers to the Ambassador’s telegram No. 639 of November 29, 7 p. m.,5 reporting that virtually all of the 59 replies which the Ambassador had received recently from the Japanese Foreign Office to the United States Government’s representations regarding damage to American interests and property in China contained what are in effect disclaimers of responsibility.

It is suggested that the Ambassador informally approach the Japanese Foreign Office and, after mentioning publicity currently emanating from Japan regarding Japanese “settlement” and “payment” of American claims, state that it is considered by the United States Government that a basis for expecting Japanese payment of equitable amounts to compensate injured American claimants is not afforded by the solatium offers made at Shanghai and the recent replies at Tokyo to American representations; that, in the opinion of the American Government, no constructive purpose is served by publicity of such character; and that additional publicity of the kind may impel the American Government, in the interests of giving the public a well-rounded idea of the situation, to publish figures and statements which would cover the situation as a whole.

HULL

5 Not printed.
The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Nomura)

No. 1428

The American Ambassador presents his compliments to the Imperial Japanese Minister for Foreign Affairs and has the honor to acknowledge the receipt of certain of the latter’s recent communications replying to representations made by the American Government concerning instances of damage to American property and interests in China, of injuries and indignities inflicted on American citizens, and of restriction and denial of American rights in China. A list of the communications under acknowledgment is appended.®

Copies of these notes received from Admiral Nomura are being forwarded to the Secretary of State and also to the various appropriate American consular offices in China for reference to the injured parties. After further careful investigation by the respective consular offices, the findings will be fully reported by them to the Department of State in Washington. Previous replies of a similar nature which the Japanese Government has made in the past to representations of the American Government in regard to damage to American property and interests have been similarly dealt with. It has been noted that, in the majority of cases in which investigations by American consular offices in China have been made, the findings as reported to the Department of State have been at variance with the reports of the Japanese military authorities upon which the replies of the Japanese Government have been based.

Mr. Grew desires to express the appreciation of the American Government for the increased interest, as evidenced by the recent large number of replies received, which the Japanese Government appears to be taking in a number of claims of American citizens against the Japanese Government growing out of the Sino-Japanese hostilities. At the same time, he suggests that a more favorable impression might well be created in the United States if concrete evidence were received of an earnest desire on the part of the Japanese Government to afford to those claimants equitable amounts in compensation for damages sustained.

Tokyo, December 13, 1939.

® Not printed; it lists 58 communications.
Bombings of Civilians

494.11/119: Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, December 26, 1938 [1939]—7 p.m.
[Received December 26—9:22 a.m.]

706. Our 688, December 18, 11 p.m.,a paragraph 3. The following is our translation of an informal letter dated December 23 which Dooman received today from Yoshizawa:

"On the occasion of Ambassador Grew's interview with Foreign Minister Nomura on December 18, the Ambassador expressed dissatisfaction concerning the explanations contained in the majority of some fifty-nine notes recently sent by this Minister in reply to various representations by the Embassy on cases involving damage to American rights and interests in China. He characterized them as denials of Japanese responsibility and he invited the attention of the Foreign Minister to them. These cases of damage for the most part grow out of action taken by Japanese military airplanes, and the majority occurred in areas not yet under Japanese occupation, the demand precluding the conduct by us of investigations on the spot. The above-mentioned replies, therefore, communicated certain conclusions reached on the basis of conditions resulting from military operations taking place when the cases occurred. The dissatisfaction which is felt on your side is appreciated, but I believe it will also be appreciated on your side that there is no way open to us to make investigations over and beyond those already made.

Our notes are intended not merely to communicate the results of investigations (which were as complete as possible) carried out conformably to your representations, but to show our readiness to give renewed consideration to the circumstances of the various bombing and other cases and to the actual damage done if and when further representations are made on the basis of fresh investigations conducted by you in the light of our reports. Therefore, the assertion that our attitude is one of attempting to evade responsibility is believed to be unjustified."

Text by air mail to Shanghai and Peiping.

Grew

---

a Not printed.
1940

793.04/15789

The American Embassy in Japan to the Japanese Ministry for Foreign Affairs

PRO MEMORIA

The United States Government is informed that the portion of the railway between Haiphong and Yunnanfu which lies in Chinese territory has recently been subjected to frequent bombings by Japanese military airplanes. This railway in recent months has carried a considerable part of the trade involved in the normal commercial relations of the United States and China. American commerce must, therefore, necessarily be injured and the lives of American citizens engaged in that commerce may be endangered as a result of the Japanese bombing of that railway.

This danger to our nationals and injury to our commerce comes at the very time when Japan desires, according to our understanding, to indicate to the United States its intention to avoid injuring the rights in China of third Powers. The United States will have no other choice, if the bombing continues, than to add this to the extensive list of injuries, commercial and otherwise, which has been suffered by it as a result of the actions of the Japanese forces in China.

The United States Government assumes that the Japanese Government is aware that, to the personnel of American official establishments at Chungking, the railway is an important means of ingress and egress, and that the lives of Americans lawfully engaged in the pursuit of their official duties may therefore be endangered by bombing attacks on the railway.

Tokyo, January 31, 1940.

711.94/1419 : Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, February 14, 1940—8 p.m.
[Received February 14—1:50 p.m.]

119. Our 107, February 11, 6 p.m.7 The Foreign Minister is reported to have made the following reply in the Budget Committee of the Lower House today to the recent interpellation from a member regarding cases pending between the United States and Japan:

7Not printed.

674
"It is our policy to settle cases with the United States over matters in China as far as possible on the spot. However, the United States does not necessarily desire settlement on the spot, and in a considerable number of cases, because of their nature or for other reasons, has requested settlement in Tokyo. We are not fully aware in Tokyo of what cases have arisen on the spot between Japan and the United States.

The cases to which I shall now refer are those which have been taken up principally in Tokyo. From the outbreak of the incident until the end of last month, of the cases made the subject of protests in writing to the Foreign Office by the American Government, some 210 cases remain unsettled. Of the total, 149 relate to air attacks.

I must point out in this connection that our military forces have been taking every precaution to avoid damage to other than military objectives; that they have made particular efforts to avoid damage to third-power interests by conducting prior investigations; and that every consideration has been given to the method of attack. The efforts of our military authorities in this regard can only be the subject of admiration. Despite these efforts, there have been cases of damage to American property, due either to the failure to receive notification of the location of the property or to improper notification or to the lack of necessary markings. Moreover, there have been other cases in which damage has been caused to American property by Japanese air attacks because of the utilization by the Chinese of the property or because of the fact that it was adjacent to military objectives or from other causes, of which the total amounts to some 110 since the outbreak of the incident. Included in this number are two or three cases in which there was death and bodily injury to American citizens. With respect to those cases in the areas under Japanese military occupation careful investigation is undertaking and appropriate disposition made. In those cases where damage to life and limb has occurred a solatium has been paid and the cases settled. Of the cases related above, 149 are pending.

Cases in the second category include those of occupation, destruction, or expropriation at the hands of the Japanese military. These are 73 in number. The remaining cases have arisen from military operations, movements or garrisoning of troops. Some have occurred also because they were necessary from the standpoint of military strategy. We are investigating reports with care and in detail and are disposing of the cases in a just and reasonable fashion.

The third category, which does not involve damage, consists of customs, Salt Gabelle, North China exchange control, yen-bloc currency, railway loans, the opening of the Yangtze, the purchase of tobacco, eggs, hides and skins, native products from the interior, and travel into the interior. These cases are about 10 in number. As 600 cases have been commonly mentioned, I do not know the source from which such a figure comes. Perhaps it refers to the number of relatively minor cases which have been settled locally. However, the point is not clear. The cases being handled by the Foreign Office are some 210 in number."

Repeated to Shanghai. Shanghai please repeat to Tokyo and Chungking.

Grew
No. 45, American I

EXCELLENCY: I have carefully perused the contents of Your Excellency's note no. 1426, December 5, 1939, in which it is stated that the property of the Lutheran Brethren Mission, an American church, at Tungpeh, Honan Province, again sustained damage as a result of bombing by Japanese planes on August 1, 1939. If damage was sustained by the American church during the air raid, as I am informed by Your Excellency, the actual circumstances thereof may be disclosed at a later date when it is possible for the Imperial Government authorities there to make an investigation on the spot. However, in the meantime, I have the honor to forward the following addendum based on a report concerning the circumstances of the bombing received from the authorities of the Imperial Government in that area.

In regard to the case in which death and injury were inflicted on October 24, 1938, at the same place on the family of Mr. Nyhus, an American citizen, as I have frequently stated in my note, the Imperial Government is deeply regretful. I have the honor to inform Your Excellency that the Imperial Government as an expression of sympathy had forwarded from the Japanese Consul General at Shanghai through the American Consul General there to the family the sum of U. S. $15,000.

I avail myself [etc.]

HACHIRO ARITA

[Enclosure—Translation]

ADDITION

There being indicated from the middle of July, 1939, that the enemy's so-called summer offensive was gradually intensifying itself, the Japanese military forces routed the enemy forces infesting Mingkong and Pinchangkwan and following this wiped out the western section of Hsinyang. The said Japanese forces then attacked the main enemy forces lurking in Tungpeh, Honan Province.

On August 1, 1939, the Imperial army air forces carried out a bombing attack at an altitude of 1,000 meters on the western and southern part of the city of Tungpeh. Although there were clouds on the west of the Chikungshan mountain and along the Taipiehshan mountain on that day and the entire area was covered with mist, visibility was average and the conditions for recognizing objects on the ground were also average. In spite of the fact that the air forces conducted detailed reconnaissance flights before the attack, no third-Power markings were recognized.
It is needless to say that the bombing attack was carried out with the enemy soldiers at Tungpeh city and not with the American church as the objective. Therefore, if the American church sustained damage during the attack, it is extremely regrettable, but such must be regarded as an unavoidable accident caused by the close proximity of that church to the enemy trenches and the lack of markings clearly visible from the air.

703.94/15798
The Japanese Ministry for Foreign Affairs to the American Embassy in Japan

PRO MEMORIA

The exclusion of the Hanoi Yunnan Railway from any claim to neutrality in the event of war between China and any other power was established in 1903 when an agreement was concluded between France and China with regard to the laying and operation of that railway. At the present time the Chiang régime is employing the railway as an important route for the supply of arms, ammunition and other military commodities, and, therefore, the Imperial forces may properly take such military measures against the railway as they deem necessary.

The American Government refers in the pro memoria dated January 31 to injury to American trading rights in China and to the danger to the lives of American citizens engaged in American commerce with China which will be caused by bombing of the railway, and observes that, if such bombing continues, it will be obliged to add the dangers to which American citizens are exposed and the injury which may be done to American rights as a result of the actions of the Japanese forces in China. As a part of the military operations which are developing on a large scale in China, the Imperial forces are taking proper military measures against the transportation of military supplies over the Hanoi Yunnan Railway; consequently, although it is regretted that the lives of American nationals and American commerce are exposed to danger, the circumstances are unavoidable. In view of the legal position above stated, it is believed that the American Government will appreciate the view of the Japanese Government that the question of assumption of responsibility by the latter Government does not arise.

Reference is made in the above-mentioned pro memoria to the assurances of the Japanese Government that it will respect the interests of third parties in China. It is to be added that although there is no

---

8 Handed on March 6, 1940, by the Director of the American Bureau of the Japanese Foreign Office (Yoshizawa) to the Counselor of the American Embassy in Japan (Dooman).
8a Generalissimo Chiang Kai-shek again became Chinese premier (President of the Executive Yuan) in November 1939.

460186—43—vol. 1—49
change in the policy of the Japanese Government to respect such interests, such assurances are not to be interpreted as limiting in any way proper military action on the part of the Imperial forces.

703.94/15798

The American Embassy in Japan to the Japanese Ministry for Foreign Affairs *

PRO MEMORIA

The Government of the United States has taken due note of the reply of the Japanese Foreign Office to the pro memoria left with the Japanese Foreign Office by the American Embassy on January 31, 1940, in regard to the bombing of the Haiphong Yunnan Railway.

In the circumstances under which the Japanese authorities are conducting military operations in China, the Government of the United States does not admit the relevancy to the question under consideration of the reference made by the Japanese Foreign Office to the Chinese-French Railway Construction Agreement of 1903, nor does it admit lack of responsibility on the part of the Japanese Government for any loss of American life, or damage to American property that may be caused by the current Japanese military operations in China. The Government of the United States hereby makes full reservations of its rights and of the rights of its citizens in the matter.

Tokyo, March 11, 1940.

893.162 Tientsin/661

The American Embassy in Japan to the Japanese Ministry for Foreign Affairs **

PRO MEMORIA

The United States Government has on several occasions communicated to the Japanese Government its concern over the situation which has for some time prevailed at Tientsin, particularly as relating to irksome and seemingly unwarranted restrictions placed upon American business interests and personnel in Tientsin by the Japanese military authorities in that city. On February 6, 1939, Mr. Dooman, acting on the Ambassador's instructions, made representations in regard to this matter. Further representations thereon were made on March 8, 1939, and on November 15, 1939, the Embassy again brought to the attention of the Imperial Japanese Government the difficulties experi-

* Handed on March 11, 1940, by the Counselor of the American Embassy in Japan (Dooman) to the Director of the American Bureau of the Japanese Foreign Office (Yoshizawa).

** Handed on April 28, 1940, by the American Ambassador in Japan to the Japanese Vice Minister for Foreign Affairs (Tani).
enced by American nationals and business enterprises at Tientsin, due to restrictions and regulations imposed by the Japanese authorities.

The Ambassador has now been informed that although constant endeavors have been made by the American Consul General at Tientsin to effect an improvement in the situation confronting Americans and American interests in that city by reason of the continued obstacles put in their way at the barriers to the foreign concessions, and although assistance to this end has been rendered him on various occasions by his Japanese colleague, delays to the movement of American-owned merchandise through barriers set up by the Japanese military on the borders of the British and French concessions in Tientsin have become increasingly serious during the past month. This has happened despite recent efforts made by American consular authorities to arrange locally for the quick passage of American-owned merchandise through these barriers and despite assurances from Japanese military headquarters that instructions have been issued to see that American-owned merchandise is not subjected to unreasonable delays.

Official reports which have reached the Ambassador from Tientsin set forth that barrier sentries continue to manifest a generally and perhaps increasingly hostile and uncivil attitude toward those who pass, including Americans; that the attitude of such sentries at different barriers and even at the same barrier at different times varies greatly; that at certain barriers they uniformly demand that bearers of passes advance on foot to present them; and that searches of cars and baggage are general. Recently an American lady bearing a special pass exempting her from the necessity of passing through the searching shed was subjected to long delay and involved in an unpleasant altercation at the International Bridge, because she declined to alight from her car, and was allowed to pass only after the officer in command of the barrier guard had seized her pass, which he retained. On April 17 an American lady living at the installation of the Texas Company in the former Belgian concession was compelled to alight from her car at a barrier on Nikolai Road and to walk some hundred yards past a group of Japanese soldiers—in her opinion, for the amusement of those soldiers. Sentries have refused entry into the concessions of a shipment of cloth owned by an American firm, and have objected to passing small parcels of cloth in personal baggage, although, so far as the Embassy is informed, they have eventually passed the latter after much delay and a trip to a second barrier. Even after permission to pass has been given, sentries frequently stand motionless in the narrow barrier openings, making it extremely difficult for automobiles, including that of the American Consul General in that city, to work their way through, and entirely ignoring the cars and their occupants even when addressed politely in Japanese.

Recent oral and written representations of the Consul General to his
Japanese colleague in regard to these matters have received no written reply.

In view of the aggravation of this situation, the Ambassador has been instructed to approach the Imperial Japanese Ministry of Foreign Affairs and to point out emphatically that the long-continued and unlawful interference by Japanese armed forces and their agencies with the movement of American citizens and of American-owned merchandise at Tientsin has been the subject of repeated conversations between American and Japanese officials, but without cessation of such interference. It seems obvious under the circumstances that further instructions from Tokyo to the Japanese armed forces at Tientsin will be required to effect an improvement in the situation, and Mr. Grew accordingly ventures to request that such instructions be sent.

TOKYO, April 23, 1940.

The Japanese Ministry for Foreign Affairs to the American Embassy in Japan

[Translation]

No. 95, Asia I

NOTE VERBALE

The Imperial Ministry of Foreign Affairs has the honor to make the following reply to the various points concerning the situation in Tientsin mentioned in the pro memoria which Ambassador Grew handed to Mr. Tani, Vice-Minister for Foreign Affairs, on April 23, 1940.

(1) According to the memorandum submitted by Ambassador Grew, an American lady bearing a special pass was recently involved in an unpleasant altercation at the International Bridge because she declined to alight from her car and was allowed to pass only after the officer in command of the barrier guard had seized her pass. Investigations conducted by the Japanese authorities reveal that in Tientsin recently there were individuals who remodeled the seats, etc., inside automobiles and attempted to carry into the concession certain articles and materials concealed therein. The barrier guard at times examines the inside of automobiles. In this instance the American lady not only refused to obey the order of the sentries to alight from her car but also assumed a very arrogant attitude and put out her tongue thereby insulting the sentries. In principle it is stated on a special pass that the bearer may pass without undergoing inquiries in ordinary times, but the authorities of various Powers have already been informed that individuals may at times be ordered to alight from their cars. The sentries, after consultation with the officer in command, therefore seized the special pass in question. The American Vice Consul later approached the de-
tachment directly concerned with the barrier guard, and demanded the return of the special pass. The American lady has also visited the detachment and expressed her regret, whereupon the special pass was returned to her.

(2) Regarding the incident on April 17, 1940, in which an American lady was compelled to alight from her car at the barrier on Nikolai Road and to walk, inquiries are being made of the detachment concerned but no report has as yet been received. It should be noted nevertheless that at this barrier individuals passing there have frequently expressed an arrogant attitude and irritated the sentries, thereby giving rise to incidents. As a principle, therefore, individuals passing there have temporarily been required to alight from their cars at points where sentries are on duty and then to pass. (This principle has now been rescinded). In the vicinity of the above-mentioned barrier, there are stationed a number of soldiers and it was by chance that the American lady in this case encountered them at such a place. It is not believed that the American lady was forced to walk through a group of Japanese soldiers for their particular amusement.

(3) The pro memoria submitted by Ambassador Grew states that even after permission to pass has been given, sentries frequently stand motionless in the narrow passage making it difficult for automobiles to pass. It is a fact that at the barriers, passages are made narrow in order to facilitate control and sentries standing in passages order all passers-by to stop once and then the latter are allowed to pass without delay when the required procedure has been completed. It is not impossible, however, that among sentries there might be some who, under the influence of a passing sentiment, might at times assume an attitude such as described in the pro memoria. For this reason, the Japanese military authorities concerned have already issued orders eliciting the special attention of those in charge. It is desired to direct attention to the fact that incidents of this kind depend in great measure upon the attitude of the individual passing the barrier.

(4) The entry into the concessions of a shipment of cloth is generally prohibited. This fact has already been notified to the American authorities in that area.

It should be noted in this connection that it is not true that for the past month the Japanese military authorities in Tientsin have altered their policy or particularly strengthened inquiries and inspections. The Japanese authorities are consistently doing all in their power to lessen, in so far as possible, all inconveniences to which nationals of third countries, including Americans, of good will might be subjected.10

10The barriers surrounding the foreign concessions at Tientsin were removed on June 20, 1940, following the signing of an arrangement between Great Britain and Japan relating to local issues at Tientsin, signed June 19, 1940 (893.102 Tientsin/701, 691).
The Consul at Shanghai (Butrick) to the Secretary of State

No. 3130

SHANGHAI, May 10, 1940.

Sir: I have the honor to refer to this Consulate General’s telegram no. 1037, November 25, 10 a. m. (1939),12 and subsequent despatches and telegrams, during 1939 and 1940 in regard to the developments from day to day in the negotiations between the Japanese consular, military and naval authorities and American claimants, having the purpose of establishing a mutually satisfactory basis for the local settlement of American property losses sustained during the current hostilities as a result of acts of the Japanese armed forces. It will be recalled that in its periodic telegraphic reports the Consulate General has informed the Department, in substance, of the respective views taken by the Japanese authorities and the American claimants, and of the informal participation in the negotiations taken by this Consulate General on behalf of American claimants. In view of the fact that a number of American claims have now been settled as a result of direct negotiations between the claimant and the Japanese authorities, and in further view of the fact that there are fairly reliable grounds for believing that the peak of solatia payments to be made by the Japanese Government may have been reached, and that further settlements based upon local negotiations may henceforward be comparatively infrequent, the Consulate General believes that it is advisable to submit the following comprehensive report, for the Department’s information, reciting in detail the progressive steps as a result of which the above-mentioned settlements have been concluded. The primary principles and factors controlling local negotiations have been reported to the Department from time to time, but it is thought that a statement showing the developments in somewhat greater detail might be of value and assistance to the Department in illustrating the Japanese views and position.

It will be recalled that subsequent to the fact-finding investigations carried out by the so-called “Ishikawa Detachment” of the Japanese Army during July and the succeeding months of last year, with a view to ascertaining amounts of “solatium payments” to be paid to American nationals who sustained property losses or damage as a result of acts of the Japanese armed forces, the Japanese consular officer in charge of American claims informally notified a member of the staff of this Consulate General that the Japanese military authorities were prepared to offer certain sums as solatium payments in a number of American cases. It was requested, however, that this office inform the respective claimants of the amounts of the tentative Japa-

12 Not printed.
nese offers, which would not actually be made, however, until after the claimant had indicated whether he was prepared to accept the sum offered. The total amounts indicated as offers were exceptionally small in relation to the amounts claimed by the American nationals, and the methods adopted by the Japanese military in measuring the sums to be offered were somewhat unusual and appeared to be in derogation of established and recognized rights of claimants under international law. The foregoing development was fully reported to the Department by Shanghai’s telegrams no. 1087, November 25, 10 a.m. and 1084, December 6, 6 p.m. (1939). There are now enclosed, for the Department’s fuller information, copies of self-explanatory office memoranda dated November 17, 1939 and December 2, 1939, respectively, reciting in detail the substance of the Japanese proposals.

The Department replied to the above messages by its telegraphic instruction no. 480, December 7, 4 p.m. (1939) in which certain objections to the Japanese proposal were pointed out, in view of which this Consulate General was instructed not to transmit the tentative offers made by the Japanese authorities to the American claimants, and to disassociate itself entirely from any negotiations between American claimants and the Japanese authorities which had for their purpose the settlement of American claims on the basis outlined in this Consulate General’s two telegrams cited in the preceding paragraph. In compliance with the Department’s instruction, the substance of its viewpoint was informally conveyed to the local Japanese authorities and their reactions were reported to the Department by this Consulate General’s telegrams no. 1111, December 16, 1 p.m. (1939) and no. 1, January 1, 5 p.m. (1940), which summarized the main points set forth in greater detail in an office memorandum dated December 13, 1939, a copy of which is enclosed.

Following the informal conveyance of the Department’s views to the local Japanese consular authorities, there appeared to be a marked change on their part in regard to the settlement of American claims, evidenced primarily by an apparent tendency to increase materially the amounts of the solatia to be offered, without, however, any real relaxation in regard to the basic question of principles of responsibility, measure of damages, rates of exchange and currency to be used in making payment, etcetera. They stated that they were prepared to increase the amount of solatia to be offered, as a gesture of sympathy toward American claimants, but they remained disinclined to discuss or recognize in any way be guided by the above-mentioned so-called “principles”, as they were reluctant to permit the injection into local settlement negotiations of any consideration of “responsibility”

12 Neither printed.
13 Not printed.
or "liability" in the legal sense of the terms. To ameliorate their strict stand in regard to the non-observance of "principles", however, they stated that they were prepared to give "political consideration" to the settlement of American claims in a favorable manner, the implication being, of course, that although they could not permit themselves to be bound by the usual rules of responsibility under international law, they would, nevertheless, make more substantial payments of solatia than those originally indicated or than might be justified by a strict interpretation or application of their viewpoint. On February 2, 1940 the Japanese Consul General called upon the American Consul General and handed him a note verbale dated February 2, 1940, a copy of which is enclosed,¹⁴ in regard to the status of the local negotiations which had been carried on for the previous six months looking toward the local settlement of American property losses. The substance of this note verbale was reported to the Department in Shanghai's telegrams no. 99, February 5, 8 p. m.¹⁴ and no. 100, February 6, 2 [4] p. m.¹⁴ However, in the interests of providing a complete picture of the situation there are enclosed copies of two office memoranda, both dated February 5, 1940¹⁴ setting forth the substance of the interview between the American and Japanese Consuls General on February 2, 1940, and a subsequent interview on the same subject between members of the staffs of the respective Consulates General.

Shortly after the Japanese authorities indicated that they would increase the amount of solatia to be offered in certain cases, and would give "political consideration" to the settlement of American claims, they requested that second or supplementary conferences be arranged for the purpose of discussing the cases in greater detail and giving greater consideration, at least nominally, to evidence presented by the American claimants in support of their claims. Actually, however, with one or two exceptions, it is apparent that the purpose of the second conference was merely to provide the Japanese consular officer in charge of claims with an opportunity to make an increased offer of solatium directly to the American claimant concerned. In very few of the supplementary conferences has anything more than a cursory re-examination of the facts and circumstances of the respective claims been made, the conference merely serving as a convenient vehicle for the Japanese authorities to make direct offers to the claimants. Up to the present time, it may be stated that although the secondary offers of solatia are decidedly higher than those originally indicated, they still fall far short—due to the depreciation in the value of the Chinese dollar (the currency in which the Japanese authorities insist that compensation is legally payable)—of the substantial compensation contemplated by the Department in its telegram no. 20, Janu-

¹⁴ Not printed.
ary 12, 5 p. m., in which it was stated that payments should be made "in amounts which will substantially put claimants in status quo ante." As reported telegraphically from time to time, a number of American claimants have accepted the second offers made by the Japanese authorities, and the majority of these cases already have been or will shortly be closed by payment to the claimants of the solatia offered. In certain cases the claimant has been able to obtain payments from 20% to 30% greater than the amounts of the second offers made by the Japanese authorities, as the Consulate General has been able to suggest to the claimant that he consider the advisability of making a counter-offer in a greater amount.

As of possible interest, it may be stated that at the same time that the Japanese authorities indicated that they would increase the solatia to be offered and would give "political consideration" to American claims, it became increasingly apparent, on the other hand, that they were more strictly applying to individual cases the rule of land warfare which provides that there is no liability to make compensation for property destroyed or damaged as a result of actual fighting in the course of military operations. There were some grounds for supposing that as a quid pro quo for their favorable treatment in increasing the solatia payments, they were determined to take every advantage which might accrue to them as a result of the invocation and application of the rule of non-liability referred to above. They were not, however, willing to discuss this or other matters in principle, nor was the Department disposed, at that time, to authorize this Consulate General to enter into local discussions with the Japanese authorities in regard to the question whether the laws of war relating to non-responsibility for damages sustained in the course of military operations are applicable in the present conflict.

The Department therefore instructed this Consulate General, in its telegram no. 69, February 16, 4 p. m., to suggest to the Japanese authorities that in dealing with individual claims which contained items of loss resulting from military operations, those items be segregated from other losses included in the claim on the understanding that such items would be, so far as the American Government was concerned, reserved for further consideration through diplomatic channels. Prior to the conveyance of this suggestion to the Japanese Consul General, however, the matter was discussed informally in several interviews between the American and Japanese consular officers in charge of claims. Copies are enclosed of office memoranda dated February 20 and 27, 1940, giving detailed accounts of the points raised and considered in the course of these preliminary interviews.

*Not printed.
*Neither printed.
On February 27, 1940 the American Consul General called upon the Japanese Consul General and conveyed orally to him the substance of the Department's suggestion in regard to the proposed segregation of certain types of property losses. After conferring with a representative of the Japanese Foreign Office who was then in Shanghai for the purpose of facilitating the settlement of American property losses, the Japanese Consul General replied that if the proposed segregation of losses was made, the result would be that many American claims would not be subject to local settlement. He suggested that, in lieu of segregation, the Japanese authorities would prefer that the "easy" cases be settled first, proceeding subsequently to local consideration of more involved cases (as those involving indirect losses sustained in the course of military operations). A copy of an office memorandum dated February 27, 1940 in regard to the substance of this interview was transmitted to the Department as an enclosure to this Consulate General's despatch no. 2943 of March 1, 1940.18

In the course of the conference the Japanese Consul General took occasion to explain at some length the Japanese view in regard to property losses sustained as a result of military operations, pointing out that their practice was to divide such losses into two categories, "direct losses" and "indirect losses." By "direct losses in the course of military operations," for which no compensation or solatium will be made, it is understood that the Japanese consider that the property lost, destroyed, or damaged had acquired "enemy character," as if an American-owned building had been occupied and used by Chinese troops, and the losses had resulted from the Japanese attack upon the Chinese troops therein. By "indirect losses in the course of military operations," it is understood that the Japanese authorities consider such losses to be those caused by "mistake or accident" during the course of actual fighting, as if American property immediately adjoining an objective tainted with enemy character had been damaged by stray bombs or incidental shell fire. Claimants whose losses fall within the last-mentioned category will be offered solatia payments. It was stated that liberal consideration would be given to the classification of American claims in the two categories. The Japanese Consul General emphasized, however, that the Japanese authorities are proposing gratuitous payments in cases appearing to them to be meritorious, rather than indemnification on the basis of any legal liability.

In its telegraphic instruction no. 117 of March 14 [15], 4 p. m.18 the Department referred to the general question of segregation of losses occurring as a result of military operations and suggested that, if an individual claim includes items of loss falling within a classifi-
cation with respect to which the Japanese propose to offer compensation, and also includes items of loss classified as "direct," with respect to which compensation will not be made, it would appear that, if possible, the latter items might appropriately be segregated from the other items and deferred for further consideration. In accordance with the suggestion contained in the third paragraph of the Department's telegram under reference, this matter was discussed with the appropriate Japanese consular officer who stated, in substance, that he saw no objection to the proposal as put forward. A copy of an office memorandum dated March 19, 1940 covering the substance of this interview is enclosed. Subsequently the Japanese Consul General informally agreed to the above-mentioned suggestion.

Despite the agreement reached, in principle, between the American and Japanese Consuls General in regard to the "segregation" of property losses classified by the Japanese authorities as "direct losses," it shortly developed, in connection with the consideration of individual cases, that the Japanese authorities, particularly the naval and military authorities, were not prepared and did not intend to observe the spirit of the agreement. The first indication of the apparent renunciation of this understanding and the refusal on the part of the Japanese military authorities to be bound thereby, presented itself in the local negotiations between the China Finance Company Federal Inc., U. S. A., and the Japanese naval authorities in regard to property losses sustained by the Eddie Aerated Water Company, wholly owned by the China Finance Company Federal Inc., U. S. A. In this case, there were present property losses falling within the various classifications made by the Japanese authorities, i. e., losses caused by looting, "indirect losses" and "direct losses," thus presenting a favorable opportunity for the application of the terms of the agreement reached by the Japanese and American authorities. Despite this fact, however, the Japanese naval authorities offered a solatium payment in a fixed amount, which payment was to cover all classes of property losses sustained by the American claimant regardless of any classification as previously indicated. This apparent renunciation of the undertaking on the part of the Japanese authorities, was discussed in considerable detail by the American and Japanese consular officers in charge of claims. Unfortunately, in this particular case, the American claimant appeared to be extremely anxious to effect local settlement on almost any grounds, and without reservations, and refused to support the stand taken, in principle, by this Consulate General. The American claimant accepted a small amount, payable in Chinese currency, and agreed that it constituted payment in full for all losses sustained as a result of acts of the Japanese forces, without regard

---

*Not printed.*
to the character of the individual losses. For the Department’s information there is enclosed a copy of office memorandum dated March 28, 194020 reciting in detail the developments in connection with the settlement of the claim of the China Finance Company Federal, Inc., U. S. A. during a discussion of which the Japanese authorities apparently reversed their previous position in regard to “segregation” of “direct losses.”

During the period from January 1, 1940 until about April 15, 1940 the Japanese consular, military and naval authorities were extremely active in attempting to effect local settlement of American property losses by direct negotiations between the Japanese authorities concerned and the American claimants. These negotiations were facilitated to a certain extent by action on the part of this Consulate General in bringing the parties together, and in supplying to the Japanese authorities detailed statements in regard to the facts and circumstances of the property losses sustained by American claimants. In the great majority of conferences between the American claimants and the Japanese authorities, a member of the staff of this Consulate General was informally and unofficially present, as authorized by the Department.

As a result of the above-mentioned negotiations for local settlement, twenty-one cases of American property losses have been settled by the payment of so-called solatia directly to the American claimant by either the Japanese Army or Navy through the medium of its representative in Shanghai. Five of these settlements were effected in Nanking. In each and every case in which American claimants have accepted the Japanese offers of solatium, the claimant has been fully informed of the views of the American Government in regard to the principles of responsibility, and the measure of compensation which, under international law, would appear to control the settlement of his claim. At the same time the Consulate General has impressed upon the various claimants the necessity of fully supporting their allegations of Japanese responsibility for the loss or damage by the submission of definite and conclusive evidence in regard thereto. The Consulate General, however, has expressly refrained from advising the claimant as to whether he should accept or reject a Japanese offer of local settlement, and has left the decision in that respect entirely to the claimant’s own discretion. In general, it has been observed that the great majority of American claimants have been anxious to close their cases by the acceptance of the Japanese offer of solatia, despite the fact that in all instances this resulted in their obtaining but a comparatively small percentage of the alleged actual value of the property lost, destroyed, damaged or looted.

20 Not printed.
There have been a number of cases which have been the subject of local discussions between the Japanese authorities and American claimants, however, which appear to have failed entirely of settlement. In particular there may be cited the claims of the Poplar Grove Farms Federal Inc., U. S. A., Mr. H. D. Rodger, the American Far-Eastern Match Company (refusal of solatia decided by the Japanese authorities on basis of their own investigation without discussion with representatives of American claimant), Mr. Lemuel K. Taylor, the Bible Seminary for Women, the Carolina Leaf Tobacco Company Federal Inc., U. S. A. and a number of individual claims.

For the Department’s records and information, there is enclosed a detailed list of all cases in which offers of solatia have been indicated by the Japanese authorities, or have been made directly to the American claimant by the Japanese authorities. In this list the Consulate General has set forth, in the case of each claimant, the value in United States currency of the property losses sustained, the value after conversion into Chinese currency at the rate of exchange prevailing on the date of loss, the amount of the original offer of solatia tendered by the Japanese authorities, the amount of second and third offers of solatia, the counter-offers made by the American claimants and the disposition of the case, either by acceptance and settlement on the part of the American claimant, or by refusal of the Japanese offer. In a great many of the cases in which offers have been made, no agreement has been reached and these cases may be considered as still pending.

With respect to the twenty-one cases which have been settled, the total value of the property lost, destroyed or damaged, as alleged by the American claimants, is in the sum of $61,101.81 United States currency which, converted to Chinese currency at the average rate of CH$1.00 equals US$0.295, would be $207,948.86 Chinese currency. The original offers of solatia made by the Japanese authorities in these cases totaled $115,307.07 Chinese currency, but they were subsequently increased to a total of $150,090.00. As a result of counter-offers made by the American claimants in certain cases, the final settlements were increased somewhat to a total of $157,090.00 Chinese currency.

**Summary**

This despatch summarizes, in somewhat greater detail than has been reported to the Department by telegram, the developments in regard to negotiations between American claimants and the Japanese authorities for the local settlement of American property losses sustained as a result of acts of the Japanese armed forces. As a result of these

---

21 Not printed; it lists 73 cases.
negotiations, twenty-one cases have been settled by the payment of so-called "solatia payments" to the American claimants.

Very respectfully yours,

RICHARD P. BUTRICK

893.102 Tientsin/698

The American Embassy in Japan to the Japanese Ministry for Foreign Affairs 22

The time is now at hand when American residents of Tientsin, and of other places in North China, customarily proceed to Peitahu and other resorts, to remain for the duration of the hot weather.

Those Americans residing in the British Concession at Tientsin endeavoring to pass through the barriers with their effects have been subjected to needless and unwarranted interference. The contents of their baggage are frequently removed and thrown on the ground, for what purpose it is difficult to perceive, unless it be to cause annoyance, inconvenience and humiliation.

It is requested that arrangements be made without delay to provide for the free and unmolested passage through the barriers of all Americans and their personal effects.

Press Release Issued by the Department of State on June 13, 1940 23

In response to inquiries from correspondents in regard to reports of the bombing of Chungking on June 12, the Secretary of State said that according to information which has reached the Department from official and unofficial sources, Chungking has been extensively bombed on each of several recent days and on June 12 was intensively and indiscriminately bombed by more than one hundred Japanese planes; that casualties of June 12 among the civil populace will probably number several hundred; that various buildings of the American Methodist Mission, including a church, were damaged by concussion; and that two groups of Japanese planes flew over the American Embassy premises but no bombs fell in the immediate vicinity of the Embassy. The Secretary added that the attitude and the position of the people and the Government of the United States toward ruthless bombings of civilian populations have been made abundantly and frequently clear and that we wholeheartedly condemn such practices wherever and whenever they occur.

22 Handed on May 31, 1940, by the Counselor of the American Embassy in Japan (Dooman) to the Director of the American Bureau of the Japanese Foreign Office (Yoshizawa).
The Japanese Minister for Foreign Affairs (Arita) to the American Ambassador in Japan (Grew)

[Translation]

Asia I, 8/Go

TOKYO, June 14, 1940.

EXCELLENCE: For some time past the air forces of the Imperial army and navy have been attacking enemy forces and establishments in and around Chungking. It is planned to increase hereafter the severity of these attacks. In the city of Chungking there are American citizens and American interests to which the Imperial forces are endeavoring by every means to prevent injury. It is an incontrovertible fact, however, that the Chinese forces frequently approach third country establishments and construct anti-aircraft gun emplacements and other military facilities. For this reason, it is feared that in spite of the extreme care exercised by the Imperial forces, in the midst of severe fighting it will not be possible to prevent unavoidable incidents affecting American citizens and establishments.

The Japanese Government urges, accordingly, that the American Government take prompt measures to evacuate to a safe place temporarily, until the termination of our bombardment of Chungking, American officials and citizens. The Japanese Government does not intend to attack the areas southward from Tan Tze Shih on the south bank of the Yangtze River facing the city of Chungking to Lung Men Lao (not including Hai Tong Chi). The Japanese Government cannot, however, accept responsibility should unforeseen circumstances arise if American officials and nationals remain in areas other than those mentioned above.

I avail myself [etc.]

HACHIRO ARITA

Memorandum by the Ambassador in Japan (Grew)

[TOkyo,] June 14, 1940.

I called this afternoon on the Minister for Foreign Affairs and carried out the instructions of the Department (Department’s 197, June 13, 5 p. m.)\(^2\) with emphasis and with appropriate reference to previous representations which we have made on the subject of the bombing of Chungking.

The Minister replied that he invariably passed our representations on to the military authorities whose reports generally showed discrepancies with our own reports. With regard to Chungking the military authorities maintain that they exercise the utmost care and that they attack only military objectives. I replied that their indiscriminate

---

\(^2\) Not printed.
bombing of civilian populations is not a matter of speculation but of fully confirmed fact. I thereupon re-read to the Minister pertinent portions of Ambassador Johnson’s 498, July 13, noon, 1939,\textsuperscript{25} which had already been brought to his attention on June 2. I spoke as on my own initiative of the serious risks that are being incurred.

\textsc{Memorandum by the Ambassador in Japan (Grew)}

[\textsc{Tokyo,}] June 15, 1940.

Upon receipt of the Department’s instructions this afternoon (Department’s 202, June 14, 7 p. m.)\textsuperscript{26} I immediately sought an appointment with the Minister for Foreign Affairs. The Minister sent me word that he was occupied and asked me to see the Vice Minister. I replied that my instructions were definitely to see the Minister himself but the reply came that Mr. Arita was engaged in urgent affairs of state and that he could not see me until tomorrow. In view of the urgency of the matter I therefore called at 5:30 this afternoon on the Vice Minister and after reading and handing to him my informal note\textsuperscript{27} drafted in accordance with the Department’s instructions I requested that he bring both the note and my oral representations immediately to the attention of the Minister. This Mr. Tani promised to do.

In the course of the oral representations I repeated what had been said yesterday to the Minister with regard to the attitude of the Government of the United States toward ruthless bombings of civilian populations and spoke of the indiscriminate character of the bombings of Chungking that have heretofore taken place and of their net results as reported by Ambassador Johnson from personal observation, involving the killing of large numbers of civilians without attaining any legitimate military objective. The grave hazards to the lives of American citizens and to the safety of American property were then set forth and the deplorable effect on American public opinion and on relations between the United States and Japan in the event of the injuring or killing of American nationals by Japanese bombing operations was represented and emphasized with all possible vigor and gravity.

The Vice Minister said that as I was communicating a message to the Minister for Foreign Affairs the latter would convey his reply to me in due course.

\textsuperscript{25} \textit{Ante}, p. 661.
\textsuperscript{26} Not printed.
\textsuperscript{27} In\textsuperscript{infra}.
The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Arita)

No. 1564

Tokyo, June 15, 1940.

EXCELLENCY: Although Your Excellency’s note of yesterday with regard to the bombardment of Chungking by Japanese forces was received and brought to my attention yesterday afternoon shortly after our meeting at five thirty o’clock, it is of course obvious that the note was prepared prior to the representations in regard to the indiscriminate bombing of that city which I made at that time. I am now directed by my Government to inform Your Excellency in effect as follows:

The attitude and position of the Government of the United States in regard to warnings such as that conveyed in Your Excellency’s note have been made clear on several occasions to the Japanese Government. The Government of the United States cannot accept the view that the city of Chungking in general is a legitimate target for air attack.

There are a considerable number of American citizens at Chungking and there is American property at Chungking. The Government of the United States maintains there an office of its Embassy to China and a gunboat, the U. S. S. Tutuila. The American citizens at Chungking are there pursuing legitimate activities. The American officials stationed at Chungking, including the American Ambassador to China, are there pursuant to their official duties in maintaining the diplomatic relations of the United States with China. Notwithstanding the fact that Your Excellency’s note indicates that the Japanese Government does not intend to attack certain areas on the south bank of the Yangtze River, in which areas the American Embassy is situated, experience of Japanese bombing operations has amply demonstrated the fact that when any extensive area is subjected to attack there results serious hazards to the lives of all persons in the vicinity, with oftentimes injury to many persons. While American officials have consistently advised, and will continue to advise, American nationals to withdraw from areas in which special danger exists, such American nationals are under no obligations to do so, and in some cases find withdrawal impossible. Accordingly, the Government of the United States looks to the Japanese Government to avoid any military operations which would imperil the safety of American nationals and property at Chungking and will expect to hold the Japanese Government responsible for any injury or loss to American nationals occasioned by acts of Japanese armed forces.

I avail myself [etc.]

JOSPEH C. GREW
The Japanese Minister for Foreign Affairs (Arita) to the American Ambassador in Japan (Grew)

[Translation]

No. 121, American I

Tokyo, June 18, 1940.

Excellency: I have the honor to state that I have carefully perused the contents of Your Excellency’s note dated June 15, 1940, in which you set forth the views of the American Government with regard to the advice contained in my note of June 14, concerning the withdrawal of American nationals at Chungking to a safe place during the present bombing of Chungking by Japanese military forces.

Chungking as the military and political center of the Chiang Kai-shek regime is strongly fortified, and within and without that city there are grouped the Supreme Military Headquarters, every sort of government office, military affairs committees, Supreme National Defense committee, central military officers training school, and military arsenals, military uniform factories, arms and ammunition storehouses and other military buildings. In view of the fact that that regime using Chungking as a base of operations is waging war in resistance to Japan, the Imperial Army has lawful reason to destroy that base. Bombing attacks have been and are being continued, therefore, against those Chinese military emplacements. It need not be said that these bombing attacks cover a relatively large area owing to the fact that the objectives are scattered at various places inside and outside the city.

The Imperial Army and navy air forces have on each occasion before a bombing attack thoroughly investigated, on the basis of maps and other information previously received from third Powers, the existence, whereabouts, etc., of third Power interests and property, at the place to be attacked; and even at the cost of detriment to military operations have always carried out these activities with the greatest precaution to avoid causing damage to interests and property of third Powers. The Chiang Kai-shek régime, however, have on many occasions deliberately located their various military emplacements and other military establishments in close proximity to interests and property of third Powers. When making bombing attacks against those objectives, the Imperial air forces are always subjected to anti-aircraft artillery fire and attacking enemy planes against which they defend themselves. In such cases, therefore, damage may be caused to non-combatant Chinese nationals or to interests and property of third Powers by stray shells or some other aftermath of the bombing attack. Damage of that sort must be said to be unavoidable during such military activities, and is entirely uncontrollable. In view of the above situation, to say simply that the Japanese air forces are making indiscriminate bombing attacks is to ignore the justifiable activities and
the spirit of the Japanese air forces, and is beyond the understanding of the Imperial Government.

The Japanese military forces will not hereafter relax their attack on Chungking. Extensive bombing attacks will be made on the various military organs and establishments of the Chiang Kai-shek régime inside and outside of that city in order to destroy completely those organs and establishments. The Japanese Government cannot accept responsibility for unavoidable damage which may occur as a result of these military activities. In this connection, the Imperial Government earnestly hopes that Your Excellency's Government on its part, in consideration of the above possibility of unforeseen damage occurring, will give further profound thought to the remarks set forth in the Ministry's previous note dated June 14, 1940.

I avail myself [etc.]

HACHIRO ARITA

The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Matsuoka)

No. 1630

Tokyo, September 13, 1940.

EXCELLENCY: I have the honor to apprise Your Excellency that I have received a report through the American Embassy at Chungking that on August 19, 1940, the Lewis Memorial Church of the Methodist Episcopal Mission in that city, an American institution, was completely destroyed by fire resulting from incendiary bombs during the course of a series of raids upon Chungking by Japanese airplanes.

In Note No. 30/European 2, dated November 29, 1937, from the Imperial Japanese Ministry of Foreign Affairs, the Embassy was informed in part that "with a view to cooperating with the Japanese forces in their desire not to cause damage to the property of the nationals of third countries, especially to eleemosynary institutions, during attacks on military establishments and facilities", the Japanese Government desired to obtain maps showing the location of hospitals, churches, schools and other eleemosynary establishments in China belonging to the United States.

While reserving all appropriate rights in the premises, with a view to assisting in the protection of American lives and property, the Embassy transmitted to the Ministry of Foreign Affairs on November 30, 1938, a sketch map indicating by hand markings American owned and leased property in Chungking and its environs. Moreover, on February 8, 1939, a similar map was transmitted to the Japanese Consulate General at Hankow.

In this connection I have the honor to refer to my notes no. 1174 of January 23, 1939, no. 1307 of June 16, 1939, no. 1328 of July 14, 1939,

*Not printed.*
no. 1583 of July 13, 1940, no. 1600, of August 6, 1940, and no. 1608 of August 19, 1940, bringing to the attention of Your Excellency's Government eight separate and distinct occasions, prior to the present bombing, when the property of this mission at Chungking was subjected to air attacks by Japanese forces. It is difficult to perceive, under the circumstances recited above—since the location of the property in question was unescapably known to the Japanese aviators—how the inference can be avoided that at least some of the attacks upon this American property have been deliberate. I must add in this connection, lest it be thought that this case of repeated bombing of the same American property in China is unique, that the instances of multiple Japanese bombings of the same American properties in China have been numerous.

I have the honor to enter a most emphatic protest on behalf of my Government against this renewed attack upon the property of the Methodist Episcopal Mission at Chungking; to request that Your Excellency be good enough to furnish me a prompt report upon this latest flagrant case; to reserve all rights on behalf of the American citizens and property involved; and to point out once more, as I have on many previous occasions to Your Excellency's predecessors, the grave risk to the lives of American citizens in Chungking and in other parts of China entailed by these ruthless Japanese air bombings, the damage of which to the property of American nationals alone is sufficient evidence of their indiscriminate character.

I must again emphasize the inevitable and damaging effect upon the good relations between our two countries of a continuation and repetition of such attacks upon the property of citizens of a friendly Government, which in the present case have reached almost unbelievable proportions.

I avail myself [etc.]

JOSEPH C. GREW

393.1163M56/249

The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Matsuoka)

[TOKYO,] September 13, 1940.

MY DEAR MR. MINISTER: Having understood in our conversation yesterday that you were not familiar with the continued cases of bombing of American property in China by Imperial Japanese air forces, I am taking the liberty of sending you, for your personal information, a copy of my official note of today sup regarding a particularly flagrant case involving the ninth occasion on which the same American property has been bombed by Japanese planes. Your Excellency will see from

sup None printed.

Supra.
the text of my note that the eight previous instances were duly brought to the attention of the Imperial Japanese Government, and I feel sure that you will readily appreciate the deplorable effect upon Japanese-American relations which would inevitably ensue were a case of this nature to come to the attention of the American public.

In connection with the general subject of the bombing of American property in China, you may be interested in the data given below, taken from our records.

Since the beginning of the hostilities in China there have been brought to our attention approximately 280 instances of the bombing of property, belonging to American nationals, by the Imperial Japanese air forces. As an indication of the fact that these attacks have not abated recently, I may cite the fact that approximately 23 separate cases of bombing of American property in China have come to our attention during the past three months, and that during the time that the present Government has been in office, alone, twelve separate attacks have occurred, involving in some cases very serious destruction to American property. The location of these properties, moreover, had been brought to the attention of the appropriate Japanese authorities, without the responsibility on the part of our Government, for the express purpose of avoiding damage to the American property concerned.

Believe me [etc.]

JOSPEH C. GREW

393.115/980: Telegram

The Ambassador in Japan (Grew) to the Secretary of State

[Paraphrase]

Tokyo, September 22, 1940—2 p. m.
[Received September 22—11:15 a. m.]

878. Embassy’s 837, September 14, 9 p. m. [a. m.], with regard to the bombing in China of American property.

In the course of my conversation with the Foreign Minister on September 21, I made reference to the fact that I had received the impression in our previous conversation of September 12 that, in respect to the vast accumulation of interferences with American rights and legitimate interests in China at the hands of Japanese armed forces and other Japanese agencies, the Minister was not familiar with the details and that, therefore, for the Minister’s personal information, I had prepared a list, although not necessarily a complete list, of such interferences which since the commencement of the current hostilities in China had come to the Embassy’s attention. Thereupon, I handed this list to the Minister in three sections: First sec-

20 Not printed.
tion, dated October 31, 1939, was communicated to the Department in my despatch number 4218, of November 6, 1939; the second, dated June 10, 1940, was sent to the Department in my despatch number 4784, dated June 19, 1940; the third section, dated September 15, 1940, will be forwarded with my despatch number 5004, dated September 22, 1940.\footnote{None printed.}

To the Minister I sketched orally the various categories of interferences which these lists covered and stated that while his subordinates in the Foreign Office knew all or most of the items set forth in the list, I believed it was unlikely that the offenses would come to his personal attention, and, therefore, in order to acquire a fair grasp of the immense accumulation of Japanese offenses during the past three years against American rights and legitimate interests, I strongly urged him to study these lists in detail.

The documents were accepted by the Foreign Minister. He made the statement that after he gets settled in office it is his firm determination to sweep away as many of the “past troubles” between the United States and Japan as it is within his power to eliminate. On my part, I did not fail to indicate that many of these troubles are current rather than past.

This telegram has been sent to the Department via Shanghai. Shanghai will please send copies to Chungking and Peiping.

\textit{Grew}

703.94/16229: Telegram

\textit{The Ambassador in Japan (Grew) to the Secretary of State}

Tokyo, October 16, 1940—5 p. m.
[Received October 16—11:40 a.m.]

1000. Reference my telephone conversation last night with Vice Foreign Minister regarding bombing of Kunming on October 13. The Vice Foreign Minister has just called me on the telephone and given me the following message:

“I took the matter up with the Navy Department. On October 13 naval air forces raided Kunming; and if damage was done to the American consulate, it might be a result of that raid. The Navy will see to it that the bombing of American consulate is not repeated. Such incident will not be repeated.”

Sent to the Department, repeated to Peiping and Hong Kong. Hong Kong please repeat to Kunming and Chungking.

\textit{Grew}
The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Matsuoka)

No. 1670

Tokyo, October 28, 1940.

EXCELLENCY: I have the honor to inform Your Excellency that, according to information received from the American Embassy at Chungking, the 26 heavy Japanese bombers which bombed Chungking on October 25, last, followed a course immediately over the premises of the American Embassy and the U. S. S. Tutuila and that bombs fell north, west, and east of them, the nearest dropping about 300 yards north of the Embassy and the ship. The Embassy reported further in this connection that 11 bombs fell on the south bank of the Yangtze River, within the zone designated by Your Excellency's predecessor, Mr. Hachiro Arita, in the penultimate paragraph of his note, Asia I, 8/Go, of June 14, 1940, as a safety zone. The Embassy added that an ice plant belonging to the Chungking Ice Company, an American firm, was damaged during the raid.

I have the honor to point out to Your Excellency again the serious danger to the lives and property of American citizens involved in these indiscriminate attacks, to protest emphatically against the renewed bombing of the property of the American firm above mentioned and to express once more the seriousness of the endangering by planes of a friendly power of the American Government's establishment in Chungking and the lives of the American Ambassador and the American personnel, who are carrying on the legitimate duties entrusted to them by my Government.

I take this occasion again to request Your Excellency to cause the most stringent orders to be issued by the appropriate authorities of the Japanese Government to prevent the recurrence of incidents of this nature.

I avail myself [etc.]

JOSEPH C. GREW

The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Matsuoka)

Tokyo, October 28, 1940.

MY DEAR MR. MINISTER: I am taking the occasion to enclose herewith, for Your Excellency's personal information, in view of the interest which you have been good enough to take in endeavoring to put an end to the long list of bombings by Japanese aviation of American property in China, a copy of my official representations of today's date regarding the renewed bombing by Japanese planes, during the
course of an air raid on Chungking on October 25 last, of the property of the Chungking Ice Company, an American firm, as well as regarding the fact that the 26 Japanese bombers which took part in the raid followed a course immediately over the premises of the American Embassy and the U. S. S. Tutuila, and that bombs fell north, west, and east of them, the nearest bomb landing about 300 yards north of the Embassy and the ship in question.

I venture to hope, in view of the interest which Your Excellency expressed in this matter, that the serious menace, constituted by these air raids to the safety of the American official personnel in China as well as to the property and lives of American citizens legitimately pursuing their callings in that country may be obviated through effective orders to the responsible Japanese officers concerned.

Sincerely yours, 

JOSEPH C. GREW

494.11 China National Aviation Corporation/17

The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Matsuoka)

No. 1678

TOKYO, November 8, 1940.

EXCELLENCY: With reference to my representations of November 5, 1940, regarding the attack by Japanese aviation on a China National Aviation Corporation plane near Kunming, Yunnan Province, which resulted in the death of the American pilot, Mr. W. C. Kent, I have the honor to transmit further information regarding this case based upon data which have since come to light.

The plane in question, a commercial passenger plane flying near Kunming, Yunnan Province, landed at Chanyi early in the afternoon of October 29, 1940. Just after it had landed, five Japanese pursuit planes attacked it, opening fire with a 20-millimeter machine gun. The fire from this gun struck the plane and persons inside, and persons fleeing from the plane were machine-gunned; some were killed and injured. The plane bore distinctive markings with one Chinese character YU five feet high and four and a half wide on the left wing, and under the same wing were three letters representing the China National Aviation Corporation identification insignia, each letter being five feet by four and a half in size. Under the right wing were five Chinese characters representing the same Corporation, each five feet by four and a half in dimensions, and on both sides of the fuselage was the Chinese character YU three feet by two in size. The strokes forming the Chinese characters in question were, in every instance except the last, five and a half inches wide. In this connection I may add that

*Not printed.*
this plane is the identical one, the shooting down of which by Japanese aviation on August 24, 1938, formed the subject of my representations to his Excellency General Ugaki on August 26, 1938. In repairing it practically no change was made in its appearance, and the markings described above were the same as those which it bore at the time of the previous attack.

The attack upon this plane, resulting in the killing of an American citizen, followed closely upon the reported shooting down at Kunming on October 26 by Japanese military aircraft of a commercial plane of the Eurasia Company, in the course of which it is reported that three civilians were injured.

In representations made by the Embassy regarding the previous attack by Japanese planes, on August 24, 1938, upon a commercial passenger plane belonging to the China National Aviation Corporation, the emphatic objection of the United States Government was expressed to the placing in jeopardy of the lives of American as well as other non-combatant occupants of unarmed civilian planes engaged in established commercial services. The United States Government objects to attack by armed force upon non-combatants and non-combatant enterprises, and has taken due note especially of the killing of an American citizen in the attack on a commercial transport plane operated by a civilian commercial concern, in which there is a substantial American interest, and which is engaged in a legitimate commercial service regularly utilized by American citizens, including officials of the United States Government. In the instant case the attack was made upon a plane which was of a type of civilian transport plane which should be readily recognized by airmen and was easily identifiable as a Douglas DC-2 unpainted dural metal plane. It is not to be conceived that the Japanese air force was ignorant that planes of this type have been flying between Chungking, Kunming, and Hong Kong; that they cannot distinguish between military and civil airplanes; that the Japanese air force was ignorant that such planes are piloted by American pilots, and that they frequently carry American passengers, including American officials. This latest attack upon a civilian commercial passenger plane, in which the life of an American citizen and the lives of several other civilians were sacrificed, brings into strong relief the general jeopardizing of American life and the widespread and unwarranted injury to American interests and property in China which have characterized the activities of the Japanese air force. The Japanese Government will of course realize that incidents of this character, reflecting as they do the apparent attitude of the Japanese military forces toward civilian life, including the lives and property of American

---

32 See press release issued by the Department of State on August 26, 1938, p. 619.
citizens and in this case involving loss of American life, constitute serious obstacles in the way of improved American-Japanese relations. I avail myself [etc.]

JOSEPH C. GREW

393.115/1023: Telegram

The Ambassador in Japan (Grew) to the Secretary of State

[Paraphrase]

Tokyo, November 11, 1940—noon.
[Received November 11—10:35 a.m.]

1125. Your telegram number 454, November 7, 9 p. m., was received November 8, 7 p. m.

1. During my interview yesterday with the Foreign Minister I referred to the continued bombings by the Japanese of American property in China and indicated that there were very serious risks involved in jeopardizing the lives of American citizens in this manner, which, at this time of marked tension between our two countries must be regarded as doubly serious. With reference to this subject, I handed copies of our last five notes concerning recent bombing incidents to Mr. Matsuoka, saying it was my desire to make certain that these facts were known by the Minister himself. Then I spoke of the possibility that with regard to these and previous bombings, my Government might feel obliged, in accordance with its long established practice, to publish full information. The only remark the Minister made to this statement was that the United States Government would, no doubt, wish to consider the effect of such publicity on the relations between Japan and the United States.

2. In connection with the many cases of complaints on the part of the American Government set forth in the lists which I had given him (Embassy's telegram number 878, September 22, 2 p. m.), the Foreign Minister said that he is doing his best to clear them up and that it is his intention soon to send to China an important official, probably the Director of the American Bureau of the Foreign Office, accompanied by several secretaries, for the purpose of locally exploring the situation and of taking the steps to remove, so far as is practicable under the military conditions existing now in China, the cause of the complaints. These complaints he referred to as embracing both military and economic matters. My answer was that for the same avowed purpose former foreign ministers had also sent special agents to China, but that these special agents had met with little success and that until precise and unequivocal instructions to respect American life and property and other legitimate rights and interests were issued to the officers and officials in the field by the highest competent authorities in Tokyo, it

---

*Not printed.*
was apparent from experience that accretion of positive results could not be expected. It may be significant in this connection that recently the Foreign Minister requested me to send him an extra set of the lists of complaints to which reference was made in Embassy’s telegram number 878, September 22, 2 p. m.

3. I suggest that the Department may wish to consider a further delay in releasing the proposed publicity regarding bombings in view of Mr. Matsuoka’s expressed intention and obvious desire to obviate points of friction with the United States, which, in my opinion, represents a belated recognition of the unfortunate position vis-à-vis the United States into which Japan, through the conclusion of the tripartite alliance \(^{34}\) and other recent developments, has placed herself.

This telegram has been sent to the Department via Shanghai. Shanghai will please send copies to Peiping and Chungking.

\[\text{Grew}\]

\[\text{494.11 China National Aviation Corporation/17} \]

\(\text{The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Matsuoka)}\)

\[\text{No. 1684 Tokyo, November 14, 1940.} \]

\text{EXCELLENCY: With further reference to my note no. 1678 dated November 8, 1940, regarding the attack by Japanese aviation on a China National Aviation Corporation plane at Chan-\text{-yi}, Yunnan Province, which resulted in the death of the American pilot, Mr. W. C. Kent, I have the honor to transmit below the following information regarding the incident which has just been reported to the Embassy by the American Consul General at Hongkong:} \]

\text{The plane in question caught fire after about ten minutes after the attack by the Japanese planes and the latter made several additional attacks upon it while it was burning. The passenger who was killed on the ground was killed about one hundred yards from the plane.} \]

\text{I avail myself [etc.]} \]

\[\text{Joseph C. Grew}\]

\[\text{Press Release Issued by the Department of State on November 23, 1940} \]

\text{The American Consul at Hanoi, Charles S. Reed, 2d, has reported that Vice Consul Robert W. Rinden, acting under Mr. Reed’s instructions, on November 21 drove, in company with a correspondent of the} \]

\[\text{\(^{34}\) For summary of the pact signed at Berlin September 27, 1940, see vol. ii, p. 165.} \]

\[\text{\(^{35}\) Reprinted from Department of State, Bulletin, November 28, 1940 (vol. iii, No. 74), p. 453.} \]
United Press, Melville Jacoby, by a warehouse at Haiphong where
it was reported that Japanese soldiers were encamped under an Ameri-
can flag. The newspaper correspondent, who was stated to possess
a photographer’s permit issued by the appropriate authorities, took
some pictures of the property in question. The car in which Vice
Consul Rinden and Mr. Jacoby were riding was subsequently pursued
and stopped by Japanese soldiers, who attempted to force them out
of the car and to seize the correspondent’s camera. The Vice Consul
identified himself to an English-speaking Japanese army officer, but
the Vice Consul and Mr. Jacoby were taken into the center of Haiphong
under a guard of Japanese soldiers, who prevented them from enter-
ing the Hotel Europe by stopping them on the sidewalk, forming
a semicircle, and training their rifles upon them. Subsequently French
officials arrived and, after discussion between those officials and the
Japanese, the Japanese guard withdrew and the two Americans were
taken, apparently by French authorities, to French military head-
quarters. Vice Consul Rinden and Mr. Jacoby returned to Hanoi
on the night of November 21.

Consul Reed reported that he has lodged a protest in the matter
with the Governor General of French Indochina and with the Japanese
Consul General at Hanoi.

The Department is telegraphing appropriate American officials
to make further representations in regard to this matter.

811.91251G/15
The American Ambassador in Japan (Grew) to the Japanese Minister
for Foreign Affairs (Matsuoka)

No. 1700

Tokyo, November 26, 1940.

EXCELLENCY: Acting under instructions from my Government, I
have the honor formally to protest against the actions of the Japa-
nese military at Hanoi who recently took into custody Mr. Robert W.
Rinden, American Vice Consul, and the United Press correspondent,
Mr. Melville Jacoby.

My Government considers that the employment of force and the
threat of arms against an American official and the individual accom-
panying him were especially flagrant. I am constrained to recall that
it has been necessary for my Government to point out to Your Excel-
licity’s Government, in connection with a deplorably large number
of incidents involving American nationals and the Japanese military
in China, that if the Japanese Government were to issue strict and
effective instructions that American citizens should be treated with
civility by the Japanese military, incidents of the character described
above would not occur.
With reference to the incident which is the subject of the present note, I wish to invite the particular attention of Your Excellency to the fact that Mr. Rinden and his companion were threatened with rifles which were pointed at them, and were kept in custody by Japanese soldiers, and that the Japanese soldiers did not withdraw until the arrival of the French authorities, despite the fact that Mr. Rinden identified himself as an American Vice Consul to a Japanese officer who spoke and understood English.

My Government emphatically protests this unwarranted and illegal action by Japanese soldiers in taking into custody an official of the United States, who in connection with his official duties was engaged upon legitimate activities, and his companion who was also an American citizen.

I avail myself [etc.]

JOSEPH C. GREW

494.11 China National Aviation Corporation/20

The Japanese Minister for Foreign Affairs (Matsuoka) to the American Ambassador in Japan (Grew)

[Translation]

No. 193, American I

EXCELLENCY: I have the honor to state that I have carefully perused the contents of the statement handed by Mr. Crocker, Secretary of the Embassy, to Mr. Terasaki, Director of the Bureau, and Your Excellency’s notes Nos. 1678, November 8, 1940, and 1684, November 14, 1940, stating that a commercial passenger plane belonging to the Chinese National Aviation Corporation was burned by an attack from Japanese planes during the afternoon of October 29, 1940, at Chanyi, Yunnan Province, and that an American aviator and others aboard were either killed or injured. As a result of an investigation, the actual circumstances of this case were found to be as follows:

Since the time air forces of the Japanese Army began making attacks in Kwangsi, Kweichow and Yunnan Provinces, military transport planes of the Chiang Kai-shek army have been passing frequently over the districts of Chaotung, Kunming, Chanyi, Chichiang and Kweilin. Having discovered that six enemy military planes were lying in wait in the Kunming district, five planes of the Japanese naval air forces took off toward that district in the afternoon of October 29, 1940, in order to capture and destroy those planes. Enemy planes, however, were not seen at Kunming. But, when Japanese planes arrived over Chaotung, they perceived two enemy fighting planes landed at the enemy’s military air-port at that place. Accordingly, Japanese planes immediately fired at the enemy planes setting them on fire.

ann Not printed.
Before the termination of the above fighting operations, a D-model plane was discovered arriving from the Kweiyang district and entering the said military air-port to land. Four Japanese naval planes, one after another, then fired at the plane from its rear at an altitude of about 100 meters. The said D-model plane landed at the air-port while being subjected to bullets, and it is said that the entire body of the plane caught fire and burned after having stopped about one minute in the central zone of the air-port.

If the victim plane was a passenger plane belonging to the Chinese National Aviation Corporation and an American aviator and others aboard encountered danger on that occasion, the Japanese Government regrets it exceedingly. However, the above investigation makes it clear that this was an accident caused by the fact that the aforementioned D-model plane, in order to land at an enemy military air-port, entered an air zone in which fighting operations were in progress, and, judged to be an enemy transport plane, was attacked by the Japanese naval air force. Not only was the accident absolutely unavoidable from the standpoint of military operations but as was previously pointed out in the former Foreign Minister's note, No. 80/-American I, August 31, 1938, the company to which the plane in question belongs is a Chinese juridical person, in view of which fact the Imperial Japanese Government is of the opinion that the present case is not one to give rise to an issue directly with a third country.

I avail myself [etc.]

YOSUKE MATSUOKA

---

**Note:** Not printed.
1941

711.94/1981

Memorandum by the Ambassador in Japan (Grew)

[TOKYO,] January 27, 1941.

I called this morning on the Minister for Foreign Affairs and made representations as instructed (Department's 43, January 17, 8 p.m.\(^8\)) regarding the Marine-Gendarme Incident of December 30 in Peiping.

After listening to my full oral statement \(^9\) of the circumstances of the incident and the views of the Government of the United States with regard to the unresponsive attitude of the Japanese military authorities in Peiping and the evident lack of any disposition on their part to reach a settlement in spite of the moderate and appropriate requests made in connection with the incident by the Commanding Officer of the American Embassy Guard at Peiping, the Minister said that the version of the incident received by the Foreign Office differed materially from the American version. The Minister nevertheless thought it desirable to make a further effort to reach a settlement locally and he, therefore, proposed to instruct the Japanese Embassy in Peiping to endeavor to bring about a more "responsive" attitude on the part of the Japanese military authorities in Peiping. He at least wished further to explore the circumstances of the incident.

I spoke of the desirability of avoiding the irritation engendered by continuing discussion of such incidents when the disposition of the local Japanese authorities to reach a settlement on the basis of the facts appeared to be lacking. The attitude of the Minister however did not appear necessarily to reflect the attitude of the Japanese military authorities at Peiping without further exploration.

J[OSEPH] C. G[REW]

711.94/1981

Oral Statement by the American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Matsuoka)

Shortly before 11 p.m. on December 30, 1940, eight United States Marines were present in the International Cabaret on Hatamen Street in Peiping, five of whom were on regular authorized liberty while three were present on duty as special patrol. Parenthetically it may be noted that the duties of the special patrol are to visit night clubs\(^8\) Not printed.
\(^9\) Infra.
and cafés in Peiping, to observe the conduct of marines and to order any marine showing signs of intoxication to return immediately to the barracks. All of the marines present in the cabaret at that time were well behaved and sober.

At 10.50 p.m. a Japanese in civilian clothes, who appeared to be drunk, entered the cabaret and walked about the room glaring in an insolent and provocative manner at the marines seated at tables. Although they noted that this Japanese appeared to be armed, the marines ignored his rude actions and left. Shortly thereafter at 11 p.m. this same Japanese was seen immediately outside the cabaret by two other American marines who were just arriving. They also noticed two more Japanese in civilian clothes standing outside the cabaret. After these two marines had entered the cabaret and as they were removing their overcoats in the cloakroom, the three Japanese came into the cloakroom and one grabbed the overcoat of a marine, who jerked loose and then took off his coat. As this same marine started to leave the cloakroom one Japanese without any provocation whatsoever deliberately shoved him, but even then the marine merely warned the Japanese to stop. The Japanese thereupon rushed at the American marine, who knocked him down, and a general fight ensued. Hearing the commotion in the cloakroom, some of the American marines in the dance room, including those on special patrol, went into the cloakroom and stopped the fighting, disarming one of the Japanese who was in the act of drawing a pistol.

Order was temporarily restored, but in about five minutes a group of some fifteen Japanese gendarmes rushed in. The rapid arrival of these gendarmes would seem to indicate that they had been waiting in the neighborhood. Without making any attempt to ascertain the cause of the trouble or the person or persons responsible, the gendarmes fired shots into the air and brandished swords and pistols, sticking their revolvers into the stomachs or backs of the American marines present in the café. When one marine, a member of the special patrol, endeavored to hand over to the gendarmes the armed Japanese civilian, the marine was promptly arrested by the Japanese gendarmes, who released the armed Japanese. Immediately thereafter, the gendarmes without reason or provocation took four more marines into custody, at the same time threatening all marines present with pistols and swords. While this so-called arrest was being made, three marines were subjected to brutal treatment by Japanese gendarmes and civilians and suffered bruises and cuts about the head and face as a result of being beaten with the butt of a pistol, kicked, and struck.

One of the marines in the cabaret telephoned to the regular uniformed marine patrol, which promptly arrived on the scene in a truck but was prevented by the Japanese gendarmes at the point of drawn pistols from functioning or taking custody of the five marines detained
by the gendarmerie. Upon learning of the arrest of these marines, an American marine officer was sent to the gendarmerie office at 1:30 a.m., December 31, and requested the release of the American marines. This request was refused. At 6 a.m. Colonel Turnage, commander of the American Embassy guard at Peiping, called at the gendarmerie office and requested the release of his men, which was refused on the ground that, in the words of the Japanese gendarmerie, "the investigation had not been completed". At 12 noon Colonel Turnage made a formal demand for their release, which was refused on the ground that the matter was being transferred to another office, later learned to be the headquarters of the Japanese Army in North China. At 5 p.m. the five men were released.

During the investigation at the gendarmerie office one American marine was manhandled and kicked by the gendarmes and forced to sign a statement to the effect that the affair had started when he knocked a pipe from the mouth of a Japanese.

On the basis of a careful and painstaking investigation of the facts by the responsible officers of the Embassy guard, my Government is convinced of the general reliability of the above account of the incident. Aside from any question of the propriety of the action of Japanese gendarmes rushing upon a group of American citizens and firing shots into the air and brandishing swords and forcibly seizing those Americans, my Government takes a serious view of, first, the refusal of the Japanese gendarmes to surrender custody of the arrested marines to an American marine patrol in uniform upon request that they do so; second, the maltreatment by the Japanese military authorities of American marines while those marines were in custody; and, third, the refusal of the Japanese authorities for a period of some seventeen hours to release those marines despite insistent requests by officers of the American Embassy guard that they be released.

The Japanese military authorities have been unresponsive to the moderate and appropriate requests made in connection with the incident by the commanding officer of the American Embassy guard at Peiping. If the attitude of the Japanese military authorities at Peiping accurately reflects the attitude of the Japanese Government, my Government can only conclude that there does not exist a disposition on the part of the Japanese Government to make any real effort toward settlement of the incident. Under these circumstances my Government is forced to assume that no useful purpose would be served by a further discussion of the matter and it therefore will have to add this case to the list of unsettled cases involving infringement by Japanese agencies of American rights and interests in China of willful abuse by these agencies of American citizens and of affronts to American official agents.

[Tokyo,] January 27, 1941.

469180—43—vol. 1—51
The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Matsuoka)

No. 1738

Tokyo, February 4, 1941.

EXCELLENCY: I have the honor to inform Your Excellency that according to a report received from the American Consulate at Kunming, during the widespread bombing of that city by Japanese planes on January 29, 1941, one bomb dropped only a little over two hundred yards from the American Consulate. The Consulate buildings were severely shaken, and rocks, dirt, and bomb fragments thrown into the compound. Windows in the buildings were blown open, objects toppled, and the door frame in the living room was shaken so badly as to make repairs necessary.

Your Excellency's attention is invited to the fact that on November 9, 1938, a map in triplicate showing the location of the American Consulate property, as well as other American property in Kunming, was sent by the American Embassy at Peiping to the Japanese Embassy there for forwarding to the appropriate military authorities. Moreover, as the Japanese authorities were also informed, the premises were marked by three American flags 9 feet by 17 feet.

I have the honor again to invite the attention of Your Excellency to the serious repercussions likely to ensue from indiscriminate attacks of this character which have endangered American Government buildings and the lives of the American Consul and his family, and to emphasize the importance of causing urgent and effective instructions to be issued to the appropriate Japanese authorities in China to prevent a recurrence of such dangerous activities.

I avail myself [etc.]

JOSEPH C. GREW

The American Ambassador in Japan (Grew) to the Japanese Acting Minister for Foreign Affairs (Prince Konoye)

No. 1779

Tokyo, April 14, 1941.

EXCELLENCY: I have the honor to refer to my note to the Minister for Foreign Affairs, no. 1738 of February 4, 1941, with reference to the aerial bombardment of Kunming, China, by Japanese aircraft on January 29, 1941, at which time the American Consulate at that place was seriously endangered, and to inform Your Excellency that American lives and property were again endangered at Kunming on April 8 by a wanton and indiscriminate bombing attack by Japanese airplanes.

On this occasion, according to the American Consul at Kunming, the China Inland Mission, where seven American citizens including three children were residing, was badly damaged by explosions and
barely escaped destruction by fire. At the same time, the house occupied by the American-citizen clerk of the Consulate, adjacent to the Mission, suffered concussion and damage in the form of broken glass, fallen plaster and tiles, and demolished electric light fixtures.

In bringing this matter to Your Excellency's attention, I wish to emphasize the unfortunate effect on public opinion in the United States of such indiscriminate attacks, not only because of the jeopardy in which American lives and property are placed, but also because of the great abhorrence on broad humanitarian grounds held by the American people toward acts of wanton violence against non-combatant and defenceless populations.

In conclusion, I am further instructed by my Government to point out that American officials and citizens reside in Kunming and other localities for legitimate purposes, and they are entitled to continue their activities without danger or loss from the attacks of Japanese aircraft. Despite the fact that the Japanese authorities in a great many of the cases have previously been supplied with detailed information concerning the location of the residences of American citizens and of American property, the lives of American citizens continue to be placed in jeopardy and they continue to suffer losses, in various parts of China.

Accept [etc.]

JOSEPH C. GREW

793.94/16646

The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Matsuoka)

No. 1793 

TOkyo, May 6, 1941.

EXCELLENCY: I have the honor to refer to my note no. 1779 of April 14, 1941, addressed to Prince Konoye during Your Excellency's absence from Japan, concerning the repeated indiscriminate bombing of Kunming by Japanese aircraft, and the danger to American lives and damage to American property caused thereby, and to inform Your Excellency that according to information received from the American Consul at that city, the Consulate was again seriously damaged during an air raid on April 29, 1941. Window glass and screens were blown out; plaster, a large memorial tablet, and part of a wall were knocked down; and dirt and debris were blown into the Compound. Fortunately, there appear to have been no casualties.

As stated in my note no. 1779 referred to above, American officials and citizens reside in Kunming and other localities in China for legitimate reasons, and they have every right to continue their activities without danger to themselves or loss to their property from the attacks of Japanese aircraft. It is hardly necessary to point out to Your Excellency the unfortunate effect of these attacks upon public
opinion in the United States, and it is difficult to estimate what the reaction would be if the Consul or one of his staff were killed or injured. It is only by chance that the continued bombings of Kunming and elsewhere in China have not recently resulted in death or injury to American citizens.

I have accordingly been instructed by my Government to inform Your Excellency that the American Government looks to the Japanese Government to take such steps as may be required to prevent further endangering of American lives and property.

I avail myself [etc.]                      JOSEPH C. GREW

Oral Statement by the American Ambassador in Japan (Grew) to the Japanese Vice Minister for Foreign Affairs (Ohashi)

During the past seven months the American Embassy has addressed five separate notes to the Foreign Office with regard to damage to American property by Japanese bombings of Kunming: 38

1. No. 1655, October 15, 1940.
2. No. 1668, October 26, 1940.
3. No. 1738, February 4, 1940 [1941].
4. No. 1779, April 14, 1941.
5. No. 1793, May 6, 1941.

On each of these occasions, substantial damage was done to American property, including the American Consulate, and the lives of American citizens and officials were put in jeopardy.

The American Consul General at Hongkong, on October 28, 1938, handed his Japanese colleague a map showing clearly the location of all American property in Kunming.

It is pointed out that according to the American Consul at Kunming, the localities attacked during the raids were largely commercial, residential, or otherwise of a non-combatant character. In fact, the raids were carried out in such manner that it is difficult to escape the conclusion that they were designed more to terrorize a helpless population rather than to demolish military works. Although fortunately and completely by chance, no American citizens have been killed or injured of recent months as a result of Japanese military activities, it is hardly necessary to point out that especially at the present juncture an American death or injury might have repercussions of a serious character. The American Government looks to the Japanese Government to take appropriate measures to prevent such an occurrence, and earnestly requests that express instructions be issued to the military authorities in that regard.

Tokyo, May 7, 1941.

38 Notes No. 1655 and No. 1668 not printed.
The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Matsuoka)

No. 1802

Tokyo, May 17, 1941.

EXCELLENCY: With reference to my note no. 1793 of May 6, 1941, concerning repeated indiscriminate bombing of Kunming by Japanese aircraft, and the consequent danger to American lives and damage to American property, I have the honor to inform Your Excellency that the American Consul at Kunming has reported that the Consulate was again damaged during a Japanese air raid on May 12, 1941. Fragments of bombs were scattered in the Consulate compound and one piece broke through a window into a residence bedroom.

Moreover, during this same raid, the larger part of the compound occupied by Mr. Stanley McGeary, an American clerk of the Consulate, was destroyed and his residence so damaged as to render it barely habitable, and for the third time recently the China Inland Mission, where a number of Americans live, was damaged and the residence there of Mr. E. L. Crapuchettes, an American citizen, was partly demolished.

I find it most regrettable that, although every effort has been made to impress upon the Japanese Government and officials the importance attached by my Government to the safety of American officials and citizens residing for legitimate reasons in Kunming and other localities in China and to the security of American property in that country, the activities of the Japanese air forces continue to endanger American lives and to inflict serious damage upon American property. Your Excellency must realize that the cumulative effect upon American public opinion of these repeated bombings of the American Consulate at Kunming and other American properties in that city cannot be otherwise than most unfortunate.

In view of the foregoing, I am obliged to remind Your Excellency that the American Government looks to the Japanese Government to take such steps as may be required to prevent further endangering of American lives and property in China.

I avail myself [etc.]

JOSEPH C. GREW

The Ambassador in Japan (Grew) to the Secretary of State

No. 5645

Tokyo, June 10, 1941.

[Received July 5.]

Subject: Bombing of Methodist Episcopal Mission Property at Chungking by Japanese Aircraft on June 1, 1941.
Sm.: With reference to my telegram no. 771 dated June 5, 9 p. m., reporting the conversation I had with the Minister for Foreign Affairs on the above subject, I have the honor to enclose a copy of the signed note I handed him at the time, together with a copy of my memorandum of our conversation.

On the following day, June 6, 1941, the Foreign Minister sent me a message through his secretary stating that he had on that day taken up with the War Minister at the Cabinet meeting the question of aerial bombardment in China affecting American property, and that the War Minister had given him assurances that special care would be taken in the future. The receipt of this message was reported in the Embassy's telegram no. 781 of June 6, 8 p. m.\(^{40}\)

Respectfully yours,

Joseph C. Grew

[Enclosure 1]

The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Matsuoka)

No. 1817

Tokyo, June 4, 1941.

EXCELLENCY: With reference to my note to Your Excellency no. 1803 of May 22, 1941,\(^{42}\) concerning damage inflicted on properties of the Methodist Episcopal Mission at Chungking by Japanese aircraft on May 9 and May 10, 1941, I have the honor to inform Your Excellency that properties of the same Mission at Chungking were again seriously damaged by Japanese aerial bombardment on June 1, 1941.

According to information received from the American Embassy at Chungking, a section of the hospital of the Mission at Tai Chiahang, in the center of the city, was badly damaged by a direct hit. A second bomb damaged the compound wall, and the home of an American missionary received damage from stones through the roof. This property has been damaged on at least four previous occasions.

In addition, the newly built Lewis Memorial Institutional Church of the same Mission, located at a distance of about seven hundred yards from the hospital mentioned above, was completely wrecked by a direct hit. This property has likewise been damaged on at least four previous occasions.

Although fortunately there were no casualties, it has been estimated that the cost of “restoring the buildings to use” will be about $150,000 Chinese currency.

In bringing to Your Excellency’s attention this last instance of destruction of the Methodist Episcopal Mission’s property during the wanton and random bombardment of Chungking by Japanese aerial forces, I feel impelled to repeat my previous emphatic protests on this

\(^{40}\) Not printed.
subject. It is again pointed out that the placing in jeopardy of American lives and the damaging of American property can hardly have a stabilizing effect on public opinion in the United States, and it is urgently requested that immediate steps be taken to put a stop to these attacks on American lives and property in China.

I avail myself [etc.] 

JOSEPH C. GREW

[Enclosure 2]

Memorandum by the Ambassador in Japan (Grew)

[TOKYO.] June 5, 1941.

In an interview with the Minister for Foreign Affairs today I made emphatic representations and delivered a first person note protesting the bombing and serious damage of the properties of the Methodist Episcopal Mission at Chungking by Japanese aircraft on June 1, properties which had been similarly damaged on at least four previous occasions. I dwelt at length on the steadily growing list of such depredations at the hands of the Japanese forces in China and spoke of the accumulating evidence that American properties seemed to be marked out for purposeful attack, having in mind the repeated assurances given me by the Japanese Government that such attacks were aimed only at military objectives. The location[s] of these properties, I said, were notified to the Japanese military authorities and they were carefully marked with American flags. It seemed to me preposterous to credit the Japanese aviators with such lack of skill. My note spoke of the inevitable effect on American public opinion of such wanton and random bombardment.

The Minister appeared to be impressed with these representations. He called in his secretary and asked that a memorandum be prepared for him to take up the matter with the War and Navy Ministers in Cabinet meeting tomorrow morning.

793.94/10682 : Telegram

The Ambassador in Japan (Grew) to the Secretary of State

TOKYO, June 16, 1941—9 p. m.
[Received June 16—10:35 a. m.] 

830. Chungking's 240, June 15, 3 p. m. Without delay I immediately sought an appointment with the Minister for Foreign Affairs and delivered to him in person a signed note quoted below. I made the most emphatic representations and pointed out the grave danger to American-Japanese relations involved in recent bombing attacks on Chungking which have now resulted in heavy damage to our

---

41 Telegram in two sections.
42 Not printed.
Embassy property, including the residence of the Ambassador, and seriously jeopardizing both the lives of the Ambassador and other American nationals and the U.S.S. *Tutuila*. I reminded the Minister of the *Panay* incident and its aftermath and expressed the personal opinion that under present circumstances I personally questioned whether the relations between the United States and Japan could now stand a similar strain. If these indiscriminate and wanton attacks should continue, the risks of fatal results must be reckoned with. I said that seldom if ever during my nine years in Japan had I felt greater anxiety than at the present moment. I added that while aware that the Minister was faced with many problems at the present moment, I believed that the issue of these bombing attacks was of more far-reaching importance and gravity than any other issues.

Mr. Matsuoka, who had come out of an official conference to receive me briefly, merely said, "I agree with you." He indicated that he had not yet heard of this recent attack and did not know whether military or naval planes were involved but that he would take up the matter immediately and personally with both the War and Navy Ministers.

"Excellency: I have the honor to inform your Excellency that, according to information just received from the American Ambassador at Chungking, during an air raid early on the afternoon of June 15, 1941, twenty-seven Japanese airplanes flying high bombed Chungking and also dropped several, about five, bombs within areas of one to three hundred yards of the Embassy Chancery and the United States ship *Tutuila*. A bomb which dropped within fifty yards of the entrance to the Embassy dugout hit alongside of and heavily damaged the offices of the assistant military attaché, about half way between the Chancery and the United States ship *Tutuila*. The concussion and flying debris damaged the Chancery, including the windows, transoms, tile roof, screens and shutters. Some damage was also caused at the Ambassador’s residence a half mile away and at the Standard Oil offices near the Chancery.

Fortunately, there were no casualties amongst the personnel of the Embassy or the United States ship *Tutuila*. There were a number of Chinese dead and wounded in the vicinity.

Acting under instructions from my Government, I must again emphatically protest against this endangering by Japanese military airplanes of the personnel and premises of the American Embassy in Chungking. I cannot sufficiently stress and I am, therefore, constrained to reiterate my anxiety concerning the inevitable effect upon American public opinion of such wanton and random bombardment.

Your Excellency will, I am sure, agree that such recurrence as has been described above does not comport with the assurances given to Your Excellency by the Imperial Japanese Minister of War, as conveyed to me on June 6 last through Your Excellency’s personal message.

I avail, etc."

*See pp. 517 ff.*

*See despatch No. 5045, June 10, 1941, from the Ambassador in Japan, supra.*
Sent to the Department and to Shanghai. Shanghai please repeat to Chungking, Peiping and Hankou.

GREW

763.94/16698: Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, June 19, 1941—9 p.m.

[Received June 21—9:29 a.m.]

851. Embassy's 842, 19th, 1 p.m.\textsuperscript{a} Bombing of American Embassy Chungking. The Embassy's translation of note no. 69, American, dated June 18, received today from the Foreign Office, follows:

"Excellency: I have the honor to state that I have carefully perused the contents of Your Excellency's note, dated June 16, 1941, stating that, according to a report from the American Ambassador at Chungking, about five bombs were dropped at points within a distance of from one hundred to three hundred yards from the American Embassy at Chungking and the American man-of-war \textit{Tubulis} during the bombing of Chungking by Japanese aircraft on the afternoon of June 15; that the office of the American assistant military attaché and the Embassy Chancery were damaged; and that the office of the Standard Oil Company near the Ambassador's residence and Chancery was also damaged slightly. Your Excellency's note also contained a protest, in accordance with instructions from Your Excellency's Government, with respect to the endangering of the personnel and property of the American Embassy at Chungking by Japanese aircraft.

Your Excellency's apprehensions concerning the effect of such indiscriminate bombing upon American public opinion were also stated. As the result of a prompt inquiry made of the Japanese forces in the area concerned regarding the circumstances of the case, it was ascertained that a unit of the Japanese naval air forces, which took off to bomb the Chungking area on June 15, attacked military establishments of the Chinese Army in the city of Chungking at about 3 o'clock on that afternoon. It happened that just as the commander gave the order to release bombs, one plane on the outside of the formation, failing to maintain its correct position, fell behind and the bombs dropped by that plane alone thus became uncontrolled stray bombs. It is believed that the accident mentioned in Your Excellency's note was due to these stray bombs which fell on the Eastern Bank of the Yangtze River near the Kwanyin Temple, and it is a matter of extreme regret to the Imperial Government.

As stated in our note dated June 14, 1940, the Imperial Army and Navy are taking every precaution, even at the cost of strategic inconvenience, not to bomb the vicinity of the American Embassy, and officers and men at the front have been strictly warned to that effect. I have, however, lost no time in urging the Army and Navy authorities to take further precautions to prevent the recurrence of accidents of this nature. At the same time, however, I wish to take this opportunity

\textsuperscript{a} Telegram in two sections.

\textsuperscript{a} Not printed.
to request that the American Government give consideration to the matter of cooperation toward the prevention of unfortunate and unforeseen accidents by transferring, if possible, the Tutsila to a zone of safety as informally suggested on many occasions by the Japanese naval authorities in China to the American naval authorities [stationed] there.

I avail myself etc. etc."

Sent to the Department via Shanghai. Shanghai please repeat to Chungking and Peiping.

GREW

Oral Statement by the American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Matsuoka)

[TOKYO,] July 8, 1941.

Reference is made to the Foreign Minister’s note of June 18 concerning the bombing of Chungking on June 15, at which time the U. S. S. Tutsila was endangered; the Foreign Minister requested that consideration again be given to moving the vessel, in accordance with previous suggestions.

The Embassy has been instructed by its Government to state that the U. S. S. Tutsila is stationed at Chungking on official service, which the American Government considers to be not only a matter of right but also of necessity. It is of particular service to the Embassy of the United States, and it is not the intention of the Government of the United States to move it. It is, moreover, in a locality declared to be immune from aerial bombardment by responsible Japanese authorities. The American Government desires to reiterate its expectation, as conveyed to Mr. Yoshizawa (Director of the American Bureau) by Mr. Crocker on July 19, 1940, that strict instructions will be issued in order to prevent further jeopardy to the American Embassy and the American vessel at Chungking.

The American Ambassador in Japan (Grew) to the Japanese Minister for Foreign Affairs (Matsuoka)

No. 1845

Tokyo, July 8, 1941.

EXCELLENCY: I have the honor to inform Your Excellency that during a severe Japanese air raid on Chungking on June 29, 1941, at which time the British Embassy was badly damaged, the concussion from bombs dropped on the south bank of the river caused some damage to the staff residence of the American Embassy.

---

* See telegram No. 851, June 19, 1941, from the Ambassador in Japan, supra.
* Edward S. Crocker, First Secretary of Embassy at Tokyo.
I have been instructed by my Government to inform Your Excellency that this renewed endangering of our Embassy at Chungking is regarded as the more reprehensible as it followed so closely on the assurances contained in Your Excellency’s note no. 69 of June 18, 1941.\footnote{See telegram No. 851, June 19, 1941, from the Ambassador in Japan, p. 717.}

It is once more urgently requested that immediate and explicit instructions be issued to the Japanese aerial forces in order to prevent any further damage or jeopardy to the American Embassy at Chungking.

I avail myself [etc.]

JOSEPH C. GREW

\textit{The Acting Secretary of State to the Ambassador in Japan (Grew)}

WASHINGTON, July 30, 1941—1 p. m.

443. 1. Report was received from Attaché at Chungking July 30, giving account of operations by 26 Japanese heavy bombers. In paraphrase:

These bombers approached from northwest at height about fifteen thousand feet in ideal weather conditions. Upon reaching city they changed course to the line crossing directly over the Tutuila and the Embassy. Having crossed the city without firing, they dropped bombload on foreshore across river opposite Tutuila. Left center of formation dropping last bombs swept across river and passed directly overhead. One bomb struck near stern Tutuila, shattered an outboard motor boat and threw it upon motor sampan which, sinking by stern, was saved by bowline. Gunboat’s stern superstructure was bent inward by blast and swept by a huge wave which collapsed awning and washed away ship’s gear and gasoline containers. Personnel escaped injuries from fragments only by miracle which apparently was due to funneling of bombs in water. Last bomb was dropped about four hundred yards eastward of and behind Embassy. All this was witnessed by three U. S. officials from Embassy hill immediately overlooking ship. Unanimous opinion of these officials is that the bombing was a deliberate attack on Embassy area and Tutuila which missed its targets only by a fraction of a second.

2. I called the Japanese Ambassador in this morning. I handed him a copy of the report and asked him for answers to questions as follows: (1) Did this take place upon instruction by or knowledge of responsible authorities; (2) what responsibility, if any, does the Japanese Government assume for it; (3) what precise measures in detail does the Japanese Government intend to take toward effectively preventing recurrence of any such action. I reminded him of the pledge solemnly given by the Japanese Government, with, I understand, the knowledge and approval of the Emperor, at the time of the sinking of the Panay,
that such action would not be repeated; also, of the fact similar pledges have repeatedly been given since then and have repeatedly been disregarded.

3. I desire that you also take this matter up urgently and with great emphasis with the Minister for Foreign Affairs.

Welles

---

 Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, July 31, 1941—6 p. m.
[Received July 31—3:10 a. m.]

1134. Department’s 443, July 30, 1 p. m. The Acting Vice Minister for Foreign Affairs, Mr. Yamamoto, called on me at the Chancery in the Embassy at 11 o’clock this morning and said that they had just received word of damage caused to U. S. S. Tutuila during a bombing attack on Chungking by Japanese naval planes and that he had come on behalf of the Foreign Minister, Admiral Toyoda, who was absent from the Foreign Office, to express the deep regret of the Japanese Government at this incident. Up to the present, Mr. Yamamoto said, they had received no details.

I said to the Acting Vice Minister that I had just received instructions to see the Foreign Minister himself on this matter and that as soon as my instructions were ready I would ask for an appointment. In the meantime I said that I would withhold any comment but I expressed to him my appreciation of the courtesy of his call and expressions of regret. Sent to Department. Repeated to Shanghai for Chungking.

Grew

---

 Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, July 31, 1941—6 p. m.
[Received July 31—9:40 a. m.]*

1138. Department’s 443, July 30, 1 p. m.; Embassy’s 1134, July 31, 1 p. m.

1. Following the call of the Acting Vice Minister for Foreign Affairs on me this morning I asked for an appointment with the Minister for Foreign Affairs himself. After some delay the Minister’s secretary informed me that Admiral Toyoda desired to call on me at the Embassy at 2 o’clock, later changing the appointment to 2:30. At 2:30 I was informed that the Foreign Minister was then with the Prime Minister and that Admiral Toyoda would be glad to have me come to see him at 2:45, which I did. I am unaware of the reason for the Minister’s change of plans.

*Telegram in three sections.
2. I read to the Minister my signed note setting forth the details of the bombing of the Tutuila including the unanimous opinion of three American officials, who had observed the bombing from the hill immediately overlooking the ship, that the attack was deliberate; also that the weather conditions were ideal. I thereupon made the most emphatic representations, and, to indicate the very grave nature of the incident, I read to the Minister the observations which I had made to his predecessor, Mr. Matsuoka, on June 16 (see Embassy’s 830, June 16, 9 p. m.). I also read to him the oral statement made to Mr. Matsuoka on July 8 regarding the attitude of the Government of the United States toward the Japanese request that consideration again be given to the moving of the U. S. S. Tutuila, as set forth in the Department’s telegram No. 350, June 24, 8 p. m. (see Embassy’s 961, July 8, 11 p.m.).

3. The Minister said that he had sent the Acting Vice Minister to see me this morning to convey his regrets at the incident and he repeated on behalf of the Japanese Government and himself expressions of sincere regret. He said that so far as he could remember a new instruction had been sent only recently to naval aviation officers carefully to avoid jeopardizing the American Embassy and the U. S. S. Tutuila in their bombing operations over Chungking and as a naval officer formerly in control of aviation he could assure me that these young aviation officers were strictly obedient to orders from their superiors. He could therefore only assume that in proceeding to its military objective the bombing gear of the plane in question had loosened during flight and that the bomb had dropped without any intention on the part of the pilot. The Minister several times repeated his conviction that the incident was purely and simply an accident but he recognized the potential gravity of the results of such accidents and said that once again he would have the most explicit instructions sent out to the Navy’s air arm to avoid such risks.

4. I repeated to the Minister my own conviction that the incident could not possibly have been accidental, especially in the light of the evidence of the several attacks on our Embassy and ship during the last several weeks. I once again pointed out the deplorable effect which this new incident would have on American public opinion and that in the present tenseness of our relations it seemed to me questionable whether these relations could stand the strain of an American fatality or the sinking of the Tuscaloosa [Tutuila] in the course of further bombing operations.

5. In closing the conversation I said that my Government must reserve a further expression of its views which I assumed would be communicated through Admiral Nomura in Washington.

50 Neither printed.
50a The Japanese Ambassador at Washington.
503.94/16763: Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, July 31, 1941—9 p. m.
[Received July 31—9:19 a. m.]

1141. At 9:30 this morning the senior aide to the Minister of the Navy called on the naval attaché and, under instructions from the Minister of the Navy, orally expressed the regret of the Navy for the damage done to the United States ship Tutuila by the Japanese naval air forces in raid on Chungking on July 30, and, after giving assurances that the bombing was accidental, stated that the Japanese Navy is prepared to make full reparations for any damage. As he was leaving, the aide stated that the Minister of the Navy was very much worried over this latest bombing incident and had told the aide that the Japanese Navy would do everything possible to prevent a war between the United States and Japan.

Please inform Navy Department.

Grew

703.94/16765a: Telegram

The Acting Secretary of State to the Ambassador in Japan (Grew)

[Paraphrase]

WASHINGTON, August 1, 1941—11 a.m.

451. 1. Late yesterday afternoon the Japanese Ambassador called and said his Government had instructed him to state: (1) That the endangering of the Tutuila and the United States Embassy at Chungking was greatly regretted by the Japanese Government; (2) that the Japanese Government was certain that the bombing was accidental; (3) that the Japanese will discontinue bombing of the city area of Chungking in order to give the United States Government assurance that no such endangering will again occur; (4) that as soon as the facts and amounts thereof have been ascertained, the Japanese Government is prepared to make indemnification for any and all damage done. The Ambassador added that there was one request which his Government had, namely, that the Japanese Government's promise to discontinue the bombing of Chungking be kept strictly confidential by us.

2. With the express authorization of the President, the press, in light of this approach, has been informed of the above points 1, 2, and 4 and, in lieu of point 3, they have been told that the Japanese Government has informed the United States Government concretely and in detail regarding the measures taken to prevent a recurrence
of such an incident; and it has been stated by me that the incident is considered closed by the United States Government.

Welles

793.94/16775: Telegram

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, August 5, 1941—5 p.m.
[Received August 5—9 a.m.]

1178. The following is a translation of a statement which was handed today to the naval attaché at the Navy Department:

"Concerning the incident of the U. S. S. Tutuila being damaged during our air raid of Chungking on July 30, the following conclusion was drawn upon the basis of report by commander at the front line, detailed explanations by a staff officer specially despatched to the front, and repeated and minute investigations:

The bomb which fell in the vicinity of the Tutuila was dropped from a plane in a formation that participated in the air raid in following a course the formation was compelled to take, and the bomb went wide of its mark on account of an infinitesimal delay in releasing it. The incident was caused by a pure accident. (We wish to emphatically deny a rumor reported to be current in certain quarters that we intentionally bombed American interests at the time of the air raid, and hope very much that no such misunderstanding exists).

Our air forces are under strict orders to exercise utmost caution during operations in China lest American interests, particularly American men-of-war, should be damaged and heretofore the orders were well observed. However, the attention of the commander at the front was called immediately to the regrettable incident.

In informing you results of our investigation we wish to express our profound gratitude and respect towards the American Government for the measures it took in connection with the incident."

Grew

393.115/1161

The Department of State to the Japanese Embassy

[Washington,] August 12, 1941.

On July 31, 1941 the Japanese Ambassador to the United States, Admiral Nomura, called on the Under Secretary, Mr. Welles, and, reading from notes, stated that he, the Ambassador, was instructed by his Government to inform the President officially of the deep regret of the Japanese Government over the bombing of the U.S.S. Tutuila at Chungking; to say that the Japanese Government desired to assure this Government that the bombing was an accident pure and simple; to say that, in order to make sure that no further incident of this kind would take place, the Japanese Government had decided to suspend all bombing operations over the city area of Chungking; to say that the Japanese Government offered to pay full in-
demnity for any damage occasioned American properties immediately upon the completion of the necessary investigations; to say that the Japanese Government requested that its decision with regard to the suspension of bombing operations over the city area of Chungking be regarded as strictly confidential. Further, the Ambassador gave the Under Secretary to understand that it was he himself, the Ambassador, who had recommended this procedure to the Japanese Government.

Shortly after the conversation under reference, the Under Secretary, having communicated the Ambassador’s statement to the President, announced that, in view of the action taken by the Japanese Government, the American Government considered the incident to which it related closed. On August 8, 10, and 12, there have appeared in the press news dispatches from Chungking giving accounts of bombings by Japanese planes at and in the neighborhood of Chungking. This Government is now in receipt of a telegram dated August 11 from the American Ambassador at Chungking stating that Chungking has during the past four days been subjected to unusually heavy and prolonged air raids; and that not only districts outside of the city proper but also the city area have been repeatedly bombed although no bombs have been dropped in that part of the city area which is directly opposite the anchorage of the American gunboat and the location of the United States Embassy’s chancery. News dispatches indicate that at least one American residence was demolished and that there was bombing around another residence which is everywhere known to be within the city area.

This Government requests an explanation and a definitive indication of the Japanese Government’s attitude and intentions regarding the pledge which was given on July 31.

---

793.94/16766a : Telegram

The Secretary of State to the Ambassador in Japan (Grew)

[Paraphrase]

WASHINGTON, August 14, 1941—6 p. m.

502. Our telegram No. 451, August 1, 11 a. m. At my request the Japanese Ambassador called on August 13, 1941. During the call I pointed out that our authorities in Chungking had reported that in the four days before August 11 that city had been subjected to exceptionally heavy and prolonged air raid, including the city area itself as well as districts outside the city proper. I said that according to press dispatches the bombs had demolished at least one American residence and had endangered another. I reiterated in substance the telegram from the Department referred to above and requested, with regard to the pledge given on July 31 not to bomb the city area of Chungking, an
explanation and a definitive indication on the part of the Japanese Government of its attitude and intention.

The immediate reply of the Japanese Ambassador was that the promise of the Japanese Government had merely been to cease bombing the city area "temporarily" and not indefinitely. He said that although he might have failed to do so, he believed this fact had been made clear by him to Mr. Welles.

793.94/16789: Telegram

The Ambassador in Japan (Grew) to the Secretary of State

[Paraphrase]

Tokyo, August 14, 1941—6 p.m.
[Received August 14—9:11 a.m.]

1238. This afternoon the Director of the American Bureau, Mr. Terasaki, called the Counselor of the Embassy to the Foreign Office and said that the Foreign Minister had instructed him to make a statement for communication to me which is substantially as follows:

1. With regard to the assurance which was conveyed to the United States Government through Admiral Nomura that Japanese forces would suspend bombing of the city area of Chungking, not including of course its suburbs, it is unthinkable that the United States Government would communicate such information to the Chungking Government. However, a very dangerous situation would arise if any third party should inform Chungking, and if the fact that Chungking had been so informed should become known in Japan.

2. Except to say that the United States Government must be aware of the Japanese doctrine of the Imperial Command and that an undertaking which would be a restriction on the freedom of operation of the Japanese armed forces is a serious thing for the Japanese Government to give, Mr. Terasaki declined to elaborate on his statement.

3. That his statement be regarded as being of most confidential character was requested with great emphasis by Mr. Terasaki.

Grew

793.94/16789: Telegram

The Secretary of State to the Ambassador in Japan (Grew)

[Paraphrase]

Washington, August 16, 1941—7 p.m.

509. Embassy's telegram No. 1238, August 14, 6 p.m. Except in strict confidence to you and the Ambassador at Chungking, the assurance set forth in item 3 of paragraph 1 of our telegram No. 451 of August 1, 11 a.m., has not been communicated to anyone by the Department.

Although the above is for your information, you may so inform the Foreign Office if occasion should arise whereby you feel it would serve
some useful purpose. In addition you may say that the apparently complete disregard by the Japanese armed forces of the spirit if not the letter of the Japanese Government's promise is deprecated and deplored by you and your Government.

HULL

793.94/16833a: Telegram

The Secretary of State to the Ambassador in Japan (Grew)

WASHINGTON, October 11, 1941—5 p.m.

650. Reference previous telegrams in regard to damage to the Tutuila and Embassy staff residence at Chungking during air raid of July 30.

1. The Department desires that you address a note to the Foreign Office in which, after making appropriate reference to the assurances conveyed to the Department by the Japanese Ambassador on July 31 in regard to indemnification to be made for damages sustained by the U. S. S. Tutuila and the American Embassy at Chungking as a result of Japanese aerial bombing, you inform the Foreign Office that the Navy Department has advised the Department that the damages sustained by the U. S. S. Tutuila are in the total sum of Twenty-seven Thousand Forty-five Dollars and Seventy-eight Cents ($27,045.78), United States currency.\footnote{In telegram No. 1670, Oct. 22, 1941 (793.94/16853), Ambassador Grew reported that with regard to the Department's telegram No. 650, a note dated October 20 had been sent to the Foreign Office.}

2. For your information the above-mentioned sum contains items of damage classified as follows, in the amounts specified:

(a) United States Government: Twenty-five Thousand Seven Hundred Fifty-four Dollars and Thirty-eight Cents ($25,754.38).
(b) U. S. S. Tutuila wardroom mess: Five Dollars ($5.00).
(c) Commissioned personnel of the U. S. S. Tutuila: Five Hundred Dollars ($500.00).
(d) Crew members of the U. S. S. Tutuila: Two Hundred Eighty-six Dollars and Forty Cents ($286.40).
(e) Dry-docking charges: Five Hundred Dollars ($500.00).

The above itemized classification should not be transmitted to the Foreign Office unless such a statement is requested, in which case you may supply it in the form of an unofficial letter.

3. You may add that the Department has not yet received from the Embassy at Chungking a statement in regard to Embassy property damaged or destroyed as a result of Japanese aerial bombing, but that as soon as such a statement is available the Foreign Office will be informed.

Sent to Tokyo via Shanghai. Repeated to Peiping and Chungking.

HULL