THE FAR EAST

CHINA

[For correspondence regarding relations of the United States with China in 1944, see volume VI.]

JAPAN

INITIATIVE OF THE UNITED STATES TO SECURE COOPERATION AMONG INTERESTED GOVERNMENTS ON MEASURES TO LIMIT AND CONTROL PRODUCTION AND TO SUPPRESS ILICIT TRAFFIC IN OPIUM IN AREAS OF THE FAR EAST TO BE LIBERATED FROM JAPANESE CONTROL

[For correspondence on this subject, see volume II.]

JAPANESE TREATMENT OF AMERICAN PRISONERS OF WAR AND CIVILIAN INTERNEES

390.1115A/1742 : Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, January 5, 1944—9 a.m.

[Received 4:37 p.m.]

81. American Interests—China—Civilian Internments. Foreign Office note December 31 states Swiss Consulate, Shanghai, telegraphs that Japanese authorities convoked for December 22 about 150 Americans, British and Dutch who previously exempted internment view health for segregation and departure December 29 to new camp established near Chapei camp.

Several convokes seriously ill suffering dysentery, ulcers on same terms [sic], heart trouble and require constant medical treatment and strict diet. Others had been exempted to care for bedridden. Under the circumstances Japanese action causes worry especially as camp affords insufficient diet, medical care and heat.

Swiss Consulate finally notes that these measures coincide with publication local press reports attributed Japanese repatriates Teia

Maru to effect Japanese interned American countries received brutal treatment.

HARRISON

390.1115A/1745: Telegram
The Minister in Switzerland (Harrison) to the Secretary of State

BERN, [January 8, 1944.]
[Received January 8—1:34 p.m.]

162. American Interests, China, Civilian Internments. Secretary this and British Legation handed identical informal communications at Foreign Office this morning of which substance follows:

Fontanel reverting situation described Legation's 81, January 5, reports information he has been able obtain indicates situation camps growing worse: food insufficient, no heating, neither medicinals nor food necessary diet sick made available. Camp Commandants forced obtain food and funds from friends interns. This confirms insufficiency credits made available by Japanese Government for maintenance camps.

Fontanel greatly concerned because requests he made September in concert with Gorgé for authorization visit camps ignored by Japanese Consulate. Fontanel fears interns have impression that his activity as representative protecting power inadequate. Request American-British Governments be informed Japanese Civil and Military authorities make extremely difficult carrying out mandate with which he charged.

Foreign Office informally inquires Department agreeable authorize Gorgé make representations in such manner as he deems advisable jointly behalf American-British Governments with view to obtaining either release sick persons or improvement their situation in camps. Foreign Office official believes delivery communication Japanese Government from the Department would not accomplish objective.

British Legation telegraphing London requesting approval procedure suggested by Foreign Office. Please instruct whether Department concurs joint representatives [representations?] by Gorgé on basis he may determine best.

HARRISON

* Vessel used by Japan to carry out exchange agreement with the United States in 1943. For correspondence on exchange agreement, see Foreign Relations, 1943, vol. III, pp. 867 ff.
* Emile Fontanel, Swiss Consul General at Shanghai.
* Camille Gorgé, Swiss Minister in Japan.
* The Department approved the suggested procedure in telegram 162, January 15, 10 p.m., to Bern, and notified the British Embassy to this effect the same day (390.1115A/1745).
274. American Interests—Japan. Please request Swiss Legation Tokyo to deliver the following textually to the Japanese Government:

The Government of the United States refers to its communication delivered to the Japanese Government on December 23, 1942 by the Swiss Legation in Tokyo in charge of American interests in Japan and Japanese-occupied territory concerning reports that the Government of the United States had received of the mistreatment of American nationals in Japanese hands. The Swiss Legation in Tokyo on May 28, 1943 forwarded to the Government of the United States a preliminary reply from the Japanese Government to this communication in which that Government stated that it would communicate in due course the results of investigations concerning each instance referred to in the note of the Government of the United States. No reports of investigations regarding these instances have yet been received.

The Government of the United States has taken due note of the statements of the Japanese Government "concerning the special circumstances prevailing in areas which have until recently been fields of battle" and concerning "the manifold difficulties which exist in areas occupied by the Japanese forces or where military operations are still being carried on." The Government of the United States points out, however, that the regions in which Americans have been taken prisoner or interned have long ceased to be scenes of active military operations and that the Japanese holding authorities have therefore had ample opportunity to establish an orderly and humane internment program in accordance with their Government's undertakings. Despite this fact the Government of the United States continues to receive reports that the great proportion of American nationals are the victims either of inhuman cruelty or of callous failure to provide the necessities of life on the part of the Japanese holding authorities, in violation of the common laws of civilization and of the Japanese Government's undertaking to apply to American nationals the humane provisions of the Geneva Prisoners of War Convention.

There follows a statement of the principal categories of the deprivation of rights, cruelties, wanton neglect, mistreatment and hardships to which, according to information received by the Government

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of the United States, from many sources, Americans in Japanese custody have been subjected.

I. Representatives of the Swiss Government entrusted with the protection of American interests in Japan and Japanese-occupied territory have not been permitted to go to every place without exception where prisoners of war and civilian internees are interned, have not been permitted to interview without witnesses the persons held, and have not had access to all places occupied by the prisoners (Article 86 of the Geneva Prisoners of War Convention).

II. Representatives of the International Red Cross Committee have been refused permission to visit most of the places where American nationals are held by the Japanese authorities (Articles 79 and 86).

III. American nationals have not been permitted to forward complaints to the Japanese holding authorities or to representatives of the protecting Power (Article 42).

IV. The Japanese authorities have punished and have threatened to punish American nationals for complaining concerning the conditions of captivity (Article 42).

V. The Japanese Government has failed to furnish needed clothing to American nationals (Article 12).

VI. The Japanese authorities have confiscated personal effects from American civilian internees and prisoners of war (Article 6).

VII. American prisoners of war and civilian internees have been subjected to insults and public curiosity (Article 2).

VIII. Civilians and prisoners of war interned by Japan are suffering from malnutrition and deficiency diseases because of the failure and refusal of the detaining authorities to provide health sustaining food for their charges, or to permit the United States to make regular shipments on a continuing basis under appropriate neutral guarantees of supplemental food and medical supplies,\(^9\) (Article 11 and the specific reciprocal undertaking of Japan to take into account national differences in diet).\(^9\)

IX. The Japanese authorities have devoted to improper and forbidden uses the profits of the sale of goods in camp canteens instead of devoting them to the welfare of the persons held in the camps (Article 12).

X. Contrary to the specific undertaking of the Japanese Government, the detaining authorities have compelled civilians to perform labor other than that connected with the administration, maintenance and management of internment camps. Officer prisoners of war have been forced to labor and noncommissioned officers to do other than supervisory labor (Article 27).

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\(^9\) For correspondence on efforts by the United States to send relief shipments to Americans held by Japan, see pp. 1015 ff., passim.

XI. Prisoners of war have been required to perform labor that has a direct relation with war operations (Article 31).

XII. Medical care has in many instances been denied to prisoners of war and civilian internees and when given has been generally so poor as to cause unnecessary suffering and unnecessary deaths (Article 14).

XIII. The Japanese Government has reported the names of only a part of the American prisoners of war and civilian internees in its hands (Article 77) and of American combatants found dead by Japanese forces (Article 4 of the Convention for the Amelioration of the Condition of the Sick and Wounded of Armies in the Field, to which Japan is a contracting party).\(^\text{11}\)

XIV. The Japanese Government has not permitted internees and prisoners of war freely to exercise their religion (Article 16).

XV. The Japanese Government has not posted the Convention in camps in English translation, thus depriving American prisoners of war and civilian internees of knowledge of their rights thereunder (Article 84).

XVI. The Japanese Government has failed to provide adequate equipment and accommodations in prisoner of war and civilian internment camps and transports, but on the contrary forced them to subsist in inhumane conditions (Article 10).

XVII. The Japanese Government has completely failed to apply the provisions of the Geneva Prisoners of War Convention (Title III, Section V, Chapter 3) with regard to trial and punishment of prisoners of war despite the fact that violations of its undertaking in this respect have repeatedly been called to its attention, but on the contrary has imposed cruel and inhuman punishments without trial.

XVIII. The Japanese authorities have inflicted corporal punishment and torture upon American nationals (Article 46).

The Government of the United States emphasizes that it has based the foregoing charges only on information obtained from reliable sources. Many well-authenticated cases can be cited in support of each of the charges.

The Government of the United States also desires to state most emphatically that, as the Japanese Government can assure itself from an objective examination of the reports submitted to it by the Spanish, Swedish,\(^\text{12}\) and International Red Cross representatives who have repeatedly visited all places where Japanese are held by the United States, the United States has consistently and fully applied the provisions of the Geneva Prisoners of War Convention in the treatment of all Japanese nationals held by it as prisoners of war or (so far as

\(^{11}\) For text of Convention signed at Geneva July 27, 1929, see Foreign Relations, 1929, vol. 1, p. 321.

\(^{12}\) Spain was protector of Japanese interests in the continental United States; Sweden in the Territory of Hawaii.
they are adaptable) as civilian internees, detainees or evacuees in relocation centers. Japanese nationals have enjoyed high standards of housing, food, clothing, and medical care. The American authorities have furthermore freely and willingly accepted from the representatives of the protecting Powers and the International Red Cross Committee suggestions for the improvement of conditions under which Japanese nationals live in American camps and centers and have given effect to many of these suggestions most of which, in view of the high standards normally maintained, are directed toward the obtaining of extraordinary benefits and privileges of a recreational, educational or spiritual nature.

The Government of the United States demands that the Japanese Government immediately take note of the charges made above and take immediate steps to raise the treatment accorded American nationals held by Japan to the standard provided by the Geneva Prisoners of War Convention, which the United States and the Japanese Governments have mutually undertaken to apply. The Government of the United States also expects the Japanese Government to take proper disciplinary or penal action with regard to those of its officials, employees, and agents who have violated its undertakings with respect to the Geneva Convention and the international Common Laws of decency.


The Government of the United States therefore expects the Japanese Government, in accordance with recognized practice of civilized states, fully to implement the provisions of the Geneva Prisoners of War Convention. The United States Government demands that the Japanese Government will, among other things, promptly implement the provisions of Article 86 in respect to the activities of the Government of Switzerland as protecting Power for American interests in Japan and Japanese-controlled territory and will make it possible for the Government of Switzerland to give to the Government of the United States assurances to the effect that Swiss representatives have been able to convince themselves by the full exercise of the rights granted under Article 86 that the abuses set forth in the foregoing statement have been completely rectified or that steps

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23 For the Japanese Government’s undertaking in this respect, see telegram 398, February 4, 1942, from Bern, Foreign Relations, 1942, vol. 1, p. 796.
have been taken in that direction that are considered by Switzerland
to be adequate.

The United States Government until the present has refrained
from publishing in this country the facts known to it regarding out-
raages perpetrated upon its nationals, both prisoners of war and
civilian internees, by the Japanese. The United States Govern-
ment hopes that as these facts are now again officially called to the
Japanese Government’s attention that Government will adopt a policy
of according to United States nationals in its hands the treatment
to which they are entitled, and will permit representatives of the pro-
tecting Power to make such investigations and inspections as are
necessary in order to give assurances to this Government that im-
proved treatment is in fact being accorded to American nationals.
In such case this Government would be in a position to assure the
American people that the treatment of American nationals by the
Japanese authorities had been brought into conformity with the
standards recognized by civilized nations.

Hull

711.941144A/277b: Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, January 27, 1944.

275. American Interests—Japan. There are recited in the follow-
ing numbered sections, the numbers of which correspond to the num-
bered charges in the Department’s urgent telegram of even date,14
examples of some of the specific incidents upon which this Govern-
ment bases the charges made by it against the Japanese Government
in the telegram under reference. The specific incidents have been
selected from the numerous ones that have been reported from many
reliable sources to this Government. Ask the Swiss Government to
forward this statement textually to its Minister in Tokyo with the
request that he present it to the Japanese Government simultaneously
with the telegram under reference and that he call upon the Japanese
Government promptly to rectify all existing derelictions and take
such further steps as will preclude their recurrence.

The Minister should further seek for himself or his representa-
tives permission, in accordance with Article 86 of the Convention, to visit
each place without exception where American nationals are detained
and request of the Japanese Government the amelioration of any
improper conditions that he may find to exist.

The Swiss Minister in Tokyo should be particularly asked to report
promptly and fully all steps taken by the Japanese Government in
conformity with the foregoing.

14 Supra.
Charges I and II. Prisoner of war and civilian internment camps in the Philippines, French Indochina, Thailand, Manchuria, Burma, Malaya, and the Dutch East Indies, and prisoner of war camp no. 1 in Formosa have never been visited by Swiss representatives although they have repeatedly requested permission to make such visits. None of these camps except the one at Mukden are known to have been visited by International Red Cross representatives. In recent months visits have not been allowed to the prisoner of war camps near Tokyo and Yokohama, and the prisoner of war camps in and near Hong Kong, although the Swiss representatives have requested permission to make such visits.

The value of such few visits as have been permitted to some camps has been minimized by restrictions. Swiss representatives at Shanghai have been closely escorted by several representatives of the Japanese Consulate General at Shanghai during their visits to camps and have not been allowed to see all parts of camps or to have free discussion with the internees. Similar situations prevail with respect to the civilian internment camps and prisoner of war camps in metropolitan Japan and Formosa.

By contrast, all of the camps, stations, and centers where Japanese nationals are held by the United States have been repeatedly visited and fully inspected by representatives of Spain and Sweden who have spoken at length without witnesses with the inmates, and International Red Cross representatives have been and are being allowed freely to visit the camps in the United States and Hawaii where Japanese nationals are held.

Charge III. Communications addressed by the persons held to the protecting Power concerning conditions of captivity in several of the civilian camps near Shanghai, among them Ash Camp and Chapei, remain undelivered. The same situation exists with respect to the civilian internment camp in Baguio, and in most if not all of the camps where American prisoners of war are held. Persons held at Baguio, Chefoo, Saigon, and at times in the Philippine prisoner of war camps were denied permission to address the camp commander.

Charge IV. On one occasion during the summer of 1943 all of the persons held at the Columbia Country Club, Shanghai, were punished by cancellation of dental appointments because complaints were made to representatives of the Swiss Consulate General. During the same period, at Camp B, Yangchow, the entire camp was deprived of a meal by the Camp Commandant because complaints had been made concerning the delivery of spoiled food.

There are cited under Section XVIII below, cases of prisoners of war being struck because they asked for food or water.

Charge V. Civilian internees at Hong Kong have gone without footwear and civilian internees at Kobe have suffered from lack of
warm clothing. In 1942 and 1943, American and Filipino prisoners of war in the Philippines and civilian internees at Baguio were forced to labor without shoes and clad only in loin cloths.

**Charge VI.** This is reported to have been the case at the following camps: prisoner of war camps in the Philippine Islands, prisoner of war enclosures at Mariveles Bay, Philippine Islands, civilian internment camps at Baguio, Canton, Chefoo, Peking, Manila, Tsingtao, Weihsien, and Yangchow, and at the Ash Camp, Chapei Camp, Lung-hwa Camp, and Pootung Camp, in or near Shanghai. The articles most needed by the prisoners and internees have been taken. For example, Japanese soldiers took the shoes from an American officer prisoner of war who was forced to walk unshod from Bataan to San Fernando during the march which began about April 10, 1942. Although the prisoners constantly suffered from lack of drinking water canteens were taken from prisoners during this march; one of these victims was Lieutenant Colonel William B. Dyess.

At Corregidor a Japanese soldier was seen by Lieutenant Commander Melvyn H. McCoy with one arm covered from elbow to wrist and the other arm half covered with wrist watches taken from American and Filipino prisoners of war.

**Charge VII.** American prisoners of war in Manila were forced by Japanese soldiers to allow themselves to be photographed operating captured American military equipment in connection with the production of the Japanese propaganda film “Rip down the Stars and Stripes”.

Prisoners of war from Corregidor being taken to Manila were not landed at the port of Manila but were unloaded outside the city and were forced to march through the entire city to Bilibid Prison about May 23, 1942.

Japanese school children, soldiers, and civilians have been admitted to internment camps and encouraged to satisfy curiosity regarding the persons held. Such tours were conducted at Baguio, Hong Kong and Tsingtao.

**Charge VIII.** Deficiency diseases such as beriberi, pellagra, scurvy, sprue, et cetera, are common throughout Japanese internment camps. These diseases are least common in the civilian internment camps (called assembly centers) at Shanghai and in some other camps where the persons held have but recently been taken into custody or where trade by the internees themselves with outside private suppliers is allowed. It appears therefore that the great prevalence of deficiency diseases in prisoner of war camps where internees have been solely dependent upon the Japanese authorities for their food supply over an extended period is directly due to the callous failure of these authorities to utilize the possibilities for a health sustaining diet afforded by available local products. The responsibility for much of the suffering
and many of the deaths from these diseases of American and Filipino prisoners of war rests directly upon the Japanese authorities. As a specific example, prisoners of war at Davao Penal Colony suffering from grave vitamin deficiencies could see from their camp trees bearing citrus fruit that they were not allowed to pluck. They were not even allowed to retrieve lemons seen floating by on a stream that runs through the camp.

Charge IX. For example, in the prisoner of war camps at Hong Kong, the profits of the canteens have not been used by the holding authorities for the benefit of the prisoners.

Charge X. At Baguio civilian internees have been forced to repair sawmill machinery without remuneration.

Officer prisoners of war have been compelled by Major Mida, the Camp Commandant at Davao Penal Colony, to perform all kinds of labor including menial tasks such as scrubbing floors, cleaning latrines used by Japanese troops and working in the kitchens of Japanese officers.

Charge XI. Ten American engineers were required to go to Corregidor in July 1942 to assist in rebuilding the military installations on that island, and prisoners of war have been worked in a machine tool shop in the arsenal at Mukden.

Charge XII. The condition of health of prisoners of war in the Philippine Islands is deplorable. At San Fernando in April 1942, American and Filipino prisoners were held in a barbed-wire enclosure so overcrowded that sleep and rest were impossible. So many of them were sick and so little care was given to the sick that human excrement covered the whole area. The enclosure at San Fernando was more than 100 kilometers from Bataan and the abominable treatment given to the prisoners there cannot be explained by battle conditions. The prisoners were forced to walk this distance in 7 days under merciless driving. Many who were unable to keep up with the march were shot or bayoneted by the guards. During this journey, as well as at other times when prisoners of war were moved in the Philippine Islands, they were assembled in the open sun even when the detaining authorities could have allowed them to assemble in the shade. American and Filipino prisoners are known to have been buried alive along the roadside and persistent reports have been received of men who tried to rise from their graves but were beaten down with shovels and buried alive.

At Camp O’Donnell conditions were so bad that 2,200 Americans and more than 20,000 Filipinos are reliably reported to have died in the first few months of their detention. There is no doubt that a large number of these deaths could have been prevented had the Japanese authorities provided minimum medical care for the prisoners. The
so-called hospital there was absolutely inadequate to meet the situation. Prisoners of war lay sick and naked on the floor, receiving no attention and too sick to move from their own excrement. The hospital was so overcrowded that Americans were laid on the ground outside in the heat of the blazing sun. The American doctors in the camp were given no medicine, and even had no water to wash the human waste from the bodies of the patients. Eventually, when quinine was issued, there was only enough properly to take care of ten cases of malaria, while thousands of prisoners were suffering from the disease. Over 200 out of 300 prisoners from Camp O'Donnell died while they were on a work detail in Batangas.

At Cabanatuan there was no medicine for the treatment of malaria until after the prisoners had been in the camp for 5 months. The first shipment of medicines from the Philippine Red Cross was held up by the camp authorities on the pretext that they must make an inventory of the shipment. This they were so dilatory in doing that many deaths occurred before the medicine was released. Because of lack of medicines and food, scurvy broke out in the camp in the Fall of 1942. Since the prisoners had been at the camp for some months before this disease became prevalent, the responsibility for it rests upon the detaining authorities.

It is reported that in the autumn of 1943 fifty percent of the American prisoners of war at Davao had a poor chance to live and that the detaining authorities had again cut the prisoner's food ration and had withdrawn all medical attention.

Though the medical care provided for civilian internees by the Japanese camp authorities appears to have been better than that provided for prisoners of war, it still does not meet the obligations placed on the holding authorities by their Government's own free undertaking and by the laws of humanity. At the civilian internment camp Camp John Hay, childbirth took place on the floor of a small storeroom. At the same camp a female internee who was insane and whose presence was a danger to the other internees was not removed from the camp. A dentist who was interned at the camp was not permitted to bring in his own equipment. The Los Banos Camp was established at a recognized endemic center of malaria, yet quinine was not provided, and the internees were not allowed to go outside of the fence to take anti-malarial measures.

The Japanese authorities have not provided sufficient medical care for the American civilians held in camps in and near Shanghai and the internees have themselves had to pay for hospitalization and medical treatment. Deaths directly traceable to inadequate care have occurred.

Even in metropolitan Japan, the Japanese authorities have failed to provide medical treatment for civilian internees, and it has been
necessary for Americans held at Myoshi, Yamakita, and Sumire to pay for their own medical and dental care.

Charge XIV. For example the internees at Camp John Hay were not allowed to hold religious services during the first several months of the camp’s operation, and priests have not been allowed to minister to prisoners held by the Japanese in French Indochina.

Charge XV. No copy of an English translation of the text of the Geneva Prisoners of War Convention has been available to civilian internees or prisoners of war nor have the Japanese authorities taken other steps to inform the persons held of their rights under the terms of the Convention. Reports have been received of the Japanese authorities informing prisoners of war that they were captives, having no rights under international law or treaty.

Charge XVI. At Camp O’Donnell many of the men had to live without shelter during 1942. In one case 23 officers were assigned to a shack, 14 by 20 feet in size. Drinking water was extremely scarce, it being necessary to stand in line 6 to 10 hours to get a drink. Officers had no bath for the first 35 days in the camp and had but one gallon of water each in which to have their first baths after that delay. The kitchen equipment consisted of cauldrons and a 55-gallon drum. Camotes were cooked in the cauldrons, mashed with a piece of timber, and each man was served one spoonful as his ration.

In late October 1942, approximately 970 prisoners of war were transferred from the Manila area to the Davao Penal Colony on a transport vessel providing only 20 inches per man of sleeping space. Conditions on the vessel were so bad that two deaths occurred, and subsequently because of weakness some 50 percent of the prisoners fell by the roadside on the march from the water front at Lasang, Davao to the Penal Colony.

The places used by the Japanese authorities for the internment of American civilians in the Philippine Islands were inadequate for the number of persons interned. At the Brent School at Baguio, 20 to 30 civilians were assigned sleeping accommodations in a room which had been intended for the use of one person.

At the Columbia Country Club at Shanghai the internees were obliged to spend CRB 15 $10,000 of their own funds to have a building deloused so that they might use it for a needed dormitory. At Weihsien no refrigeration equipment was furnished by the Japanese authorities and some of the few household refrigerators of the internees were taken from them and were used by the Japanese guards, with the result that food spoiled during the summer of 1943. The lack of sanitary facilities is reported from all of these camps.

15 Central Reserve Bank notes issued by the Japanese-sponsored regime at Nanking.
Charge XVII. American personnel have suffered death and imprisonment for participation in military operations. Death and long-term imprisonment have been imposed for attempts to escape for which the maximum penalty under the Geneva Convention is 30 days arrest. Neither the American Government nor its protecting Power has been informed in the manner provided by the Convention of these cases or of many other instances when Americans were subjected to illegal punishment. Specific instances are cited under the next charge.

Charge XVIII. Prisoners of war who were marched from Bataan to San Fernando in April 1942 were brutally treated by Japanese guards. The guards clubbed prisoners who tried to get water, and one prisoner was hit on the head with a club for helping a fellow prisoner who had been knocked down by a Japanese army truck. A colonel who pointed to a can of salmon by the side of the road and asked for food for the prisoners was struck on the side of his head with the can by a Japanese officer. The colonel’s face was cut open. Another colonel who had found a sympathetic Filipino with a cart was horse-whipped in the face for trying to give transportation to persons unable to walk. At Lubao a Filipino who had been run through and gutted by the Japanese was hung over a barbed-wire fence. An American Lieutenant Colonel was killed by a Japanese as he broke ranks to get a drink at a stream.

Japanese sentries used rifle butts and bayonets indiscriminately in forcing exhausted prisoners of war to keep moving on the march from the Cabanatuan railroad station to Camp No. 2 in late May 1942.

At Cabanatuan Lieutenant Colonels Lloyd Biggs and Howard Breitung and Lieutenant R. D. Gilbert, attempting to escape during September 1942 were severely beaten about the legs and feet and then taken out of the camp and tied to posts, were stripped and were kept tied up for 2 days. Their hands were tied behind their backs to the posts so that they could not sit down. Passing Filipinos were forced to beat them in the face with clubs. No food or water was given to them. After 2 days of torture they were taken away and, according to the statements of Japanese guards, they were killed, one of them by decapitation. Other Americans were similarly tortured and shot without trial at Cabanatuan in June or July 1942 because they endeavored to bring food into the camp. After being tied to a fence post inside the camp for 2 days they were shot.

At Cabanatuan during the summer of 1942 the following incidents occurred: A Japanese sentry beat a private so brutally with a shovel across the back and the thigh that it was necessary to send him to the hospital. Another American was crippled for months after his ankle was struck by a stone thrown by a Japanese. One Japanese sentry
used the shaft of a golf club to beat American prisoners, and two Americans, caught while obtaining food from Filipinos, were beaten unmercifully on the face and body. An officer was struck behind the ear with a riding crop by a Japanese interpreter. The same officer was again beaten at Davao Penal Colony and is now suffering from partial paralysis of the left side as the result of these beatings. Enlisted men who attempted to escape were beaten and put to hard labor in chains.

At the Davao Penal Colony, about April 1, 1943, Sergeant McFee was shot and killed by a Japanese guard after catching a canteen full of water which had been thrown to him by another prisoner on the opposite side of a fence. The Japanese authorities attempted to explain this shooting as an effort to prevent escape. However, the guard shot the sergeant several times and, in addition, shot into the barrack on the opposite side of the fence toward the prisoner who had thrown the canteen. At about the same time and place an officer returning from a work detail tried to bring back some sugarcane for the men in the hospital. For this he was tied to a stake for 24 hours and severely beaten.

In the internment camp at Baguio a boy of 16 was knocked down by a Japanese guard for talking to an internee girl, and an elderly internee was struck with a whip when he failed to rise rapidly from his chair at the approach of a Japanese officer. Mr. R. Gray died at Baguio on March 15, 1942 after being beaten and given the water cure by police authorities.

At Santo Tomas, Mr. Krogstadt died in a military prison after being corporally punished for his attempted escape.

Hull

[The texts of telegrams 274 and 275, printed supra, were released to the press on February 11; see Department of State Bulletin, February 12, 1944, page 168. At midnight, January 28, the War and Navy Departments issued a joint press release on Japanese atrocities respecting American and Filipino prisoners of war in the Philippine Islands; see H. Doc. 393, 78th Cong., 2d sess., page 1. For statement on Japanese treatment of British prisoners of war and civilian internees made by Anthony Eden, British Secretary of State for Foreign Affairs, on January 28, see Parliamentary Debates, House of Commons, 5th series, volume 396, columns 1029-1033.]
The Minister in Switzerland (Harrison) to the Secretary of State

BERN, February 7, 1944—9 p.m.
[Received February 14—5 p.m.]

A–68. American Interests—Thailand—POWs. Legation’s 207, January 10.¹⁶ The American POWs probably detained by the Japanese and are not under jurisdiction of the Thai Government. They number 194. The Japanese Embassy at Bangkok was requested by the Swiss Consulate at Bangkok to authorize a visit to these POWs.

The Legation on January 22 requested the Swiss to inform its Legation at Tokyo, confidentially, the difficulties encountered in Bangkok and to take advisable action to support the representations made at Bangkok with the Japanese Government.

A Swiss Note, dated February 4, quotes following English text message communicated by Japanese Embassy, Bangkok, to the Swiss Consulate there:

"Concerning the visit to American POWs, has the honor to inform that the said visit has not been permitted on the reason of military purpose."¹⁷

The foregoing has been communicated to the Swiss Legation, Tokyo.

HARRISON

711.94114A/356: Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, March 1, 1944—10 a.m.
[Received 10:14 a.m.]


The question “atrocities” may be considered as belonging to the past. Japanese Government will reply to Department’s 274 and 275 of January 27 but principal problem remaining to be settled is present and future fate of prisoners of war.

¹⁶ Not printed.

¹⁷ Despatch 7755, April 3, 1944, from Bern, reported the substance of an oral communication to Walter Siegenthaler, Swiss Consul at Bangkok, by a spokesman of the Japanese Embassy, as follows: The Japanese authorities do not recognize the Swiss Consulate at Bangkok as representing American and British interests in Thailand and therefore gratuities to prisoners of war should be made to Mr. Siegenthaler in his private capacity. Receipts for relief parcels and pocket money would henceforth be signed by the Japanese Commandant and not, as before, by camp authorities and senior British Officers. Finally, the Japanese authorities do not recognize the representative of the International Red Cross Committee in Thailand. (711.94114A O.T./15)

¹⁸ Dated February 29, noon, p. 1019.
During conversations Gorgé expressed conviction that Japanese Government acting in own interest allowing protecting power exercise proper function inspection camps and recommend improvements. He pointed out American Government in strong position this connection and Japanese Government created difficult situation by refusal allow Swiss visit camps Japan which gave rise to suspicions Allied countries. Gorgé emphasized article 86 Prisoners of War Convention essential and expressed hope Japanese Minister of War would decide observe it more liberally. Also insisted delivery those prisoners of war lists which not yet delivered Swiss.

HARRISON

711.94114A/361 : Telegram
The Minister in Switzerland (Harrison) to the Secretary of State
BERN, March 3, 1944.
[Received March 3—10:31 p. m.]

1288. American Interests, Far East. Department's 1164, May 15; Legation's 3469, June 9; 4316, July 20. Foreign Office note, February 28, states Swiss Minister, Tokyo, telegraphs that newspaper Nippon Times published February 11 article affirming POWs and civilian internees Singapore, Hong Kong, Shanghai have liberty write [and] receive letters after censorship camp commanders.

As Swiss Consulate, Shanghai, still encountering great difficulties correspondence inmates civilian assembly centers and as all correspondence with other internees and POWs impossible, Swiss Minister intervened Japanese Foreign Office to inquire if regulations correspondence Shanghai camps recently modified.

Swiss Minister took occasion also raise question general correspondence between POWs and protecting power for he has never received letters from POWs although Japanese authorities claim such correspondence permitted.

Legation expressing appreciation action taken Swiss Minister and requesting information regarding results.

HARRISON

711.94114 Pay-0/15 : Telegram
The Secretary of State to the Minister in Switzerland (Harrison)
WASHINGTON, March 11, 1944.

812. American Interests—Japan—Prisoner of War Salaries. Your 3046, May 16 [18], 1943. Request Swiss to inform Japanese Govern-

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19 None printed; for summaries of 3469 and 4316, see Foreign Relations, 1943, vol. III, p. 955, footnote 50.
20 Ibid., p. 988.
ment that the United States Government accepts Japanese Government's offer to pay American officer prisoners of war in its custody the same salaries as corresponding ranks in the Japanese armed forces. It is understood that these salaries will not include the cost of food and clothing which American officer prisoners of war will pay themselves out of their salaries.

The United States Government will, on a reciprocal basis, pay Japanese officer prisoners of war of ranks equivalent to Captain and upwards in the United States Army the salaries paid by the Japanese Government to officers of these ranks in the Japanese armed forces. Japanese officer prisoners of war held by the United States Government will pay out of their salaries the cost of food and clothing.

The United States Government understands that Japanese officers of ranks corresponding to First and Second Lieutenant in the United States Armed Forces are paid by the Japanese Government at the rate of 85 and 70.83 yen a month respectively. On the basis of the proposed exchange rate of one dollar equals four yen these salaries would be the equivalent of $21.25 and $17.71 a month respectively which is not considered adequate to cover the cost of their food and clothing in the United States. The United States Government will, therefore, on a unilateral basis, pay Japanese officer prisoners of war of these ranks a salary of 28 and 25 dollars a month respectively which will cover these costs and allow modest surpluses for incidentals.

Hull

711.94114A/856: Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, March 24, 1944—midnight.

989. American Interests—Japan. Please request Swiss Government reference Legation's 1231, March 1, to inform Gorgé that Department cannot agree that atrocities referred to in its 274 and 275 of January 27 may be considered as belonging to the past, except to the extent that life taken cannot be restored. The examples cited in the January 27 telegrams were mentioned in the expectation that the Japanese Government (1) would promptly investigate the conditions that resulted in such atrocities, (2) would make appropriate amends, and (3) would take appropriate steps to prevent their recurrence as well as to provide henceforth correct treatment in accordance with the standard prescribed by the Geneva Prisoners of War Convention. The paramount concern of the moment is, of course, as Gorgé rightly believes to obtain humane treatment for those who remain.

Gorgé is to be commended for endeavoring to make the Japanese Government realize that its interests as well as those of the protected Power will best be served by complete implementation of Article 86
of the Geneva Prisoners of War Convention. The best evidence that the Japanese Government intends henceforth to fulfill its undertaking to implement the humanitarian provisions of the Convention would be to permit representatives of the Swiss Government to visit all camps where American prisoners of war and civilian internees are held by the Japanese authorities, as required by that article. Such action would be much more effective in establishing the bona fides of the Japanese authorities than any number of verbal assurances.

The Department will await with anxious interest further reports from Gorgé concerning the measure of success attending his representations.

HULL

711.94114A/393: Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, March 25, 1944—9 a.m.
[Received 10:29 a.m.]

1880. American Interests, Japan. Legation's 1231, March 1, 5080 [1580], March 15. Substance informal communication Foreign Office official March 22 handed Tait 21 follows:

Gorgé discussed March 11 with Shigemitsu, Japanese Foreign Minister, question POWs: Shigemitsu strongly criticized American, British campaigns which described repeatedly as “nasty”. Added these greatly irritated Japanese military, naval authorities and he endeavoring calm tempers. Japanese Government decided not yield methods intimidation.

Informant stated with regard general attitude Japan his country overlook nothing toward prosecute successful war. Consequently would do nothing contrary its military interests. However, subject this reservation Japan has no intention divest itself humanitarian obligations.

Shigemitsu confirmed his Government preparing reply American protest which would set forth principles Japanese authorities intend follow in matters relating POWs. As no definite decision yet taken Japanese Government, Shigemitsu unable tell Gorgé more this point.

Gorgé pointed out that while Swiss Legation able visit certain camps metropolitan territory it unable visit camps situated conquered territory (except Hong Kong) and that Japan’s adversaries naturally

21 Latter not printed: it cited reports from Mr. Gorgé that he had been frequently informed at the Japanese Foreign Office that Anglo-American attacks in connection with atrocities were political maneuvers, and that Mr. Eden’s statement before the House of Commons on January 28, 1944, had caused little reaction in Japan and no visible reaction in occupied China (711.94114A/379).

22 George Tait, First Secretary of Legation in Switzerland.
conclude from this persistent refusal that conditions prevailing unvisited camps are not as they should be. Added that impossibility protecting power ascertain condition POWs finally resulted current situation regarding which Japan strongly complains. Gorgé expressed view rapid improvement present state of affairs would result if Japanese would apply terms Geneva Convention. Camp visits not only in interest United States, Great Britain but also Japan.

Shigemitsu replied Japan applies policy conforming its principles and that within scope military necessity these are just. Shigemitsu made no further statement regarding present state affairs but screened himself behind his Government. He repeated always prepared examine with Gorgé all questions pertaining American, British interests on condition this be not under pressure intolerable for Japanese of campaigns launched Americans, British. Gorgé observed there would be no further reason this campaign if these concessions obtained. Terminated interview expressing hope conditions would soon become sufficiently favorable for him act both in interests powers protected by Switzerland and those Japan.

HARRISON

740.00115A Pacific War/1131a: Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, April 15, 1944.

1295. American Interests—Japan. Department has received reliable information that Japanese authorities have provided almost no fuel for heating the quarters occupied by civilian internees at Kobe. Please request Swiss authorities to point out to the Japanese authorities that in the climate existing at Kobe considerable quantities of fuel for heating are necessary if the quarters are to be considered sufficiently heated within the meaning of Article 10, Geneva Prisoners of War Convention, when it is applied to the treatment of civilian internees. Moreover, it is understood that the preparation of supplementary food is impossible because of lack of fuel, although Article 11, Geneva Prisoners of War Convention provides that prisoners shall receive facilities for preparing additional food.

It is also reported from one camp at Kobe that no soap has been distributed by the Japanese authorities since December 1, 1943, or thereabouts. Failure of the Japanese to provide soap indicates that all sanitary measures necessary to assure the cleanliness and healthfulness of the camps are not being taken in accordance with Article 13 of the Convention.

HULL
The Minister in Switzerland (Harrison) to the Secretary of State

BERN, April 15, 1944—7 a.m.
[Received 11:46 a.m.]

2357. American Interests—Japan. Foreign Office note April 12 states contents Department’s 990 [989], March 24, transmitted Swiss Minister, Tokyo, and encloses memorandum, translation of which follows giving substance remarks telegraphed by Gorgé following interview April 6 at Foreign Office:

"Gorgé shares opinion American Government regarding measures to be taken prevent repetition acts charged against Japanese Government in treatment POWs. His representations Japanese Foreign Office always with this intention. Again referred this matter April 6 and Japanese Foreign Office confirmed Japanese reply to American Government in preparation; reply long and will be received soon.

At this occasion, Gorgé resumed discussion regarding application Article 86 Geneva POW Convention and insisted fact that Japanese authorities in permitting camp visits might eliminate suspicion that POW treatment not conformity general principles admitted and especially with Geneva Convention. Gaimusho 23 continues complain situation reported concerning certain Japanese civilians who refused declare allegiance United States. 24 In this connection Gorgé again drew attention Japanese to fact that they would be better placed in basing protests regarding Japanese citizens American hands if they show themselves more conciliatory the question POWs in Japanese hands. He insisted that reciprocity should exist on this point between the United States and Japan which is not case since Spain permitted visit Japanese internees whereas authorization visit American POWs refused Switzerland. Situation, therefore, much better United States but Gorgé hopes with perseverance obtain improvement present conditions Far East."

Although reference not specifically made, Legation assumes fore-going replies partially to the Department’s 1073, March 30 25 (please see Legation’s 2321, April 14 26).

HARRISON

23 Japanese Foreign Office.
24 For formal Japanese protest this matter, see Memorandum No. 86, Ex. 113, 00 T, April 24, from the Spanish Embassy, p. 1109.
25 Post, p. 1037.
26 Not printed; but for summary, see footnote 68, p. 1068.
27 Not printed.
April 18, it had been advised by Japanese Foreign Office that commanders all internment camps Japan informed that POWs and civilian internees should be permitted date correspondence.

HARRISON

[For memorandum dated April 18, prepared in the Office of Far Eastern Affairs, discussing, among other subjects, “Efforts of this Government in Behalf of American Prisoners of War and Civilian Internees in Japanese Hands”, see pages 1232, 1234.]

711.04114A/419: Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, April 19, 1944.

1347. Request Swiss to inform Gorgé at Tokyo that the Department has noted with appreciation (your 2357, April 15, 7 a.m.) that he is continuing to press the Japanese Government fully to honor its commitment to implement Article 86 of the Geneva Convention and thus establish full reciprocity between visits permitted to places where Japanese nationals are held by the United States and visits to places where American nationals are held by Japan.

Request Swiss also to give Gorgé following information regarding activities protecting Powers for Japanese interests:

Representatives of the Spanish Embassy and Swedish Legation which have undertaken the protection of Japanese interests in the continental United States and Territory of Hawaii, respectively, have made frequent visits during the past two years to all places without exception where Japanese nationals have been held as detainees, internees, evacuees or prisoners of war, have been freely permitted to interview them without witnesses and have been allowed the greatest freedom in inspecting all features of the various places of detention.

[Here follows an account of visits made by representatives of Spain and Sweden to camps where Japanese nationals were held.]

The Department has just received a request from the Spanish Embassy Washington again to visit all places in the United States where Japanese nationals are held and desiring to provide complete reciprocity in this respect wishes urgently to learn from Gorgé what provision the Japanese Government has now made (or which he has good reason to believe is being made) to enable the Swiss representatives to visit all those places not yet visited where American nationals are held by Japan.

* In telegram 2830, May 4, the Minister in Switzerland stated that the words “and Japanese occupied territory” should have been included after “Japan” (711.04114 Mail/75).
The Department would be pleased particularly to learn that those places in the Philippine Islands, Netherlands Indies, Malaya, Burma and Thailand which it understands have not been visited since their establishment (in some cases more than two years ago) may now be visited and that the Swiss representatives will henceforth be permitted, as are the Spanish and Swedish representatives here, fully to enjoy the privileges guaranteed to them by Article 86 of the Convention.

Hull

711.93114A/62: Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, April 28, 1944—9 p. m.

1478. If Swiss Government has not protested Fontanel's difficulties to Tokyo, reference your despatch 7484 of March 6, and is disposed to ask Gorgé to bring them to the attention of the Japanese Government, the Department would be glad to have a communication in the following sense made by Gorgé to the Japanese Government in this connection in reference to Department's 1347, April 19:

"There has been brought to the attention of the Department of State what appears to be an unnecessarily restrictive attitude on the

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² Not printed; it transmitted a memorandum prepared on August 9, 1943, by the Swiss Consulate General at Shanghai regarding the protection of American, British, and Netherlands interests in occupied China. The memorandum said in part:

"While nominally friendly, relations with the Japanese Consulate General, on whose intermediary the Swiss Consulate General in almost all matters depends, are in actual practice far from satisfactory. There is a definite lack of cooperation and a pronounced tendency on the part of the Japanese Consulate General to ignore the duties of the Protecting Power and to resent any intervention on their part in favour of the Protected Nationals. Letters to the Japanese Authorities remain in most cases unanswered. In the few cases where a reply is received it is usually with great delay. On hardy any actions taken by the Japanese Authorities against enemy nationals, has the Swiss Consulate General received any prior information; thus, for instance, while the internment of enemy nationals had been proceeding already for 2 months, the Japanese Authorities maintained complete silence and on specific inquiry, pretended not to be in a position to give any information because the camps 'did not officially exist'. The usual reply on almost all issues has been that matters are under consideration or that they have to be referred to the Central Authorities in Tokyo. In several instances we have experienced that while the local authorities declared themselves incompetent to decide on a particular issue, information from the Swiss Minister in Tokyo purported that the local Authorities were fully authorized by the Gaimusho to take all necessary decisions on this spot.

In reply to personal representations on important subjects, the Japanese Consular Authorities have regularly advanced the entirely untenable argument that under the Japanese Military regime in occupied China the representative of the Protecting Power may only lend his good offices, but could not claim any such rights as might be recognized under international law to the same representative in Japan proper." (711.93114A/62)
part of the Japanese Consulate General at Shanghai in dealing with the interests of American nationals and with the Swiss representative who is charged with their protection. This Japanese office is either unaware of or evidently misinterprets the reciprocal obligations assumed by the Japanese Government toward the United States Government in such matters. On the assumption that the Japanese Government wishes to avoid misunderstandings with respect to the extent of its fulfillment of the commitments voluntarily assumed in respect of American nationals and their interests, it is suggested that it take appropriate steps to enlighten the local Japanese authorities dealing with such matters regarding the purpose and character of such commitments and to forbid their defeating the reciprocal accomplishments thereof by local restrictive regulations of their own invention."

Department will await with interest report of action taken and results obtained.

HULL

The Minister in Switzerland (Harrison) to the Secretary of State

No. 8150

BERN, May 10, 1944.
[Received June 3.]

Sir: I have the honor to refer to the Department’s telegrams Nos. 274 and 275, both dated January 27, 1944, which set forth charges made by the United States Government against the Japanese Government with respect to the mistreatment of American nationals in Japanese hands. Reference is also made to the Legation’s telegram No. 2947 of May 10, 1944, which reported the receipt from the Swiss Foreign Office of the Japanese Government’s reply to the Department’s telegrams under reference. Inquiry was also made in this latter whether the Department desires to have the Japanese reply transmitted by telegraph.

Inasmuch as the Swiss pouch to Lisbon carrying American interests communications closes this evening, the Legation transmits herewith, without awaiting reply to its telegram No. 2947, a copy of an annex to a note dated May 9, 1944, from the Swiss Foreign Office, which contains the above-mentioned reply from the Japanese Government.

Respectfully yours,

For the Minister:

GEORGE TATT
First Secretary

\[9^0\] Not printed.
\[9^1\] The enclosure herewith.
The Japanese Foreign Office to the Swiss Legation in Japan

[Enclosure]

[To The Swiss Legation, April 28, 1944.]

The Japanese Government have carefully studied the communication of the United States Government transmitted under date of the 5th February by the Swiss Minister in Tokyo in charge of American interests in Japan regarding the treatment of United States citizens in areas under Japanese administration.

It is considered that the United States communication under review is, as also are their previous communications, based upon a serious misunderstanding as to the position of Japan in respect of the application of the 1929 convention relating to the treatment of prisoners of war. This point will be dealt with in the section headed I below.

The Japanese Government have taken note of the eighteen complaints enumerated in the United States communication, and have caused detailed investigations to be made into the instances given of alleged maltreatment of United States citizens. The results of these investigations are given in the section headed II below.

It is stated in the United States government’s communication that in the treatment of all Japanese subjects within areas under United States administration, the United States has consistently and fully applied the provisions of the 1929 convention relating to the treatment of prisoners of war. But according to information received from perfectly reliable sources, the United States Government are not always applying the provisions of the said convention as fully as they have expressed themselves bound to do. This is stated in detail in the section headed III below. The Japanese Government enter the most emphatic protest on this point, and demand of the United States Government an immediate investigation into each instance given, the rectification of the maltreatment, and the punishment of the persons responsible or the adoption of measures for the improvement of discipline over them.

Those facts which are mentioned in the section headed IV below are based upon information from the most reliable sources. While the instances cited in this section are not specifically contemplated by the 1929 convention relating to the treatment of prisoners of war, they are not only contrary to the spirit of the convention but also are contrary to the principle of international law and to humane feeling. A protest concerning these matters has already been lodged, but no satisfactory

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22 A virtually identical version of the Japanese message was transmitted to the Department by the Spanish Embassy in its Memorandum No. J-96, Ex. 119.01, May 11 (not printed).
23 For correspondence on protests by Japan regarding the treatment of Japanese nationals by the United States, see pp. 1069 ff.
24 See Memorandum No. 61, Ex. 119.01, March 18, from the Spanish Embassy, p. 1104.
reply has yet been received. The Japanese Government therefore take this opportunity once again to enter an emphatic protest, and they demand that the United States Government take adequate measures to improve the state of affairs.

I. THE POSITION OF JAPAN IN RESPECT TO THE CONVENTION OF 1929 RELATING TO THE TREATMENT OF PRISONERS OF WAR

As regards the treatment of prisoners of war, Japan has ratified the 1907 convention relating to the law and custom of land warfare, and the 1929 convention for the amelioration of the condition of the wounded and sick of armies in the field, but the Japanese Government have not ratified the convention of 1929 relating to the treatment of prisoners of war. Consequently Japan is under no obligation to be bound by that convention. However, the Japanese Government have notified the United States Government of their intention on purely humanitarian grounds to apply mutatis mutandis in the present war the provisions of the 1929 convention relating to the treatment of prisoners of war to American prisoners of war within areas under Japanese administration.

As regards the treatment of civilian internees, no international agreement exists, except that an expression of desire is contained in the final protocol to the 1929 convention relating to the treatment of prisoners of war. In the present war, the Japanese Government have notified the United States Government of their intention to apply as far as possible under the condition of reciprocity the provisions of the 1929 convention relating to the treatment of prisoners of war (provided that no labour is imposed upon the internees against their will by the country detaining them).

By the above mentioned intention of the Japanese Government to apply mutatis mutandis the provisions of the 1929 convention relating to the treatment of prisoners of war to American prisoners of war, it is meant that the provision of the convention will be applied with the modifications necessary in order to conform with the provisions of the existing laws and regulations of the country and with the requirements of the actual situation as it develops. In the same manner the provisions of that convention are also applied to American civilian internees.

In the present war in greater East Asia the field of operations extends over an expansive area including many remote, undeveloped and pest ridden regions with innumerable islands scattered over the ocean, involving considerable difficulties in the way of communication.

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35 Signed at The Hague, October 18, 1907, Foreign Relations, 1907, pt. 2, p. 1204.
36 For the Japanese Government’s notification of intention to apply the provisions of the Convention to civilian internees, see telegram 733, February 24, 1942, from Bern. ibid., 1942, vol. i, p. 799.
and transport. The change introduced by the system of aerial fighting has also made it difficult to distinguish zones of combat from other areas. The Japanese forces, which have taken under their control an unexpectedly large number of enemy nationals in these areas far distant from Japan, are making the utmost efforts to accord them fair and just treatment. Such a situation was certainly not contemplated at the time when the 1929 Convention relating to the treatment of prisoners of war was concluded. That Convention has not been ratified by Japan because there are provisions in it which are not acceptable to this country. The Japanese Government are, however, dealing, from a humanitarian point of view, with matters relating to prisoners of war and civilian internees, on the basis of the 1907 Convention relating to the law and custom of land warfare and the 1929 Convention for the amelioration of the conditions of the wounded and sick of armies in the field, taking moreover into consideration the provisions of the 1929 Convention relating to the treatment of prisoners of war. These intentions of the Japanese Government have already been made known to the United States Government.

In these circumstances, the Japanese Government are unable to understand how the United States Government have seen fit to enumerate certain articles of the Convention and to demand their absolute application as if the Japanese Government by the above mentioned expression of intention had admitted an obligation to observe the provision of the Convention as a party thereto.

II. Reply of the Japanese Government to the Protest of the United States Government Dated the Fifth February 1944

1) With reference to 1 and 2 of the American protest the United States Government state, whereas the Japanese Government are permitting the representatives in charge of American interests and representatives of the International Committee of the Red Cross to visit prisoner of war camps, civilian internee camps and civilian centres in Japan proper, Taiwan, Chosen, China, Manchoukuo and Hongkong; the United States Government protest to the effect that the representatives of the Swiss Government in charge of American interests in Japan and in Japanese occupied territories have not been permitted to go to every place without exception where prisoners of war and civilians were interned; they have not been permitted to interview without witnesses the persons held, and have not had access to all places occupied by the prisoners.

The United States Government state that the representatives of the Swiss Government in Japan are entrusted with the protection of American interests in Japanese occupied territories, whereas, as already communicated to the United States Government through the
intermediary of the Swiss Government, the policy of the Japanese Government is not to recognize representation of enemy interests in Japanese occupied territories and, therefore, is not permitting visits to the war prisoner camps and civilian internee camps in those territories. Furthermore in view of the needs of military operations, visits of the representatives of relief societies and others also are not permitted for the time being.

For interviewing prisoners of war, the presence of witnesses is required by Japanese regulations enacted in accordance with the regulations concerning the law and custom of land warfare, annexed to the Convention of 1907 ratified by Japan.

The United States Government protest to the effect that Swiss representatives at Shanghai, during their visits to the camps, were closely escorted by representatives of the Japanese Consulate General and were not able to see all parts of camps. According to the investigation, however, the Consul General of Switzerland walked at the head of the visiting party and inspected the camps freely, and though staff members of the Consulate General did accompany him they did so as a matter of courtesy.

2) With reference to 3 and 4 of the American protest the United States Government alleged that American nationals were not permitted to forward complaints to the competent Japanese authorities or to representatives of the protecting power, or that the Japanese authorities had punished or had threatened to punish those who made complaints. But, in the prisoner of war camps and civil internment camps in areas under Japanese administration, communications addressed by the prisoners of war and internees to the detaining authorities of the camps are not rejected. Communications addressed to the representatives of the protecting power are being forwarded in exactly the same way as in the case of the mail sent by the prisoners of war, although there might have been some difficulties at the time of opening the camps. Thus, the forwarding of complaints has not been prevented and in no case was a punishment inflicted merely on account of complaints. The protest of the United States Government to the effect that dental appointments at the Columbia Country Club at Shanghai were cancelled in the summer of 1943 for punishment must be due to some misunderstanding. According to investigations carried out by the Authorities of the Japanese Government there was no such incident. Neither was there a case of punishment inflicted on the internees at the civilian centre at Yangchow.

3) With reference to 5 of the American protest the United States Government state to the effect that the Japanese Government failed to furnish needed clothing to American nationals and cite the suffering of the internees at Hongkong, Kobe and in the Philippines,
whereas the Japanese Government are giving specially thorough consideration to the matter and proper measures are being taken, with the view to furnishing clothing at the expense of the Japanese Government to the extent that is necessary.

As regards the difficulty of furnishing shoes to the internees at Hongkong, owing to the fact that there was no stock of boots or shoes in the city at the time they were interned, the Authorities could not avoid supplying “sandals” as substitutes and this measure was not taken expressly to cause difficulty or inconvenience in their daily life. As for the internees transferred from the island of Guam to Kobe, since they possessed no winter clothes, the Authorities concerned of the Japanese Government immediately set about procuring the material and preparing the necessary clothing for them. In the meantime, as the Swiss Consulate at Kobe was ready to offer to the internees the heavy clothing, the Japanese Authorities helped in securing the materials. The question of providing winter clothing was then satisfactorily disposed of, thanks to the efforts of the Swiss Consulate. As regards the statement to the effect that the prisoners of war in the Philippines were forced to labour without shoes and clad only in loin clothes, exactly the same as in the case of Hongkong, when no boots or shoes are provided, their substitutes are given and clothing for use while at work is also provided. It is possible however that the prisoners in question, while at work in the tropical climate, chose to remove their clothes on account of heat.

4) With reference to 6 of the American protest the United States Government protest to the effect that the Japanese Authorities confiscated personal effects from American civilian internees and prisoners of war. According to the regulations concerning the treatment of prisoners of war in Japan, when the persons liable to treatment as prisoners of war are captured, their personal effects are examined at once; arms, munitions and any other article liable to military use are confiscated; other articles are either held in custody; (in which case a receipt for the articles issued to the owner), or handed back to the owner, allowing him to carry them. The troop concerned then must prepare an inventory of the articles confiscated or held in custody; the inventory in question must be handed over to the camp Authorities along with the articles which had been held in custody when the prisoners of war are transferred to the prisoner of war camp. The articles thus handed over must be held in custody by the Government Authorities and returned to the owners when the latter are freed. These regulations are strictly observed in Japan.

*In telegram 263, May 16, 5 p.m., the Minister in Switzerland reported the view of the Swiss Legation in Japan that this passage was “based on misunderstanding because Swiss Consulate, Kobe, furnished this clothing only because competent authorities did not do so notwithstanding numerous Swiss representations.”* (740.00115A Pacific War/1176)
The United States Government state that at the prisoner of war camps in the Philippine islands, prisoner of war enclosures at Mariveles Bay, civilian internment camps at Baguio, Canton, Chefoo, Peking, Manila, Tsingtao, Weihsien and Yangchow, and at civilian centres of the Ash camp, Chapei camp, Lungwha camp and Pootung camp in or near Shanghai, the articles most needed by the prisoners and internees have been taken. Since the statement is mere enumeration of various camps, and centres, it was difficult to investigate the matter. According to enquiries, however, made by the Japanese Authorities, no such incident, as is complained of, occurred anywhere. At Tsingtao, neither a prisoner of war camp, nor a civil internment camp, nor a civilian centre has ever been set up. As regards the statement that the personal effects of an American prisoner of war were taken, when he was captured in the Philippine islands in April, so far no such occurrence is found by the investigation carried out by the Japanese Government.

5) With reference to 7 of the American protest the United States Government state that whereas the Japanese Government are enforcing strict regulations with a view to according fair treatment under all circumstances, American prisoners of war and civilian internees have been subjected to insults and public curiosity. The allegation is at variance with the treatment actually accorded to prisoners of war and civilian internees.

The United States Government protest by citing the case of a march through Manila city by American prisoners of war, but as a matter of fact, the latter took the road which was necessary in going to the camp. It entailed neither insult nor public curiosity. As for the statement to the effect that at Baguio, Hongkong and Tsingtao, the public was allowed to visit the internment camps and encouraged to satisfy curiosity regarding the persons held: at Tsingtao, to begin with, neither a prisoner of war camp nor a civil internment camp has been set up, as already pointed out. At all camps and centres in areas under Japanese administration, the entrance of the public (including visits and interviews) to the camps and centres is strictly under official control and no one is allowed to enter without the permission of the commander of the garrison or of the supervising Authorities. At Hongkong, permission of the Governor General is required. A foreigner wishing to enter a prisoner of war or internment camp must obtain the permission of the War Minister, or of the supervising Authorities in case of civilian internment camp. Even a soldier is not allowed to enter without due cause. Such being the case at the prisoner of war camps and civil internment camps under the supervision of the Japanese Authorities, no such incidents as are complained about by the United States Government have ever occurred.
6) With reference to 8) of the American protest the United States Government state to the effect that the Japanese Government refused to provide health sustaining food to the prisoners of war held by them or did not permit the United States to make regular shipments in a continuing basis under appropriate arrangements of supplemental food and medical supplies and, because of this, the prisoners of war are suffering from diseases resulting from malnutrition and deficiency. On the contrary, the Japanese Government are providing the prisoners of war with food, which is exactly the same as the food for their own reserve army troops in respect of both quantity and quality. Moreover, the authorities are giving specially considerate treatment to the prisoners of war, by supplying them for example with European meals and thus taking the national and racial customs of prisoners into special consideration. The conditions of health of the prisoners and the labour performed by them are watched with special care and measures which are considered best are being taken in supplying food to them.

The United States Government regard the deficiency diseases as common throughout Japanese internment camps, and comparing the health conditions of internees at Shanghai and in the Philippines, state that these diseases are relatively less common among the internees at Shanghai on account of presents sent in for them from the outside whereas deficiency diseases prevail among the majority of American prisoners of war in the Philippines. As regards the protest of the United States Government relating to the conditions in the Philippine Islands, as mentioned at length in the reply of the Japanese Government dated April 24th, 1944, sent in response to the protest of the United States Government which was forwarded by the Swiss Minister in Tokyo on December 23rd 1942, the best efforts were made to procure and furnish food at the internment camps at Santo Tomas in the Philippines, Davao and elsewhere, despite the difficulties encountered by the Japanese army.

That the food supply of the American army was inferior and general sanitary and health conditions had already reached a precarious state at the time the Japanese army occupied the Philippine Islands is evident by the reports of enemy army records which have come into the possession of the Japanese army. The following is a résumé of the said record relating to health conditions that prevailed; conditions of illness of American soldiers in Bataan front due to malnutrition after the ration was reduced to two meals a day toward the end of January 1942.

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a) **Field artillery corps:** Due to vitamin deficiency diseases a certain number of the soldiers has shown the symptoms of paralysis and dropsy of the legs. Their eyes and eyelids were swollen up. The soldiers began to eat covetously various wild plants; some have eaten by mistake noxious plants. Their daily ration was estimated at less than 1500 calories and the soldiers who performed heavy labour lost gradually their vitality.

b) **The second field artillery regiment:** Many men's faces turned pale and haggard, suffering beriberi. Their legs were swollen up due to undernourishment.

c) **The flying corps:** Among the soldiers some had the legs swollen up and the haemorrhage of the gums. Generally the body weight decreased. Two-thirds of the soldiers became ill because of malnutrition. Toward the end of March some had eaten coupong nut and batannut. Those who have eaten the first were subject to attacks of vertigo while those who have taken the latter suffered from diarrhoea. Even though they realised the dangerous consequences they have not ceased to eat them as the result of lack of provisions.

d) **Field hospital:** Soldiers who were admitted to the hospital were suffering from malaria or looked pale and haggard while many of them had their lower thighs swollen up due to the lack of proper

Furthermore according to the investigation by the Japanese Authorities it was found that in the field hospital of American Army near Cap Carben there were about 5000 patients of American and Filipino soldiers on the day of their surrender. The American Army Authorities forcibly ejected from the hospital the Filipino soldiers who were dangerously wounded and seriously ill with malaria by reason of food shortage. Many Filipino soldiers suffered death soon after.

From these facts, it is clear that prior to their capitulation, the health conditions of the American Army had already reached a precarious state owing to malnutrition and general decline of health, prevalence of beriberi, malaria, etc. The situation was made worse still by the tactics adopted by the American army of burning, destroying and reducing to ashes all the food and medical supplies that had been stored. Under the war conditions at that time, the Japanese army itself was short of reserve food; the number of American prisoners of war exceeded by far the original expectation; civilian people in general were also short of food supply so that food could not be obtained from them. In these circumstances, it was inevitable that food supply for the prisoners of war captured by the Japanese army would be insufficient and medical treatment for them could hardly be as satisfactory as would be desired. In spite of all these difficulties, the Authorities of the Japanese Government did their utmost to provide for the prisoners of war. The remarkable improvement made in health conditions of the prisoners of war in the Philippine Islands thereafter is clearly traceable by the reduction of death cases among the prisoners of war during 1943. Of approximately 10,000 American prisoners of war in all of the Philippine Islands in 1943, the number of deaths was 168. In November of that year, there was only one case of death.
The United States Government compare the situation in the Filipino Islands with the health conditions of the internees at Shanghai. At Shanghai even enemy aliens are living peacefully under the protection of the Japanese Authorities, but on the other hand, in the Filipino Islands they were subject to the atrocious tactics adopted by the American army of reducing all to ashes. The Japanese Government cannot but express utter astonishment when the United States Government close their eyes to these facts and venture to censure the Japanese Government, ignoring all the efforts made by the Authorities of the Japanese Government and holding Japan responsible for all.

As regards the relief supplies mentioned in the protest of the United States Government, the Japanese Government gave permission to the International Committee of the Red Cross for the reception of the relief articles of approximately ten thousand tons forwarded by the American Red Cross Society on two occasions by the Japanese-American exchange vessels. Permission was also given for delivery of these articles to every prisoner of war camp and civil internment camp.

The difficulty of granting further permission for transportation of relief supplies by vessels of neutral powers through the maritime areas of war operation under present conditions of war has already been communicated to the United States Government. At the same time the Japanese Government are at present seriously studying to solve the question, and the Japanese Government have not at all refused the shipment of relief supplies, as has been alleged by the American Authorities.

7) With reference to 9 of the American protest the United States Government state to the effect that the Japanese Authorities turned to improper and prohibited uses the profits from the sale of goods in camp canteens instead of devoting them to the welfare of the persons held in the camps. On the contrary the following is the actual handling of profits from the sale of goods in camp canteens according to the investigations carried out:

(a) The profits from the sale of goods in camp canteens at each prisoner of war camp are being used for the welfare of the interned prisoners of war by their representatives at each camp.

(b) At civil internment camps in Japan proper, no camp canteen has been set up, because, the number of internees being small, it is more convenient to allow them to purchase from the outside whatever they desire than to store materials in the canteens; hence no question of profits arises.

(c) The protest of the United States Government is irrelevant to the prisoner of war camp at Hongkong because there the articles sold to the war prisoners are sold at cost price and no profits accrue. According to the report of Mr. Egle representative of the International

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Committee of the Red Cross at Shanghai who visited the prisoner of war camp at Hongkong in July 1942, conditions of living quarters, of food and clothing, camp canteen, sanitary corps, dental treatment, amusements, provisions, library, observance of religious rites, etc., have been found to be quite satisfactory. The interned prisoners expressed gratitude to the Authorities for their kind treatment. The Japanese Government regret that the United States Government have raised a protest restoring [regarding?] the measures taken by the Japanese Authorities in favour of the prisoners interned and ignoring such facts as are mentioned above.

8) With reference to 10 and 11 of the American protest the United States Government protest to the effect that contrary to the specific undertaking of the Japanese Government, the detaining Authorities compelled civilians to perform labour other than that connected with the administration, maintenance and management of internment camps; and officers in prisoner of war camps were forced to labour, and non-commissioned officers to do other than supervisory labour. There is also a statement to the effect that prisoners of war were required to perform labour that had a direct relation with war operations. As already communicated to the Swiss Legation in Tokyo by the verbal votes of January 28 and February 4 [20], 1943, regarding intentions with respect to the performance of labour by prisoners of war, the Japanese Government are having prisoners of war perform labour which involves no danger in industry, civil engineering, mining and transportation, they are also performing labour which has no direct relation with war operations. Civilian internees are not required to perform labour other than that connected with the administration, maintenance and management of internment camps.

As regards the incident alluded to, by the United States Government, of civilian internees forced to repair machinery without remuneration in the Philippines, no such incident occurred according to the investigation carried out by the Japanese Authorities. The information must be due to some misunderstanding. At prisoner of war camps, needless to say, no officer prisoner is forced to perform neither labour nor menial labour, since there are always soldiers on duty who perform the personal errands of the officers to whom they are detailed.

Though it is claimed that ten American engineers were required to assist in rebuilding the military installations in Corregidor Island in 1942, an investigation has clearly brought out the facts that the work of cleaning away and putting in order in the locality such as Corregidor, did require the assistance of expert engineers who are familiar

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\footnote{Correction based on telegram 8201, May 19, from Bern, not printed.}
\footnote{Substance of the notes of January 28 and February 20 was transmitted to the Department in telegrams 905, February 9, and 1383, February 27, 1943, from Bern. The former is printed in \textit{Foreign Relations}, 1943, vol. III, p. 961; the latter is summarized in footnote 5, \textit{ibid.}, p. 961.}
with the locality. It was not, however, in the least in the sense to assist in rebuilding any military installations. Their service was required in directing the work of cleaning away or putting in order damaged or destroyed buildings and roads, only to such an extent that it could be regarded as ordinary labour and this cannot be claimed to have a direct relation with war operations. It is also protested that American prisoners of war were made to work in a machine tool shop in the arsenal at Mukden, but this is due to some misinformation. The plant where prisoners of war worked was an ordinary factory with no relation whatever to the arsenal.

9) With reference to 12 of American protest the United States Govt charge that medical care has in many instances been denied to prisoners of war and civilian internees, and when given has been generally so poor as to cause unnecessary sufferings and deaths, adding that conditions of health of prisoners of war in the Philippine islands is deplorable. As has been explained above under the section six relating to rations for prisoners of war, the inadequacy of food and medical supplies for the prisoners of war captured by the Japanese forces in the Philippines was absolutely unavoidable owing largely to the action of the American forces who in pursuance of their “scorched earth” tactics had burned vital commodities, to the war situation which rendered difficult for procuring food and medical supplies even for the use for Japanese armies, and also to the unexpectedly large numbers of American soldiers surrendered which caused further drain of the provisions of [on] hand. In any case, the general state of health of these prisoners of war at the time of their capture, have been already extremely poor as shown by the reports left by American army surgeons.

The Japanese Authorities are paying proper attention to the health of all prisoners of war and taking appropriate measures including monthly health medical examinations and vaccinations and preventive injections, and recesses for those engaged in labor. As regards food, the daily rations provided war prisoners by the Authorities concerned are being criticized as being far too good both in quality and quantity as compared with the food generally available. In the Philippines, epidemic squads were organized in 1942, to which was assigned the task of preventing contagious diseases, resulting in a notable improvement in the general conditions of health among the prisoners and in the reduction of deaths as is pointed out under the above mentioned paragraph 6). All these are entirely due to the devoted services of the medical corps of the Japanese armies. The American Government charge that certain internees in the civilian camps at Shanghai and in Japan proper were made to pay for their own medical care and hospital expenses. At all the internment camps
the Authorities have taken measures for proper medical care, and for hospitalization free of charge. However, in case any internee requests for a physician and hospital of his own choice, the request is granted on the condition he pays the costs on his own account. Accordingly, it is quite proper that those at Shanghai and in Japan proper, who chose their own hospitals and doctors, should have paid the costs on their own accounts.

10) With reference to 13 of the American protest the United States Government state that the Japanese Government have reported names of only a part of the American prisoners of war and civilian internees and of the American combatants found dead by Japanese forces. Immediately upon the outbreak of the war of greater East Asia the Japanese Government established the War Prisoners Information Bureau, to which has been assigned the task of exchanging information regarding prisoners of war, conducting investigations, compiling individual cards, and transmitting names. The Japanese Government are attaching great importance to the reporting of the names of the war prisoners and internees in their hands, and have been exerting special efforts in that direction. As fast as individual cards are filed, the names entered thereon are being cabled regardless of nationality to the Central Agency of the War Prisoners Informations at Geneva. By the end of March 1944, the number of the names so reported exceeded at 145000, including more than 25660 of American nationality. Further reports will continue to be made hereafter.

11) With reference to 14 of the American protest, the United States Government charge that the Japanese Government have not permitted internees and prisoners of war freely to exercise their religion. Religious freedom is recognised by the Japanese Government at all the war prisoner camps and internment camps. While it may be true that at some camps during first few weeks the incompleteness of the necessary facilities, the absence of ministers or priests and other circumstances rendered it difficult to hold religious exercises, the Japanese Authorities nowhere ever prevented intentionally the free exercise of religion by prisoners of war and internees. In fact, they are being afforded special facilities in this respect, as for instance, in the Tokyo war prisoner camp and internment camp where wine and bread for holy communion are allowed to be sent in and priests from outside are admitted in compliance with the request of the Vatican Delegate, for administering the last rites to those of the Roman Catholic faith. In the Philippines, the Japanese camp Authorities are according the inmates such treatment as is suitable to their habits and manners beside respecting their persons and recognizing their complete religious freedom. Those instances alleged by the American Government to have taken place at Camp John Hay and in French Indo-China appear to be based upon erroneous reports.
12) With reference to 15 of the American protest the United States Government protest against the non-posting of an English text of the Geneva Convention at the camps. The Japanese Government, as they are not applying the 1929 Convention exactly as it stands, have not posted the text of the said convention. But they will be prepared to post the rules and regulations concerning the treatment of war prisoners which they have promulgated in accordance with the 1907 Convention relating to law and customs of land warfare at all the camps for war prisoners and for civilian internees.

13) With reference to 16 of the American protest the United States Government allege that Japanese Government have failed to provide adequate equipment and accommodations in prisoner of war and internment camps, and transports and forced them to subsist in inhuman conditions. The allegation is utterly unfounded.

It is the policy of the Japanese Government to provide prisoners of war with such shelter as will ensure health and sanitation as far as possible. American prisoners of war are being housed in buildings free from damp, properly lighted and heated, with sleeping quarters which are in respect of space, ventilation and other accommodations, entirely the same as those for Japanese army. The report by the representatives of the International Committee of the Red Cross who have inspected these places, points out that these American prisoners of war are being placed in proper buildings fully adequate for the purposes of health preservation.

The American note cites instances in the Philippine Islands. The conditions in the Philippines during the early days of Japanese occupation have already been described under 6) and 9). According to the investigations conducted by the Japanese Government into the matter of transportation of prisoners of war, all the American war prisoners, about 200 in number, who were captured in the vicinity of Limay during the days, May 10th–20th 1942, were, after being given food, transported in automobiles and under the supervision of Japanese officers to the temporary prisoners of war camp. Again some two hundred Americans, who surrendered during May 12th–20th, in the same year, were all sent to the temporary camp at Jalanga in motor trucks for munitions after they had been duly provided with food. American civilian internees in internment camps at Baguio and elsewhere in the islands are all grateful to the treatment accorded by the Japanese authorities.

As regards the alleged confiscation by Japanese guards at Wehhsien internment camp of the refrigerators belonging to American internees, the fact of the case as have been brought to light as the result of official investigation is merely that the household refrigerators some internees brought with them were used for the benefit of the entire camp.
14) With reference to 17 of the American protest, the United States Government protest against the non-application by the Japanese Government of the provisions of the 1929 Geneva Convention with regard to trial and punishment of prisoners of war. The views of the Japanese Government relating to the punishment of war prisoners have been communicated and fully explained in their notes of February 17th, and of March 3rd, 1943, addressed to the Swiss Minister in Tokyo.

15) With reference to 18 of the American protest, the American note charges the Japanese Authorities with inflicting corporal punishment and torture upon American nationals, citing a number of instances alleged to have occurred in the Philippines. As has been repeatedly stated, it is the policy of the Japanese Government to accord a fair and equitable treatment to all prisoners of war, and in pursuance of that policy the Japanese Authorities concerned are devoting their best efforts to the handling of the war prisoners, and paying the most careful attention to every detail so as to ensure the disposition of all matters under strict military discipline.

The instances cited in the American note all go back to the early days of Japanese occupation of the Philippines. The investigations which have been conducted under difficult circumstances owing to the lapse of time since the alleged events occurred, have not so far brought out any result which substantiate those allegations.

III. PROTEST OF THE JAPANESE GOVERNMENT AGAINST CASES OF ILL-TREATMENT BY THE AMERICAN AUTHORITIES OF JAPANESE HELD BY THE AUTHORITIES OF THE UNITED STATES GOVERNMENT

(1) The United States Government stated that when the representatives of the protecting powers for Japanese interests in the United States visited the internment camps and relocation centers where Japanese nationals were held, the representatives have spoken at length without witnesses with the Japanese internees and evacuees and fully inspected the places; but such was not the case. At a large number of internment camps and relocation centers the interview of the representatives of protecting powers for Japanese interests took place in presence of camp Authorities and officials of the State Department, etc., and the representatives were able to inspect only such places as would raise no question and could not visit all parts of the camp. When visiting the internment camp at Sand Island in Hawaii, for instance, the representatives were generally not allowed to converse with the internees at all, but could only interview their representatives. Moreover, the said interview took place in the presence of

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*Reference is possibly to information in telegram 1904, March 24, 1943, from Bern, ibid., p. 975.
the Authorities of the internment camp, the Army Authorities, etc., and the questions raised by the internees were severely restricted.

(2) The Authorities of the United States have not improved the treatment despite the fact that complaints have been made by Japanese internees and have not permitted to forward their complaints when they wished to appeal to the representatives of the Protecting Powers. There are numerous instances of punishment, or threats thereof, inflicted on those who have complained.

At the temporary camp at Ellis Island, the person who made complaints concerning food on behalf of all inmates was punished being designated as "detainee for the duration of war" and he was sent subsequently to Fort Missoula. In July 1942, when the Japanese internees at the Lordsburg internment camp had their delegates complain about labour, other than that connected with the internment camp, which they had been forced to perform, the delegates were either placed under confinement or forbidden thereafter to leave the building of the internment camp. And not only that, they were forbidden to buy things at the camp canteen. The Authorities of the Livingston internment camp decreased the amount of food of those who raised complaints about labour. At the Fort Missoula internment camp also the Authorities placed under confinement those who made complaints.

(3) As regards the supply of clothing, the Authorities of the United States did not supply enough winter clothing to the Japanese nationals transferred from Hawaii to the snow covered McCoy internment camp, and thereby exposed the interned Japanese to the severe cold.

(4) The United States Authorities confiscated from every internee Japanese books, printed matter, metals (including camera, fountain pens, cigarette lighter, watches, cuffbuttons, badges, travelling knife and fork, coins, etc.), rubber wares (including the eraser attached to pencils), diapers for infants, drugs, canned food (including vegetables in tin boxes intended for children and canned milk for feeding infants) etc.

In confiscating personal effects, strict inspection was enforced. For instance, at the temporary camp at Ellis Island, for a period of three days from June 7, 1942, the officials of Federal Bureau of Investigation and Customs officers inspected the personal effects of the passengers of the exchange vessel without the least concern about the damage caused thereby, thus forcibly opening watches and damaging them; cutting the lapel of coats and undoing the seams; cutting or tearing belts etc. Not only they completely undressed the repatriates but also carried on a thorough search even inside their hair. Adhesive plaster applied to cuts or wounds were ripped off. Women also were subjected to severe
physical examination, and confiscation was carried out but not on a few occasions no receipt was issued for articles confiscated.

(5) The Japanese civilian internees and evacuees have been subjected to insults and public curiosity.

Immediately after the outbreak of war, one of approximately two hundred Japanese interned at Sand Island having happened to carry a small knife made by himself, the authorities of the camp made a thorough search of all the internees. In carrying out the search, the Japanese were lined up and left stark naked for two whole hours.

The wife (of British extraction) of Mr. Taoka, manager of San Francisco branch of the Nippon Yusen Kaisha and their daughter were forced to remove all their clothes and were examined at the temporary camp at Ellis Island in 1943.

A staff member of the Japanese Consulate at Los Angeles, while being transferred from Fort Missoula to White Sulphur Springs in April 1942, was forced to ride an ordinary coach despite the fact that he was suffering from illness and moreover, was handcuffed by the Immigration officer who accompanied him, and chained to the bed even while sleeping and thus was treated like a criminal before the eyes of other passengers.

(6) Japanese nationals interned in the United States are not often receiving food either in quality or quantity necessary for the maintenance of health.

The food for the internees at the Fort Missoula internment camp was being provided at 30 cents per head per day. At the Kennedy internment camp, food was to be provided at 51 cents per head per day, but the Authorities of the said camp, as the director of the camp admitted, kept back 10 cents and food was actually provided at 41 cents. The Japanese residing in Virginia were imprisoned, when the war broke out, in a negro prison and were subjected to the same treatment as negro prisoners in respect of food and other matters. Not only was contact with the outside forbidden, but nothing was permitted to be sent in from the outside. At the Fort Missoula internment camp, the Authorities refused to transmit to the internees the drugs sent in by their families, with the excuse of prevention of the use of poison, and the result was that those suffering from chronic illness had difficulty in recovery. Japanese nationals interned at the internment camps at Upton, Ellis Island, Livingston, and Sand Island suffered from weakening eyesight, their weight decreased, and the number of people requiring eye glasses increased on account of malnutrition.

(7) At the Livingston internment camp, a large portion of the profits made by sales at the canteen was spent for purchasing second hand car for the use of the officers guarding the camp and also for repainting it.
(8) The Japanese interned at the internment camps in the United States have been forced to perform labour other than that connected with the administration, management and maintenance of the camps.

At the Lordsburg internment camp, the United States Authorities forced Japanese nationals to engage in the transport of gravel and road repairing outside the camp, transport of empty cans and scrap iron to the railway station, cleaning of toilets in the guards barracks and in the recreation hall. One of the soldiers forced the Japanese to perform labour under the blazing sun at the point of the gun, threatening to kill if they dared to take a rest.

At the Livingston internment camp, the Japanese were forced to cut grass outside the camp and also to engage in the work of leveling the ground adjacent to the camp for the construction of an aviation field. At Fort Missoula, the Authorities, claiming that the Japanese were duty bound to work without compensation, obliged the Japanese to engage in laundry work for approximately one thousand persons interned in the camp including Italians. Furthermore, they obliged the Japanese to clear the stable of the camp Authorities and to engage in the construction of a Japanese garden and swimming pool for Americans not connected with the camp, threatening the Japanese internees that disagreeable consequences would ensue if they should refuse to work.

The Authorities of the Santa Fe internment camp forced the Japanese over their protest to engage in building work that had been delayed on account of a strike.

The Japanese internees at Sand Island were forced to engage without compensation in the work of putting up tents for the interned Germans and Italians, building fences, planting vegetables and performing laundry work for American officers and men.

The Japanese who were handed over to the United States army by the Authorities of Panama at the outbreak of the war were subjected to cruel treatment, being obliged to perform the work of transporting square timber, sharpening and repairing saws, digging holes in the ground for water closets, mixing gravel with cement and so forth. The internment Authorities let the Japanese dig a hole and then fill it again immediately, or let them load a truck with mud with their bare hands using no tools. Neither drinking water nor any rest was allowed. The Japanese who were exhausted and worn were beaten or kicked and all this lasted over a month.

(9) The United States Authorities subjected the interned Japanese to engage in work directly connected with war operations.

The Authorities of the Livingston internment camp subjected the Japanese to the work of removing stumps in the military aviation field, infested with poisonous snakes adjacent to the United States military barracks.
The Authorities of the Lordsburg internment camp forced the Japanese to engage in the digging of the trenches and transport of the cases containing rifles and cannon shells. In May 1942 the director of the Manzanar relocation center put the Japanese to the work of manufacturing camouflage nets for military use and threatened them with decreased food allowances or worse of [sic] treatment in the event that production is not increased.

At the Sand Island internment camp, the Japanese were forced to engage in the dangerous work of digging out from the ground unexploded shells of anti-aircraft guns beside digging trenches. In enforcing the performance of the dangerous work, the United States Authorities took no proper measures to forestall possible injury or to minimize the risk.

(10) The United States Authorities have provided no medical treatment to the interned Japanese. Not only are the medical provisions at the internment camps and relocation centers generally imperfect, but the medical staff and pharmaceutical provisions are so defective and deficient that they have caused unnecessary suffering to the patients and have even resulted in deaths as a consequence.

The United States Authorities permitted Sasaichi Kato in Los Angeles who had received an injury in his right eye no time for treatment. They interned him first at Tuhunga, transferring him next to the internment camp at Santa Fe but not allowing him to receive treatment in the meantime, with the result that the man eventually lost his eyesight completely.

One Ouchi was gravely ill when he was handed over to the American Authorities in Panama, but the Authorities gave him neither medical treatment, nor liquid nourishment which was all he could take. His wife requested that he be taken into Panama hospital but the request was not heeded, and he was sent on to Fort Sill in April 1942 together with other Japanese internees. As no nurse was provided at the new camp, his fellow internees looked after him, but no medical treatment having been given, he finally died on May 1st.

(11) The United States Government have sent neither a list of names nor any detailed official communication concerning the interned Japanese who have been shot to death or died of accidents; nor have they forwarded any precise and complete list regarding all of the interned Japanese. Whereas the total number of evacuees held at relocation centers in the United States amounts to approximately one hundred thousand, the names communicated only recently to Japan are no more than six thousand.

(12) As regards free exercise of religious rites, in July 1942, while Japanese nationals interned at the Lordsburg internment camp were observing ceremonial rites in the dining hall, several guards with
bayonets in their hands broke into the hall before the ceremony was
over and drove out all the participants.

(13) At the internment camps in the United States, neither the
text, nor Japanese translation, of the international convention of 1929
relative to the treatment of prisoners of war is posted. In spite of
repeated requests of the interned Japanese to the holding Authorities
for access to the text of the convention, they were not able to receive
the text for a period of from half a year to a whole year after their
internment.

(14) At the internment camps, temporary camps, and relocation
centers, and for transport facilities, etc. in the United States, there
is no adequate equipment or accommodation and the Japanese have
been subjected to inhuman treatment. At the detention place of
University Station in Los Angeles, thirteen Japanese were jammed
into a room which could admit only two persons. Only prisoners
clothes could be had and they spent a whole day and night there
without bedding and without food. The Japanese in that city were
interned in the Lincoln Heights jail and were left there under con-
finement in cells for a period of two weeks.

At the internment camp at Sand Island, meals were always served
outdoors on the lawn regardless of weather, rain or shine, but the
internees on being transferred thence to the American mainland were
herded into the bottom of the boat which was severely guarded with
iron nets on all sides and locked. No water was given even for wash-
ing one’s face. The Japanese who were transported from Panama
to the United States were also jammed in the bottom of the boat filled
with offensive smells. The women’s toilets at the Manzanar relocation
center were so imperfectly constructed having no partitions between
one toilet and another. The American Catholic nuns who visited the
camp noticed this and protested.

(15) The Authorities of the United States maltreated Japanese na-
tonals and inflicted punishment on them without trial in contravention
of the principles of humanity.

a) At the internment camp at Fort George Meade, Japanese na-
tonals were forced en masse to salute the American flag day after
day, but in March 1943, one Adachi was placed in solitary confinement
on the charge that he failed to attend the saluting ceremony and was
given only water and bread for three days and nights. In May 1942,
a guard at Fort Sill, seeing Kenzaburo Oshima who had become in-
sane as a result of insomnia, approaching the barbed wire fence, was
on the point of firing at the man, when a Japanese who saw this cried
out: “Don’t fire! he is insane.” Despite this warning, the guard shot
Oshima to death. In April 1943 at the Topaz relocation center, one
Wakasa was shot to death on pretext of not responding to the guard
questioning him.
In July 1942, Shiro Obata (53 years), a patient of pulmonary tuberculosis and Hirota Isomura (56 years) suffering from spinal disease while being transferred from the Bismarck internment camp to Lordsburg camp with other internees, parted company from the group on account of their illness and inability to walk and where [were] later shot to death by the guards who had escorted them, on the pretext that they had attempted escape. An American soldier who had witnessed the incident and rejoined the company immediately afterwards remarked to the Japanese internees: “Had I been the guard escorting the two men, I would not have shot them to death”.

A Japanese in Los Angeles who had received an operation for cancer in the stomach and was still in such a condition that excretion had to be effected by means of a rubber tube run into the abdomen was interned by the United States Authorities who permitted him no opportunity for receiving treatment with the result that the man finally died.

Shigeichi Hazama had received an operation for cancer in the rectum and was in a grave condition but he was transported from his bed to Fort Missoula for internment. During the train trip of three days and nights, the man was treated indiscriminately like an ordinary healthy person and as a result finally died.

One Nakamura was assaulted by a policeman at a police station in Los Angeles and several of his front teeth were broken. He was subsequently interned in the internment camp at Fort Missoula. The Authorities of the camp attempted to force the man to sign a document stating that the assault was the result of his own fault, but when he declined to write his signature, he was again assaulted and then placed under confinement.

At the internment camp at Fort Lincoln likewise, a Japanese was beaten and kicked by the inspecting officer and two of his front teeth were broken. Many similar incidents occurred at other internment camps in the United States.

b) In the Philippine islands, the United States Authorities resorted to extreme violence and maltreated all Japanese nationals as described below: in Manila, at the outbreak of the war, the United States Authorities carried out a wholesale arrest of Japanese nationals, broke into their private residences and shops and plundered money and various other articles. Arrests were made indiscriminately irrespective of whether the person was old, young or invalid. People were all bound with rope and taken to places for internment. Countless numbers of persons were beaten and kicked. Those who were arrested at other than their own homes were prevented from having sent from their homes daily necessaries, much less changes of clothing.

The internment quarters consisted of only three rooms of approximately each four hundred square metres and no less than three thousand five hundred persons were confined therein. The rooms were not only overcrowded, but there were neither chairs to sit on nor bedding to sleep in, the internees sleeping on the bare floor. Neither food nor even a drop of water was provided for them. Later they were transferred to houses provided by Japanese Commercial Establishments for their employees, but congestion was by no means eased. Finally provisions were brought from Japanese owned warehouses and consumed. Of these internees 270 people were interned in the Montenluba prison. For two whole days, these people were subjected, at the point of machine guns to the meaningless labour of digging holes in the ground and then filling them up again and of carrying water up steep hills after having wilfully stopped the iced water supply. Any one daring to take a rest was struck on the head with oak clubs. The same people were forced to clean the kitchen and toilet of the guards office and to repair the road outside the prison compounds. For nearly a fortnight, no vegetables were supplied, and though thereby cases of sickness occurred no medicine was to be had. Neither treatment by one of the interned Japanese doctors, nor by hospital physicians was permitted and finally death ensued.

On the night of December 23rd, 1941, as the electric wire in front of the Japanese Consul General’s official residence in Manila caught fire, the American forces watching the area commenced to fire at the house, claiming that it was the work of the staff members of the Consulate General. They were obliged to escape from the danger.

The Japanese residing at Davao, numbering eighteen thousand were placed under confinement en masse at the outbreak of the war and subjected to excessive labour by the American military forces, digging air-raid shelters and trenches day in and day out. The accommodation at the internment camp was totally inadequate. Particularly lacking in facilities was the central primary school where one thousand two hundred Japanese were interned in the outdoor playground. There they were left in mud and were under a heavy downpour of rain for four long days. During these four days, no food was given during the first two days. From the third day, a handful of uncooked rice and a meager amount of salt were handed out as the day’s ration but the recipients had to pay for all they received. The camp was surrounded with iron fences and machine-guns. The latter were manipulated to intimidate the internees and in the course of their intimidating manipulation, no less than three Japanese were shot to death. Of the two thousand four hundred Japanese women interned in the Japanese primary school, a large number suffered outrageous acts and violence perpetrated by the American soldiers. On December 20th, American soldiers commanded by American officers bound up ten
Japanese nationals who had been interned at the Davao internment camp, poured boiling water on the victims, cut their ears off, gouged out their eyeballs, sliced off the tips of their noses, amputated their arms, mutilated their legs and escaped after committing this orgy of inhuman savagery. The number of Japanese victims tortured and shot to death by the American soldiers during the period of internment rose to as many as fifty six.

[IV.] THE UNJUST ACTIONS TAKEN BY THE AMERICAN GOVERNMENT TOWARD JAPANESE SUBJECTS

(1) Unjust action toward Japanese nationals in internment camps and relocation centers.

(a) the American Government forced the hundred thousand Japanese subjects and American citizens of Japanese origin to move into the interior from the Pacific coast States upon an extremely short notice, causing them thereby to lose at one stroke livelihood, property and positions they had won through years of labour, and to suffer immense losses. More recently it is reported that the American military authorities have been empowered to remove Japanese nationals to the interior 300 miles from the Atlantic coast, and that already Japanese residents of Virginia have been ordered to move to Philadelphia, so that these Japanese are also faced with the same fate as those on the Pacific coast. The Japanese Government protest to the American Government against these unjust actions, and at the same time reserve all their rights to make such demands as they may see fit to make upon the American Government.

(b) since February 1943, the American Authorities subjected Japanese nationals in the various relocation centers to inhuman questionings asking them whether or not they would renounce their allegiance to Japan, or they would take part in the American national defense in case the United States was attacked by an external enemy. Moreover, the American Authorities intimidated the Japanese nationals, threatening that those professing allegiance to Japan or desiring to return to Japan would be considered as being disloyal to America and as such they would be segregated, as a measure of punishment, in the special relocation center at Tule Lake where they would be given a treatment worse than at other centers. Moreover, armed soldiers intervened in connection with declarations of Japanese evacuees whether they would swear allegiance to the United States. Thus, the American Authorities exerted undue pressure upon Japanese nationals in their expression of conscience, and likewise in their free choice of the decision as to their repatriation under the exchange agreement. At Tule Lake where those “disloyal to America” had been segregated a disturbance broke out owing to negligence on the part of the American Authorities, in regard to provision for evacuees whereupon the American Author-
ities used tanks and machine-guns to intimidate the evacuees. According to later reports, it still appears to be the intention of the American Authorities to cause Japanese subjects to renounce their allegiance to their home country. The Japanese Government solemnly request the American Government to cease such inhuman actions and to make no discriminations in treatment on account of the attitude of the evacuees regarding the questions of conscience.

(c) the internment camps and relocation centers in the United States are surrounded with barbed wire fences, equipped with watch towers, and posted with armed soldiers, which is not the case with those maintained by the Japanese Government. The above-mentioned American guard system is a source of considerable apprehension and alarm to the Japanese internees and evacuees. In fact, as stated under III in the present note, there have been victims of illegal shooting by these soldier guards namely, two at Lordsburg, two at Fort Sill and one at Topaz. Unfortunately, such incidents continue to occur despite the repeated protests by the Japanese Government. On December 1, 1943, one evacuee at Gila River relocation center, was shot and wounded, and at the same place and during the same month three more men were fired at. According to certain information, the Japanese Government understand that there is no basis in the American law for the posting, as it is actually done, of armed guards at relocation centers and the firing at internees or evacuees. Moreover, those Japanese inmates had not been warned of the risk of being fired at in going near the barbed wire fence. And in all cases, there was no evidence to prove that any of the victims had intended to escape, and the firing by the soldier guards was clearly illegal. Nevertheless, they have been all unpunished. The Japanese Government demand that the American Government properly punish the culprits, and take such measures as will remove the apprehensions on the part of the Japanese nationals in internment camps and relocation centers and ensure the safety of their lives, and thereby forestall the reoccurrence of similar incidents. Furthermore, the Japanese Government reserve all their rights to make such demands as they may see fit to make regarding each of the above mentioned cases.

(2) Unjust treatment of Japanese subjects in Central and South Americas.

The American Government exerted pressure on the Government of Panama and caused to [be] sent to America all the Japanese nationals residing in the republic, and moreover these Japanese are being mistreated by American Authorities, as has already been stated. The Peruvian Government also at the instigation of the American Government resorted to the inhuman act of removing to America some 1000 Japanese nationals engaged in peaceful pursuits in Peru, and causing
them to lose their property and to break up their families. As a matter of fact, the Peruvian Authorities let it be known that the initiative for the measure was taken by the American Government. Accordingly, the Japanese Government has protested against the inhuman action of the American Government. Nevertheless, in view of the fact that the deportation of Japanese nationals from Peru to the United States is still being continued, the Japanese Government are constrained to demand the immediate suspension of such action even from the humanitarian point of view.

711.941114A/557: Telegram
The Minister in Switzerland (Harrison) to the Secretary of State

BERN, May 13, 1944—midnight.
[Received May 14—1:54 p.m.]

3076. American Interests—Japanese Atrocities. Swiss note May 9 which transmitted Japanese replies mentioned in Legation’s 2947 and 2949, both May 10, states that these were given on May 6 to Minister Gorgé by Japanese Foreign Minister Shigemitsu at which time they had two and half hour conversation regarding representation of Foreign Ministers [interests?]. He was simultaneously given third Japanese communication (mentioned Legation’s 3038, May 12)

46 In memorandum No. 41, Ex. 119.01, February 10, 1943, the Spanish Embassy transmitted a Japanese demand for an explanation as to the right of the United States Government to transfer to the United States and detain Japanese nationals deported by the Peruvian Government; the Department’s reply of February 25, 1943, stated that the United States Government had received from the Peruvian Government certain Japanese nationals whom the Peruvian Government desired to make available for repatriation. (740.00115 Pacific War/1430) In memorandum No. 73, Ex. 119.01, April 6, 1943, the Spanish Embassy transmitted a protest by the Japanese Government in which the reply of the United States Government was declared “unsatisfactory”; the protest stated that the Japanese Government had never designated for repatriation Japanese permanent residents of Peru, that their transfer to the United States “on the pretext” of making them the object of exchange without the prior consent of the Japanese Government was unjustifiable, and that the abandoning in Peru of the families of the deportees without resources “can only be termed inhuman act on the part of the American Government.” (740.00115 Pacific War/1549) The Department’s reply of April 19, 1943, stated the intention of the United States Government “at the earliest practicable opportunity” to bring to the United States the Japanese wives and children of the deportees and reiterated that the bringing of deportees to the United States was “the wish of the Peruvian Government... a wish with which the United States Government was in concurrence.” (740.00115 Pacific War/1549) A Japanese objection to the transfer of Japanese nationals in Bolivia to the United States was communicated by the Spanish Embassy in its memorandum No. 133, Ex. 119.01, of May 31, 1944; the Department’s reply of June 7, 1944, stated that the transfer had been effected in accordance with hemispheric security considerations set forth in a resolution accepted by the American Republics and that, for the most part, Japanese nationals had been nominated by local authorities and their cases “had not previously come to the attention of the United States Government.” (740.00115 Pacific War/2470)

47 Not printed; but for summary, see despatch 8150, May 16, from Bern, p. 941.

48 Post, p. 1083.

49 Not printed; but for summary, see despatch 8171, May 16, from Bern, infra.
and was provided for his exclusive information with text of Japanese protest regarding alleged attacks on Japanese hospital ships Yosino Maru and Taiibana Maru which being communicated through Spanish Embassy Washington.

Swiss report that long discussion between Gorgé and Shigemitsu followed concerning situation prisoners of war. Shigemitsu stated Gorgé would be given opportunity to visit all camps in Japan. Reverting to Gorgé's numerous representations, Japanese Foreign Minister stated that question of visiting camps in occupied territories was under examination but no guarantee could yet be given. Latter expressed hope that Japanese enemies would not thwart through a new campaign against Japan the efforts which he proposed to make in this connection. Gorgé considers that his efforts are apparently beginning to produce results because recently he had opportunity to visit Fukushi camp and will shortly be able to send a delegate to visit camps at Niigata and Nagoya. He has also been promised early authorization to visit Hakodate camp.

In continuing conversation Shigemitsu confirmed that Japan objects to any intervention having for its object protection of foreign interests in territories occupied by Japanese forces. Difficulties which hinder visit to prisoner camps in these territories may be attributed to this decision because the Japanese Government fears that authorization to visit these camps might be interpreted as an abandonment of policy thus far pursued. Gorgé then directed Shigemitsu's attention to fact that Switzerland had not drawn from permission to visit Hong Kong camps conclusion that it would be authorized in future to assume protection of foreign interests there. According to Gorgé's views, it is entirely possible to treat these two questions separately.

Gorgé took occasion to request that Ministry of War reply more fully to notes addressed to it and insisted on fact that refusals would be preferable to silence so Swiss authorities, would thereby at least know where they stood. Shigemitsu promised to examine possibility of improving this state of affairs.

Harrison

711.94114A/584
The Minister in Switzerland (Harrison) to the Secretary of State
No. 8171
Bern, May 15, 1944.
[Received June 3.]

SIR: I have the honor to refer to the Legation's telegram No. 3038 of May 12, 1944, which reported that the Legation has received a

49 See memorandum No. 88, Ex. 111.00, May 1, p. 1154.
50 Not printed.
note dated May 11, 1944, from the Swiss Foreign Office transmitting photostatic copies of a telegram from the Swiss Minister at Tokyo which quotes a letter dated April 24, 1944, from the Japanese Foreign Office, constituting the Japanese Government's reply to the Department's telegram No. 2814 of December 12, 1942, in accordance with the ultimate paragraph of the Legation's telegram No. 3389 of June 4, 1943.52

There is now enclosed, without awaiting the Department's response to the Legation's telegram No. 3038 of May 12, 1944, a photostatic copy of the telegram from the Swiss Legation at Tokyo, which accompanied the above-mentioned note of May 11, 1944, from the Swiss Foreign Office.

Examination of the attached document discloses that an "annex A" and an "annex B",55 mentioned on pages seventeen and twenty-four, respectively, accompanied the communication which the Japanese Foreign Office delivered to the Swiss Minister at Tokyo, but that these were not forwarded telegraphically by the latter to the Swiss Foreign Office. The Legation, in reply to an inquiry from the Swiss Foreign Office whether the transmission by telegraph of the annexes in question is desired, requested that the originals thereof be forwarded by pouch and that the contents thereof be transmitted by telegraph unless they are unduly long. The Swiss Foreign Office was requested, if the latter be the case, to have the Swiss Legation at Tokyo indicate the number of words contained in the annexes in order that it may be determined whether telegraphic transmission thereof should be undertaken.

Respectfully yours,

For the Minister:

GEORGE TAIT
First Secretary

[Enclosure]

The Japanese Foreign Office to the Swiss Legation in Japan

[TOKYO, April 24, 1944.]

REPLY ON THE INDIVIDUAL CASES CITED IN THE PROTEST OF THE AMERICAN GOVERNMENT

As was stated in the Japanese Government's reply dated on the 26 May 1943,54 addressed to the Swiss Minister in Tokyo the indi-

53 Copies of these annexes were transmitted to the Department in despatch 8940, August 7, 1944, from Bern. They consisted of a statement of May 27, 1942, by E. W. Koons and a letter of May 30, 1942, by Eliza E. Talmage to the Governor of South Zenra Province, Chosen. Both messages alluded to the "many kindnesses" shown to these missionaries by the Japanese authorities in Korea. (711.94114A/8–744)
vidual cases cited in the protest of the U.S. Government as examples of the treatment accorded American civilians in detention, all relate, with one or two exceptions, to prisoners charged with criminal offenses, including those who after having been duly tried and convicted, are now actually serving their prison terms.

It is unnecessary to explain the impropriety of expecting the application of the stipulations of the Convention of 1929 relative to the treatment of prisoners of war to those criminally accused persons who under the laws of Japan are treated alike regardless of whether they are Japanese subjects or foreigners. Nevertheless, the Japanese authorities concerned have accorded to the American accused, nationals of an enemy country, a treatment as generous as permitted by law, by taking into consideration the mode of their daily life, and their respective social positions and ages, for which they have often expressed their gratitude, as is described hereunder.

That the American Government’s protest has been made by distorting and exaggerating the facts which are contradictory for instance, by complaining at one place of the placing of Americans in common jail and remonstrating, at another, against their solitary confinement.

In the following pages are given the description of the actual conditions as regards the individual cases, excepting those to which answers have already been given.

(A) Civilians

(a) Conditions in prisons and internment camps.

Primo. The Bridge House, Shanghai. All the cases in Shanghai cited by the American Government are concerned with the violators of military regulations. Such criminals in detention are subject of [to?] restrictions as provided for by law, which are applied to all without discrimination between Japanese subjects and foreigners. Needless to say, they are not to be considered as being on the same footing with those civilians interned under civil procedure.

The military police detention house in Shanghai is used for prisoners of all nationalities, Japanese nationals, nationals of enemy countries and those of third countries. As regards health, there is nothing to be considered unsatisfactory. Food is rational [rationed] alike to all, no distinction being made. However, in consideration of their mode of living, Europeans and Americans are permitted to eat such articles of food as they may [have] received from outside or they may choose to purchase at their own expense. As to wearing apparel, they are allowed to use those of their own, beside those supplied by the institution, including blankets.

As is indicated above, the American inmates of the house, were accorded an unusually good treatment through the special considera-
tions by the authorities. There existed no impropriety nor negligence in the manner or method of their detention. Nor did there occur any case of disease due to detention, such as mentioned in the American note.

Seconndo. Army Prison, Peking. The six persons, Floyd F. Spielman, R. E. McCann, C. J. Eskeline, J. B. Sherwood, E. X. Mills and P. H. Benedict, mentioned in the American note, were arrested under the warrant issued on March 7, 1942 by the procurator of the military court of the Japanese Army in North China on account of their violation of military regulations. They were taken into the North China army prison in Peking on March 11 at 6:30 p.m. On the following day at 4:30 p.m. they were ordered to detention in accordance with the warrant issued on the same day by the military procurator.

The agreement for the exchange of diplomatic officials and residents between Japan and the United States was concluded while their cases were being investigated. Accordingly, the proceedings were dropped, and by order of the military procurator they were released on June 8, 1942, at 8:00 a.m.

Section 1. Conditions of health during detention. Eskeline was ordered to rest for 23 days because of an internal malady and a sprain of the left leg, and Benedict for 3 days because of inflammation of the bladder, but both recovered, owing to a timely treatment. McCann was examined by an Army doctor, and was allowed to wear glasses. The remaining three men maintained good health throughout the period of their detention.

Section 2. Food. All those in detention—Japanese and foreigners—are alike given the soldiers' rations. But in view of their mode of daily life and their ages, and as a special caution against any adverse effect a sudden change of diet might have upon their health, mental as well as physical, these men were served western meals with bread for breakfast and dinner, and the soldiers' food only for lunch, during the first month. It was then discovered that they became gradually accustomed to, and began to prefer the soldiers' food. In fact, one of the six men, Sherwood, indicated his preference for the soldiers' food from the outset, while after the lapse of about two months all the men were asking for it.

The daily ration per capita consisted of for main food 600 grammes of cleaned rice, and 187 grammes of cleaned barley; or 900 grammes of wheat [bread]; and for subsidiary food 21 grammes of beef, or 42 grammes of fish, with 480 grammes of vegetables, having in all 3500 calories of nutritive value. All meals were served warm.

For correspondence on this subject, see Foreign Relations, 1942, vol. 1, pp. 377 ff.

Brackets appear in the original.
Section 3. Bathing. A hot bath was regularly provided for all twice a week, on Sundays and Wednesdays, while a shower bath was substituted on occasions during the summer months. Eskeline on account of his malady was ordered to refrain from bathing for 23 days from the day of his incarceration until April 2. To the rest of the men bathing was neither prohibited nor suspended at Amus at any time throughout the entire period.

Section 4. Physical exercise. The men were ordered to take outdoor exercises for half an hour to one hour, and to do free exercises indoors in bad weather. Save that for some 20 days Eskeline was ordered to stop exercising upon the doctor's advice, the others were never prohibited for any reason from taking physical exercises for any extended period as is alleged in the American note.

Section 5. Detention cells. Each detention cell has a floor space 15.75 square meters, being 3.34 meters high. It is provided with one window and equipped with ventilation, electric lights, and toilet facilities. The walls being plastered, and the floor and ceiling covered with wooden boards, the cell is of permanent construction. All cells are always kept clear. While two to five persons are usually put in one cell, the Americans in question were allotted one cell for two persons, so that they might have more room. Moreover, their cells were selected from among the best situated and most quiet in the entire prison.

Section 6. Clothing and beddings. The six men were all too big and tall for the regular prison clothes. Accordingly, for the sake of their comfort, they were allowed to use their own clothes which they were wearing, or had brought with them, or those which were presented to them by friends.

As to beddings, the articles in general use were supplied. Although the rule prescribes one cotton quilt, one woollen blanket and one pillow for each person and two mats for three persons, the Americans were provided each with two quilts, two blankets, a pillow and a mat. And all these articles were regularly laundered and always kept clean. It may be added that because at the time they were brought to the prison, the weather was still cold, they were permitted to wear their overcoats they had with them.

Section 7. Gains and losses in weight. The six men were weighed when they were taken into the prison, and when they were released. Figures for their respective weights in grammes are as follows: Spielman 71900 grammes when taken in, 71800 when released, difference minus 100; McCann 83100, 83000, minus 100; Eskeline 7880[0], 78500, minus 300; Sherwood 83500, 82300, minus 1200; Mills 62800, 62850, plus 50; Benedict 70000, 70100, plus 100.

The American note alleges that these men lost an average of about 18 kilogrammes in weight, but their actual loss, as shown above, mounts to no more than to 258 grammes. It should be noted, moreover,
that the men were incarcerated in March, while they were released in
summer when all persons generally lose in weight, in view of which an
average loss of 258 grammes is of no significance.

Section 8. Special considerations. The army prison had no one who
could speak English fluently, and the Americans did not know the
Japanese language. Accordingly, a Japanese, who had long resided
in America, was employed on [in] April 1942 and was assigned ex-
clusively to the duty as interpreter for the Americans. They all
greatly appreciated the devoted service of this man and thanked
the prison authorities for the special considerations in this regard. Es-
pecially at the time of their departure from Peking for Tientsin the said
interpreter proved so helpful in every respect that the Americans were
profuse in expressing their gratitude. The alleged maltreatment of
these prisoners, mentioned in the American note is utterly groundless.

Tertio. Tsingtao. The seven persons mentioned in the American
note, namely Frank G. Keefe, Cady Cooper, Frank B. Halling,
were all suspected of espionage and taken to the military police head-
quartes on December 8, 1941 and placed in detention in the assembly
hall of the Tsingtao Municipal Police Bureau for the purpose of
examination until the 27th of the same month, on which date Meyer
and Mills were released while the others were transferred on the
following day to the residence of the manager of the Ewo Company.
Here the five men were held while on the basis of the preliminary
investigations the authorities were proceeding with the examination
of the evidence on hand. In the meantime with the operation of the
exchange agreement they were set free. The conditions under which
they lived during the period of their detention are as follows: The
conditions of the detention quarters. The assembly hall of the Tsing-
tao Municipal Police Bureau in which the Americans were first de-
tained, is a large room, about 250 square meters in size, which is used
as a classroom and for holding ceremonial functions. Here two large
stoves were installed, and the temperature of the hall was maintained
at 15–20 degrees centigrade. The detainees were provided with im-
provised beds, while they were allowed to use, as they wished, their
own clothing and beddings. As to food, they were allowed, according
to their wish, to have it sent from their respective homes, and no
restriction of any kind was imposed. Daily outdoor exercises for an
hour were also permitted, and everything was done to look after their
health.

The manager’s residence of the two [Ewo?] company to which the
five men were transferred is one of the best houses to be found in the
city of Tsingtao with complete equipments and facilities. They were
allowed to use their own beds, beddings, clothes, and to have their
meals sent from their homes, and to use freely the piano and the ping pong on the premises. Besides, they were permitted to meet friends and the members of their families in the presence of an official.

All in all, these Americans were accorded as generous a treatment as possible. All allegations made in the American note, such as that "they were confined in an unheated common jail for a period of three weeks" have no foundation on facts.

Quarto. Fort Santiago, Manila. Of the two men, Roy Bennett and Robert Abbott, who are mentioned in the American note as having been imprisoned in Fort Santiago, Manila, Roy Bennett was placed in the internment camp at Santo Thomas on April 20, 1943 where he has been since and is well. As for Robert Abbott, although he had participated in the battle of Bataan and was later captured, he concealed the fact on being admitted in the Philippine National Hospital toward the end of May 1942; and by pretending to be an engineer so as to evade the treatment as a prisoner of war he entered the Santo Thomas internment camp following his discharge from hospital on November 23 of the same year and continued to remain there until January 12, 1943. On the discovery of his fraudulent act, he was sentenced to minor imprisonment for 3 months, and upon the expiration of the term he was put in the prisoners of war camp, where he has since been and is well. In the light of the facts the protest of the American Government is irrelevant, and its insistence upon Abbott's release from prison is wide of mark.

Quinto. Camp Stanley, Hong Kong. All the nationals of the enemy countries interned at Fort Stanley are being well treated, for which they are grateful. There has never existed, nor exist[s], such a situation as is described in the American note. The internees are all doing well, being view [given?] special permission to use their own things and to purchase whatever articles of food they prefer.

Sexto. Santo Thomas, Manila. The Japanese Army entered the city of Manila of [on] January 2, 1942, and opened the internment camp at Santo Thomas on the 4th of the same month, and let the internees to take charge of management of the camp. The internees were notified in advance to bring with them their personal effects and daily necessaries, so as to render their life in the camp as comfortable as possible. In spite of this advance notice given, there were some who failed to bring mosquito nets, clothes and beddings. In the face of the disruption of communication immediately following the Japanese occupation of the city and the immense number of the internees to be dealt with, which reached 3000 at the end of January, the military authorities speedily granted them permission and facilities to send for their personal belongings. That the Japanese Army, while pursuing the retreating enemy on the one hand, went about earnestly
on the other hand to take American civilians under protection and placed at their disposal the transportation facilities and men they could ill afford to spare, was source of general gratitude on the part of all Americans on the spot. It should be noted that the actual situation was totally different from what is alleged to have been in the American note.

The protest regarding food is also in contradiction with facts. At the beginning, in compliance with the wishes of the internees and with a view to avoiding a sudden change of diet and respecting personal preferences, each internee was allowed to obtain his meals at his own expense. But as time passed, it was feared this arrangement might prove unfair to those who did not have much money. Therefore beginning with the last day of February 1942, in accordance with the general desire of the internees, a ration system was adopted, the Philippine Red Cross Society, which was then in their process of organization, being authorised to pay the cost, while those who so wished, were permitted to purchase supplementary food at their own expense. This system proved satisfactory and convenient to the internees. The Red Cross, responsible only for the distribution of the daily rations at the camp as a whole, did not, of course, undertake to loan money to individuals separately. The purchase and preparation of the food was left entirely to the selfgoverning body of the camp, and the army helped to obtain such commodities as were difficult to find on the market. Never on any occasion, the cost of the ration was limited to 25 centavos. The Philippine Red Cross which was formally established in April 1942 continued to distribute rations until June. Since then the Japanese military authorities have borne all the cost of the rations and all other expenditures for the maintenance of the camp, while the management of the camp is left as before in the hands of the selfgoverning body organized by the internees themselves. The food served at the camp has been ever since its opening quite satisfactory both in quality and quantity—so much so, in fact, that it is even criticized as being too good as compared with the food available to the people of the city in general. Within the camp, order is maintained and various activities are carried on by the abovementioned selfgoverning body in accordance with the code of regulations formulated by itself and through the respective officials appointed by itself. For this magnanimous treatment the internees are all grateful.

Seventh. Davao and other internment camps in the Philippines. The “first six weeks” mentioned in the American note refer to the period during which American residents in the city were housed for protection in the American Club without being required to do absolutely no [any?] work. Later some persons for the sake of their
health requested to be allowed to do some light outdoor work, and they were assigned the work of removing objects which were lying on the streets and obstructing traffic. On the other hand, the Santa Anna area where the warehouses of Davao for provisions were situated had been set on fire and reduced to ashes by the fleeing American soldiers, and the provisions in the shop within the city had been carried away and secreted also by American soldiers, so that the people of the city were faced with an extreme scarcity of food. They had practically nothing to eat but corn and millet, and even these were difficult to obtain. That at such a time those Americans at the club were provided with meals containing with [sic] certain amounts of corn was due entirely to the generous efforts of the Japanese Army, who moreover supplied them with cleaned rice, fish, and canned foods out of their own none too ample stock. Indeed, those Americans were being fed far better than the average Japanese residents and [in] the Philippines at that time.

By April 1942 the situation at Davao had gradually improved, and supplementary articles of food such as vegetables began to appear on the market. Accordingly, in compliance with the wishes of the internees, they were permitted to purchase their food on their own account, while rice, sugar, salt, condiments, etc., that were not easily obtainable were distributed by the military authorities.

At first all Americans were interned for protection in view of the situation which rendered it impossible for them to secure food if they had lived by themselves, and the military authorities used their good offices in enabling them to procure the provisions, for which they were required to pay. But since September 1942, when the persons to be interned were decided upon, the cost of provisions for these internees has been borne by the military authorities, while the matters of purchase, cooking, etc., have been left to the selfgoverning body organized by the internees themselves.

Americans at other camps in the Philippines have been given a treatment similar to that accorded the American internees at Davao as described above.

(b) Maltreatment and torture.

Primo. Torture and physical violence. Section 1. R. A. Reiner and Edwin W. Koons. Beginning with February 8, 1942, Edward Hughes Mills, an American, was being examined at the Ryuzan police station, Keijo, as a suspect for espionage. In the course of the said examination it was established from his statements and as the result of the search of his house that Reiner was involved in the crime. He was therefore taken to the Ryuzan police station and an examination of his case was commenced. It was found that Reiner beside being charged with the aforesaid crime, was also guilty of an infringement
upon the Foreign Exchange Control Ordinance. During the examination, though he appeared to be in good health, he was segregated from other criminals and allowed to occupy a solitary cell in view of his rather advanced age. Moreover, it was asked several times to state his wishes, which were taken into consideration in order to afford him the best possible treatment. Whereas his crime was clearly established, the case was dropped with the coming into force of the exchange agreement, and he was set free on May 25, 1942. On the occasion of his release, Reiner while thanking the police authorities on behalf of the Americans who had been similarly held at the police station, stated to the effect that as he was being examined as an enemy national suspected of acts of benefitting the enemy, he had anticipated a most severe and rigorous examination, but he had been dealt by police authorities always in the kindest manner; that he deeply admired the Japanese spirit thus manifested.

In the American note of protest it is stated that Reiner was tortured six times between May 1 and May 6, add [and] that he was kicked by a gendarmerie employee named Syo in such a manner that his rib was broken, and that a vicious blow was struck over his broken rib by another gendarmerie employee named Kim. As a matter of fact, no gendarmes, to say nothing of their employees, were ever permitted to frequent the premises of the Ryuzan police station, while [at?] the station itself was no employee named either Syo or Kim. It must be concluded the story is a fabrication. Furthermore, the records of the medical examination made on Reiner at the time of his release established the fact that he was sound and healthy and nothing unusual was to be noted on his person. That a man, 59 years of age, who had his rib broken and received “half inch deep cuts” on his arms and legs should have so quickly and so completely recovered within several days as to retain no trace thereof, is unbelievable. It only proves the careless and groundless character of the American protest.

From the statement of Mills and as the result of the search of his house it was established that Koons was also an accomplice, and he was taken to the Ryuzan police station on May 11, 1942. He was examined and treated like Reiner. His case was also dropped, and he was released for repatriation. Here the note of the American Government is equally perfunctory and careless. Koons has left a record of his “impressions” [vide Annex A] 57 which proves further how unwarranted is the American protest.

Section 2. Beating at Ichang. The allegation that Elsie W. Riebe and Walter P. Morse in Ichang were beaten is entirely unfounded. It is plain to common sense whether or not any man can remain alive

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after having been “beaten for two hours with an iron rod, one-half inch thick”.

The above mentioned two persons were allowed to remain in their respective houses, the only restriction they were subjected to being that they were required to obtain permission for going out to town—excepting to the portion of the city between Malu and Kang Chianglu. The Japanese authorities prohibited Chinese connected with church to visit the residences of Riebe and Morse, but the two were afforded special facilities for obtaining food and daily necessaries. Neither of them, except on errands of their own regarding the matters of housekeeping, did ever visit the authorities. Nor did the latter ever take them out anywhere. The atrocities cited in the American note have no foundation on fact.

Section 3. Joseph F. MacSparran. Joseph F. MacSparran was arrested on December 8, 1941, as a suspected violator of the National Defense and Security Ordinance in accordance with the criminal procedure as provided for under the same ordinance. He was placed in the Yokohama penitentiary for examination. On February 21, 1942, he was indicted on charge of violation of the National Defense and Security Ordinance and the Foreign Exchange Control Ordinance. He was accused on April 21 with an additional offense of violating the police peace regulations. It was while the examination by a preliminary judge was in progress that with the conclusion of the exchange agreement the prosecution was cancelled and he was set free.

At the penitentiary MacSparran was accorded a specially favorable treatment, being placed in the best western-style cell, well lighted and well ventilated, and provided with desk and chair, a bed, a washroom with flush toilet. Immediately upon his incarceration he was given a medical examination, and thereafter was visited daily by a physician. On December 20, 1941, he said he had a stomach trouble and requested medical examination. It was found he was suffering from no particular malady, but he was given a medicine. He returned the medicine saying that it was ineffective. Since then special attention was paid to the state of his health. However, he ate, exercised, aed [sic] bathed as usual, and appeared entirely normal in every respect. Never once did he request medical attention for “hemorrhages from duodenal ulcers”. Altogether 21 times during his incarceration he was questioned by the procurator and the preliminary judge, and on every occasion he seemed to be in high spirits and cheerfully answered the questions put to him. The procurator came to the penitentiary for the questioning, but whenever it was necessary to take him to the court for preliminary examination light handcuffs were used in conformance with the law of Japan. It was the proper measure to take in the handling of any criminally accused person. That while under-
going questioning he was unable, on account of internal hemorrhages, even to stand up is an allegation without a vestige of truth.

Secundo. Solitary confinement. Section 1. H. W. Mayers. Suspected of violating the National Defense and Security Ordinance, H. W. Mayers was arrested on December 8, 1941, according to the criminal procedure as prescribed by the said ordinance. He was taken to the Kobe detention house where as the result of examination he was acquitted. On the other hand, it was established that he was guilty of violating the Army Criminal Code and the Foreign Exchange Control Ordinance. Accordingly, while released on March 5, 1942, as a suspected violator of the National Defense and Security Ordinance, he was indicted afresh on the same day before the Kobe district court on the charge of violations of the Army Criminal Code and the Foreign Exchange Control Ordinance, and remanded to the Kobe detention house under the warrant issued by the Judge of that court. On April 5 he was sentenced to imprisonment for 7 months counting the 20 days pending the trial. While he was serving his sentence, he was removed to the Osaka Prison on May 1st, and was granted a ticket of leave on June 7. During that period he was for a time, January 4—February 5, 1942, transferred to the temporary jail belonging to the Kikubashi police station of Kobe.

At the Kobe detention house, in consideration of his advanced age and with a view to avoiding any adverse effect that confinement in common jail might have upon his health and especially to enabling him to sleep well, the best and newly furnished cell in the institution was assigned to Mayers for his exclusive occupancy. During his detention pending the trial he was permitted to use the private beddings and clothes of his own choice. He was provided with a chair, which is not a part of the regular furniture for ordinary cells. As regards meals, he was permitted in compliance with his wishes to obtain them from outside. During his penal servitude after conviction he was furnished with the regular prison bed, clothing and meals, but at the same time he was given special permission to wear shoes, and special care was taken in the preparation of his meals. As for books, he was allowed to read those sent to him after they had been duly censored.

During his incarceration in the Osaka prison, he was shown similar considerations, and given a single cell for solitary confinement. He was permitted to receive the Bible, the Japanese National Reader, etc., from outside. His wife, Grace, visited him in the middle of May, under the prison regulations which permit the visit of a relative once a month. He was grateful especially as he was not put in common jail but given a single cell. It is strange that the American Government should make that very fact an object of protest.
Section 2. William MacKesy. William MacKesy was given special permission to remain in his own house until he was interned in the civilian camp in Kobe. He appreciated fully the good will of the authorities concerned, and by avoiding contact with outsiders as much as possible, he endeavoured not to give any cause for misunderstanding on the part of the authorities to whom he frequently expressed his sense of gratitude. He lived in a room he had rented in a building attached to his church. With the privilege of remaining in his own residence, he was free to regulate his daily life as he liked and enjoyed special comfort and conveniences.

Section 3. Alice C. Grube. Suspected of violation of the National Defense and Security Ordinance, Alice C. Grube was arrested on December 8, 1941, and taken to the temporary jail belonging to the Tamatsukuri police station in Osaka where she was first examined. On the 25th of the same month she was transferred to the Osaka detention house for further questionings by the procurator, as the result of which she was cleared of the suspicion, and set free on April 9, 1942.

The authorities of the Osaka detention house, in deference to her position and prestige, did not confine her in common jail. Instead, she was allowed to occupy exclusively a sunny and healthy cell in the women’s section of the institution. Under the house regulations the cells are not equipped with stoves, and the use of fire for any purpose is prohibited. Special permission was granted Grube to use a hotwater bottle, which she declined, saying it was unnecessary, as she had a good sunny room. Accordingly, she was allowed to wear an overcoat in her cell. The rule prohibiting a detainee to bring in any personal effects or other articles, was waived in her case, and she was allowed to bring with her a large number of articles including 23 books, a bed, 3 cotton quilts, 2 blankets, a complete wardrobe and toilet requisites. She was always given the first turn for bathing, and provided with such food as she desired, besides tea and coffee, cakes and fruits which she was allowed to purchase as she pleased. Generosity to the maximum degree was shown in her treatment.

Section 4. J. B. N. Talmadge. A search of the house of J. B. N. Talmadge, conducted according to criminal procedure, brought forth articles of evidence for violations of the Military Secrets Preservation Ordinance, the Wireless Telegraphy Ordinance and the regulations for the control of fire arms. Accordingly he was taken into custody in the detentions cell of the Koshu police station. As the result of investigations he was set for prosecution, which however was stayed as the consequence of the conclusion of the exchange agreement. He was released on April 8, 1942.

During his detention, in view of his age and position Talmadge was given a single cell for solitary confinement. He was permitted
to have clothing, bedding and books sent from outside, and to take indoor exercises for health. Grateful for the kind treatment accorded, he dispatched at the time of his departure a letter of thanks to the Provincial Governor of Zenra Nando [vide Annex B].

Section 5. Edward Adams. As a suspect for violation of the National Defense and Security Ordinance Edward Adams was arrested on December 8, 1941, and taken to the Taikyu police station where he was detained and examined. He was released on the 20th of the same month. The police authorities with due respect to his person did not lock him up in common jail, but confined him in a single cell. He was allowed to bring in his own beddings, and accorded special facilities regarding meals, physical exercise, and other matters. On his departure Adams left behind him a note thanking for the special favours shown to him.

Tertio. Deaths due to mistreatment and neglect. The American Government protests against the deaths of several Americans, by ascribing them to mistreatment and neglect on the part of the Japanese authorities. For instance, it is alleged in the American note that Leo Peloquin was refused to enter a hospital in Heijo and forced to return to Kansai. As a matter of fact, it was in compliance with Peloquin's express wish that he be sent back from Chosen. Again, it is alleged that Charles Liebgold imprisoned in an unheated jail at Tsingtao, contracted a cold, which developed into pneumonia. As is told elsewhere under the head of Tsingtao, Liebgold together with other American suspects were detained for a period, December 8–27, 1941, in the assembly hall of the Tsingtao Municipal Police Bureau. The said assembly hall, equipped with two large size stoves, was always kept warm with a temperature of 15–20 degrees centigrade. There he and his fellow detainees were accorded a specially good treatment. In view of such facts, the American protest is utterly unwarrantable.

Investigations into other instances, have disclosed that the various allegations in the American note are equally unfounded. It appears that the protest of the United States Government is motivated by a desire to attribute to the responsibility of Japanese authorities the deaths of American nationals regardless of their actual causes. Such a protest which, ignoring the generous treatment of Americans by Japanese authorities, dwells upon baseless allegations, cannot be tolerated by the Japanese Government.

Quarto. Violation of the exchange agreement. Section 1. Transportation. As regards the transportation fee of the American citizens evacuating from Tsingtao and Chefoo, requested by the Consul Gen-

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eral of Switzerland in Shanghai the Japanese Government are prepared to pay such fee at any time, provided, however, that the Government of the United States shall agree to bear the expenses, incurred by the Japanese Consular members in Brazil in their assembling to the City of Rio de Janeiro, which was already requested by the Japanese Government in their communication dated under March 4, 1943, and which will be communicated in detail.

The train fare between Nagasaki and Yokohama [17 yen 90] has been paid to each one of the three unofficial Americans, Francis Henry Carls, Alfred William Harding and William Frederick Campbell, on board the exchange vessel, Asama Maru. Later it was found that Campbell was already provided with a train ticket at the time of his departure from Nagasaki.

Besides these aforementioned items, it is desired to be informed whether there is any other item still left unpaid. The Japanese Government desire to be notified as to the names of all those persons who have paid their own expenses, as well as to their items and amount thereof in detail, in addition to those already demanded by the Government of the United States under the date of March 25 [22], 1943.

Section 2. Baggage limitation and search. The baggage of American Government officials was permitted to be shipped without limitation and without inspection. As regards unofficial Americans, facilities were afforded those in Japan proper, such as special permission to return to their houses in order to attend to their baggage and baggage inspection by custom officers at their own residences. Moreover, they were allowed to take out their baggage without restriction on the amounts as long as it did not contain objectionable articles. Japanese authorities in Chosen, Manchukuo, Hong Kong and Thailand were instructed to handle the matter of baggage in a similar manner. Consequently, Americans were allowed to take not only what they could carry themselves but other pieces of their baggage.

In contrast to this treatment, American authorities, as stated in the protest lodged with the American Government by the Japanese

59 Quoted in memorandum No. 59, Ex. 119.01, March 13, 1943, from the Spanish Embassy; not printed. In his reply of March 22, 1943, the Secretary of State stated that “the United States Government, which had previously no knowledge of the expenses in question, expects to receive a detailed and documented statement thereof in order that it might be in position to give consideration to the request of the Japanese Government that these expenses be paid by the United States Government.” The reply also outlined several instances in which the Japanese authorities had not fulfilled their obligations in paying the corresponding expenses of a number of American consular officials repatriated from the Far East and expressed the “expectation that the Japanese Government will refund these expenses upon demand.” (701.9432/05)

60 Brackets appear in the original.
Government in its communication of October 27, 1942, addressed to the Swiss Minister in Tokyo, searched the persons of nonofficial Japanese evacuees in a most outrageous manner, by stripping stark naked practically all persons subjecting them to intolerable indignities and inhuman treatment. The baggage inspection was extremely harsh and rigorous, and the evacuees had part of their belongings confiscated, so that not a few were obliged to board the ship, leaving everything behind them, save one or two suitcases. To the abovementioned protest of the Japanese government, the American Government in its intermediate reply dated December 24 [12], 1942, promised that it would make a report on the completion of investigations. No report has yet been received, and the Japanese Government requests that the said report be transmitted without further delays.

As regards porters, it is true that a certain number of them were assigned to duties at such place, but in order to avoid disorder and confusion the evacuees were prohibited to employ them on their own account. A similar situation was observed also in the United States.

Regarding the baggage of nonofficials the U. S. Government protests against the reinspection of their baggage at the port of embarkation after it had been inspected at the place of departure. But in the United States, the baggage of nonofficial Japanese nationals was inspected at the place of departure and subjected without exception to a second and most rigid inspection at the port of embarkation.

Japanese customs authorities were instructed not to inspect the baggage of American officials. A case is cited by the American note in which, the effects of American officials in Chosen were said to have been searched, but investigations made into the case, failed to produce nothing [sic] to substantiate that allegation.

On the contrary, when Japanese Vice Consul, Mr. Masaru Sano, stationed in Houston, Texas, and his wife were leaving that city on January 10, 1942, the American officials in charge at the time had taken away five cases of Mr. Sano’s personal belongings on the ground that those cases were wooden boxes. Upon arrival at the Homestead Hotel in Virginia, Mr. and Mrs. Sano finally succeeded in obtaining those boxes after negotiations made through the Spanish Embassy in Washington, D. C., and they were requested to pay the amount of 50 dollars for the transportation. The boxes arrived but every one of them was opened and inspected, and moreover, several articles contained in the boxes were missing.

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"Ibid., p. 1055."
This action on the part of the American officials clearly constitutes a violation of the agreement, and accordingly, the Japanese Government renew the protest against the Government of the United States.

(B) Prisoners of War.

The American Government states that it has received reports of inhuman treatment accorded American prisoners of war by the Japanese authorities, which is inconsistent with the provisions and spirit of the Geneva Convention, and proceeds to cite instances alleged to have occurred in the Philippines and the punishment of Americans for an attempted escape at Shanghai.

Section 1. The Philippines. The American Government is reminded of the situation in the Philippines during those days immediately following the Japanese occupation of the Bataan Peninsula. Order had not yet been restored; traffic facilities had been destroyed; the American soldiers prior to their retreat and surrender had burned food and medical supplies in accordance with their “scorched earth” tactics; the Japanese Armies themselves were finding it difficult to replenish their stock of provisions and medical supplies; and furthermore, the number of American prisoners of war were far greater than anticipated. It was inevitable that under these circumstances the American war prisoners should have suffered temporarily from scarcity of food and inadequate medical attention. Nevertheless, the Japanese military authorities, in the face of insuperable difficulties, did their best to feed the Americans and to care for the sick and wounded. The Americans captured in Bataan were obliged to go on foot when they were being taken to camp O’Donnell, because owing to the destruction of the means of conveyances it was impossible to send them in automobiles.

However, as regards the alleged instances of mistreatment of the prisoners on their way to and after their arrival at the camp, cited in the American note, are groundless according to the investigations that have been made under the difficult circumstances.

Section 2. Shanghai. Relating to the punishment of W. S. Cunningham and D. Smith, the views of the Japanese Government are clearly set forth in its communication of March 3, 1943, to the Swiss Legation in Tokyo, and they need not be repeated here. It should be added that the report of alleged mistreatment of American Marines, also cited in the American note, is unfounded.

Gorgé

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, May 23, 1944.
[Received May 23—11:50 p.m.]

3272. American Interests—Japan. Department’s 1295, April 15. Foreign Office note May 17 states Gorgé reports that upon receipt Department’s 1295 he made verbal representations Japanese Foreign Office, observes however that during past winter Japanese homes and offices were not heated nor were internment camps, Tokyo. Therefore difficult obtain more favorable treatment for enemies than Japanese. Gorgé notes Swiss residing Japan could not heat homes.

In transmitting foregoing Gorgé added he for long time endeavoring obtain soap for Kobe internees and feels they will receive some soon.

HARRISON

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, June 13, 1944—7 p.m.
[Received 11:40 p.m.]

3777. American Interests—Japan. Legation’s 3033, May 12, 3076, May 13. Foreign Office states informally that Gorgé observes in recent telegram that situation regarding POW questions recently somewhat changed. Japanese Foreign Office finally decided support Swiss Minister at Japanese War Ministry. Results quickly felt and Swiss Legation able visit Nagoya and Niigata camps under excellent conditions. Gorgé also received formal promise in special [respect?] other camps Japan. To prove its spirit of collaboration and understanding, War Ministry decided have qualified officer each time accompany delegates of Swiss Legation. His attitude proved helpful at time Nagoya, Niigata visits.

POW Information Bureau accepted Gorgé’s often repeated proposal to establish schedule future visits and is currently examining this matter. This Bureau also promised improve system POW lists which matter constant concern for Gorgé. He further recalls that Japanese Foreign Office informed him question visits camps occupied territory under examination.

Gorgé observes there is varied [very?] changed attitude Japanese Government and hopes this will continue.

HARRISON

*Not printed.
2050. American Interests—Japan. Request Swiss Government to inform Gorgé that United States Government is grateful to him for his continued efforts to obtain full reciprocity in the matter of visits to camps for American prisoners of war and civilian internees in Japan and Japanese-controlled territory.

The Department has taken account of Gorgé's statement that the difficulties which prevent visits to all places in Japan and Japanese-occupied territories where Americans are held are due in his opinion to the Japanese Government's fears that authorization to make such visits might be interpreted as an abandonment of its policy not to recognize representation of foreign interests in occupied territories. The Department approves the position taken by Gorgé that it is entirely possible to treat separately the question of Swiss protection of American interests generally in Japanese-occupied territories and the question of visits by Swiss authorities to all places in Japan and Japanese-occupied territories where American nationals are held.

It may be of interest to Gorgé to know and he may find it helpful so to inform the Japanese Government that a precedent exists in French North Africa for the separation of general representation duties and camp visitation. In the spring of 1943, the German and Italian Governments with the concurrence of the American Government and the French authorities in Algiers, arranged for the representation of German and Italian interests in North Africa by the Spanish Government but delegated to the Swiss Government responsibility for the inspection of camps where German and Italian prisoners of war were held in North Africa by the military authorities of the United States. The American Government agreed to this arrangement and also granted to the Swiss Government authority to send medical supplies, if needed, to the camps. The Swiss Government was thus charged with safeguarding the interests of German and Italian prisoners of war held by the American authorities in French North Africa, while the Spanish Government was granted authority generally to represent German and Italian interests in French North Africa.

The Department notes with appreciation that as a result of Gorgé's numerous representations, he has received assurance from the Japanese Foreign Minister that the question of visiting camps in occupied territories is under examination. The Department requests that on

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*Telegram 2051, June 14, 11 p. m., to Bern, advised that this telegram (No. 2050) referred to Bern's 3076, May 13, p. 965.*
the basis of the above considerations Gorgé again request that facilities for visiting camps where American nationals are held in Japan and Japanese-occupied territories be granted him.

Hull

711.94114 Mail/79: Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, June 20, 1944—8 p.m.

2111. American Interests—Japan—Mail POWs. Request Swiss to inform Japanese authorities that the Government of the United States is disposed to exchange with the Japanese Government information regarding the receipt of prisoner of war and civilian internee mail in the United States and Japan respectively. It is suggested that each Government submit through the protecting Power monthly reports on the total receipts of prisoner of war and civilian internee mail received from the opposite country, regardless of the nationality of the sender or receiver, and that the reports contain the following information: (1) Mail shipments received during month (by pieces) and date of receipt; (2) route by which received; and (3) date of dispatch by enemy country, if possible.

This exchange of information would enable the United States and Japanese Governments to determine the reliability of the routes used in the exchange of their mails and the time consumed in transmission.

The United States Government will render its first report through the protecting Power upon the receipt of information that the Japanese Government will submit similar reports through its protecting Power.

Hull

711.94114A/537: Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, June 21, 1944.

2115. American Interests—Japan. Request the Swiss Government to express to Gorgé the thanks of the United States Government for having pointed out to the Japanese Government that Japan’s adversaries naturally conclude from its persistent refusal to permit Swiss representatives to visit camps in Japanese-occupied territory that conditions prevailing in the unvisited camps are not as they should be.

*Telegram 2116, June 21, 4 p.m., to Bern, advised that this telegram (No. 2115) referred to Bern’s 1880, March 25, 9 a.m., p. 936, and 3078, May 13, midnight, p. 965.

554–184—65—63
The Government of the United States has noted with interest Shigemitsu’s statement that he is endeavoring to bring about an improvement in the conditions under which American nationals are held in Japan and Japanese-occupied territories, and that the question of permitting visits to camps in occupied territories is being given consideration. Note has also been taken of Shigemitsu’s characterization of the release of reports of the neglect and cruel treatment of Americans in Japanese custody as an atrocity campaign intended to discredit Japan.

The Government of the United States emphasizes, and desires Gorgé so to inform the Japanese Government, that the published reports to which Shigemitsu objects are accounts of the sufferings of American nationals in camps in Japanese-occupied territories that came into the hands of American government agencies from reliable sources. To end the publication of such accounts Japan has only to remove the conditions giving rise to such accounts and permit Swiss representatives so to inform the United States Government.

The Government of the United States is obliged to inform its citizens of the condition of its nationals in enemy custody. The continued refusals of the Japanese Government to permit visits by representatives of the protecting Power to camps in Japanese-occupied territories leads naturally to the conclusion that conditions in these areas continue to remain unsatisfactory and such as to make Japan ashamed to have them observed by neutrals.

In giving reality to its numerous professions of its intent to apply humanitarian considerations in its treatment of prisoners of war and civilian internees and in making the improvements promised by Shigemitsu, the Japanese Government has at its command the most effective method of removing the causes of unfavorable reports and thereby preventing the future publication of such reports. When the Japanese Government accords to American nationals the humanitarian treatment it has promised and when it permits representatives of the Swiss Government to visit all places where American nationals are held and to verify and confirm that their treatment is in accordance with the promises of the Japanese Government, the United States Government will be in a position to reassure the relatives and friends of American nationals held by Japan with regard to their condition and treatment.

The United States Government continues to hope that the Japanese Government will be persuaded without further delay to enable the Swiss representatives to visit all detained nationals of the United States wherever detained. There would seem to be no reason why the Japanese Government should not permit such visits without prejudice
to the juridical position taken by Japan on the question of representation of enemy interests. See Department's 2050, June 14.

HULL

711.94114A/6-2744; Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, June 27, 1944.
[Received June 27—11 p.m.]


Following three POWs executed listed DM/3, DM/6 and DM/7 (see Legation's A-40, January 24 67): (1) Jo Bill Bastain (listed as Chastain), Sergeant; (2) Ferdinand F. Meringold (listed as Meringolo), Staff Sergeant; (3) Victor Palliotti, Corporal.

Japanese Foreign Office stated three prisoners prepared long time their escape. Bastain had already endeavored escape twice and had stolen kitchen knife and Meringold a dagger. Night of June 21, 1943 interned POWs escaped camp cutting through barbed wire and fled direction Russia. July 2 they accosted police inspector endeavoring obtain food and stating they were starved. Inspector questioned them and they endeavored pass as German aviators explaining their plane crashed. Inspector and two Mongols went with them to scene of accident. Enroute Bastain killed inspector with kitchen knife while Meringold seriously wounded one Mongol. Other fled and succeeded arresting escapees with aid local inhabitants. Three prisoners condemned death July 31, 1943 basis following: (1) confession of each prisoner before military court; (2) report of arrest; (3) report of court session; (4) reports of witnesses; (5) declarations of chief of work office of prisoners; (6) report on autopsy body police inspector and medical certificate regarding wounded Mongol.

Among evidence were dagger, map Manchuria and compass. Foregoing documents communicated Swiss Legation which will forward them by mail with copy of Japanese Foreign Office report. 68

HARRISON

67 Not printed.
68 The original Japanese Foreign Office note and translation thereof outlining the case were forwarded to the Department in despatch 9742, November 1, from Bern; received November 17.
The Minister in Switzerland (Harrison) to the Secretary of State

BERN, June 28, 1944—3 p.m.

[Received 5:40 p.m.]

4110. American Interests—China—Civilian Internes. Swiss note dated June 24 states 360 sick and aged citizens of countries at war with Japan including 24 Americans will be interned June 28 special Shanghai camp. This concerns with exception Orientals last nationals of enemy countries still at liberty and previously exempted owing grave state of health.

Japanese authorities allowing no exception these internment steps except small minority of sick who will be placed hospital where subject same restrictions as internees.

Fontanel intervened behalf the sick not benefiting from this exception stressing danger transfer seriously ill and helpless to camp inadequately furnished receive such internes and lacking necessary medical equipment. Fontanel nevertheless told that in principle no exception may be granted. 69

HARRISON

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, July 7, 1944—9 p.m.

2327. American Interests, China, Civilian Internes. Urge Gorgé to call attention of Japanese Government to its responsibility for giving adequate housing facilities and care to aged, ill and helpless American nationals recently interned at Shanghai (Reference Bern's 4110, June 28). The fact that the camp is inadequately prepared to receive them and is lacking in necessary medical equipment constitutes grave neglect. It is expected that in view of Japanese Government's commitments to extend humane treatment to civilian in-

69 In despatch 8600, June 26, the Minister in Switzerland advised of reports regarding conditions in civilian internment centers at Shanghai. These reports, based on confidential sources, had been sent to the Swiss Foreign Office on March 31 by Mr. Fontanel. The principal grievances set forth by the internees concerned inadequacy of food and hygienic measures. Mr. Fontanel had been unable to visit the centers and the Japanese consular authorities had not permitted the internees to make known their grievances to him. Furthermore, the consular authorities had not permitted the dispatch of parcels by the International Red Cross, payments for medicinals, and the cost of hospitalization in very urgent cases. Mr. Fontanel also reported, however, that the situation was much less unfavorable at Weihsien and Yangchow where his representatives had made regular visits and could converse with the internees "almost freely". (740.00115A P.W./6-2644)
ternees, it will take immediate steps to remedy this condition and not subject these aged and infirm people to needless and cruel suffering.

HULL

71194114A/7-844: Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, July 8, 1944—10 p.m. [Received July 8—8:23 p.m.]

4367. American Interests, Japan. Department’s 2115 and 2116 both June 21. Swiss note July 5 states Gorgé replied American Government’s views will greatly assist him in continuing negotiations with Japanese. Observes he already used in conversations Jap Foreign Office virtually all arguments American Government advanced. However, considering that arguments would carry more weight if pronounced by Department, Gorgé addressed letter July 1 to Shigemitsu fully setting forth American attitude.

During conversations Jap Foreign Office recent weeks Gorgé only able obtain confirmation that question is continually under study but difficulties which thwart solution not concealed from him. Jap spokesman especially insisted on fact that occupied territories are now in zone of operations and added that if American authorities held Jap prisoners, for example on Marshall Islands, United States Government would also doubtless hesitate authorize camp visits. Without desiring interpret this as possible refusal, Gorgé believes it may be considered factor demonstrating difficulty of military authorities in effecting solution.

Gorgé added with view avoiding possible misunderstanding that observations contained Legation’s 3076, May 13 did not signify that Jap Foreign Minister and Jap Government had given any pledge whatsoever but only that Shigemitsu had promised examine question camp visits without being able guarantee positive results. End summary note.

In handing above cited note to Legation Secretary, Swiss Foreign Office official stated informally that Gorgé’s telegram also expressed belief that if British Government for tactical reasons would forward statement similar that contained Department’s 2115 expressing views corresponding those made by American Government his position would be considerably strengthened. Department may wish consult Lon-

39 Latter not printed, but see footnote 66, p. 985.
Don. Foreign Office official added Gorgé cited to Japanese precedent contained Department's 2050, June 14, and left memo June 30 Jap Foreign Office. Reply awaited.

HARRISON

711.94114A/361 : Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, July 10, 1944.

2362. American Interests, Far East. Reference Legation's 1288, March 3. Inquire of Gorgé whether there has been any improvement in facility with which civilian internees and prisoners of war may send and receive letters. Also inquire whether Gorgé has yet received any communications from prisoners of war or civilian internees.

HULL

[For statement by the Department of State on the number of American civilians held in Japanese custody as of July 12, see bracketed note, page 1043.]

711.94114A/7-2944 : Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, July 29, 1944.

[Received July 29—11:12 p. m.]

4885. American Interests, Far East. Department's 2362, July 10. Foreign Office note July 25 states Swiss Legation, Tokyo, reports it has been corresponding for long time and regularly with civilian internees.

On August 2, the Department inquired of the British Embassy whether the British Government would forward a statement similar to that in Department's telegram 2115; the Embassy responded on August 17 that the British Foreign Office was sending instructions to the British Minister in Switzerland to make similar representations. (711.94114A/7-844, 8-1744) However, in view of a written declaration by the Japanese Foreign Minister, the substance of which had been conveyed to the Foreign Office by the British Minister on August 8, the position was thought to have changed slightly and therefore the Swiss Minister in Japan was being given discretion as to whether or not to make use of the British communication to the Japanese Government. The written declaration stated that Thalland recognized the right of Switzerland to protect British and American rights within its borders but, according to the Japanese concept, the British Embassy in said they did not extend to prisoners of war camps, which were administered by Japanese military authorities, and admitted the possibility of allowing representatives of prisoners to sign receipts for relief, rather than the Japanese camp commandants. Similar information on the declaration was conveyed to the Department in despatch 8979, August 10, from Bern (711.94114A O.T./8-1044).
Japan. Legation Tokyo Delegate during recent visit various camps was able, with approval Japanese authorities, inform POWs that they might write to Swiss Legation. Gorgé again intervened Japanese Foreign Office so that POWs be informed of right to correspond with Swiss Legation and that Japanese authorities offer all facilities for correspondence. With reference first paragraph Legation’s 1288, March 3, Gorgé notes he will again intervene Japanese Foreign Office if Swiss Consulate, Shanghai, reports difficulty in corresponding with POWs of [or] civilian internees occupied China.  

HARRISON

740.00115 PW/8–2444 : Telegram
The Minister in Switzerland (Harrison) to the Secretary of State

BERN, August 24, 1944—8 p. m.
[Received August 25—2:10 a. m.]

5546. American Interests, Far East. Department’s 2738, August 9. Substance Swiss aide-mémoire August 22 follows: Gorgé replies to Department’s observations that he already made new representation end July to Japanese Foreign Office concerning visits POW camps in Japan and territory occupied by Japanese forces, but that this representation produced no result, his interlocutor taking refuge in complete silence.

Swiss Minister fully understands reasons why American Government requests contemplated representation to Spanish and Swedish Governments should not be divulged. Under these circumstances Gorgé believes that a new personal representation would be useless. However, he continues to discuss the question using the customary arguments and he has just obtained authorization visit three important POW camps in northern Japan, at Hakodate. As this very limited authorization always covers only camps in metropolitan Japan and despite assurance given that after visit to Hakodate camps other visits will occur it appears that representation foreseen by American

72 In telegram 6944, October 10, the Minister in Switzerland stated: “Swiss Consulate Shanghai reports it can correspond satisfactorily with civilian internees regarding purely administrative questions. Civilians however do not seem authorized write to Consulate to submit complaints or report disciplinary measures taken against them. Consulate has only received few letters from POWs at Kiangwan.” (711.94114A/10–1944)
73 Not printed; the Department stated it was willing to delay briefly its contemplated requests to the Spanish and Swedish Governments along the lines set forth in footnote 74, p. 982.
Government to Spanish and Swedish Governments might now be made.""
Lack of medical supplies exposes the internees to great risks. Through gifts of absolutely essential drugs, the internees were formerly able to overcome in some degree the negligence of the Japanese authorities. Gifts are no longer available and the internees are now in the position of being compelled to rely on the authorities in this vital matter. Occasionally, and not necessarily in correlation with their needs, the camps have received certain medical supplies from the authorities. Urgently needed drugs are, however, often long delayed in delivery and are in other instances never delivered at all. Much of the medicine, drugs, and equipment has been available locally. It would appear that the authorities, if they were so inclined, could arrange to deliver these supplies when they are needed and in the amounts required and without delay.

With much labor and considerable ingenuity, the internees have managed in most camps to establish limited hospital facilities, but failure on the part of the authorities to furnish adequate foodstuffs for invalid diets has made it impossible to take advantage of the full use of these facilities. With regard to hospitalization, the Japanese authorities in Shanghai have not facilitated but have even obstructed the efforts of the International Red Cross Committee and the Swiss Consulate General by refusing in a number of instances to grant permission for hospitalization and to authorize payment for the cost involved.

The Japanese Government has also failed in its obligation to provide needed clothing and footwear. Many of the adult internees have worn out their shoes and the children have outgrown theirs. No provision has been made for replacement or repair. The clothing which the internees brought with them is wearing out and the authorities are not making adequate provision for replacements. Last winter when the camp buildings were but slightly heated, the authorities made no effort to supply warm clothing to those who were in need. The approach of another winter heightens the distress of the internees and gives urgency to the obligation of the Japanese authorities to furnish the internees with necessary clothing before the cold weather sets in.

A grave condition exists with regard to the sanitary situation. Cleanliness is a first line of defense against disease where sanitation facilities are as primitive as those which exist in the camps, but cleanliness cannot be maintained where adequate materials and equipment are not provided. The appeal of the internees for such supplies as buckets, shovels, brushes, mops, drain pipe cleaners, rat poison, soap and disinfectant is evidence of the extent of the failure of the authorities to provide the essentials. The Japanese Government must
be aware that the lives of thousands of people are involved in its failure to make available the tools and supplies needed for maintaining the hygiene and cleanliness of the camps.

The internment of the sick and aged at Chung Shan University is totally at variance with the humanitarian professions of the Japanese Government. Many of the internees were receiving regular medical treatment prior to their internment but this was ordered discontinued while at the same time no adequate provision was made for proper medical care in the camp. No attempt was made to furnish persons suffering from sprue, stomach ulcers, etc., with any form of special diet. No steps had been taken or preparations made before the internment of these people to make habitable the quarters assigned to them. Most of the rooms were in an unclean condition and the buildings in a state of disrepair. Although the rooms of the Japanese guards were suitably heated, no heat was provided in the internees' quarters. No laundry facilities were provided and washroom facilities were inadequate. The lavatories were primitive and in an unsanitary condition. Adequate equipment by means of which it might have been possible to bring about an improvement in the sanitary condition of the camp was lacking. The poor quality and insufficiency of the food and the cold dampness of unheated rooms, combined with the dirt of their surroundings, caused severe suffering to the aged and ailing persons interned in this camp. Although a letter pointing out the deficiencies of the camp was submitted to the commandant, no steps were taken to remedy the situation.

Failure to make provision for essential needs and negligence in maintaining proper standards in the treatment of American nationals held in Japanese custody in China constitute grave transgressions and are serious violations not only of the letter but of the spirit of the Geneva Convention, the humanitarian provisions of which the Japanese Government has voluntarily undertaken to apply. The United States Government continues to expect that the Japanese Government will honor its commitments to observe the humanitarian provisions of the Geneva Convention and will give effect to its professions that it is according humane treatment to the American nationals in its custody.

Department desires to be informed of date of delivery of this communication to the Japanese Government, and thereafter to receive report of steps taken by Japanese Government to remedy situation and degree of amelioration accomplished.

Hull

73 In telegram 6018, September 12, the Minister in Switzerland stated that this communication was delivered to the Japanese Government on September 5 (740.00115A P.W./9–1244).
The Minister in Switzerland (Harrison) to the Secretary of State

BERN, August 30, 1944—9 p.m.
[Received August 30—2:56 p.m.]


With regard American Government’s protest concerning Japanese treatment of Americans, Japanese Government’s views were set forth in detail in Shigemitsu’s letter April 28 to Swiss Minister. Simultaneously Japanese Government defined line of conduct adopted in connection treatment Americans, and also expressed to him its views regarding “campaign of false accusations” which American Government launched against Japan at time American Government’s protest.

In addition Shigemitsu’s letter April 28 explained why authorization visit POW camps situated Japanese occupied territory cannot now be granted. If Shigemitsu promised examination question, this is because Japanese Government intends despite numerous difficulties observe in treatment enemy citizens an attitude which is just and in conformity with line of conduct already mentioned. Shigemitsu will later inform Swiss Minister result this examination. Former felt required direct attention American Government to fact that from that time on (Legation’s note: presumably April 28) Japanese Government has strongly desired that measures be taken on basis Geneva Convention for treatment enemy nationals even with regard situations not specifically foreseen in said convention. Japan hopes from humanitarian standpoint American Government will undertake soonest possible detailed examination requests formulated last part Shigemitsu’s letter April 28 (enclosure to Legation’s airmail 8150) and shortly communicate result.

Gorgé thinks foregoing quite precisely defines Japanese attitude and hopes Department will soon make possible his reply, because failing this he will be unable make representations of general character. He made further representations July 21 to obtain authorization visit camps and then left memorandum at Japanese Foreign Office. Latter replied August 15 that if Gorgé based this representation on declaration Shigemitsu made during conversation May 3 (Legation’s note: Swiss official considers this is probably same conversation referred to in Legation’s 3076, May 13) it should be pointed out only promise given was that “Shigemitsu would do all he is able with regard to

*See note from the Japanese Foreign Office to the Swiss Legation in Japan, p. 942.
visiting camps in metropolitan Japan and China”. After this conversation delegate of Japanese Foreign Office successively visited POW camps Nagoya, Niigata, Tokyo, et cetera, and Gorgé expressed his satisfaction to competent authorities. Japanese reply finally reports competent authorities intend authorize visits other camps as applications presented by Swiss Legation. End Swiss Note August 22.

Swiss notice dated August 25 transmits following interpretative comment by Gorgé on immediately preceding paragraph:

Gorgé gave to understand in discussing his memorandum of July 21 at Japanese Foreign Office that he had very well understood Shigemitsu’s declaration which had been made without reservation as concerns visits POW camps metropolitan Japan. Besides War Ministry some days later gave same assurances. In addition POW Bureau voluntarily declared it would prepare general plan for camp inspections Japan which Gorgé requested more than two years [ago?].

All these declarations made without slightest reservation. Now Japanese Foreign Office exerting every effort demonstrate to Gorgé that he had not understood quite well and that these declarations only meant to convey that Japanese authorities would do all that they could concerning camp visits metropolitan Japan and China.

Gorgé stresses that even if admitted that he placed too broad interpretation these declarations he is compelled to observe that now Japanese reservations also aim at camp visits Japan itself. Gorgé unaware nature these reservations and considers Japan would do better frankly to state difficulties hindering visits. Once again during Foreign Office conversation he directed attention to importance of question from humanitarian standpoint and to anguish thousands of families who have no specific news regarding fate their kin. Japanese official while saying nothing regarding question reservations promised examine with War Ministry problem of visits to be made after coming inspection Hokkaido camp.

Concerning last sentence August 15 memorandum in which Japanese Foreign Office repeated that competent Japanese authorities intend permit visits other camps as applications presented by Swiss Legation, Gorgé made formal reservations in stating that he had never admitted thesis already held on several occasions that Japanese will give authorization “as applications presented by Swiss Legation”. Gorgé requested during these numerous representations authorization visit all camps without exception; he informed War Ministry that he was at its complete disposal to visit any camp at any time. He is, therefore, not to be reproached for not having made application to visit this or that camp whose existence is perhaps not even known to him. Gorgé took occasion to request spokesman provide complete official
list of camps and added that he would immediately present a request for inspection each camp.

HARRISON

711.94114A/7-1144: Telegram
The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, August 31, 1944—10 p. m.

3007. American Interests—Japan. Request Swiss Government to communicate the following message to Gorgé to be delivered textually to the Japanese Government:

“The Government of the United States has received conclusive evidence of the torture and decapitation of an American airman captured by the Japanese in the Aitape area, New Guinea. The airman was decapitated on March 24, 1944, by a Japanese civilian in the presence of an officer of the Japanese Army and fifteen Japanese soldiers. The United States Government protests vigorously against the wanton, inhumane and barbarous methods employed by the Japanese who participated in this base deed.

It has been ascertained that the American airman in question parachuted to earth near Aitape on March 23, 1944, landed in the water and swam ashore. He was taken captive about nine a. m., by Japanese troops near the mouth of the Waimegol Creek, approximately 12 miles east of Aitape. The flier had discarded all equipment except a notebook and a small knife and was wearing only a pair of trousers, belt and socks when he swam ashore. Upon capturing the American flier, the Japanese confiscated the prisoner’s notebook and knife and bound his hands behind his back and commenced beating him with sticks. This beating continued until the afternoon of March 23 at which time the prisoner was taken to the quarters of the Aitape garrison commander, Kurita, at Korako village. Here beating was resumed and continued throughout the night. At 7 o’clock the following morning the prisoner was taken back to the place of capture by Lieutenant Seto and a Japanese civilian named Inouye. There the American was again subjected to relentless beating until 3 o’clock in the afternoon at which time he was decapitated by Inouye with six slashes of the saber. The loud shouts of joy which emanated from the Japanese troops during the torture of the American flier indicate the sadistic character of his tormentors and executioners.

The United States Government hereby charges that the following Japanese are guilty for the wanton murder of the American flier:

First Lieutenant Kurita, commanding officer, 26th Air Construction Unit.
First Lieutenant Seto, second in command, 26th Air Construction Unit. Lieutenant Seto was present at the time the American flier was decapitated.
First Lieutenant Watanabe, third in command, 26th Air Construction Unit.
Inouye, the Japanese civilian who performed the decapitation. Inouye was the Japanese overseer of coolie laborers in the area in question at the time it was held by the Japanese Armed Forces. The United States Government holds the Japanese Government responsible for the perpetration of this crime and expects the prompt receipt of assurances from the Japanese Government that
1. all participants have been punished severely and that
2. necessary steps to prevent the recurrence of such inhuman treatment of prisoners of war have been taken.”

HULL

740.00115A PW/9-1144 : Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, September 11, 1944.

3133. American Interests—Philippines. Request Swiss Government to communicate following message to Gorgé to be delivered textually to the Japanese Government:

The Government of the United States has received from reliable sources information that certain American civilian internees in the Philippine Islands have been removed from the Los Baños Camp to Fort McKinley where a major ammunition dump for central Luzon is maintained.

As Article 9 of the Geneva Prisoners of War Convention provides that no prisoner may, at any time, be sent into a region where he might be exposed to the fire of the combat zone, nor used to give protection from bombardment to certain points or certain regions by his presence, the action taken by the Japanese authorities constitutes a flagrant violation of the obligation undertaken by it to apply to civilian internees in so far as they are adaptable, the provisions of the Geneva Convention and of its commitment at all times to accord protection and humane treatment to the American nationals in its custody. The United States Government expects that the Japanese Government will at once remove the American nationals at Fort McKinley to a region far enough from military installations for them to be out of danger, and that the Japanese Government will exercise every care to forestall a repetition of the violation of the laws of war in exposing civilian internees or prisoners of war to bombardment by housing them in areas in the vicinity of military objectives.

HULL

711.94114A/9-1144 : Airgram

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, September 11, 1944.

August 29, substance quoted below, from Swiss Legation, Tokyo, transmitting text report received from Shigemitsu. In transmitting following, Swiss Foreign Office adds that according recent telegram from Swiss Consulate, Shanghai, no inspection civilian internment camps permitted since July 1943 but Japanese authorities promised give authorization this month.

Regarding treatment American POWs and civilian internees within areas under Japanese administration, Japanese Government replied in detail to U. S. Government April 28.\(^7\) As further information has since been received from POW and CI camps Shanghai, Canton, Hong Kong, Java and Philippines concerning treatment accorded, some particulars thereof which it is considered will supplement aforementioned reply of Japanese Government are given below:

A. Treatment POWs at Shanghai camps.

1. POW petitions. It is provided that POWs may petition camp authorities according existing regulation.

2. POW clothing. POWs provided with clothing same quality as Japanese soldiers and permitted use clothing owned by them. All clothing received from outside as relief supplies is handed over to them.

3. Permission retain personal effects. POWs permitted retain and use such personal effects of daily necessity as toilet articles, etc. Other articles unnecessary or requiring control are kept in custody by camp authorities although some such articles permitted to be used when necessary.

4. Food and nutrition. Same rate of food supplies which are provided Japanese soldiers as to sufficiently maintaining health is supplied POWs. Rations further supplemented by relief supplies from outside. Camp authorities striving ensure supply of variety of provisions for POWs by raising cattle and cultivating vegetables [and on] camp premises they raise swine, rabbits, sheep, ploughoxen and ploughhorses, etc. Among Shanghai POWs at present none suffering pellagra, scorbutus or sprue [and] only few slight cases beriberi. Existing percentage however considerably lower than among Japanese soldiers. Weights of POWs show average increase approximately 4 kilograms over those at time commitment camp. Among them there is not single patient suffering disease due malnutrition or undernourishment.

5. Camp canteens. At POW camps, Shanghai, management canteens entrusted POWs and profits are permitted be spent for POW comfort and welfare.

\(^7\) See despatch 8150, p. 941.
6. Labor. At POW camps, Shanghai, no POW ever subjected labor directly related war operations.

7. Medical facilities. POW camps, Shanghai, adequately provided medical facilities.

8. Observance religious rites. POWs permitted observe religious rites at camp once weekly in accordance respective sects and religious minister invited from outside once monthly. On special occasions like Easter, Catholic father permitted visit camp, conduct prayer and communion services.


10. Letter written by POW. Copy of letter written by American POWs attached hereto for information U.S. Government. (Annex 1.79)

B. Treatment civilian internees, Shanghai camps.

1. Visits of representative U.S. interests to internment camps. Swiss Consul General, Shanghai, charged [with] U.S. interests visited and inspected all parts internment camps Shanghai. Expressed satisfaction with accommodations of camps. Intercross 79 Delegate, Shanghai, also visited camps since established. Both Consul General and Intercross Delegate during inspection visits spoke to leader of each compartment and their acquaintances among internees.

2. Internees petitions. Internees have through their representatives sometimes made petitions to camp authorities but none in nature of complaint is known to have ever been made.

3. Clothing. As internees brought with them plenty clothing at time their commitment to camp, it has not been found necessary make further supply by camp authorities.

4. Provisions in addition to the fixed rations supplied by camp authorities. Intercross Delegation permitted send gifts and authorized purveyors supply them with supplementary provisions if desired. Moreover camp authorities permit internees who volunteer for health and recreation to cultivate vegetables and cereals on part of camp premises assigned such propose [purpose?], and produce is appropriated as food for internees.

5. Camp canteens. Internment camps Shanghai self-managed by internees so canteens also left their management and camp authorities do not interfere disposal profits.

6. Labor and comforts. At Shanghai internment camps internees never been forced engage any labor. Internees can enjoy reading, indoor games, open air exercise, etc., and naturally health excellent in

79 Annexes transmitted by the Minister in Switzerland in despatch 10991, February 27, 1943; received March 9. None printed.

79 International Red Cross Committee.
spite average age 47. Stage equipment provided in camp hall where concerts and dramatic performances often given. Adequate and sufficient comforts thus secured for internees.

7. Medical and other facilities. At internment camps Shanghai well equipped medical offices exist and sufficient attention given sanitation and medical treatment under supervision Japanese surgeon captain and assisted by soldier nurses and interned physicians. When necessary, patients temporarily released and sent designated hospitals outside for treatment. Camps perfectly equipped with sitting rooms, bathrooms, showers, kitchens, lavatories and heating apparatus. Buildings spacious and gardens and playgrounds are attached.

8. Observance religious rites. Perfect freedom granted internees for observance religious rites. In May 1943 seven marriages among British, American and Greek nationals permitted and performed accordance respective religions. Several religious ministers among internees conduct services every Sunday.


C. Treatment civilian internees Canton camp.

1. Internment enemy nationals, Canton. Upon outbreak greater East Asia war, enemy nationals resident Canton prohibited leave respective premises except for purchases of necessities, bank business, medical treatment, religious services and other purposes deemed necessary by authorities and for open air exercise necessary for preservation health. Apart from foregoing no restriction imposed. November 5, 1942, nine of them, four Americans and five British, transferred to internment camp but camp closed May 25, 1942, and inmates transferred newly established civil center.

2. Details internees treatment. At camp internees not only free from all restraint or restriction regarding daily life but cooking meals, cleaning rooms and laundry are done by three Chinese women employed Japanese army. Therefore internees have so much leisure some volunteered gardening or ploughing camp premises and there was absolutely no instance forced labor. If internees became ill they were permitted immediately consult doctor and receive treatment. Camp authorities never refused medical treatment nor did any internee ever complain due illness. Internees permitted observe religious rites not only every Sunday but also other occasions demanded. Since transfer civil center, internees continued receive fair and just
treatment and civil center visited occasionally by Swiss Consul. Due very generous treatment accorded inmates civil center and also their own cooperative efforts none until present ever subjected to punishment.

D. Details regarding treatment POW camp Hong Kong. Goods previously sold [at] prime cost [to] canteens attached POW camp Hong Kong but since April 1, 1944, they are permitted be sold uniform rate 5 percent profit which under supervision and permission Japanese authorities is spent promotion welfare of internees. (Annex 3.) Since establishment Hong Kong POW camp, no children, soldiers or civilians permitted visit except those whose visit especially permitted by Government General there. Nor has curiosity of public regarding POWs at camp ever been allowed to be satisfied.

E. Details treatment American POW and CI camps Java: 117 American POWs including 9 officers, 105 noncons or privates, and 39 CIs Java all receiving just and fair treatment as stated below.

1. POW petitions. Senior POW officer and Chairman Self Government Committee of CIs enjoy privilege making petitions and stating complaints to camp authorities and no punishment ever inflicted or threatened upon complaints.

2. Clothing. POWs supplied necessary clothing and CIs permitted use their own clothing. Clothing question comparatively simple in tropical region where no seasonal change. POWs engaged bodily labor always supplied straw hats and sporting shoes.

3. Personal effects. POWs and CIs permitted retain and use personal effects for daily use as far as circumstances permit, permitted possess personally certain amounts of own money, remainder being deposited with banks on their respective accounts.

4. Provisions. As American POWs and CIs not accustomed to rice they are supplied bread. Fruits plenteously rationed to ensure sufficient vitamins and camp stalls specially ordered sell papayas, bananas and oranges. Further as preventative measures against declined physical strength due tropical heat, POWs and CIs given yeast prepared from Dindinan [Indian?] corn by physicians among POWs. For preservation health those POWs engaged labor, special attention given by utilizing nutritious value of vitaminous food such as bovine blood, intestines, etc. To secure abundance of rations, POWs made attend to cow milking, raising swine, ducks and fish and cultivation vegetables.

5. Camp canteens. Profits accruing from sales at stalls in Java camps corresponding canteens other regions are spent purchasing sporting and amusement articles, newspapers, magazines for welfare POWs.
6. Labor. Officer POWs have attendants appointed look after personal demands. Are not engaged labor except gardening and [the] like which they do own accord. CIs work in connection operation maintenance and management camps and never forced do any bodily toil.

7. Medical treatment. Each POW camp provided medical office and sickroom, and physicians and nurses among POWs examine and treat patients. CIs also looked after by physicians appointed amongst them and when necessary patients permitted enter and receive medical treatment at Government or public hospitals outside.

8. Observance religious rites. In POW and CI camps, chapels provided where observance religious rites permitted and freedom of faith granted.

9. POW and CI camps accommodations. In Java POWs confined former Dutch [East] Indian army barracks and CIs in ordinary dwelling houses. Electric lighting and water supply abundant and nothing is wanting to make places comfortable to live in. Moreover to prevent malaria, POWs and CIs each supplied mosquito net.

[F.] In details treatment POWs at Philippine camps.
Regarding details treatment accorded POWs Philippine camps, following are attached for information U. S. Government.

1. Radio broadcast speech on medical treatment in POW hospitals made by Commander I. B. Sartin, Medical Corps, USN. (Annex 4.)

2. Radio broadcast concerning observance religious rites, etc., at POW camps by Chaplain Perry O. Wilcox, Lieutenant Colonel, U. S. regular army. (Annex 5.)

[Harrison]

711.94114A/3-1544: Telegram
The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, September 15, 1944.

3197. Request the Swiss Government to have Gorgé deliver the following communication textually to the Japanese Government:

The United States Government has been informed of an order issued on February 11, 1944 to the Japanese armed forces in Siam by the Command of the 138th Infantry Regiment, 31st Division of the Japanese Imperial Army, to the effect that captured enemy air personnel are not to be treated as prisoners of war, that they are to be separated from other prisoners, that after being searched they are to be handed over to the gendarmerie, and that they are to be severely punished excepting those who can be put to some special use.

The United States Government protests against this violation of the internationally agreed rules of warfare which guarantee to all captured personnel of belligerent forces the rights of prisoners of
war. The United States Government insists that the Japanese Government fulfill its undertaking to apply the humane provisions of the Geneva Prisoners of War Convention to the treatment of captured personnel without exception. The United States Government calls upon the Japanese Government to rescind the order in question and to restore to any captured American airmen who may have been deprived of them the full rights to which as prisoners of war they are entitled. By the international obligations it has undertaken, the Japanese Government may not declare these rights abolished or suspended.

HULL

711.94114A O.T./9-2144 : Telegram
The Minister in Switzerland (Harrison) to the Secretary of State

BERN, September 21, 1944—10 p.m.
[Received September 22—8:35 a.m.]


About 430 patients in hospital where dangerous and cruel soldier in charge. Insufficient supplies given doctors who lack anti-tetanus serum, morphine, pills and syringes.

HARRISON

711.94114 Mail/9-2344 : Telegram
The Minister in Switzerland (Harrison) to the Secretary of State

BERN, September 23, 1944.
[Received September 24—5:55 a.m.]

6317. American Interests, Japan, POW Mail. Foreign Office note September 19 states Swiss Legation Tokyo telegraphs September 16: Japanese Government after lengthy examination proposal contained Department’s 2111, June 20, regrets unable accept for following reasons.

(1) Exchange information regarding number letters received would cause great work and would not improve POW and internee postal service.

(2) Preparation monthly report regarding dates despatch and receipt does not satisfy a necessity. If needed it might be possible after

99 Not printed.
inquiry during given period calculate approximate number days required transmit mail.

(3) Exchange information regarding mail routes not necessary as all mail now routed Siberia; notification changes in routing would suffice.

HARRISON

711.94114A/9-2644 : Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, September 26, 1944—11 p. m.

3322. Request Swiss Government to have Gorgé deliver the following communication textually to the Japanese Government:

The American Government is reliably informed that a private of the United States Army was captured by Japanese forces near Arayat, Pampanga, Philippines on September 21, 1943 and taken to Angeles where he was kept without food or water for two days. A detachment of the Japanese army then took him to a cemetery where he was tied to a tree with barbed wire, and used for bayonet practice until he was dead.

Not content with subjecting their victim to brutal cruelty, his tormentors made a public spectacle of his torture and suffering.

The United States Government considers such barbarous conduct on the part of members of the Japanese armed forces as outrageous. The Japanese Government has full responsibility for the behavior of individual members or detachments of its armed forces. This prisoner of war was in the custody of Japan, not of the Japanese individuals or corps who have captured him. It is the solemn duty of the Japanese Government to protect him against precisely such acts of violence and public degradation; and the Japanese Government is implicated in the guilt of its soldiers.

The United States Government demands prompt, thorough and just investigation of this matter, and insists that those who ordered and committed the acts herein reported shall be brought to full account for their cruelty, and that punishment commensurate with their crime be imposed upon them. It further insists that the Japanese Government guarantee that it will take all steps necessary to prevent repetition of such heinous offences on the part of its armed forces.

HULL

[In telegram 6760, October 10, 10 p. m., the Minister in Switzerland reported that the Swiss Consul General at Shanghai had visited almost all civilian assembly centers in the Shanghai area. For text of this message, see page 1057.]
WASHINGTON, October 16, 1944-midnight.

3532. American Interests—Japan. Please request Swiss Government to inform Gorgé that United States Government has received information considered reliable which indicates that on or about December 20, 1943 at a place near Kapitanan, Capiz Province, Panay, Philippine Islands, a detachment of the Japanese Army under the command of “Captain Tarasaki” brutally put to death a group of seventeen American men, women and children. The names of the Americans involved are listed below:

Dr. and Mrs. Francis H. Rose
Rev. and Mrs. Erle F. Rounds and their son, Earl Douglas
Miss Signe A. Erickson
Rev. and Mrs. J. H. Covell
Dr. and Mrs. F. M. Meyer
Miss Jennie C. Adams
Dorothy A. Dowell
Mr. and Mrs. Mark Clardy and children, Terry and John
Albert W. King.

Gorgé should be asked to approach the Japanese Government with a view to obtaining at the earliest possible moment such information regarding this matter as may be readily available and as may later become available through a prompt investigation of this matter by the appropriate Japanese authorities. If the information obtained from the Japanese Government confirms the deaths of these persons, a full report of the circumstances surrounding their deaths should be furnished for the United States Government. If the Japanese Government should deny the charges that the seventeen persons involved were brutally murdered, Gorgé should demand that the Japanese Government provide full information concerning the whereabouts and welfare of all of the persons listed.

Please request that Gorgé report when he takes up this matter with the Japanese Government and also that he keep his Government informed telegraphically of all steps taken by him to obtain the desired information.

Hull

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81 In telegram 7433, November 9, 5:45 p. m., the Minister in Switzerland reported delivering the information on October 31 (740.00115A PW/11-944). In telegram 1038, September 5, 1945, the Minister in Switzerland reported that Mr. Gorgé had intervened with the Japanese Foreign Office six times on the matter and had been informed that the names of the alleged victims did not appear among the lists of internees held by the military authorities and that investigation remained without result (740.00115A PW/9-545).
The Minister in Switzerland (Harrison) to the Secretary of State

BERN, October 23, 1944.
[Received October 23—11:15 p.m.]

7021. American Interests, Far East. Legation's airgram 484, August 16.\(^{22}\) Foreign Office note October 19 states according Japanese Foreign Office beriberi cases do not exceed 1\% POWs Japan and barely exceed 2\% POWs Thailand and Burma. View action taken these figures tend decline.

Japanese Foreign Office adds notwithstanding present difficulties, POWs continue receive food equal quantity and quality Japanese base troops and this food even superior that of Japanese civilians.

Harrison

740.00115A P.W./10–2844 : Telegram

The Acting Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, October 26, 1944—11 p.m.

3664. American Interests—Japan. Please request Swiss Government to inform Gorgé that United States Government has received information considered reliable which indicates that Father Joseph Thomas Kotrba, a United States missionary attached to the Catholic Society of the Divine Word at Kire, New Guinea, was taken into custody by the Japanese military authorities under the command of "Captain Owe" when Father Kotrba arrived on February 7, 1943, at the Mission station at Bogia, New Guinea. He was deprived of all of his personal belongings, was put under strict guard, was for one day tied up, was threatened to be shot or bayoneted, and was otherwise mistreated. On February 12, 1943, he was required to leave Bogia with a Japanese officer and a non-commissioned officer.

It is also reported to this Government that in June 1943 an unnamed Japanese officer is understood to have made the statement that Father Kotrba "had been shot while trying to escape at Wewak".

Please request that Gorgé handle this matter in same manner as matter discussed in Department's 3532, October 16, and telegraph pertinent developments.\(^{23}\)

Stettinius

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\(^{22}\) Not printed; it reported that the Swiss Legation in Tokyo had invited the attention of the Japanese Government to the fact that many POWs were dying of beriberi because their diet of polished rice had insufficient vitamins and that the Swiss Legation had been informed by the Japanese Foreign Office that rations accorded POWs had been minutely studied and, as a result, unhusked rice and concentrated vitamins were now being provided (711.94114A/8–1644).

\(^{23}\) Telegram 8304. December 23, 7 p.m., from Bern, reported that "inquiry conducted by Japanese authorities regarding Kotrba's death gave no result." (740.00115A P.W./12–2344)
WASHINGTON, November 1, 1944.


Request Swiss Government to have Gorgé deliver the following message textually to the Japanese Government:

The American Government was advised, one year and a half after the event occurred and only after inquiry on its part, of the shooting of an American prisoner of war, Private Coleman Greelich.95 The American Government considers such perfunctory notification in direct contravention to Article 77 of the Geneva Prisoners of War Convention which states that the Information Bureau shall receive from the various services concerned full information respecting internments and transfers, releases on parole, repatriations, escapes, stays in hospitals, deaths, as well as other information necessary to enable it to make out and keep up to date an individual return for each prisoner of war.

The American Government expects that the Japanese Government will take all steps necessary to prevent in the future such unjustifiable delay in making official reports.

STETTINIUS

WASHINGTON, November 1, 1944—10 p. m.

3739. American Interests—Indochina. Legation’s 6274, September 21. Request Swiss Government to have Gorgé deliver the following message textually 96 to the Japanese Government:

The American Government is reliably informed that in Saigon sick and wounded American prisoners of war are subjected to the authority of a cruel and irresponsible soldier who has been placed in control of the hospital and that the medical supplies and drugs essential to the proper care of these prisoners of war have not been provided.

Such administration of a military hospital is in direct opposition to the Japanese Government’s commitment to accord protection and humane treatment at all times to American nationals in its custody

94 Neither printed.
95 Private Greelich was shot and killed on April 1, 1943, while attempting to escape from a Japanese prisoner of war camp on Formosa.
96 In telegram 3734, November 7, 1 p. m., to Bern, the Acting Secretary of State directed that the word “textually” be changed to read “in paraphrase”. (711.941114A/9-2144)
as well as to Article 1 of the Convention for the Amelioration of the Condition of the Wounded and the Sick of Armies in the Field to which Japan is a party and which states that officers, soldiers, and other persons officially attached to the armies who are wounded or sick shall be respected and protected in all circumstances; they shall be humanely treated and cared for without distinction of nationality by the belligerent in whose power they are.

The American Government demands that a prompt investigation be made of this matter and that the Japanese Government undertake immediately to rectify the conditions reported herein.

STETTINIUS

711.04114A/11-2344 : Telegram

The Chargé in Switzerland (Huddle) to the Secretary of State

BERN, November 23, 1944.
[Received November 24—4:04 a.m.]

7704. American Interests, Far East. Legation's 4885, July 29. Foreign Office note November 18 states Swiss Legation, Tokyo, reports Japanese Foreign Office has replied to Swiss Legation's representations that competent authorities have been informed of Swiss Legation's request that all POWs Japanese hands be informed of their right to correspond with protecting Power. Japanese Foreign Office points out, however, that it is not its responsibility to see that POWs write to Swiss Legation for POWs must already know they have that right but their correspondence is limited.

Swiss Legation informed Japanese Foreign Office that it was not question of having POWs write protecting Power but only inform them that they might do so. Swiss Legation therefore endeavoring send circular this subject to all POW camps.

HUDDLE

740.00115A PW/11-2344 : Airgram

The Chargé in Switzerland (Huddle) to the Secretary of State

BERN, November 23, 1944—5 p.m.
[Received December 5—6 p.m.]

A-704. American Interests—China. Legation's telegram No. 6760, October 10, 10 p.m. Given below is substance material portion Swiss note dated November 18:

Fontanel has dispatched by courier detailed report covering his visits to civilian assembly centers in Shanghai area. This report will be transmitted Legation upon receipt at Swiss Foreign Office. He

* Post, p. 1057.
intervened with Japanese Consulate General with a view making arrangements for Japanese authorities to do more on behalf of persons confined in the assembly camps. Japanese Consulate General replied that it has repeatedly requested Japanese Government to make supplementary credits available to it but that Consulate General does not believe that it will receive them in the near future. It added that the living conditions of the internees are in every case equal to, or perhaps even better than those of the average Japanese and Chinese civilian and that more could not be asked in time of war.

Fontanel believes that this statement is generally in conformity with the truth, although it does not take cognizance of the fact that the internees are not accustomed to the frugal food which satisfied the Japanese and Chinese. In these conditions, he would not consider it opportune to instruct the Swiss Legation at Tokyo to intervene with the Japanese Government regarding this matter. Such a representation might also run the risk of prompting the Japanese authorities to carry out their project of transferring the internees to the north of the country or to Manchuria.

The Japanese authorities have given their assent to Fontanel’s proposal to send a single shipment of a certain quantity of food to the camps. He therefore plans to purchase wheat, millet, crushed barley as well as several varieties of kidney beans, soya and bacon.

HUDDLE

740.00115A PW/12–444 : Telegram

The Secretary of State to the Chargé in Switzerland (Huddle)

WASHINGTON, December 4, 1944.

4089. Request Swiss Government to inform the Japanese Government that this Government is deeply concerned with regard to the condition of American civilians interned at Urawa, Futatabi, Kanagawa, and Koishikawaku.

It has been reliably reported that at Urawa the majority of internees are ill with stomach and intestinal ailments and all suffer from weakness and fatigue. The general debility of the group has been induced by a diet composed primarily of potatoes, rice and noodles and one in which oils, fats, proteins, sugar and salt are badly needed. The building in which the American nationals are housed is only dimly lighted and no heat is provided. The Japanese Government has not replaced clothing which as long ago as January 1944 was worn and shabby. In addition, in violation of the primary rules of cleanliness and sanitation, the Japanese have neglected to furnish implements and materials necessary to keep the toilets constantly clean.
At Futatabi the disregard of the rudimentary laws of hygiene exposes the internees, who are losing weight and recover slowly from any illness, to grave risk. The Japanese authorities did not fumigate the camp buildings which are infested with vermin, bugs and lice; they have neglected the repair of broken or unserviceable sanitary installations and pay no heed to the urgent requirements of the internees for soap as well as for cleaning and disinfecting materials; they ignore the importance to the camp of an adequate and pure supply of water; they fail to issue warm clothing to the needy and the food, from which proteins and fats especially are lacking, is often spoiled and insects are found in it. It is evident that men living under such conditions cannot escape illness. The Japanese authorities, satisfied by routine medical visits every three or four weeks, rarely call a physician. His arrival is generally belated as access to the camp is difficult. Internees can only obtain medicaments and dental treatment if they have the money with which to pay for them.

At Kanagawa, where in winter the temperature drops to below zero, American nationals were installed in unheated buildings badly in need of repair and built only for summer use. Representations that the premises be made weather-proof have been refused although another winter is beginning. To add to the plight of the internees the Japanese authorities have failed to issue warm, suitable clothing and appropriate footwear. Rations, which in the beginning were not too inadequate, have dwindled to such an extent that the internees are losing weight and their constitutions are undermined. Hunger is prevalent. Nevertheless, the Japanese Government has rescinded permission, now that it is desperately needed, for the internees to purchase foodstuffs from outside at their own expense and no longer allow friends and relatives to bring food into camp.

At Koishikawaku the Japanese Government has not deemed it necessary to supply any soap for over a period of months and has disregarded wash basins that are out of order. The lighting is insufficient and, as in other camps where American civilians are interned, there is no infirmary and any dental work is at the expense of the internees.

Article 10 of the Geneva Prisoners of War Convention provides that all prisoners shall be lodged in buildings or in barracks affording all possible guarantees of hygiene and healthfulness and that quarters must be sufficiently heated and lighted. Article 11 provides that a sufficiency of potable water shall be furnished. Article 12 states that clothing, linen and footwear shall be furnished by the detaining Power, that replacement and repairing of these effects must be assured regularly and that canteens shall be installed where food products and ordinary objects may be obtained at market price. Article 13 pro-
vides that all sanitary measures necessary shall be taken to assure the cleanliness and healthfulness of camps and to prevent epidemics and also that prisoners shall have at their disposal installations conforming to sanitary rules and constantly maintained in a state of cleanliness. Article 14 provides that every camp shall have an infirmary to furnish every kind of attention needed and that expense of treatment shall be borne by the detaining Power.

As conditions in civilian internment camps in Japan transgress in part or in totality the provisions cited above and as the Japanese Government voluntarily undertook to apply the humanitarian provisions of the Geneva Prisoners of War Convention to civilian internees, the American Government expects that a prompt investigation be made of these matters and further expects that the Japanese Government will undertake to bring about an improvement to provide for the essential needs of the internees and to maintain proper standards in the treatment of American nationals held in Japanese custody.

STETTINIUS

711.94114A/12-1844 : Telegram

The Chargé in Switzerland (Huddle) to the Secretary of State

BERN, December 18, 1944.

[Received December 19—11:39 p.m.]


"I have the honor to inform Your Excellency that the Imperial Government has taken, as a result of particular consideration, the following decision regarding visits to camps in occupied territory. I should be greatly obliged if you would communicate to me the views of the British [and] United States Governments and their Allies regarding following communication.

Imperial Government which has carried out its studies on visits by third persons to POW and civil internee camps in occupied territories in the south has decided following:

In accordance with desire British, American and Allied Governments and agreeing to request of International Red Cross Committee, Imperial Government will recognize—on a provisional basis during camp visits—the status of representative of the Committee delegate to Japan to those persons residing here and depending on this organization whom the Imperial Government shall consider well qualified to be authorized to visit these camps under control military authorities. This authorization will be given to the extent that there will be no objection because of military operations.

In proposing to place in practice this decision in the first place in the Philippines, Singapore and Thailand, Imperial Government
simultaneously with the present communication will enter into negotiations on this subject with International Red Cross Committee.

The present authorization will not, however, be given except on condition that British, American and Allied Governments accord to delegate international committee on basis of reciprocity permission to visit Japanese POW and civilian internee camps in regions they occupy in particular New Caledonia, Saipan, Tinian and Guam territories concerning primarily the American Government.  

H Trude

711.94114A/12-1044 : Telegram

The Chargé in Switzerland (Huddle) to the Secretary of State

BERN, December 19, 1944.

[Received December 20—12:27 p. m.]


Japanese Foreign Office adds that Japanese authorities continue observe international regulations regarding conduct war and that they expect enemy states adopt same attitude. Japanese Government desires draw serious attention of American Government to acts directly contrary to international regulations committed by enemy aviators during attacks against Japanese forces and requests that orders be given so that such illicit acts are not repeated.

Enemy aviators who will have committed in bad faith obvious violations of recognized customs will be held responsible for acts in accordance international law in same manner as enemy soldiers of other categories who commit similar acts.

H Trude

711.94114A/12-2044 : Telegram

The Chargé in Switzerland (Huddle) to the Secretary of State

BERN, December 20, 1944.

[Received December 21—7:10 a. m.]

8235. American Interests—Japan, Intercross. Legation's 8204, December 18. Substance Committee letter December 18 received to—

In telegram 8213, December 18, 8 p. m., the Chargé in Switzerland reported information from Mr. Gorgé that no mention was made of visits to camps in the Dutch East Indies because visits to camps in the Philippines, Singapore, and Thailand represented "only first trial". (711.94114A/12-1844)

Latter not printed; it reported that contents of telegram 3197 had been delivered to the Japanese Foreign Office on September 26 (711.94114A O. T./9-2944).

For correspondence on this subject, see pp. 1175 ff.
day stated following proposal received from Japanese Minister Foreign Affairs containing these conditions.

"1. That only such POW camps and internment camps be visited that do not cause obstacles to military operations of the Japanese forces.
2. The visitor shall be a person residing on the spot who shall be recommended by the International Committee and approved by the Japanese Government.
3. That this representative shall carry out his visits acting in the capacity of an agent for the time being of the International Committee of the Red Cross Delegation in Tokyo.
4. That this arrangement shall be carried out on the principle of reciprocity; that is on condition that the United States, British and Allied Governments concerned shall permit delegates of the International Committee to visit POWs and civilian internee camps where Japanese subjects are detained in areas under the administration of the United States, Great Britain or an Allied country and in particular in respect of the United States Government on condition that they should permit visits to the POW camps and internment camps where Japanese subjects are detained in New Caledonia, Saipan, Tinian and Guam."

If foregoing conditions agreeable parties concerned Japanese Government proposed visit following camps: Santo Thomas, POW camp Singapore and POW hospital Thailand.

Japanese Government intimated prepared consult Committee's delegates Japan regarding details for placing proposal in operation.

On receipt of foregoing proposal Committee advised Japanese Government it accepted first three numbered conditions and that terms fourth condition would be immediately submitted American, British and Allied Governments. Committee proposed to Japanese following representatives: Schweizer, Committee correspondent for Singapore, Salzmann, Committee Agent Bangkok for Thailand, Bessmer, for Santo Thomas.

Committee further informed Japanese it would submit names additional representatives for visiting camps remaining occupied territories not mentioned in communication from Japanese Foreign Minister.

Committee letter concluded with request foregoing be communicated Department with request for early reply. Additionally Committee requested, since Japanese mentioned Allied Governments, for Department's reply to be made in consultation with Allied Latin American Governments. Communication same nature addressed by Committee British Minister, Bern.

Hudle

\[\text{In a memorandum of March 8, 1945, to the Chief of the Special War Problems Division (Plitt), Augusta B. Wagner of the same Division stated that Allied Latin American Governments had not been consulted since the Japanese Government had not requested it and "as it would cause further complications and delay in replying." (711.94114A/2-2845)}\]
EFFORTS BY THE UNITED STATES TO SEND FINANCIAL AND OTHER ASSISTANCE TO AMERICAN NATIONALS HELD BY JAPAN

740.00115A Pacific War/922 : Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, January 19, 1944—10 p.m.


1. Express gratitude of Department for progress made by Swiss as set forth your telegram 54, January 4 in developing channels of contact with Philippines and the hope that situation may soon make possible an extension of financial aid to prisoners of war detained there.

2. Detailed reports of Internee Executive Committee concerning utilization of funds thus far distributed awaited with interest here.

3. For the present and until otherwise informed inclusion of British in distribution of funds may continue. Department assumes this arrangement does not presently work hardship on Americans and wishes to be informed if this assumption incorrect or if subsequent developments impose hardship as result of this arrangement.

4. Department assumes that 100,000 yen requested are military yen with conversion rate approximately 4 to 1 and therefore present financial authorization sufficient to cover stated need. Please confirm this assumption giving details if otherwise.

Hull

711.93114A/42 : Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, February 10, 1944—1 p.m.
[Received 7:49 p.m.]

822. American Interests, China. Department's 1687, July 17, Legation's 4482, July 27. Swiss note February 7 states Swiss Consulate,

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92 Continued from Foreign Relations, 1943, vol. iii, pp. 1012-1035. See also ibid., 1944, vol. iv, section under Soviet Union entitled "Efforts to arrange with the Soviet Union for the acceptance . . . .".

93 Not printed; it stated relief funds had been "proportionally distributed all camps according Department's 1279", August 18, 1943 (740.00115A Pacific War/922). See Foreign Relations, 1943, vol. iii, p. 1030. By January 4, the Japanese had closed all internment camps in the Philippines except Santo Tomas, Los Banos, Baguio, and Davao. The Santo Tomas Executive Committee administered relief measures in all four camps.

94 In telegram 725, March 4, to Bern, the Department stated: "In view of the situation outlined in Department's 275 of January 27, it is considered highly desirable to get financial assistance to prisoners of war in the Philippines on the same basis as is being done for civilian internees." (711.94114A/363a) For text of telegram 275, see p. 925.

95 Telegram 983, February 17, 11 a.m., from Bern, advised of a report from the Swiss Legation in Japan that regular yen, with a value approximately equal to that of Swiss francs, was intended and that it would be desirable to increase monthly relief to 150,000 yen because of the rising cost of living (740.00115A Pacific War/1038).

96 Neither printed.
Shanghai, able thus far purchase on free market CRB dollars\textsuperscript{97} required financial assistance Americans occupied China. Progressive devaluation CRB dollar enabled Fontanel\textsuperscript{98} augment this monetary relief little by little to compensate rise in cost of living which practically proportionate this devaluation.

Swiss Consulate, Shanghai, now reports Japanese authorities insist that Swiss francs which it needs representation foreign interests be transferred through Yokohama Specie Bank at Tokyo, and its Shanghai branch. Yen would be acquired at rate 98.05 yen per 100 Swiss francs. At exchange rate 18 yen for 100 CRB dollars the cost of 100 CRB dollars would be 18.36 Swiss francs instead of current exchange 2.50.

Current quarterly American relief budget of Swiss Consulate, Shanghai, is 10,000,000 CRB dollars for internees and 3,500,000 for so-called comfort allocations (apparently to compensate above mentioned rise cost of living) making total 13,500,000 CRB dollars. At rate used currently this represents approximately 696,000 Swiss francs while rate envisaged Japanese would bring it to 2,480,000 Swiss francs.

Swiss Foreign Office inquires whether Department disposed augment in foregoing proportion the sum devoted for assistance Americans occupied China or if it desires other arrangements be made this connection. It also points out that Swiss Consulate, Shanghai, endeavoring organize and finance delivery to American internees through intermediary Red Cross gifts in kind which would permit discontinuation said comfort allocations in case American Government not disposed continue maintenance thereof. Would appear, however, that Japanese authorities would require that purchases necessary delivery such gifts in kind also be financed through Swiss francs.

Legation has informally discussed foregoing with Swiss Foreign Office. Latter has telegraphed Fontanel to ascertain whether he has resumed relief payments which were reported as suspended (Legation's 7574, December 3\textsuperscript{99} and Department's 3089, December 11\textsuperscript{1}). Fontanel's reply will be forwarded upon receipt.

It appears to the Legation that in view of the above outlined financial control by the Japanese the question of relief payments to Americans in occupied China requires an examination by the Department of the possibility of increasing several-fold the relief maximum

\textsuperscript{97} Central Reserve Bank notes issued by the Japanese-sponsored regime at Nanking.
\textsuperscript{98} Emile Fontanel, Swiss Consul General at Shanghai.
\textsuperscript{99} Foreign Relations, 1943, vol. iii, p. 1010.
\textsuperscript{1} Not printed; but for summary, see ibid., p. 1011, footnote 98.
authorized for China under the Department’s instruction no. 1202 of February 14, 1942.²

Swiss request urgent reply.

HARRISON

711.93114A/42 : Telegram

The Acting Secretary of State to the Minister in Switzerland
(Harrison)

WASHINGTON, February 17, 1944—2 p. m.

538. American Interests—China. As indicated by Department’s 1695, July 3, 1942,³ monthly payments to qualified civilian internees and prisoners of war may, if necessary, be increased, in accordance with paragraph 15 of Department’s 1202 of February 14, 1942,² to $65, the maximum for China. (Your 822, February 10.) Fontanel should report number of American civilian internees and number of American prisoners of war now receiving financial assistance in occupied China.

For Department’s information in considering possible increase in maximum for qualified uninterred American nationals in occupied China, ask Fontanel to report total number receiving financial assistance and to recommend maximum monthly payment that would provide for their minimum essential needs.

Further information concerning suggested gifts in kind through Red Cross, or any further suggestions for alleviating situation of Americans in occupied China, would be appreciated.

STETTINIUS

711.93114A/47 : Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, February 22, 1944—12 a. m.
[Received February 22—7:30 p. m.]

1078. American Interests—China. Department’s 538 transmitted Swiss Foreign Office February 19. Foreign Office note February 18 received February 21, refers contents Legation’s 822, February 10, and states Swiss Consul, Shanghai, reports Japanese Consulate, Shanghai, decided immediate suspension all payment financial assistance Swiss protected nationals. This decision attributable failure Yokohama Specie Bank receive Swiss francs.

³Not printed.
Fontanel notes suspension relief affects approximately 432 Americans and 209 Filipinos. 1452 British and Dutch likewise deprived. During January 1, $828,000 CRB dollars paid Americans and $388,000 CRB dollars Filipinos.

Notwithstanding precarious situation recipients Fontanel feels obliged cease relief payments to avoid greater difficulties Japanese authorities.

Transmitting foregoing Fontanel again invites attention situation resulting constant depreciation CRB dollar which would have necessitated increase approximately 50% relief February total, low [for] recipients' minimum existance. Fontanel observes that at rate proposed by Japanese believes doubtful interest Governments to be disposed bear high cost which minimum relief to Swiss protected nationals would entail.

Fontanel desires urgent indication relief he permitted accord.

HARRISON

290.11 B 15/37 : Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, February 23, 1944.

[Received February 23—9:45 p.m.]


Philippine citizens continued able communicate Red Cross representative Hong Kong. Despite Swiss efforts Japanese authorities maintained refusal financial assistance these persons. Japanese authorities declare requests relief should be addressed “Philippine Government, Manila”.

Japanese authorities also indicated they could not permit anyone be concerned with Orientals; in addition local authorities assist Philippine citizens. Out of approximately 300 Filipinos, some able find work, others on farms near Macao, remainder receiving financial assistance.

As reported Legation’s 6384, October 11,\(^6\) substantial number Hong Kong Filipinos taken Philippine Islands aboard *Teia Maru*.

HARRISON

\(^5\) Not printed; but for summary, see Foreign Relations, 1943, vol. III, p. 1025, footnote 31.

\(^6\) Not printed; it reported 182 Filipinos were removed to the Philippines (701.0096/2498). The *Teia Maru* was the vessel used by Japan to effect the second exchange agreement with the United States. For correspondence on this subject, see Foreign Relations, 1943, vol. III, pp. 867 ff.
The Minister in Switzerland (Harrison) to the Secretary of State

BERN, February 29, 1944—noon.
[Received 4:14 p.m.]

1218. American Interests—Japan. Foreign Office aide-mémoire February 25 refers your 274 and 275, January 27, 1944, and states Swiss Minister, Tokyo, reports Japanese Ministry of Foreign Affairs drew his attention verbally to fact that, contrary to United States Government declarations concerning treatment prisoners of war Japan, Japanese Government has not refused authorization transport supplies stored Vladivostok, that Gaimusho studying question and if solution not yet found delay must be attributed attacks on Japanese hospital ships and treatment Japanese internees United States; Japanese Government waiting until situation clarified but intended announce in press its point of view concerning Vladivostok shipments, and that Gaimusho believes question can be reconsidered when atmosphere clearer. Statement from Japanese Bureau Information appeared press February 16 affirming question Vladivostok shipments postponed for reasons stated. Gorgé then informed Gaimusho of fact he was never informed that Vladivostok shipments connected with these two questions, that press had not stated Swiss representatives not permitted visit camps under Japanese control and [in?] Metropolitan Japan and that latter point important as ability visit camps would dissipate misunderstandings.

Gorgé interviewed Suzuki, chief, Foreign Interests Section, Gaimusho, February 21, concerning Vladivostok shipments and publicity by American Government Japanese atrocities. Suzuki stated that contrary Early’s radio statement Japanese had not refused transportation Vladivostok supplies but question under study and delayed by events mentioned. Also referred following statement attributed Breckinridge Long: “Japanese Government has refused to resume negotiations with the Union of Soviet Socialist Republics on further exchange of civilian internees; this despite unsuspected [undisputed?] fact that neutral Spanish diplomats have reported favorably on treatment accorded to Japanese nationals interned in America.”

7 Ante, pp. 921 and 925, respectively.
8 Camille Gorgé.
9 Japanese Foreign Office.
10 For correspondence on these subjects, see pp. 1147 ff. and 1090 ff., respectively.
11 Stephen Early, Secretary to President Roosevelt.
12 Assistant Secretary of State.
13 For correspondence on negotiations for an exchange agreement between the United States and Japan, see pp. 1081 ff.
Concerning that statement Suzuki stated that question only postponed by publicity Japanese atrocities. Gorgó informed Suzuki that Japanese Government on questions third exchange and Vladivostok shipments rightly could be interpreted as refusal and misunderstandings thereby ensue.

Suzuki informed Gorgó that Japanese disposed re-examine two questions in suspense but present conditions unfavorable and if United States Government wishes practical solution it is in latter’s interests discontinue “campaign of atrocities”.

Japanese Government now studying communication for American Government because of treatment prisoners and internees and will endeavor reply soon.

Translation aide-mémoire under reference follows by air mail.\textsuperscript{24} Legation invites Department’s attention Geneva’s Red Cross telegrams 56 and 57, February 24,\textsuperscript{15} this connection.

[Re?] Reply to request for Japanese plan facilitate shipment Vladivostok supplies, Department’s 627, February 24,\textsuperscript{16} not yet received.\textsuperscript{17}

HARRISON

711.93114A/47: Telegram

The Acting Secretary of State to the Minister in Switzerland

(Harrison)

WASHINGTON, March 4, 1944—10 p. m.

730. American Interests—China. This Government desires that there be no interruption in extension of financial assistance to qualified American nationals and requests that Swiss Government direct its representatives at Shanghai to resume at once, if possible, the advances which were suspended as reported in your 1078, February 22. Upon the receipt of a reply to its 538, February 17, the Department will consider authorizing such increase in maximum monthly payments as may be necessary.

Department will communicate with you separately concerning working out of more equitable exchange rates.

STETTINIUS

\textsuperscript{24} Despatch 7437, March 1, from Bern, not printed.
\textsuperscript{15} Neither printed.
\textsuperscript{16} Not printed.
\textsuperscript{17} In connection with this message, see telegram 1073, March 30, 8 p. m., to Bern, p. 1087.
The Minister in Switzerland (Harrison) to the Secretary of State

BERN, March 6, 1944—1 p.m.  
[Received 10:21 p.m.]

1349. American Interests, China. Legation’s 1078, February 22. Foreign Office note March 2 states Swiss Consul, Shanghai, reported following prior to receipt contents Department’s 538, February 17; arrangements made with Intercross delegate for regular expedition gifts in kind and money to internees to ameliorate their situation. Fontanel organized service send internees packages containing essential foodstuffs. Japanese authorities seem disposed accept this indirect procedure which permits Fontanel finance assistance from CRB dollars available. Nevertheless such procedure excludes obtaining promise repay.

Payment pocket money for Haiphong road camp continues but only as donations via Intercross.

Fontanel has been informed indirectly that situation camps seem difficult due lack foodstuffs necessary aged and children and defective equipment especially internment camp Chapei recently established (see Legation’s 81, January 5\(^{19}\)) where many aged and infirm suffering from privations and winter.

View foregoing and assistance now furnished internees via Intercross, Fontanel inquires whether Russian [United States?] Government disposed approve transmission funds China at official rate permitting payment pocket money especially as food is most important problem. At present free exchange rate 100 CRB dollars worth less one Swiss franc and official Japanese rate increases cost relief 20 times. Fontanel refers Legation’s 1078 and confirms relief non-interned mostly Asians suspended since February 15. He nevertheless will examine possibility assistance such persons via Intercross.

HARRISON

740.00115A Pacific War/512 : Telegram

The Acting Secretary of State to the Minister in Switzerland

(Harrison)

WASHINGTON, March 7, 1944—9 p.m.

769. American Interests—Philippines. Effective March 1, 1944, the sum authorized by Department’s 1979 of August 18, 1943,\(^{20}\) for financial assistance in the Philippines is hereby increased in compliance

\(^{18}\) International Red Cross Committee at Geneva.

\(^{19}\) Ante, p. 919.

with the request in your 983 of February 17 to an amount not exceeding $37,500 monthly.

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711.33114A/51: Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

Bern, March 8, 1944—7 a.m.

[Received 10:10 a.m.]

1386. American Interests—China. Department’s 538, February 17, my 1349, March 6. Foreign Office note March 4, received March 6 subsequent to delivery contents Department’s 730, March 4, states Swiss Consulate, Shanghai, reports:

1. POWs receive no relief of any sort from Swiss Consulate. As Japanese object payment assistance from official funds, relief granted 877 American POWs detained at Kiangwan exclusively by Intercross delegate who sends each month relief in kind financed Red Cross funds. Due this aid conditions rather satisfactory.

2. 760 interned Americans (530 Shanghai region and 230 outports especially Weihsien) received until suspension relief 1200 CRB monthly each. Upon resumption payments, relief should be increased to at least 2500 CRB due increase cost living. Internnees also received special assistance, rice, medical care. To replace suspended comfort allotments, Fontanel is endeavoring send necessary collective foodstuffs, medicine, clothing, shoes as donation via Intercross. He estimates 2500 CRB necessary per person monthly for only foodstuffs but not sure Jap authorities will permit such increase in deliveries made camps by Intercross. During February considerable deliveries effected but still insufficient. Fontanel studying possibility send via Intercross monthly individual packages to internees not receiving gifts in kind from neutral friends. Packages might be 15 pounds costing 2000 CRB.

3. 506 Americans uninterned China including alien dependents benefiting relief. 220 Filipinos assisted. 5500 CRB accorded in February per person not including medical hospital and special assistance food and clothing. If payments resumed, relief should be increased to at least 7500 CRB due increase cost living.

Harrison

21 Not printed; but for summary, see footnote 95, p. 1015.
22 Telegram 1826, March 24, 10 p.m., from Bern, advised of a report from Mr. Fontanel that “Japanese authorities refuse [to] forward foodstuffs he had given Intercross delegate for American, British and Dutch civilian internnees [and] therefore no assistance in kind can be granted them.” (711.33114A/59)
23 In telegram 1009, March 25, 10 p.m., the Department requested the Minister in Switzerland to “Discuss with Swiss Government the possibility that Fontanel might be able to meet his CRB dollar needs in part by transactions at official rate and in part otherwise.” (711.33114A/51)
The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, March 13, 1944—6 p. m.

822. American Interests—Far East. It is hard for the Department to escape the conclusion that the difficulties at Shanghai referred to in the Department’s immediately preceding telegram,24 in your 1078, February 22, 12 a. m., and in associated messages are at least in part attributable to a misguided effort on Fontanel’s part to attempt to economize on our behalf by financing all of the expenses of our representation through black market operations. This is substantially confirmed by reports from repatriates with a knowledge of finance. It is the view of the Department that some of these difficulties might have been obviated had Fontanel been more judicious in purchasing at least a part of his requirements at the official rate. While this Government at this particular juncture does not want to interfere with the manner in which the Swiss acquire local currency, a discreetly planted suggestion that Fontanel might now act along these lines may yet lead to a solution of the difficulty.

HULL

390.1115A/1774: Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, March 13, 1944—1 p. m.

[Received 10:12 p. m.]

1526. American Interests—Hong Kong. Legation’s airmail 6493, November 6.25 Foreign Office note March 8 refers special situation Hong Kong created by Japanese authorities refusing Swiss Legation, Tokyo, have Hong Kong representative. Swiss Legation however able use services Intercross delegate especially payment financial assistance. Note points out Intercross feels important its delegate should not be considered by Japanese as representative protecting Power for action might be taken creating difficulties his fulfilment Intercross duties.

Owing foregoing and as Japanese appear have acquiesced to Intercross delegate according relief Swiss protected nationals Hong Kong, Foreign Office feels it preferable Swiss Legation, Tokyo, should no longer concern itself these matters and that Department’s and Legation’s decisions regarding relief Americans Hong Kong and necessary funds be transmitted Intercross delegate via Intercross Geneva.

In conclusion Swiss note states Gorgé recently telegraphed problem representation interests Hong Kong not yet settled and he constantly

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24 No. 821, not printed.
25 Not printed.
examining with Japanese Foreign Office possibility have agent Hong Kong other than Intercross delegate.

In opinion of ranking Foreign Office official, Gorgé has small chance being permitted appoint agent Hong Kong. Japanese will probably not refuse request but will adopt dilatory tactics. To avoid jeopardizing Zindel's valuable assistance as Intercross delegate to American POWs and civilian internees Hong Kong by Japanese objections his activities as agent Swiss Legation, Tokyo, Foreign Office official recommends communications be established via Intercross Geneva. Effect of the procedure might be temporary and, should Gorgé obtain Japanese authorization establish agency Hong Kong, communications could be resumed via Bern, Tokyo.

Legation concurs in this procedure. Please instruct.\textsuperscript{26}

\textbf{HARRISON}

\textit{711.98114A/51 : Telegram}

\textit{The Secretary of State to the Minister in Switzerland (Harrison)}

\textbf{WASHINGTON, March 25, 1944.}

1011. American Interests—China. Paragraph 9 of Department's 1202 of February 14, 1942, as amended,\textsuperscript{27} is hereby amended to reclassify China under Class VIII, for which basic maximum monthly payment is \$110. Department trusts this will alleviate situation until foreign exchange question is clarified.

As stated in its 274 of January 30, 1942\textsuperscript{28} Department desires that financial assistance extended to American nationals shall be limited to the minimum amount necessary for ordinary subsistence and essential extraordinary needs, and that the scale of assistance in no case shall be such as to enable the recipients to enjoy a higher standard of living than that to which they would ordinarily be accustomed.

Department approves any practicable procedure for providing gifts in kind, foodstuffs, and money to American nationals whether interned or uninterred, through Intercross or otherwise, within limits of maximum established for occupied China, and desires effective action to ameliorate situation in camps and immediate resumption of assistance to non-interned American nationals either directly or through Intercross.

As principal needs of interned nationals appear to be met by assistance in kind, pocket money payments might be suspended until a more\textsuperscript{29}

\textsuperscript{26} In telegram 892, March 18, 4 p. m., to Bern, the Department indicated its concurrence but without prejudice to continued effort for Swiss representation at Hong Kong (390.1115A/1732).

\textsuperscript{27} Amended version transmitted to American Diplomatic and Consular Officers as Foreign Service Serial No. 109, January 22, 1944; not printed.

satisfactory conversion rate, or at least a greatly reduced one, is obtained.

Request Swiss to inform you when payments to interned American nationals are resumed and to keep you currently informed on general financial assistance situation in occupied China; report to Department on an urgent basis.

Hull

[For a proposal by the United States to the Japanese Government for the shipment of relief supplies and the carriage of mail to Allied nationals held by Japan and Japanese nationals in Allied custody, see telegram 1072, March 30, to Bern, page 1085.]

711.93114/A/63: Telegram

*The Minister in Switzerland (Harrison) to the Secretary of State*

**BERN, March 30, 1944—9 a.m.**

[Received 8:17 p.m.]

1934. American Interests—Far East. Your 821, March 18, 29 822, March 13, 1069, March 25. 30 Tait 31 and Daymont 32 have discussed matter fully with responsible Foreign Office officials. Following is substance Foreign Office views:


2. Situation Far East arises in part from Japanese efforts to enforce so-called "official exchange rate". Swiss consider this inequitable and not corresponding purchasing power now prevailing. It does not otherwise arise from any unwillingness by Swiss to employ transmission means prescribed by Japanese.

3. Foreign Office officials expressed view that recent restrictions imposed by Japanese on American remittances are probably in retaliation for restrictions by American Government on Japanese expenditures United States and also represent endeavor to enforce official exchange rate. Legation also informed Department's steps (see your 759, March 23, 1942 29) to control expenditures for foreign interests by protecting Powers may have inspired Japanese position Shanghai.

4. Foreign Office and its representatives Far East have conducted extensive negotiations over considerable period with Japanese to en-

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29 Not printed.
30 Telegram 1009 not printed; but for summary, see footnote 23, p. 1022.
31 George Tait, First Secretary of Legation in Switzerland.
32 Lawrence J. Daymont, clerk at Legation in Switzerland and serving as special disbursing officer.
deavor establish equitable exchange rate. Thus far no satisfactory re-
response received. In consequence further approach not planned. Swiss
not in a position to offer any suggestions how this end achievable.
Officials added Fontanel no longer able negotiate at other than rate
established by Japanese. This includes even his own office expenses.

In connection this whole question, Swiss have shown constant tend-
ency and desire to leave matters regarding exchange rates relating to
representation our interests Axis territories to Swiss representative
in the field (they feel that Swiss representative abroad is in much
better position to judge and take advantage of circumstances affect-
ing exchange rates).

Foreign Office now estimates that to provide adequate relief for
760 interned civilians in occupied China and 726 non-interned civil-
ians in occupied China and the Philippines at the respective monthly
rates per person of 7500 CRB dollars and 22,500 CRB dollars at the
official rate of exchange of 18.36 equals 100 CRB dollars would cost
approximately 12,000,000 USA dollars annually. Unofficial rate last
reported was 90 Swiss centimes for 100 CRB dollars with statement
that the cost of living increases in proportion to the decreased value
of CRB dollars without any appreciable lag.

In view foregoing, Department's reclassification of China (your
1011, March 25) to Class VIII with maximum basic monthly pay-
ment of $110 will not form a basis for meeting more than a small
fraction of requirements if purchases must be made at the official
exchange rate.

Regret Legation unable to offer any recommendation supplementary
to Swiss views above given other than that Department determine total
amount of money that it is willing to expend at Shanghai annually
for relief and authorize Legation to notify Swiss Government as to
that amount with advice that Department leaves utilization of this
money to complete discretion of Swiss representatives in the field
and without any of the restrictions or limitations previously imposed.

For Department's background information, following figures pre-
pared at Swiss Foreign Office based upon monthly salary temporary
Swiss Government employee: (a) Shanghai August 1943: 20,000 CRB
dollars equals unofficial exchange 200 USA dollars; at official rate
880 USA dollars; February 1944: 86,600 CRB dollars equals unofficial
exchange 200 USA dollars; at official rate 3,896 USA dollars. Actual
unofficial rate one USA dollar equals 433 CRB dollars whereas official
rate 23.43 CRB dollars.

[Here follow comparable figures for currencies in various Euro-
pean capitals.]

HARRISON
WASHINGTON, April 4, 1944—8 p. m.

1134. American Interests—China. With reference to your no. 1134 of March 30, Department, in view of exceptional circumstances and as an emergency measure, authorizes the expenditure for months of February, March, and April of equivalent of not to exceed $110 monthly each to qualified internees and non-internees as provided in Department’s 1011 of March 25. Please request Swiss Government to make necessary financial arrangements on an urgent basis and to ask Fontanel to begin payments immediately pending further consideration of matter by the Department.

Department urgently desires information as to “the restrictions or limitations previously imposed” referred to in Section 2 of no. 1134 and advantages that might be expected to accrue from their removal.

Also please refer to your 1386, March 8, in connection with your 1134 and verify number of interned and non-interned nationals and minimum monthly amount necessary for financial assistance to each.

HULL

WASHINGTON, April 10, 1944—6 p. m.

1214. American Interests—China. You are authorized to pay to the International Red Cross, Geneva, each month beginning April 1, 1944, not to exceed $18,000 to be expended by its representative at Shanghai for financial assistance to persons, including civilians, detained as American prisoners of war in occupied China,55 in such amounts as are reasonably necessary for their health and comfort. The American Red Cross wishes to discontinue the supply of its funds for this purpose.

Separate accounts should be rendered by the Legation under this instruction charging authorization no. 12, 1943–1944 until the end of the present fiscal year.

The Department approves any practicable procedure by the representative of the International Red Cross at Shanghai for providing foodstuffs, medicines, clothing, toilet and comfort articles or other assistance in kind and pocket money to those persons detained as American prisoners of war. The expenditure of funds under this

55 In telegram 3693, October 28, midnight, to Bern, the Department increased to $36,000 the monthly sum authorized for such expenditures (711.93114A/10-2844).
authorization should be governed so far as practicable by the provisions of the Department's amended 1202, but exceptions may be made to the extent that such procedure is inapplicable. If necessary, the expenditure of more than 10 percent of the maximum for occupied China is authorized (Department's 538 of February 17).

The Department desires to be furnished as soon as possible the names and service branch of the members of the armed forces and the names of the civilians receiving financial assistance at the prisoner of war camps under this instruction and to receive a quarterly report showing the amounts expended by the Red Cross representative and the number of recipients.

Hull

711.931144A/68: Telegram
The Minister in Switzerland (Harrison) to the Secretary of State

Bern, April 12, 1944—4 p.m.
[Received 11:35 p.m.]

2270. (1) Please disregard numbers interned and non-interned contained my 2055, April 3. Figures as to categories correctly reported in my 1934, March 30, but monthly rates of relief should have been stated in last reference as 22,500 CRB dollars for non-internees and 7,500 CRB dollars for interned with total annual cost at official rate of exchange that basis United States $11,290,119 or $940,843 monthly.

(2) Division of Foreign Interests has today informally confirmed last available total figures 760 internees and 726 non-internees with minimum monthly requirements as indicated above.

(3) As Department's 1134 in effect authorizes payment of equivalent of not to exceed $110 per month to internees and to non-internees or to 1486 persons, the payment of equivalent of United States $110 at official rate of exchange will equal 2,576 CRB dollars monthly or approximately one-third of suggested minimum monthly requirements for internees and one-ninth suggested minimum monthly requirements for internees. It is expected that Fontanel will pay monthly maximum to all concerned at a cost of United States $163,460 per month or a total of United States $490,380 for the months of February, March and April 1944.

(4) Since Division reports that Fontanel is at present unable to use any part of the 60,000,000 CRB dollars he now has on hand for relief or any other purpose whatsoever, Legation has today requested Division to cause an urgent transfer of 2,150,000 Swiss francs equivalent of United States $500,000 to be made through Yokohama
Specie Bank in Tokyo and Shanghai for Fontanel\(^a\) in accordance with exchange conditions reported my 822, February 10. This should produce 11,710,000 CRB dollars which figure is not for comparison with requirements as reported my 822, which because of further devaluation must be multiplied by four while requirements as reported my 1386, March 8, for same reason should be multiplied by three.

(5) Please see my 2247, April 11,\(^b\) reporting advance to DIV of additional million francs to facilitate so far as possible above transfer. (Your 1134,\(^c\) 1230, April 11 \(^d\)). DIV has reported today that because offers to other points made yesterday this transaction will leave us with a debit balance of 400,000 francs and that the estimated additional requirements of 3,000,000 francs through June 30 did not include funds for May and June Shanghai relief payments which on present basis will require additional 1,500,000 francs.

(6) Concerning Legation’s reference in section 2 of 1934,\(^e\) to restrictions and limitations previously imposed and Department’s request for amplification of advantages that might be expected to accrue from their removal, it is felt Fontanel might well be advised that under existing circumstances strict compliance with Department’s 1202, February 14, 1942, as amended will not be required, that receipts for relief payments when and if available need as to amounts only show a dollar value whether covering payments in cash or kind, that matter of handling relief is left wholly in his hands at his discretion provided total expenditures for that purpose remain within monthly amount of total in United States dollars obtained by multiplying number of relief payments (persons paid relief in or for a given month) \[by\] United States $110.

HARRISON

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749.00115A Pacific War/1144: Airgram

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, April 14, 1944.

[Received April 27—3 p. m.]

A-209. American Interests—Japan. Legation’s airmail 7110, January 21.\(^f\) Foreign Office note April 12 states Swiss Legation, Tokyo,\(^g\)

\(^a\) Telegram 2534, April 20, midnight, from Bern, reported receipt of a note from the Swiss Foreign Office stating that necessary steps had been taken to transfer 2,150,000 Swiss francs to the Shanghai branch of the Yokohama Specie Bank for the account of the Swiss Consulate at Shanghai (711.93114A/70).

\(^b\) Not printed.

\(^c\) Dated April 4, p. 1027.

\(^d\) Telegram 1230 read as follows: “Telegram immediately the information requested in last paragraph of Department’s no. 1134 of April 4 and total monthly amount needed for financial assistance in occupied China.” (711.93114A/63)

\(^e\) Section 2 begins with the words “Foreign Office now estimates”, p. 1026.
decided increase effective April 1 from 50 to 75 yen monthly relief accorded internees from Guam.\textsuperscript{44} Swiss Consul, Kobe,\textsuperscript{45} ascertained during last visit that food less plentiful and quality worse than before. Internees therefore purchase supplements at increasing cost.

Swiss Legation adds that food served camps 3 and 4 prepared Japanese restaurant generally served cold.

\textbf{HARRISON}

740.00115A Pacific War/1131 : Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

\textbf{BERN, April 15, 1944.} [Received April 16—3:46 a.m.]

2372. American Interests—Japan. POW mail. Legation's 7261, November 18, Department's 3170, December 18.\textsuperscript{46} Swiss note April 13 states Swiss Legation, Tokyo, telegraphs Japanese Government decided forward via Siberia POW and civilian internee mail addressed persons resident United States; also mail addressed Japanese nationals living there.

Owing status negotiations further Anglo-Japanese exchange, Japanese Government requests American Government take similar action basis reciprocity.\textsuperscript{47}

\textbf{HARRISON}

711.03114A/69 : Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

\textbf{BERN, April 20, 1944—11 p.m.} [Received April 20—8:35 p.m.]

2533. American Interests—China. Department's 1099, April 1.\textsuperscript{48} Foreign Office note April 17 states Swiss Consulate, Shanghai, reports

\textsuperscript{44}Telegram 2921, May 9, from Bern, advised of a report by the Red Cross representative in Japan that a monthly relief expenditure of 75 yen was still inadequate to permit internees to make purchases indispensable to the maintenance of health and that a further increase of 50 yen monthly should be granted or alternative methods be used to increase available funds. In telegram 1762, May 20, to Bern, the Department authorized the Swiss Minister in Japan to make the increase of 50 yen monthly if he considered such action justifiable (740.00115A PW/1161). In telegram 2222, June 30, the Department instructed the Minister in Switzerland to increase the amount, if necessary, to the equivalent of \$70, the maximum for relief in Japan (740.00115A PW/1227).

\textsuperscript{46}Maurice Champoud.

\textsuperscript{47}Neither printed.

\textsuperscript{48}Department's reply given in telegram 1379, April 21, 8 p.m., to Bern. In this telegram the Department stated that the United States was carrying to Tehran mail of Japanese prisoners of war and civilian internees to be forwarded by the Soviet Government to Japanese authorities and suggested similar mail from the Far East be delivered by Japanese authorities to the Soviet Government for forwarding to United States authorities at Tehran.

\textsuperscript{48}Not printed.
Japanese refusal permit expedition concerns only packages and other shipments from Intercross or Swiss Consulate for latter not permitted accord relief in kind using official funds which have not been acquired at official rate. Transmission by Intercross of packages from private persons still authorized as well as transmission by mail but latter incurs great risk of theft.

HARRISON

711.93114A/74: Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, April 26, 1944—3 p.m.
[Received April 27—7:38 a.m.]

2662. American Interest[s]—China. Department’s 1134, April 4, Legation’s 2270, April 12 and 2534, April 20. Foreign Office note April 25 states Fontanel telegraphs that necessary steps taken for payment assistance this week to Americans from funds transferred via Yokohama Specie Bank. CRB 2567 equivalent of United States 110 will be paid for February, March, April and May. Fontanel states CRB 2567 absolutely insufficient for minimum existence, therefore recommends following scale already adopted for assistance British subjects:

(1) Caucasian adult CRB 7100 equalling Swiss francs 1308 or United States 305.60; for married couple CRB 14000 equalling SF 2579, United States 602.57; for married couple with children CRB 17700 [equalling] SF 32261, United States 761.92, each additional child receiving between three and four thousand CRB dollars according age.

(2) Eurasians receive generally 80% accorded Caucasians.

(3) Asiatics receive 60%.\(^{50}\)

Fontanel states foregoing equal approximately 65% that which should be accorded view present cost life and represent absolute minimum indispensable subsistence. Further increase cost of life will necessitate corresponding increase relief. In conclusion states these amounts do not include medical expenses and special diet for invalids.

Upon receipt foregoing Legation urgently requested Swiss Foreign Office telegraph Fontanel indicate recommendations for interned as

\(^{49}\)Telegram 2534 not printed; but for summary, see footnote 39, p. 1029.

\(^{50}\) In telegram 1627, May 10, 7 p.m., to Bern, the Department stated its assumption “that differentials among the three groups are based solely on differences in standards of living and the minimum essential needs of recipients.” (711.93114A/74) Mr. Fontanel’s confirmation of this assumption was reported in telegram 4074, June 26, noon, from Bern.
it is assumed foregoing applies recipients at liberty. Also requested he report number Americans in each category indicated above.

HARRISON

740.00115 Pacific War/2281 : Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, April 26, 1944—11 p.m. [Received April 27—8:55 a.m.]

2675. American Interests—Indochina, Japan. Your 1132, April 4. Swiss Legation, Tokyo, reported Gorgé instructed take action as requested telegram under reference but latter replied in his opinion Japanese Government would never permit Filipinos accept relief from American Government and states fears intervention would result no reply or refusal and render more difficult situation Filipinos who expressed loyalty United States. In circumstances Gorgé believes preferable in interests Filipinos not take action indicated and states Swiss will continue assist Filipinos who apply, but latter not numerous as they expose themselves long imprisonment by applying. Foreign Office inquires whether Gorgé’s attitude approved. In second telegram Gorgé states after proclamation independence of Philippines, Embassy of latter created Tokyo and Japanese Government evidently cannot permit Filipinos receive assistance American Government. Swiss Legation not officially informed thereof but learned several Filipinos arrested for accepting relief. Intervention of Swiss Legation remains without reply and Gorgé believes Filipinos will probably abstain from requesting assistance Swiss.

HARRISON

51 Telegram 2811, May 3, 6 p.m., from Bern (711.93114A/75), advised of a report from Mr. Fontanel that these recipients were not interned and that they consisted of 197 Caucasians including 74 children, 253 Eurasians including 140 children, and 523 Asiatics including 221 children. Telegram 4065, June 26, from Bern (740.00115A PW/6—2644), advised of a further report from Mr. Fontanel which gave the number of non-internees as 830, including 124 alien wives and children of American internees, a group not included in telegram 2811. Mr. Fontanel estimated their monthly relief needs at 3,988,000 CRB dollars. He also estimated the number of interned Americans and loyal Filipinos at 784 and their monthly relief needs at 1,970,000 CRB dollars.

52 Not printed; it requested Mr. Gorgé to bring to the attention of the Japanese Foreign Office the action of Japanese authorities in Thailand requiring a Filipino to sign a statement he would join the “Philippine National Government.”

53 In telegram 1684, May 15, 5 p.m., to Bern, the Department approved the position taken by Mr. Gorgé “in view of existing circumstances.”

54 For information regarding the setting up of a puppet regime in the Philippines on October 14, see circular telegram dated October 18, 1943, 9 p.m., Foreign Relations, 1943, vol. III, p. 1105.
The Minister in Switzerland (Harrison) to the Secretary of State

BERN, May 10, 1944.
[Received May 10—2:24 p.m.]

2949. American Interests—Japan. Vladivostok relief supplies, Legation's 1218, February 29, and 2925, May 9.\(^{55}\) Swiss Foreign Office official this morning handed Tait note dated May 9 with annexes. One of these latter gives following text of letter date April 24 \([28]\) \(^{56}\) addressed to Swiss Legation, Tokyo, by Japanese Foreign Office in reply to Department's 2814, December 12, 1942.\(^{57}\)

"The Japanese Government are prepared to comply with the request of the United States Government to render facilities in regard to the transport of relief goods and letters sent to American prisoners of war and internees via Vladivostok under the following conditions.

1. The Japanese Government will as a rule send a Japanese ship to Vladivostok once a month in order to transport the relief goods and letters sent from the United States by a Soviet ship provided that the United States Government obtain the consent of the Soviet Government to the entry of the Japanese ship into the port of Vladivostok.

2. The quantity to be transported shall be decided and notified by the Japanese Government upon consideration of the capacity of the Japanese ship sent for the purpose.

3. The Governments of the interested countries shall give a safe conduct for the navigation of the Japanese ship to be sent for the transport of the goods and letters.

4. The country sending relief goods shall pay all the dues, rates, taxes and other public charges to be levied at Vladivostok on the Japanese ship sent for the freight of the relief goods from Vladivostok to the port of destination in Japan and the cost of the loadings on and landing of the Japanese ship and the warehousing of the relief goods.

5. In cases where the Japanese Government send relief goods and letters to Japanese subjects held by the United States Government the United States Government shall take the necessary steps for the transport of them to be effected by a route and method similar to those about to be adopted."

Please instruct whether Department authorizes transmission foregoing text to Intercroix,\(^{58}\) Geneva, for its information but not for dissemination.

HARRISON

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\(^{55}\) Latter not printed.

\(^{56}\) Correction based on telegram 3040, May 12, from Bern (not printed).

\(^{57}\) Reference apparently should be to Department's telegram 2906, November 24, 1943, Foreign Relations, 1943, vol. iii, p. 824.

\(^{58}\) International Red Cross Committee.
711.94114A/447 : Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, May 16, 1944—5 p. m.

1700. Reference your 2949, May 10. Soviet Government is being requested urgently to permit a Japanese vessel to enter Vladivostok and, if not, to designate another acceptable port. Pending consideration of Soviet Government's reply Department is not making public text of Japanese proposal and considers it inadvisable at this time even to inform Intercross in confidence of Japanese Government's conditions. Department will inform you when latter may be done, if at all.  

HULL

740.00115A Pacific War/1166 : Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, May 16, 1944.

[Received May 16—9:52 p. m.]

Swiss Minister, Tokyo, reports first payment effected 22 Americans [on] Guam. While awaiting receipts which Japanese Government requested obtain, husbands interned Kobe signed promissory notes. Gorgé inquires whether may continue such payments or await assurance recipients received payment.  

HARRISON

740.00115A Pacific War/512 : Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, May 20, 1944—10 p. m.

1760. American Interests—Philippines. From funds made available for representation of American interests, Department authorizes the Swiss Government to make monthly payments of $25,000 beginning May 1, 1944 to Bagge, Swedish Minister at Tokyo and Chairman of War Prisoners' Aid of YMCA in Japanese-controlled terri-

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69 In telegram 1881, June 9, 7 p. m., to Bern, the Department authorized communication to the International Red Cross of the text of the Japanese proposal as well as the text of the Department's reply contained in telegram 1888, June 1, p. 1035. The Department requested that the International Red Cross give no publicity to the matter since negotiations with the Japanese Government were still in progress. (711.94114A/447)

70 Not printed.

61 In telegram 1792, May 23, to Bern, the Department authorized continuation of payments and requested that Mr. Gorgé make every effort to obtain receipts (740.00115 Pacific War/1166).
tories, for transfer to Janson, Chairman WPA of YMCA in Philippine Islands and Swedish Consul. The funds are to be used by the latter for the purchase locally of relief supplies to be sent to American prisoners of war and civilian camps in the Philippines. A telegram dated about May 15 from Bagge to WPA, Stockholm, requested this sum, stating that permission had been given Janson to send clothing, foodstuffs, etc., twice monthly to one prisoner of war camp and once a week to one camp of civilians, Manila.

Monthly reports of expenditures should be made by the WPA representative in the Philippines, giving number of recipients divided into prisoners of war and civilians. Receipts signed by Chairman, Executive Committee, or camp spokesman of camps should be obtained, if practicable.

This authorization is in addition to authorizations for remittances to the Internees' Executive Committee of American internment camps (Department's 769, March 7; and No. 1761, May 20).

HULL

711.94114A/447: Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, June 1, 1944.


"Replying to the specific conditions set forth in the Japanese Government's proposal the United States Government informs the Japanese Government as follows:

1. The United States Government promptly referred the Japanese Government's proposal to the Soviet Government and requested that Government's cooperation in arranging for the onward movement of these supplies. The latter has informed the United States Government that while it is not in a position to agree to the use of the

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62 C. C. Grinnell.
63 Latter telegram not printed; it stated that, in view of the reported increase in the cost of living in the Philippines, the Department authorized "provisionally such reasonable increase in financial assistance to recipients in Philippines as the Swiss Legation, Tokyo, may deem necessary to maintain adequate subsistence level." (740.00115A Pacific War/512) Telegram 3776, June 13, 6 p. m., from Bern, advised of information from the Japanese Foreign Office that monthly transfers to Manila had been increased to 160,000 yen (740.00115A Pacific War/1216).
64 For correspondence regarding efforts to arrange with the Soviet Union for the acceptance and onward shipment of relief supplies, see under Soviet Union, vol. iv.
port of Vladivostok as a transshipping point for supplies sent from the United States for distribution to Allied nationals in Japanese custody, it desires to cooperate in this humanitarian undertaking and is willing to carry out the transfer of relief supplies presently at Vladivostok either at the border railroad station Manchuriya or at the Soviet port Nakhodka as the Japanese Government may prefer. As regards subsequent shipments of relief supplies the Soviet Government has kindly agreed to designate the port of Petropavlovsk on Kamchatka which Japanese vessels may enter to pick up such supplies. The United States Government has been informed that the Soviet Government’s offer had been communicated direct to the Japanese Government.

2. The United States Government takes note that the quantity of relief supplies and mail to be transported will depend upon the capacity of the Japanese ships to be employed for this purpose. The United States Government expresses the hope, however, that monthly shipments will average initially 1500 metric weight tons which is the amount of relief supplies the Soviet Government has agreed to transport monthly from the United States to Soviet territory.

3. The Governments of the interested countries are prepared to accord safe conduct for Japanese ships engaged in the transportation of relief supplies and mail between Japanese ports and the agreed upon Soviet ports. Notification of dates of departure from Soviet ports as well as from Japanese ports should be made to the United States Government, which will inform the other interested Governments. In order to insure the safety of the Japanese ships during the course of their missions notifications of sailing dates should be received at least 7 days prior to the date of departure, together with a complete description of the ships and detailed information as to the course to be followed by such ships.

4. The Japanese Government may be assured that no obligation will accrue to it in respect of taxes, rates, dues and other public charges which may be levied on the Japanese ships at the Soviet transshipping ports. The Japanese Government will not be expected to pay the cost of the loading on and landing of the Japanese ships or the cost of warehousing relief supplies at the Soviet ports.

5. The United States Government agrees to the transportation of relief supplies and mail originating in Japan and intended for Japanese nationals in United States custody by the same route and method. The United States Government agrees to accept and deliver such supplies and mail to those persons in its custody for whom intended.

The United States Government hopes that the Japanese Government will take the necessary steps as soon as possible to move onward the relief supplies now on Soviet territory and relief supplies and mail to be sent subsequently via Soviet territory and arrange for their early distribution to Allied nationals in Japanese custody including those in the Philippine Islands.”

HULL
JAPAN

711.83114A/83 : Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, June 5, 1944—3 p.m.
[Received June 6—4:15 a.m.]


Foreign Office official stated Gorgé reported he had been informed in conversation with Japanese Foreign Office official that Japanese would give one [additional?] CRB dollar for every CRB dollar transferred Shanghai via Yokohama Specie Bank. Such action tantamount reducing exchange rate to 9.18 Swiss francs for 100 CRB dollars instead of 18.36.

Swiss endeavored have such action taken regarding 2,150,000 Swiss francs transferred Shanghai in April (see Legation’s 2534, April 2066). Gorgé now reports Japanese refuse make such concessions as they claim transfer of 2,150,000 [francs] has already been made and was to cover previous expenditures.

Gorgé also reports he has been informed verbally Japanese disposed release 30,000,000 of 60,000,000 [CRB dollars] blocked Shanghai. Fontanel however reports no such instructions given Japanese Consulate General, Shanghai, and no action taken. Of these 60,000,000, 18,100,000 which were purchased at average rate of 3.16 Swiss francs per 100 CRB dollars are United States Government funds. Remainder are British and Netherlands. Therefore if Gorgé and Fontanel successful Japanese might release 9,050,000 CRB dollars of U.S. Government funds.

Legation obtained foregoing informally from Foreign Office officials who refuse submit notes claiming that nothing definite known and negotiations still in progress. All Gorgé’s information apparently from conversations at Japanese Foreign Office. Swiss endeavoring do utmost as their interests also vitally concerned. Confidential nature foregoing stressed as Gorgé reports Japanese say they are not according Germans similar facilities.

65 Not printed; it stated that methods of financing the greatly increased cost of financial assistance in occupied China were being studied and requested that inquiry be made “whether Fontanel, if authorized by the Department, could borrow CRB currency locally against U.S. dollar credits to be established in blocked accounts in the United States, and whether he would be permitted to disburse proceeds of such loans.” (711.83114A/75)

66 Not printed; but for summary, see footnote 39, p. 1029.
Foreign Office officials doubt if outcome of negotiations is certain, but feel all possible steps must be taken and hope eventually obtain some satisfaction. Promises given Gorgé.

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711.62114 Mail/146: Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

Bern, June 19, 1944.

[Received June 20—3:34 a.m.]

3928. American Interests—Far East. POW and internee mail, Department's 1851, May 29,66 Foreign Office note June 17 states Swiss Legation, Tokyo, replies to contents Department 1379, April 21 69 that Japanese authorities accept in principle Department's proposal. However, Ministry of Communications feels mail from Japan should be sent to Moscow for retransmission Tehran by Soviet authorities. Director Japanese post wrote in foregoing sense May 27 to Commissaire [of] Postal Communications, Moscow.

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390.1115A/6—2444: Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

Washington, June 24, 1944—midnight.

2160. American Interests, China. Department is gratified that Swiss have effectuated the release of 9,000,000 CRB dollars of United States Government funds at Shanghai (Legation's 3905, June 19 70) and that negotiations for reducing in effect the inequitable exchange rate are progressing (Legation's 3583, June 5).

The great difficulties encountered by Fontanel in affording financial assistance in occupied China are realized. It is hoped, however, that

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66 In telegram 3649, June 8, 10 a.m., the Minister in Switzerland reported informal advice from the Swiss Foreign Office that, pending outcome of these negotiations, "further transfers to Shanghai would not be made and that consequently additional estimated requirements reported in fifth paragraph my 2270, April 12, will not be required prior [to] June 30 but that natural advance of 3,000,000 francs will be required early [in] July for operating expenses and general distribution to field offices." In telegram 2159, June 24, midnight, to Bern, the Department authorized the Minister to pay $54,000 to the Swiss Government for transmittal to the International Red Cross and to make future monthly payments of $18,000 in the same manner. (711.30114A/84) The authorization was amended in telegram 2231, July 7, midnight, so that the Minister might make payments directly to the International Red Cross. (711.30114A/6—2944)

69 Not printed.

70 See footnote 47, p. 1060.

71 Not printed; it stated that 9,000,000 CRB dollars represented one-half of United States funds held by the Swiss Consulate General at Shanghai (740.00115A PW/1223).
the obstacles interposed by the Japanese have now been overcome and that regular monthly payments to all qualified American nationals may continue uninterruptedly.

Recipients of financial assistance in occupied China should be asked at present to sign promissory notes only for local currency received and, more particularly, as evidence of the actual receipt by the individuals concerned of the assistance for which Congress has provided, but the accounts of disbursements to each recipient rendered by Fontanel should show both local currency and United States currency equivalents (Legation’s 3812, June 151). Department’s 1202, February 14, 1942, as amended, contemplates that American nationals should in no event fail to receive financial assistance merely because they cannot foresee a time when they will be able to repay the sums advanced. The American nationals receiving financial assistance in occupied China may be assured that an equitable exchange rate for the local CRB currency will be the subject of determination by the Department at some future date, and that no demand will be made for settlement based on the present arbitrary and unrealistic relationship existing and over which neither we nor they have control.

Reference complaints respecting insufficiency amounts financial assistance, Department approves effective June 1st the recommendations made by Fontanel for uninterned nationals in occupied China reported in Legation’s 2662, April 26, but requests that he make appropriate recommendations for revision of the rates of payment if the negotiations reported in your 3583 are successful. Department is informally advised that relief payments for noninterned British subjects have been paid in occupied China on the scale recommended in Legation’s 2662, and payments of 2500 CRB dollars monthly have been made through the Red Cross in cash or in kind for each interned British subject.

Pending the receipt of recommendations by Fontanel respecting interned American nationals in occupied China, each may continue to receive not to exceed the equivalent of $110 United States currency monthly in cash or in kind, or both.

Department is awaiting information requested in the first paragraph of its 1765, May 20, and unanswered portion of its 1627, May 10.12

11 Not printed; it reported that due to unforeseen difficulties, especially the absence of necessary authorizations of the Japanese Consulate General at Shanghai, Mr. Fontanel had been unable to effect relief payments for March, April, and May until June 6 and that “many recipients bitterly complained obligation sign promissory notes for amounts at rate 23.30 CRB dollars for one United States dollar because they thereby guaranteed reimburse large sums American money for local currency insignificant and insufficient for their needs.” (300.1115A/1790)

12 Neither printed; they sought data regarding costs of financial assistance in China under the proposed scale of payments (711.93114A/75, 74).
Department will arrange for the transfer to the Legation of the necessary funds as to which you will wish from time to time to inform it.

HULL

711.33114A/6-2644 : Telegram
The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, June 30, 1944—9 p.m.

2226. Financial Assistance, Occupied China. An increase of 50 percent in the financial assistance payments authorized by Department’s 2160, June 24 is hereby authorized effective June 1st (Legation’s 4074, June 26). You may authorize Fontanel to use the 9,000,000 CRB dollars released by the Japanese (Legation’s 3908, June 19) in making payments for June.

HULL

740.00115A Pacific War/7-144 : Telegram
The Minister in Switzerland (Harrison) to the Secretary of State

BERN, July 1, 1944—10 a.m.
[Received 1:20 p.m.]

4190. American Interests, China. Department’s 2160, June 24. Foreign Office note June 26, received June 29, referring contents Legation’s 3812, June 15, states Swiss Consulate, Shanghai, submits telegraphically following:

1. March, April and May payments to non-interned Americans effected and exhaust 9,000,000 CRB dollars recently released. (Legation urgently requesting Swiss confirm whether February payment made as authorized Department’s 1134, April 4).

2. Remaining 9,000,000 CRB dollars designated by Japanese as reserve has been paid to blocked account with Yokohama Specie Bank at request Japanese Consulate General as condition precedent to resumption relief payments. Nothing remains in former account.

3. Reference Legation’s 4110, June 28, Swiss Consulate reports paying these persons for June and July and allotting funds for camp equipment. Amounts spent on behalf 360 persons whose internment scheduled for June 28 will amount approximately 12,000,000 CRB dollars. (As only 24 Americans concerned, Legation requesting Swiss

73 Not printed.
74 Not printed; but for summary, see footnote 70, p. 1038.
75 Not printed; but for summary, see footnote 71, p. 1039.
76 Ante, p. 988.
confirm that only 800,000 CRB dollars paid from United States fund.

4. Japanese authorities have approved resumption payment "comfort allowances" to internees beginning June 1 at 2,000 CRB dollars monthly per person and authorized payment 15,000,000 CRB dollars due internment camps when payment this assistance suspended. Legation inquiring regarding United States portion of latter amount.

5. Amounts mentioned paragraph 3 and 4 above, as well as assistance for non-interned must be taken from special account with Yokohama Specie Bank for funds used in representation foreign interests. This account now contains for American interests 11,000,000 CRB dollars representing equivalent 2,150,000 Swiss francs transferred April 14 (see Legation's 2534, April 20) which is insufficient cover obligations June and July. Fontanel, therefore, requests additional 2,000,000 Swiss francs be transferred soonest possible for American interests. (From Daymont: As provision for this transfer not included in request for 3,000,000 contained paragraph 1, Legation's 3649, June 8, early July transfer of 5,000,000 francs to credit my account now requested.)

6. Reference Legation's 2662, April 26, Fontanel recommends view continually rising living costs increase from June 1 monthly assistance per adult [in] category I to 10,300 CRB dollars.80

Reference paragraph 1 and 5 Legation's report 81 amounts expended March, April, May payments since foregoing indicates that approximately 9,000,000 relief these 3 months as compared figures Legation's 2270, April 12 and 4065, June 26.82

HARRISON

711.94114A/7-1444: Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, July 14, 1944.

[Received July 14-5:37 p. m.]


87 Telegram 4807, July 27, from Bern, reported a Swiss Foreign Office note stating that 26 and not 24 Americans had been interned on June 28 and that 350,000 CRB dollars had been granted as June and July relief payments as a contribution for camp equipment (740.00115A Pacific War/7-2744).
89 Not printed; but for summary, see footnote 39, p. 1029.
90 Not printed; but for summary, see footnote 67, p. 1038.
81 Telegram 2405, July 13, 11 p. m., to Bern, stated that authorizations already made in telegrams 2169, June 24, p. 1038, and 2226, June 30, supra, should satisfy the request made in this paragraph (740.00115A PW/7-1444).
82 Presumably in telegram 2270, April 12, 4 p. m., p. 1028.
83 Latter not printed.
"Japanese Government are prepared to render facilities in regard
to transport via Soviet port of relief supplies and correspondence sent
for distribution to American and Allied prisoners of war and internees
in Japanese custody on following conditions:

I. 1. In view of negotiations hitherto conducted between Japanese
and United States Government, Japanese Government have been un-
der impression that American Government previously obtained con-
sent of Soviet Government to transshipment of relief supplies and
correspondence at Vladivostok. Said port being situated adjacent
to Japan, it is considered from past experience that transshipment of
relief supplies and correspondence would be conveniently effected
there. Moreover, presence of Japanese consular service is necessary
for Japanese ship to enter port and take delivery of supplies in ques-
tion. For these reasons Japanese Government by their note of 28th
April addressed to Swiss Legation, Tokyo, replies to American Gov-
ernment that Vladivostok should be the port of delivery. Japanese
Government, therefore, desire that American Government will fur-
ther negotiate with Soviet Government so that Soviet Government's
consent to use of Vladivostok may be obtained.

2. Should, however, Soviet Government find it difficult to accede
to above proposal as result of negotiations, Japanese Government
would agree to make delivery of supplies at Nakhdocka, provided that
American Government obtain consent of Soviet Government to fol-
lowing:

(a) That two members of staff of Japanese Consulate General
at Vladivostok be given facilities for coming to Nakhdocka and
being permitted to stay for a necessary period of time and to dis-
charge their official duties relating to entry and clearance of Japa-
nese ship and transshipment of relief supplies and correspondence.

(b) That captain and senior officers of Japanese ship be per-
mitted to go ashore and communicate with said Japanese con-
sular officials.

(c) That on arrival of Japanese ship at port she should be given
first priority in entering port, enabled to load supplies without
delays and allowed to leave port without any impediment.

(d) That indication of safe course of ship to be followed
and all other facilities for transport of supplies be accorded to
Japanese ship.

3. Japanese Government cannot see their way to agree, for reasons
of distance and other considerations, to taking delivery of subsequent
relief supplies and correspondence at Petropavlovsk but suggest
Vladivostok as transshipping point, as has already been expressed in
their note of 28th April addressed to Swiss Legation, Tokyo.

II. 1. As regards relief supplies and correspondence presumed to be
now lying at Vladivostok, Japanese Government will take delivery of
them to aggregate amount of 1,500 metric weight tons at Vladivostok
or Nakhdocka, whichever port is agreed upon, by a single voyage
if possible.
2. As to subsequent shipments of relief supplies and correspondence, it will be necessary to take into consideration capacity of Japanese ship to be sent for the purpose and Japanese Government will each time notify American Government of quantity which can be taken. However, Japanese Government considers that it would be difficult to take 1,500 metric weight tons each month as desired by American Government.

III. American Government shall pay all taxes, rates, dues and all other public charges which may be levied on Japanese ship at Soviet port to be agreed upon, cost of loading of Japanese ship, freight charges from such port or [for?] ports under Japanese administration, cost of landing and warehousing at ports under same administration, and any and all other expenses calculated on fair and reasonable basis.

Japanese Government are ready to defray import duty and other taxes to be charged at ports under Japanese administration and freight charges by Japanese Government railway.

IV. American Government shall give guarantee of safety to Japanese ship to be engaged in transport of relief supplies and correspondence between ports under Japanese administration and Soviet port to be agreed upon and shall obtain guarantee of safety for said ship from all other interested governments (including Soviet Government). Japanese Government will notify American Government of details of itinerary of such Japanese ship at least 7 days prior to her departure. Full description of ship will also be communicated.

V. With regard to subsequent shipments of relief supplies and correspondence to be distributed to American and Allied prisoners of war and internees referred to in paragraph II (2) above, Japanese Government suggest that dispatch of parcels addressed to specific individuals should be refrained from for time being since it is expected that delivery of such parcels to their respective recipients will be accompanied by considerable difficulties.

VI. It is understood that in case Japanese Government send any relief supplies and correspondence for distribution to Japanese and Allied prisoners of war and internees in United States custody American Government shall take necessary steps for transport of them by route and method similar to present proposal."

Note dated April 28 referred to in Section I above corresponds quoted text Legation’s 2949, May 10.

HARRISON

[On July 17 the Department sent to the British Embassy a statement of the number of American civilians held in Japanese custody as of July 12, as follows: Philippine Islands, 4768; China, 964; Japan, 178; Malaya, 35; Manchuria, 9; Borneo, 9; Indochina, 8; Thailand, 7; Burma, 6; Sumatra, 3; Korea, 1; and Formosa, 1.

The statement was described as providing a "fairly reliable estimate" but was "not entirely accurate" because the protecting Power]
and the International Committee of the Red Cross had not been able to furnish complete reports.]

740.00115A Pacific War/7–2744: Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

Bern, July 27, 1944.
[Received July 27—10:47 p. m.]

4808. American Interests—China. Foreign Office note July 21 states Fontanel reports:

(1) Cash monthly comfort allowances 2,000 CRB dollars payable internees permitting reopening canteens which now run in Shanghai region by Mitsudash (Fontanel being requested explain)\(^{33}\) which it is hoped will eliminate unscrupulous practices adopted individual Japanese contractors. Canteens to be supplied with articles current use and certain foodstuffs. View insufficient camp rations and increasing cost, Fontanel judges this relief not sufficient and proposes open new negotiations for increasing relief to at least 3,000 beginning August 1st. Following resumption relief payments Japanese suppressed July 1st transmission private funds to internees.

(2) Payment hospital expenses for persons hospitalized outside camp against promissory notes resumed.

(3) In addition regular relief Consulate will pay on recommendation responsible camp doctor against separate promissory notes medical and dietary relief to internees requiring special diet due age, illness or dental, ocular or orthopedic treatment.

(4) Consulate will deliver as donations via Intercross against requisitions from camp representatives medical material such assistance for which promissory notes not obtained necessitated by insufficient Japanese supplies.

(5) Consulate will furnish shoes and clothing on same basis as (4).

(6) Advances will be made to cover special urgent needs such as transportation ill to hospitals or relatives to funerals.

Fontanel adds it not possible estimate expenses of (2) through (6) above but that supplies mentioned (4) and (5) will in part be taken from available stocks. Finally stresses that all expenses indicated are very necessary and recommends Department approve soonest possible.\(^{34}\)

HARRISON

\(^{33}\) Telegram 4999, August 4, from Bern, reported information from Mr. Fontanel that the reference was to Mitsubishi, the "well known large Japanese commercial firm". (740.00115A P.W./8–444)

\(^{34}\) In telegram 2812, August 15, to Bern, the Department approved the increase to 3,000 CRB dollars as of August 1 (740.00115A Pacific War/7–2744).
The Minister in Switzerland (Harrison) to the Secretary of State

BERN, July 27, 1944.
[Received July 27—11:29 p.m.]

4816. American Interests—Japan. Foreign Office note July 26 states Gorgé reports Intercross Delegate not authorized forward Kobe internees supplementary foodstuffs as reported Legation’s 3910, June 19, Food situation not improved since transfer Kobe so that not only internees from Guam but other internees detained separate camps obliged obtain food black market. Swiss Legation, Tokyo, states it continuing representations have Japanese supply sufficient food and inquiries whether at least 175 yen monthly recommended by Swiss Consulate, Kobe, might be granted. Legation referred Foreign Office contents Department’s 2222, June 30, approved payments up to 280 yen monthly and requested Tokyo indicate amounts granted and date decision.

HARRISON

711.94114A/8–1144 : Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, August 11, 1944—1 p.m.
[Received 5:17 p.m.]

5217. American Interests, Far East—Financial Assistance. Legation’s 4282, July 5, and 4763, July 25. Foreign Office note August 7 states Swiss Legation, Tokyo, reports Japanese Foreign Office, while showing great reserve, stated that monthly assistance from 10 to 20

85 Not printed. Telegram 6509, September 30, 9 a.m., from Bern, reported a Swiss Foreign Office request for a correction of this sentence since for a “certain period International Red Cross delegation Japan provided funds necessary purchase supplementary foodstuffs on black market because relief then paid by Swiss Legation inadequate.” The telegram advised that such expenditures were discontinued at the request of the International Red Cross. (740.00115A P.W./9–3044) Earlier, however, in telegram 3118, September 9, to Bern, the Department had requested the Swiss to inform the Japanese Government that the American Government was “seriously disturbed” that the Intercross Delegate was not authorized to forward supplementary foodstuffs to the internees at Kobe and that Americans confined at Nanasawa were beginning to suffer from malnutrition because they were no longer able to purchase food to supplement their inadequate diet (740.00115A P.W./7–2744). Telegram 6017, September 12, from Bern, reported that Americans at Nanasawa were receiving more abundant and better quality food following representations by the Swiss Legation in Japan (740.00115A P.W./9–1244).

86 Not printed; but for summary, see footnote 44, p. 1030.
87 Not printed; it reported a statement by the Japanese Foreign Office that it was prepared to intervene with competent Japanese authorities for the payment of relief funds to Americans held in the Philippines (711.94114A/7–544).
88 Not printed; it reported a statement by the Japanese Foreign Office that there was no objection to sending relief to Americans held in the Netherlands Indies (711.62114A/7–2544).
pesos per POW would not appear to exceed the limit of what might be considered financial relief. Gorgé suggests, provided the American Government approves, that at the outset 15 pesos be accorded each POW who, excluding officers, according lists furnished by the Legation, Tokyo, number approximately 15,000. Monthly relief, therefore, would approximate 225,000 pesos or 450,000 yen.

Regarding relief for Netherlands Indies, Gorgé states, according lists from Japanese, approximately 200 American prisoners of war in Java, 3 Borneo, 40 civilians in Java, 3 Sumatra, 9 Borneo. Relief of 15 florins monthly per prisoner of war or internee would, therefore, amount to 3,825 florins, equaling 7,650 yen. Gorgé adds that until exact information is received regarding conditions in the Netherlands Indies payments at the beginning might be reduced to 10 florins per person. Gorgé concludes, stating Swedish representatives pay non-interred Dutch 15 to 50 florins and interned 15 monthly, but not yet able to forward funds prisoners of war.

Swiss Foreign Office urgently requests instructions.

HARRISON

740.00115A PW/8-1544: Telegram
The Minister in Switzerland (Harrison) to the Secretary of State

BERN, August 15, 1944—1 p.m.
[Received August 16—11:40 a.m.]

5297. American Interests—Philippines. Department’s 2475, July 20.” Following substance of Swiss note August 10:

Gorgé observes as previously that he fully agrees American Government’s view and always endeavored to consider practical execution of plans for assistance without taking question of competency into account. As observed Swiss note summarized Legation’s 4042, June 24,” Gorgé inquired of Jap Foreign Office whether Jap Government would authorize him to transfer $25,000 monthly to Swedish Legation; Jap spokesman appeared surprised at question thus raised and stated inquiry would be ordered in agreement with War Ministry with view thorough examination problem general assistance prisoners and internees Philippines. As Japanese had not communicated their decision, Gorgé again made representations August 5 at Foreign Office which informed him of following declaration Japanese military authorities:

Owing special situation of Philippines, Japan has not recognized and is unable to permit activity of Intercross in that country, and is no

**Not printed:** it deprecated the holding up of relief measures because of jurisdictional questions as to which neutral agency was to assume responsibility (740.00115A P.W./1285).

**Not printed.**
longer able permit activity YMCA. Activity which representative latter organization had been able exercise heretofore and which had simply been tolerated by local authorities must therefore cease.

Japanese Government declares, however, that protecting Power shall always have possibility requesting authorization transfer funds for assistance prisoners. However, these funds, in case said authorization given, must be transmitted to Japanese military authorities at Manila, and these latter will decide manner future utilization these funds. End declaration.

Foreign Office informed Gorgé that Swedish Minister strongly insisted YMCA be given authorization continue Philippines activity but this Japanese replied in foregoing sense by note containing following statement,

After having consulted interested authorities, it has been decided that no steps in assisting POWs and civilian internees in Philippines can be taken henceforth unless necessary funds be transferred on authorization of War Ministry to POW and civilian internee camps under Japanese control in Philippines. End statement.

Japanese Foreign Office further observed to Gorgé that it would be absolutely impossible for YMCA continue purchases in kind which made thus far without recourse to military authorities because such purchases fall within general food rationing regulations of that country.

Owing foregoing decision YMCA and Intercross no longer able handle relief for POWs and civilian internees and this task henceforth incumbent upon protecting Powers. Gorgé states that under these conditions American Government will have to decide whether it can authorize monthly transfer amounts indicated Legation's 5217, August 11. In affirmative, POWs might receive relief as has been the case thus far for civilian internees. Aside from current financial relief, Department might also consider transfer of certain amounts for local purchase supplementary foodstuffs provided Japanese authorities agree. Gorgé notes this agreement not obtainable without difficulty because economic situation that country must be very difficult. Immediately upon receipt necessary instructions, Gorgé will make every effort take all appropriate action pursuant new procedure prescribed by Japs.

Gorgé will seek delivery receipts signed by men of confidence of camps, if Department considers receipts from Jap military authorities insufficient.

He adds for purpose information that relief in kind previously furnished POWs and civilian internees by YMCA representative possible only as result accidental circumstances which could only be considered temporary; even if this formerly tolerated action could have been maintained, YMCA funds certainly would no longer be
able make purchases as heretofore as acquisition such large quantity supplies would doubtless be impossible because situation Philippines is hardly better than Japan.

HARRISON

711.94114A/8-1144: Telegram
The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, August 19, 1944—7 p.m.

2859. American Interests—Netherlands Indies. Your 5217 August 11. Request Swiss Foreign Office to instruct Swiss Legation Tokyo to take necessary action to extend financial assistance to American prisoners of war, merchant seamen and civilian American nationals in the Netherlands Indies qualified under Department’s 1202 February 14, 1942, as amended (Foreign Service Serial 109 January 22*). Monthly payment of 15 florins (equivalent to about $7.08 at rate indicated in your 5217) should be made to American prisoners of war, interned merchant seamen and interned civilians. An uninterred American national in Netherlands Indies should be paid a monthly amount not to exceed the maximum of $60 established for that territory by Department’s 1202.

It is desired that all American prisoners of war including officers share equally in the financial assistance and that officers of merchant vessels share equally in such assistance with other qualified merchant seamen. It is assumed that the Swiss Legation, Tokyo, will use the best method available to accomplish the desired objective of affording relief to American prisoners of war. Except in unusual situations, it is not believed that sums of money should be paid directly to the individual American prisoners of war, but that they should be expended on a group basis, with the advice and cooperation of camp committees, leaders, or spokesmen where feasible. Priority should normally be given to the purchase and distribution of medical and food supplies. It is assumed that all possible means will be used to insure receipt of the supplies by the prisoners, to assure that they will be utilized in addition to and not in lieu of those now supplied by the Japanese. To the extent practicable, the Swiss Legation at Tokyo should furnish reports concerning the expenditures of the funds in question and endeavor to obtain confirmatory evidence indicating the receipt of supplies and funds by American prisoners of war. Receipts in the form of promissory notes should be obtained, if possible, from all civilian recipients including merchant seamen.

A monthly report should be made by Gorgé showing the number of each class of recipients (stating separately number of Army,

* Not printed.
Navy and Marine Corps) and the amount paid recipient of each class. The first report should state date when first payment is made.\footnote{Telegram 7390, November 7, 4 p. m., from Bern, reported that the Swiss Legation in Japan had been authorized to forward 3900 florins to Java but would have to seek, each month, authorizations from the Japanese Ministries of War and Finance for subsequent relief expenditures there (711.94114A/11-744).}

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HULL

711.94114A/8-1144: Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, August 19, 1944—8 p. m.

2860. American Interests—Philippines. Legation’s 5217 August 11. In view of statement which Swiss Minister at Tokyo has obtained from Japanese Foreign Office, Department hereby authorizes him to arrange for financial relief or assistance for American prisoners of war in the Philippine Islands at the rate of 20 pesos (the equivalent of $10) monthly for each prisoner. It is desired that all American prisoners of war including officers share equally in the relief.

[Here follows paragraph on methods of distributing funds similar to second paragraph of telegram 2859, August 19, 7 p. m., printed supra.]

The Department would appreciate receiving a report from Gorgé as to whether the lists of approximately 15,000 American prisoners of war in the Philippines show the prisoners by name or whether they are just tabulations without names.\footnote{Telegram 6068, September 14, 8 p. m., from Bern, reported there were only 9,000 prisoners of war in the Philippines, some 5,700 having been transferred to Japan and 1,700 having died in the Philippines (711.11B114A/9-1444).}

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HULL

711.94114 Supplies/8-2844: Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, August 31, 1944.

3006. Please request Swiss Government urgently to communicate following to Japanese Government with reference to Swiss note dated July 13 (Legation’s 4507, July 14) in regard to the onward movement to Japan and Japanese-occupied territory of relief supplies now warehoused on Soviet territory and those to be sent subsequently via Soviet territory intended for distribution to Allied nationals in Japan.

"The United States Government, having referred to the Soviet Government for its consideration the Japanese Government's response, has been informed that the Soviet Government on August 25 sent to the Japanese Embassy at Moscow an aide-mémoire confirming the..."
willingness of the Soviet Government to permit a Japanese ship to enter the port of Nakhodka for the purpose of loading and carrying away relief supplies now stored on Soviet territory awaiting transshipment to Japan. The United States Government has been informed that the Soviet Government has specified the route to be followed by the Japanese ship while in Soviet waters and that the Soviet Government has indicated to the Japanese Government the arrangements which the former will make for transshipping relief supplies from the Soviet vessel to the Japanese vessel at Nakhodka.

It is the understanding of the United States Government that the Soviet Government’s communication to the Japanese Embassy at Moscow of August 25 satisfactorily meets the conditions set forth under Section I, paragraph 2 A, B, C, and D of the Swiss note of July 13.

The Government of the United States agrees to the division of cost as proposed under Section 3 of the Swiss note of July 13, namely, that the Government of the United States will pay all taxes, rates, dues, and all other public charges which may be levied at Soviet ports on Japanese ships engaged in this traffic as well as the cost of loading such ships and freight charges from such port or ports to ports under Japanese administration, cost of landing and warehousing at ports under that administration and any and all other expenses calculated on a fair and reasonable basis. The United States Government notes that the Japanese Government is prepared to defray import duty and other taxes to be charged at ports under Japanese administration and freight charges by Japanese Government railway.

Referring to Section 4 of the Swiss note of July 13, the United States Government assures the Japanese Government that the Allied Governments are prepared to accord safe conduct for the Japanese ship to be employed in this traffic between ports under Japanese administration to Soviet approach point. The Japanese Government is requested to inform the Government of the United States of the proposed route to be followed by the Japanese ship and to name a date on which it is intended to dispatch the ship. It is requested that the route, sailing date, and a full description of the ship be furnished the Swiss Legation, Tokyo, in sufficient time to insure that this information will reach the United States Government at least 7 days prior to the sailing date. Unless the Japanese Government is informed before the proposed sailing date that the proposed route is, in certain respects, not acceptable, the Japanese Government may assume that the proposed itinerary meets with the approval of the Allied Governments. If the Allied Governments find it necessary to request certain changes in the itinerary of the ship, the United States Government will so inform the Japanese Government and the latter will be requested to name a new sailing date. The United States authorities will assume responsibility for coordinating with the other Allied military authorities in respect of safe conduct for the Japanese ship.

As regards subsequent shipments of relief supplies and correspondence for Allied prisoners of war and civilian internees in Japanese custody (Sections 2 and 5 of the Swiss note of July 13), the United States Government has been informed that the Soviet Government has proposed to the Japanese Government that such shipments be made from Soviet territory overland to the border station Manchu-
riya where such shipments would be received and taken onward by
the Japanese Government. The Japanese Government is informed
that this means of regular shipment of relief supplies and correspond-
ence is entirely acceptable to the Government of the United States
and the latter expresses the hope that the Japanese Government will
agree to this means of regular and continuous shipment of relief
supplies and correspondence to a minimum amount of 1500 weight
tons per month. The Government of the United States is willing, for
the time being, to exclude from such shipments parcels addressed to
specific individuals with the reservation that this phase of the matter
may be re-opened at a later date.

With reference to Section 6 of the Swiss note of July 13 the Gov-
ernment of the United States confirms that in case the Japanese Gov-
ernment sends relief supplies and correspondence for distribution to
Japanese and Allied prisoners of war and internees in United States
custody, the Government of the United States will take the necessary
steps to arrange for the onward transport of such supplies and cor-
respondence from Soviet territory to the United States and will
arrange for the expeditious distribution of such supplies and cor-
respondence to the persons for whom intended. For its part the Gov-
ernment of the United States is prepared to receive from Japan parcels
addressed to specific Japanese nationals in United States custody and
foresees no difficulty in arranging for the distribution of such parcels
to the addresses. The Government of the United States hopes that
the Japanese ship to be dispatched to Nakhodka to pick up and trans-
port to Japan relief supplies now on Soviet territory awaiting trans-
shipment will be of sufficient cargo capacity to transport as much as
possible of the supplies now awaiting transshipment.

The Government of the United States would appreciate being in-
formed, at the Japanese Government’s earliest convenience, whether
the proposal of the Soviet Government as regards subsequent ship-
ments of relief supplies is acceptable to the Japanese Government.”

HULL

740.00115A P.W./8–1544 : Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, September 2, 1944—10 p. m.

3035. American Interests Philippines. Expenditure of the equi-
valent of $10 monthly for relief of each American prisoner of war in
the Philippines was authorized by Department’s 2860 August 19. Re-
ceipts signed by men of confidence, camp committee or camp spokes-
men should be obtained if possible to show prompt delivery to
prisoners.

The meaning of the following sentence from Legation’s 5297 August
15 is not clear “Aside from current financial relief, Department might
also consider transfer of certain amounts for local purchase supple-
mentary foodstuffs provided Japanese [authorities] agree”. If that
sentence refers to foodstuffs for American civilians in Philippines,
Swiss Minister, Tokyo, already has authority under Department's 1761 May 20 and 2599 July 28, to expend amounts necessary for maintenance of an adequate subsistence level. If it refers to American prisoners of war, Department will make available such funds in addition to those authorized by Department's 2599, as can be used for purchase of additional foodstuffs. Gorgé should report urgently amount of funds which Japanese will permit to be used monthly for that purpose, stating separately amount for civilians and for prisoners of war.

Hull

711.94114A/7-844: Telegram
The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, September 14, 1944—11 p.m.

3183. American Interests—Far East. Legation's 4355, July 8. In view of the success by Swiss Legation Tokyo in making arrangements for financial assistance to American prisoners of war in the Philippine Islands and the Netherlands East Indies (your 5217 August 11), the Department hopes that the Swiss representatives will be able to arrange for such assistance to all other American prisoners of war detained by the Japanese in the Far East. However, no financial assistance by the Swiss seems necessary for American prisoners of war in Hong Kong and Shanghai so long as they are receiving such assistance through the representatives of the International Red Cross.

The Swiss representatives should endeavor to extend financial assistance under Department's 1202 of February 14, 1942, as amended, to all American prisoners of war detained by the Japanese according to their needs regardless of whether the prisoners request such assistance. The instructions in Department's 2599 August 19 (American Interests—Netherlands Indies) should be followed so far as applicable.

Special reports are desired regarding the feasibility of financial assistance for all American prisoners of war in the Far East except those in the Philippines, Netherlands East Indies, Shanghai and Hong Kong. Such reports on American prisoners of war should include those in the following areas or places: Japan (including Formosa), Burma Camp, Thai Camp (under Japanese control), Saigon, Mukden, and any other camps not known by the Department but which may have come to the knowledge of the Swiss.

61 Not printed; but for summary, see footnote 63, p. 1035.
62 Not printed.
63 Not printed; it advised of a report from the Swiss Legation in Japan that it was "paying no financial relief to American POWs retained [in] Japan" and that they had never expressed a desire to receive such payments (711.94114A/7-844).
Swiss should also investigate and report the possibility of financial assistance to American civilian nationals and American merchant seamen in Japan and Japanese-occupied areas, such as those at Changi, Singapore, who are not receiving assistance.

HULL

711.9411A/9-244: Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, September 16, 1944.

3213. American Interests—Japan. Legation’s 5788 September 2. 97 You are authorized to pay $125 monthly beginning September 1, 1944 to International Red Cross Geneva for relief American prisoners of war at camps in Taiwan, and one payment of $250 as reimbursement for two monthly payments already made by Intercross.

Sums herein authorized are to pay American share of funds advanced to prisoners of war in Taiwan by Pestalozzi. 98 All American prisoners of war, including officers, should share equally in relief.

Report should be submitted quarterly by Intercross representative showing amount spent, number recipients, average amount to each, and number Army, Navy and Marine Corps personnel, and should be supported by receipts or confirmatory evidence indicating that funds have been received by American prisoners of war.

Submit separate account charging authorization number 1, 1944-45.

Reference airmail 8693 99 Department hopes Pestalozzi will be able to arrange for increase from maximum of 2 yen allowed each man to approximately same amount as authorized for American prisoners of war in Netherlands East Indies or Philippines.

HULL

740.00105A P.W./9-1144: Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, September 26, 1944—9 p. m.

3320. Reurtel 5994 September 11, 2 American Interests—Philippines. Express to Gorgé Department’s deep appreciation for all his work on behalf of Americans in Philippine Islands and its full realization of difficult conditions with which he has to contend.

Because of extreme solicitude of the Government of the United States and its people regarding the welfare of American nationals

97 Telegram not printed.
98 Max Pestalozzi, International Red Cross Delegate in Japan.
99 Dated July 8, not printed.
2 Not printed.
detained by the Japanese, Department, in efforts to leave no possibility of furnishing adequate relief unexplored, has made repeated requests for reports on the needs of internees in the Philippines. Department had hoped that the detaining Power might eventually agree to transmit information as to the internees' needs. It seems, however, from Gorgé's report that the Japanese have failed to transmit requests which internees may have made or that confusion has arisen on this subject.

In view of this situation and the very great increase in cost of living (Reurdes 8753 July 17 and unofficial sources) and because of the reported increase in number of internees (Reurtel 4414 July 11), you may authorize Gorgé to increase, effective September 1st, to the equivalent of $100,000 the amount transmitted monthly to civilian internment camps in the Philippines for benefit of all internees and their uninterred destitute dependents in same manner as has been done with monthly remittance of $37,500.

It is hoped Gorgé will be able to effectuate transfer of the increased monthly remittance as unofficial sources indicate that Japanese- permitted Dutch internees, numbering about 45, in the Philippines to receive from their Government through Department of External Affairs a monthly allotment of 80 pesos each for relief. It is estimated that the amount herein authorized will be somewhat less than 80 pesos per capita for each internee and uninterred destitute dependent.

Telegraph when increased amount is transmitted to Philippines. If the $100,000 monthly is insufficient, additional funds will be authorized.

HULL

711.94114 Mail/6-1944 : Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, September 26, 1944—10 p.m.

3321. ReDepts 1379, April 21; 4 reurtel 3928, June 19. Department has received a communication from AmEmbassy, Moscow, stating that the Soviet postal authorities have not thus far received from the Japanese authorities in the Far East any mail from American prisoners of war and interned civilians or mail of any other kind for forwarding via Tehran to the United States.

2 Not printed.
3 Not printed; it reported that Japanese military authorities had again interned British, American, and Dutch priests and missionaries on the ground that they were "engaged in espionage and other undesirable activities in the Philippines." (740.00115 P.W./7-1144)
4 See footnote 47, p. 1080.
Please communicate the foregoing information to the Swiss Government requesting it to ask the Japanese authorities to route all prisoner of war and civilian internee mail (both Japanese and American) to the United States via the Soviet Union and Tehran from which point it will be carried to the United States by air free of charge. The United States authorities believe that the route via Tehran offers at present the most expeditious method for the exchange of prisoner of war and civilian internee mail between the United States and the Far East.

As noted in the Department’s 1379, April 21, it would be appreciated if the Swiss could obtain from the Japanese authorities notice when mails from the Far East are first routed via Tehran. The Department would also appreciate receiving urgently information as to whether mails routed to the Far East via Tehran and the Soviet Union have arrived.

Hull

740.00115A P.W./9-3044: Telegram
The Minister in Switzerland (Harrison) to the Secretary of State

Berne, September 30, 1944—1 p.m.
[Received 1:32 p.m.]

6514. American Interests—China. Department’s 3187, September 14. Note September 25 from Foreign Office refers contents Legation’s 6304, September 23, and adds that rate obtained for transmission funds Shanghai amounts approximately 9.18 Swiss francs for 100 CRB dollars which is more favorable rate than that referred to numbered paragraph 4 Legation’s 4933, August 1.

In recent telegram Swiss Legation, Tokyo, reports no official reply made by Japanese Foreign Office to Swiss representative regarding deblocking 9,000,000 CRB dollars frozen Shanghai. Minister Gorge personally intervened again with Foreign Office which gave to understand that serious difficulties face solution. In hope Japanese authoriies might deblock funds for other use than administrative expenses or payment financial relief, Swiss Foreign Office suggested that Gorge propose to Japanese utilization blocked funds for partial payment clothing, shoes, medicaments, food, et cetera, which must be delivered camps as stated Legation’s 6304.

Harrison

*Not printed.
*Not printed; numbered paragraph 4 mentioned no specific exchange rate but stated that negotiations with Japan to reduce the exchange rate were continuing and that the Swiss Foreign Office hoped agreement would be reached shortly (711.93114A/8-144).
The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, October 10, 1944—8 p.m.

3482. American Interests China. Reurtel 6304, September 23. Department approves increase in basic monthly loan for an uninterned American adult in occupied China to 14,900 CRB dollars beginning September 1st. For budgetary and other reasons it is impracticable for Department to give Fontanel authority to increase financial assistance payments with each rise in cost of living but will consider specific recommendations which he may make.

Inform Swiss Foreign Office that Department authorizes it to place necessary United States official funds at the disposition of Fontanel to pay proportionate share of expenditures made available to Intercross for transmission to internment camps in occupied China and to pay proportionate share of necessary relief payments independent of individual financial assistance loans. It is noted that the total of these relief payments is estimated at 60,000,000 CRB dollars. An enclosure to your despatch 9000, August 12, gives number of interned American, British and Netherlands nationals entitled to comfort allowances on May 4 and shows that slightly more than 11 per cent of them are American nationals. It is assumed that there has been little change in the proportions since that time and that the United States share of the 60,000,000 CRB dollars would be approximately in the same ratio.

Ask Swiss Foreign Office to suggest to Fontanel that he endeavor to make gifts through Red Cross and supply necessary camp equipment to camps at Weihsien, Canton and Peking on same basis as to camps at Shanghai.

Fontanel should be requested to submit monthly telegraphic report showing separately amount expended during previous month in payments to interned American nationals, to uninterned recipients, to Intercross for internees and for camp equipment or other authorized purposes. Any recommendations which he may care to make might accompany these reports.

Reurtel 6514 September 30 Department desires report giving date when funds first obtained at more favorable rate. Results Foreign Office suggestions to Gorgé regarding proposed use blocked funds

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*Telegram not printed.
*Not printed.
*Telegram 7051, October 24, 4 p.m., from Bern, reported the "first transmission funds at more favorable rate made August 18 at 9.18 Swiss francs for 100 CRB dollars." (740.00115A P.W./10-2444)
are awaited with interest.\textsuperscript{10} Request Swiss Foreign Office to convey to Gorgé this Government’s appreciation of his great service to the United States in obtaining the more favorable exchange rate, and similarly to Fontanel for his handling of the exchange situation and his constant protection of American nationals.

\textbf{Hull}

740.00115 P.W./10–1044: Telegram

\textit{The Minister in Switzerland (Harrison) to the Secretary of State}

\textbf{Bern, October 10, 1944—10 p.m.}

[Received October 10—2:04 a.m.]

6760. American Interests—Shanghai. Legation’s airmail 8600, June 26.\textsuperscript{11} Swiss note October 6 states Fontanel September 27 through 29 visited seven civilian assembly centers, that is all in Shanghai area except Yangchow camps which he hopes be able visit in future and Haiphong Road which under military control. Able at each center converse freely with man of confidence and other committee members in presence Japanese commandant and representatives Japanese Consulate General. Fontanel ascertained that quality, quantity food insufficient; medical care greatly impeded by lack of medicaments and instruments; confinees no longer have sufficient clothing and are obliged to live in too limited quarters. Men of confidence have above all insisted on necessity furnishing foodstuffs and paying greatly increased financial assistance.

Fontanel will forward detailed report on subject, but desires authorization now to make most urgent expenditures. He will later give details regarding sums necessary this connection, although constantly rising cost of living makes preparation of exact budget for any specified period impossible. In Fontanel’s view it would not be desirable in present circumstances to request Swiss Legation, Tokyo, make representations Japanese Government.

Swiss inquire whether Department disposed give authorization sought by Fontanel. Although no reference made thereto, Department may wish consider foregoing in connection Legation’s 6304, September 23.\textsuperscript{12}

\textbf{Harrison}

\textsuperscript{10} Airgram 71, January 10, 1945, 3 p. m., from Bern reported the Japanese authorities had agreed to deblock CRB $29,500,000 at Shanghai, of which Mr. Fontanel would use CRB $1,760,000 for assistance to Americans and CRB $3,358,730.71 to cover administrative expenses incurred in representing American interests (740.00115A P.W./1–1045).

\textsuperscript{11} Not printed.

\textsuperscript{12} Not printed, but see \textit{supra}. 
The Minister in Switzerland (Harrison) to the Secretary of State

Bern, October 11, 1944.
[Received October 11—8:57 p.m.]

6789. American Interests—China. Financial relief. Foreign Office note October 7 states Fontanel reports he believes single supplementary relief payment to non-interned in occupied China for purchase of warm clothing and fuel indispensable. Swiss Consulate judges at least 13,000,000 CRB dollars necessary for this purpose. Foreign Office inquires whether such action meets Department’s approval.  

HARRISON

The Spanish Embassy to the Department of State

No. 227
Ex. 123.15

The Spanish Embassy presents its compliments to the Department of State, and has the honor to inform it that by Memorandum received through the “Ministerio de Asuntos Exteriores” in Madrid, the Imperial Japanese Government, according with the terms of the Nipo-American agreement is willing to send to Japanese nationals interned at Relocation Centers and Internment Camps in the United States the following articles for charitable assistance donated by the Japanese Red Cross:

1: Four cubic tons of books
2: Thirty-two cubic tons of tea
3: Five cubic tons of textbooks, especially for members of families interned in Crystal City (for this item, the International Red Cross apparently secured the agreement of the American Government)

The Imperial Japanese Government wishes to have those articles forwarded on a Japanese boat. This ship should arrive in October at Port Nakhodka (near Vladivostok); said steamer will also take charge of similar items sent by the American Government. The Japanese Government would also appreciate that the American Government urgently secure the Soviet Government’s consent on the matter under review. It also asserts that it will ask the International Red Cross Commission in the United States to distribute such articles

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13 In telegram 3575, October 20, to Bern, the Department approved a single supplementary payment of 13,000,000 CRB dollars to uninterned American nationals for purchase of warm clothing and fuel (740.00115 P.W./10–1144).

14 Ministry for Foreign Affairs.
as soon as the American Government will express its willingness thereto.

The Spanish Embassy would greatly appreciate the State Department's advice on the above matter.

WASHINGTON, October 17, 1944.

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711.94114 Supplies/10-1844 : Telegram
The Minister in Switzerland (Harrison) to the Secretary of State

BERN, October 18, 1944.
[Received October 18—7:34 p.m.]

6916. American Interests—Japan. Foreign Office note October 16 received this morning encloses text quoted below of Japanese Foreign Office note October 9 to Swiss Legation, Tokyo, in reply to Department's 3006, August 31. Swiss note states paragraphs tertio (2) and quinto (3) obviously garbled in transmission where indicated by question marks and corrections requested Tokyo. Swiss Foreign Office adds that telegram October 13 received from Swiss Legation, Tokyo, referring to paragraph quarto below and stating: "Japanese Foreign Office asks that American Government pay directly to Soviet authorities all taxes, local taxes, port taxes, all other public charges and loading charges incurred by Japanese vessel at Nakhodka."

Beginning Japanese Foreign Office note:

"Transport via Nakhodka of relief supplies and correspondence sent for distribution to United States and Allied prisoners of war and internees in Japanese custody shall be carried out on following principles:

Primo. Japanese Government intend to despatch one Japanese ship to Nakhodka towards end of October to take delivery by a single voyage of approximately 1500 metric tons of relief supplies and correspondence presumably now lying at Vladivostok.

Secundo. Japanese Government by verbal note of 8th July 15 addressed to Swiss Legation, Tokyo, requested United States Government to guarantee safety to Japanese ship engaging in this traffic and to obtain such guarantee from all other governments concerned (including Soviet Government). The guarantee thus sought by Japanese Government shall include all risks against floating Soviet mines within respective seas. Memorandum of 25th August of Soviet Government to Japanese Embassy, Moscow, stated that question of safety of Japanese ship for the whole remaining part of voyage both ways between a port or ports in Japan and the above-mentioned approach point should be considered and settled between Japanese, United States and British Governments. In this respect United States Government has declared as follows:

[Here follows text of assurances set forth in the fourth paragraph of the communication to the Japanese Government, sent to Bern as part of telegram 3006, August 31, printed on page 1049.]

15 See telegram 4507, July 14, from Bern, p. 1041.
In these circumstances Japanese Government understands that by the assurance given by United States Government, it undertakes to procure guarantee of safe voyage for Japanese ship from all military authorities concerned taking into consideration all risks of floating mines and that United States Government holds itself finally responsible for any and all possible incidents. Japanese Government will notify Swiss Legation, Tokyo, about route, departure and ship's description sufficiently early to insure information reaching United States Government at least 7 days before ship's departure.


2. Japanese Government will notify to Soviet Government the following items 240 [hours] prior to arrival of Japanese ship at approach point:

   A. Data [Date?] and time of arrival of Japanese ship at approach point and her route thereto.
   B. Name and tonnage of the ship.
   C. The ship's length, breadth and draught.
   D. The kind of ship cargo, ship or cargo and passenger ship.
   E. The ship armament.
   F. Particulars of her external appearance (such as number of funnels and masts and the color).
   G. Number of the members of crew.
   H. The marks.
   I. The international code address.

3. Before entering port of Nakhodka, Japanese ship will notify wireless station at said port of her approach to the approach point 24 hours in advance. Her code address is UIK and the wave length 600 meters.

4. Japanese Government note Soviet Government's statement to effect that Soviet Government will (a) permit two members of staff of Japanese Consulate General, Vladivostok, to proceed to Nakhodka, (b) guarantee to Japanese ship first priority in entering the port, loading without delay and clearance without any impediment, (c) require the formalities in regard to entrance, anchorage and clearance of Japanese ship to be observed in accordance with existing regulations based on general principles for dealing with foreign ships in Soviet harbors, (d) guarantee safety to Japanese ship on both ways between approach point and port of Nakhodka, (e) carry the said two members of staff of Japanese Consulate General, Vladivostok, by

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16 Correction based on telegram 7239, October 31, from Bern (not printed).
27 Bracketed insertion based on telegram 6922, October 19, from Bern (not printed).
above-mentioned Soviet guard ship and allow them to go on board Japanese ship and (f) employ same methods for escorting Japanese ship from berth in port of Nakhodka back to approach point and for return trip of the two members of staff of Japanese Consulate General.

Quarto. United States Government shall pay all taxes, rates, harbor dues and other public charges which may be levied at port of Nakhodka on Japanese ship and cost of loading Japanese ship as well as freight charges from port of Nakhodka to a port or ports under Japanese administration, cost of landing and warehousing at such port or ports and any and all other expenses calculated on a fair and reasonable basis. Japanese Government will defray import duty and other taxes to be charged at ports under Japanese administration and freight charged by Japanese Government railway. All taxes, charges and other expenses to be defrayed by United States Government as stated above shall be paid in Swiss francs.

Quinto. 1. United States Government are requested to notify to Japanese Government names of officials to be in charge of delivery of goods in question to Japanese ship at port of Nakhodka.

2. With reference to iertio, 3, Japanese Government desire that Soviet Government indicate such signals as may be agreed upon if necessary for the meeting at approach point.

3. In view of possibility of damage being caused to ships, should goods be transshipped from ship to ship [in the port] of Nakhodka, Japanese Government [propose] the use of lighters and wish to be informed of the transshipping capacity of lighters to be such [so?] used.

Sexto. As to subsequent shipments of relief supplies and correspondence addressed to United States and Allied prisoners of war and internees in Japanese custody, it is felt difficult to take 1500 tons per month by water still more so if goods were delivered at Manchouli and carried by rail. The matter shall be left for future considerations.

Septimo. It is understood that in case in future Japanese Government send any relief supplies and correspondence for distribution to Japanese and Allied prisoners of war and internees in United States custody, United States Government shall carry out transport of the goods by a route and methods similar to those stated above."

Swiss Foreign Office states 6 o’clock this evening no message yet received from Tokyo clarifying garbles.

HARRISON

740.00115 P.W./10-1044 : Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, October 20, 1944—4 p.m.

3573. American Interests China. Reurtel 6760 October 10. Department is gratified that Fontanel has been able to visit seven civilian assembly centers in Shanghai area. The request by Swiss Foreign

Bracketed insertion based on telegram 6922, October 19, from Bern (not printed).
Office gives insufficient basis upon which to judge accurately the needs of American nationals interned in occupied China. However, the authorizations contained in Department's 3482 October 10 may supply part of the needs of the internees. In the circumstances, inform Swiss Foreign Office that the equivalent of $50,000 may be made available to Fontanel as a special additional allotment to be used for most urgent requirements of internees for purchase of food, clothing, medicines or other necessary purposes or for relief in cash or in kind or for both methods combined. In the circumstances receipts from the internees will be considered unnecessary under this special allotment. Fontanel's specific recommendations for further increased financial assistance for internees and for additional emergency expenses will be given sympathetic consideration. A statement of the number of interned American national recipients should be included in the recommendations.

Hull

711.94114 Supplies/10-1844: Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

Washington, October 20, 1944.

3582. Please request Swiss Government urgently to communicate following to Japanese Government with reference to Japanese Foreign Office note of October 9 to Swiss Legation, Tokyo, reference Legation's 6916, October 18.

"Government of the United States is gratified to note the Japanese Government is prepared in immediate future to send a Japanese ship to Nakhodka to pick up relief supplies and correspondence intended for Allied prisoners of war and civilian internees in Japanese custody as indicated in the Japanese Foreign Office note of October 9 to the Swiss Legation, Tokyo. As stated in Swiss Legation's communication (based on Department's 3006, August 31), United States Government, acting for itself and its Allies in the Pacific, is prepared to assure safe conduct between ports under Japanese administration and the Soviet approach point for the Japanese vessel engaged in this traffic provided the Japanese Government follows the notification procedure suggested in the Swiss Legation's communication referred to above. It appears from the Japanese Foreign Office communication of October 9 that Japanese Government is agreeable to this procedure.

As regards payment of taxes, local taxes, port taxes, all other public charges and loading charges incurred by Japanese vessel at Nakhodka, United States Government agrees to make direct payment to Soviet authorities. Other expenses connected with this operation which the United States Government has agreed to pay will be met by the transfer of Swiss francs to the Japanese Government.

The Japanese Government, of course, appreciates that the security of the Japanese vessel between the Soviet approach point and
Nakhodka is a matter under the sole jurisdiction of the Soviet Government. While the United States Government does not have the text of the Soviet Government's communication of August 25 to the Japanese Embassy, Moscow, United States Government assumes that the Soviet Government has given adequate assurances to the Japanese Government regarding safe passage for the Japanese vessel while in Soviet waters. In order that this fact may be confirmed to the Japanese Government, United States Government is communicating to the Soviet Government the full text of the Japanese communication of October 9 with the suggestion that the Soviet Government communicate direct with the Japanese Government with respect particularly to the following portions of the Japanese Government's communication of October 9: Tertio, 1, 2, 3, 4; Quinto, 1 (since Soviet officials will be in charge), 2, 3.

With reference to Sexto and Septimo of Japanese Government's communication of October 9, United States Government offers following observations:

United States Government hopes that the successful completion of the current operation will indicate to the Japanese Government the feasibility of further similar operations either by the same or similar means. United States Government desires again to stress that it is willing to accord to the Japanese Government full and complete reciprocity in connection with the transportation and distribution of relief supplies and correspondence sent from Japan to Japanese prisoners of war and civilian internees in Allied custody by whatever means may be agreed upon for further operations of this nature either in connection with the despatch of relief supplies and correspondence alone or with an attendant exchange of nationals. Upon the completion of the current operation United States Government will forward to the Japanese Government a proposal for continued operations of this nature and is hopeful that the Japanese Government will agree as to the desirability of maintaining in operation a channel by means of which relief supplies and correspondence may be forwarded regularly to nationals detained as the result of hostilities.”

HULL

711.94114 Supplies/10–2144 : Telegram
The Minister in Switzerland (Harrison) to the Secretary of State
BERN, October 21, 1944.
[Received October 21—1:08 p. m.]

6981. American Interests—Japan. Legation's 6916, 18th, and 6922, 19th.¹⁹ Foreign Office note October 21 states Swiss Legation, Tokyo, telegraphs October 18 following communications from Japanese Foreign Office for Department.

1. Routes to be taken by Japanese ship on voyage to and from approach point off Nakhodka.

A. Outward voyage: Leave Niigata on afternoon October 28; sail straight across Japan Sea; arrive Rashin forenoon October 30; leave

¹⁹Latter not printed; it supplied corrections to telegram 6916.
Rashin afternoon November 2 and sailing straight arrive at approach point between 7:00 and 10:00 a.m. Japanese time, November 3 (ship will reach the point at indicated hour in order avoid night voyage as much as possible in consideration of dangers from floating mines).

B. Homeward voyage: Leave approach point afternoon November 6 sailing straight; arrive Rashin forenoon November 7; leave Rashin afternoon same day sailing straight across Japan Sea; arrive Moji forenoon November 10 and arrive Osaka forenoon November 11.

2. Name and tonnage of ship: *Hakusan Maru* gross tonnage 4351.11.
5. Armament nil.
7. Crew: 92 persons (16 officers 76 men). Two members Ministry of Foreign Affairs will also be on board.
8. Marks: a white cross is painted over upper deck and on central part of each side. At night all navigation lamps will be lighted and a white cross will be illuminated on upper part of each side.
9. International code address JNRO.9

Department's 3582, 20th, transmitted Swiss Foreign Office today for urgent communication Japanese Government.21

HARRISON

711.94114 Supplies/10-2444: Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, October 24, 1944.

[Received October 24—4:55 p.m.]

7057. American Interests—Japan. Legation's 6981, October 21. Foreign Office note today contains summary three Japanese notes dated October 18, 19 and 20 received from Swiss Legation, Tokyo, by telegram October 21. Following is translation:

"Primo: Japanese Foreign Office requests American Government pay directly to Soviet agents Nakhodka possible charges arising from shipments relief supplies and correspondence.

Secundo: Soviet Government informed Japanese Embassy, Moscow, August 25 agreement to entry Nakhodka of Japanese vessel capable transporting 1500 tons of 1000 kilos relief supplies and correspondence. According to recent information [from] Intercross delegation Japan, merchandise actually on Soviet territory in Far East exceeds 3587 tons

20Telegram 7167, October 28, from Bern, reported a Japanese Foreign Office request that the statement "two sets of twin masts" should read "two masts". (711.94114 Supplies/10-2844).
21For text of press release, issued on October 24, dealing with the completion of arrangements for the voyage of the *Hakusan Maru*, see Department of State Bulletin, October 29, 1944, p. 494.
(2318 metric tons\textsuperscript{22}). Cargo capacity Japanese vessel which will be
sent Nakhodka beginning November being about 2800 metric tons
(approximately 1900 tons of 1000 kilos\textsuperscript{22}) Japanese Government is
prepared to assure loading to this limit and requests American Gov-
dernment to make necessary representations Soviet Government in order
that necessary instructions given Soviet authorities Nakhodka.

\textit{Tertio}: Japanese Foreign Office has requested Spanish Government
to inform American Government that in accordance with agreement,
it will load mail destined Japanese POWs and civilian internees and
mail handled by Red Cross on Japanese vessel sent Vladivostok to
carry American relief supplies. Mail will be unloaded Nakhodka
and Japanese Foreign Office requests American Government to ob-
tain authorization of Soviet Government for reforwarding United
States.\textsuperscript{23}

At Legation's request Foreign Office urgently endeavoring obtain
explanation from Swiss Legation, Tokyo, tonnage figures given
paragraph \textit{secundo} above.

\begin{flushright}
HARRISON
\end{flushright}

\textit{704.41114/9-3044}: Telegram

\textit{The Acting Secretary of State to the Minister in Switzerland}
\textit{(Harrison)}

\begin{center}
WASHINGTON, October 26, 1944—\textbf{9 p. m.}
\end{center}

\textbf{3656.} Please request Swiss to inform the Japanese Government that
the Soviet Foreign Office has stated that the Soviet postal authorities
are prepared to transport parcel post containing medical supplies for
American prisoners of war and civilian internees in the Far East
provided the Japanese Postal Administration agrees to accept such
parcels from the Soviet postal authorities. Such medical supplies will
be shipped in packets weighing not more than two kilograms and
otherwise complying with the dimension and weight requirements of
the Universal Postal Convention. They will be placed in sacks similar
to those which carry letter correspondence of civilian internees and
prisoners of war and will be dispatched in the closed mails addressed to
the terminal point in Japan with the notation "Via Tehran-Moscow".
The mail sacks will be labeled "correspondence of prisoners of war".
Medical supplies sent by this method will not exceed 100 kilograms
per month and will not contain articles the transmission of which is
prohibited by Article 46, Point C of the 1939 Postal Convention.\textsuperscript{23}

\textsuperscript{22} Telegram 8201, December 18, from Bern, reported receipt of a Swiss Foreign
Office note stating a metric ton was a metric measurement ton, namely, 36 cubic
feet, whereas a ton of 1,000 kilos was metric weight (711.44114 Supplies/12-
1844).

\textsuperscript{23} Signed at Buenos Aires, May 23, 1939; 54 Stat. (pt. 2) 2049.
Medical parcels will be mailed by the American Red Cross and addressed to camp spokesmen at camps where American nationals are held.

American has been dispatching to camp spokesmen in Far East via Tehran 160 pounds weekly of such supplies in hope that they would reach addressees. Shipments will now be limited to 100 kilograms per month and will continue on assumption that Japanese authorities will receive and forward such parcels to the addressees. Swiss should request urgent assurances in this regard from Japanese.

STETTINIUS

711.94114 Supplies/10-2444 : Telegram

The Acting Secretary of State to the Minister in Switzerland
(Harrison)

WASHINGTON, October 26, 1944.

3658. Reference your 7057, October 24. Please communicate following to Swiss Government for communication to Japanese Government with reference to Japanese notes dated October 18, 19, and 20. (Numbered paragraphs below refer to similarly numbered paragraphs reference telegram.)

1. American Government has previously indicated its willingness to make direct payment to Soviet authorities in regard to charges arising at Nakhodka in connection with transshipment of supplies.

2. American Government pleased to note Japanese Government’s willingness to take on board Japanese vessel supplies and correspondence to its full cargo capacity. This should permit the onward movement of all relief supplies which have been stored on Soviet territory awaiting onward shipment to Far East.

3. Department of State has informed Spanish Embassy, Washington,24 of American Government’s willingness to facilitate and expedite the distribution of relief supplies and correspondence sent from Japan for Japanese nationals detained in the western hemisphere. The International Red Cross will, of course, be accorded full freedom to supervise the distribution of such supplies in the United States. Soviet Government has been informed of Japanese Government’s intention to forward to Nakhodka for onward shipment to United States relief supplies and correspondence for Japanese nationals.

STETTINIUS

24 See note of October 27, infra.
The Department of State to the Spanish Embassy

The Department of State refers to memorandum no. 227 dated October 17, 1944, and to memoranda nos. 228 and 229 dated October 18, 1944, from the Spanish Embassy in charge of Japanese interests in the United States concerning mail and relief supplies to be sent from Japan on the Japanese ship which the Japanese Government is arranging to send to the Soviet port Nakhodka, intended for distribution to Japanese nationals detained by the United States.

The United States Government reiterates its willingness previously expressed to the Japanese Government to arrange for the forwarding of mail and relief supplies to the United States and assures the Spanish Embassy that mail and relief supplies sent from Japan will, upon arrival in the United States, be distributed promptly to the intended recipients. The United States Government is informing the Soviet Government that the Japanese Government intends to forward the above-mentioned supplies to Nakhodka on the Japanese ship. Since the Soviet Government has been fully informed as to the reciprocal nature of this operation, this Government foresees no difficulty in connection with the transshipment at Nakhodka of relief supplies and mail sent from Japan intended for Japanese nationals detained in the Western Hemisphere.

It is noted that the above-mentioned relief supplies and mail are intended for internees in the Dominion of Canada, as well as those held in the United States. Upon arrival in the United States this Government will arrange for the forwarding of such mail and relief supplies to Canada.\footnote{Nos. 228 and 229 not printed; they reported the Japanese Government’s intentions to include mail for internees on the vessel being sent to “Port Nakhodka” and desired that articles on this vessel be distributed to internees in Canada as well as in the United States. (711.94114 Mail/10–1844)}

WASHINGTON, October 27, 1944.

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740.00115 A PW/10–2744 : Telegram

The Acting Secretary of State to the Minister in Switzerland

(Harrison)

WASHINGTON, November 4, 1944.

3768. American Interests—China. Legation’s 7135 October 27.\footnote{In telegram 4131, December 7, to Bern, the Department informed the Legation that 73 cases of books and 5 bags of prisoner of war mail had arrived at San Francisco and that arrangements were being made for expeditious distribution. Telegram 7895, December 2, from Bern, reported that the Japanese Government had not sent tea to Nakhodka. (711.94114 Supplies/12–244)} Department approves expenditure by Swiss Consulate Shanghai of

\footnote{Not printed.}
24,500,000 CRB dollars for November including 4,000,000 CRB dollars for purchase clothing, medicine and food for camps. Maximum monthly loans to internees may be increased to 4,000 CRB dollars and maximum loans to uninterred may be increased to 23,300 CRB dollars monthly.

Sums necessary for assistance should be transferred to Shanghai before first of each month as requested by Fontanel. Legation's monthly telegraphic report of Swiss franc requirements should state separately requirements for Shanghai.

Telegraph Swiss francs you desire made available for November, and estimate for December (Legation's 7135 and 7069 October 25.)

Situation alien wives Americans (reference Legation's 7037 October 24) is being studied.

Department will consider Fontanel’s recommendations without commodity prices (Legation’s 6870 October 16) but will be glad to receive any prices which he believes necessary for proper consideration of his requests.

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711.11B114A/11–744: Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, November 7, 1944—noon.
[Received November 7—9 a. m.]

7377. American Interests—Philippines—Prisoners of War Assistance. Department’s 3383, September 30, midnight. Foreign Office note November 2 referring to the Department’s 2860, August 18 [19], and Legation’s 6068, September 14, states Swiss Legation, Tokyo, reports it authorized forward 180,000 pesos to prisoner of war camps Philippines. Necessary permit for future payments must be obtained each month from Japanese Ministries of War and Finance. Relief will be distributed 20 pesos monthly per person and will be utilized best possible by Japanese camp commanders but latter will be informed of Department’s desire that relief preferable be used communal purchases medicines and food. Pertinent Japanese regulations prescribed receipts must be signed by Japanese camp commander but men of confidence exceptionally permitted sign them.

HARRISON

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27 Neither printed.
28 Not printed.
29 Latter not printed; but for summary, see footnote 93, p. 1949.
Bern, November 7, 1944—2 p. m.

[Received 11:44 p. m.]

7386. American Interests—China. Your 3768, November 4. De Pury 30 convened meeting November 6 of representatives United States, British and Netherlands Legations to whom he handed memorandum which follows air mail.31 Main points are as follows:

1. Fontanel considers price inflation cannot be checked and will continue at increasing rate.32
2. Sums now necessary assure minimum comfort entirely disproportionate materials benefits received.
3. Renewed representations Tokyo to obtain more favorable exchange rate would have little likelihood of success.
4. If relief payments again interrupted (please see Legation’s 1078, February 22) during conduct negotiations which may be lengthy, situation those concerned will be more precarious than during previous interruption because they now have no reserves available.
5. Purchase of CRB dollars on free market is impossible because (1) Fontanel cannot make any without authorization Japanese Consulate which exercises control over all funds utilized in protection foreign interests and (2) all sums must be remitted by official channels at official rates.
6. Matter is most urgent.
7. Suggestion advanced three interested governments might make collective approach to Japanese with view obtain facilities for assistance their nationals.

De Pury, therefore, suggests two possible solutions: (a) Urgent examination possibility general repatriation by use neutral ship with Japanese crew (please see Legation’s 7047, October 24, noon [midnight]) 33 or (b) arrangement for sending relief in kind similar present arrangement between United States and Japan for transportation via Nakhodka.

During general discussion it was brought out that question of repatriation including tentative Japanese suggestion (See Legation’s 7047, October 24, noon [midnight]) already under consideration but that no early solution along this or alternative line of relief in kind could be hoped for.

30 Arthur de Pury, Chief of the Division of Foreign Interests in the Swiss Foreign Office.
31 Despatch 9867, November 8, not printed.
32 The memorandum indicated that the cost of living in occupied China had tripled “since about six months”. The annex to the memorandum gave a comparison of prices as of June 1 and November 1. (740.00115A PW/11-844)
33 Post, p. 1002. For Department’s response to this suggestion, see telegram 3851, November 11, 11 p. m., to Bern, p. 1064.
Foreign representatives agreed submit Protecting Power's suggestions their Governments. At same time De Pury undertook telegraph again to Fontanel requesting he use every endeavor Japanese to make further concession concerning official exchange rate for relief purposes.

British representative indicated relief for British nationals for November not yet approved by London.

HARRISON

740.00113A PW/10–2744 : Telegram

The Acting Secretary of State to the Minister in Switzerland

(Harrison)

WASHINGTON, November 14, 1944—10 p. m.

3878. American Interests, China. Reurtel 7135, October 27, and 6870, October 16. In view of extraordinary rise in prices at Shanghai, request Swiss to ask their Legation in Japan whether a more favorable basis may be arranged for obtaining local currency in that city. The doubling or tripling of commodity prices from June to October makes the rate of 9.18 Swiss francs for 100 CRB dollars (ReLegs 7051, October 24, and 3583, June 5) at least as inequitable as was the former rate of exchange. Department appreciates action by Gorgé in negotiating present basis for obtaining Chinese Reserve Bank dollars as already stated (ReDeptel 3482, October 10) and hopes he will be able to make further advantageous arrangements.

STETTINIUS

711.944114A/11–1744 : Telegram

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, November 17, 1944—6 p. m.

[Received 10:12 p. m.]

7605. American Interests—Far East. Foreign Office note November 14 states Swiss Legation, Tokyo, accords financial assistance to all American prisoners of war and internees in Far East as requested Department's 8183, September 14, and in accordance with procedure adopted in transmitting funds to American civilian internees Philippines. Japanese Foreign Office asked Swiss Legation establish assistance plan on basis of lists furnished by Japanese Prisoners of War Information Bureau. These lists reveal 1013 prisoners of war Fukuoka, 89 Hakodate, 1974 Osaka, 1344 Tokyo, 980 Mukden, 257 Formosa,

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24 Neither printed.

25 Not printed; but for summary, see footnote 9, p. 1056.
196 Thailand, 6 Malaya and 36 civilians reported Singapore and 6 Burma.

Swiss Legation proposes fix relief at 15 yen monthly per person and it will insist that it be used preferably for collective purchases in accordance with Department's 2860, August 19. Should 15 yen per person appear too much view lack purchaseable articles, Swiss Legation envisages reductions down to 5 yen monthly.

HARRISON

711.94114 Supplies/11-244 : Telegram
The Acting Secretary of State to the Chargé in Switzerland (Huddle)

WASHINGTON, November 24, 1944.

3979. Please request Swiss Government communicate following to Japanese Government:

American Government having noted from recent Japanese broadcast that Hakusan Maru arrived safely at Kobe on November 11 desires to convey to Japanese Government former's gratification at the successful completion of this shipment of relief supplies and mail for the benefit of Allied and Japanese nationals detained as the result of hostilities. Operations of this nature implement in a positive sense declarations of humanitarian principles to which substantially all the nations of the world have expressed agreement and which give expression to the civilized concept that detained noncombatant and captured military personnel should, in so far as circumstances permit, be protected from unnecessary danger and hardship.

The Government of the United States hopes that the Japanese Government will be willing to participate in further operations of this nature. The Government of the United States will address in the near future a further communication to the Japanese Government in this regard.

STETTINIUS

711.94114 Supplies/11-2544 : Telegram
The Chargé in Switzerland (Huddle) to the Secretary of State

BERN, November 25, 1944.
[Received November 25—7:12 p. m.]

7756. American Interests—Far East Relief Supplies. Swiss note November 25 quotes following communication from Japanese Foreign Office dispatched November 22 by Gorgé.

"1. Hakusan Maru which loaded 2,000 odd metric weight tons of relief supplies (that is, whole relief supplies brought by Soviet ship which was in excess of ship's normal available capacity) at Nakhodka,
unloaded at Rashin about 100 tons destined for POW and civilian internees Manchukuo and Chosen and upon entering port of Kobe November 11 unloaded remaining 1,900 odd tons in presence Inter
cross delegates, Japan.

2. Japanese authorities intend effect quickest possible manner trans-
mision and distribution of the goods to POW and civilian internees in areas under Japanese administration. Transmission and distribution about 800 tons to recipients Japan proper already commenced and preparations being made for transmitting 1,100 odd tons China, Tai-
wan, Philippines and other southern areas including Thailand, French Indochina, Malaya and Java.

3. Japanese Government hope finish before Christmas transmis-
sion and distribution above mentioned 1,100 odd tons China and southern areas. But as it would not be possible dispatch a ship for this particular purpose relief goods will be carried by ships now ply-
ing between districts concerned either outward or homeward voyage. One ship will carry to Shanghai and Tsingtau and another to southern areas. From [the United States Government's communications] the Japanese Government understand that these two ships will on both their outward and homeward voyages be afforded same guaran-
tee as in case of the ship engaged in transport between Nakhodka and Japan in order that they will not be subjected to any attack, visit or any interference whatever by United States and Allied forces. As soon as confirmation this understanding received from United States Government, Japanese Government will notify Swiss Legation, Tokyo, of characteristics for identification, sailing dates and routes these two ships in sufficient time to ensure that notification reaches United States Government 7 days prior departure vessels. Time de-
parture would depend on reply from United States Government but Japanese Government are prepared utilize spaces available in some ships sailing about end November or beginning December."

Swiss Foreign Office official observes informally that telegram from Tokyo was garbled and suggests personally that perhaps word “from” at beginning fourth sentence point 3 above should possibly be deleted.

In view foregoing communication from Japanese Government please instruct whether Department desires transmit its 3979, 24th, in present form to Japanese.\(^{37}\)

\(^{36}\) Insertion based on telegram 7812, November 28, from Bern (not printed).

\(^{37}\) The Department authorized this action in telegram 4068, December 2 (711.94114 Supplies/11-2544).
Shanghai, telegraphs following budget for December for financial assistance to Americans occupied China based on 60% increase cost of life resulting each adult non-interned receiving 37,300 CRB dollars.

Comfort allowances for 825 internees 3,300,000; hospital expenses for interned and non-interned 3,500,000; medical diet allowances to camps 1,650,000; relief to 423 non-interned 11,500,000; total 19,950,000.

As Swiss Consulate intends provide collective foodstuffs for camps (see Legation’s airgram 704, November 28.\textsuperscript{38}) it does not propose increase comfort allowances which remain as for November at 4,000 CRB dollars.

Foregoing does not include assistance to Filipinos which would amount approximately 7,000,000 CRB dollars. Swiss Consulate received from Japanese Consulate communication requesting payment to Filipinos and Hindus be ceased. Simultaneously Swiss Minister, Tokyo, received from Japanese Foreign Office two notes stating: “Government of Philippine Republic and Provisional Government of Free India request Swiss Government no longer concern itself with financial assistance Filipinos and Hindus.”

Swiss Foreign Office instructed Swiss Minister, Tokyo, furnish additional information to permit examination situation.

HUFFLE

711.94114A/11-1744: Telegram

The Acting Secretary of State to the Chargé in Switzerland (Huddle)

WASHINGTON, November 29, 1944—8 p.m.

4032. American Interests Far East. Legation’s 7605 November 17. Request Foreign Office to convey to Gorgé an expression of the Department’s appreciation of his success in arranging for financial assistance to additional American prisoners of war and American civilians in Far East. It is especially gratifying that all American prisoners of war and American internees in the Far East will now receive financial assistance. Department trusts it will be possible to place relief in the hands of those prisoners of war, including commissioned officers, and civilians at a very early date.

Financial assistance may be extended to prisoners of war and civilians mentioned Legation’s 7605 in accordance with the general principles contained in Department’s 2860 August 19. Department authorizes Swiss Legation at Tokyo to make any feasible arrangements for delivery or furnishing of supplies, including food, clothing and medicines, to prisoner of war or civilian camps in Japan and the other places or areas indicated in Department’s 3183 September 14 or Le-
ation's 7605. Reference is made in this connection to Legation's 6435 September 27\(^{39}\) reporting purchase by men of confidence of necessary foodstuffs for internees in Japan.

Limit of 15 yen monthly for each person proposed by Swiss Legation Tokyo is deemed too low in view of all circumstances. Gorgé should endeavor to fix the monthly rate at not less than the equivalent of 10 United States dollars monthly for each person. Larger sums will be authorized if they can be employed for the benefit of American prisoners of war and civilians. The primary considerations are how much could be used for the recipients and how much Gorgé can arrange with the Japanese authorities to have used. A brief monthly report of action under this telegram is desired.

STETTINIUS

711.94114 Supplies/11-2544 : Telegram

The Secretary of State to the Chargé in Switzerland (Huddle)

WASHINGTON, December 5, 1944.

4105. Legation's 7756, November 25. Request Swiss to incorporate substance of following in reply to Japanese Foreign Office communication despatched November 22 by Gorgé:

"Government of the United States is gratified at the cooperative attitude evidenced by the Japanese Government in the matter of arranging for the distribution among Allied nationals in Japanese custody in China and the southern areas of proportionate amounts of relief supplies which recently arrived in Japan aboard the Hakusan Maru.

The Government of the United States accepts the offer of the Japanese Government to transport these supplies in two ships, one to proceed to Shanghai and Tsingtao and the other to the southern areas.

The two ships selected to transport the relief supplies will not be subjected to attack, visit, or any interference whatever by United States and Allied forces either on the outward or homeward voyages connected with the transportation of these supplies, subject to the following: The Japanese Government will notify the Swiss Legation, Tokyo, in sufficient time to insure the receipt of the necessary information by the Government of the United States at least 7 days prior to the departure of the vessels, of the characteristics for identification, sailing dates, and routes of these two ships. The ships should have special markings of which the Government of the United States should be notified at the same time and during the voyages covered by this safe conduct the ships should burn all navigation lights.

Provided the Japanese notification is received at least 7 days prior to the announced dates of departure, the Government of the United States undertakes to inform the Japanese Government prior to the departure dates whether the Japanese notification has been accepted."

\(^{39}\) Not printed.
For Legation: Forward Japanese notification, when received, to Department by telegram.  

Stettinius

711.94114 Mail/12-544: Telegram

The Secretary of State to the Chargé in Switzerland (Huddle)

WASHINGTON, December 5, 1944—midnight.

4107. American Interests Japan—POW Mail. Please request Swiss to inform Japanese authorities that United States authorities are now routing prisoner of war and civilian internee mail destined for the Far East via Tehran and on Soviet vessels plying between the United States West Coast and Soviet Pacific ports.

Please ask Swiss to ascertain urgently what routes, if any, the Japanese authorities are now using for POW mail addressed to persons in the United States. Thus far, no mail has been received in the United States via Tehran despite invitation set forth in Department’s 3821, September 26, 1944.

Stettinius

740.00115A PW/11-744: Telegram

The Secretary of State to the Chargé in Switzerland (Huddle)

WASHINGTON, December 11, 1944—8 p.m.

4176. American Interests—China. Reurltel 7386 November 7. Swiss suggestion of collective approach by representatives of United States, United Kingdom and Netherlands through protecting Power to Japanese with view of obtaining facilities for assistance for nationals of the three countries in occupied China is approved. You are authorized to join British and Netherlands representatives in presenting matter to Swiss Foreign Office for negotiations with Japanese. Department is well aware of seriousness of situation and welcomes the suggestion by Swiss.

40 Undated telegram 3823, received in the Department on December 25, 4:10 p.m., from Bern, reported the Japanese Government’s request for assurances of safe-conduct by the American and Allied Governments for the round-trip voyage of the 'Hoki Maru', the vessel to leave Kobe the forenoon of January 4, to arrive at Shanghai the afternoon of January 12, after a stop at Moji, and to leave Shanghai the forenoon of January 16, and to arrive at Moji the afternoon of January 28, after a stop at Tsingtao. The requested assurances were given in telegram 1, January 1, 1945, to Bern. Minor modifications in the schedule of dates were proposed by the Japanese Government and transmitted from Bern in telegram 171, January 10, 1945. They were accepted by the American Government in telegram 146, January 10, 1945. (711.94114 Supplies/12-2544, 12-2845, 1-1045) For a statement by the Department, January 1, 1945, on relief supplies for Allied nationals interned in the Far East, see Department of State Bulletin, January 7, 1945, p. 32.
Although Swiss express doubt as to possibility success of renewed requests to Japanese for more favorable exchange rate, Department considers this probably most hopeful possibility in immediate future (ReDeptel 3878 November 14).

It is hoped that a portion of relief supplies sent via Nakhodka and which arrived in Japan on November 11 will reach Shanghai. Intercross has received Japanese assurances that supplies will be distributed as far south as feasible. Efforts are being made to arrange for further shipments of relief in kind.

General repatriation would be most desirable solution and efforts to bring it about are being continued, but it is feared any such repatriation would be too late to solve immediate problem of excessive cost of financial assistance in occupied China. Department assumes Gorgé keeps Fontanel informed of any progress made in negotiations for repatriation.42

British Embassy here has received request from British Foreign Office for Department's views as to whether collective approach might be made to Japanese. Foreign Office offered no suggestion as to the terms of any approach. Department had already conferred informally with British Embassy which requested suggestions from Foreign Office and opinion of Netherlands Government in exile, but no reply has yet been received from London. Netherlands Embassy has no information on subject.

Your action under this instruction and any other significant developments in the matter should be reported by telegraph.

STEITINNIUS

740.00115A PW/11-2744: Telegram

The Secretary of State to the Chargé in Switzerland (Huddle)

WASHINGTON, December 12, 1944—9 p. m.

4185. American Interests—China. Reurtel 7784 November 27. Budget of 19,950,000 Chinese [Central] Reserve Bank dollars submitted by Fontanel for December for financial assistance in occupied China is approved but the Department views with apprehension the necessity of increasing loans to individuals by 60 per cent in one month. It is hoped that the Swiss will be able to make some arrangement to reduce the cost or to prevent it from rising at such a rapid rate (ReDeptel 3878 November 14). Department has no information regarding the arguments which were used by the Swiss in persuading the Japanese that the rate of 18.36 Swiss francs to 100 CRB dollars was unreasonable but hopes something further might be accomplished by the same or similar representations.

42 For correspondence on this subject, see pp. 1081 ff.
The question of the request by Japanese to Swiss to stop assistance to Filipinos will be considered in another telegram.

Stettinius

711.94114 Supplies/12–1444

The Department of State to the British Embassy

The Department of State refers to the British Embassy’s Aide-Mémoire of December 14, 1944, in which is set forth the text of a proposed communication to the Japanese Government outlining a plan under which small quantities of medicines and vitamin concentrates might be dropped from Allied aircraft by night over Japanese-controlled territory if the Japanese Government will undertake to distribute supplies so delivered to Allied prisoners of war and civilian internees and will assure safe conduct and protection to the aircraft used for this purpose.

The American military authorities having given their approval in principle to this proposal, the Department of State offers no objection to the forwarding of this communication to the Japanese Government.

WASHINGTON, December 16, 1944.

740.00115A PW/12–1844 : Telegram

The Chargé in Switzerland (Kuddle) to the Secretary of State

BERN, December 18, 1944—11 p. m.
[Received December 19—9:58 a. m.]

8216. American Interests—China. Department’s 4185, December 12 and previous regarding unreasonable CRB dollar exchange rate. Foreign Office notice December 15 states Swiss Legation, Tokyo, instructed make representations to the Japanese Foreign Office in effort to obtain more equitable rates for transfer to Swiss Consulate, Shanghai, necessary relief for Americans, British and Dutch.

Swiss Foreign Office suggested Gorgé examine possibility that funds be transferred at rates adapted at [to?] cost of life which would permit establishment fixed budgets in Swiss francs for relief. Gorgé discussed foregoing with Japanese Foreign Office which hesitates take up again this problem with competent Ministries for it sees no possibility of success. Gorgé adds however that Japanese authorities fully understand his representation but that Japanese themselves encounter similar difficulties in making payments to Japanese subjects China.

\[42\] Not printed.
Notwithstanding foregoing Japanese Foreign Office following Gorgé’s insistence agreed examine situation and give reply in near future.

Huddle

711.94114 Mail/12-2144 : Telegram

The Chargé in Switzerland (Huddle) to the Secretary of State

BERN, December 21, 1944—5 p. m. [Received 6:40 p. m.]


“According to Japanese Foreign Office, mail for United States and possessions will henceforth be directly addressed according agreement with Soviet authorities to New York via Moscow-Tehran. Mail will be sent from Shimonoseki in American postal bags and Japanese request United States return Japanese postal bags forwarded United States before war. Mail from America via Moscow has already reached Japan.”

Huddle

711.94114A/12-2344 : Telegram

The Chargé in Switzerland (Huddle) to the Secretary of State

BERN, December 23, 1944. [Received December 24—6:25 p. m.]

8303. American Interests—Far East. Foreign Office note December 22 states Swiss Legation, Tokyo, informed by Japanese Foreign Office that American POWs and civilian internees are authorized since November 15 send and receive telegrams to and from families. Legation inquiring whether foregoing applies POW and internees detained throughout Far East by Japanese or only those held Japan.

Huddle

740.00115A PW/12-2644 : Telegram

The Chargé in Switzerland (Huddle) to the Secretary of State

BERN, December 26, 1944—6 p. m. [Received 6:27 p. m.]

8341. American Interests—China. De Pury this afternoon discussed with MacKillop, British Counselor, Van Lynden, Dutch Secre-

43 In telegram 92, January 5, 1945, to Bern, the Department stated that mail for the Far East would be despatched in Japanese postal bags (711.94114 Mail/ 12-2144).

44 Telegram 296, January 15, 1945, from Bern, reported the authorization applied to persons detained in Japan and Japanese-administered territory (711.94114A/1-1545).
tary, and Tait following proposal in order obtain reaction three Governments concerned (Legation's 7386, November 7; 8216, December 18; and 8321, December 24):

Swiss proposal is that future relief Shanghai not exceed amount for December (approximately 13,000,000 Swiss francs) for relief about 8,000 British, 2,000 Americans and 300 Dutch. Such additional needs as might be necessary to be purchased by Fontanel on open market.

In pointing out possible results, De Pury indicated that while Japanese might consider fictitious rate thus far effective constitutes sufficient face-saving and consequently that they might possibly be inclined to tolerate open market transactions as indicated above, should, on the other hand, this not be so and they learned of Fontanel's purchasing open market, following would doubtless occur:

(1) Fontanel's position would undoubtedly be seriously compromised.

(2) Japanese might stop all further relief.

De Pury stated January 1945 requirements for United States nationals alone amount to 4,590,000 Swiss francs. He said Swiss prepared to accept possible compromise Fontanel's position and while probable Japanese would ultimately learn should his proposal be placed in effect, this would doubtless provide some months relief from present increasingly difficult position.

Representatives all three Legations inclined accept Swiss proposal. Please telegraph urgently instructions.

Huddle

711.941114A/12-2944: Telegram

The Chargé in Switzerland (Huddle) to the Secretary of State

Bern, December 29, 1944—9 a.m.

[Received 11:21 a.m.]

8404. American Interests—Far East—Prisoner of War Financial Relief. Department's 4032, November 29. Foreign Office note December 23 received December 26 states Swiss Minister, Tokyo, recently telegraphed he requested Japanese Foreign Office authorize monthly transfer following sums: (a) For prisoners of war detained Tokyo 60,000 yen, Osaka 85,000, Fukuoka 45,000, Hakodate 4,000, Formosa 12,000, Manchukuo 42,000, Malaya 300. (b) For civilians interned Burma 300 yen.

Regarding foregoing assistance Gorgé observes:

1. Japanese Foreign Office has on various occasions repeated that relief authorized should not exceed 20 yen. Under these conditions

48 Telegram 8321 not printed; it reported that Mr. Fontanel's budget for relief expenditures in January 1945 amounted to 50,020,000 CRB dollars, a figure based on an 80% increase in the cost of living during December. This budget was approved by the Department in telegram 167, January 11, 1945, 9 p.m. (740-00115A PW/12-2444)
requests to increase relief to 43 yen (equivalent $10) would only result new examination by military authorities and would risk delay transmission funds. Swiss Legation, therefore, requested authorization send immediately at least half sums indicated above if competent Japanese authorities do not perceive possibility authorize without delay transmission 43 yen per prisoner of war.

2. Gorgé emphasizes that arrangements above indicated only include Americans not yet assisted. Consequently internees Japan, Hong Kong, Philippines not included.

3. Regarding Indochina, Gorgé refers contents Legation's 8374, December 28, 10 a.m., and adds that internees at Singapore already assisted by International Red Cross.

4. Gorgé stresses that funds must be sent camp commanders and notes furthermore that delivery, et cetera, by Swiss Legation impossible view lack all articles on Japanese market. Purchases mentioned in the Legation's telegram 6435, September 27, for civilian internees at Kobe made on black-market with exceptional police authorization.

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740.00115A PW/12-2744: Telegram

_The Secretary of State to the Chargé in Switzerland (Huddle)_

WASHINGTON, December 29, 1944.

4369. American Interests—Far East. Request that Swiss Government inform Japanese Government that United States Government has noted on various occasions attitude of Japanese Government toward protection or assistance to be extended to persons of Philippine ancestry who feel that they owe allegiance to United States Government and on that account seek protection and assistance.

So far as the United States Government can determine, policy of Japanese Government is formulated without reference to legal right of individuals to claim allegiance to state of which they are nationals and of state to recognize that allegiance by extending its protection. United States Government wishes to point out that it has recognized Japanese nationality of Soon Ye Kim, a person of Korean ancestry who was repatriated on the Gripsholm in 1943; of Saburo Henry Mittwer, a person of American ancestry; and of Vincente Diaz, otherwise known as Jose Ingullardo, and Komakichi Okomoto, a person.

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**Not printed; it reported that Gorgé was trying to arrange to send to the Swiss Consulate at Saigon sufficient funds to permit monthly payments of 43 yen, the equivalent of $10, to each prisoner of war in Indochina (711.941114A O.T./12-2844).**

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**Not printed.**
of Philippine ancestry. Likewise there has been no objection to the action of Quincy Flavius Cook, a person of American ancestry who claims Japanese nationality. If other individuals of Korean, Philippine, American or other non-Japanese ancestry should wish to assert a claim to Japanese nationality and to be extended corresponding treatment, the United States Government would not interpose objection on grounds of their ancestry. The United States Government expects that the Japanese Government will be reciprocally guided in such matters. It is noted that in the first exchange the Japanese Government appeared to recognize this principle and that it permitted the repatriation of certain American citizens of Japanese ancestry.\textsuperscript{48}

\textsuperscript{48} For correspondence on the exchange agreement between the United States and Japan in 1942, see \textit{Foreign Relations}, 1942, vol. 1, pp. 377 ff.

\textsuperscript{49} For previous correspondence, see \textit{ibid.}, 1943, vol. iii, pp. 867 ff.

\textsuperscript{50} \textit{Ibid.}, p. 951.

\textsuperscript{51} Camille Gorgé.

\textsuperscript{52} \textit{Foreign Relations}, 1943, vol. iii, p. 824.

\textsuperscript{53} For correspondence on this subject, see pp. 1147 ff.

\textbf{EFFORTS BY THE UNITED STATES TO ARRANGE A THIRD EXCHANGE OF AMERICAN AND JAPANESE NATIONALS\textsuperscript{49}}

\textbf{711.94115 Exchange/69 : Telegram}

\textit{The Minister in Switzerland (Harrison) to the Secretary of State}

\textit{Bern, January 11, 1944—6 p. m.}

\textit{[Received 6:42 p. m.]}

\textit{246. American Interests—Japan. Legation’s 8210, December 30.\textsuperscript{50}}

Swiss Foreign [Office?] official informally advised Legation receipt telegram from Swiss Minister, Tokyo,\textsuperscript{51} reporting further conversation with official [in] Japanese Foreign Office regarding possibility third exchange. Swiss Foreign Office official while stating unable transmit contents telegram by note informed Legation orally that Japanese official stated questions of third exchange and transportation to Japan of Red Cross supplies now Vladivostok (Department’s 2908, November 24\textsuperscript{52}) should be held in abeyance until Japanese receive satisfactory reply their protests against attacks on 17 hospital ships\textsuperscript{53} which apparently transmitted through Spanish Embassy, Washington.

\textbf{HARRISON}
The Minister in Switzerland (Harrison) to the Secretary of State

BERN, January 26, 1944.

[Received January 26—5:32 p.m.]

531. American Interests—Far East—Repatriation. Swiss note January 24 states Gorgé informed [of] Department’s 3121, December 15.\textsuperscript{55} He informed Foreign Office that before determining general lines plan third exchange [he] wishes submit following observations.

1. Accommodations \textit{Teia Maru}\textsuperscript{56} being inadequate large number sick, seriously wounded, Gorgé proposes limit subject approval Japanese Government number sick to 100 including doctors, POWs, nurses. Failing [establishment of] neutral medical commission, Japanese War Ministry would select wounded, sick.

2. Presumes POW repatriation this category will all be Americans, Canadians.

3. Of 1400 places available following accommodation sick, wounded, Gorgé proposes fix quota 180 for Canada, 70 Latin America. These calculated approximately basis number repatriation requests presented.

4. Proposes give Hong Kong principal consideration allocation 1150 places reserved Americans. This connection reports cases certain number Americans whose families [are] alien. Under criteria established these repatriable only final exchange. They nevertheless request evacuation third exchange. As their situation becoming very distressing, Gorgé desires know whether some exception criteria may be authorized Hong Kong. Desires particularly receive directives inclusion third exchange Americans Chinese race.

5. For China should be about 1,000.

6. As evacuation Americans remaining Philippines excluded in principle, Gorgé proposes fix quota 100 in which he hopes include sick, women and children. Should Japanese Government during course negotiations agree evacuation Philippines on larger scale, this quota could be raised to 500 and quota foreseen China reduced proportionally.

7. Quota Japan and Manchukuo limited to special cases.

8. Some places might be reserved Americans Indochina who applied too late for evacuation. However, Gorgé foresees possibility complete omission quota Indochina.

9. No Americans for repatriation remain Thailand.

\textsuperscript{55} \textit{Foreign Relations,} 1943, vol. III, p. 948.

\textsuperscript{56} Vessel used by Japan in implementing second exchange agreement.
Swiss note adds Gorgé will study complete repatriation plan immediately upon receipt Department's views foregoing. Will examine with Japanese Foreign Office arrangements third exchange basis this plan.

HARRISON

711.94119 Exchange/115: Telegram

The Acting Secretary of State to the Minister in Switzerland
(Harrison)

WASHINGTON, March 7, 1944.

767. American Interests—Far East. Your 531, January 26. Department gratified to receive this report which again shows Gorgé's tireless interest in further exchanges of nationals with Japan. Department offers following comments for Gorgé's guidance and would be pleased to receive his further suggestions after he has had ample time to study these comments and explore their possibilities.

1. Geographical distribution. The Department hopes that discrimination on purely geographical grounds preventing the repatriation of some of the Americans detained by the Japanese may be terminated in all future exchanges and that all Americans, regardless where captured, may be treated on an equal basis. If this hope can be attained it would naturally be the Department's desire in the next exchange to restore equilibrium by having the geographical quota for the Philippines and for those captured at Guam and Wake made as large as possible and that consideration be given to repatriation of Americans in Malaya, Singapore, Borneo, Netherlands Indies and Burma, (concerning whose safety the United States Government has not received any reassuring information), all within the scope of the priorities prescribed in the following paragraph.

2. Priorities. It is the desire of the United States Government that in future exchanges absolute first priority be given to unaccompanied women and children who are interned or constructively interned as that term was defined in Department's 1311 and 1322 [1882] (May or June), 1943; [57] after such women and children are accommodated it is the Department's desire that remaining space be devoted to the accommodation of the seriously sick and seriously wounded, whether civilians or prisoners of war. In the opinion of the Department the determination of the sick or wounded individuals so to be accommodated should in the absence of finding by a Mixed Medical Commission rest with the committees in the various camps in consultation with competent medical opinion. It is hoped that the Japanese authorities will permit the committees to take appro-

[57] For telegrams 1311, June 2, 1943, and 1333, June 4, 1943, see Foreign Relations, 1943, vol. III, pp. 878 and 879, respectively.
priate action in this matter and will concur in their findings. It is suggested that the determination of numerical quotas for the various camps be established in consultation between Gorgé and Japanese authorities only after nominations from the various camp committees have been received.

3. After due provisions for persons entitled to priority on humanitarian grounds under paragraph 2 above, it is the desire of the Department that any remaining spaces be made available to those individuals who in the judgment of the camp committees or responsible medical authorities appear least likely to be able to withstand the rigors of continued internment.

4. Gorgé will undoubtedly perceive from the foregoing that it is the Department’s desire to emphasize the humanitarian basis for forthcoming exchanges. To cover exceptional cases which may arise, Gorgé is hereby requested to include in the second category above any individuals who are so closely confined under perilous conditions as to warrant the assumption that their health is or may soon be impaired, and to refer to the Department for consideration the case of any family group containing an individual qualifying on grounds of ill health the repatriation of which group would otherwise be deferred.

5. It is of course understood that sick and wounded prisoners of war who are permitted to avail themselves of the transportation facilities of the exchange will be members of the armed forces of the United States or Canada, regardless of individual national status.

6. Department assumes that allocation of 1150 places for Hongkong in paragraph 4 of your 531 is error for 150. Department recommends that Gorgé avoid fixing geographical quotas for various ports of call until completion of exploration of broader aspects of the repatriation program.

7. Department is again requesting Spanish Embassy \textsuperscript{55} in charge of Japanese interests to ascertain wishes of Japanese Government with respect to preferences to be accorded Japanese nationals in next exchange so that appropriate facilities may be extended to Embassy in complying therewith.

\textit{Stettinius}

\textit{711.04115 Exchange/277 : Telegram}

\textit{The Minister in Switzerland (Harrison) to the Secretary of State}

\textit{Bern, March 29, 1944.}

[Received March 29—10:30 p.m.]

1897. American Interests—Far East. Department’s 767, March 7th. Foreign Office note March 25 states Gorgé has reported he will

\textsuperscript{55} Memorandum of March 8, not printed.
examine all questions with view Department’s desires and adds that Japanese Foreign Office has not yet received from Spanish Embassy, Washington, communication regarding priorities choosing Japanese repatriates.50

Gorgé already proposed to Foreign Office begin discussions regarding evacuation Americans as settlement several problems probably involve considerable time because principles adopted previous exchanges will have to be modified as, for example, concerning repatriation sick and wounded. By such actions, hopes make all preliminary arrangements so that evacuation can begin soon after Japanese definitely agree further American-Japanese exchange. Gorgé feels further exchange might interest Japan especially regarding repatriation personnel Buenos Aires Embassy but Japanese have made no statement [regarding?] question.

Above-mentioned Foreign Office note handed to Tait 60 by Bisang 61 who is of opinion only method of arranging exchange is on the basis of repatriation Japanese from Argentina.

HARRISON

711.94115 Exchange/288a : Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, March 30, 1944.

1072. Please transmit a communication in the sense of the following to the Swiss Government for transmission to the Japanese Government:

“In a memorandum from the Spanish Embassy dated at Washington, May 4, 1943 62 the Japanese Government made alternative proposals in regard to further exchanges of nationals; namely, that exchanges be effected either at a Soviet Pacific port or at Mormugão, Portuguese Goa. The latter exchange point was agreed upon for the second exchange effected late in 1943. Since then the Government of the United States has had under consideration the possibility of giving effect to the Japanese Government’s proposal for exchanges via Soviet territory. One of the major difficulties which have had to be overcome in considering this proposal concerns port facilities.

50 The communication referred to was Spanish Embassy Memorandum No. 360, Ex. 115.00 B, December 29, 1943, which transmitted a priority list of 387 Japanese nationals and two lists of 535 internees at Santa Fé who had requested, for themselves and the 738 members of their families, that the Japanese Government accord them the highest priority for inclusion in the next exchange. In telegram 1308, April 17, the Department informed the Minister in Switzerland that the priority list was received by the Japanese Legation in Spain on February 2, that the Japanese Foreign Office was so informed by telegraph on February 11, and that the complete text of the list was transmitted to the Japanese Foreign Office on February 12. (711.94115 Exchange/29, 277)

60 George Tait, First Secretary of Legation in Switzerland.
61 Emil Bisang of the Division of Foreign Interests of the Swiss Foreign Office.
The advantage to both the Japanese and United States Governments of making use of this considerably shorter route is, however, obvious. The Government of the United States has consulted the Soviet Government and has been informed that the latter is prepared in principle to extend its cooperation in giving effect to this proposal, in particular by permitting the use of a Soviet Pacific port and by making available a Soviet crew. The United States Government accordingly offers for the consideration of the Japanese Government the following outline of possibilities for arranging on a completely reciprocal basis for (a) further exchange of nationals, including seriously sick and seriously wounded prisoners of war and protected personnel eligible for repatriation under the provisions of the Geneva Red Cross Convention of 1929,64 (b) the shipment of relief supplies for distribution to Allied nationals remaining in Japanese custody and to Japanese nationals in Allied custody, and (c) the carriage of mail for both prisoners of war and civilian internees.

Japanese nationals desiring repatriation from among those in the Western Hemisphere, together with a quantity of relief supplies, would be put aboard a vessel provided by the United States Government and manned by a Soviet crew. The ship, traveling under safe conduct of all the belligerents, would proceed from an American West Coast port to a Soviet Pacific port (to be designated by the Soviet Government) from which point the ship would proceed on to Japan in charge of the Soviet crew or, if the Japanese Government so desires, in charge of a Japanese crew which in the meantime would have been sent to the designated Soviet Pacific port for the purpose of taking over operation of the ship. On arrival at the designated ports in Japan and Japanese-controlled territory the Japanese nationals on board would be disembarked and the relief supplies and mail unloaded and turned over to the appropriate authorities for distribution to Allied prisoners of war and civilian internees in Japanese custody. American nationals desiring repatriation would then be put on board together with such relief supplies and mail as the Japanese Government might wish to send to the Western Hemisphere for distribution to Japanese nationals held in custody. The vessel would then return to the same Soviet Pacific port thence to return to the United States. It is proposed that as many voyages be made as may be necessary to repatriate all exchangeable personnel.

The Japanese Government, in order further to accelerate the exchange of nationals, may wish simultaneously to put one of its ships into this service under the same procedure using a port in Japan or Japanese-controlled territory as the point of departure. Such action by the Japanese Government would be welcomed by the United States Government and the former may be assured that in such case the United States Government will employ all means at its disposal to insure the safe return of said ship.

In order to expedite exchanges, the selection from among verified nationals desiring repatriation might be made by the detaining power in consultation with the protecting power, or by the protecting power alone as may be preferred, such selection to be based primarily on

compassionate and humanitarian grounds with due credit to recommendations of camp committees and competent medical authority. In appropriate cases either principal might, of course, designate particular individuals for repatriation. It is contemplated also that seriously sick and seriously wounded military personnel and protected personnel eligible for repatriation under the provisions of the Geneva Red Cross Convention of 1929 would be put aboard the ship.

It is understood that, if this proposal is accepted by the Japanese Government, nationals of the other American Republics and of Canada will be admissible to the resultant exchanges in the numerical proportion already established by the protecting power.

This proposal is not intended to supersede or to postpone settlement of the pending question of arranging for the onward shipment and distribution to Allied nationals of relief supplies sent from the United States to Vladivostok pursuant to the proposal put forward by the Japanese Government in April 1943, concerning which the Government of the United States hopes to receive an early indication of the Japanese Government's intentions. Furthermore, this proposal is not intended to preclude the accomplishment of such further exchanges at Mormugao as the United States and Japanese Governments may undertake to accomplish through use, after the present monsoon ends in October of existing facilities available for that purpose."

HULL

711.94115 Exchange/298b: Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, March 30, 1944—8 p. m.

1073. Reference Department's 1072. Please request Swiss Government to ask Gorgé in a secret code to report date of delivery of proposal and Japanese Government's reaction thereto. Should the Japanese authorities decline to give favorable consideration to this proposal or again raise the questions set forth in the Swiss Foreign Office Aide-Mémoire of February 25 (Legation's 1218, February 29 66), he should point out to the Japanese Foreign Office that the Spanish Embassy in charge of Japanese interests in the United States and the Swedish Legation in charge of Japanese interests in Hawaii have had full opportunity to inspect all camps in which Japanese nationals are interned and to report on the conditions therein; that replies have been made to all Japanese protests which have been received by the United States Government concerning alleged attacks on Japanese hospital ships; and that, since the United States Government has done everything possible to overcome the concern expressed by the Japanese Government as the reason for its postponement of consideration

66 Ante, p. 1019.
of further exchanges and shipment of relief supplies, it is hoped that
the Japanese Government will now give its immediate attention to the
reciprocal proposal concerning the exchange of nationals and the ship-
ment of relief supplies and also to the question of the onward shipment
of relief supplies now warehoused at Vladivostok. Gorgè might well
in this connection reiterate the suggestion he has already so fittingly
made that the Japanese Government’s fulfillment of the humanitarian
obligations it has undertaken would best serve to counteract the crit-
icism which it contends has been unjustly directed against it.  

HULL

711.94115 Exchange/332 : Telegram
The Minister in Switzerland (Harrison) to the Secretary of State

BERN, April 25, 1944—8 p.m.
[Received April 25—5:39 p.m.]

21 states complete text Department’s 1072, March 30, delivered April
18 Japanese F.O. (Legation’s 2321, April 14). In transmitting
foregoing Swiss Minister, Tokyo, added that although Japanese F.O.
official he spoke to knew for several days general outline American
proposal he preferred make no statement with regard to it.

Legation inquired informally of F.O. official Bern regarding
Gorgè’s delay in transmitting contents Department’s 1072 after deliv-
ering it verbally Japanese F.O. F.O. official states message slightly
garbled transmission. So Gorgè verbally outlined its contents and
sent written confirmation following rectification garbling.

HARRISON

711.94115 Exchange/358 : Telegram
The Minister in Switzerland (Harrison) to the Secretary of State

BERN, May 2, 1944—5 p.m.
[Received May 2—3:05 p.m.]

Foreign Office note April 27 states Japanese Foreign Office notified
Swiss Legation, Tokyo, April 22, that study of Department’s pro-
posals regarding third exchange will require some time.

HARRISON

67 In connection with this telegram, see last paragraph of telegram 2557,
April 15, 7 a.m., from Bern, p. 938.
68 Not printed; it reported that contents of telegram 1072 had been delivered
verbally to the Japanese Foreign Office on April 6 (711.94115 Exchange/315).
The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, June 27, 1944—11 p.m.

2189. American Interests—Far East. Request Swiss Government to inform Japanese Foreign Office that if Japanese Foreign Office is agreeable, a series of continuous exchanges of nationals might be devised taking advantage of railroad connections between Japanese-held territory and Soviet territory. Similar repeated exchanges of nationals have in the past few months taken place on both Portuguese and Spanish territory, between the German Government and the United States and British Governments and their associates.

If Japanese Foreign Office exhibits interest in this particular proposal Department would be glad to study Japanese Government's suggestions in this sense or, alternately the Department would be glad to make detailed proposals for the Japanese Government's consideration. Department will welcome any suggestions which Swiss representatives care to make in this connection.

Hull

The Minister in Switzerland (Harrison) to the Secretary of State

BERN, July 19, 1944—noon.
[Received 4:37 p.m.]


In handing above mentioned note to Secretary, Swiss Foreign Office official added that Gorgé reports Japanese did not understand "taking advantage of railroad connections between Japanese-held territory and Soviet territory".

Harrison

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, July 25, 1944—9 p.m.

2549. American Interests—Far East. Your 4606, July 19, noon. Department's proposal for overland repatriation across Soviet-

* For correspondence on this subject, see vol. iii, pp. 785 ff.
Manchurian frontier was based upon possibility Japanese might agree to exchange of nationals by utilizing railroad transportation to and from points on Asiatic mainland to and from Manchouli or some other Siberian frontier point. Japanese to be repatriated could be delivered at a Siberian port by a vessel under neutral supervision and could be released onto Soviet territory simultaneously with release of American repatriates onto Soviet territory at a point to be agreed upon. Each exchanged group would then travel to its respective homeland via the reverse of the route traveled by the other to the exchange point.

Number of persons who could be accommodated at any time would presumably be limited. However the important element of the suggestion is that facilities be established so that exchanges, however limited in number, be able to take place on a continuing basis so as to give hope to those internees on both sides who seek repatriation. It would seem that such a development is essential for the maintenance of morale of the American and the Japanese internees held by the respective Governments. It is hoped that the Japanese in view of their traditional attitude should be particularly sensible of the grave predicament of so many young children who are now confined behind barbed wire on both sides.

It is hoped that the foregoing will assist Gorgé in clarifying to the Japanese the proposal in Department's 2189 of June 27 which was intended to supplement not supplant its other repatriation proposals the study of which is apparently requiring considerable time in Tokyo.

Hull

740.00115 Pacific War/8-2444 : Telegram
The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, September 4, 1944.

3053. American Interests—Japan—Repatriation. Request Swiss Government to inform Japanese that on Saipan there have been captured approximately 10,000 civilians among whom are a number of high-ranking government officials. The United States Government is willing to exchange these civilians for sick and wounded United States prisoners of war and for United States civilians captured on Guam, Wake and in the Philippine Islands, and other Japanese-occupied territories, including nationals of the other American republics and Canada.

Please submit this proposal to the Japanese Government for consideration pointing out that its views should be urgently formulated in order to preclude the adoption of measures which might make such an exchange less feasible.
If the Japanese Government is interested in this proposal one of its hospital ships could be made a repatriation ship to effect the exchange and might carry American nationals to Bikini Atoll in the Marshall Islands, Latitude 11 degrees 30 minutes North, Longitude 165 degrees 25 minutes East. It would return to Japanese-controlled areas with a representative selection from among the Japanese civilians captured on Saipan. This operation could be repeated as long as there are nationals to be exchanged.

The Japanese vessel might carry a neutral observer agreed upon by the Japanese and United States Governments and the United States Government might place on Bikini Atoll a neutral observer similarly agreed upon by both parties. The function of the two observers would be that of liaison during the period of exchange and the observation of the execution of the agreement by both parties.

HULL

740.00115 P.W./10-544 : Telegram
The Minister in Switzerland (Harrison) to the Secretary of State

BERN, October 5, 1944.
[Received October 5—11:35 p.m.]


HARRISON

711.94115 Exchange/10-1144 : Telegram
The Minister in Switzerland (Harrison) to the Secretary of State

BERN, October 11, 1944.
[Received October 11—8:57 p.m.]

6790. American Interests—Far East. Department's 2565, July 26.70 Foreign Office note October 9 states during interview at Japanese Foreign Office Gorgé informed that Japanese do not believe possible exchange at Soviet port, exchange via Siberia believed possible however, but Japanese are of opinion Mormugão should be exchange port. Japanese Foreign Office believes American-Japanese exchange should be deferred until conclusion second Anglo-Japanese exchange

70Not printed; it stated, “Since it requires approximately 45 days for the Gripsholm to reach Mormugão from New York, preliminary arrangements should soon be begun if a further exchange of American and Japanese nationals is to take place at that port as soon as the monsoon ends in October.” (711.94115 Exchange/7-2044)
which appears more urgent but now encountering serious technical difficulties.

HARRISON

711.94115 Exchange/10-1144 : Telegram
The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, October 19, 1944.

3566. American Interests—Far East—Repatriation. Your 6790, October 11. Please request that Gorgé suggest Japanese Foreign Office that if technical difficulties confronting Anglo-Japanese exchange, of which difficulties United States Government is uninformed,\(^{1}\) seem likely to cause excessive delay, result will be unnecessary delay in American-Japanese exchange thereby continuing unduly distressing restraint on numerous American and Japanese children, women and invalids in internment camps. In behalf of these unfortunate individuals United States Government bespeaks consideration by Japanese Government on humanitarian grounds of prompt effectuation of American-Japanese exchange either at Mormugão or at Bikini Atoll (Department's 3053, September 4) as technical difficulties for either such exchange do not in opinion of United States Government exist.

Japanese Government should be reminded that period during which weather permits use of Mormugão as exchange port is not extensive and that prompt action is necessary if two or more exchanges at that port are to be effected before the monsoons change again.

The Japanese reply to such communication as Gorgé may make on foregoing matter will do much to indicate to United States Government whether Japanese statement reported in your 6790 is or is not to be taken as sincere.

HULL

711.94115 Exchange/10-2444 : Telegram
The Minister in Switzerland (Harrison) to the Secretary of State

BERN, October 24, 1944—midnight.
[Received October 24—5:16 p. m.]


\(^{1}\)Telegram 9327, October 28, 8 p. m., from London, reported the view of the British Foreign Office that technical difficulties were connected with the shortage of Japanese shipping (711.94115 Exchange/10-2844).
Gorgé received from interview impression that this question still faces great difficulties particularly concerning transportation as Japanese authorities probably have no ship available for exchange. Under these conditions discussion made no progress. Furthermore during previous discussions Japanese Foreign Office officials had vaguely given to understand but without any obligation that problem might be solved if neutral vessel might be made available. This neutral vessel however should have Japanese crew for military authorities could not admit in Japanese-controlled waters vessel with neutral crew.

These suggestions were personal opinions but as matter being delayed Gorgé felt obliged present them American and British Governments and requests opinions. Gorgé thinks that if American and British Governments make available civilian exchange vessel which would have Japanese crew one or more exchanges might be effect[ed].

Foreign Office official telephoned this morning stating that view foregoing from Gorgé absolutely no purpose might be gained transmitting to Tokyo Department's 3566, October 19, which is being held Bern pending instructions as only possibility further exchange appears based on availability neutral ship which might proceed neutral port where could take on Japanese crew.

HARRISON

711.951.15 Exchange/10–2444: Telegram

_The Acting Secretary of State to the Minister in Switzerland_ (Harrison)

WASHINGTON, November 2, 1944—10 p. m.

3752. Repatriation—Far East—American Interests. In light of information provided in your 7047, October 24, midnight, Department suggests that Gorgé might find it practicable to revive with Japanese Foreign Office discussion of project outlined in Department's 1072, March 30, which in many ways meets the requirements of the situation, aside from the minor question of the flag on the vessel to be provided which can be easily solved. The proposed scheme might be effected at any number of points on the Soviet Pacific coast or perhaps elsewhere if desired. There is furthermore no reason why this scheme might not also be used for the effectuation of Anglo-Japanese exchanges. If the Japanese Government is willing to discuss exchanges concretely, Gorgé may be assured that the United States Government will take every practicable step to meet its suggestions. The Department feels that the suggestions so far made to the Japanese offer such a wide choice that some combination of them must be acceptable to the Japanese Government.
The Department must rely upon the ingenuity of Gorgé to pursue these conversations with a view to determining some practicable means of arriving at a working arrangement. In particular if Gorgé could elicit from the Japanese at this time a statement of their practical objections if any to the scheme in Department's 1072 which very closely parallels his suggestions in your 7047, a very definite advance in the negotiations will have been made.

Department awaits with interest Gorgé's further reports on this subject.

STETTINIUS

711.94114 Exchange/10-2444 : Telegram

The Acting Secretary of State to the Minister in Switzerland
(Harrison)

WASHINGTON, November 11, 1944—11 p.m.

3851. The Department requests that you have Swiss ask Gorgé in his discussions based on its 3752, November 2, 10 p.m. to ascertain whether Japanese are more likely to agree on basis of first or second of following possible schemes of operation:

A. A neutral vessel would take on board a capacity load of Japanese nationals and proceed to a designated intermediate point, the neutral crew to be exchanged for a Japanese crew. The vessel would then proceed in Japanese waters, discharge the Japanese nationals, take on board United States and other American nationals, return to the intermediate point, change crews once more and continue to the places of destination of the passengers then on board. This operation would be repeated as often as might be convenient. Suitable accommodations for neutral and Japanese crews while awaiting the vessel would have to be provided.

B. A neutral vessel would be found and turned over to the Japanese to be operated by the Japanese. This vessel would be used for a continuing series of voyages between Japanese ports and an exchange point where passengers would be exchanged to other vessels bringing Japanese to that point.

Both possible methods of operation present certain disadvantages. However, it is essential for Department to know which would be preferable to the Japanese in order adequately to consider the nature of concrete proposals which might be made. An urgent reply is requested.

For the Legation. Department understands that British Government has made a proposal to the Japanese Government for an exchange at Mormugão in which the Japanese would use a neutral vessel provided by the British. Please endeavor to ascertain discreetly whether British suggestion involves alternative A or B above and
whether it incorporates any new features which might be of use to Department in furthering its negotiations.

You should point out to de Pury 72 (Reurtel 7886, November 7 73) the point made in Department's 3752 that the proposals so far made by this Government regarding exchanges contain ample range of alternatives from which the Japanese Government could select desirable features enabling it to proceed with an exchange.

**STETTINIUS**

711.94115 Exchange/11-1844: Telegram

*The Minister in Switzerland (Harrison) to the Secretary of State*

**BERN, November 18, 1944—noon.**

[Received November 18—11:10 a.m.]

7615. American Interests—Far East.

(1) Substance all but last two paragraphs your 3851, November 11, communicated Foreign Office November 14.

(2) British Legation advises British Government has as yet made no proposal Japanese Government. Last communication from British Legation to London dated October 28 to effect Gorgé again personally approached Japanese Foreign Office on October 10. Gorgé gained impression repatriation difficulties particularly due transport as Japanese probably have no suitable ship their disposal. Under circumstances discussion made no progress. During previous interviews Japanese Foreign Office had vaguely made it understood but without assumption any obligation that solution could perhaps be found if neutral ship placed Japanese disposal manned by Japanese crew as Japanese military authorities could not allow neutral ship with neutral crew to navigate in waters under their control. Above suggestions had personal character but as matter dragging Gorgé considers it useful seek opinion British and American Governments. He believes that if Great Britain and United States could provide ship to be navigated by Japanese crew one or more exchanges could perhaps be carried out.

British Legation has received no response from London.

(3) De Pury advised by note November 16.

(4) British Chargé, Bern, suggested joint action his and our Government and indicated is so recommending London.

**HARRISON**

72 Arthur de Pury, Chief of the Division of Foreign Interests of the Swiss Foreign Office.

73 *Ante*, p. 1069.
The Acting Secretary of State to the Minister in Switzerland

(Harrison)

WASHINGTON, November 18, 1944—midnight.

3933. American Interests—Far East—Repatriation. Please request Swiss Government to communicate with Gorgé in a secret code giving him the information in next following paragraph and asking that he take up with Japanese Government at the highest level feasible and on a confidential basis the proposal contained in the paragraphs ensuing thereafter.

The United States Government is aware that there are on the islands of Nauru, Jaluit, Maloelap, Wake, Mille, Wotje and Ocean Japanese garrisons in some numbers which are isolated and thus deprived of normal means of relief evacuation or supply. It is presumed that the condition of these Japanese garrisons is approaching that of the American defenders of Bataan and Corregidor and that they are a military liability to the Japanese.

The United States Government is willing to grant safe-conduct evacuation to the Japanese garrisons on Mille, Wotje, Jaluit, Ocean, Wake, Nauru and Maloelap, in exchange on a rank for rank basis for the return by the Japanese Government of a substantially equal number of United States, British Commonwealth (i.e. British and British Dominion) and Netherlands nationals who are held by the Japanese Government as prisoners of war.

The evacuation of the Japanese garrisons would occur upon or after the delivery of the United States and Allied prisoners of war to the point agreed upon, which delivery should be effected under appropriate assurances and safe conduct.

If the Japanese are willing to consider the above proposal, more detailed discussion may follow as to the means of accomplishing the proposed exchange.

If the Japanese raise either of the following questions either directly or by implication Gorgé may inform them:

(a) In regard to publicity or propaganda, that the United States Government will not engage in publicity or propaganda over the making of this proposal.

(b) In regard to Article 74 of the Geneva Prisoners of War Convention, 74 that that article will not be considered by the United States Government as applicable to Japanese evacuated under this proposal.

Gorgé should telegraph date when the proposal is placed before Japanese and keep Department informed urgently and in fullest detail of Japanese reactions and other developments.

Stettinius

The Secretary of State to the Chargé in Switzerland (Huddle)

[Extract]

WASHINGTON, December 1, 1944—9 p. m.

4060. The following comment is provided for your background information and for possible use only to the extent that comment from Gorgé or from the Swiss Foreign Office may require you to discuss the points mentioned:

1. In so framing the proposal contained in its 3933, November 18, midnight, as to provide for the inclusion of some British Commonwealth and Netherlands prisoners of war, the Department was acting with the approval of and at the request of the British and Netherlands Governments for which it is also acting in respect of this particular proposal. In this connection, however, as bearing on the proportions of respective Allied personnel to be included in the exchange you should be guided in your discussion by the last paragraph of this telegram.

2. It is considered that on grounds of national prestige it may prove difficult to obtain Japanese acceptance of the principle of the new proposal. For that reason suggestions regarding such concrete details as the point of exchange, means of transportation and the proportion of American, British and Netherlands prisoners of war to be included, were not discussed in the initial communication in order not to inject practical objections into Japanese consideration of the scheme. A premature effort to establish a ratio between the prisoners of war of different nationalities might for instance confront the Japanese with such difficult problems in assembling and transporting prisoners from inconvenient areas as to make the basic proposal entirely unacceptable without further consideration.

3. If the Japanese evince any disposition whatever to discuss the proposal, it will become urgently necessary to find out from which areas they are most disposed to repatriate prisoners and the approximate distribution of prisoners by nationality in those areas. Such information is essential to the proper development of the negotiations and to a solution of the problem referred to in the last sentence of the preceding paragraph. Accordingly, if Gorgé’s initial report indicates any possibility of success, please ask the Swiss to have him endeavor urgently to obtain this information.

4. It is assumed that the Japanese will wish not to make any public announcements on the subject if they accept the proposal and that they may wish that the transfers of Allied personnel necessary to effect the exchange have the appearance of transfers for Japanese convenience and not of evacuation or of repatriation. Even if this
extends to a desire not to tell the prisoners of war that they are to be repatriated, there will be no objection.

STETTINIUS

711.94114A/12-15144 : Telegram

The Chargé in Switzerland (Huddle) to the Secretary of State

BERN, December 15, 1944—noon.
[Received 7:34 p. m.]

8144. Far East Repatriation—American Interests. Foreign Office note December 11 states American proposal contained your 3933, November 18, submitted by Gorgé to Minister [Koichi'] Suzuki, Chief of Foreign Interests Division, Japanese Foreign Office. After briefly outlining this proposal to Suzuki, Gorgé offered to submit it directly to Shigemitsu 75 but Suzuki stated that, as this was a question to be decided by War Ministry, he would handle it himself. Gorgé explained entire proposal to Suzuki and to avoid misunderstanding left a memorandum. Suzuki gave no reply but promised examine matter with Foreign Office with view to submitting it to War Ministry.

HUTURE

740.00115 PW 1939/10-544 : Telegram

The Secretary of State to the Chargé in Switzerland (Huddle)

WASHINGTON, December 15, 1944—10 p. m.

4228. American Interests—Far East. Please request Swiss to obtain expedited reply to Department’s 3851, November 11, and preceding telegrams as Department is most anxious to continue with negotiations on this subject.

With reference to your 6632, October 5. Please request that Gorgé be informed that initial lists of Japanese civilians captured on Saipan and Tenian have already been provided Spanish Embassy Washington and that further lists of such nationals and of Japanese nationals captured on Guam will follow promptly. 76

STETTINIUS

75 Mamoru Shigemitsu, Japanese Minister for Foreign Affairs.
76 Telegram 249, January 16, 1945, 9 p. m., to Bern, stated that the United States Government had completed reporting to Spanish and International Red Cross channels the names of the 22,459 Japanese civilians taken in the Marianas and requested “that Gorgé now press Japanese Government to consider exchange of these persons against Americans in their control.” (740.00115 PW/1-1645)
The Chargé in Switzerland (Huddle) to the Secretary of State

BERN, January 17, 1945—6 p. m.
[Received 10:50 p. m.]

338. American Interests—Japan—POW Repatriation. Legation’s 8144, December 15. Foreign Office note, January 15, states Swiss Minister, Tokyo, received from Japanese Foreign Office memorandum dated January 6 to effect Japanese Government cannot consider exchange proposed Department’s 3933, November 18. Gorgé adds Japanese memorandum indicates no reason for refusal and that Chief of Division Foreign Interests of Japanese Foreign Office was not able furnish explanation.\(^{76a}\)

Huddle

REPRESENTATIONS BY JAPAN REGARDING THE TREATMENT OF JAPANESE NATIONALS BY THE UNITED STATES \(^{77}\)

702.9411A/88

The Swedish Minister (Boström) to the Secretary of State

The Minister of Sweden in charge of the Japanese interests in the Territory of Hawaii presents his compliments to the Honorable, the Secretary of State, and has the honor to forward, herewith, copy of a cablegram, dated January 26, 1944, containing a protest from the Japanese Government in reply to the notes of the Department of State of September 8 and 9, 1943,\(^{78}\) concerning the treatment of the personnel of the former Japanese Consulate General in Honolulu after the outbreak of the war in December 1941.

WASHINGTON, February 2, 1944.

No. 153/4-T-V

[Enclosure]

Cablegram Dated January 26, 1944, Addressed to the Swedish Legation, by the Ministry of Foreign Affairs B, Stockholm


\(^{76a}\) In telegram 162, January 10, noon, Bern reported a Japanese Foreign Office spokesman, in a discussion with Mr. Gorgé, could give no assurances of an exchange arrangement because “final decision rests with military authorities” (740.00115 PW/1–1045).


\(^{78}\) Ibid., pp. 1069 and 1072, respectively. The second note was addressed to the Spanish Embassy.
Japanese Government have received notes of United States Government dated 8th and 9th September, 1943, in reply to Japanese protest 79 regarding maltreatment accorded by United States authorities to Japanese Consul-General at Honolulu and his staff.

Japanese protest is based upon facts. Various injustices and hardships which were actually experienced by Kita and his staff have been pointed out in Japanese note. Though American reply says that "careful consideration has been given to Japanese protest", it consists of mere denials, and no satisfactory explanation of matters raised in protest is given. It may be either that American officials who were in charge of group did not report full facts to Government or that they made a wilful misrepresentation in order to conceal their misbehaviour.

Japanese Government invite United States Government to give reconsideration to, and make reinvestigation of, following matters.

Primo. It is stated in American reply that "Mr. Kita later expressed his appreciation for considerate treatment he and his staff had received". This apparently refers to fact that, when on day of outbreak of hostilities Mr. Gabrielson, Chief of Honolulu police force, came and intimated to Kita that in view of seriousness of situation he was sending a squad of policemen to protect Consulate-General, Consul-General said that he had no objection to such steps being taken. But American reply makes no mention of unwarrantable conduct of eight or nine armed officials who soon after noon of same day forced their way into Consulate buildings, placed Consul-General and his staff under restraint, searched, and took away their belongings.

The treatment given by American authorities to Japanese Consul-General at Honolulu and his staff may be divided into following several periods, namely, (A) December 7th, 1941, (B) from December 8th, 1941, till January 21st, 1942, inclusive period during which Japanese Consul-General and his staff were detained in offices of Consulate-General, (C) from January 21st till February 8th, 1942, inclusive period during which they were detained in official residence of Consul-General, (D) during their transport from Honolulu to American Continent, (E) during their detention in Arizona on and from February 10th, 1942, (F) from time of their departure from Arizona till their embarkation on exchange ship. 80 Treatment given them during one of these periods differs from that of during another, and American reply only refers to such periods as are most favourable to American contention. Kita, when he visited Col. Green 81 on Decem-

80 For correspondence on exchange agreement with Japan in 1942, see ibid., 1942, vol. i, pp. 377 ff.
81 Col. Thomas H. Green, Executive to the Military Governor of Hawaii.
ber 29th, 1941, protested against treatment which he and his staff had received since December 7th, and demanded their release from custody and return of their belongings which had been taken away. They did not receive any “considerate treatment”, and therefore Kita could not have “expressed his appreciation”. It is a grossly irresponsible statement on part of Honolulu authorities to say that Kita “acknowledged fact that Consulate-General was under protective custody in view of outbreak of hostilities”. Personal liberty of Japanese Consul-General was unduly restrained and his person was searched and his belongings were seized. How could he acknowledge that as a protective custody.

Secundo. American reply says “it has been ascertained that no threats or force were used in any case”. But as has already been fully described in Japanese protest of December 1942, a party of armed officials who rushed into Japanese Consulate-General soon after noon of December 7th, 1941, encircled members of Consulate-General, threatened them, made them take off even their underclothing, seized their purses, keys, cigarette-lighters, etc., and thrust them into a corner of a room. During several hours during which they were detained there, loaded rifles were laid on desk with muzzles pointing at their chests, and American officials, now and then putting their hands on grips of guns, threatened and derided them. Upon their request, position of weapons was at one time altered, but they were soon returned to their original position. Such threatening affronts were repeated till morning of December 8th. Nothing would be farther from truth than to say that “not [no] threat or force were used in any case” or “at no time were any guns intentionally pointed at members of Consulate-General”.

Tertio. As has been said before, all keys in possession of Consul-General and members of his staff were taken away on December 7th. But a few days later Captain Van Kuren demanded of Consul-General surrender of key of door of cable room. Consul-General replied that key was among things which had been taken away, whereupon Captain Van Kuren ordered his men to break open door and entered room. Misrepresenting this course of events American reply says, “Mr. Kita gave his assent to breaking of panels of doors in order to obtain keys”. The American officials did not demand key of steel cabinet (which also they had taken away among other things), but American reply says, “a locked steel cabinet was forced as there were no available keys to open it”. American officials destroyed cable room door and steel cabinet without obtaining consent of Consul-General.

Quarto. As regards loss of money and other property belonging to members of Consulate-General, American reply says that no trace
of them has been found, and that it has been determined that none of missing articles were taken by police authorities. But loss of money and other articles belonging to Seki, Chancellor, took place in upstairs-room of Consulate-General while all members of Consulate were kept in custody and not allowed to stir a step. It is admitted by American police authorities that they allowed no other persons to enter Consulate-General. On other hand they freely came in and out of building, carried away books and stationery, and consumed cake and sweets which were there. Therefore police authorities are only persons who can be held responsible for missing articles. When Kita suspected the police authorities of stealing things from house of Tsukikawa, Chancellor, Captain Van Kuren admitted its possibility.

Quinto. American reply asserts that Consul-General and members of his staff “lived almost normal life”. But on December 7th, 1941, Honolulu authorities were so excited that their behaviour became most erratic. They did not allow Consul-General and his staff any sleep. They did not allow them to use lavatory, but made them do their needs on lawn, while they watched them and pointed rifles at them. Even Mrs. Seki was not allowed to use lavatory that night, and on account of showery cold weather she had to refrain from doing her needs till 8 o’clock next morning. On night of 8th and 9th she was forced to sleep among male members of group on a mattress laid on office floor. On December 10th they were allowed to sleep in beds which had been carried into two rooms of official residence on second floor of office building. But from then till January 21st, 1942, not only male members of Consulate-General but also Mrs. Seki and Ozaki, chauffeur, were detained in office rooms of Consulate-General, and except for a short time daily for exercise accorded at request of detained persons, they were not allowed to go out into garden. When Mrs. Seki went upstairs in order to change her dress or have a bath, she was followed by a police officer with a revolver in his hand. Such is anything but a “normal life”. American reply makes a clearly false statement when it says, “at no time was anyone forbidden use of sanitary facilities or embarrassed in this connection”.

Sexto. Members of Consulate-General and Mrs. Seki, who were detained in office building from about noon on December 7th, were not allowed to have lunch until after 3 o’clock in afternoon, when they were allowed to have some sandwiches and milk which were bought through intermediary of policemen. They spent evening in porch exposed to showers, and only at midnight could they appease their hunger with some riceballs carried from Kita’s official residence. It is
absolutely untrue to say that “members even on first day of hostilities were served by a Japanese maid best food available on Island”.

Septo. Consul-General and members of his staff were given a promise that they would be allowed to purchase necessary commodities when leaving for continent, but Captain Van Kuren totally refused to carry out this promise except as regards Consul-General. American reply again states a falsehood when it says that “there was no restriction on amount of available clothing and luggage which could be purchased other than space permitted on vessel”.

Octavo. When on February 8th, 1942, Consul-General and members of his staff were put on board ship for transport to West Coast of American Continent, their luggage was examined and their persons searched by American naval officers in a most strict manner. They were made half naked, and persons of women were searched in such a contemptuous manner that decency forbids to describe it. It is contended that search was deemed by Captain of vessel to be necessary in interest of safety of vessel and its passengers. But what was actually done was clearly beyond limits of necessity. It is far from truth to say that search “was conducted with due regard to modesty of individuals”. Japanese Government once more express their desire that United States Government furnish them with a conscientious unequivocal reply to each of foregoing paragraphs.

Japanese Government expect that United States Government will also reply to Japanese protest regarding treatment accorded by American authorities to Japanese residents in Hawaii.

Japanese Government wish to add that they have received a report from Japanese subjects who were repatriated through second Japanese-American exchange regarding ill-treatment of Japanese residents in Hawaii. According to this report, Japanese residents in Hawaii who were detained in said Island immediately after outbreak of hostilities were compulsorily employed by Hawaiian authorities in digging of blind shells, which even guard did not dare to approach. During their transport to continent they were locked up in ship’s bottom, given no water to wash themselves with, and on pretext of shortage of lifeboats they were compelled to bring life-buoys with them. Japanese Government demand from United States Government an explanation for these various instances of inhuman treatment accorded to Japanese subjects.

For correspondence on second exchange agreement with Japan, see Foreign Relations, 1943, vol. iii, pp. 867 ff.
The Spanish Embassy to the Department of State

MEMORANDUM

No. 61
Ex. 119.01

The Spanish Embassy presents its compliments to the Department of State and begs to transmit herewith a telegram that has been received from the Japanese Government, through the "Ministerio de Asuntos Exteriores"[^32] in Madrid.

"Memorandum of February 29th, 1944—


Japanese Government hereby lodge protest with the United States Authorities; and in particular, as regards paragraphs 1 and 2, demand punishment of persons responsible and that adequate steps be taken to prevent recurrence of the similar incidents in future, and as regards paragraph 3 and 6, treatment of Japanese internees be substantially improved.

Japanese Government also reserve all rights relative to any demand they may make in connection with matter under review.

1. Shooting, etc. of Japanese subjects near Lordsburg Internment Camp. A party of Japanese subjects numbering 147 were transferred from Bismarck Internment Camp in North Dakota to Lordsburg Internment Camp in New Mexico. Under escort of American soldiers they arrived 27th July, 1942, at 1:45 A.M. at a station on Plateau near Lordsburg. Two men of party, Shiro Kobata and Hirota Insumura, who were invalids aged nearly sixty years (60), former suffering from tuberculosis and latter from spinal disease caused by injury sustained while at work in fishing boat, were unable to walk any further, and had to follow party in automobile escorted by soldiers. Party felt uneasy about these two persons, as they failed to join them at Lordsburg Camp. Moreover reports of gun heard in direction of station gave them evil forebodings. So they made inquiries at Camp office and [office?] of army surgeon, but no definite information was given. It was announced by camp office next morning two invalids had been shot at dawn 27th on charge of attempt to escape. It is inconceivable that aged invalids hardly able to walk should while under military escort have attempted to escape. (Ponston, ?)[^34] who escorted two men it is learnt, was committed for trial by courtmartial, but was acquitted.

At Lordsburg Internment Camp three cases of unwarrantable use of firearms occurred from April to June inclusive, 1943. At one time a Captain fired revolver to urge internees to hasten their work, at another time an internee requesting a sentry to fetch golf ball which had

[^32]: Ministry for Foreign Affairs.
[^34]: As in original.
fallen out of fence was fired at from watchtower, and on third occasion internee was fired at while within twenty feet of fence. During 1942 some 20 American convict soldiers were interned at Lordsburg Camp. Japanese internees requested Commandant to remove these convicts to another place, but request was not complied with. On Thanksgiving Day one of convicts, under influence of liquor, intruded into Japanese internees quarters used abusive language, sat astride Doctor Uyehara, and wounded him in back with a knife.

2. Shooting of Japanese subjects at Manzanar Relocation Center. Assistant Commandant Campbell of Manzanar Relocation Center was guilty of corrupt practices in connection with distribution of stocks of sugar at Center, and he knew his illicit activities had come to the knowledge of Yōshio Uyeno, Secretary of Association of Workers in mess. On 5th December, 1942, a youth named Fred Masary Uamada was attacked and wounded by some person, and next morning Uyeno was arrested as suspected culprit by Assistant Commandant Campbell and sent to prison outside Center. Uyeno's friends, who knew Campbell had from sinister motives arrested Uyeno upon false charge, formed themselves into a Committee, and on behalf of the whole body of internees pleaded innocence of Uyeno and requested for his release. Later on in the day Uyeno was removed to prison inside Relocation Center. In evening of same day, large number of internees anxious about Uyeno gathered to hear report of Committee, and requested them to see that Uyeno was released at once. It being extremely cold night, those present marked time or stepped about in order to warm themselves. Then suddenly there arose heavy gale peculiar to district. Some fifty or sixty soldiers, standing by in front of police station with machine guns, were evidently taken by surprise by sound of wind and noise made by the stepping internees. Under misapprehension, it appears, that something untoward had happened, they, without any warning, threw tear gas and fired machine guns at assembled people, who offered no resistance. As result, one Itoh was instantly killed, and ten persons were seriously wounded, one of whom named Kanagawa died two days later. They had been wounded in back. Six Committee men were arrested during course of incident. On 7th December a new committee of six persons were elected, but they were also arrested. Then four Representatives applied to Relocation Center Authorities for release of thirteen persons under arrest, but no favorable result was obtained. Thereupon all internees, except those working in mess and engaged in distribution of fuel oil, ceased work in passive resistance. Commandant intimated internees through Spanish Consul in San Francisco that he would consider their application if they resumed work. Some of them resumed work on or about 20th December, and others followed later. But no remedy was effected, except that Assistant Commandant was dismissed in January, 1943, and supervision over internees was made even stricter. Japanese Government call serious attention of the United States Government to these outrages on part of United States Authorities, in which aged invalids and unarmed civilian internees who offered no resistance were mercilessly killed and wounded. Japanese Government demand of the United States Government punishment of persons responsible, and notify that they must bear responsibility for any and all consequences of these outrages.
3. Improper levy of income tax. There are many cases where United States Authorities improperly assessed income tax on Japanese residents, or deducted income tax from their property or put it up for sale without giving them any notice. Ouraichi Nakanish, interned at Santa Fe, was compelled to pay out his money for taxes without being allowed to retain anything for his travelling expenses. He was given notice of income tax immediately before departure of exchange ship, and was threatened with refusal to be allowed to embark unless he paid it.

4. Improper treatment at Internment Camps. Food provided at Kenedy and Santa Fe Internment Camps is of quality inferior to what is given in other camps. Food given at Ellis Island Internment Camp is not only inferior in quality but meager in quantity, and as a result eye-sight of internees has been impaired and about ten persons put under necessity of using spectacles. Some of internees had to supplement their nutriment with provisions sent them by their families or friends. At Santa Fe Camp, some 65 persons were put in room of capacity for 40, as consequence cases of illness occurred.

5. Seizure of property of Japanese residents transferred from Alaska. All money and other belongings of Japanese residents transferred from Alaska to United States were seized at Internment Camp at Fort Sam Houston. Houston, in charge of Camp, gave them a provisional receipt showing total amount. Japanese internees applied to Authorities Washington for return of seized money and goods, nothing was returned and reply given showed that money had diminished. As a result, they are even hard up for pocket money.

6. Compulsory evacuation of Japanese residents in Virginia. A protest has already been lodged against compulsory evacuation of Japanese residents of Pacific coast to interior. In addition to this, in July, 1943, Japanese residents in Virginia were ordered to evacuate at a week or ten days notice, and were transferred to Philadelphia. On account of short notice given they were unable to arrange their household affairs. They also had to defray expenses of evacuation. Nor have they been given any assistance in obtaining employment. As a result many of them are in difficulties as to getting living. As in case of compulsory evacuation from Pacific coast, United States Government must bear responsibility for injury sustained by these individuals compulsorily evacuated from Virginia.

WASHINGTON, March 13, 1944.

740.00115 Pacific War/2257

The Secretary of State to the Swedish Minister (Boström)

The Secretary of State presents his compliments to the Honorable the Minister of Sweden in charge of Japanese interests in the Territory of Hawaii and refers to a note dated December 31, 1942, setting

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56 Ibid., p. 1059.
forth certain complaints of the Japanese Government concerning the
treatment alleged to have been accorded Japanese civilians interned
in the Territory of Hawaii.

Investigation of these complaints has now been completed and
there is transmitted herewith a statement embodying the findings of
the investigation. The paragraphs of the enclosed statement are
numbered to correspond with the numbered paragraphs of the com-
munication from the Japanese Government which formed the enclo-
sure to the Legation’s note under reference.

WASHINGTON, March 25, 1944.

[Enclosure]

Statement Prepared in the Department of State

Alinea (1)—Regarding alleged handcuffing and overcrowding. A
report from the military authorities in Hawaii indicates that in no
instance was it found necessary to use handcuffs during the apprehen-
sion and transportation of Japanese internees to custody. The
internees, once in custody, were afforded living quarters in compliance
with basic United States Army Regulations covering the housing of
soldiers which take into consideration elements of health, ventilation,
and comfort. Suitable toilet facilities were furnished and exercise
periods were allowed. The internees were fed in a roofed inclosure
and were not subjected to the elements as alleged in Alinea (1).

With reference to the alleged overcrowding of civilian internees,
it is believed that the communication from the Japanese Government
refers to the arrival on the West Coast at one time of a group of 161
civilian internees. This group was temporarily held while awaiting
processing in a bedroom with 192 beds and was fed in a new mess hall
seating 250 persons.

Alinea (2)—Regarding compelling civilian internees to work. A
full report on the treatment of Japanese internees at Sand Island
Detention Camp, Territory of Hawaii, shows that within the first few
weeks after December 7, 1941, a large number of aliens was taken into
custody. Action had to be taken immediately to “tent” them ade-
quately until permanent housing could be constructed. Japanese
civilian internees were instructed to erect and align their tents. Simi-
lar instructions were given to other internees. No order was given,
as far as is known, that Japanese should erect the tents of Germans
and Italians. It was the policy of the Commanding Officer of the
Sand Island Detention Camp never to order Japanese to perform
labor for German or Italian internees, or vice versa.
Pursuant to a request made of the leaders of Japanese internees, a number of young Japanese willingly assisted in the construction of a fence around their inclosures.

The laundry was made available to Japanese internees in January 1942, for their use in laundering their own bed linen and clothing. They occasionally voluntarily assisted in doing the laundry of American Army personnel. Later, when the laundry was operated by the Quartermaster of the United States Army, internee labor, including Japanese, was employed at the rate of eighty cents per day. These work groups were selected by their own group leaders.

Permission to raise vegetables was given as a considerate gesture to enable the Japanese, who desired fresh vegetables, to supply themselves therewith. Implements and seeds were furnished. The internees furnished the labor and there was never any understanding or order that they were raising vegetables for American troops. Apparently on some occasions when crops of certain vegetables were greater than needed by the internees, the internees themselves offered the excess vegetables to the troops.

Before funds were available for the payment of internee labor, there may have been instances of gratuitous labor but such work was performed voluntarily and not under force or as the result of a direct order. However, when funds were available, payments were made for all work performed and a three dollars monthly allowance was granted each internee retroactively to the date of initial internment. In those cases in which internees were transferred to the Mainland prior to the inauguration of payments to internees, they were later credited with the amounts due up to the time of their departure from the Sand Island Detention Camp.

Alinea (3)—Concerning search of internees. Upon arrival at camp, the clothing and baggage of internees were completely searched. All valuables were taken from them, listed and a receipt given, signed by the internees and the receiving officer. Any article which might have been considered a possible lethal weapon was confiscated. When any group of Japanese was transferred to the Mainland, its members were searched again before leaving camp to assure that no forbidden articles were taken aboard ship. All personal valuables except money were returned upon departure of the internees for the Mainland.

Concerning Money. In Hawaii, funds received from internees or donations to internees, were deposited in a Hawaiian bank and books were set up to show the amounts credited to each internee. Upon transfer to the Mainland the money was forwarded to the Provost Marshal General, Washington, D.C., for credit to the internee's account at the Mainland internment camp to which he was trans-
ferred. It is reported that a total of $26,679.65 of internee funds was forwarded to Washington. It is possible that some internees were inconvenienced because of lack of funds upon arrival on the Mainland before their funds were received and made available.

Alinea (4)—Concerning alleged mistreatment during transfer to the Mainland. During the transfer of civilian internees from Hawaii to the Mainland they were provided adequate accommodations and were not restricted by wire netting or any other similar device. Toilets, in all cases, were furnished within the rooms or were readily accessible. Accommodations given internees were superior to those furnished either the ship’s crew or transit troops. Within the West Coast area adequate facilities were afforded internees and no complaints were lodged during any transfer.

The report from the military authorities in Hawaii indicates that the treatment of Japanese and other persons held in custodial detention has, since the beginning of hostilities, been marked by scrupulous observance of treaty obligations and agreements. Throughout the process of investigation, apprehension and detention, Japanese civilians were treated humanely and were protected against violence, insults and public curiosity.

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740.00115 Pacific War/2392

The Spanish Embassy to the Department of State

MEMORANDUM

No. 86
Ex. 113.00T

The Spanish Embassy presents its compliments to the Department of State and begs to transmit a Memorandum received through the “Ministerio de Asuntos Exteriores” in Madrid, from the Japanese Government and which reads as follows:

“Memorandum of April 18th, 1944—

According information received from reliable source, United States authorities, at various times from February to August inclusive 1943 put to Japanese subjects and United States citizens of Japanese origin interned at Relocation Centers, questions whether or not they would swear allegiance to United States. Japanese subjects were asked in first instance to say whether they would renounce allegiance to Sovereign of Japan and swear unconditional allegiance to United States, on second occasion, whether they would cooperate in defence of United States in event of that country being attacked by enemy, and on third occasion whether they would swear to abide by United States law and refrain from all such actions as would interfere with prosecution of war.

Among United States citizens of Japanese origin (Second and Third generation), male citizens were asked to say whether they would
voluntarily enlist in United States Army, female citizens were asked whether they would volunteer for enlistment in Women’s Auxiliary Army Corps., and both male and female citizens were asked to say whether they would swear unconditional allegiance to United States and renounce allegiance to any foreign country. At time when these questions were asked, United States authorities gave out declaration to following effect.

United States Government intends to release evacuees not necessarily but as far as possible, but they cannot release any who are dangerous to United States, and any who wish to return to Japan are deemed most dangerous to United States. Therefore, those persons at Relocation Centers, who have repudiated allegiance to United States and those who do not cooperate with authorities there, as well as those who desire to return to Japan, will be transferred to special relocation center at Tule Lake. As above narrated, United States authorities three times repeated their questioning of Japanese subjects. It appears that Japanese subjects, indignant of first and second questions abstained from or refused any answer, and United States authorities in their attempt to induce them to alter their attitude brought pressure to bear upon them, but without success, and finally were compelled to mitigate their cross examination till they formulated third question.

Most of United States citizens of Japanese origin answered above mentioned questions in negative. United States authorities attempted to force them to alter their negative answer to affirmative answers, and to summon so many of them to Tule Lake was a punishment metered [measured] out to Japanese subjects and United States citizens of Japanese origin who failed to swear allegiance to United States.

United States authorities interned Japanese subjects at Internment Camps or at Relocation Centers at outbreak of war under pretext of protecting their lives from danger and so forth. (Several incidents actually occurred in which Japanese subjects were killed, of which at least four cases involving six deaths have come to knowledge of and have been protested against by Japanese Government). When hostile feeling of United States against Japanese had become redoubled, as evidenced by debates in Congress and articles in Press, United States authorities tried to remove Japanese subjects out of Relocation Centers and utilize their labour. A large number of evacuees, who knew this motive actuating United States authorities and who were aware their safety after release from Relocation Centers not guaranteed, did not change their answer despite American Authorities threats, and even an increased number of them applied for repatriation, or expressed their desire to be transferred to Tule Lake. The [As?] reported United States authorities announced suspension of decision to transfer those desiring repatriation. It is presumably due to these circumstances that during negotiations for second exchange of residents between Japan and United States, an American note alleged many Japanese subjects several times changed their minds as to whether they should be repatriated or not.

Report of Representative of Spanish Embassy, who visited Tule Lake on 20th August, 1943, bears witness to fact that armed soldiers

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interposed their interference in connection with declaration of Japanese evacuees as to whether they would swear allegiance to United States.

Report says Japanese evacuees requested Spanish Representative to report to Japanese Government that 'During the process of registration they were subjected to the embarrassment of armed soldiers entering the camp to pick up young men who were termed recalcitrants.' It appears at time of Tule Lake incidents which occurred since October last year, United States authorities exercised great pressure and threats on Japanese evacuees there by dispatch of troops with tanks and machine guns. In Tule Lake, as said above, there were evacuees whom United States authorities regarded as disloyal to United States, and it is not difficult to see great discontent and anxiety prevailed among evacuees.

As regards direct cause of occurrence of incidents, report of Spanish Embassy, Washington, says employees of relocation center were blamed for negligence in relation to provisions for evacuees and funds for purchasing them, which led to occurrence of fist [first?] disturbance and Military Authorities then declared fourteen (14) representatives of evacuees who endeavoring to arrive at settlement of incidents to be mutineers and arrested more than two hundred evacuees whom they considered responsible. In these circumstances, Japanese Government hereby notify following to United States Government:

(1) It is unjust on part of United States authorities that on pretext of necessity of deciding upon policy of segregation they should have attempted to force Japanese subjects to renounce allegiance to Japan and have regarded those who expressed desire to be repatriated as disloyal to United States. So also is the fact they should have brought threats of compulsion to bear upon United States citizens of Japanese origin in their attempt to force them to alter their answer whether they would swear allegiance to United States or not.

Recent A.B.C. broadcast has even announced that a Bill has been introduced into Congress requiring Japanese subjects in United States to renounce their allegiance to Japan. These circumstances show United States Government are attempting by all means to force Japanese subjects to renounce their allegiance to Japan.

Japanese Government protest against such measure, and demand its immediate discontinuance.

(2) A memorandum of United States Department of State dated 11th October, 1943,\(^{88}\) alleges policy of segregation had not yet been decided upon in course of 1942, and beginning of 1943, during which time Japanese subjects in Relocation Centers were asked to declare their intention whether they desired to be repatriated or not, and therefore said policy in no way influenced their determination. But as has been said, thrice repeated questioning of Japanese subjects was carried on from February to August 1943, and during this period Japanese Government were communicating successively names of repatriates negotiations were proceeding thereupon between Japanese and United States Government, and United States authorities brought pressure to bear on evacuees in order to force them to change

\(^{88}\) *Foreign Relations*, 1943, vol. iii, p. 930.
their minds or refused to accept their application for repatriation. It cannot be denied questioning unduly influenced their expression of intention as to repatriation.

(3) Although United States Government declared treatment accorded to Japanese evacuees in Tule Lake does not differ from treatment accorded to those at other centers and they will not be put to any compulsory labor, in view of fact United States authorities gave out such threatening statements as above mentioned, Japanese Government demand United States Government give suitable and sufficient opportunities to Spanish Representative in charge of Japanese interests in continental United States for verifying above declaration in question.

(4) Japanese Government deem minimum requirement in order to relieve state of anxiety prevailing at Tule Lake to be compliance with three demands presented to Department of State by Spanish Representative, that is to say:

1. Withdrawal of troops from Tule Lake and restoration of control of that relocation center to non-military authorities.
2. Recognition of legitimacy of committee of fourteen,
3. Release of fourteen committee men and over two hundred persons arrested in connection with incident.

Japanese Government press for immediate compliance of United States Government with these demands, if not already accorded.”

WASHINGTON, April 24, 1944.

[For further views of the Japanese Government on the treatment of Japanese nationals held by the United States, see section III of the enclosure to despatch 8150, May 10, from Bern, page 941, and the enclosure, passim, to despatch 8171, May 15, from Bern, page 966.]

740.00115 Pacific War/2421

The Spanish Embassy to the Department of State

MEMORANDUM

No. 125
Ex. 113.01

The Spanish Embassy presents its compliments to the Department of State and begs to transmit a Memorandum received through the “Ministerio de Asuntos Exteriores” in Madrid, from the Japanese Government and which reads as follows:

“Memorandum—May 23, 1944—

Japanese Government did not make request to U. S. Government for inspection of documents and records relating to cases Oshima and Wakasa who were shot dead, but since measures taken by U. S. Au-
thorities in regard those cases were unfair and contrary to law of humanity, Japanese Government lodged firm protest[s] with U.S. Government and reserving all rights to further claim, demanded latter should make proper investigation these cases, punish persons found responsible, and guarantee non repetition such lamentable incidents.

U. S. Government, however, simply assert those victims were shot dead because they had attempted to make their escape. Japanese Government cannot admit this assertion for reasons stated below. In view, especially of subsequent occurrence similar affairs, viz: One Japanese evacuee was shot and injured by guard at Gila River Relocation Centre, December 1st, 1943, and three other[s] fired at during same month according to most reliable information, Japanese Government repeat herewith their protest and claim calling most careful attention U. S. Government to matter in question and from humanitarian point of view they emphatically demand, as step absolutely necessary for preventing recurrence such abominable incidents, strict prohibition unlawful firing by guards and sentinels so that utmost uneasiness felt by such large number of internees and evacuees may be removed and safety of their lives secured.

(1) According reliable information received by Japanese Government, Kensaburo Oshima, whose mind had been deranged was walking toward barbed wire fence May 12th, 1942 at about 8 A.M. Soldier guard saw him and levelling his pistol approached him. A Japanese who happened to witness that cried out at top voice, "That's a mad man, don't fire", and tried stop soldier shoot. Sentinel on watch tower heard cry and hurriedly lowered his gun, but soldier who had been following Oshima still continued his pursuit and having cornered victim within short distance, three metres or so, fired at him twice. Poor lunatic had his skull shot through and fell dead on spot.

As action of soldier on watch tower has shown clearly, guard murdered without any justifiable reason and committed most inhuman crime for which guard must be held responsible.

(2) Most reliable additional information just received clearly established following acts:

(A) Wakasa was shot and killed by sentinel Gerald B. Philpott of watch tower number nine on April 11th, 1943 at 7:30 p.m. Spot where Wakasa fell dead was six feet and four inches inside boundary fence relocation Centre and approximately two hundred and forty yards away from nearest watch tower, distance which according result actual experiment made view of challenger barely audible [sic].

Judging from position and attitude Wakasa's dead body, it was evident he had happened to be walking parallel with fence facing toward sentinel. Under such circumstances it was genuinely demonical atrocity, making utterly light of human life, hastily to con-

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80 Memoranda Nos. 105, Ex. 119.01, May 12, 1943, and 353, Ex. 113.01 C, December 16, 1943, from the Spanish Embassy, not printed.
81 Replies of June 29, 1943, and March 17, 1944, not printed.
82 The Department's memorandum of June 29, 1943, to the Spanish Embassy, stated: "The guard fired only after the internee had climbed over two barbed wire fences surrounding the internment camp and was in the process of climbing the outside fence." (311.9415/415)
clude he was attempting escape and to shoot and kill him on spot without attempting any more appropriate measures. 62

(B) Articles 22 to 25 of instructions for Government of Armies of United States in field, and general orders number 100, April 24th, 1863, War of Rebellion, official records series 3 111 154 (See especially Article 77) clearly state that sentry shall never shoot prisoners of war for intent escape.

Mr. James F. Hughes, Assistant Director Centre, expressed sincere regret incident had taken place and stated Relocation Official[s] were powerless give effect to provisions memorandum of understanding as to functions of military police units at Relocation Centres and areas administered by War Relocation Authorities dated July 8th, 1942, and especially Paragraph 7.

(C) Thereof in which no mention is made of sentry towers or wire fences. He gave it as his opinion one sentinel posted at principal entrance centre would be quite sufficient and any other sentinels would be unnecessary. He stated further, subsequently to occurrence incident, both Japanese and American Japanese descent at Centre lost sense security for themselves and their families and refused proceed perform labor outside centre boundaries.

As regards danger approaching barbed wire in spite Authorities official declaration to effect such danger had been duly notified to residents at Centre through medium centre organ, Topaz Times, minute examination said paper shows that though it contains warning against crawling fences centre, no references made to any danger of shooting from sentinels.

Topaz Times April 12th, 1943, which announced death Wakasa, states it happened, “While attempting to crawl through the west fence”, but according to testimony of witness he had never tried to crawl when he was assaulted by his murderer.

Again although State Department affirms in reply evacuees at Relocation Centre were officially and unmistakably notified of fact sentinels were invested with right firing and killing any offenders against Centre regulations, Japanese evacuees unanimously declared that they had never been warned by Centre authorities of possibility of being shot dead if they approached boundary fences.”

WASHINGTON, May 24, 1944.

740.00115 Pacific War/2463

The Spanish Embassy to the Department of State

MEMORANDUM

No. 140
Ex. 113.00 T-2

The Spanish Embassy presents its compliments to the Department of State and begs to transmit a memorandum received through

62 The Department’s memorandum of June 29, 1943, stated: “Mr. Wakasa was shot under conditions which indicated to the sentry that he was attempting to pass out of the relocation center at an unauthorized place. Mr. Wakasa was repeatedly challenged by the sentry and only when he failed to observe the order to halt, was he fired upon.” (311.9415/415)
the “Ministerio de Asuntos Exteriores” of Madrid, from the Japanese Government, which reads as follows:

Memorandum—June 3rd, 1944—

“According to UP and AP telegrams dispatched from Tule Lake May 25th, Soichi Okamoto (Shoiza) died at Tule Lake Segregation Center as result of being shot at by guard.

AP telegram further reported Mr. Ickes, Secretary of the Interior, asserted,

‘So far as he had been able to learn Okamoto had been unarmed and had made no threatening gesture before being shot.’

It was, however, reported by UP and AP dispatches of May 29th, that Court held act of guard had been done in performance of his duty.

Prior to occurrence of incident under review there had occurred seven cases of unlawful firing by guards of Internment Camps or Relocation Centers which came to knowledge of Japanese Government. In these cases six Japanese subjects were killed and ten wounded.

Japanese Government have lodged strong protests with United States Government against each case of unlawful firing by guards and demanded repeatedly necessary steps be taken for prevention of recurrence of such incidents and persons responsible be duly punished in order to protect lives of Japanese subjects in area under United States Administration and to remove their serious feeling of insecurity.

Despite all this it is deeply regrettable United States authorities have not been able to prevent recurrence of fresh incidents. It appears from above mentioned press reports, victims are United States citizens of Japanese lineage. Should such be case then, even in view of fact alone both Japanese subjects and United States citizens of Japanese lineage are detained together in centers, Japanese Government cannot but be most deeply concerned with matter.

Japanese Government hereby lodge most emphatic protest, calling serious attention of United States Government to answer mentioned incidents and demand necessary steps be immediately taken for prevention of recurrence of such incidents in particular prohibiting unlawful firing by guards of camps and centers.”

WASHINGTON, June 6, 1944.

702.9411A/7-2144

The Secretary of State to the Swedish Minister (Boström)

The Secretary of State presents his compliments to the Honorable the Minister of Sweden in charge of Japanese interests in the Territory of Hawaii and has the honor to refer to the Legation’s note no. 158/4-T–V of February 2, 1944 transmitting a further protest from the Japanese Government concerning the alleged mistreatment of the personnel of the former Japanese Consulate General at Honolulu and the treatment allegedly accorded Japanese nationals who were resi-
dents in the Territory of Hawaii after the outbreak of war on December 7, 1941.

After giving careful consideration to the additional protest from the Japanese Government regarding the alleged mistreatment of the personnel of the Japanese Consulate General, the United States Government considers that there is nothing to be added to the Department’s note of September 8, 1943 and to the communication of September 9, 1943 which was addressed to the Spanish Embassy in charge of Japanese interests in the continental United States.

In reference to the penultimate paragraph of the enclosure to the Legation’s note under reference, concerning the alleged mistreatment of Japanese civilians in the Territory of Hawaii, it will be recalled that the United States Government replied to the protest of the Japanese Government on this subject in a note sent to the Legation on March 25, 1944.

The Japanese Government refers, however, to additional reports received from Japanese nationals repatriated in connection with the second American-Japanese exchange. The allegation is made that Japanese nationals detained at the Sand Island Internment Camp were compelled by the Hawaiian authorities to dig “blind shells”. Investigation has failed to disclose any occasion when internees at Sand Island were required to handle ammunition of any kind including what are commonly referred to as “duds” or what the Japanese Government refers to as “blind shells”.

The allegations of the Japanese Government concerning the transportation of civilian internees from Hawaii to the United States have been examined. Investigation has revealed that these internees were carried on troop transports where the conditions were identical to those when troops are carried. The facilities given them were also similar to those which United States troops receive. Internees transported to the United States for repatriation to Japan had ready access to clean and adequate toilets and showers; washstand facilities with running water were also available. On a few occasions when internees were quartered on a deck which did not have latrine facilities adequate arrangements were made to give them access to nearby facilities. On at least one voyage, a Japanese internee who was also a doctor was in charge of sanitary arrangements provided for the internees and was responsible for seeing that proper provision was made for them in this connection.

On one voyage internees were not permitted to go above “D” deck because of the crowded condition of the vessel. When conditions permitted, however, internees were given access to open decks for relaxation.

* * * Foreign Relations, 1943, vol. III, pp. 1069 and 1072, respectively.
The United States Government, having thoroughly examined the reports of these Japanese repatriates, considers that these additional allegations reported to the Japanese Government are without foundation in fact and that these Japanese nationals were treated with humanity and consideration. The protest must accordingly be rejected.

WASHINGTON, July 21, 1944.

The Department of State to the Spanish Embassy

MEMORANDUM

The Department of State refers to memorandum No. 86, Ex. 113.00 T, dated April 24, 1944, from the Spanish Embassy in charge of Japanese interests in the continental United States transmitting a communication from the Japanese Government with regard to the treatment of Japanese nationals at Tule Lake and at other War Relocation Authority centers.

Before considering in detail the individual points made in the memorandum from the Japanese Government, one basic consideration should be clarified. Throughout the memorandum there are various references not only to Japanese nationals, but also to American citizens of Japanese ancestry. At the outset, therefore, it seems desirable to reaffirm the understanding of the Government of the United States that the Japanese Government has a legitimate concern for Japanese nationals only.

Since a considerable portion of the memorandum from the Japanese Government is given over to the registration which was conducted at all relocation centers in the early part of 1943, it is necessary that some of the basic facts concerning this registration program be set forth. The purpose of the registration was two-fold: to acquire information on the background and attitudes of (1) male American citizens of Japanese ancestry with a view to possible service in the Army of the United States; (2) Japanese nationals and other persons at relocation centers with a view to restoring them to normal life outside the centers.

Among the many questions which were asked of the registrants, only one was referred to specifically in the memorandum of the Japanese Government. This question was originally drawn up primarily with American citizens of Japanese ancestry in mind. Through inadvertence, however, it was phrased in identical form both for American citizens and for Japanese nationals. However, as soon as it was realized that this wording was not applicable to Japanese
nationals, a substitute question was presented to them. In the period between presentation of the original question and development of the substitute, a third type of question was used at the Manzanar Relocation Center. When the substitute question was presented to the Japanese nationals residing at the Manzanar Center, the answers to the interim question were disregarded. Consequently, although at first Japanese nationals were asked to answer the same question as were United States citizens, no attempt was made to force them to renounce their allegiance to Japan, and with the change in question, they were finally asked merely whether they would promise to abide by the laws of the United States and to refrain from interfering with its war effort.

Throughout the entire registration program, every person was free to answer all questions, including the question referred to in the Japanese Government’s memorandum, according to the dictates of his judgment and conscience. At no time did any official use restraint or duress to force anyone to change an answer previously given. Since the entire purpose of the registration was to obtain honest answers regarding the background and attitudes of the registrants, it seems obvious that any attempt to use compulsion in influencing the replies would be self-defeating. It is true that some of the American citizens at the centers were given an opportunity to reconsider their answers to the question under reference, in view of the evidence that they might have been influenced by threats from other evacuees or by undue emotional strain or by lack of understanding when they gave their original answers. This reconsideration was permitted, however, in order to assure each person the fullest possible opportunity to make his own answers on the basis of his own individual choice and not in any sense as an attempt to influence ultimate decisions. All those who preferred to let their original answers stand after reconsideration were freely permitted to do so.

The memorandum from the Japanese Government suggests that the majority of American citizens of Japanese ancestry at the relocation centers answered the question under reference in the negative and that they were transferred to the Tule Lake Center as a form of punishment. Actually, the answers to the question were such that it was necessary to transfer only a small minority of the American citizens of Japanese ancestry as well as only a small minority of the Japanese nationals to the Tule Lake Center. While it is true that both the American citizens and the aliens who answered the question under reference in the negative were among the evacuees segregated at the Tule Lake Center, this segregation process is not and was never intended to be a form of punishment.

The primary purpose of the segregation program carried out by the War Relocation Authority was to separate the people in reloca-
tion centers whose loyalty and sympathies lie with Japan from those who wish to remain in the United States as loyal American citizens or law-abiding aliens. As representatives of the Spanish Embassy who have visited the relocation centers can doubtless testify, there was at all centers, prior to the segregation program, a considerable amount of tension between these two groups. After the centers had been in operation approximately one year, it became clear that peaceful and orderly communities could probably not be maintained as long as people of sharply diverging loyalties were living in such close proximity. Many evacuees, including a number who have openly professed their intention of returning to Japan, urged that a separation be made between the two groups. Accordingly, after a long and careful consideration, steps were taken in the late summer of 1943 to consolidate in the one center at Tule Lake all those who had expressed a desire to move to Japan or who had indicated by word or action that their loyalties are not with the United States. The living conditions and facilities provided at the Tule Lake Center are in accordance with the standard set for all War Relocation Authority centers. The major differences are (1) that those segregated at Tule Lake are not eligible to leave the center except through an appeals board procedure, (2) that they are not permitted the same degree of latitude in establishing their own community government, and (3) that additional precautions have been taken to insure maintenance of law and order.

The incidents at Tule Lake referred to in the memorandum of the Japanese Government occurred at the center shortly after the completion of the first major segregation movement. At that time the Committee of Fourteen met with officials of the War Relocation Authority, including the National Director,\(^{a}\) and presented a series of “demands”. The National Director indicated to the members of the Committee that the War Relocation Authority would not accede to any “demands” as such, but expressed a willingness to consider requests or complaints made on behalf of the evacuees at any time. Three days after this meeting between the officials and the Committee of Fourteen, a group of evacuees armed with clubs entered the area where employees of the War Relocation Authority reside and made attacks upon some of the personnel. As a result, troops stationed immediately outside the center were summoned inside to restore order, and the center was placed under Army jurisdiction for a period of several weeks while conditions were being gradually returned to normal. Peaceful conditions having been restored, the center was returned to full civil administration on January 15, 1944. The War Relocation Authority is now responsible for all phases of

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\(^{a}\) Dillon S. Myer.
internal administration at the center and has been for the past few months. So long as the residents of the center continue to maintain a peaceful and well ordered community, it is not contemplated that there will be any further occasion for summoning troops or placing the center under military control.

In one place, the memorandum of the Japanese Government suggests that United States authorities attempted to remove Japanese subjects from the relocation centers in order to utilize their labor. This statement is based on a fundamental misunderstanding of the program of the War Relocation Authority. The Authority has never considered its primary purpose to be the operation of a detention program. It has, rather, conceived its purpose to be the relocation into normal life so far as practicable of persons of Japanese ancestry who were evacuated from the West Coast in the early stages of war as a matter of military necessity. A considerable number have now been relocated in various parts of the United States, where the relocated citizens of Japanese descent are free to go about their business on the same basis as other American citizens, while the relocated aliens are subject only to the restrictions which apply to all other enemy aliens. Relocation is a privilege, and the War Relocation Authority extends liberal assistance to those who desire to avail themselves of the opportunity. On the other hand, it is not, and never has been, the policy of the War Relocation Authority to force any evacuees to leave the relocation centers against their will so long as the restrictions remain in effect which prohibit them from returning to their former homes.

The Japanese memorandum also suggests that the United States authorities have brought pressure to bear on the evacuees in order to force them to change their minds concerning application for repatriation. There has never been any attempt to influence any person either to decline or to request repatriation. No officer of this Government has ever been authorized to refuse to accept a communication from a Japanese national regarding his wishes for repatriation or for non-repatriation. Decisions by individual Japanese were freely reached in all cases with the exception of some cases in which Japanese aliens attempted to force Americans of Japanese extraction to elect to go to Japan. The question of allegiance to Japan has at no time and in no way been associated with the eligibility of Japanese nationals for repatriation to Japan. The records affecting the repatriation status of Japanese nationals contain no entries regarding replies to the so-called allegiance question.

The persons included in the lists submitted by the Government of Japan were informed that the Japanese Government had named them for repatriation and that they were requested to indicate whether
they desired to accept or to decline. Such persons have been completely free to make their own decisions.

In this connection, it may be pointed out that of all of the persons whose names were submitted in the Winter of 1942 and Spring of 1943, approximately ninety percent stated that they did not desire to return to Japan. Even though they were informed that the Japanese Government had named them, they indicated that they desired to remain in the United States. On the other hand, thousands of applications have been received from persons who were not named by the Japanese Government indicating their wish to go to Japan. These names have been reported to the Japanese Government and the Japanese Government is aware that the Government of the United States has made every effort to arrange for their inclusion in American-Japanese exchanges.\textsuperscript{85}

The demand made in the Japanese memorandum that representatives of the Spanish Embassy be given "suitable and sufficient opportunities" for investigating matters of interest to Japanese nationals at Tule Lake has already been met to the fullest possible extent. Representatives of the Embassy have visited the relocation centers, particularly Tule Lake, on several occasions. At no time have the representatives of the Embassy been denied access to any of the centers. The United States Government has given Japanese nationals in this country, whether at large or confined, every opportunity to register with the Spanish Embassy their wishes and their changes of wish with respect to repatriation from day to day, and cases could be found of individuals who have changed their minds as many as four or five times and on consecutive days. Whenever a Japanese national who previously refused repatriation has changed his mind, his new expression of wishes has been fully respected. The Spanish Embassy is in a position to verify this statement.

The Spanish Embassy has had free access to all Japanese nationals without exception and has repeatedly been invited to verify all or any of the statements of the United States Government regarding the repatriation wishes of Japanese nationals. In a great majority of cases the information provided by the Department of State regarding the wishes of Japanese nationals is supported by communications individually addressed to the Spanish Embassy by the Japanese nationals in question. The United States Government would welcome any investigation by any authority into the individual case of any Japanese to verify the accuracy of the foregoing statements.

With respect to the Committee of Fourteen at the Tule Lake Center, the War Relocation Authority is not prepared to recognize this par-

\textsuperscript{85} For correspondence on interest of the United States in negotiating a third exchange of American and Japanese nationals, see pp. 1081 ff.
ticular group since there is considerable evidence that it represents no more than a small minority of the total Tule Lake population. It is true that certain members of the Committee and approximately two hundred other evacuees were temporarily confined immediately following the riot at the center because they were suspected of complicity in its instigation. The majority of those confined, however, have now been released and those found guilty of inciting the riot will ultimately be transferred to other quarters. Their treatment will comply fully with the applicable provisions of the Geneva Convention of 1929, but they will not be in a position to foment unrest among the other residents of Tule Lake, the majority of whom desire to live quietly and peaceably.

The question at Tule Lake is not whether the residents of the center will be treated according to the principles and provisions of the Geneva Convention, or whether the administration is prepared to cooperate with the evacuees in reaching a solution of common problems. Both these considerations are assured under the existing and past policy of the War Relocation Authority. The only question at issue at Tule Lake is whether a small group is to be permitted through methods of violence to force their leadership on the remainder of the community in such a manner as to cause a recurrence of a riot such as that of November 4. It is believed that the interests of the great majority of the evacuees at Tule Lake require that such troublesome individuals be housed in separate accommodations where their propensity for creating discord cannot contribute to the discomfort of the large number of law abiding residents of the camp.

WASHINGTON, August 10, 1944.

711.94114/7-2444

The Department of State to the Spanish Embassy

MEMORANDUM

The Department of State refers to memorandum No. 156, Ex. 119.01 dated June 21, 1944, from the Spanish Embassy in charge of Japanese interests in the continental United States requesting all possible details and circumstances relating to the suicide of a group of Japanese prisoners of war in New Caledonia.98

97 Not printed.
98 The Spanish Embassy had transmitted the Japanese Government's first request for such information in its memorandum No. 95, Ex. 119.01, of May 10. The Department's acknowledgment was sent on June 28 and stated that "If the Japanese Government so desires, the Department is further prepared on a reciprocal basis to endeavor to obtain from the appropriate French authorities permission for a neutral observer to enter New Caledonia to visit camps where Japanese nationals are held in American custody." (711.94114/37)
Immediately following the suicide of the Japanese prisoners of war, a board of officers was appointed by the American military authorities to investigate and report on the facts and circumstances preceding and concerning the cause of death of these prisoners of war. The board of officers was also ordered to include in its report findings of the adequacy or inadequacy of the nourishment and the general treatment of the prisoners prior to their death.

The board having carefully considered the evidence, the following findings were established:

1. Seventeen Japanese prisoners of war committed suicide by hanging in the prisoner of war stockade at approximately 9:00 p.m. on January 9, 1944. Their names are as follows:

   1. Saburo Ishii
   2. Jihei Kanahara
   3. Teiichi Kaneko
   4. Tatsumi Kanie
   5. Toknichi Kumaki
   6. Norito Naga
   7. Toshio Nishimura
   8. Takashi Matsui
   9. Harumi Minami
  10. Masakichi Saita
  11. Tsutomu Sato
  12. Sumio Sato
  13. Yasuhiko Sato
  14. Gimpu Takeura
  15. Toshio Tomizawa
  16. Shigehiro Yamazakei
  17. Narakazu Yasuda

2. Two Japanese prisoners of war committed suicide by cutting their throats in the prisoner of war stockade at approximately 9:00 p.m., on January 9, 1944. Their names are as follows:

   1. Shigeru Hagino
   2. Mizue Sato

3. Interrogation of Japanese prisoners of war and American personnel in the prisoners' stockade disclosed that no general dissatisfaction existed with regard to the treatment which prisoners of war received in the stockade and that there was no evidence prior to the death of the prisoners that they were developing a mentally depressed state. Inspection of the mess halls and kitchens and interrogation of prisoners and mess attendants revealed that the physical conditions under which the prisoners were held also were satisfactory, that an adequate supply of palatable provisions had been regularly furnished to the prisoners and that quarters and general surroundings were clean, orderly, and well maintained.
4. Careful examination of the bodies of the deceased prisoners revealed no marks of violence externally or internally. The bodies were well nourished and well developed. Investigation disclosed that there had been an average increase per man of at least ten pounds in weight from the time of entry into the prisoner of war stockade until the time of death.

The mass suicides were the outgrowth of a premeditated plan on the part of the prisoners. It was the general consensus of opinion among prisoner witnesses that the fundamental motive for the suicides was a desire to redeem the shame which Japanese soldiers feel at being taken prisoner. The suicides were prompted by this sense of shame which the prisoners attached to their status and were not prompted by any mistreatment on the part of the personnel supervising the stockade in which they were held.

6. Three other prisoners attempted to commit suicide, one by strangulation and two by cutting their throats, but were frustrated in the attempt. Their names are as follows:

1. Yoshiji Tokuda
2. Yutaka Yamane

WASHINGTON, August 31, 1944.

[In a memorandum of September 9 to the Spanish Embassy, the Department advised of the suicides on January 23 and February 4 of four additional Japanese prisoners of war in New Caledonia and stated that they “were apparently part of the same pact by which the other nineteen Japanese nationals earlier took their lives, and were brought about by the feeling on the part of the prisoners that they were in a shameful status because they had been taken prisoner.” (711.94114/9–244) The Department, in notes of November 22, 1944, and January 4, 1945, advised the Spanish Embassy of the circumstances of the deaths of two other Japanese prisoners of war, both episodes occurring at Camp McCoy, Wisconsin. They involved Ichiro Yamashita, whose death on October 16 resulted from the explosion of a “dud” rocket smuggled into barracks by Mr. Yamashita and struck by him against the metal part of a bunk, and Shonzo Kobayashi who committed suicide by hanging on November 28. (711.94114/11–344, 12–1844)]
The Spanish Embassy to the Department of State

MEMORANDUM

No. 194
Ex. 119.01 II

The Spanish Embassy, in charge of Japanese interests in continental United States, presents its compliments to the Department of State, and has the honor to inform that a memorandum dated August 22nd, has been received from the Japanese Government through the “Ministerio de Asuntos Exteriores at Madrid”, with regard to the apparent desecration of the remains of Japanese soldiers by nationals of this country.

In order to convey to the State Department a most accurate report of the contents of the Japanese Government’s communication it is transcribed in the Spanish language in which it was received:

“Memorandum August 22, 1944. As the Zurich correspondent of the Domei Agency declares in a recent communication, the official weekly of the Roman Catholic Archdiocese of Missouri has alluded to the fact that some children were playing with the skull of a Japanese soldier that was sent as a souvenir by a United States soldier who was on the South Pacific front, stating that out of the respect due to human remains that skull ought to be buried with due decorum, and its solemnity exhorted the Americans not to accept as souvenirs skulls and other remains of Japanese killed for their country. In that same article Drew Pearson, editor of the ‘Merry-Go-Round’, which a Washington daily publishes, also had revealed that Francis Walters, Representative for the State of Pennsylvania, presented to President Roosevelt a letter opener made from the forearm of a Japanese who fell in the Pacific [theater].

The Imperial Japanese Government, astounded by the fact that American soldiers are profaning the remains of Japanese soldiers who have fallen with honor on the battlefield and are sending them home as souvenirs, where some citizen has accepted them, also allowing them to be played with as if they were toys, declares that that constitutes a manifest and serious violation of the provisions of Article 3 and 4 of the Geneva Convention on the amelioration of the lot of the sick and wounded in the field, as well as an unpardonable offense against humanitarian principles. The Japanese Government points out as an example of what could be considered one of the causes that has led to the perpetration of atrocities such as the ones referred to, what is reported in the New York Times in the number for April 1, 1942, in publishing the facsimile of a document for recruiting for the United States Marines, which bears as a title ‘Hunting License used by United States Marine’, signed by General

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The translation that follows was prepared in the Department of State.

1 Brackets appear in the file translation.
Diwig [Denig],* of the American Navy [sic],† in which phrases such as the following occur: 'no limits'—'free ammunition and equipment with pay'—'join United States Marines'.

"In circulating recommendations such as those mentioned among young men of military age, the American authorities were considering Japanese subjects as wild beasts, and it can be understood that, being recruited and trained in such an inhuman atmosphere, United States soldiers naturally adopt a cruel attitude toward the Japanese soldiers, profaning their bodies.

"Consequently, the Japanese Government presents to the American Government its strongest protest against the inhuman acts of prophanation mentioned above, and demands that the United States immediately have the remains referred to interred with due honors and have proper measures taken effectively to prevent atrocious acts such as those reported from again being perpetrated by soldiers and citizens of the United States."

WASHINGTON, September 1, 1944.

741.00115 P.W./S-544

The Department of State to the Spanish Embassy

MEMORANDUM

The Department of State refers to memorandum (No. 179, Ex. 119.01) dated August 5, 1944 from the Spanish Embassy ‡ in charge of Japanese interests in the continental United States transmitting a communication received through the Ministerio de Asuntos Extran- jer as at Madrid from the Japanese Government requesting a report on the Japanese nationals held by the American authorities at Saipan Island covering the treatment they are being accorded and if possible their number and names.

The American Government has in conformity with Articles 77 and 79 of the Geneva Prisoners of War Convention of 1929 § been forwarding through the International Red Cross Committee and the protecting Power for transmission to the Japanese Government the names of Japanese nationals taken prisoner of war or interned by United States authorities. The Japanese Government has reciprocally been reporting through the International Red Cross Committee for transmission to the United States Government the names of American nationals held in custody by it. The United States Government is prepared on this reciprocal basis to transmit the names of Japanese nationals both prisoners of war and civilian internees held in custody

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* Brig. Gen. Robert L. Denig, Director of Information, United States Marine Corps.
† As in the file translation.
‡ Not printed.
on Saipan Island. The names are being collected and will be forwarded as soon as they are received in Washington.

The Spanish Embassy may desire to point out to the Japanese Government in this connection that the names of considerable numbers of American nationals known to be prisoners of war of Japan have not yet been officially reported and that since March 1, 1944 the Japanese Government has reported the names of only 60 American prisoners of war and the deaths of 19 prisoners of war. In this same period, the names of 545 civilian internees have been transmitted by the Japanese Government but these are duplicates of names previously reported. The United States Government expects that the Japanese Government will as speedily as possible furnish to the International Red Cross Committee the names of all American prisoners of war and civilian internees not yet officially reported.  

The Spanish Embassy's memorandum transmits the Japanese Government's request for a report on the conditions under which Japanese nationals are being held in Saipan and the treatment being accorded to them. The Japanese Government has consistently refused to permit representatives of the protecting Power and the International Red Cross Committee freely to visit the camps and to report on the conditions under which American nationals are held in Japanese-occupied territory. The United States Government again states its willingness to abide by its undertakings regarding the application of the Geneva Prisoners of War Convention. At such time as the Japanese Government extends reciprocity for representatives of the protecting Power, Switzerland, to visit and report on the camps in the Philippine Islands and other Japanese-occupied territories, the United States Government is prepared to permit visits by representatives of Spain or of any other neutral power that the Japanese Government may designate to inspect the camps not only on Saipan but also on the Marshall Islands.

Immediately upon the receipt of advice that the Japanese Government has undertaken to fulfill its commitments with respect to camp visits in Japanese-occupied territories the Government of the United States will be pleased to make arrangements for accredited representatives to inspect the camps and to report on the conditions under which Japanese nationals are held by the American authorities on Saipan and the Marshall Islands.

WASHINGTON, September 18, 1944.

[A further memorandum, No. 240, Ex. 150.000, was sent to the Department by the Spanish Embassy on November 22. It indicated the Japanese desire to have as soon as possible the data already

7 For correspondence on Japanese treatment of American prisoners of war and civilian internees, see pp. 919 ff.
solicited regarding Japanese residents on Saipan and “urgently” requested the names and number of Japanese under American authority on Tinian and Guam. The Department’s reply on December 6 stated that “partial lists of the Japanese civilians on Saipan Island and on Tinian Island were forwarded by the Prisoner of War Information Bureau, Office of the Provost Marshal General, War Department, on November 30 to the International Red Cross Committee for transmission to the Japanese Government” and that “The census of Japanese civilians on these islands and on Guam is being continued and the list of names will be forwarded by the Prisoner of War Information Bureau to the International Red Cross Committee as soon as the lists are compiled.” (740.00115 P.W./11-2244) ]

740.00115 PW/10-2744

The Department of State to the Spanish Embassy

MEMORANDUM

The Department of State acknowledges the receipt of a memorandum dated May 24, 1944 (No. 125, Ex.113.01) from the Spanish Embassy in charge of Japanese interests in the continental United States reiterating a protest from the Japanese Government concerning incidents which occurred at Fort Sill, Oklahoma, and at the Central Utah Relocation Center, Topaz, Utah, which resulted in the deaths of Mr. Kanesaburo Oshima on May 12, 1942 and Mr. James Hatsuuki Wakasa, on April 11, 1943.

The Spanish Embassy is requested to inform the Japanese Government that this Government has little it can add to the memoranda forwarded to the Embassy on June 3, 1943, June 29, 1943 and March 17, 1944. With regard to these deaths the Japanese Government was informed on these occasions that the United States Government had made a thorough investigation of the deaths of Mr. Kanesaburo Oshima and Mr. James Hatsuuki Wakasa. According to the regulations governing the conduct of relocation centers, persons are not permitted to pass in or out of the Relocation Center areas at any place except at the designated entrances and exits. Persons are not permitted to pass in or out of these designated entrances or areas except when in possession of a pass. As has been reported the evacuees were not only repeatedly informed of this restriction but regulations were posted for their information. The guards at relocation centers are strictly prohibited from firing without just cause. They are instructed first to challenge persons attempting to escape but when the challenge is unheeded, they are required to fire.

*None printed.*
Mr. Wakasa attempted to pass out of the Relocation Center at an unauthorized place and only after he had been repeatedly challenged was he fired upon. Mr. Oshima also was repeatedly ordered by the sentry to halt and only when Mr. Oshima failed to obey did the sentry shoot. The fact that Mr. Wakasa was deaf and unable to hear the challenge and that Mr. Oshima was suffering from a fit of mental derangement could not be known to the guard.

The Japanese Government continues to make assertions based on partial evidence. This Government is of the opinion that it can offer no more convincing testimony that the measures taken by the United States authorities were neither unfair nor contrary to the dictates of humanity than to submit the records of the investigation for examination. It renews its offer at this time to make the proceedings available to representatives of the protecting Power with the understanding that representatives of the Swiss Government in charge of American interests in Japan and Japanese-occupied territory will be granted similar privileges by the Japanese Government in like circumstances.

The United States Government is unable to understand the position taken by the Japanese Government that the United States Government in offering to submit the documents for examination and review by a neutral representative on a reciprocal basis is trying to conceal the whole truth. On the contrary, the willingness of the United States Government to permit an inspection of its records by representatives of the protecting Power gives evidence that the United States does not fear an impartial investigation and that it is convinced that an unbiased review of the facts will confirm the findings of the boards of inquiry. The unwillingness of the Japanese Government to extend reciprocity under similar circumstances would appear to indicate that the Japanese Government on its part is unprepared to submit its investigations to the light of impartial review.

Articles 22 to 25 of General Orders No. 100, War Department 1863, referred to in paragraph (2) (B) of the Japanese Government's protest with regard to the death of James Wakasa concern the rights of enemy civilians in their own country and do not apply to enemy aliens interned in a belligerent country. They therefore have no bearing on the case of James Wakasa.

In paragraph (2) (B) the Japanese Government also calls attention to Article 77 of General Orders No. 100, War Department 1863. This article provides that a prisoner may be killed in order to prevent his escape, and therefore constitutes plain legal justification for the position taken by this Government.

*As set forth in memorandum No. 353, Ex. 113.01 C, December 16, 1943, from the Spanish Embassy; not printed.
With respect to the allegation that Mr. James F. Hughes, Assistant Project Director, expressed opinions concerning the requisites of an adequate guard, it would appear that Mr. Hughes, if he made such statements, spoke on a subject which was not within his jurisdiction. Under the memorandum of understanding between the War Relocation Authority and the War Department, the patrol and guarding of the perimeter fences of the Centers are the responsibility of the War Department and all questions relating either to the conduct of the sentinels or to the adequacy of the patrol are wholly under the jurisdiction of that Department.

It will be of interest to the Japanese Government to know that the military guard contingent at the relocation centers has been reduced very materially within recent months. At certain centers the military guard is approximately one-half the size of the original contingent; at others only a token guard of not more than two dozen men and two or three officers exists.

This Government regrets the occurrence of incidents resulting in the loss of life and assures the Japanese Government that it is prepared to punish severely those responsible where such loss has occurred as a result of unjustified action. An examination of the evidence in the cases of both Mr. Oshima and Mr. Wakasa reveals, however, that in neither case did the guards shoot without justifiable reason. It is to be regretted that Mr. Wakasa and Mr. Oshima lost their lives but the proceedings disclose no evidence that the sentries acted in haste or in violation of their orders or standing instructions.

WASHINGTON, October 27, 1944.

740.00115 PW/11-444
The Department of State to the Spanish Embassy

MEMORANDUM

The Department of State refers to memorandum (No. 61, Ex. 119.01) dated March 13, 1944, from the Spanish Embassy in charge of Japanese interests in the continental United States transmitting complaints from the Japanese Government concerning the reported mistreatment of Japanese nationals held in custody in the United States.

With regard to the deaths of Toshiro Kobata and Hirota Isomura during their transfer from Bismarck Internment Camp, Bismarck, North Dakota, to the Lordsburg Internment Camp, Santa Fe, New Mexico, on July 27, 1942, a thorough investigation with regard to the circumstances connected with the deaths of these two men was made in July–September 1942.
The proceedings of the board appointed to investigate the matter revealed that in the early morning hours of July 27, 1942, one hundred and forty-seven internees arrived at the Lordsburg Railroad Station from Bismarck and were escorted by military police to the camp. The two internees, Toshiro Kobata and Hirotu Isomura, who were reported to be unable to keep up with the main column on the march to the compound, were permitted to walk behind at their own pace, accompanied by a guard. They were ordered to keep on the main highway in the center of the road, but were permitted from time to time to rest. At times they walked slowly, at other times they proceeded rapidly. Before coming to the main gate of the military reservation where the internment camp is located the men appeared to be arguing between themselves. After they entered the reservation but before they were within the camp enclosure, they suddenly made a break and started running toward the boundary of the reservation. The guard shouted to them twice to halt and when his order was not obeyed he fired in accordance with his standing instructions. Hirotu Isomura died instantly and Toshiro Kobata a few hours later.

An inquiry into the circumstances was conducted at once. The court-martial of the guard was vigorously prosecuted and all the facts were developed. An acquittal of the guard resulted. While this Government regrets that Mr. Kobata and Mr. Isomura lost their lives in their attempt to escape, since they failed to stop when warned, the guard acting in the performance of his duty, had no other recourse than to shoot.

Concerning the alleged unwarranted use of firearms at the Lordsburg Internment Camp during April to June 1943, to which attention was called in the second part of item 1 of the Embassy's memorandum, the Japanese Government is informed that an investigation was conducted with regard to the cases cited. The Japanese Government maintained that at one time a captain fired a revolver to urge internees to hasten to their work. The investigation disclosed that, during a slow-down in internee work details, an American captain in charge of the internees fired a shot from his pistol to attract the attention of the internees in order to address them and tell them to proceed with their work. The captain was reprimanded for his action by the Commanding Officer.

The allegation contained in the memorandum from the Spanish Embassy that an internee was fired at when requesting a sentry to fetch a golf ball, was reported not to be based upon facts. The only occasion when a sentry at Lordsburg Internment Camp fired in the direction of a Japanese internee was at a time when the guard had been alerted to expect an attempted escape by the internees. On that occasion, when an internee approached one of the gates during the
evening, a sentry fired a warning shot at a nearby telephone post. The camp authorities on learning of the incident investigated the circumstances and as a result the sentry was relieved from further duty of this nature.

Reference is made to the alleged wounding of Dr. Uyehara on November 26, 1942, by an American garrison prisoner who was confined at Lordsburg Internment Camp. Several American military personnel who were prisoners were confined at Lordsburg Internment Camp at this time. On November 26, 1942, one of these American prisoners became disorderly, and in the fracas Dr. Uyehara was knocked down, but was not injured to an extent requiring medical attention. After this incident, the prisoner who created the disturbance, together with all other American garrison prisoners, was removed and confined elsewhere. The prisoner was tried for this offense by special court-martial on December 31, 1942, and the commanding officer of the Lordsburg Internment Camp was given a written admonition because of the incident. The camp commander was subsequently removed from command.

With regard to the incident at Manzanar Relocation Center reported in item 2 of the Embassy's memorandum, it is necessary in view of the number of misstatements and distortions of fact which appear in the Japanese Government's communication to give a résumé of the incident and the events leading up to it. For some time prior to the incident, unrest and dissension among the Center residents had been apparent. A great many complex and not altogether related factors led to this unrest. These factors included frictions among various groups of the Japanese center residents themselves over matters of group interest in which the Center Administration was not directly concerned.

A small group of younger evacuees was particularly persistent in expressing antagonism toward the authorities of the Center. One of the charges made by some of this group was a claim that Mr. Ned Campbell, Assistant Project Director, was misappropriating sugar intended for evacuee consumption. This is apparently the basis of the statement in the Japanese Government's communication that Mr. Campbell was guilty of corrupt practices in connection with sugar distribution. The War Relocation Authority investigated this claim thoroughly and found it to be without any basis in fact. Mr. Campbell was not, as is stated in the Japanese Government's communication, discharged. However, because of the unpleasant situation which had been created for Mr. Campbell by the agitators who made of him the victim of their unfounded charges, he was transferred to another branch of the War Relocation Authority service.
Yoshio (Harry) Ueno, an American citizen, was one of the most active members of the group engaged in agitation against the center authorities. On December 5, 1942, Fred Tayama (who is referred to in the Spanish Embassy’s memorandum as Fred Masary Uamada), a young American citizen, was brutally attacked and wounded by a group of masked men. Ueno was identified by Tayama as one of his assailants. Ueno was questioned, and was then arrested and confined in the jail at Independence, California. It was on the basis of the identification of Ueno as an assailant in the attack on Tayama that Ueno was arrested, and not because of any alleged personal animosity of any Center staff member toward him.

About noon on December 6, 1942, several thousand evacuees met in a mass meeting. It was later revealed that the purpose of the meeting was to protest Ueno’s arrest and demand his release, to denounce and threaten physical violence to Tayama and other evacuees regarded as informers, and to appoint a Committee of Five to negotiate with the Center Director. In the afternoon, the Committee of Five, leading a crowd of one thousand men and boys, presented to the Center Director at the Administration Building, demands for Ueno’s release. For the Center Director to accede to mob rule would have been disastrous to the interests of the Center and its entire population. He walked among the crowd for about an hour and a half, attempting to persuade them to abandon the resort to mob tactics and to disperse and to leave the settlement of the matter to orderly and lawful processes. The crowd remained unruly and surly, refusing to disband. A small number of soldiers who were deployed near the Administration Building were taunted and insulted and sticks and stones were thrown at them. It was apparent that the crowd was turning into an unmanageable mob.

In view of the imminent danger of bloodshed, the Center Director proposed to the Committee of Five to return Ueno to the Center jail; that all future grievances would be taken up with the Center Director through recognized evacuee representatives; and that the committee would help find Tayama’s other assailants. After discussion among its members the evacuee committee unanimously agreed to these conditions. It was later learned that the committee’s spokesman did not explain the committee’s agreement to the crowd but instead ordered that the crowd disperse and, in violation of this agreement, to meet again later in the day to secure Ueno’s release from the Center jail. In fulfillment of his part of the agreement, the Center Director had Ueno returned to the Center in mid-afternoon. In the late afternoon it became apparent that the agreement reached with the committee was being flagrantly violated by the mob. A mob of several hundred persons gathered in front of the hospital and demanded that
Tayama be delivered to them. When the hospital authorities refused
to deliver Tayama to the rioters, they invaded the hospital and ran-
sacked it in search for him, but he was well hidden and the mob failed
to find him. The rioters then divided into several groups to search
throughout the Center for Tayama and several others who had not
been sympathetic with the riotous and disruptive activities of the mob.
While none of these persons were found, their apartments were en-
tered and wrecked.

In the early evening a second mob converged upon the police station
for the purpose of obtaining Ueno’s release from the Center jail by
force if necessary. It was apparent that order could not be main-
tained without the assistance of the military police, and the com-
mander of the military police was requested to assume control of the
Center. The commander did so and soldiers were deployed around
the police station. A line was drawn, beyond which the mob was
instructed not to pass. The commander talked to the rioters at length
requesting them to disperse which they refused to do. The rioters
cursed the soldiers, spat on them, threw stones at them and attempted
to disarm some of them.

It was then, nearly two hours after the mob had arrived at the
police station and all attempts to quiet and disperse the rioters had
failed, that the commander ordered tear gas released on the north-
side of the mob from which direction the wind was blowing. Con-
siderable confusion resulted and the mob scattered in all directions.
Part of it ran toward the soldiers who then fired three rounds from
shotguns. At about the same time several of the rioters seized a
truck, started it and headed it in the direction of the police station
and then jumped off in the darkness. It struck the corner of the
station running into a Government truck. As it careened toward
the soldiers a commissioned officer, who could not see that it was driver-
less opened fire on it with a submachine gun. The mob then retreated
and dispersed. The injured who were found lying on the ground
were promptly removed to the hospital.

During the night and following day a number of law-abiding evac-
uees who had refused to join the rioters were assaulted and others
were threatened. About sixty-five of them came to the Administra-
tion Building for protection and were later transferred out of the
Center. Some school teachers were also intimidated and threatened
by the rioters and as a consequence the schools were temporarily
closed. A temporary work stoppage took place, and only such labor-
as was necessary in connection with the operation of the mess and
certain other services essential to the evacuees was carried on. Normal
activities were, however, restored in the course of several weeks as a.
result of further negotiations between the residents of the Center and the Project Director.

Of the eleven men who received gunshot wounds, two lost their lives. These two men were not Japanese nationals. Among the other nine men who received gunshot wounds two were Japanese nationals. All the nine men, including the Japanese nationals, recovered completely from their wounds. Not one of the dead or injured was, as is stated in the Japanese Government’s communication, “an aged invalid”. The elder of the two Japanese nationals who were involved was fifty years of age, the younger was forty years of age.

During the weeks immediately following the incident, a thorough investigation was made by a duly appointed board of officers and the persons deemed primarily responsible for inciting and leading the rioters were apprehended and questioned. Most of these persons were later transferred to a special detention center from which they have since been transferred to another Relocation Center.

The board, on December 15, 1942, found that the Center Director, was fully justified in requesting the Commander of the Military Police and his Command to enter the Relocation Center to suppress the mob and put an end to the disorders then existing, and that he made such request only after exhausting every other possibility to restore order. The board further found that the Commander and the officers of the Escort Guard Company, in suppressing the mob and its violence, acted with promptness, patience and determination, and employed only so much force as appeared necessary after all other measures had failed. The board further found that the soldier or soldiers who fired the shots acted in obedience to the standing order given by the company commander to fire only when ordered to do so or when attacked, and that the soldier or soldiers who fired the shots did so because members of the mob were closing in and surging toward them.

It is apparent from the foregoing recital that the rioters who participated in the incident must be considered to be primarily responsible for its unfortunate consequences. Instead of trying to settle their grievances by peaceable and lawful means, they adopted the expedient of disregarding lawful authority and attempted to achieve their ends by force and mob violence. This can no more be tolerated in a relocation center than in any other community. That the shooting occurred was unfortunate; however, had the mob dispersed when ordered, instead of refusing to do so and intensifying an already menacing situation, the incident would not have occurred. Since the incident, there have been no further serious difficulties in the administration of the Manzanar Relocation Center. The evacuees resi-
dent there have been and are receiving the same consideration and treatment that evacuees in other relocation centers are receiving.

In item 3 of the communication from the Japanese Government it is stated that there are many cases where United States authorities improperly assessed income tax on Japanese residents, or deducted income tax from their property, or put it up for sale without giving them notice. The specific case referred to is that of Muraichi George Nakanishi (who is referred to as Ouraichi Nakanish in the Spanish Embassy's memorandum). With respect to his case the Japanese Government states that he was given notice of income tax liability immediately before the departure of the exchange ship, and was threatened with refusal to be allowed to embark unless he paid it.

Muraichi Nakanishi, United States Detention Station, Santa Fe, New Mexico, filed with the Collector of Internal Revenue for the District of New Mexico, an income tax return, Form 1040, for the calendar year 1942, which was executed August 27, 1943, and showed a tax liability of $254.50. A return, Form 1040, for the period January 1 to September 1, 1943, was filed by the taxpayer at the time of his departure showing no tax liability for that period. Mr. Nakanishi was taxed on the income reported by him for 1942 as a resident alien and allowed a personal exemption of $1200.00 as a married man living with his wife, the same as any other resident alien. He was also allowed a credit of $350.00 for his dependent daughter, Akiko. Furthermore, in computing his net income he was allowed a deduction for California State income taxes of $41.32. In as much as his income tax return for the year 1942 was not filed within the prescribed time (on or before March 15, 1943) a penalty of twenty-five percent was assessed, and his total tax liability including interest amounted to $325.53 for the year 1942. This together with an unpaid installment of tax for 1941 of $63.00 and an unpaid installment owed by his wife, Tsuruyo Nakanishi, of $79.00, made an aggregate outstanding unpaid tax liability of $467.53.

According to the information available in this Department Mr. Nakanishi did not have the money with which to pay his income tax liability. Certain stock owned by him in the Pacific Trading Company, Inc., 100 Sacramento Street, San Francisco, California, as well as stock in the same company owned by his daughter (which was transferred to her in 1939 by her father as a gift), were therefore, voluntarily assigned to the Alien Property Custodian for the purpose of liquidating his outstanding liability, by written assignment in affidavit form dated August 27, 1943. The taxpayer, accompanied by his wife and daughter, sailed aboard the exchange ship Gripsholm on September 2, 1943.

From an examination of the facts in this case it appears that no injustice was done to the taxpayer, but that he was merely required to
satisfy his income tax obligations prior to his departure from the United States, in accordance with the provisions of section 146 (e) of the Internal Revenue Code. Section 146 (e) of the Internal Revenue Code reads as follows:

"(e) Departure of Alien—No alien shall depart from the United States unless he first procures from the collector or agent in charge a certificate that he has complied with all the obligations imposed upon him by the income, war-profits, and excess-profits tax laws."

The treatment received by Mr. Nakanishi was not discriminatory or unlawful but is the same as that accorded to all aliens departing from the United States.

With reference to the general protest in regard to collection of income taxes from Japanese who depart from the United States, it has been the policy of this Government to endeavor to collect outstanding tax liabilities of Japanese nationals and other aliens prior to their departure from this country when they possess assets. This Government knows of no case where departure of repatriated Japanese aboard the exchange ship Gripsholm was prevented for the sole reason that the taxpayer had not cleared his tax liabilities and was unable to do so. There would seem to be no reason, however, why outstanding income tax liabilities of Japanese nationals should not be paid prior to departure in cases where assets in the United States can be used to liquidate such liabilities. It is the opinion of this Government, therefore, that the complaint of the Japanese Government with respect to these matters is unjustified.

In item 4 of the Japanese Government’s communication it is alleged that food provided at Kenedy and Santa Fe Internment camps is of a quality inferior to that provided at other camps. It is also alleged that the food provided at Ellis Island Detention Station is not only inferior in quality but meagre in quantity, and that as a result, the eyesight of internees has been impaired. The Government of the United States is forwarding herewith a complete analysis, taken from random samples, of food provided at the Kenedy and Santa Fe Internment Camps at various periods since these stations were first established. The bulk of the food served at these camps is obtained from the Army Quartermaster and is identical with food being served to American troops with the exception that account has been taken of Japanese tastes. For example, fish is shipped by express from the Pacific Coast in order that the internees may enjoy fresh raw fish. Also the quantity of rice issued is considerably in excess of the starch requirement used in the American dietary. Fresh fruits and vegetables are furnished rather than dehydrated fruits and vegetables. All canned goods and fresh meats as well as fruit and vegetables con-

10 Enclosures not printed.
form to Government Specifications and are of quality and grade superior to that obtainable in ordinary wholesale or retail markets. The internees have not only been provided with foodstuffs of excellent quality, scrupulously in accordance with the provisions of the Geneva Convention, but account has been taken of Japanese national dietary habits.

As to the food served at Ellis Island to Japanese nationals, it has been found upon investigation that the cost was uniformly higher than that for food provided for American troops at base camps. The same food is furnished to persons of all nationalities and also to the officers and members of the Immigration Service. The menus are well balanced and more than ample. During the period under reference frequent visits were made to the Ellis Island Detention Station by representatives of the Central Office of the Immigration Service who have personal knowledge that the complaints as to the food are not based on fact.

With respect to the complaint that some sixty-five persons were put in a room with capacity only for forty, causing illnesses among them, at no time has the population in the Santa Fe Internment Camp exceeded that allowed under Army regulations for the billeting of American troops at base camps. If the internees had properly distributed themselves in the facilities provided, no congestion would have existed. Such congestion in a given dormitory as did exist at any time was due to the insistence of certain groups of internees on being billeted in the same set of barracks. This Government is in possession of no facts that would indicate that illness was caused by overcrowding.

In item 5 of the memorandum it is stated that money and belongings of Japanese nationals transferred to the United States from Alaska were seized by authorities at Fort Sam Houston, Texas, and that the applications of these internees for the return of the property were not considered. This Government on May 6, 1944 in an effort to facilitate tracing the property under reference, requested the Spanish Embassy to endeavor to obtain from the internees the receipts given to them. When the receipts are received from the internees, this Government will make every effort to trace the property, and to investigate the complaints made by the Japanese Government.

With regard to the complaints in item 6 of the memorandum of the Japanese Government that the Japanese residents of Virginia were subjected to compulsory evacuation, a total of ten Japanese in the Norfolk, Virginia, area were apprehended in the Summer and early Fall of 1943 under the authority of the Department of Justice and released on parole, the parole conditions requiring that they live outside of the immediate vicinity of the Norfolk Naval Base. Seven of
these persons voluntarily accepted parole to Chicago. The Immigration Service made arrangements with social organizations for assistance in establishing these persons in the Chicago community. The remaining three volunteers accepted parole to Philadelphia. Transportation was furnished in each case. It is the opinion of this Government that these facts are sufficient to demonstrate that the charge as to compulsory evacuation at the expense of the Japanese nationals is unfounded.

WASHINGTON, November 20, 1944.

740.00116 P.W./11-2144

The Spanish Embassy to the Department of State

MEMORANDUM

No. 251
Ex. 150.000

The Spanish Embassy presents its compliments to the Department of State and has the honor to transmit below a memorandum received from the Japanese Imperial Government through the "Ministerio de Asuntos Exteriores" of Madrid, in which it complains of the attack made on the Japanese motor vessel Taiei Maru by an American submarine:

Memorandum—November 20th, 1944—

1. Taiei Maru, Japanese motor sailing vessel of 130 tons, carrying on board seventy-seven (77) civilian refugees (seventy-five (75) being women, children and aged persons and two being policemen) and crew of six persons, while navigating area between islands of Yap and Palau, was attacked by large size submarine of enemy at Point about 150 miles N.E.E. of Palau on 3rd July, 1944, at 10:15 a.m.

Said submarine on rising to surface about 1000 meters off in rear of vessel immediately opened fire and coming up to distance of OG [sic] 200 meters, continued bombarding her until vessel was fatally damaged and set ablaze. Persons on board following command of Captain plunged into sea. Enemy submarine which had attained its object of damaging vessel did not depart from scene of disaster but coursed surface at lowest speed in a gradually contracting circle round Taiei Maru which was in blaze and approached women, children and aged persons, who were drifting in groups struggling pathetically to help each other. When submarine arrived within closest range some members of its crew appeared on deck and began to fire machine guns and revolvers at drifters one by one.

Surface of sea around quickly became smeared with blood of victims. At this moment Japanese navy plane happened to appear in sky above. The submarine hurriedly submerged. But as soon as plane disappeared submarine came up again and men on deck pecked floating victims with long poles to confirm their death. When they

11 Acknowledged by the Department on December 14.
found any survivors of any persons whose death was uncertain they shot them with revolvers. After that, up to 6:00 P. M. enemy submarine which went under water each time Japanese aircraft came in sight, rose to surface four times to repeat this act. Account of above facts was given by Captain of Taiei Maru and other survivors. It has also been reported by Captain that he feigned death in order to escape being murdered and observed following facts: namely,

That the enemy submarine was in the 200 ton class and painted silvery.
That ten odd members of crew appeared on bridge and on deck.
That one of them who wore jumper (the others being seminude) stood on bridge and issued orders, and
That they all made merry over sight of unfortunate victims dying in agony.

After lapse of about thirty hours from happening of disaster, two women and five members of crew including Captain were rescued, but all other sufferers, seventy-six (76) in number, among whom there [was a] three year old child, were killed in this so-called “Japanese hunting”.

2. Japanese Government regard cruel act committed by abovementioned submarine as most flagrant offence against fundamental principles of humanity and as constituting violation of Convention for adaptation of principles of Geneva Convention of Maritime war concluded at [The] Hague in 1907. Japanese Government cannot but view with most profound seriousness fact that enemy submarine deliberately chose slaughter civilian refugees who had entirely no means of self-defence and that its crew including commander, imprudently amused themselves with such massacre.

Japanese Government therefore demand United States Government immediately to make thorough investigation of matter with view to determining where responsibility lies and to guarantee prevention of recurrence of such outrage in future. Japanese Government reserve all rights relating to matter.”

WASHINGTON, November 21, 1944.

740.00114 P.W./9-144

The Department of State to the Spanish Embassy

MEMORANDUM

The Department of State refers to memorandum (No. 194, Ex. 119.01 II) dated September 1, 1944 from the Spanish Embassy in charge of Japanese interests in the continental United States transmitting the protest of the Japanese Government concerning the failure of some members of the armed forces of the United States to treat with due respect the remains of fallen Japanese soldiers and referring to a Marine recruiting advertisement which the Japanese Government assumed was related thereto.
The United States Government shares the profound indignation of all civilized people for the desecration and profanation of the bodies of men who have fallen on the field of battle. This Government by its commitments to observe the Geneva Convention gave recognition to this fact. It considers violations of the bodies of the dead shameful and assures the Japanese Government that it does not countenance such depravity. It is the desire of the United States Government that the traditional respect which men of all faiths have from time immemorial rendered the dead should during the period of hostilities be observed as scrupulously as possible.

The United States Government informs the Japanese Government that the form in which the advertisement appeared was entirely unofficial, having been devised and printed by a small civilian group. The United States Government did not endorse the action of these individuals and the advertisement never received the official sanction of either the Marine Corps Headquarters or of the Navy Department. So far as is known the form is no longer in circulation.

Prior to the receipt of the Japanese Government's protest, there had come to the attention of the military authorities of the United States Government the incidents referred to by the Japanese Government. The War Department thereupon issued a message to its commanding generals in the Pacific theater directing that all army personnel be reminded of the provisions of the Geneva Convention governing the treatment of the enemy dead, and to the rules of land warfare on this subject. The War Department message also directed that necessary action be taken to make decent and honorable disposition of such parts of enemy bodies as were not yet interred. Since these steps were taken by the authorities, no further offenses of this nature have come to their attention.

The United States Government, however, points out to the Japanese Government that deeply as American sentiment is appalled by profanation of the dead it is equally appalled by cruelty to the living. In considering the Japanese protest, the many and terrible outrages committed upon American soldiers by their Japanese captors must therefore be taken into account. As the Japanese Government is aware, American soldiers in the Philippine Islands were thrown, while living and in full view of their comrades, into their grave and those who tried to rise were beaten down with shovels and buried. The malevolence of the Japanese troops who relentlessly beat and tortured the American airman who parachuted to earth near Aitape, made of his suffering a public spectacle and then, to loud shouts of joy, with six slashes of the saber decapitated him must also be recalled. Another act of horrible cruelty was the pitiless suffering inflicted upon the American private near Arayat, Pampanga, Philip-
pine Islands. As the Japanese Government knows, he was taken by his Japanese captors to a cemetery, was tied to a tree with barbed wire and used for bayonet practice until he was dead. These are but a few of the terrible acts committed by the Japanese armed forces.

Such vicious conduct on the part of the enemy could not fail to have a profound effect on the men of the United States forces. While the great body of these men do not condone or sanction, under any circumstances, the desecration of the dead, it is not difficult to understand that in certain instances men who had witnessed their comrades tortured in life by the Japanese forces should have failed to treat the bodies of the Japanese dead with the respect to which they are entitled.

With regard to the memorial presented to the President of the United States to which the Japanese Government refers in its communication, the Japanese Government is informed that the proffered gift was refused by the President and that he ordered it to be returned with the suggestion that decent burial be accorded it.

The United States Government desires to emphasize that it considers its obligation to accord honorable burial, even to unidentified bodies of the enemy dead, to be absolute, and that the Commanders and men of the theaters in which American forces are operating against the Japanese forces are committed to this obligation. The United States Government expects that the Japanese Government will likewise fulfill its obligation and cause its armed forces to desist from their savage behaviour toward the Americans taken captive by them. The civilized and honorable treatment which the Japanese Government expects for the dead, and which American soldiers are prepared to extend to their Japanese opponents both living and dead, can best be assured by humane and civilized conduct on the part of the Japanese armed forces.

WASHINGTON, December 5, 1944.

711.94114/11-1744

The Department of State to the Spanish Embassy

MEMORANDUM

The Department of State refers to memorandum (No. 234, Ex. 113.00 G) dated November 2, 1944 from the Spanish Embassy in charge of Japanese interests in the continental United States transmitting the request of the Spanish Embassy for a report on the fatal shooting at the Fitzsimons General Hospital, near Denver, Colorado, of three Japanese prisoners of war, Kuzunori Makino, Saburo

22 Not printed.
Nakagawa and Sadamu Okada, who were being treated at the hospital for tuberculosis.

Exhaustive investigations were conducted on November 5, 1944 in the cases of each of the three deceased prisoners. Thirteen witnesses, constituting all of the persons who had any knowledge regarding the events leading up to and in any manner connected with the incident in question, were examined in each case.

The three prisoners were admitted to the hospital on May 18, 1944. From the time of their arrival they were confined in the Japanese section of Ward B-1, with the exception of a few days during which they were convalescing from abdominal wounds resulting from their attempt to commit “hara kiri”. On September 1, 1944 the three prisoners refused all food for a period of about ten days.

At about 9 o’clock p.m. on October 29, 1944 the three prisoners were given a bottle of milk. One of the prisoners threw the bottle at the guard. It broke and spilled the milk on the floor. The prisoners adopted a belligerent attitude toward the guard who at about 9:25 p.m. called the Corporal of the Guard and informed him that there was trouble in Ward B-1. The Corporal, accompanied by two sentinels armed with clubs, proceeded to Ward B-1. Upon arrival they were informed by the guard on duty of the milk bottle incident. Thereupon they opened the door which led into the Japanese prisoners’ section, gave one of the prisoners a broom and ordered him to clean up the floor. Nakagawa said something in Japanese to his compatriots who then refused to obey the orders. Nakagawa seized the club from one of the sentinels and Nakino and Okada rushed the other, grasped him by the throat and tried to strangle him. The guard fired a shot into the floor in order to frighten the prisoners, but they continued their attack upon the sentinel who appealed to the guard for his gun. Upon obtaining it he ordered the prisoners back into their section. Instead of obeying, Nakagawa attacked him. The sentinel fired. Nakagawa fell to the floor. Thereupon the other two prisoners attacked the sentinel who fired at them both. Makino fell and Okada ran into his room. Upon examination all three prisoners were found to be dead.

According to the medical report Makino’s death was caused by a gun shot wound described as “Wound, perforating, result of bullet, left cranial cavity; entrance left frontal region; exit left temporo-occipital region, with destruction lateral inferior portion left cerebral hemisphere”.

Nakagawa died of a gun shot wound, described as “Wound, perforating, result of bullet entering right inferior anterior neck, through superior mediastinum, left innominate vein, left common carotid, left
phrenic nerve, left upper lobe lung, left 5th rib, skin left axilla, left humerus, left radial nerve, exit over left deltoid”.

The cause of Okada’s death was described as “Wound, perforating, result of bullet, entrance through right anterior thorax, through right rib (5th), right middle lobe lung, pericardial sac, right ventricle heart, left lower lobe lung, left leaflet diaphragm, left lobe liver, left 8th rib, exit left 6th interspace”.

The sentinel, when examined by the medical authority at about 10 p.m. was found to have sustained “a severe contusion of the mid-occipital parietal region of the skull”. The medical authority testified that in his opinion the injury was caused by some blunt object “used with considerable force”.

In each case the board which conducted the investigation found that the prisoner in question was engaged in a mutiny at the time of his death, that the sentinel “was acting in the execution of his duty as a sentinel” when he inflicted the fatal injuries, and that the shootings were in self defense.

WASHINGTON, December 9, 1944.

711.94114/12-1144

The Spanish Embassy to the Department of State

MEMORANDUM

No. 250
Ex. 150.000

The Spanish Embassy presents its compliments to the Department of State and has the honor to transmit the following memorandum received from the Japanese Government through the “Ministerio de Asuntos Exteriores” in Madrid:

Memorandum, December 9, 1944.

“Dispatch dated 1st November sent to New York Herald Tribune from Dagami by Frank Kelly attached to U.S. Seventh Division in Leyte, contains an account of battle on the day preceding All Saints’ Day given by Lieutenant Bronks of New York State which is to following effects.

Harry Travers of New Orleans killed Japanese Captain who rushed on from right hand side of Dagami Cemetery with sword and revolver in hand. Private named Will Carry who had been wounded by Japanese Captain with revolver, took sword from deceased. Curney Mill, who had been wounded with sword took revolver and Travers who had killed Japanese Captain looted latter’s wrist watch.

Above fact shows that United States troops took no steps to protect Japanese soldiers killed in battle from looting and ill treatment. Above mentioned conduct of U.S. soldiers is violation of Article 3 of 1929 Geneva Convention regarding amelioration of condition of wounded, and Japanese Government therefore file protest with United
States Government and demand them to give instructions to their forces in order to prevent any recurrence of such unlawful conduct in future."

WASHINGTON, December 11, 1944.

750.00135 P.W./12-1144

The Spanish Embassy to the Department of State

MEMORANDUM

No. 252
Ex. 150.000

The Spanish Embassy presents its compliments to the Department of State and has the honor to transmit the following Memorandum from the Imperial Japanese Government, received through the "Ministerio de Asuntos Exteriores" in Madrid:

Memorandum—December 9, 1944.

"A dispatch from Newsweek correspondent in Saipan dated 28th August, which was published in United States, reveals the fact that whole Japanese male civilians interned in Saipan ranging between ages of sixteen and fifty-five are registered for work and are engaged in work from eight hours a day on airfields, etc.

It is presumed from above report that Japanese civilian internees in Saipan are forced to work and if so, Japanese Government wish to point out that it is contrary to understanding between Japan and United States relating to mutual treatment of civilians. Even if work is not compulsory it is needless to say that it is unlawful to engage internees in construction of military airfields.

Japanese Government, therefore, protest to United States Government against this unlawful employment of Japanese civilian internees and demand United States Government immediately put a stop to it."

WASHINGTON, December 11, 1944.

740.00115 P.W./11-3044

The Department of State to the Spanish Embassy

MEMORANDUM

The Department of State refers to memorandum No. 140, Ex. 113.00 T-2, dated June 6, 1944 from the Spanish Embassy in charge of Japanese interests in the continental United States transmitting a memorandum dated June 3, 1944 from the Japanese Government concerning the shooting of Soichi Okamoto (Shoiza) at the Tule Lake Relocation Center.

*Acknowledged by the Department on December 22.

554-184-65—73
With reference to the Japanese Government’s protest concerning the death of Soichi Okamoto, since he was an American citizen, the United States Government is at a loss to understand the Japanese Government’s concern with his death. The United States Government, however, states for the information of the Spanish Embassy that a thorough investigation of all of the circumstances surrounding the death of Soichi Okamoto was made by a duly appointed board of four officers, in the course of which the board interviewed all available witnesses, some twenty in number. The investigating board found that Soichi Okamoto was shot by the sentry in performance of his duties. In view of the fact that the incident resulted in the death of a human being, the sentry was tried by general court-martial, charged with manslaughter under the 93rd Article of War. The court-martial established that the sentry fired in the performance of his duty and he was, therefore, acquitted.

WASHINGTON, December 19, 1944.

711.9411/4/12-2244

The Department of State to the Spanish Embassy

MEMORANDUM

The Department of State refers to a memorandum dated December 11, 1944 (No. 250, Ex. 150.000) from the Spanish Embassy in charge of Japanese interests in the continental United States transmitting a memorandum from the Japanese Government dated December 9, 1944 protesting against the alleged rifling by American soldiers of the possessions of deceased Japanese soldiers.

The Spanish Embassy is informed with regard to the protest that the revolver and the sword alleged to have been removed from the body of a deceased Japanese officer are considered to be necessary war material susceptible of direct military use as prescribed in Annex to Hague Convention, No. IV, Article 53, Paragraph 2 which states that all kinds of ammunition of war may be seized even if they belong to private individuals. The removal, therefore, of the revolver and sword was in no way unlawful. The wrist watch might also be included in this category unless it were removed for personal gain. The War Department is accordingly informing the Theater Commander of all details concerning the alleged incident for corrective action if such may be found necessary.

WASHINGTON, January 8, 1945.

Signed October 18, 1907, Foreign Relations, 1907, pt. 2, pp. 1207, 1216.
PROTESTS BY JAPAN AGAINST ATTACKS BY THE UNITED STATES ON HOSPITAL SHIPS

740.00117 Pacific War/61

The Department of State to the Spanish Embassy

MEMORANDUM

The Department of State refers to memorandum no. 148 of June 28, 1943 from the Spanish Embassy in charge of Japanese interests in the continental United States and to the Department's preliminary reply of July 6, 1943 regarding alleged attacks on six Japanese hospital ships.

1. The United States Government has caused a detailed investigation to be made of the alleged attacks on the six Japanese hospital ships and, as a result thereof, the following determinations have been made:

a. Arabia Maru: On 4 January 1943 airplanes dropped bombs on a vessel, described as a transport, in the Rangoon River scoring hits and near misses, as a result of which heavy smoke was billowing up from this vessel when last seen. The Japanese protest refers to bombs dropped adjacent to the alleged hospital ship. The alleged jeopardy to the hospital ship must have arisen, therefore, from its proximity to a military target.

b. America Maru: Enemy shipping in Rabaul Harbor was attacked by airplanes at 0505 on 30 January 1943 and at 1205 on the same date an airplane attack was made against a transport in the open bay. On neither occasion was any hospital ship or illuminated vessel observed in the area referred to in the Japanese protest. The Japanese allege the attack as occurring at 0420 and if it occurred it must, therefore, have been as a result of the presence of the hospital ship in proximity to military targets and without identifying illumination.

c. Manila Maru: On 4 March 1943 in the area stated, but at 1257-1301, torpedoes were fired at a zigzagging light grey Japanese vessel during a rain squall. The ship was not painted as prescribed for hospital ships by the Hague Convention.

d. Urabu Maru: An airplane attack was made on a vessel near Kavieng at 1600 on 3 April 1943. At the time of sighting this vessel, the aircraft concerned was at a height of 6,000 feet. The crew of the aircraft did not observe any of the conventional markings which indicated a hospital ship, but did see what appeared to be a canvas-covered gun position forward. From the photographs taken during the attack, it is not possible to distinguish with the naked eye any hospital ship insignia and only in one of these can such insignia be distinguished by the aid of a magnifying glass. No insignia appears

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16 Continued from Foreign Relations, 1943, vol. iii, pp. 1036-1046.
16 Ibid., p. 1036.
17 Not printed; but see footnote 58, ibid., p. 1037.
from an overhead position, and no Red Cross flag was flown. The absence of distinctive and obvious markings from overhead made it quite impossible for the aircraft to determine the special status of this vessel and the presence on the deck of what appeared to be a gun, added strength to the presumption that the vessel was other than a hospital ship.

c. *Huso Maru*: No operation by a United Nations aircraft has been reported against any ship on 15 April 1943 in any area adjacent to the alleged location. On 16 April a night attack was made upon Kahili and Ballale where previous reconnaissance had revealed the presence of a number of warships and cargo vessels, presenting a legitimate military target. Among the targets attacked was a large ship, subsequently identified as a hospital ship. Illumination of the hospital ship was such that its identity was not apparent above 2,000 feet. The attack was abandoned immediately after identification.

d. *Buenos Aires Maru*: The Japanese report alleges an attack by submarine near Hongkong at 1345 on 25 April 1943. No United States submarine nor, as far as this Government is aware, any other United Nations submarine made an attack in the general vicinity of Hongkong on this date.

2. The Armed Forces of the United States are under strict instructions to observe scrupulously the terms of the Hague Convention applicable to hospital ships and to accord all due immunity to such vessels. The United States Government is satisfied that these instructions are complied with to the limit permitted by the compliance of Japanese hospital ships with their reciprocal obligations. The fact that the conventions are known to the personnel of the Armed Forces and that such personnel make every effort to observe them is demonstrated by repeated reports of the sighting of hospital ships which have not been molested when recognized as such.

3. It must be pointed out, furthermore, that international law expressly recognizes certain circumstances under which belligerents may be unable to accord immunity to hospital ships. These circumstances arise, for example, when a hospital ship at its own risk and peril stations itself in the vicinity of a legitimate military target whether in port or on the high seas, or when a hospital ship fails to provide itself with adequate and clearly visible markings and illuminations as it is under obligation to do by the terms of Article 5 of the Hague Convention.

4. The United States Government regrets that accidental attacks should have been made upon Japanese hospital ships. But the attacks alleged appear to be definitely attributable to the failure of the Japanese authorities either to insure the identification of their hospital ships or to remove those ships from the immediate vicinity of legitimate military targets, or to both causes.

5. The United States Government, while for the above reasons rejecting entirely the protests made by the Japanese Government, desires
to assure the Japanese Government that it has every intention of continuing to respect the immunity of hospital ships in accordance with its assumed obligations and international practice. It is observed, however, that it is not always possible for aircraft to distinguish the identification for hospital ships prescribed by the Hague Convention. The United States Government points out that the markings prescribed by the Hague Convention must be considered the minimum rather than the maximum requirements, and that at the time they were prescribed the circumstances of naval warfare only were envisaged.

6. The United States Government has accordingly taken steps to place upon its hospital ships markings additional to those prescribed by the Hague Convention and in order to facilitate their identification as such in the light of the conditions of modern warfare, has adopted the following policies, the adoption of which with respect to Japanese hospital ships should similarly facilitate their identification:

a. In order to acquire right to immunity at night, hospital ships must be illuminated continuously from sunset to sunrise.

b. In order to acquire right to immunity at night, the funnels and hulls of hospital ships must be illuminated from sunset to sunrise to show the Red Crosses, white painting and green band. Distinctive markings which must at times be displayed on the decks for identification from the air must be similarly illuminated at night.

c. If markings are not illuminated at the time of an attack at night, no complaint can be entertained. It is not, however, illegal for a hospital ship to darken ship at her own risk on necessary occasions such as when lying in a port, passing through defensive minefields or in company with the fleet.

7. The United States Government notes that the altered markings of certain Japanese military hospital ships, as well as the provision for their illumination at night, which are described in the Embassy’s memorandum no. 329 (Ex. 111.00) of November 8, 1943, are similar in nature to those referred to in subparagraph 6 above.

WASHINGTON, January 8, 1944.

The Department of State to the Spanish Embassy

MEMORANDUM

The Department of State refers further to memorandum no. 354 (Ex. 111.00) of December 20, 1943 from the Spanish Embassy in charge of Japanese interests in the continental United States regarding the alleged aerial bombardment and sinking by United States aircraft of the Japanese hospital ship Buenos Aires Maru.

19 Not printed.
A detailed investigation by the United States Government concerning the alleged attack on the *Buenos Aires Maru* has disclosed that an attack was made against a ship which, at the time of bombing from an altitude of 7,000 feet, was believed to be a Japanese freight-passenger vessel and that hospital ship markings on the vessel were not apparent until after the attack had been made. The Japanese Government alleges that the attack was made in longitude 129 degrees, 20 minutes east, but it appears that this is an error and that the correct longitude was 149 degrees, 20 minutes east.

It has been determined that the attack was accidental and arose from the fact that the hospital ship markings were not discernible from the attacking aircraft overhead. In the circumstances, the United States Government is of the opinion that blame cannot be attached to the personnel of the attacking aircraft.

With respect to the alleged machine gunning on December 1, 1943 of drifting lifeboats from the *Buenos Aires Maru*, it has been established that the particular identity of the boat was again not apparent. The other circumstances of the attack were such that there was no basis for the attacking aircraft to presume that the boats were those of a hospital ship.

For these reasons, the United States Government rejects in its entirety the validity of the protest of the Japanese Government. If, however, the ship attacked was in fact the *Buenos Aires Maru*, the United States Government expresses its sincere regrets and emphasizes the accidental nature of the attack. It is stressed in this connection that the terms of the Hague Convention setting forth the markings, use and immunity of hospital ships, as well as the altered markings of certain Japanese hospital ships as described in the Embassy’s memorandum no. 329 (Ex. 111.00) of November 8, 1943, have been communicated to all concerned in the United States armed forces for their guidance. The United States Government is convinced that these instructions meet with full compliance. Repeated reports of the sighting of hospital ships by United States submarines and aircraft which were in a position to attack, but did not do so when hospital ship markings were recognized, demonstrate that members of the armed forces are familiar with, and make every effort to observe, accepted international usage concerning the immunity of hospital ships. The United States armed forces have molested no hospital ship when recognized as such.

The difficulty of recognizing hospital ships from the air is of deep concern to the United States Government and it believes that the avoidance of attacks on such vessels is desired by all belligerents. The Japanese Government is assured, moreover, that the United States

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21 Not printed.
Government has every intention of continuing to respect the immunity of hospital ships in accordance with its assumed obligations and international practice.

WASHINGTON, February 5, 1944.

436. For immediate delivery to Japanese Government:

"A report from the Pacific Theater of Operations discloses that a United States aircraft on the night of January 31, 1944 while on a reconnaissance mission at an approximate location of 4 degrees 13 minutes south and 151 degrees 30 minutes east made one bombing run dropping three bombs over what appeared to be a Japanese cargo vessel. Red Cross lights were observed on the vessel after that attack and the aircraft immediately refrained from further hostile action. The United States Government regrets any damage that may have been caused to a Japanese hospital ship as a result of this accidental attack."

Hull

The Department of State to the Spanish Embassy

MEMORANDUM

The Department of State refers further to memorandum no. 352 (Ex. 119.01) of December 13, 1943 from the Spanish Embassy in charge of Japanese interests in the continental United States regarding alleged attacks on four Japanese hospital ships.

The alleged attacks on the four Japanese hospital ships have been the subject of exhaustive investigation by the United States Government, as a result of which the following conclusions have been reached:

1. Takasago Maru. It is presumed that the alleged attack in this instance was made on 26 April 1942 and not on 26 April 1943, as stated in the protest from the Japanese Government, in view of the fact that there is a record of an attack on the former date against a vessel which later proved to be a hospital ship.

On April 26, 1942, a United States submarine attacked a darkened ship in the position stated. After the attack the vessel switched on lights which revealed Red Crosses on the boat decks. The United States Government can accept no responsibility for damage to a hospital ship which does not take steps to reveal her identity at night.

In addition if this vessel was the Takasago Maru it is pointed out that she was not notified by the Japanese Government to the United States Government as a hospital ship until June 2, 1942. The United States Government can accept no responsibility whatever for attacks on vessels prior to their notification as hospital ships.

2. Mitsuho Maru. Since no information can be obtained of any attack by an aircraft against any vessel on the date and in the locality specified, the United States Government must disclaim all responsibility in this case.

3. Muro Maru. If an attack was made against this hospital ship as alleged, the circumstances of the attack and the absence of hospital ship markings obviate any basis for responsibility on the part of the United States Government or its forces. The only recorded attack upon any vessels at a time and place near those alleged was upon an armed convoy in which none of the merchant vessels was noted to have been marked as a hospital ship.

4. America Maru. An attack by aircraft against shipping took place on the date and in the locality specified but no Red Cross markings were discernible on any ship.

As stated in the Department's memorandum of February 5, 1944 regarding the alleged sinking by United States aircraft of the Japanese hospital ship Buenos Aires Maru, the terms of the Hague Convention outlining the markings, use and immunity of hospital ships have been made known to all concerned in the armed forces of the United States, and the altered markings of certain Japanese hospital ships, described in the Embassy's memorandum no. 329 (Ex. 111.00) of November 8, 1943 have likewise been communicated to the armed forces for their guidance. The United States Government is convinced that its armed forces are complying with these instructions to respect the immunity of hospital ships. The fact that the terms of the Convention are known to the personnel of the armed forces and that such personnel make every effort to observe them is demonstrated by repeated reports of the sighting of hospital ships by submarines and aircraft which were in a position to attack, but did not do so when hospital ship markings were recognized. No hospital ship when identified as such has been molested by the armed forces of the United States.

The Department repeats in this connection that the United States Government is deeply concerned over the problem of recognizing hospital ships under all conditions and most earnestly urges the Japanese Government to take every possible step to increase the size of markings and to adopt the maximum measures of illumination of hospital ship markings at night.

While rejecting entirely the validity of the Japanese Government's protest regarding alleged attacks on the Takasago Maru, Mitsuho

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23 Not printed.
Maru, Muro Maru and America Maru, the United States Government reiterates its assurances that it has every intention of continuing to respect the immunity of hospital ships in accordance with its assumed obligations and international practice.

WASHINGTON, March 28, 1944.

740.00117 Pacific War/103: Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, April 27, 1944.

1457. Department’s 416, February 8th. Following for immediate delivery to Japanese Government:

"An amplification of the preliminary report received by the United States Government from its forces in the Pacific Theater of Operations concerning the accidental attack upon a hospital ship, presumably Japanese, about 30 miles north of Rabaul during the night of January 25 to 26 which was referred to in the previous communication to the Japanese Government pertaining to this matter discloses that at about 0410 local time on January 26 a single aircraft while on a scheduled night patrol made contact with a vessel in position approximately 3 degrees 51 minutes south latitude and 151 degrees 43 minutes east longitude. The weather at the time of the attack consisted of 40 to 60 percent cloud coverage with scattered showers.

The attack was conducted from an altitude of about 1200 feet. Under the prevailing visibility conditions the illumination of the ship was indistinct, and on the approach the vessel appeared to be on fire. Just prior to reaching the release point the navigator was able to distinguish three illuminated crosses on the top deck of the vessel and identified it as a hospital ship. No lights were observed on the side. The navigator immediately announced over the inter-phone system of the aircraft that the vessel was a hospital ship, whereupon the bombardier made an unsuccessful attempt to lock the bomb racks, and the pilot kicked left rudder in an effort to turn the bombs clear of the target.

Three bombs were dropped and the nearest landed in the vessel’s wake about 100 feet from the stern. No apparent damage was sustained by the ship.

It has been established that this attack was clearly unintentional and was the result of inability to distinguish the hospital ship markings in sufficient time to break off the attack before the bombs were released. Prompt action by the pilot, however, prevented damage to the ship. While the United States Government regrets this accidental attack, the investigation has revealed that the hospital ship was not illuminated in accordance with established international practice which provides for the hull, as well as the upper deck, to be illuminated at night to show the Red Crosses, white paint and green band."

24 Not printed.
25 Telegram 416.
Please request Swiss Legation Tokyo to telegraph date this message is delivered to Japanese Government.26

HULL

740.00117 Pacific War/106

The Spanish Embassy to the Department of State

MEMORANDUM

No. 88
Ex. 111.00

The Spanish Embassy presents its compliments to the Department of State and begs to transmit a Memorandum received through the “Ministerio de Asuntos Exteriores” 27 in Madrid, from the Japanese Government and which reads as follows:

“Memorandum—April 28th, 1944

1. (A) Japanese Hospital ship Yosino Maru while sailing singly with 6300 wounded and sick soldiers aboard, was attacked by a United States aeroplane apparently a reconnoitring place at 0230 on 26th January at a point 40 miles North of Rabaul, latitude 3 degrees 45 minutes south, longitude 151 degrees 42 minutes east. The Enemy plane, descending to an altitude of 300 metres behind the hospital ship, dropped a bomb, which missed starboard side of bow only by 30 metres, wounding a member of medical corps who was on duty on ship through concussion of air which it had caused.

(B) In accordance with provisions of convention for adaptation of principles of Geneva Convention to maritime war, Japanese Government notified U.S.A. Government in December 1942 that Yosino Maru was used as hospital ship. The ship in conformity with provisions of convention was painted white, and red cross markings, seven in number, were affixed to both sides, stern, both sides of funnel, over bridge, and over poop deck. All these markings were illuminated at time of attack. The red cross over bridge was 9.60 metres long and 1.80 metres wide, and red cross over poop deck was 11.60 metres long and 1.20 metres wide. It is presumed that Yosino Maru is that hospital ship which U.S.A. Government alleges was attacked in mistake for a burning ship at a point 30 miles to north of Rabaul on night between 25th and 26th January.28 But illuminated red cross markings of Yosino Maru were large enough to be clearly discerned from height of over 400 metres and therefore could not but have been perfectly visible from so low altitude as 300 metres. Moreover, as illumination of red crosses on Japanese hospital ships is so designed as to prevent diffused reflection, it is impossible to mistake red crosses for flames of a fire on board ship. At time of attack sky was clear, the wind was NW whipped 4 metres, and visibility perfect.

26 Telegram 2957, May 10, from Bern, reported delivery of the message on May 5.
27 Ministry for Foreign Affairs.
28 This has reference to telegram 416, February 8, to Bern (not printed), which contained the text of a message on this subject to be delivered to the Japanese Government through the Swiss Legation in Japan; see telegram 1457, April 27, to Bern, supra.
2. (A) Japanese hospital ship Tatibana Maru while sailing singly, was attacked by consolidated B-24 in latitude 2 degrees 14 minutes south and longitude 124 degrees 37 minutes east between 0230 and 0247 on 14th March. The enemy plane, which was flying at height lower than 200 metres on south eastward course, twice attacked hospital ship at right angles to her starboard side, dropping three bombs and successively sweeping her with machinegun fire. Bombs fell within 100 metres of starboard quarter, and machinegun firing damaged hull.

(B) In accordance with provisions of convention for adaptation of Geneva Convention of maritime war, Japanese Government notified U.S.A. Government in October last year that Tatibana Maru was used as hospital ship. The ship was painted in conformity with provisions of convention, and furnished with many red cross markings. Following six red cross markings especially were perfectly illuminated at time of attack:

1. A red cross facing skyward over bridge, length 8.50 by 9.00 metres, width 1.06 metres.
2. A red cross facing skyward over poopdeck length 7.84 by 5.30 metres, width 1.25 metres.
3. A red cross facing backward on poopdeck, length 4.95 by 5.14 metres, width 0.72 metres.
4. A red cross on mizzen masthead, length 4.06 by 4.06 metres, width 0.40 metres.
5. A red cross on each side of funnel, length 4.06 by 4.06 metres, width 0.40 metres. Though sky was cloudy at time of attack, there was moon and visibility was good.

(C) No other ship was in vicinity at the time. From height of 200 metres, at which enemy plane was flying, illuminated red crosses were perfectly discernible. It has been experimentally proved that the smallest illuminated red cross on the ship, which is 4.06 metres long and 0.40 wide, is visible to naked eye at height of 250 metres. There is no doubt, therefore, that illuminated red crosses over bridge and poopdeck were clearly seen from the height from which attacks were made.

3. Japanese Government regret that despite repeated explanations given by U.S.A. Government of attacks on Japanese hospital ships, and their expression of intention to observe provisions of Hague Convention relating to hospital ships, there should have again occurred these unlawful attacks on Yoshino Maru and Tatibana Maru. Japanese Government lodge protest with U.S.A. Government and demand that U.S.A. Government punish persons responsible and take all necessary steps to prevent recurrence of such incidents. Japanese Government also reserve all rights to take necessary measures for suppression of such cruel acts. In advancing this protest, Japanese Government wish to make particular mention of fact that attacks under review were apparently committed with a malicious motive to molest antagonist, and that such violations of rules of war, it is to be feared, may eventually give rise to an untoward state of affairs which will bear hardly upon both belligerents."

WASHINGTON, May 1, 1944.
The Spanish Embassy to the Department of State

MEMORANDUM

No. 94
Ex. 111.00

The Spanish Embassy presents its compliments to the Department of State and begs to transmit a Memorandum received through the "Ministerio de Asuntos Exteriores" in Madrid, from the Japanese Government and which reads as follows:

"Memorandum—May 9th, 1944

1. With reference to unlawful attacks on Arabia Maru and five other Japanese hospital ships, Japanese Government upon careful study of reply of United States Government and further detailed investigations have obtained following results:

(1) Arabia Maru—Ship was painted white in full conformity with provisions of 1907 Convention for adaptation of principles of Geneva Convention to Maritime War. Ship also bore red cross markings in particular she had as markings for air, a Red Cross each of whose bars was 9 metres long and 1.50 metres wide over bridge and a Red Cross, each of whose bars was 6 metres long and 1 metre wide over poop-deck. Attack was made from height of 3000 metres but these markings are discernible at height of 4000 metres and weather was perfectly fine at time of attack. Arabia Maru was only vessel which was sailing up Rangoon River then and there was nothing to be regarded as military target within one mile of ship.

(2) American Maru—As to when, where, and how attack was made it was fully described in former protest. There was no military target in vicinity. Ship bore Red Cross markings on funnel both sides of ship, both sides of bridge, stern, and over poop-deck. These Red Cross markings were perfectly illuminated before, during and after attack. Sky was clear, there was moon, and it was immediately before daybreak when attack was made. Enemy plane was at height of 3000 metres where markings of hospital ship must have been perfectly visible.

(3) Manila Maru—Ship was painted white in perfect conformity with provisions of convention and she also bore Red Cross markings. At time of attack weather threatened of squall, but attackers were at distance from which they could clearly discern that their objective was hospital ship. Zigzag movement of Manila Maru was made in self defences after she was attacked, but not before.

(4) Urabu Maru—Enemy plane dropped bombs from height of 800 metres and ascended and disappeared among wisps of cloud. Japanese hospital ship was painted white in accordance with provisions of convention and bore red cross markings of bars 9 metres long and 1.60 metres wide over bridge and over poop-deck. These markings were perfectly and distinctly discernible at height from which attack was made. White sail canvas said to have been observed about bow of ship was, it is
presumed, a sheet of sail canvas covering two anchor winches which it was not practicable to paint white.

(5) *Huso Maru*—First attack on this ship was made on 14th April off Namatanai Island of New Ireland. Second attack was made at 2000 on 16th April at point 20 miles to south east of Erventa. An enemy plane dropped illuminating bombs and carried on bombing and machine gunning for about an hour. Ship was painted white in perfect conformity with provisions of convention and also bore red cross markings. A red cross of bars 10 metres long and 1 metre wide was affixed over bridge and a red cross of bars 6 metres long and 1.80 metres wide over poop deck. These Red Crosses were fully illuminated at time of attack. From height at which enemy carried on attack, above-mentioned Red Cross markings are certain to have been discerned and the two illuminated Red Crosses on funnel and one illuminated Red Cross at Stern cannot but have facilitated recognition of vessel as hospital ship.

(6) *Buenos Aires Maru*—This ship was torpedoed by an enemy submarine at 1545 on 25th April in longitude 22 degrees 12 minutes north and latitude 114 degrees 47 minutes east. At the moment when shock was felt many members of crew witnessed patches of white foam ahead of bow towards port side and also top of periscope moving in same direction as ship. It was thus confirmed that attack was made by submarine. Ship was painted white in accordance with convention and bore many distinct Red Cross markings.

2. It is alleged by United States Government that attacks on above mentioned hospital ships arose either from Japanese Authorities having failed to ensure sufficient marking of vessels for their identification as hospital ships or from their not having secured that presence of vessels in proximity to any legitimate military target was avoided or from both these circumstances combined. But what has been stated in 1 above shows that these allegations are groundless. All Japanese Authorities in any way connected with hospital ships are given strict instructions to observe provisions of convention and never to infringe them. Every possible care is taken in order that hospital ships shall not do anything whatever which may be mistaken for hostile act or go near any military target. From investigations made on spot and accounts furnished by eyewitnesses of attacks it has been established that attacks on Japanese hospital ships by United States aircraft or submarines were made from malicious motive of inflicting unnecessary suffering on antagonist, unless they were result of lack of due care on part of attackers. Most distinct markings of hospital ships and best illumination therefore could be no safeguard against such attacks. By alleging that Japanese hospital ships came near military targets or that their markings and illumination thereof were imperfect, United States Government are attempting to excuse their own fault. Provisions of article 4 of Convention for adaptation of principles of Geneva Convention to Maritime War, however, furnish no excuse for attacking an hospital ship deliberately or through any lack of due care. Japanese Government therefore are unable to accept as sufficient reply of United States Government and in confirmation of their previous protest they demand that United States Government
conduct thorough reinvestigation of the matter and admit all responsibility for unlawful attacks on hospital ship. Japanese Government also invite serious attention of United States Government to fact that in spite of United States Government's allegation of all possible efforts having been made to make United [States] forces on front to observe provisions of Hague Convention relating to hospital ships, Government orders in this respect are apparently not always complied with by United States Forces."

WASHINGTON, May 9, 1944.

740.00117 Pacific War/111

The Spanish Embassy to the Department of State

MEMORANDUM

No. 97
Ex. 111.00

The Spanish Embassy presents its compliments to the Department of State and with reference to its memorandum of February 8, 1944 regarding a reported attack of Hospital Ships, presumably Japanese, begs to transmit a memorandum received through the "Ministerio de Asuntos Exteriores" in Madrid from the Japanese Government which reads as follows:

Memorandum—May 10th, 1944

"1. United States Government attempts to evade their responsibility for attacking and sinking of Japanese hospital ship Buenos Aires Maru by United States aeroplanes alleging in their memorandum of 5th February that attack was due to fact of markings of ship not being distinct enough for discerning her as hospital ship.

As results of detailed reinvestigation of circumstances surrounding incident, Japanese Government assert that allegations of United States Government are entirely contrary to true facts.

2. (A) Buenos Aires Maru was not only perfectly marked in accordance with provisions of convention for adaptation of principles of Geneva Convention to maritime war, but also bore following Red Cross markings:

Markings for Air:

1. A red cross whose bars were respectively 36 and 40 metres long and 3.80 metres wide bars extending to whole width of ship and whole length of deckhouse respectively and crossing each other at funnel.

2. A red cross each of whose bars was 11 meters long and 1.20 metres wide over poop-deck.

Memorandum to the Spanish Embassy quoted the text of a message in telegram 416, February 8, to Bern, not printed, which was to be delivered to the Japanese Government through the Swiss Legation in Japan; see telegram 1457, April 27, to Bern, p. 1153.
Others:

1. A red cross each of whose bars was 14 meters long and 2.50 metres wide on each side of ship.
2. A red cross each of whose bars was 4.15 metres long and 0.40 metres wide on each side of funnel.
3. A red cross each of whose bars was 6 metres long and 0.60 metres wide on stern facing backward.

Above mentioned red cross of 36 x 40 metres size placed over deck house is of largest and best conceivable kind especially designed in view of repeated attacks on Japanese hospital ships by the United States aeroplanes and it has been experimentally proved that it is perfectly discernible from height of 6000 metres.

As was pointed out in previous protest, sky was clear, wind light, and sea calm, at time of attack.

Two large sized enemy planes came from behind Buenos Aires Maru with rays of morning sun behind them and after dropping bombs flew through lower part of space between stratus (1,000 metres high) and cumulus (1,400 metres high) and disappeared among clouds.

From these circumstances it is inferred that planes dropped bombs from height approximately of 1200 metres. Judging from weather conditions and height from which attack was made all such outward appearances indicative of hospital ship as white painting and green band as well as above mentioned red cross markings must have been discerned at a glance. Moreover, planes were flying with their backs towards morning sun in clear atmosphere. They could not expect more favorable conditions for discerning their objective. Recklessly and unscrupulously was attack in such circumstances made.

(B) Details of attack on lifeboats fully laden with wounded and sick soldiers on first December, were as follows:

**How Enemy Planes Came:**

1. Two enemy planes passed overhead at about 0810 on 29th November.
2. Afterward on same day an enemy plane circled once overhead and flew away.
3. At about 0910 on First December a large sized four-engined enemy plane circled overhead and gradually descended to height of 150 metres. However, it noticed red crosses made of red cloth 1.50 metres long and 0.30 metres wide stretched over boats and without making any attack, flew away.

**How They Attacked:**

1. At about 1500 on First December a Consolidated B-24 came flying and circled at height of 500 metres. A red cross made of red cloth was displayed over each boat as on previous occasion. But enemy plane gradually descended till it circled at height of 100 metres and then from altitude as low as 70 metres, twice swept boats with 13 millimetre machine-gun bullets. Eight of the wounded and sick soldiers fell victims to this attack.
2. At the time there were 17 lifeboats laden to capacity with wounded and sick forming a circle of about one and half miles diameter. All boats were painted white and bore green bands and red crosses. Attacking plane was at so low altitude that inmates
of attacked boats clearly discerned United States mark and white mark like skull painted on plane and even smiling faces of three of four members of crew of plane.

There is no doubt therefore, that occupants of plane must have unmistakably discerned not only markings of lifeboats, but also white clothes worn by sick and wounded soldiers and red cross arm bands worn by members of medical corps.

3. From above-mentioned facts Japanese Government come to conclusion that occupants of United States plane deliberately attacked Buenos Aires Maru, in spite of their distinct recognition of her markings and of their consequent unmistakable knowledge of her being a hospital ship.

Reckless manner in which attack was carried on further shows that attackers committed this offense from shocking motive of taking pleasure in murder of wounded and sick who were without means of defense.

Japanese Government regret that they cannot but conclude that there exists no sufficient sincere willingness on part of United States Government to look into accurate facts of case in order to elucidate where responsibility lies and to effect a fair and just settlement of matter so as to prevent any recurrence of such inhuman acts.

Japanese Government hereby notify United States Government that they are unable to accept as satisfactory United States reply of 5th February and demand of United States Government reinvestigation of matter, punishment of persons responsible and guarantees for future.

Japanese Government also declare that they reserve all rights relating to unlawful acts under review."

WASHINGTON, May 11, 1944.

740.00/117 P.W./106

The Department of State to the Spanish Embassy

MEMORANDUM

The Department of State refers to memorandum no. 88 of May 1, 1944 from the Spanish Embassy in charge of Japanese interests in the continental United States and the Department’s memorandum of May 6, 1944 in acknowledgment thereof concerning alleged attacks by aircraft on the Japanese hospital ships Yosino Maru and Tatibana Maru.

It is noted that the alleged attack on the Yosino Maru is said to have taken place on January 26, 1944 at three degrees forty-five minutes south latitude and one hundred fifty-one degrees forty-two minutes east longitude, while that on the Tatibana Maru is said to have occurred on March 14, 1944 at two degrees fourteen minutes south lati-

*65519724

*Latter not printed.
tude and one hundred twenty-four degrees thirty-seven minutes east longitude.

All evidence points to the conclusion that the alleged attack upon the *Yosino Maru* was that referred to in the Department's memorandum of April 27, 1944, the substance of which was also sent to the American Legation at Bern for communication through Swiss channels to the Japanese Government. A full account of the attack on January 26 is contained in the Department's memorandum of April 27 and there is no further information to add thereto. It is assumed that the Japanese Government at the time of making its protest in respect of the *Yosino Maru* did not yet have available to it the information set forth in that memorandum.

It has been ascertained after careful investigation that no United States aircraft was operating in the vicinity of the alleged attack upon the *Tatibana Maru* during the night that it purportedly occurred. The United States Government accordingly disclaims all responsibility for the attack said to have been made upon the *Tatibana Maru*.

WASHINGTON, June 10, 1944.

_The Department of State to the Spanish Embassy_

MEMORANDUM

The Department of State refers to memorandum no. 94 (Ex. 111.00) of May 9, 1944 from the Spanish Embassy in charge of Japanese interests in the continental United States and to the Department's memorandum of May 16, 1944 in acknowledgment thereof concerning a message from the Japanese Government in respect of the reply made by the United States Government to the Japanese protest alleging attacks on the *Arabia Maru* and five other Japanese hospital ships.

The United States Government reiterates its regret that accidental attacks should have been made upon Japanese hospital ships. The present opportunity is also availed of to repeat the assurances that all United States forces are strictly admonished to respect the immunity of hospital ships and are doing so to the maximum extent that is provided for by international usage and that the distinguishability of Japanese hospital ships permits. The United States Government disclaims responsibility for the attacks cited, however, since those that have been substantiated were made under circumstances

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32 Telegram 1457, April 27, to Bern, p. 1153.
33 Latter not printed.
that unavoidably precluded the according of immunity under international practice.

WASHINGTON, June 14, 1944.

740.00117 P.W./111

The Department of State to the Spanish Embassy

MEMORANDUM

The Department of State refers to its memorandum of May 16, 1944 \(^{33}\) and to memorandum no. 97 (Ex. 111.00) of May 11, 1944 from the Spanish Embassy in charge of Japanese interests in the continental United States which transmitted the text of a message dated May 10, 1944 from the Japanese Government regarding the reply made by the United States Government to a protest from the Japanese Government concerning the Japanese hospital ship Buenos Aires Maru.

Upon receipt of the Embassy's memorandum under reference the circumstances surrounding the attack upon a vessel alleged to have been the Buenos Aires Maru were subjected to a thorough re-examination during the course of which photographs were examined which were unavailable when the Department's previous communication on this subject was formulated. An analysis of these photographs which were taken from the bombing plane substantiates the United States Government's previously stated position regarding this matter.

The Japanese Government in its rebuttal memorandum of May 10, alleges that the "sky was clear" at the time of the attack upon the ship but in the same statement admits that there were both stratus and cumulus clouds. Each of the two protests state that the bombing plane disappeared into clouds, and photographs taken during the attack show patches of stratus cloud formations below the plane.

The original allegations of the Japanese Government claim that the bombing was done from an altitude of about 1,000 meters, and it is later estimated that the altitude was approximately 1,200 meters. From the photographs taken during the attack, knowing the length of the ship and the focal length of the camera, it is proven that the bombing took place at an altitude of slightly higher than 7,000 feet.

The Japanese Government alleges in its recent memorandum that the white painting and green band, characteristics of hospital ships, must have been discernible at a glance from the attacking plane. However, the original protest of the Japanese Government admits that the bombing plane approached from the ship's stern, and the

\(^{33}\) Not printed; it acknowledged memorandum No. 97 from the Spanish Embassy.
photographs in the possession of the United States Government prove that the bombing run was made approaching from the stern and on a course only slightly divergent from that of the ship's course, the plane passing directly over the ship. In approaching the ship from the stern neither the hull painting nor the green band would likely have been discernible. These photographs also show a narrow dark band extending lengthwise along the topworks amidships and distinctly broken in at least three places into segments of irregular length. Only one athwartship band is in evidence and this crosses at the funnel, is about four times the width of the longitudinal segments, and is distinctly of a different shade from the latter. The total impression is not of a Geneva cross but of lines, shadows and upper works such as might appear on a merchant vessel under certain light conditions. Furthermore, the point of bomb release was more than a mile astern of the ship and it is evident that at that point the alleged markings would have been even less indicative.

The second protest of the Japanese Government alleges that there was a red cross over the poop deck with bars 11 meters long and 1.2 meters wide, and a red cross on the stern facing aft whose bars were 6 meters long and .6 meters wide. The aforementioned photographs disclose no evidence of any such crosses.

In reference to the alleged machine gunning on December 1, 1943 of drifting lifeboats from the *Buenos Aires Maru*, supplementary information received since the reply of the United States Government on February 5, 1944 establishes that a motor launch and about 20 small boats were strafed at a position 3 degrees south, 149 degrees east. The only identification visible from the attacking plane was a Japanese flag carried on one of the small boats. The motor launch carried a weapon or weapons of a nature permitting effective use against the aircraft which is proven by the fact that the plane was hit and its nose damaged. The fact that the launch carried such weapons and fired on the plane was sufficient in itself to confirm the pilot’s identification of the boats as legitimate targets.

For these reasons the United States Government disclaims all responsibility for the alleged attack on the *Buenos Aires Maru* and on lifeboats from the *Buenos Aires Maru* and rejects the protests of the Japanese Government as being entirely without validity.

The records of the United States military and naval authorities show moreover, that hundreds of contacts with Japanese hospital ships have been made by American submarine and aircraft which were thus in a position to attack but refrained from doing so in view of the immunity enjoyed by hospital ships.

*Washington, July 27, 1944.*
The Spanish Embassy to the Department of State

MEMORANDUM

No. 210
Ex. 111.00

The Spanish Embassy presents its compliments to the Department of State and with reference to its Memorandum dated May 9, regarding a reported attack on Japanese hospital ships in Pacific waters, begs to transmit a new complaint from the Japanese Government regarding the same matter received through the "Ministerio de Asuntos Exteriores" in Madrid, which reads as follows:

"Memorandum—September 26, 1944

In the two replies of the United States Government on the protest of the Japanese Government against the unlawful attacks made by the United States forces on the Arabia Maru and five other Japanese hospital ships, it is alleged that the hospital ships were in the vicinity of Military objectives or that the marking of the ships or its illumination was imperfect. Based on such false representation of facts, the United States Government attempt to excuse the acts of their forces which were perpetrated either deliberately or through lack of due care.

The Japanese Government estably and refute [totally refutes] these allegations in view of the indisputable facts which have been clearly stated in their two former communications.

The Japanese Government regret that the replies of the United States Government are most unsatisfactory, and hereby confirm their notification to the United States Government that the Japanese Government reserve all rights relating to the unlawful attacks made on the Arabia Maru and five other Japanese hospital ships."

WASHINGTON, September 26, 1944.

740.00117 Pacific War/12–444

The Spanish Embassy to the Department of State

MEMORANDUM

No. 245
Ex. 150.000

The Spanish Embassy presents its compliments to the Department of State and has the honor to transmit below a memorandum received

44 In a letter of December 1, 1944, Acting Secretary of State Stettinius informed Admiral William D. Leahy, Chief of Staff to the Commander-in-Chief of the United States Army and Navy, that "the Department is merely acknowledging the receipt of these communications" of September 26 and October 18 (see footnote 35, below) "from the Spanish Embassy and is informing the British Embassy in the premises." Both of these actions were taken on December 1. The British Government had been presented with a virtually identical Japanese protest. (740.00117 P.W./11–1544)

45 Correction based on memorandum No. 230, Ex. 111.00, October 18, from the Spanish Embassy (not printed).

46 The Department made acknowledgment on December 20.
from the Japanese Government through the “Ministerio de Asuntos Exteriores” of Madrid, in which it complains of the attack made on the Japanese hospital ship Tatibana Maru:

“Memorandum—December 2nd, 1944.

“Japanese hospital ship Tatibana Maru while sailing about one kilometre off Capones Lighthouse which stands in southwest direction from San Antonio in Philippines at about 10:00 AM on 6th November, was machine-gunned by enemy formation of deckbombers from low altitude. Ship was exposed to serious danger as she was attacked at closest range.

Weather was fine and visibility good. Ship’s name and particulars of her identification marks had been formally notified to United States Government in December, 1943. From circumstances at time of attack it is evident that attack was intentionally perpetrated.

Against this unlawful attack Japanese Government protests of United States Government and demand them promptly to institute inquiry into affairs, punish those responsible, and guarantee prevention of such attacks in future.

In order to show how carefully Japanese forces always pay attention to enemy hospital ships, Japanese Government point out fact that on 12th November at about 8:00 AM while Japanese army special attack corps air unit was raiding enemy surface craft in Leyte Gulf, one of Japanese planes was about to swoop down to ram itself against its objective, but on finding that it was hospital ship, plane refrained from attack and turned away to engage another ship defying interception attempted by P-38’s.

Chivalrous act of Japanese plane which in midst of severe fighting and in spite of highest imminence of its own peril desisted from attacking enemy hospital ship lying so close to other enemy craft, makes fine contrast with criminal act of above mentioned enemy planes.”

WASHINGTON, December 4, 1944.

740.00117 P.W./12-2744

The Spanish Embassy to the Department of State

MEMORANDUM

No. 259
Ex. 160.000

The Spanish Embassy presents its compliments to the Department of State and has the honor to transmit below the contents of a telegram received from the Japanese Government through the “Ministerio de Asuntos Exteriores” in Madrid, regarding the sinking of the hospital ship Muro Maru outside the port of Manila:

Memorandum—December 27th, 1944.

“(1) On 13th November 1944 formations of United States planes began to raid Manila at 7:40 AM (Japanese time, so are times mentioned below). Japanese hospital ship Muro Maru which was outside

37 The Department made acknowledgment on January 8, 1945.
port of Manila at the time was attacked by above mentioned planes at about 8:15 AM. Two bomber planes dropped four bombs in immediate vicinity of ship and then eight fighter planes machine-gunned her. On account of damage caused by this bombing and machine-gunning, hospital ship became flooded and in spite of every possible effort made to save her she finally sank at 12:08.

(2) Name, identification marks, and other features of the Muro Maru, when formally notified in January last year, to United States Government through Spanish Government, painting and identification marks of the ship were in perfect condition and quite clear. Weather was fine and visibility good. There did not exist any other ship or any military objective within one thousand meters of hospital ship. In these circumstances Muro Maru was possessed of all necessary conditions being entitled to special protection guaranteed to hospital ships as expressly provided for in Convention for adaptation of principles of Geneva Convention to Maritime War, and she was in such state that she could not have been mistaken for any other thing than hospital ship [omission?] of accidentally attacked. Notwithstanding United States planes deliberately attacked and sank her, thus United States planes committed acts which could be nothing but violation of above mentioned Hague Convention and gave offence against fundamental principles of International Law and Humanity.

(3) On the occasion of sinking of Buenos Aires Maru in November last year, Japanese Government gave a strict warning to United States Government relating to repeated unlawful attacks upon hospital ships, expressing great concern held by Japanese Government about repeated outrages. In reply to this, United States Government express every intention of continuing to respect immunity of Hospital ships in accordance with its assumed obligations and international practice. United States forces, however, did not cease from their unlawful activities, then attacked Houshing [Yoshino?] Maru and Tachibana [Tatibana] Maru in succession, and now they have attacked and sank another hospital ship Muro Maru. Japanese Government fear that repetition of such unlawful conduct on part of United States forces would lead to grave situation and demand of United States Government serious consideration of matter. Japanese Government while filing emphatic protest with United States Government against attacking and sinking of Muro Maru declares that they reserve all rights relating to matters.

At same time Japanese Government demand, in view of repeated outrages, that United States Government admit unlawfulness of past conduct of United States forces, punish those responsible, give absolute guarantee to prevent the repetition of unlawful attacks in future, and thus actually show their willingness to render respect to hospital ships.”

WASHINGTON, December 27, 1944.
PROTESTS BY JAPAN AGAINST BOMBING OF ALLEGEDLY
NON-MILITARY OBJECTIVES

740.00117 P.W./119

The Spanish Embassy to the Department of State

MEMORANDUM

No. 154
Ex. 119.01

The Spanish Embassy presents its compliments to the Department of State and begs to transmit the following Memorandum received through the "Ministerio de Asuntos Exteriores" of Madrid, from the Japanese Government:

Memorandum—June 16th, 1944—

"1. United States fighters and bombers, that raided Rabaul on the 23rd and 24th May, constantly and repeatedly bombed and fired at the residential sections.

They even perpetrated unscrupulous attacks on a hospital and its annexes, causing a serious damage to the buildings and large number of casualties among the sick and wounded who were under medical treatments there and the nurses. All the hospital buildings were at that time filled to capacity with the sick and wounded, and of course, no part thereof was used for any military purpose. They were all marked with distinct and large red crosses on a white ground so that they might easily be identified from above.

The United States raiders made the attack in broad daylight and from a low altitude. The weather was fair, and the visibility good. It was therefore, perfectly easy for any pilot, however unskilled, to discern from the red cross marks that his objectives were hospital buildings. In spite of this, the American attackers did not stop the bombing and firing until the greater part of the hospital and its annexes had been destroyed. These facts cannot but show that the raid of the hospital was carried on deliberately and intentionally.

2. The above mentioned conduct of the United States airmen is a flagrant violation of International Law, and in particular of Article 27 of the [Annex to the] 1907 Customs of War on Land, and Article 6 of the 1929 Red Cross Convention. Moreover, it is in under [utter?] disregard of principles of humanity.

3. The Japanese Government lodge an emphatic protest with the United States Government against the unlawful act committed by the United States raiders, demanding at the same time the punishment of the persons and a guarantee for the prevention of recurrence of similar acts.

The Japanese Government also reserve all rights of claiming an indemnity for the damage and injury caused by the above-mentioned unlawful attack."

WASHINGTON, June 16, 1944.

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*Ministry for Foreign Affairs.
* Signed at The Hague, October 18, 1907, Foreign Relations, 1907, pt. 2, pp. 1204, 1212.
The Department of State to the Spanish Embassy

MEMORANDUM

The Department of State refers to its memorandum of June 26, 1944 acknowledging the receipt of memorandum no. 154 (Ex. 119.01) of June 16, 1944 from the Spanish Embassy in charge of Japanese interests in the continental United States transmitting the text of a protest from the Japanese Government alleging attacks by United States aircraft on certain hospital installations at Rabaul.

Careful consideration has been accorded by the United States military authorities to the charges contained in the protest of the Japanese Government incorporated in the Embassy’s memorandum under acknowledgment. These authorities have recently reported that on May 23 and 24, 1944 fighter and bomber aircraft attacked a ridge about 600 yards northeast of the town of Rabaul, on which were installed concentrations of heavy, automatic and machine gun anti-aircraft weapons. On this same ridge, interspersed among and in close proximity to the anti-aircraft gun positions, were many buildings including several marked with red crosses, and one of the buildings which was marked in this manner was only about 300 yards from three heavy anti-aircraft positions.

The aircraft attacks on May 23 and 24 were directed at these concentrations of anti-aircraft guns. During the course of these attacks, several of the buildings on the ridge were unintentionally damaged or destroyed. As the Japanese Government does not specifically identify the hospitals which it is alleged were deliberately and intentionally attacked, it is presumed that they were situated among the gun positions.

The United States Government has in the past and intends in the future to observe the principles of international law, including the Convention Respecting the Laws and Customs of War on Land, signed at The Hague on October 18, 1907 and the Red Cross Convention signed at Geneva on July 27, 1929. However, if the Japanese authorities choose to place hospitals adjacent to legitimate military targets, it is quite possible that those installations will be damaged or destroyed unintentionally during the course of attacks directed at the military targets.

In view of the foregoing, the United States Government rejects the protest of the Japanese Government and disclaims all responsibility for any and all damage allegedly received by hospitals situated in the area attacked on May 23 and 24, 1944.

WASHINGTON, August 10, 1944.

*Not printed.*
JAPAN

740.00116 Pacific War/12–1144

**The Spanish Embassy to the Department of State**

**MEMORANDUM**

No. 251  
Ex. 150.000

The Spanish Embassy presents its compliments to the Department of State and has the honor to transmit the following Memorandum received from the Imperial Japanese Government, through the "Ministerio de Asuntos Exteriores" in Madrid:

**Memorandum—December 9, 1944.**

"On 10th October, 199 United States airplanes raided Okinawa Islands five times in broad daylight. First, second, and third raids aimed chiefly at military objectives. But fourth (from 12:40 till 13:40) and fifth (14:45 till 15:45) raids, American planes blindly attacked such non-military objectives as schools, hospitals, temples and dwelling houses in streets of Naha City and reduced them to ashes. At same time they wounded and killed large number of civilians by indiscriminate bombing and machine-gunning from low altitude.

Japanese Government condemn above-mentioned deliberate attacks on non-military objectives and innocent civilians as most serious violations of principles of humanity and rules of International law which govern present day states.

Japanese Government therefore while solemnly declaring that they reserve all rights relating to this matter, demand from United States Government immediate reply setting forth their views as to whether such indiscriminate attacks as above-mentioned when carried out by airplanes do not constitute violation of International law."

WASHINGTON, December 11, 1944.

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**ASSURANCE BY THE JAPANESE GOVERNMENT THAT IT WOULD NOT USE POISON GAS PROVIDED THE UNITED STATES ALSO DID NOT USE IT**

740.00116 Pacific War/85

**The Apostolic Delegate (Cicognani) to the Secretary of State**

WASHINGTON, February 15, 1944.

**MY DEAR MR. HULL:*** The Cardinal Secretary of State has just informed me that the Special Envoy of the Japanese Government to the Holy See has brought to his attention an article by a Mr. Baldwin, in the *New York Times*, and pointed out that the tenor of this article appears to indicate that American military authorities are preparing to use poison gas in the Far East, on the grounds that gas has already been employed by the Japanese forces in China.

*The Department made acknowledgment on December 23.*
The Japanese Ambassador to the Holy See assured His Eminence that the assertion on the use of gas by the Japanese army authorities in China is not true. The Ambassador added that the Japanese will always refrain from the use of poison gas, provided the American officials follow this same principle.

The Ambassador then requested His Eminence, in the name of the Japanese Government, to bring this assurance to the attention of the United States Government.

His Eminence adds that he expressed to the Japanese Ambassador his own personal conviction that, in the light of its frequent condemnations of the use of poison gas as a military weapon, he feels certain that the United States military authorities have no intention of employing such means of warfare.

While I convey this information to you according to the directions of His Eminence, I am [etc.]

A. G. Cicognani
Archbishop of Laodicea

740.00116 Pacific War/85

The Assistant Secretary of State (Long) to the Apostolic Delegate (Cicognani)

WASHINGTON, March 30, 1944.

MY DEAR ARCHBISHOP CICOGNANI: I have received your letter of February 15, 1944 conveying the assurances of the Special Envoy of the Japanese Government to the Holy See that Japanese forces in China have never used poison gas and that Japan would continue to refrain from the use of poison gas provided the same principle is followed by the United States. It is stated that the Special Envoy of the Japanese Government requested that these assurances be brought to the attention of the United States Government.

The information which you have given me has been made known to the appropriate United States authorities. The attitude of the United States Government with respect to the use of gas warfare was fully and clearly enunciated by the President in his statement of June 8, 1943, a copy of which I am enclosing for your convenience.

Sincerely yours,

Breckinridge Long

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43 In telegram 1251, July 20, 1 p. m., the Ambassador in China (Gauss) cited the Military Attaché in China (De Pas) as authority that there was no acceptable evidence of Japanese use of poison gas (740.0011 PW/7-2044).

PROTEST BY JAPAN AGAINST TREATMENT ACCORDER THE JAPANESE ENVOY TO THE VATICAN BY AMERICAN ARMED FORCES; PROTEST BY THE UNITED STATES AGAINST THE CONDUCT OF JAPANESE ARMED FORCES TOWARD THE AMERICAN LEGATION IN THAILAND

811.22/7-2844

The Spanish Embassy to the Department of State

MEMORANDUM

No. 171
Ex. 119.01

The Spanish Embassy presents its complaints [compliments] to the Department of State and begs to transmit the following memorandum received from the Japanese Government through the “Ministerio de Asuntos Exteriores” of Madrid in which it complains against the conduct of the American soldiers in Rome with regards to the Japanese Envoy to the Vatican:

Memorandum—July 28th, 1944

“The Japanese Government have received a telegraphic report through Vatican from Mr. Ken Harada, Japanese Envoy to the Vatican, according to which Mr. Harada together with the members of his staff, and a number of visitors was confined to his official residence which is in the city of Rome, from the 6th June. It was on the 9th June that he was allowed to communicate with the Vatican under police supervision.

During the period of confinement United States soldiers intruded into the official residence several times and when Mr. Harada demanded their withdrawal they retorted in threatening and insulting language.

In particular they were so insolent as to note that as Japan disregarded international law, she had no right to claim its observance. They also expressed an entirely groundless allegation that female members of the families of the Envoy’s staff were spies disguised as women.

The above mentioned conduct of the United States soldiers is not only a violation of the inviolability to which a diplomatic agent is entitled in international law, but also refusal of the due respect which is universally rendered to him in civilized countries.

The Japanese Government hereby lodge a most emphatic protest with the United States Government against the above mentioned conduct of the United States soldiers.”

WASHINGTON, July 28, 1944.

45 Ministry for Foreign Affairs.
The Department of State to the Spanish Embassy

MEMORANDUM

The Department of State presents its compliments to the Spanish Embassy and refers to the Embassy’s memorandum no. 171 of July 28, 1944 in which is quoted a memorandum from the Japanese Government alleging that the Japanese Envoy to the Vatican, Mr. Ken Harada, was confined to his official residence in the city of Rome from the 6th to the 9th of June, 1944, and that only upon the latter date was he allowed to communicate with the Vatican. The memorandum alleges further that during this period soldiers of the United States armed forces intruded into the official residence on several occasions and on one occasion when asked to withdraw, the soldiers responded in threatening and insulting language. The Japanese memorandum contends that the alleged conduct of the United States soldiers is not only a violation of the inviolability to which a diplomatic agent is entitled under international law but is also a denial of the respect which is said to be universally accorded to such agents in civilized countries. The Japanese Government protests against this alleged misconduct of the United States soldiers.

It will be recalled that the Rome area was within a theater of military operations during the period referred to in the Japanese memorandum. Therefore it was necessary, for the personal safety of those Axis diplomats who resided in Rome outside the Vatican City, for the military to take certain precautions such as the posting of guards at the places of residence of such persons. However, according to official reports received by the Department of State from Rome the allegation that the Japanese Envoy was confined to his residence in Rome on and after June 6, 1944 is not borne out by the facts. These reports indicate that the Japanese Envoy was provided for his protection and at his request with a military escort to accompany him to and from the Vatican on frequent occasions prior to his change of residence from outside to inside the Vatican City. The reports indicate further that on at least one occasion the Japanese Envoy expressed to an Allied officer his satisfaction with the arrangements for his protection and movements.

Owing to shifts in military personnel at Rome, as a result of the rapidly changing military situation in Italy, it has not been possible to verify the circumstances in which American soldiers are alleged to have entered the residence of the Japanese Envoy. If it should be confirmed that events transpired as alleged by the Japanese Government, suitable measures will be taken.

WASHINGTON, October 2, 1944.
The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, October 2, 1944—2:50 p.m.

A-446. Please request Swiss Government to communicate the following message to Minister Gorgé to be delivered textually to the Japanese Government:

"The United States Government recently received from the Japanese Government through the Spanish Government a communication asserting that the Japanese diplomatic envoy to the Vatican had been denied the respect universally rendered to such agents in civilized countries. The United States Government recalls in this connection the conduct of the Japanese armed forces toward the American Legation at Bangkok, Thailand, upon the occasion of their entry into Thailand in December 1941, under circumstances somewhat similar to the entry of Allied forces into Rome.

"Following the entry of Japanese troops into Bangkok Japanese armed guards were stationed at the entrance of the American Legation in that city to prevent the entry and departure of the staff and, contrary to international comity, were actually posted on the Legation premises as well. The American flag was forcibly lowered from the Legation flagstaff and the Japanese flag was hoisted in its place. Japanese troops were quartered in a building of the Legation and Japanese troops under the command of officers of high rank conducted searches of the Legation buildings and grounds. Before this forcible Japanese control of an American diplomatic mission in a neutral country was discontinued Japanese soldiers threatened the American Minister and members of his staff with lethal weapons for fancied infringement of the Japanese security arrangements. They seized United States Government-owned equipment in the Legation with armed force, subjected the American Minister to Thailand and members of his staff to the indignity of personal body searches, and deliberately kept the staff of the Legation without access to the representation of the protecting Power during the period of the Japanese control of the Legation.

"The United States Government hereby lodges a most emphatic protest with the Japanese Government against the aforesaid acts of the Japanese armed forces."

For your information, and for informal communication to the Swiss Foreign Office and to Minister Gorgé in connection with the foregoing, there is quoted below the text of a memorandum addressed by the Department, simultaneously with the despatch of this airgram, to the Spanish Embassy in Washington, replying to a Japanese protest against alleged mistreatment by American soldiers of Japanese diplomats in Rome. It would be preferable if the foregoing communication to the Japanese Government were to be delivered by

Camille Gorgé, Swiss Minister in Japan.
Willys R. Peck.
There is no record in the Department files of a Japanese reply to this protest
Gorgé subsequent to the receipt by the Japanese Government of the communication sent through the Spanish authorities. Gorgé might therefore be requested to defer presentation of the above protest until such time as he deems that the Japanese Government can be presumed to have received the Department's reply to the Japanese protest. The protest would presumably be more effective if Gorgé were to indicate his possession of the following text:

[Here follows text of memorandum of October 2 to the Spanish Embassy, printed supra.]

HULL

811.22/1-2945

The Spanish Embassy to the Department of State

MEMORANDUM

No. 12
Ex. 150.000

The Spanish Embassy presents its compliments to the Department of State and begs to transmit the following memorandum received from the Japanese Government through the “Ministerio de Asuntos Exteriores” of Madrid in which it further complains about the treatment given by American soldiers to the Japanese Envoy to the Vatican:

Memorandum—January 27, 1945.

“The Japanese Government are in receipt of the United States Government’s reply dated the second October, 1944, to their protest against unlawful conduct of United States soldiers toward Mr. Harada, Japanese Envoy to the Vatican. In the said reply the United States Government deny the fact of Mr. Harada having been confined to his official residence in the city of Rome by United States soldiers. But a telegraphic report from Mr. Harada confirms that the United States soldiers cut off all communications between his official residence and the outside world; that they prohibited even drinking water and provisions from being brought in, and later, when they did permit it, they subjected the supplies to a rigid examination; that on several occasions they refused permission for calling in a doctor to attend to patients, and, when they granted permission, they demanded the presence of a United States Military Officer by the sickbed, and that, when a high official of the Vatican called at the Envoy’s Official residence on official business, he was refused permission to enter it.

All these facts, the Japanese Government must point out, are well known to the Vatican Authorities. The United States Government contend in their reply that it is impossible to inquire into the circumstances under which the United States soldiers forced their way into the official residence of the Japanese Envoy and subjected the Envoy to threats and insults. But the Japanese Government stress the fact that, since those soldiers belonged to a small detachment then stationed in an elementary school building at the back of the Envoy’s
Official residence, the United States Government can easily conduct the investigation if they are honestly willing to do so.

The Japanese Government thereby once again present a protest to the United States Government against the unlawful conduct of the United States soldiers in question." 49

WASHINGTON, January 29, 1945.

PROTESTS BY THE UNITED STATES AGAINST ATTACKS BY JAPANESE NAVAL FORCES ON SURVIVORS OF TORPEDOED AMERICAN MERCHANT VESSELS

195.7 Richard Hovey/8: Telegram

The Secretary of State to the Minister in Switzerland (Harrison)

WASHINGTON, June 14, 1944.

2043. Request Foreign Office to deliver following message verbatim to Japanese Government:

"The United States steamship Richard Hovey carrying cargo and one passenger was at 11:20 GCT 50 on March 29, 1944 torpedoed by a Japanese submarine in latitude 16 degrees 40 minutes north and longitude 64 degrees 30 minutes east. After torpedoing the Richard Hovey, the submarine attacked the personnel who escaped from the ship.

Reports from the survivors, including the Chief Officer, disclose that subsequent to releasing three torpedoes and obtaining two hits, the submarine surfaced, opened fire on the ship itself, and then proceeded in the direction of the lifeboats, opening fire on them from about 1,000 feet with her forward gun, and continuing to fire as she circled around the lifeboats. The survivors in the lifeboats took to the water, keeping the boats between them and the submarine. The submarine approached the no. 2 lifeboat and, proceeding slowly, rammed and capsized it. She cruised slowly among the other boats, taking pictures and firing with rifles, machine guns, and other small arms. The submarine then made another circle around to the starboard side of the no. 4 lifeboat at which she fired her big gun, holing the boat on the starboard side above the water line, smashing thwarts, puncturing the engine casing, the fuel tanks, and one water tank so seriously that half its contents were lost. The submarine finally approached the master's boat, took on board the master and three others, and took the boat in tow.

The United States Government protests most emphatically against this inhuman form of warfare practiced by Japanese forces in brutally

49 Marginal notation: "They never stop. Either we stop this exchange or we must protest their treatment of our replies!". The Department's reply of February 8, 1945, stated: "The Department of State acknowledges the receipt of the Spanish Embassy's memorandum no. 12 of January 29, 1945 in which is quoted the text of a communication from the Japanese Government concerning the treatment of the former Japanese Envoy to the Vatican, Mr. Harada." (811.22/1-2945) No further reply has been found in Department files.

50 Greenwich Civil Time.
attacking helpless survivors of a torpedeoed vessel and demands effective assurances from the Japanese Government that such criminal acts, which are contrary to all standards of civilized conduct, will not be repeated in the future. It is expected that the Japanese Government will at the same time punish those persons who with premeditation and full knowledge of their actions have so flagrantly violated the primary humanitarian concept of maritime warfare.”

Request Swiss Minister Tokyo 51 to telegraph date of delivery to Japanese Government.22

HULL

195.7 Richard Hovey/12-844: Telegram

The Chargé in Switzerland (Huddle) to the Secretary of State

BERN, December 8, 1944.
[Received December 9—3:08 a.m.]

8041. American Interests—Japan. Legation’s 4029, June 23; 53 Foreign Office note December 7 states Swiss Legation in Tokyo telegraphs December 5 Japanese Foreign Office declared that thorough investigation concerning torpedoing Richard Hovey has been made but revealed no action corresponding to that outlined in Department’s 2043, June 14.

HULLE

195.7 Jean Nicolet/12-1244: Telegram

The Secretary of State to the Chargé in Switzerland (Huddle)

WASHINGTON, December 12, 1944.

4184. Request Swiss Foreign Office to deliver following message verbatim to Japanese Government:

“On July 2, 1944 at approximately 1407 hours at position 3° South 74° 30’ East the United States merchant vessel Jean Nicolet was torpedeoed by a Japanese submarine. The vessel sank at approximately 0220 hours July 3. Seventy-five survivors of the Jean Nicolet were murdered when, after leaving the sinking vessel, between 95 and 100 persons from the torpedeoed vessel were subjected by the commander and crew of the Japanese submarine to treatment which was in contravention of the laws and customs of war and all humanitarian standards. The United States Government most emphatically protests against the criminal and inhuman treatment accorded these individuals.

51 Camille Gorgé.
52 Telegram 4029, June 23, from Bern, reported delivery of message on June 19.
53 See footnote 52, above.
The United States Government protests that:

(1) The life boats and life rafts were machine-gunned, evidently to render them unusable by any of the survivors of the Jean Nicolet. Survivors of the Jean Nicolet who were swimming were also machine-gunned.

(2) The survivors upon boarding the submarine were robbed of all life belts, papers and other valuables;

(3) The survivors of the Jean Nicolet, after boarding the submarine, were bound either with rope or wire and compelled to sit or kneel with heads down in rows athwartship from bow to stern facing forward on the forward deck;

(4) Approximately half of the survivors of the Jean Nicolet were led separately to the afterdeck of the submarine and compelled to run between parallel rows of Japanese sailors armed with a variety of instruments, including gun butts and bayonets. While running through this gauntlet, the men were subjected to severe beating and still bound were forced off the submarine into the water while the vessel was under way with the evident likelihood that they would be caught in the turning propeller.

(5) The submarine suddenly, and with no warning to the survivors of the Jean Nicolet, submerged leaving a large number of them still bound on the deck of the vessel with the result that they were thrown into the water without means of self-preservation.

D. M. Nilsson and Clem Carlin, master and chief mate, respectively of the Jean Nicolet were made prisoners and taken within the submarine, such treatment being similar to that accorded the master and three other survivors of the United States vessel Richard Hovey the Japanese attack on which was the subject of the United States Government’s protest delivered to the Japanese Government on June 19, 1944. The United States Government demands to be urgently informed regarding the present welfare and whereabouts of Captain Nilsson and Chief Mate Carlin.

The United States Government most emphatically protests regarding the treatment accorded the survivors of the torpedoed vessel, such treatment being in violation of all humanitarian and legal principles. The Government of the United States demands a full and thorough investigation from the Japanese Government and that the persons responsible for the incredibly cruel and terrible conduct against the defenseless survivors of the torpedoed vessel promptly be fully punished and that it be informed of the action taken. The Government of the United States demands specific assurances from the Japanese Government that such criminal action will not be repeated in the future.”

Request that Swiss Minister Tokyo telegraph date message is delivered to Japanese Government.54

Stettinius

54 Date of delivery not clear. Telegram 130, January 9, 1945, 10 a. m., from Bern, reported that the Swiss Legation was “now outside of Tokyo” and that Mr. Gorgé had instructed an aide to proceed to Tokyo on January 5 to present the text of the Department’s message to the Japanese Foreign Office. Presumably he did so on that date. (195.7 Jean Nicolet/1-945)
VIOLATION BY JAPANESE AUTHORITIES OF AMERICAN DIPLOMATIC AND CONSULAR PROPERTY, INCLUDING ARCHIVES, IN OCCUPIED CHINA

703.5493/128

The Minister in Switzerland (Harrison) to the Secretary of State

[Extract]

No. 7485

BERN, March 6, 1944.

[Received March 28.]

The American Minister at Bern has the honor to refer to the Department's telegram No. 1500 of June 25, 1943, regarding the communication of a statement to the Japanese Government concerning the repeated violation by the Japanese authorities of American diplomatic and consular property in Japanese-occupied territory.

The Legation now desires to enclose, for the Department's information and records, a translation of a note addressed on February 28, 1944 to the Legation by the Swiss Foreign Office. This communication has as enclosures the following documents from the Swiss representatives in China:

1. Report dated July 30, 1943, to the Swiss Legation at Tokyo by the Swiss Consul General at Shanghai regarding the violation of official American property in occupied China.
2. Report dated November 24, 1942, from the Swiss Consul at Canton regarding the violation by the Japanese military authorities of the American consular offices at Canton.
3. Report dated April 9, 1943, from the Peiping representative of the Swiss Consulate General Shanghai regarding the violation of the American Embassy there.
4. Report dated April 20, 1943, from the Peiping representative of the Swiss Consulate General Shanghai regarding his protest against the violation of the American Embassy there.
5. Report dated May 12, 1943, from the office of the Peiping representative of the Swiss Consulate General Shanghai regarding the second inspection of the American Embassy archives there on May 12, 1943.

These documents are also attached in single copy for the Department's information and records.

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55 Not printed; it requested that the following statement be communicated to the Japanese Government: "The United States Government has repeatedly protested against the violation by the enemy of American diplomatic and consular property, including archives, as a breach of international practice and has reiterated its own respect both for diplomatic and consular property. The United States Government would like to see both diplomatic and consular archives and other property respected, whether in the territory of the opposing belligerents or in the territory of third Powers. For its future guidance, the United States Government requests a specific indication of the Japanese Government's policy in that respect." (703.5493/90)

56 Not printed.

57 Nos. 2 through 5 not printed.
The Swiss Consul General at Shanghai (Fontanel) to the Swiss Legation in Japan

[SHANGHAI,] July 30, 1943.

REPORT ON VIOLATION OF AMERICAN OFFICIAL PROPERTIES IN OCCUPIED CHINA

I have the honour to submit to you the following facts on the subject which I have reported on from time to time to Berne and which have prompted the United States Government to request your intervention with the Gaimusho.95

1) United States Properties not taken over.

Following protracted negotiations with the Japanese Authorities immediately after the outbreak of hostilities, I took over during the months of April/June 1942 all American (as well as British and Dutch) diplomatic and consular properties in Occupied China with the exception of those at Tientsin, Swatow and Amoy.

a) American Consulates at Amoy and Swatow. At the time of the departure of the former American officials from these two ports, the latter handed over the keys to the respective Japanese Consulates and appointed caretakers to look after the premises and properties of the United States Government. It was not at the time possible for me to send any delegate to Swatow and Amoy for the taking over of these properties.

The arrangements made by the out-going American Consuls were therefore left to stand—only during April/May of this year was it possible to send a delegate in the person of Mr. Zulauff from Canton to visit these places, when it was ascertained by the latter that at Swatow all official American archives (as also the British) had been removed by the Japanese Authorities, while those at Amoy were found to be intact.

b) American Consulate General at Tientsin. As reported to you in my letter dated July 1st 1942, the Japanese Authorities in Tientsin agreed to hand over the American Consulate General (as also British official properties) to my representative, Consul O. Joerg, only on the condition that the latter agreed in writing to a Japanese memorandum on the subject which contained a clause that the Japanese Authorities reserved the right to inspect all official records and confiscate any documents they might consider necessary. Mr. Joerg having refused to accept custody of the American official properties under these conditions, the local negotiations on the subject broke down.

In your reply dated July 21st 1942, to my aforementioned letter, you stated that you would take this matter up with the competent

95 Japanese Foreign Office.
authorities, but so far I appear to have remained without further news.

The fact remains that up to this time, the official consular properties still remain in the custody of the Japanese Authorities.

In connection with some water damage and theft which occurred to some of this American official property at Tientsin, the State Department again asked for an explanation as to why these properties had not yet been taken over by my representative. I should greatly appreciate it, therefore, if you could offer me any further information on this matter.

2) Violation of American official Archives.

a) Canton. During October and December 1942, the Japanese Military Authorities at Canton repeatedly approached my representative there, Consul Hoffmeister, for permission to examine the American (also British) archives stored at the American Consulate General, which some three or four months previously had been taken over by Mr. Hoffmeister. Acting under threat by the Military Authorities that entry into the premises would be forced, Mr. Hoffmeister finally was authorized by me to hand over the keys to the Authorities concerned. The Japanese officials actually entered the American Consulate on November 20th and 22nd 1942 and were seen removing from the premises several sacks of American official records. A copy of Mr. Hoffmeister’s report on the incident is herewith enclosed.

Needless to say, Mr. Hoffmeister immediately filed a strong protest against the violation of the American archives.

b) American Embassy Peking. At the time of the departure of the American officials from Peking, the American Embassy Com-

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60 A note of July 21, 1943, from the Swiss Foreign Office to the American Legation in Switzerland gave the substance of a Japanese Foreign Office statement regarding Japan’s attitude toward the protection of archives of enemy governments: “The Japanese Government expresses in its acts its intention to respect the archives of the diplomatic and consular missions of . . . countries at war with Japan. . . . The Japanese Government is of the opinion that the special measures taken to protect these archives must be attributed to its desire to offer a spontaneous and generous protection . . . the decision of the Japanese authorities to inspect the archives before surrendering them to the Protecting Power constitutes a formality which is quite natural in handing them over to this country. It is on this opinion that the Japanese authorities at Peking based their action in inspecting the archives of the former American mission and, as the number and the types of documents to be examined did not allow them to finish the inspection on the spot, they were temporarily removed. It is, of course, understood that the archives will be returned as soon as they will have been examined, so that the representative of the Protecting Power may be able to assure their protection.” (703.5493/111) A copy of the Swiss Foreign Office note was transmitted from Bern in dispatch 5745, July 28, 1943. Telegram 5227, August 25, 1943, from Bern, reported further violation of American archives at Peking on August 9 when large quantities were carried away and no receipt given (703.5493/112).

61 Not printed.
compound was provisionally handed over to my representative, Dr. R. Hoeppli, while the American archives were jointly sealed both by my representative and the Japanese Embassy officials. According to arrangements made, the latter were to be handed over to the exclusive custody of Dr. Hoeppli at a later date.

Under the pretext of proceeding with the official handing over, Dr. Hoeppli was summoned by the Japanese Embassy to present himself at the American Consulate Compound on April 6th of this year. When he arrived at the appointed date and place, he found that besides the Japanese Embassy officials, there were a number of Japanese soldiers who received orders to examine the American archives and to remove certain records. Copies of Dr. Hoeppli's and Dr. Vargas' reports on the subject are herewith enclosed.\textsuperscript{21}

As was the case in Canton, Dr. Hoeppli subsequently filed a strong protest against the action of the Japanese Authorities.

3) \textit{Eviction from American Embassy and consular premises:}

\textit{a) Shanghai.} Shortly after the taking over of the American Consular offices in Shanghai (March 7th 1942) consisting of four large floors and one Vice-Consul's apartment in the Development building, the Japanese Consulate General informed me that owing to the lack of office space in Shanghai, the premises occupied by the former American Consulate were urgently needed and they accordingly requested me to vacate the offices as soon as possible. Upon my representations that the American consular offices should be duly respected, the Japanese consular officials stressed that as the lease for the premises in question had expired they were entirely in their right to demand vacant possession of the same.

Following further negotiations and with the approval of the State Department, it was finally agreed to vacate two of the floors as well as the Vice-Consul's apartment and to remove all archives and properties into the offices on the two remaining floors in the Development building (4th and 5th floors). Accordingly a new lease was signed with the Japanese supervised Realty Company in charge of the Development building.

In the course of the last few weeks, the Japanese Consulate again approached me with the request to vacate also the two remaining floors now holding the American consular archives and properties. Negotiations are still pending, but in all probability I shall have no other alternative but to again remove all the properties in question to some other storage place.\textsuperscript{22}

\textsuperscript{21} Neither printed.
\textsuperscript{22} Telegram 4724, August 4, 1943, from Bern, reported that Mr. Fontanel had been obliged to consent to removal of the furniture and archives stored on the two floors (703.5493/106).
b) **Nanking.** The American Embassy in Nanking consists of a large leased property owned by a Chinese and administered by the Sin Hua Trust and Savings Bank Limited. The lease expires in 1947, but contains the option of renewal. For some time past the lessors have informed me that the Japanese Authorities are very anxious to take over the American compound in Nanking and requested that the existing lease should be cancelled. Being put under strong pressure by the Japanese Authorities and notwithstanding my demand that the lease agreement must be fully respected, the lessor, acting under duress, finally signed a new lease with the Japanese Embassy officials in Nanking. Cables exchanged with Berne on the matter elicited a reply from the United States Department [of State] that they wish to retain their premises at Nanking and that I should insist with the Authorities here that they should respect the latter in the same way that the United States Government respects all Japanese consular or Embassy properties, whether owned or leased, in the United States. Although I duly informed the local Japanese Consulate of the State Department’s wishes, the latter at the instigation of the Japanese Embassy in Nanking recently urged me to send a delegate to Nanking in order to arrange for the removal of the Nanking archives and properties stored there. Without in any way agreeing to this request, I sent one of my staff members to Nanking in order to examine the situation on the spot and to ascertain whether in case of need the American properties could be stored in the British Embassy compound.

To my surprise, my representative reported that the former American Ambassador’s residence and the American Embassy compound had already been occupied by the Japanese Ambassador towards the end of May of this year and that my caretaker had been forced to surrender the keys and leave the compound.

On being informed of these developments, the State Department replied via Berne that they had requested you to intervene with the Gaimusho in the matter and that pending a decision from the latter they expect that the Japanese Authorities would not take any further action. At the same time, they asked me to do my utmost to protect the Embassy archives and to arrange, in case of need, for their transfer to another place of safe-keeping.  

**c) Hankow:** Although the lease for the American Consulate General at Hankow was still in force, the Japanese Military Authorities there insisted that my representative remove all the archives and official properties for storage in the British Compound; they claimed that by military necessity they required the building in question.

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63 Telegram 7408, November 23, 1943, 2 p.m., from Bern, reported Japanese sale of perishable material and furniture which had been under seal in the former American Embassy in Nanking (703.5483/118).
Building) and under these circumstances, I authorised my representative to effect the removal, which took place on December 5th 1942.

d) Tsinanfu: As in the case of Hankow, the Japanese Military Authorities at the beginning of December 1942 claimed to require the building housing the former American Consulate General at Tsinanfu for which the lease was still valid. In order to avoid the risk of seeing the property removed by the Japanese Military Authorities themselves, I instructed my representative to proceed to Tsinanfu and to supervise the removal to the British consular compound."[Emile Fontanel]

DECISION OF THE UNITED STATES AND BRITISH GOVERNMENTS NOT TO REPLY TO JAPANESE PEACE FEELER RECEIVED THROUGH SWEDEN

[WASHINGTON,] September 26, 1944.

The British Ambassador 66 called at his request and left with me the attached copies of paraphrases of telegrams from the Foreign Office relating to a Japanese peace feeler. I thanked him and said the letter would receive appropriate attention.

C[ordell] H[ull]

[Annex 1]

The British Ambassador (Halifax) to the Secretary of State

Paraphrase of a Telegram From the Foreign Office, Dated September 24th, 1944

Please convey to Mr. Hull the contents of Stockholm telegram of September 24th 66 and inform him that we propose to answer the Swedish Minister for Foreign Affairs 66 that we are not in fact prepared to return any reply to the indirect approach from the Japanese. It will therefore be open to the Swedish Minister for Foreign Affairs to reply, if he so wishes, in the sense of the last sentence in paragraph 4 of the telegram under reference.

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66 Airgram 305, August 30, 1943, from Bern, reported seizure by “Manchukuoan” authorities of “plot of land former American Consulate Mukden, using it partly for vegetable garden, partly storage material.” (703.5439 Manchuria/8) Telegram 481, January 19, 1944, from Bern, reported that the Japanese Consul at Chefoo had occupied the premises of the former American Consulate there since December 1, 1943 (703.5438/123).

66 The Earl of Halifax.


66a Christian E. Günther.
2. Provided that the United States Government concur, I propose to inform the Soviet Government in accordance with the resolution adopted at the Moscow Conference October 1943 on the action to be taken in the event of peace feelers being received from enemy countries.

3. Please inform me as soon as possible of the United States reply.

[Annex 2]

The British Ambassador (Halifax) to the Secretary of State

PARAPHRASE OF A TELEGRAM RECEIVED BY THE FOREIGN OFFICE FROM STOCKHOLM, DATED 24TH SEPTEMBER, 1944

The Swedish Minister for Foreign Affairs sent for me this afternoon to communicate text of a telegram just received from the Swedish Minister at Tokyo whom he described as a man of calm and good judgment.

2. The substance of the telegram was as follows:

Begins:

I learn from a very reliable source that in important civilian circles in Japan the peace problem is being discussed with increasing anxiety. A speedy German collapse is expected and it is not believed that Japan can then continue the war. It is therefore considered necessary to get peace as soon as possible before the country and towns are destroyed.

In order to obtain peace, Japan is prepared to surrender territories which during the war have been taken from Great Britain and to recognize all former British investments and interests in East Asia. It is also realized that all other territories occupied during the war must be restored to their former owners; it is even recognized that sacrifice of Manchukuo may also be necessary.

It is desired that London should be sounded on this question and it is believed that perhaps this could best be done through Swedish channels under a guarantee that no publicity whatever should be given. If any willingness appeared to exist in London the Japanese would be ready for preliminary discussions through Swedish channels.

Behind the man who gave me this message there stands one of the best known statesmen in Japan and there is no doubt that this attempt must be considered as a serious one.

Ends.

3. The Minister for Foreign Affairs said he thought at first sight that it looked rather like an attempt by the Japanese to get at Great Britain behind the back of the United States. Of course he realized that you would wish to pass on this information to the United States


67a Widar Bagge.
Government but he hoped you would impress upon them the importance of avoiding publicity and that even if any leakage occurred the name of Sweden should not appear.

4. The Minister for Foreign Affairs quite realised that our terms were unconditional surrender. He told me that he would be grateful for your guidance as to how you would like him to answer the Swedish Minister at Tokyo. If you wished he could quite well reply that the Swedish Government considered it useless to deliver such a message to His Majesty’s Government.

5. The Minister for Foreign Affairs added that his information from Tokyo all went to show that there was great anxiety and unrest in Japanese political circles and that the war was not popular in the country itself.

740.00119 PW/9-2644

The Secretary of State to the British Ambassador (Halifax)

WASHINGTON, September 29, 1944.

My Dear Mr. Ambassador: On September 26 you came in to see me and left with me a copy of a paraphrase of a telegram dated September 24 from the Foreign Office in regard to a Japanese peace feeler which was communicated to the British Minister in Stockholm by the Swedish Minister for Foreign Affairs.

I have noted that the British Government proposes to inform the Swedish Minister for Foreign Affairs in reply that the British Government is not in fact prepared to return any reply to this indirect approach from the Japanese and that it will therefore be open to the Swedish Minister for Foreign Affairs to reply, if he so wishes, that the Swedish Government considered it useless to deliver such a message to His Majesty’s Government in the United Kingdom. I agree with this proposed procedure.

I concur in the view of your Government that the Soviet Government should be informed by the British Government of this approach in accordance with the resolution adopted at the Moscow Conference in October 1943 on the action to be taken in the event of peace feelers being received from enemy countries. Since the message was directed to your Government and not to the American Government, we shall not ourselves send anything to the Soviet Government about this approach.68

Sincerely yours,

CORDELL HULL

68 By telegram 2344, October 3, 1 p. m., the Ambassador in the Soviet Union was informed of this peace feeler and of the reply made to the British Ambassador (740.00119 PW/9-2644).
Memorandum by the Chief of the Division of British Commonwealth Affairs (Hickerson) to Admiral William D. Leahy, Chief of Staff to the Commander-in-Chief of the United States Army and Navy

WASHINGTON, October 10, 1944.

The Department’s memorandum of October 3, 1944 transmitted for the information of the United States Joint Chiefs of Staff certain papers concerning a Japanese peace feeler received by the British Government through the Swedish Government.

Word has now been received from the British Government that the British Minister at Stockholm was instructed on September 29 to advise the Swedish Minister for Foreign Affairs that the British Government was not prepared to return any reply to indirect approaches by the Japanese Government. On the same day the British Minister at Moscow was instructed to inform the Soviet Government confidentially of the information received from the Swedish Foreign Minister and of the British reply.

On October 1 the Secretary General of the Swedish Foreign Office advised the British Minister in Stockholm that he would telegraph the Swedish Minister in Tokyo that it was known from experience that the British Government would not answer such indirect approaches and that the Swedish Government had therefore thought it useless to pass on the message to the British Government. The Secretary General also stated that a new telegram had been received from the Swedish Minister in Tokyo stating that he had been advised that the Japanese Foreign Minister was himself preparing to approach the British Government.

J[ohn] D. H[ickerson]

POSTWAR POLICY PLANNING IN REGARD TO JAPAN AND AREAS UNDER JAPANESE CONTROL*

890.0146/12–1043

Memorandum of Conversation, Prepared in the Department of State

[WASHINGTON,] December 10, 1943.

Participants: Members from PS and ES 71
Officers from the Naval Office of Occupied Territories.

The meeting was requested for the purpose of exploring the possibility of a continuing exchange of views concerning the military

* Not printed.
70 For other material, see Department of State Publication No. 3580 (General Foreign Policy Series 15): Postwar Foreign Policy Preparation, 1939–1945 (Washington, Government Printing Office, 1950).
71 Divisions of Political Studies and of Economic Studies.
government to be exercised by the Navy in the islands of the Central Pacific, particularly the Marshall Islands.\(^7\) We were informed that by agreement with the War Department, on the one hand, and with the British on the other hand, military government in the occupied islands of the Central Pacific theatre is to be exclusively in the hands of the United States Navy. A special agreement has been made concerning the Gilbert Islands, by which the British accept the position that their military governors in those islands should be responsible to the United States commander in the Central Pacific Theatre, until the "American forces move westward".

The naval officers wished to be certain that the measures of military government which they are planning will conform to the policy of the Department of State as to the future political status of the islands. They said that they would, for example, be greatly assisted in planning measures of military government if they could be informed as to the views of the Department with regard to such matters as repatriation of Japanese, possible confiscation of Japanese investments, obligations arising from the mandate status. They seemed perplexed and somewhat disappointed at our inability to supply them with information as to the policy of the Department.

Commander Shears stated that the Dutch had expressed a desire to have Soerabaya be made an international base.

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890.0146/12–1443

The Adviser on Liberated Areas for the Far East (Moffat) to the Director of the Civil Affairs Division, War Department (Hilldring)

WASHINGTON, December 14, 1943.

MY DEAR GENERAL HILLDRING: I think it would be very helpful to the State Department and to the Civil Affairs Division if the Adviser on Liberated Areas for the Far East would participate, if only as an observer, in the planning of military government in Japan and other Far Eastern areas. The military were in North Africa and in Sicily before any particular machinery was devised by the State Department for coordinating State Department policies with the work of CAD. As a result the State Department failed to keep abreast of the problems on which its policy recommendations were desired by you. This serious lag arising from lack of coordination from the beginning could, I believe, be avoided in the case of the Far East by such cooperation as I have suggested. I would be very happy to meet with you or with any officers whom you care to designate to

\(^7\) On January 31, 1944, Admiral Chester W. Nimitz, Commander in Chief, Pacific Ocean Areas, established the first military government under exclusive authority of the United States in the Marshall Islands.
discuss the matter further if, as I hope, this suggestion appeals to you.\footnote{Capt. Wilbur L. Williams of the Civil Affairs Division was designated by Maj. Gen. Hildring to maintain liaison with Mr. Moffat.}

Sincerely yours,

ABBOT L. MOFFAT

890.0146/3

The Navy Department to the Department of State\footnote{Handed by a member of the Occupied Areas Section of the Office of Naval Operations to the Chief of the Division of Far Eastern Affairs (Ballantine) on December 23, 1943. Mr. Ballantine consulted other officers of the Department and then replied that the Department perceived no objection to the contents of the directive. It was sent on December 28 to the Commander in Chief, Pacific Ocean Areas (Nimitz) by the Chief of Naval Operations (King).}

[WASHINGTON,] 23 December, 1943.

PROPOSED FINANCIAL DIRECTIVE FOR THE JAPANESE MANDATED ISLANDS IN THE CENTRAL PACIFIC

Finance

1. The currency to be used in the Japanese Mandated Islands during the period of occupation will be U. S. dollar notes overprinted "Hawaii," hereinafter referred to as H dollars, and regular U. S. coins. As soon as practicable after the occupation of any area a proclamation will be issued declaring the H dollar legal tender in that area.

2. The present rate of exchange between the H dollar and any Japanese yen currency will be one H dollar for 20 yen. Transactions at any other rate will be prohibited under penalty applying both to the local population and to the personnel of the Armed Forces.

3. All foreign financial and foreign trade transactions and all exports and imports of currency will be prohibited, except as permitted under regulations issued by the area commander. Safeguards similar to those now imposed in Hawaii will be imposed in order to minimize the exportation of H dollars to any area other than Hawaii.

4. All postal savings accounts or other accounts held in financial institutions will be blocked and will remain subject to the control of the area commander. Withdrawals from any such accounts will be effected in dollars at the decreed rate of exchange. Within specified limits individuals may be permitted to withdraw amounts from their blocked accounts for ordinary living expenses. Business enterprises may be permitted at the discretion of the area commander to use their funds for normal local operations. The program will be administered in a flexible manner so as not to interfere with the restoration of financial and commercial activities approved by the area commander.

5. Accounts and other assets held by, or on behalf of, the following persons will for purposes of safeguarding, pending determination of
future disposition, be impounded and dealt with subject only to instructions issued by an Enemy Property Custodian appointed by the area commander:

(a) Individuals who are not allowed personal freedom, including internees and prisoners of war, and business enterprises owned or controlled by such individuals,

(b) Persons resident in enemy or enemy-occupied territory and enemy agencies or organizations,

(c) Other absentee owners and holders.

(d) Business enterprises controlled directly or indirectly by the enemy, or acting directly or indirectly for the benefit of the enemy.

6. As soon as practicable all Japanese (yen) currency will be withdrawn from circulation in the following manner:

(a) At the earliest moment, but under no conditions later than 90 days after occupation of an area, all Japanese military scrip or other yen currency within the area will be surrendered. A proclamation to this effect will be issued immediately upon occupation of the area setting forth, among other items, the manner and place of surrender.

(b) For the yen currency surrendered on or before the date specified in the proclamation H dollars will be given at the decreed rate of exchange in an amount decided by the area commander, but in no event to exceed fifty dollars (1000 yen) to an individual. All yen currency surrendered by an individual in excess of the aforesaid maximum will be deposited to a postal savings account, or to an account in any other financial institution, which accounts will be blocked in accordance with the provisions of paragraph 4 above.

(c) If the initial supply of available U.S. coins is insufficient, a proclamation may be issued to authorize temporary local use beyond the date specified of Japanese yen currency in denominations of less than 20 yen. All Japanese currency in denominations of 20 yen and over will be declared not to be legal tender after the date specified, and may be accepted thereafter only under express approval of an authorized officer who should satisfy himself as to the source of the funds or the inability of the applicant to have surrendered the currency prior to the date specified. As soon as practicable all yen currency will be removed from circulation.

7. The military authorities will have the authority to maintain existing tax law to the extent desirable and to raise such contributions for the administration of the islands as are consistent with international custom and usage. Accordingly new taxes may be imposed and old taxes modified when deemed necessary by the military authorities.

8. None of the tax receipts or other revenues will be used for the payment of principal or interest on Japanese Government obligations.

9. The area commander may set up such safeguards and penalties as he may deem advisable to carry out these provisions.

10. Appropriate records will be kept of all financial transactions.
Major General J. H. Hilldring and Captain H. L. Pence to the Director of the Office of European Affairs (Dunn)

WASHINGTON, 18 February, 1944.

Dear Mr. Dunn: Pursuant to our recent discussions, there is transmitted herewith an inclosure enumerating some of the fundamental questions which confront us in the planning, training and organization for civil affairs administration in Japan Proper, the Mandated Islands, and the countries occupied by Japan. It is requested that we be furnished with the recommendations and advice of the State Department for consideration in connection with our future planning for such civil affairs administration. The inclosed memorandum is not to be considered as embracing all the questions which are or may become inherent in the future occupation of Japan.

It is recognized that the State Department cannot at this time answer all questions posed in the memorandum. It will be appreciated, however, if the State Department will furnish these offices with its advice seriatim as the answers thereto become fully or partially available. It will also be of invaluable aid to us if the State Department will from time to time transmit such additional information or policy advice as may be indicated in its continuing or progressive consideration of these or any other questions of which the State Department will be cognizant.

Sincerely,

J. H. HILLDRING
Major General, USA
Director, Civil Affairs Division
H. L. PENCE
Captain, USN
Officer-in-Charge
Occupied Areas Section

[Enclosure]

Memorandum Prepared in the War and Navy Departments

WASHINGTON, 18 February, 1944.

Preliminary Political and Policy Questions Bearing on Civil Affairs Planning for the Far East and Pacific Areas

1. The War and Navy Departments are engaged in the planning, training, and organization for civil affairs administration in Japan and its possessions or occupied lands. The advice and recommendations of the State Department will be of invaluable aid in the formu-
lation of the necessary military decisions. At the outset, certain basic questions arise:

a. What territories should be subjected to Civil Affairs Administration (hereinafter abbreviated as CAA)?

b. Should such administration be conducted by the United Nations or will it be solely by the United States? In the latter case, the Army and Navy, through the Joint Chiefs of Staff can readily make the necessary allocations of areas of responsibility on a purely military basis, but the State Department may have a special interest therein, as, for example, with reference to Karafuto (vis-à-vis the Russians) and in the mandated islands as to any residual League of Nations interest.

c. Should the administration be punitive, mild, or primarily to safeguard reparations?

d. Does the American Government have any long-range policies for the postwar period which will in any manner influence the near-term conduct of CAA during the last phase of military operations and during the early phase of actual military occupation?

2. The foregoing questions cannot be posed effectively as mere generalities. They must be related to specific areas and specific commitments or operations functions. Broadly, the areas over which the United States Army and Navy forces may operate can be divided into groups as follows:

a. **Enemy country**—Japan proper and its long integrated possessions such as Korea, Formosa and Manchukuo.

b. **Mandated islands**—held by Japan under League of Nations trusteeship.

c. **Liberated countries**—territory presently occupied by the enemy but belonging to the powers of the United Nations such as China and the Netherlands and France (though France is not one of the United Nations).

d. **Neutral countries**—lands overrun by the enemy but owned by countries which are not at war, such as Timor owned by the Portuguese; and Thailand against whom the United States has not declared war although the present puppet government of Thailand has announced a declaration of war against the United States and Britain.

3. **Japan proper.** For present planning purposes, Japan proper is being considered as embracing the four present islands, but not including Korea and Manchukuo. In this area the authority of the military commander will be absolute and will stem by operation of international law, and as such, he will be limited only by directive to him from the Joint or Combined Chiefs of Staff. In any case, the following problems, among others, will be presented:

a. Will all of Japan be occupied? If so, what should be the manner of occupation?

b. What countries should participate in such occupation?

c. What should be the nature of occupation? Should it be by zones or by one supreme council of interested United Nations membership?
d. Should the exercise of the powers of the present existing government be suspended?

e. Are there any political agencies or political parties of the enemy country with whom we can deal to assist in the restoration of essential authority in Japan and in its subsequent administration?

f. Are there any political parties, organizations or groups in enemy country that should be dissolved? If so, which ones?

g. Are there any obnoxious laws that should be nullified? If so, what are they?

h. Should we permit freedom of worship in view of the position and status of the Japanese church and religion—Shintoism? Advice is requested as to the proper course insofar as the church, personnel, and property are concerned.

i. What will be the status of the Emperor? Will he be removed both as an individual and as an institution? Will the individual be removed but the institution preserved? Will both remain? If so, under what measure of control?

j. Should the Japanese Government be supervised at only the national and prefectural levels? Should control of the lower echelons of the native government be through inspectors rather than supervisory officials?

k. What will be the duration of the CAA and will it be followed by a control commission?

l. Should the military government take any steps to effect the enemy recall of diplomatic and consular officials?

m. What particular steps should be taken in regard to the employer, the head of government and cabinet ministers who are or may not be war criminals?

n. There are certain problems the solution of which will require guidance from the policy making departments of the U.S. government. Those problems deal with problems of currency stabilization and banking, taxes, payment of pensions, obligations of the enemy country and interests thereon.

o. Should the various labor employee-employer organizations be permitted? What, if any, labor union activities can be tolerated? To what extent should the Japanese labor laws concerning courts and labor exchanges be abolished, modified or changed?

p. Should unemployment insurance, relief and public works be continued?

q. It will be desirable to inform the people of Japan concerning the purposes of military government. What special statements should be included in any proclamations to be issued by the military commander?

r. Who should participate in military government—the British? Chinese? Dutch? Free French? USSR (if the Soviets enter the Far East war)?

s. Will the conceivable interest of the Soviets in southern Sakhalin (Karafuto) affect the nature and extent of the control in this area? In any event, if the USSR participates in the Far East war, will Karafuto become a special and exclusive concern of the Soviets?
4. Mandated islands. The United States Senate did not ratify the League of Nations covenant. Inherent in the situation are certain questions:

a. Does Japan's violation of her international trusteeship carry any special implications for CAA?

b. Does the League of Nations have any residual rights in the mandated islands which must be subserved by the military occupant?

c. Are all Japanese personnel (military and civilian) to be evacuated from the mandated islands?

5. Liberated countries. There is unanimous opinion that in enemy country the authority of the military commander is theoretically absolute, but there are limitations in free or neutral countries as to the status, jurisdiction, and arrangements for CAA. Therefore, it will be necessary to explore the form and subjects of agreements (if any) with the Netherlands, China, and French Committee. So far as concerns liberated territory of the U. S. and U. K., it has been agreed that the governments concerned will prepare the necessary directives for CAA.

6. Neutral countries. Timor is a possession of Portugal, a neutral nation. Thailand was overrun by the Japanese and its puppet government declared war on the United States and Britain. Thailand was the subject of public statements by the Generalissimo Chiang Kai Shek on February 26, 1943, and by President Roosevelt on March 4, 1943. On March 13, 1943, the British Embassy stated that the British would "take the same line."

a. What special considerations or principles control CAA in Timor and Thailand?

b. Should Thailand's independence be guaranteed? Or is it to be mandated or trusted to some foreign power or powers?

c. Should King Anata Mahidal be enabled or encouraged to ascend the throne?

d. What use, if any, should be made of the Pibul collaborationist government?

e. Should conversations be initiated with the Chinese military representatives concerning the interest of China in her nationals in Thailand?

f. Will foreign capital be allowed to invest freely in Thailand during the period of occupation?

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For proposed statement, see letter of March 6, 1943, from the Acting Secretary of State to President Roosevelt, ibid., pp. 23-24, and footnote 28, p. 24. For President Roosevelt's press conference statement March 12, 1943, see telegram 362, March 17, 1943, to Chungking, ibid., p. 36.
g. Should relief for civilian population be administered by the military occupant? By some international agency? By the Thai Government itself?

h. Are the Shan States, taken from Burma by the Japanese and given to Thailand, to be returned for CAA by the British? The same question applies as to the four Malaya States given by the Japanese to Thailand in 1943.

7. **French Indo-China.**

a. What should be the status of the French National Committee (de Gaullist) in this territory?

b. Should there be any AMG (Allied Military Government) in this area; if so, what should be the AMG-de Gaullist relationship?

c. In short, should the U.S. Army plan for any degree of military government or civil affairs administration in French Indo-China? If so, what limiting factors should there be?

8. **Korea.**

a. In view of the Cairo pronouncement that Korea is ultimately to be made independent, what interim governmental machinery is to be set up?

b. To what extent will the U.S. Army and/or Navy have administrative civil affairs responsibility?

c. Will civil affairs responsibility be shared with the British? The Chinese? And/or the Russians (if they join the Far East war)?

d. What policies and responsibilities will govern in the problem of civilian relief?

e. What policy will be followed with respect to technically qualified Japanese nationals who may remain?

9. **Manchukuo.**

a. Will Chinese sovereignty be immediately re-established or will there be an interim CAA?

b. If the latter, will this be American or United Nations?

c. What nations will participate? And, what will be their degrees of participation?

d. Will China and/or the Soviets (if the USSR joins the Far East war) have a paramount interest and participation?

e. What considerations should be reflected in the economic directive (if there is U.S. participation) with reference to Japanese subsidized enterprises?

10. **Miscellaneous.** The foregoing questions and their arrangement are not all-embracing or preclusive. For example, the Philippines are not discussed in this memorandum. Other and detailed questions will emerge as planning progresses and will be submitted to the State Department for its advice and recommendations.

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8 For text of the Cairo Declaration, December 1, 1943, see Foreign Relations, The Conference at Cairo and Tehran, 1943, p. 448.
The Director of the Office of European Affairs (Dunn) to the Director of the Civil Affairs Division, War Department (Hilldring)

WASHINGTON, February 24, 1944.

MY DEAR GENERAL HILLDRING: In our conversation on February 1, 1944 you asked for an opinion, from the point of view of the State Department, on Admiral Mountbatten's suggestion that American Military Civil Affairs officers be assigned to his staff. We believe that from a political point of view such assignments would be inadvisable under present circumstances.

The presence of American Military Civil Affairs officers on the staff of the Southeast Asia Command, under a British Commander, would further increase the belief among the peoples of India and presumably throughout the Far East that our policy and that of the British in Asia are the same. On the other hand, if American forces, independent of Admiral Mountbatten's command and under an American Commander, temporarily occupied parts of southeast Asia in the course of military operations against Japanese forces, it would be advisable from the political point of view for the American forces to have with them American Military Civil Affairs officers.

If you wish we shall be glad to discuss this question with you further in the light of any considerations you may present. You are, of course, aware that it is possible that developments may occur in the future that would make it advisable for American Civil Affairs officers to be sent to Thailand and French Indochina. It will be appreciated if you will inform me of any action the War Department may take in connection with the matter.80

Sincerely yours,

JAMES C. DUNN

890.0146/6

The Director of the Office of European Affairs (Dunn) to the Director of the Civil Affairs Division, War Department (Hilldring)

WASHINGTON, February 28, 1944.

MY DEAR GENERAL HILLDRING: Reference is made to the letter of February 18, 1944 sent to me jointly by you and Captain H. L. Pence, U.S.N., Officer in Charge, Occupied Areas Section, Navy Department,

79 Adm. Lord Louis Mountbatten, Supreme Allied Commander, Southeast Asia.
80 At a meeting on March 2 of War and Navy Department officers concerned with civil affairs, it was decided that the Department of State's recommendations embodied in this letter should be applied except when military necessity required otherwise. (890.20/3-2444)
requesting the recommendations and advice of the State Department in connection with planning for civil affairs administration in the Far East and Pacific areas.

I shall communicate with you later regarding civil affairs administration in Japan, the mandated islands and the Japanese occupied areas other than the Netherlands East Indies.

The problem in the Netherlands Indies is complicated by the fact that Sumatra is under the theater command of Lord Mountbatten, while the remaining islands are under General MacArthur. As arrangements for civil administration and jurisdiction in Sumatra have already been the subject of preliminary informational conversations between the Netherlands Government and the British Government, and the Civil Affairs Agreement to be concluded with respect to Sumatra is primarily a concern of the British military authorities, the following discussion is confined to the arrangement to be instituted in the Netherlands Indies areas which will be under the theater command of General MacArthur.

The Netherlands Constitution has abolished any juridical distinction between the European territories of the Netherlands Empire and the former "overseas" or "colonial" territories. Constitutionally, therefore, the "Kingdom of the Netherlands" is an integral whole consisting of four administrative areas: the European area; Surinam; Curaçao; and the Netherlands Indies.

Under normal conditions, the Crown is charged by the Netherlands Constitution with the "supreme administration" over the East Indies, while the "general administration" of the East Indies is entrusted to the Governor General. Since the Japanese occupation of the Indies, both the supreme administration and the general administration of Indies affairs rests with the Royal Netherlands Government in London acting with the advice of various agencies thereof such as the Ministry for Overseas Territories, the Ministry for the Coordination of Warfare of the Kingdom, and the Netherlands Indies Commission for Australia and New Zealand now established in Melbourne. The latter group is in no sense "a Government in exile" but merely a group of administrative officials who are occupied with plans for the reestablishment of Netherlands governmental authority in the Indies after the liberation of the area. Under existing circumstances, therefore, it may be assumed that any agreement with respect to the jurisdiction over and administration of civil affairs in the Netherlands Indies will, on the Netherlands side, be negotiated and signed by representatives of the Netherlands Government in London.

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Preliminary conversations with respect to civil administration in the Netherlands Indies have already taken place between representatives of the Netherlands Government and representatives of the State Department and the Civil Affairs Division of the War Department. Dr. van Mook, Lieutenant Governor General of the Indies and a member of the Netherlands Cabinet, is now on his way to Australia for discussions with General MacArthur after which he intends to present for our consideration a draft civil affairs agreement. We understand that this agreement will be based upon the principles incorporated in the agreement in regard to the European territories of the Kingdom with such minor modifications in detail as may be necessary because of the special conditions in the Indies, including the separation of the area into two theaters of operation, one under British command and the other under American command.

The Department of State is of the opinion that arrangements with the Netherlands Government for civil administration and jurisdiction of the Netherlands Indies territory (except Sumatra) liberated by an Allied Expeditionary Force under American command should observe the following principles:

1. Full freedom of action of the Supreme Commander of the Allied Expeditionary Force should be insured.

2. In general, the principles already agreed upon by the United States and Netherlands Governments with respect to civil administration and jurisdiction in the European territory of the Kingdom of the Netherlands would seem to furnish a satisfactory working basis for the development of a corresponding agreement with respect to the Netherlands Indies.

3. Arrangements for the civil administration of liberated Netherlands Indies territory should be predicated on the assumption that the exercise of all attributes of sovereignty will be resumed by the Netherlands Government as soon as the situation, in the judgment of the Supreme Commander of the Allied Expeditionary Force, permits. However, in any military agreement of the nature under consideration no commitments should be made which would prejudice the right of the Government of the United States to bring up either prior to or after the resumption of sovereign rights by the Netherlands Government certain proposals for discussion and agreement of a general character which it may believe to be of rightful concern to the United States Government and to all governments which have subscribed to the principles of the Atlantic Charter and to the Four Nation Declaration at Moscow and certain particular proposals which may be of special mutual concern to the people of the Netherlands Empire and the people of the United States.

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Agreement between the United States and the Netherlands respecting arrangements for civil administration and jurisdiction in Netherlands' territory liberated by an Allied expeditionary force, signed at London, May 16, 1944, Department of State Treaties and Other International Acts Series No. 2212; 2 United States Treaties and Other International Agreements 601.


4. The Supreme Commander of the Allied Expeditionary Force should be entirely free to select his own chief civil affairs officer, although appointment of an American might be preferable in that it would facilitate the execution of the Supreme Commander's will.

5. In view of the complex and specialized problems involved in the administration of the affairs of the over 70,000,000 persons in the Indies, Netherlands civil affairs officers and loyal local officials should be consulted and used freely in the civil affairs administration so far as is compatible with the successful conduct of military operations.

6. Jurisdiction over civilians in the Indies owing allegiance to the Netherlands Government and members of the Netherlands Armed Forces accompanying the Allied Forces should be granted to the Netherlands civil and military courts to the fullest extent compatible with the freedom of action of the Supreme Commander of the Allied Expeditionary Force in the conduct of military operations.

7. Jurisdiction over American military personnel should be reserved to American military courts.

I assume that as in the case of the Netherlands (European), Belgian and Norwegian Agreements negotiations with respect to the Netherlands Indies Civil Affairs Agreement will continue to be conducted through military channels with the advice of the State Department on political points when requested by the War or Navy Departments. 85

The foregoing observations are transmitted with particular reference to paragraph numbered five of the memorandum dated February 18, 1944 and entitled "Preliminary Political and Policy Questions Bearing on Civil Affairs Planning for the Far East and Pacific Areas" which was sent to me as an enclosure to the letter of the same date under reply.

I am sending a copy of this letter to Captain Pence.

Sincerely yours,

JAMES CLEMENT DUNN

Lot 122, Box 53

Memorandum Prepared by the Inter-Divisional Area Committee on the Far East

PWC-118

CAC-104

WASHINGTON, March 11, 1944.

JAPAN: OCCUPATION PROBLEMS: DIPLOMATIC AND CONSULAR OFFICERS

I. THE PROBLEM

Should diplomatic or consular representatives from or to Japan be permitted during the period of occupation? (Question 3, 7, 86 CAC 100 Preliminary, Annex A).

85 For agreement signed on December 10, see p. 1286.
86 See memorandum prepared in the War and Navy Departments, February 18, pp. 1180, 1182.
II. Discussion

The "Provisions for Imposition upon Germany at the time of Surrender" (WS 10a) contains the following requirement:

"22. German Diplomatic Relations. Until otherwise determined the conduct of the diplomatic relations of Germany should be subject to the direction and control of the occupation authorities."

The same provision is made with regard to Hungary, Rumania and Bulgaria, and will presumably be made with regard to Japan. The following questions arise: Should diplomatic relations between Japan and foreign countries be permitted? Should the consular representatives of Japan in foreign countries be recalled? Should the consular representatives of foreign nations in Japan be permitted to function? And, as a consequent question, should the foreign office be suspended?

Answers to these questions depend to a very large degree upon the length and the purposes of the occupation. If the occupation is to be short—i.e., for the few months necessary to disarm Japan and impress upon Japanese the lesson of their defeat—the maintenance of diplomatic or even consular relations would not be of great importance. If, on the other hand, an extended period of occupation is contemplated, these questions might cause difficulty. There are few if any appropriate precedents for occupation of an entire nation after surrender (rather than during war) and for some length of time. For such a situation, answers would have to be improvised according to the circumstances, and should be supplied by the Department of State.

According to the Manual of Military Government and Civil Affairs, the first basic economic purpose of military government is "to revive economic life and stimulate production", and to this end to reestablish trade. For this purpose, the performance of consular functions would be important, and the question whether they should be performed by Japanese consular officials or through the American consular offices is one which the Department wishes to leave open.

Others of the United Nations might wish to resume diplomatic and consular intercourse with Japan and, since the occupation is in the name of the United Nations, their wishes cannot be disregarded by the military commander.

III. Recommendations

The diplomatic and consular agents of other enemy states in Japan should be deprived of their functions, treated with courtesy, and returned to their own countries.
It is believed that, as a matter of general principle, there will be no occasion for the maintenance of diplomatic relations between Japan and other states until the period of occupation is ended. If the period is to be a long one, it might become desirable to reestablish diplomatic intercourse.

It is recommended that the Japanese government be instructed to recall all its diplomatic and consular agents abroad. This action by the Military Government might be supplemented through notices from the Department of State notifying other states, in the name of United Nations, that such Japanese agents, until further notice, have no authority to act for Japan.

In case of extended occupation, when presumably a national government would have been recognized, that government could be authorized to send consuls or commercial agents abroad, their appointment and instructions to be subject to the approval of the occupying authority.

No objection is seen to permitting the consular representatives of other nations in Japan to perform their functions in Japan, but former exequatur issued by Japan should be canceled and a formula should be found by which such consular representatives of other nations would recognize that the authority which they exercise in Japan is derived from the occupation authorities rather than from the Japanese government.

In view of the above, the subordinate administrative staff of the Japanese Foreign Office should be continued in operation, under close supervision by occupation officials, and with its superior policy-making officers removed from office.

Prepared and reviewed by the Inter-Divisional Area Committee on the Far East.87

ISO: CEGleaton (drafting officer)  
JA: ERDickover  
FSWilliams  

TS: GHBlaekeslee  
LA: AFLMoffat  
HBlorton  
TA: WWilloughby  

RAFearey  
ME: MBHall  
Avandenbosch  
FMA: CFReemer  

FE: JWBallantine  
FSO: EHDooman  
AHiss  
CD: WTPhillips

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87 Symbols used below are, in full, as follows: ISO, Division of International Security and Organization; TS, Division of Territorial Studies; FE, Office of Far Eastern Affairs; JA, Division of Japanese Affairs; LA, Liberated Areas Division; TA, Division of Commercial Policy and Agreements; ME, Division of Middle Eastern Affairs; FMA, Division of Financial and Monetary Affairs; FSO, Foreign Service Officer; CD, Commodities Division.
The Joint Chiefs of Staff to the Secretary of State

WASHINGTON, 11 March, 1944.

MY DEAR MR. SECRETARY: As evidenced in the present war, the Japanese Mandated Islands bear a vital relation to the defense of the United States. Their assured possession and control by the United States are essential to our security. Together they constitute a single military entity, no element of which can be left to even the partial control of another nation without hazard to our control of that entity.

The implication in the Australia–New Zealand Agreement that those countries are capable of defending all or any of those islands has no foundation in reality. On the contrary, the military capabilities of Australia and New Zealand not only for the present but for the future are so limited that they cannot assure the defense of their home territories against any one of the potentially strong Asiatic Powers.

The Japanese Mandated Islands should be placed under the sole sovereignty of the United States. Their conquest is being effected by the forces of the United States and there appears to be no valid reason why their future status should be the subject of discussion with any other nation.

Sincerely yours,

For the Joint Chiefs of Staff:

WILLIAM D. LEAHY
Admiral, U.S. Navy,
Chief of Staff to the
Commander in Chief of the Army and Navy

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87a This letter was in reply to the request for comment contained in a letter from the Secretary of State to Admiral Leahy, dated February 5, 1944 (not printed).

88 Earlier, on September 15, 1942, Admiral Leahy had written for the Joint Chiefs of Staff in response to a question from Norman H. Davis, Chairman, American Red Cross and Chairman, Sub-committee on Security Problems, Department of State Advisory Committee on Postwar Foreign Policy, as follows: “It is imperative that Japan be prevented from controlling the sea and air routes across the Pacific and the western Pacific and conversely, that these routes be controlled by the United Nations. This indicates the necessity of depriving Japan of all islands south of the latitude 30° north, with the possible exception of the Nansei (Ryu Kyu) Islands. This includes the Marshall, Caroline, Pelew, Bonin and Marianna Islands, and Formosa.” (894.014/9-15/42)

89 For correspondence on concern of the United States over the Australia–New Zealand agreement of 1944, see vol. iii, pp. 168 ff.
Memorandum Prepared by the Inter-Divisional Area Committee on the Far East

PWC-111
CAC-80

[WASHINGTON,] March 13, 1944.

JAPAN: OCCUPATION AND MILITARY GOVERNMENT: COMPOSITION OF FORCES TO OCCUPY JAPAN

I. The Problem

The problem is to determine what countries should participate in the occupation of Japan and the kind of occupation which should be recommended. (Questions 3b, 3c and 3v) 99

II. Basic Factors

It is impossible to anticipate at this time the precise circumstances in which Japan will be occupied; it might be occupied as a whole following combat operations in Japan itself, or after Japan's unconditional surrender, without there having been any such combat operations. Thus, the composition of the combat forces, on the basis of purely military considerations, in the first contingency might be different from that of the occupying forces in the second contingency. It might well be decided, for example, to limit the occupying force following combat to military units of only one nation and if occupation followed unconditional surrender to utilize forces from several nations.

In either case, however, it would be desirable for the military authorities to give the fullest consideration to political factors which may call for representation, in so far as compatible with military necessity, in the combat forces of units from those allied countries participating in the war against Japan. These political factors may be even more important in determining the composition of military government.

It is reported that the Combined Chiefs of Staff reached an agreement in January 1944 by which the British recognized that the Central Pacific area and Japan, for the purposes of prosecuting the war and for military government, came under the military and naval jurisdiction of the United States. The geographic position of the United States in relation to Japan, and the military and financial resources of the United States as well as events leading to the Pacific War—operate to place on the United States a primary responsibility for assuring the fulfillment of the terms of surrender and the operation of military government.

99 Ante, pp. 1191 and 1192.
Among the political considerations which may affect the composition of this military government is the fact that Article 2 of the Four Nation Declaration of Moscow, November 1, 1943, provides that those of the signatories "at war with a common enemy will act together in all matters relating to the surrender and disarmament of that enemy". Paragraph 3 adds: "They will take all measures deemed by them to be necessary to provide against any violation of the terms imposed upon the enemy." The composition and command of the forces to be used for the occupation and military government of Japan would seem to be a problem which relates, in part at least, to the surrender and disarmament of Japan and consequently would call for joint rather than unilateral decision thus underscoring the possibility of occupation by combined forces.

There have been no public pronouncements by any of the United Nations on the subject of the composition of the occupation forces but the general statement issued by Churchill, Roosevelt and Chiang following the Cairo Conference, December 1, 1943 may have some bearing on the nature of this occupation. It read: "The three great allies (the United States, Great Britain and China) are fighting this war to restrain and punish the aggression of Japan." There is reason to believe from statements of Chinese officials that they anticipate Chinese participation in the occupation of Japan. Dr. Sun Fo, President of the Legislative Yuan wrote in October 1943 that "the United Nations forces will land and occupy Japan".

The Association of British Malaya has written to the British Colonial Office pointing out the desirability of Malayan regiments forming part of any army of occupation. Various influential Americans, including Hanson Baldwin, have expressed their opinion that occupation should be undertaken by national contingents drawn from the various United Nations.

If the forces occupying Japan, including the personnel of military government, are restricted to those of the United States, it would appear to settle the question as to whether or not this Government would be solely responsible for the enforcement of the terms of surrender. Such a solution would force the United States to bear alone whatever cost and effect were necessary for such control; a condition which the American people might support only grudgingly.

The presence of Asiatic units among the allied occupation forces and military government might well produce results more beneficial to American interests than if they were either exclusively American or Caucasian.

† Military editor for the *New York Times*. 
The possibility of the use of allied rather than solely American forces for the occupation and military government of Japan raises the question of whether occupation should be by zones, either with or without a military council of United Nations membership, or according to other principles. The fact that Japan proper consists of four main islands might suggest the advisability of dividing Japan for purposes of occupation into zones corresponding to these geographical divisions. On the other hand, Japan proper is basically a single geographic, ethnic, sociological, economic and political unit. Centralization has been a predominant characteristic of modern Japan with the result that the inhabitants of northern Hokkaido or of southern Kyushu feel as closely controlled by the national government as do the inhabitants of the capital. The establishment of nine new administrative units in June 1943 is the first attempt of the Japanese to increase local autonomy in government, but even this change has not given these administrative units responsibility for purely national functions such as those of public order, transportation, communications, education, taxation and finance, and legislation on all matters of real significance. In the light of this situation, it is obvious that many difficult problems would arise if a zonal system of military government is superimposed on the national governmental structure.

When the scope and kind of occupation and the composition of the occupying force are decided, questions of importance to the future security and peace of the United Nations, and particularly the signatories of the Moscow Four Nation Declaration who are at war with Japan, will still remain unsettled. It will be necessary to recognize and answer these questions, whether the occupation is complete or partial and whether or not it is mixed. The views of the Department on these matters are in the process of being formulated and to the extent that they may affect military government, will be communicated at a later time.

The questions of the nature of the occupation and the composition of the occupation forces will be raised anew in the event that the Soviet Union participates in hostilities against Japan.

III. Recommendations

It is recommended that:

1. The forces to be used for combat purposes in Japan should include, if not prejudicial to the effectiveness of military operations, units of those allied countries which have actively participated in the war against Japan. It is assumed that all such forces will be under the command of the American theater commander.

2. During the operation of military government in the combat stages, there should be, if feasible, provision for representation in
civil affairs administration for any allied country participating in
the combat forces.

3. With the completion of military operation and after the un-
conditional surrender of Japan, there should be, so far as practicable,
alleged representation by those countries which have actively partici-
pated in the war against Japan in the army of occupation and in mili-
tary government. It is assumed that such representation will not be
so large as to prejudice the dominantly American character of CAA.

4. The occupation of Japan should be organized on the principle
of centralized administration, avoiding the division of the country
into zones administered separately by the different national con-
tingents composing the occupation force. Representation of these
contingents might be provided, in addition to regular staff represent-
tation, through a council made up of the ranking officers of the respective
contingents. Such a council should have advisory powers only.
While the relationship between its members and the commander in
chief of the occupation force would approximate that of staff officers
to a commanding officer, the establishment of such an advisory mili-
tary council would probably accord more closely with the dignity,
position, and authority of the individuals concerned and of the gov-
ernments they represent than through staff representation only.

Prepared and reviewed by the Inter-Divisional Area Committee
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The Director of the Office of European Affairs (Dunn) to the
Director of the Civil Affairs Division, War Department (Hildring)

WASHINGTON, March 14, 1944.

My Dear General Hildring: I refer again to the letter of Febru-
ary 18, 1944 addressed to me jointly by you and Captain H. L. Pence.

92 Division of Chinese Affairs.
99 Division of Labor Relations.
U.S.N., Officer in charge, Occupied Areas Section, Navy Department, requesting the recommendations and views of the State Department in connection with planning for civil affairs administration in the Far East and Pacific Areas.

My letter of February 28, 1944 conveyed to you the Department's views with regard to the Netherlands East Indies. This letter will deal solely with the question of French Indo-China.

A complicating factor with respect to Indo-China is the fact that the United States does not at this time recognize the existence of a Government of France or a Government of the French Empire.

On February 17, the State Department addressed the following memorandum to the President with a view to obtaining his decision on two questions which fundamentally affect the civil affairs planning for that area.

"The Civil Affairs Division of the War Department has indicated its desire to proceed at once with civil affairs planning for Indo-China and before doing so has requested political guidance from the State Department.

"A number of important decisions depend upon whether French troops are to be used in the military operations to regain control of Indo-China, and whether French nationals are to be used in civil administration and planning. There is ample evidence that the French hope to be consulted and to play a part in driving the Japanese from that area.

"Subject to your approval, the State Department will proceed on the assumption that French armed forces will be employed to at least some extent in the military operations, and that in the administration of Indo-China it will be desirable to employ French nationals who have an intimate knowledge of the country and its problems. We would assume further that the use of French forces or civilians would be without prejudice to the question of the ultimate status of French Indo-China and would be related solely to problems directly connected with and flowing from possible military operations."

In reply, the President orally expressed the view to Mr. Stettinius that no French troops whatever should be used in operations in Indo-China. He added that in his view the operation should be Anglo-American in character and should be followed by the establishment of an international trusteeship over the French colony.

With regard to the question of international trusteeship, this Government has as yet made no approach to other Governments for the purpose of ascertaining their views.

Sincerely yours,  

JAMES CLEMENT DUNN

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Edward R. Stettinius, Jr., Under Secretary of State.
Memorandum Prepared by the Inter-Divisional Area Committee on the Far East

PWC-115
CAC-117

[WASHINGTON,] March 15, 1944.

JAPAN: FREEDOM OF WORSHIP

Problem
The problem is whether or not the occupying forces should permit freedom of worship in Japan, in view of the difficulty of differentiating Shintoism, as a religion, from extreme Nationalism.55

Discussion
The United Nations are committed to the principle of freedom of religious worship. Application of this principle in Japan is complicated by the fact that the Japanese nationalists have in recent times superimposed on the harmless, primitive animism, which was the original Shinto, a nationalistic Emperor-worshiping cult which has been used by the militarists to develop the present fanatically patriotic, aggressive Japan. It is necessary in any consideration of this subject to distinguish between these two aspects of Shinto. Ancient Shinto in itself is not injurious to our interests, but National Shinto, the cult of extreme militant nationalism, is a distinct source of danger to the peace of the Pacific and perhaps of the world. Just as the Institution of the Emperor is often condemned in the United States because of the misuse made of it, so ancient Shinto is condemned because of the nationalistic cult which has been grafted onto it.

It is therefore apparent that while ancient Shinto can without danger be allowed to be practiced, the practice of the new National Shinto should be carefully watched. There are some 100,000 Shinto shrines in Japan falling into three categories. (a) Most of the Shinto shrines are of ancient origin and are dedicated to local tutelary deities. They are the scenes of local fetes and can be construed as strictly religious shrines; (b) a few, like the Grand Shrines at Ise, dedicated to the Sun Goddess, are also ancient religious shrines but with an over-layer of nationalistic symbolism; (c) some of the more recent shrines such as the Yasukuni, the Meiji, the Nogi, Togo and others dedicated to national heroes are not places of religious worship as we understand the term, but nationalistic shrines dedicated to the veneration of nationalist militarist heroes and to the fostering of a militant national spirit. These last could be closed without any violation of the principle of freedom of religious worship, as the Japanese Government has repeatedly asserted that National Shinto is not a religion.

55 Cf. paragraph 3h, p. 1192.
but rather a manifestation of patriotism. It may well be, however, that tolerance of such shrines coincident with military defeat and the demobilization of the Army would do more to weaken the hold of the National Shinto cult upon the people than would the forcible closing of such shrines, which might tend to strengthen the cult.

The Christian churches in Japan in recent years have been subject to various restrictions and regulatory measures, in an attempt to assimilate them into the general scheme of a totalitarian state.

Recommendations

It is recommended that:

(1) Freedom of religious worship should be proclaimed promptly on occupation.

(2) Shrines of the ancient Shinto religion should be permitted to remain open except where it is found that such shrines are being utilized for subversive activities.

(3) The Grand Shrines at Ise, dedicated to the Sun Goddess, should be permitted to remain open, unless experience indicates that it would be advisable to close them.

(4) At the strictly nationalist shrines, ceremonies or gatherings which involve demonstrations or large crowds at such shrines should be forbidden. The staffs of the national shrines, other than physical caretakers, should be dismissed and not receive pay from the national treasury. These shrines should be permitted to remain open for individual worship, except in instances where such action appears to be contrary to public order and security. (CAA would be well advised to obtain the guidance of Protestant and Roman Catholic missionaries in determining which are the nationalist shrines.)

(5) Care should be taken that the troops of occupation do no damage to any of the shrines.

(6) No action should be necessary in regard to Buddhist temples.

(7) Christian churches should be liberated by restoration of complete freedom of organization and worship.

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Memorandum Prepared by the Inter-Divisional Area Committee on the Far East

PWC-120
CAC-126

[WASHINGTON,] March 21, 1944.

JAPAN: MILITARY OCCUPATION: PROCLAMATIONS

I. The Problem

It will be desirable to inform the people of Japan concerning the purposes of military government. What special statements should be included in any proclamations to be issued by the military commander? (3-q)\(^a\) (The problem has been broadened herein to cover the general problem of proclamations.)

II. Basic Factors

Section VI, paragraphs 35 and 36, of the *United States Army and Navy Manual of Military Government and Civil Affairs* (FM 27-5) furnishes a suitable guide for drawing up proclamations regarding the occupation of Japan. The replies prepared to other questions propounded by the War and Navy Departments provide the basic information for filling in the political items called for in the outline.

Because of their immediate circulation and unquestionable authority, proclamations should include a few basic statements designed to impress upon the Japanese people the reasons for and the purposes of the occupation and to encourage popular cooperation. The press and radio and similar media of public information are, however, more suitable for the development of material of this character. Such material can have an important influence on political developments in Japan during the period of occupation.

The popular reaction to proclamations will depend to a very great extent upon the skill of the translator. In the Japanese language it is necessary to a unique degree to choose the proper words and forms in order to inspire respect rather than invite ridicule and to convey the correct impression of the authority of the occupying forces and of their attitude toward the Japanese people.

III. Recommendations

1. The Department of State regards Section VI, paragraphs 35 and 36, of the *United States Army and Navy Manual of Military Government and Civil Affairs* (FM 27-5) as a suitable guide for drawing up proclamations regarding the occupation of Japan. The replies prepared to other questions propounded by the War and Navy Departments provide the basic information for filling in the political items called for in the outline.

\(^a\) Ante, p. 1192.
Government and Civil Affairs (FM 27-5) as a suitable guide for drawing up proclamations for use in the occupation of Japan.

2. Political items in the proclamation should be prepared in the light of the State Department’s replies to other questions propounded by the War and Navy Departments.

3. The State Department believes that most of the material designed to impress upon the Japanese people the reasons for and the purposes of the occupation and to encourage popular cooperation can best be disseminated by media such as the press and radio. However, it is recommended that the initial proclamation include the following basic material:

   a. A statement that Japan launched upon a career of unbridled aggression, which aggression forced the powers attacked by Japan to fight and to defeat Japan in their own self-defense. To insure Japan’s defeat, military occupation of Japan by the countries thus attacked by Japan has become necessary for the purpose of destroying the bases of Japan’s aggression.

   b. A statement that punishment of the Japanese people as a whole is not one of the purposes of the occupation, and, consequently, the treatment of the Japanese people and the duration of the occupation will depend in large measure on their behavior.

   c. If the Emperor is in the hands of the occupying forces, a statement (or a separate proclamation, issued at the earliest possible time by the occupying authorities) regarding the whereabouts, welfare and status of the Emperor, supplemented, if possible, by a proclamation issued by the Emperor himself to inform the people of his safety and to command them to comply with the directions of the occupying forces. (As explained in CAC 93, the Emperor has a unique hold over the Japanese people.)

4. It is recommended that so far as possible the military authorities prepare their proclamations in advance and consult the State Department regarding both the English and Japanese texts thereof.

Prepared and reviewed by the Inter-Divisional Area Committee on the Far East.

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97 PWC-116, March 21, not printed, but see PWC-116d, May 9, p. 1250.
Memorandum Prepared by the Inter-Divisional Area Committee on
the Far East

PWC-121
CAC-125

JAPAN: KARAFUTO (SOUTHERN SAKHALIN): OCCUPATION AND
MILITARY GOVERNMENT

I. The Problem

The problem is “will the conceivable interest of the Soviets in
Southern Sakhalin (Karafuto) affect the nature and extent of the
control in this area” and “if the U.S.S.R. participates in the Far
East war, will Karafuto become a special and exclusive concern of the
Soviet?” (Question 3)."98

II. Basic Factors

Since the acquisition of Karafuto (Sakhalin south of the 50 degree
parallel) by Japan in accordance with the terms of the Treaty of
Portsmouth of 1905,99 that territory has been energetically developed
by the Japanese. The population in 1940 totalled 415,000 and was
almost exclusively Japanese. In November 1942 Karafuto ceased to
be considered a colony and was placed under the jurisdiction of the
Ministry of Home Affairs and has since been regarded by the Japanese
as a part of Japan Proper.

Strategically Karafuto lies athwart the most direct airline to
Vladivostok from San Francisco via Dutch Harbor and Petropav-
lovsk. It commands the approaches from the northeast to the Japan
Sea, The Maritime Provinces of Soviet Russia, and Vladivostok.

The final disposition of Karafuto may depend, in large measure,
on the course of Russo-Japanese relations. According to the neutral-
ity pact of April 13, 1941, both the Soviet Union and Japan “undertake mutually to respect the territorial integrity and inviolability of the other.” In the event of war between the Soviet Union and Japan,
Soviet forces may undertake to occupy the Japanese portion of
Sakhalin, particularly if other United Nations forces have not already
done so, and the Soviet Union may demand its cession at the end of
hostilities. However, the predominantly Japanese character of the
population and the close integration of the economy of Karafuto with
Japan might make it advisable, in spite of possible Soviet demands,
that Karafuto be retained by Japan with provision for complete dis-
armament and periodic inspection to prevent its rearmament.

98 Ante, p. 1192.
1 Department of State Bulletin, April 29, 1945, p. 511; cf. also telegram 763,
April 13, 1941, 11 p. m., from Moscow, Foreign Relations, 1941, vol. iv, p. 944.
If Karafuto is occupied by United Nations forces, under the same American theater commander as for Japan, the problem of the composition of the occupation forces for Karafuto is identical with the problem for Japan, irrespective of whether or not the Soviet Union enters the war in the Pacific. (See CAC-80 "Japan: Occupation and Military Government: Composition of Forces to Occupy Japan").

There is a possibility, however, that Karafuto may be under a different American command than that for Japan. If such is the case, the principle that units of those allied countries which have actively participated in the war against Japan should be included in the forces to be used for combat purposes and in the various stages of military government in Japan, would be applicable to Karafuto. Moreover, the principle that the occupation of Japan should be organized on a basis of a centralized administration rather than by zones would also be appropriate for Karafuto. (See CAC-80 "Japan: Occupation and Military Government: Composition of Forces to Occupy Japan").

If the Soviet Union enters the war in the Pacific prior to the occupation of Karafuto by other United Nations forces, new problems will be presented. An agreement would have to be reached by the highest authorities as to whether Karafuto should be under a Soviet or American theater commander and if under a Soviet command whether American forces should participate in combat operations and civil affairs.

III. Recommendations

A. On the assumption that Karafuto is under the American theater commander for Japan, it is recommended that:

No special consideration be given to Karafuto as its occupation and military government would be part of the occupation and military government of Japan Proper. (See CAC-80 "Japan: Occupation and Military Government: Composition of Forces to Occupy Japan").

B. On the assumption that Karafuto is occupied by United Nations forces under an American command separate from that for the rest of Japan, it is recommended that:

1. The principle, which is recommended for Japan, that those countries which have actively participated in the war against Japan be represented in the combat forces and in the army of occupation and in military government, should be applied to Karafuto. (See CAC-80 "Japan: Occupation and Military Government: Composition of Forces to Occupy Japan").

2. The principle, which is recommended for Japan, that the occupation be centralized, should be applied to Karafuto. Karafuto should not be divided into separate zones to be administered by different national contingents. (See CAC-80 "Japan: Occupation and Military Government: Composition of Forces to Occupy Japan").

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2 PWC-111, March 18, p. 1202.
3. Representation of the different national contingents in the military government of Karafuto might be through an advisory council of the ranking officers of the respective contingents, in addition to representation on the civil affairs staff. (See CAC–80 “Japan: Occupation and Military Government: Composition of Forces to Occupy Japan”).

4. The Soviet Union, if it enters the war against Japan, should participate in civil affairs in Karafuto on the same basis as other Allies.

C. On the assumption that the Soviet Union enters the war in the Pacific prior to the occupation of Karafuto by United Nations forces, it is recommended that:

1. The Governments of the nations concerned should decide whether Karafuto should be placed under a Soviet or American theater commander.

2. If Karafuto is placed under a Soviet commander, the competent military and political authorities of the American Government should decide whether American participation would be advisable in combat operations and civil affairs in Karafuto.

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Memorandum Prepared by the Inter-Divisional Area Committee on the Far East

PWC–109
CAC–120

[WASHINGTON,] March 22, 1944.

JAPAN: SHOULD THE MILITARY ADMINISTRATION OF CIVIL AFFAIRS BE PUNITIVE, MILD OR PRIMARILY TO SAFEGUARD REPARATIONS? 3

It is recommended that the military authorities should administer civil affairs in Japan, so far as is consistent with the maintenance of security and with military requirements, with the view of assisting toward the realization of the stated objectives of the United States. The character of the military government, the degree of severity

3 Cf. paragraph 1c, p. 1191.
which may be found necessary or, on the other hand, the extent of assistance which it may be possible to extend to the Japanese people, and the time when this assistance may be given, will depend in large measure on the conduct and attitude of the Japanese, their willingness to carry out the terms of surrender and of the treaty of peace, and their cooperation with the military authorities and with the governments of the United Nations.

The military government will naturally take such action as may be found necessary to safeguard the security of the occupying forces. Otherwise, its measures should not aim to be punitive in character or needlessly humiliating to the Japanese people.

As to reparations, the military government should await a directive from the Department of State. The military authorities, in short, should aim to establish an administration of civil affairs which will give the greatest measure of effectiveness with the least possible friction.

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Memorandum Prepared by the Inter-Divisional Area Committee on the Far East

PWC-114  [WASHINGTON,] March 22, 1944.
CAC-123

JAPAN: NULLIFICATION OF OBNOXIOUS LAWS

I. The Problem

Are there any obnoxious laws that should be nullified? If so, what are they? (Question 3g)*

II. Discussion

It is assumed that the term "laws" as used in the question above refers to ordinances and regulations issued under laws (enabling acts), as well as to the laws themselves. The Commander-in-Chief of the

*Ante, p. 1192.
occupying forces is in full authority during the period of occupation and therefore is able to suspend any obnoxious laws, ordinances and regulations for that period. It may be found desirable, however, to have ordinances and regulations rescinded in accordance with Japanese legal procedure, in order that they will not become immediately operative again upon the termination of the occupation. Ordinances and regulations are issued and revoked in Japan by the ministries concerned by virtue of powers granted them by enabling acts, but the acts are passed and repealed only by the Diet, which, it is contemplated, will be suspended during the period of occupation. However, the force and effect of any such act can be nullified by the rescission of ordinances and regulations issued under its authority. As the retention of essential ministerial machinery has been recommended in answer to other questions, the means are retained for eliminating obnoxious ordinances and regulations and for rendering inoperative obnoxious laws in a manner which conforms with Japanese legal procedure.

Information is not available in Washington upon which a complete list of obnoxious laws, ordinances and regulations can be compiled (especially as many of them have been issued since the outbreak of war in the Pacific) but attention is invited to certain broad categories in the recommendations given below.

III. Recommendations

It is recommended that laws be rendered inoperative and ordinances and regulations be revoked when found to be contrary to the purposes of the military occupation as defined in the directives which will be issued to the commanding officer. It may be found that some laws, ordinances and regulations which in normal times might be considered obnoxious will be found useful to the occupying forces in the emergency period following the surrender (e.g., any ordinances or regulations forbidding large public gatherings). Such ordinances need not be rescinded until the emergency period has passed.

Broad categories of laws, ordinances and regulations which may be considered as subject to suspension and rescission are as follows:

1. Those relating to the creation of the armed forces including the conscription and training of officers and men for active or reserve duty.
2. Those relating to the mobilization of industry, and labor for war purposes, such as the National Mobilization Act of 1938 and the Munitions Companies Act of 1943, and the ordinances and regulations issued thereunder.
3. Those restricting unduly freedom of expression, with particular reference to prohibitions against “dangerous thoughts”.
4. Those restricting freedom of worship, such as undue restraint on the freedom of churches to organize into independent sects as they deem proper.
5. Those granting extraordinary powers to the police, such as authority to hold persons in custody for indefinite periods before bringing them to trial.

6. Those which exploit the control by the Central Government of the educational system to indoctrinate Japanese youth with ultranationalist ideas and which require military training by students.

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Memorandum Prepared by the Inter-Divisional Area Committee on the Far East

PWC-122 [WASHINGTON,] March 22, 1944.
CAC-99

MANDATED ISLANDS: DISPOSITION OF JAPANESE NATIONALS

I. The Problem

Are all Japanese personnel (military and civilian) to be evacuated from the Mandated Islands? (Question 4c)\(^5\)

II. Departmental View

A. Japanese Military Personnel

Japanese military personnel captured on the Islands should be treated by the military authorities like any other prisoners of war and may be removed to such places as the military authorities may determine.

B. Japanese Official Personnel

Japanese official personnel should, except where the military governor may in his discretion otherwise determine, be interned. Such internment should be at such place or places as the military authorities determine.

C. Japanese Civilians

Japanese civilians whose activities the military governor may feel to be harmful to the military occupation should also be interned. Other Japanese civilians, in the discretion of the military governor,

\(^5\) Ante, p. 1193.
may be segregated and kept apart from the native population if military necessity so requires. There should be no evacuation of such persons from the Mandated Islands, unless military necessity so requires, during the period of military occupation.

D. Koreans

Attention is called to the need for giving Koreans special consideration.

E. Internees

All civilian persons who are interned as herein provided should be accorded treatment compatible with the Geneva Convention of 1929 relative to the treatment of prisoners of war in so far as such Convention is adaptable to civilian internees.

Prepared and reviewed by the Inter-Divisional Area Committee on the Far East.

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Memorandum Prepared by the Inter-Divisional Area Committee on the Far East

PWC–123 CAC–106

[WASHINGTON,] March 22, 1944.

JAPAN: MANDATED ISLANDS: STATUS OF MILITARY GOVERNMENT

I. The Problem

Does Japan’s violation of her international trusteeship carry any special implications for CAA? Does the League of Nations have any residual rights in the Mandated Islands which must be subserved by the military occupant? (Questions 4a and 6) *

II. Departmental View

It will be recalled that the Government of the United States has consistently taken the position that its rights in certain former Ger-

7 Division of Southwest Pacific Affairs.
8 Ante, p. 1193.
man territories are equal to the rights of any other of the Principal Allied and Associated Powers in whose favor Germany renounced her rights in those territories. That position has been made clear in official correspondence with other governments concerned, in our Peace Treaty with Germany of 1921, and in our Treaty of 1922 with Japan in which we assented to the mandate given to Japan.

It is unnecessary to consider at this stage whether violation by Japan of the terms of the mandate *ipsa facto* terminated the mandate because existence of the mandate does not present any legal obstacle to an American military administration of the islands during occupation.

The United States, as belligerent occupant of the territory, supersedes the Japanese Government as the actual and lawful government of the territory. There is no question of the lawfulness under international law of the American occupation.

Belligerent occupation is a temporary rather than a permanent status and does not transfer sovereignty to the occupant although during such occupation the belligerent occupant is entitled to exercise the rights of sovereignty subject to the rule of international law dealing with military occupation.

The fact of occupation does not operate to terminate the mandate although it may suspend its operation. The belligerent occupant is not subject to the terms of the mandate or responsible to the League of Nations. The military administration of the belligerent occupant is not bound by the mandate provision concerning the establishment of bases and fortifications and is not required to make reports to the Council of the League of Nations. Any rights of the League of Nations in the mandated territory are in abeyance during belligerent occupation and need not be of concern to the military administration.

The belligerent occupation does not confer United States nationality upon the inhabitants of the Japanese Mandated Islands. The mandate, however, did not confer Japanese nationality upon them. Native inhabitants, therefore, should not be treated as enemy aliens.

Prepared and reviewed by the Inter-Departmental Area Committee on the Far East.

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Memorandum Prepared by the Inter-Divisional Area Committee on the Far East

PWC-113  CAC-111a

[WASHINGTON,] March 23, 1944.

JAPAN: POLITICAL PARTIES OR AGENCIES

Problem

Are there any political parties, organizations, or groups in enemy country that should be dissolved? If so, which ones? (3-f)  Are there any political agencies or political parties of the enemy country with whom we (the military administration) can deal to assist in the restoration of essential authority in Japan and in its subsequent administration? (8-e)  

Discussion

The Imperial Rule Assistance Association and the Imperial Rule Assistance Political Society which were formed following the dissolution of the regularly constituted political parties of the Lower House in 1940 are roughly the Japanese equivalent of the German Nazi Party or the Italian Fascist Party. The IRAA has a number of affiliates. It will not be possible to draw up a complete list of these affiliates, which include youths’ and women’s organizations, but they are all directly or indirectly designed to meet Japanese war problems or to promote popular indoctrination policies.

Organized groups in the Japanese House of Peers are more in nature of clubs than of political parties; the House of Peers for the most part represents the conservative and cultured elements in Japan.

In addition to associations of war veterans and avowedly terrorist or nationalistic organizations (such as the well-known Black Dragon Society and the Nihon Butokukai which maintains gymnasiums for training in the medieval military arts for the purpose of fostering the national militaristic cult) there are numerous quasi-public cultural and other organizations which have political significance as they are designed to be helpful to the Japanese war effort by means such as cementing Axis relations, propagating national Shintoism, spreading Japanese influence in the Far East, and popularizing official Japanese propaganda at home and abroad.

The Neighborhood Associations (known as Chokai or Tonarigumi) should not be regarded as political organizations. Although during the war they may have assumed functions of political significance

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3 Ante, p. 1192.
such as the enforcement of attendance at rallies, their new wartime tasks are in the main connected with the administration of rationing, the conduct of air-raid drills, and the like. Their normal peace-time work concerned matters such as garbage disposal, fire prevention and posting of night watchmen. These associations have complete lists of all residents within their jurisdictions.

Recommendations

1. Existing political parties, which now consist of the IRAA (and its affiliates) and the IRAPS, should be dissolved. Club houses of organized groups in the Japanese House of Peers should be closed under prohibitions relative to public gatherings, but the groups themselves need not be dissolved.

2. Associations of war veterans and known terroristic and nationalistic organizations should be dissolved.

3. As it will be impossible to determine in advance which of numerous existing quasi-public cultural and other organizations are unobjectionable, it would be advisable immediately to close all organizations of this type under prohibitions relative to public gatherings. It would be politically advantageous if the military administration could conduct a study with a view to the disbandment of all such organizations which prove to be basically organs of Japanese nationalistic groups. Such a study might also bring to light a few organizations capable of being of service to the military administration.

4. The Neighborhood Associations should not be regarded as political organizations and merit study by the military administration with a view to their utilization in matters such as the maintenance of order and the handling of problems of sanitation and relief.

5. In view of the recommendation already made to disband existing political agencies and parties, there will be no such organization with which the military administration can deal unless some new organization or old parties in reorganized form should appear which would require reconsideration of that recommendation. The attitude to be taken by civil affairs officers towards so-called liberal political elements in Japan is a matter fraught with many pitfalls requiring special handling and if it is desired to advise the military authorities on this matter, further information will be provided at a later time. In any event, the military administration should be careful to avoid identification with any individual who has been closely associated with the formulation or execution of the policies of the militaristic rulers of Japan.
JAPAN

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Memorandum Prepared by the Inter-Divisional Area Committee on the Far East

PWC–119 [WASHINGTON,) March 24, 1944.
CAC–105

JAPAN: OCCUPATION PROBLEMS: WAR CRIMINALS

I. The Problem

The problem is to formulate recommendations as to the policy to be followed towards alleged war criminals by allied military authorities at the time of the occupation of Japan. (Question 3m, CAC–100 Preliminary, Annex A).

II. Basic Factors

A. Certain of the United Nations, including the United Kingdom, the United States, and China, have established the United Nations Commission for the Investigation of War Crimes. The purpose of this Commission is to investigate and record the evidence of war crimes, identifying where possible the individuals responsible, and to report to the governments concerned cases in which it appeared that adequate evidence might be forthcoming.

B. No statement on Japanese atrocities has been issued corresponding to the declaration on German atrocities signed by President Roosevelt, Prime Minister Churchill and Premier Stalin and issued November 1, 1943, on the conclusion of the Moscow Conference of Foreign Ministers.

C. Persons suspected of having committed war crimes or analogous offences are the subject of specific reference in the surrender terms.

12 Ante, p. 1192.
13 Foreign Relations, 1943, vol. 1, p. 768.
imposed on Italy and are likewise brought within the purview of draft terms prepared by the United States and by the British Government for imposition upon Germany at the time of surrender. The purpose of these provisions is to bind the governments of these Axis powers to surrender such persons to the United Nations for trial and punishment.

D. The unique character of the institution of the Emperor in Japan is of basic importance and introduces into the problem of apprehension and trial of Japanese war criminals an element not found in the case of other Axis countries.

E. In the past, when military leaders in Japan have been faced with defeat, they have made themselves national heroes by suicide. In more recent years, those accused of political crimes have used their trials as an opportunity to explain their political philosophy and to win public approval of their actions. For example, at the trials of the young officers for the political assassinations of May 15, 1932, the accused insisted they were motivated by the highest type of patriotism. The trials dragged on for months, were given wide publicity, and aroused widespread sympathy for the accused among the Japanese. As a result of these and later trials, those who committed political assassination in the name of patriotism were thought of as national heroes rather than as criminals.

III. Recommended Attitude

A. It is believed that the provisions for imposition upon Japan at the time of surrender should include an obligation on the part of the Japanese Government and Japanese military command to apprehend and surrender to the United Nations such persons alleged to have committed war crimes as are designated by the United Nations.

B. The head of the government and cabinet ministers should be apprehended if their names appear in any official list of alleged war criminals. Otherwise, they should not be interfered with, except as to their official status as provided in the answer to question 3d (CAC-110, “Japan: Suspension of Powers of Government”).

C. As for the Emperor, it has been recommended, as a result of a consideration of the relations of the institution of the Emperor to military government, that the military authorities should place him under protective custody, and, that certain functions of government should be exercised, if possible, through the Emperor or in his name with the approval of the occupation authorities. (“Japan: Political Problems: Institution of the Emperor,” CAC-93).

D. Designated persons suspected of having committed war crimes who are not surrendered by the Japanese in accordance with the obli-

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15 PWC-112, March 22, not printed, but see PWC-112c, May 9, p. 1247.
16 PWC-116, March 21, not printed, but see PWC-116d, May 9, p. 1250.
igation in A should be taken into custody by the occupation authorities. Care should be taken to avoid an opportunity being given to the Japanese public to make martyrs of Japanese war criminals as they have done with political assassins in the past. To this end, the occupation authorities should try to prevent the suicide of suspected war criminals and should give no publicity to their detention.

E. The occupation authorities should hold all suspected war criminals in custody, without prejudice, pending receipt of instructions as to trial, unless in the meantime specific directions for their disposition shall have been received.

Prepared and reviewed by the Inter-Divisional Area Committee on the Far East.

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Memorandum by the Chief of the Division of British Commonwealth Affairs (Hickerson) to the Deputy Director of the Office of European Affairs (Matthews) 17

WASHINGTON,] March 27, 1944.

MR. MATTHEWS: I handed you a day or so ago a copy of the exchange of notes of February 16 and February 21, 1917, between the British and the Japanese Governments in which those two Governments divided up between themselves the former German Islands in the Pacific, the British agreeing to support the Japanese claims north of the Equator in return for the Japanese supporting British claims to Islands south of the Equator. 18

I have heard for many years that the two Governments signed a secret treaty dealing with this same subject in 1916. There is no copy of any such treaty in our files. For that matter there is no official copy of the exchange of notes of February 1917. We have found various indications in the files, tending officially to confirm the fact

17 Copy of this memorandum, together with copy of Joint Chiefs of Staff letter, March 11, p. 1201, transmitted by Mr. Hickerson to the Ambassador in the United Kingdom (Winant) on May 22; letter of May 22 not printed.
18 For texts of notes, see Treaties and Agreements With and Concerning China, 1894-1919 (New York, 1921), vol. II, pp. 1167-1168. Copies of these texts were transmitted to the Department by the American Commission to Negotiate Peace at Paris, February 26, 1919 (793.94/783).
that an agreement on the former German Islands was made secretly in 1916. For instance, the following quotations are taken from the memorandum of a conversation between Secretary Hughes and the British Ambassador on April 12, 1921.19

"The Ambassador then said that the reply of his Government to our note on Yap would probably be that the British Government was bound by its agreement with Japan in 1916 to favor the awarding of the Islands in the North Pacific to Japan. The Ambassador said that when they were pressed with the submarine attacks an agreement had been made with Japan in 1916 that Japan should have the North Pacific Islands and that no matter what the consequences might be, his Government, he was sure, would feel that it was bound to stand by this agreement. . . .

"The Secretary asked if President Wilson was acquainted with this agreement. The Ambassador said that Mr. Balfour had given him a copy when he was here. The Secretary asked if Mr. Balfour had called President Wilson's attention to it. The Ambassador said that he did not know as to that but he understood it was left with a number of papers. The Ambassador stated, however, that President Wilson knew of it when he reached Paris . . .

"The Ambassador asked the Secretary to consider the position of his Government; that it had entered into this agreement with Japan in good faith and that it felt bound to carry it out. He asked what else it could do. . . . The Ambassador said that the position was simply that Japan was entitled to Great Britain's votes but that it remained for the United States to express its agreement . . .

"The Secretary said that he thought the British Government should seriously consider the effect of such a position upon public opinion in America; that the Secretary believed the reaction would be immediate. . . . The Ambassador said that his Government was fully alive to the possible effect upon public opinion in America . . . but that they thought they had no alternative and that no matter what the consequences they must abide by their agreement with Japan—at least, he added, unless Japan could be persuaded to admit the contention of the United States."

John Hickerson

Lot 122, Box 53

Memorandum Prepared by the Inter-Divisional Area Committee on the Far East

PWC-125

[Washington,] March 29, 1944.

CAC-128

KOREA: OCCUPATION AND MILITARY GOVERNMENT: COMPOSITION OF FORCES

I. The Problem

The problem is to determine what countries should participate in the occupation of Korea, whether "civil affairs responsibility will

be shared with the British, the Chinese and/or the Russians (if they join the Far East War) and to what extent will the United States Army and/or Navy have administrative civil affairs responsibility?" (Questions 8b and c). 20

II. Basic Factors

Korea has been under Japanese sovereignty for nearly thirty-five years. As early as 1905 Japan established a protectorate over Korea by which Japan assumed control of Korean foreign affairs. This control was gradually increased until formal annexation was consummated in 1910. Since that time Japanese domination has been directed towards making Korea an integral part of Japan. For an entire generation Koreans have lived as subjugated people; the various exiled Korean political groups have questionable influence within Korea and the leaders have never governed at home. In spite of this domination by Japan, Korea has remained as a definite ethnic, cultural and geographic unit. Out of a population of over 24 million (1940), there were less than a million Japanese. The Korean language, dress and other cultural habits are still prevalent, and the Koreans still consider the old traditional northern border—the Yalu and Tumen Rivers—as their present frontier.

Korea is contiguous to both China and Russia and the rivalry for control of Korea between those countries and Japan was one of the chief causes of the Sino-Japanese War of 1894-5 and the Russo-Japanese War of 1904-5.

It is impossible to anticipate at this time the precise circumstances under which Korea will be liberated from Japanese domination by the United Nations forces. It might be the result of combat operations in Korea itself, or of unconditional surrender by Japan without actual fighting in Korea.

If Korea is occupied in the course of combat operations, it would be desirable for the military authorities to give the fullest consideration to political factors which may call for representation, in so far as compatible with military necessity, in the combat forces of units from those allied countries which have a substantial interest in the future political status of Korea. Among those countries is China. It has territory contiguous to Korea and has had a long history of close political relations with that country. Generalissimo Chiang Kai-shek has pledged, on behalf of China, Korean independence. It would seem likely that China would expect to participate in the combat forces in Korea.

The United States is also interested in Korea's future status. This country is pledged both to the unconditional surrender of Japan and to the establishment of a free and independent Korea. The assump-

20 Ante, p. 1194.
tion by the United States of a major part in civil affairs and in international supervision of an interim government would be facilitated by the participation of the United States in such military operations as take place in and around Korea.

Great Britain has made similar pledges and even though it might not insist on direct representation in the combat forces in Korea, it might at least wish indirect representation through one of the Dominions, such as Canada. Finally, the Soviet Union, if it entered the war against Japan, would in all probability attack the Japanese through northern Korea and, if so, Soviet forces would be in occupation of considerable portions of Korea.

The various groups of trained Korean soldiers outside of Korea will doubtless be anxious to participate in combat operations in Korea and in the occupation of the country. The units supported by the “Korean Provisional Government”, now located in Chunchung, probably contain less than 1,000 trained troops. At present they are directly under the control of the Chinese. It is reported that there are other Korean units with the Chinese Communist armies in and around Shensi but their actual numbers are unknown. There is also a large group of Korean settlers in Manchuria, some of whom may become soldiers. In 1939 they totalled over a million and were concentrated in the regions just north of the Korean border. The most significant group of Korean troops is doubtless that trained by the Soviet Far Eastern Army. It is believed that this group has been thoroughly indoctrinated with Soviet ideology and methods of Government, is well trained and equipped, and may total 35,000, of whom 20,000 are believed to be in actual military service. These Koreans may participate in the operations in Korea as soon as the military situation warrants it and may operate independently and separately from a Soviet command.

Whether the liberation of Korea is the result of a military campaign or of the general capitulation of Japan, the profound interest of several of the United Nations in the future political status of Korea would indicate the desirability that the military government of Korea should be inter-allied in character and that the participating states be China, the United States, Great Britain or one of the British Dominions, and, if it enters the war in the Pacific, the Soviet Union. The possibility that allied forces rather than those of a single power may be used for the occupation and military government of Korea, and the prospect that military operations in Korea may be carried on simultaneously in separate areas under the direction of commanders of different nationalities, raises the question of whether occupation should be by zones, either with or without a military council composed of representatives of the allies or according to other principles. However, if the basic principles for military government
of Korea are to be uniform, and if this military government is to facilitate the preparation of Korea for its future independence, it would seem highly desirable that a zonal system of military government should be avoided, and that a combined civil affairs administration be established as early as possible with all the participating countries bearing a joint responsibility.

The question of the composition of the forces for the occupation and military government of Korea will be considered anew in the event that prior to its occupation by a substantial number of troops of any of the other United Nations, the Soviet Union occupies a portion of Korea.

III. Recommendations

It is recommended that:

1. It would be politically advisable that the forces to be used for combat purposes in Korea should include, if not prejudicial to the effectiveness of military operations, contingents from China, the United States, Great Britain or one of the British Dominions and, if it had entered the war in the Pacific, the Soviet Union, with the United States having a substantial representation. If the forces from the several participating states carry on military operations in separate zones, the administration of civil affairs will be the responsibility of the commanders of each combat zone and to the extent that such commanders may be American, the United States military authorities must be prepared for such responsibility. If military operations are under a combined command, civil affairs during the combat period should also be combined.

2. With the completion of military operations in Korea, there should be, so far as practicable, allied representation in the army of occupation and in military government. Such representation should be by those countries which have a real interest in the future political status of Korea. If military operations have been organized by separate combat zones, it may be necessary for the early stages of military government to be organized on the same basis.

3. The occupation of Korea should be organized on the principle of centralized administration. If zonal operations have resulted in zonal military government, this type of civil affairs administration should be changed as soon as practicable into a centralized administration, composed of representatives from those same countries which have participated in the military operations in and around Korea. Such representation of these forces might be provided, in addition to regular staff representation, through a council made up of the ranking officers of the respective forces. Such a council might have supervisory powers and be responsible for the coordination of the operation of military government throughout Korea. It is assumed that the
representation of other states will not be so large as to prejudice the effectiveness of American participation in CAA.

4. The final form of a supervisory authority or trusteeship for Korea following military government and prior to the establishment of an independent Korea has not yet been determined. It seems likely that this supervisory authority will be inter-allied with the United States as a participant. Consequently, American military and naval authorities should be prepared to continue occupation and to assume their share of the administration of civil affairs until the organization of such an authority is effected. It is to be hoped that the military government in Korea will be of short duration, but the difficulties inherent in the establishment of a satisfactory interim supervisory authority may necessitate a military government of considerable duration. Korean personnel, however, should be utilized to the fullest extent possible and care should be taken to train them for future usefulness in their own government.

5. If an effective force of Korean troops, such as that which may now exist within the Soviet Far East, should enter Korea as a separate command, or as irregulars, the Department of State will inform the military authorities as to the political status of these Koreans and the attitude to be taken toward them by the American military authorities.

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Memorandum Prepared by the Inter-Divisional Area Committee on the Far East

PWC-126 [WASHINGTON,] March 29, 1944.
CAC-138

KOREA: OCCUPATION AND MILITARY GOVERNMENT: JAPANESE TECHNICAL PERSONNEL

I. The Problem

What policy will be followed with respect to technically-qualified Japanese nationals who may remain? (Question 8e).\textsuperscript{31}

\textsuperscript{31} Ante, p. 1194.
II. Discussion

A number of important and difficult questions, of which not all can yet be answered, are in various degrees involved in this problem. Among these are the following: (1) Will all or part of the Japanese population of some 650,000 (in 1939) be permitted to remain in Korea on a permanent basis and must that population in whole or in part be interned for its protection or for reasons of security or of policy during the occupation? (2) What disposition will be made of privately and publicly owned Japanese property in Korea? (3) To what extent and in what form will continuance of the present industries in Korea be encouraged? (4) To what extent will mines, industrial plants, transportation and communications facilities and similar properties be intact or reparable at the time that Korea is occupied? (5) Will the attitudes of technically-qualified Japanese and of Korean personnel be such that employment of the former will help rather than hinder the operation and restoration of Korean economy during the occupation? The Department of State will continue to give consideration to such aspects of these questions as lend themselves to policy determination.

Certain facts pertaining to Korean economy are pertinent to the problem: (1) Japan has developed and dominated the Korean industrial economy for more than a generation; (2) during that period Japanese have held most of the administrative and technical positions of any consequence in that economy; (3) however, an increasing number of Koreans have acquired administrative and technical training and experience, a trend which has probably been accelerated during the war; and (4) industrial development in Korea is in some fields over-expanded in relation to peace-time needs.

Although it seems unnecessary in this paper to attempt a detailed examination of the foregoing questions and facts, it seems pertinent to point out that: (1) it will unquestionably be impossible and unnecessary during the period of military administration for Korean industry to operate on the scale now prevailing; (2) it may be impossible for Korean industry to be kept alive or to be restored to a desirable extent with the use of only Koreans and Allied military personnel; and (3) at present it seems likely that politically undesirable results of the use in the Korean economy of Japanese technical (including administrative) personnel can to a great extent be controlled and will be more than offset by the practical need for the use of such personnel.

III. Recommendations

It is recommended that, providing security factors permit, the employment of technically qualified Japanese in Korean economic life be authorized during the period of military government, to the extent that qualified Koreans or other suitable personnel are not available.
PWC–110a CAC–109a

WASHINGTON, April 17, 1944.

JAPAN: OCCUPATION AND MILITARY GOVERNMENT: EXTENT OF OCCUPATION

I. The Problem

Will all of Japan be occupied? If so, what should be the manner of occupation? [Question 3(a)]

II. Basic Factors

It is assumed that the reference here is to occupation after actual hostilities have ceased in any given area; occupation in the wake of combat is a military and not a political function.

The primary political purposes of occupation may be summarized as follows:

1. To insure the fulfillment of terms of the armistice or surrender.
2. To impress upon as large a proportion of the Japanese people as possible the extent of the defeat to which their military leaders have brought them.
3. To create conditions which will facilitate the emergence of a liberal government with which the United Nations can deal.
4. To prevent the resurgence of military power.

The first two aims can be attained in a fairly short period; the second two will require more time.

To accomplish the first two it would appear desirable that our right to occupy all of Japan proper (as well as the Empire) be stated in the terms of armistice or surrender; that as soon as possible after the surrender our (or Allied) military forces put in an appearance

Brackets appear in the original. For question 3(a), see p. 1191.
and occupy all of the prefectural capitals, other important cities and strategic areas; and that units be sent from these centers from time to time through the outlying districts on tours of inspection, or otherwise make their presence noticeable.

After these primary political purposes have been achieved, the troops may be concentrated in those centers from which they will be able to observe developments and where they will be in a position to suppress any undesirable movements which may arise. This period should continue until a reasonably stable civil government has been established by the Japanese and strict control by the occupying forces is no longer necessary.

It is contemplated that some sort of Allied supervisory body will be set up to insure the disarmament of Japan, to prevent rearmament, and to exercise such supervision of Japanese internal affairs as the United Nations may deem essential. It is anticipated that such a supervisory body will require the support of some armed forces in Japan, at least in the early stages of its operations.

III. Recommendations

It is recommended that the Army and Navy be advised to be prepared:

(A) To have adequate forces available to occupy all of the prefectural capitals, other important cities and strategic areas, including divisional headquarters and industrial districts, as soon as possible after the capitulation of Japan.

(B) When the purposes of the initial occupation have been accomplished, to concentrate these forces in those centers from which they will be able to observe developments and where they will be in a position to suppress any undesirable movements which may arise. This period should continue until such time as a reasonably stable civil government has been established by the Japanese.

(C) To continue the presence of such forces as may be required to support such an Allied supervisory body as may be established for the supervision of Japanese internal affairs. It is anticipated that these forces will not be large.

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Memorandum Prepared in the Office of Far Eastern Affairs

[WASHINGTON,] April 18, 1944.

GENERAL CONSIDERATIONS

The area of the Pacific and eastern Asia is of greater importance, both absolutely and relatively, to the United States than most of our people realize.

The United States has longer coastlines on the Pacific than has any other power. We have more trade in and across the Pacific than has any other power. We have more wide-flung cultural interests in the Pacific than has any other power.

After the people who have come under the domination of Japan's armed forces are liberated our task will be that of making the Pacific and eastern Asia safe—safe for the United States, safe for our Allies, safe for all peace-loving peoples. Once there is peace and security, the Pacific and the Far East will be areas of great opportunity—for their own peoples, for us, for all who seek honest and mutually profitable relationships on a basis of reciprocal fair treatment.

Toward achievement and maintenance of peace and security we rely heavily on the principles and provisions embodied in the Four Power Declaration of Moscow.24

Military victory of the United Nations will not by itself eradicate the roots of future conflicts in the Far East, nor will any balance of power concept, which would inevitably offer an opportunity for the resurgence to power of a militarist Japan, in application serve to maintain peace. Cooperation among the four great powers, all of which have an important stake in the peace and the stability of the Far East, offers a promising approach to the problems of the Far East.

Relations with China should be founded on mutual respect and understanding, and on collaboration. We do not, however, aspire to any exclusive relationship with China any more than we would welcome political combinations in the Far East which excluded us. Collaboration among the four principal powers of the Far East—the

23 Prepared for the use of the Secretary of State in conversations with persons outside the Department and indicative of the trend of thought among Department officers concerned with Far Eastern matters; copy transmitted in instructions of April 24, to the Embassy in Chungking, and July 7 to the Consulate at Colombo (neither printed).

24 Signed on October 30, 1943; issued November 1, 1943; Foreign Relations, 1943, vol. 1, p. 755.
Soviet Union, the British Commonwealth, China, and ourselves—is essential because no political relationship based on balance of power concepts can maintain peace.

It is our hope and expectation that there will be wider political participation of other Asiatic peoples in the post-war world. These peoples must be helped to develop materially and educationally and to prepare themselves for the duties and responsibilities of self-government and liberty. An excellent example of what can be achieved is afforded in the record of our relationship with the Philippines.

**Specific Questions Relating to China**

*Press and thought control.* We have been following closely and with a natural concern reports that Chinese governmental restrictions are operating to prevent the press from giving a true and objective picture of affairs in China, and also reports of measures to control the thought of Chinese students, including those sent abroad for study. We have noted as encouraging the fact, as evidenced by a recent public statement by Mr. Sun Fo, President of the Legislative Yuan, and by other signs, that Chinese liberal opinion is reacting strongly against such reported measures, and also statements by Chinese officials which would seem to indicate that the Government's proposed action with regard to students may not be as far reaching as first reports suggested.\(^{25}\)

*Kuomintang-Communist differences.\(^{26}\)* While the continued strained relations between the Kuomintang and the so-called Chinese Communists continue to give us concern from the point of view of our hopes for Chinese unity and tolerance, we regard as encouraging reports indicating that the Chungking authorities and the Communist groups are making efforts to reach amicable adjustment of their differences.

*Lend-Lease assistance to China.\(^{27}\)* Owing to transport limitations, our shipments of supplies to China have thus far been far below what we have wanted to deliver. However, the volume of goods sent into China has increased very rapidly in recent months, and, in the conviction that Chinese resistance will continue, the American Government is devoting constant thought and effort to carrying out its program of adequate aid to China as rapidly as possible.

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\(^{25}\) For further reports on this subject, see vol. vi, pp. 1161–1164.

\(^{26}\) See *Foreign Relations*, 1943, China, pp. 191–339.

\(^{27}\) See *ibid.*, pp. 481–514.
Comprehensive commercial treaty. In line with the provisions of the recent treaty abolishing our extraterritorial rights and related privileges in China, we are giving intensive study to the subject of a comprehensive commercial treaty which we hope to negotiate with China at an early date.

The Status of Korea

Our general policy in regard to Korea was stated definitely in the Cairo Declaration. In regard to the working out of this general policy, officers of the Department and of other agencies of the Government are giving constant thought to the subject, as are undoubtedly the governments of others of the United Nations concerned in the matter. Many Koreans and Americans interested in Korea naturally are impatiently desirous of ascertaining the exact nature of the post-war plans for Korea, but while the United Nations are engaged in the terrific effort of winning the war and of formulating broad outlines for a post-war settlement which will provide security, it is impossible to produce complete blue-prints for the settlement of every problem which has arisen or which may arise.

Efforts of This Government in Behalf of American Prisoners of War and Civilian Internees in Japanese Hands

The Department is continuing to explore every avenue in its efforts to cause the Japanese to accept and distribute relief supplies sent to American prisoners, to cause the Japanese to adopt humane practices in the treatment of such Americans, and to effect further exchanges of nationals, including the categories of military prisoners who are eligible for repatriation under the Geneva Prisoners of War Convention. Negotiations are now being conducted looking toward a third and further exchange of nationals, and we are still hopeful of success. It must be realized, however, that, although this Government will keep these matters continually before the Japanese Government, success or failure depends upon the response of that Government, as this Government cannot accomplish its aims in this regard by unilateral action. From such reports as are available, conditions in internment camps in general appear to have substantially improved over those prevailing in the earlier days of the war.

29 See also pp. 1290 ff.
30 See also pp. 919 ff.
Memorandum Prepared by the Inter-Divisional Area Committee on the Far East

PWC–108b
CAC–116b

[JAPAN:] THE POST-WAR OBJECTIVES OF THE UNITED STATES IN REGARD TO JAPAN

I. Fundamental Objectives

(a) Japan must be prevented from being a menace to the United States and the other countries of the Pacific area.

(b) American interests require that there be in Japan a government which will respect the rights of other states and Japan’s international obligations.

In order to achieve these fundamental purposes the policies of the United States should be considered separately for three distinct periods of Japan’s post-war development.

The first of these periods will be that during which the immediate terms of surrender for Japan will be enforced, and Japan will undergo the stern discipline of occupation as the inevitable retribution for military aggression.

The second period will be one of close surveillance; restrictions will be progressively relaxed as Japan demonstrates its willingness and ability to live at peace with other nations.

The third period will be one which will look toward the ultimate aim of the United States, namely, a Japan properly discharging its responsibilities in the family of peaceful nations.

II. The First Period

In accordance with the Cairo Declaration Japan is to withdraw from Manchuria, the Mandated Islands and all areas under Japanese military occupation and is to be deprived of Korea, Formosa and all islands obtained since the beginning of the first world war.

Japan’s military and naval forces are to be disarmed and disbanded, its military and naval installations destroyed and the country placed under military occupation and government.

—Marginal notation in the original: “Note: Changes from the original document are underscored.” (Document under reference, PWC–108a, April 17, not printed.)
III. The Second Period

(a) There will be developed such national or international bases as may be necessary to prevent Japanese aggression and to facilitate military policing.

(b) Measures designed to eradicate militarism would include:

1. Military inspection to prevent rearmament;
2. Economic controls to prevent the development of a war potential;
3. Encouragement of democratic thought through the press, radio, cinema, and schools;
4. Impressing upon the moderate elements in Japan their responsibility for convincing the Japanese people that militarism is disastrous to their real interests;
5. Adoption of such other measures as will most effectively strengthen liberal political elements and liberal thought in Japan and assist the development of a civil government actually responsible to the people;
6. Rooting out of ultra-nationalistic societies.

(c) Japan is to be permitted, within the framework of the restrictions necessary for international security, and having due regard for the matter of reparations, to begin to share in the world economy on a reasonable basis.

IV. The Third Period

The precise measures, whether political or economic, to be taken during the third period cannot be determined at this time. There is, however, to be borne in mind the fact that the break-up of the Japanese Empire, through the loss of dependencies, will call for permanent adjustments of fundamental importance.

Prepared and reviewed by the Inter-Divisional Area Committee on the Far East.

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JAPAN: OCCUPATION PROBLEMS: DURATION OF MILITARY GOVERNMENT

I. The Problem

What should be the duration of the civil affairs administration and will it be followed by a control commission? (Question 3k, CAC-100 Preliminary, Annex A).

II. Basic Factors

The duration of civil affairs administration and the extent and nature of the control thereafter will obviously depend in some measure upon the circumstances prevailing at the time. At the present, however, the following stages may be foreseen: 1) an initial period of military government during which all parts of Japan proper would be occupied. This period would probably not be longer than a few months; 2) a second period, also characterized by strict United Nations control, during which military government might be continued for part of the period or the control during the entire period might be through a civilian agency representative of the United Nations. In either case, United Nations forces would be garrisoned in certain population centers and strategic areas; 3) a period during which restrictions will be progressively relaxed as Japan demonstrates its willingness and ability to live at peace with other nations. United Nations forces would be withdrawn to one or more areas where they would be kept from close contact with the Japanese population. It is advisable that the military authorities in their planning should envisage the possibility that the second and third periods may extend over a substantial period of time, possibly even over a number of years.

A. It is not possible to predict accurately the duration of civil affairs administration in Japan, or to determine whether it will be followed by a period of administration under direction of a control commission.

B. Among the factors which will influence the duration of military government will be the circumstances under which unconditional surrender occurs, particularly whether Japan surrenders uncondition-

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22 Marginal notation in the original: “Changes in the original document are underscored.” (Document under reference, PWC-117a, April 17, not printed.)

23 Ante, p. 1192.
ally without fighting in the islands of Japan proper, whether surrender occurs after an assault upon the main islands of Japan, or whether combat operations continue in any part of Japan proper or in Japanese occupied areas after unconditional surrender.

C. An additional factor will be the nature of the terms of surrender, particularly whether they will include any provision for a control commission or other agency representative of the United Nations for the enforcement of the surrender terms. However, even if the surrender contains no specific provision for a control commission, it will no doubt grant such sweeping powers that the occupation authorities can institute such agencies of control as they deem necessary.

D. A further factor will be the attitude of the Japanese Government and people toward the fulfillment of the surrender terms. Adoption of an attitude of cooperation would undoubtedly shorten the period of military government, whereas an obstructionist attitude, particularly toward the disarmament provisions, would lengthen it.

E. There are international political factors which have to be taken into account by the governments accepting Japanese surrender which may likewise affect the duration of the period of military government.

III. Recommendations

A. Military government should continue until order has been reestablished, until those terms of surrender requiring immediate execution have been carried out, and until there has been established a Japanese Government capable of discharging civil governmental functions and which will be politically acceptable to the United Nations.

B. It is to be anticipated that such supervision of Japanese internal affairs as the United Nations may deem essential will require the continued presence of United Nations forces for a period longer than the maintenance of military government. It is not possible at this time to forecast just what agency will be adopted to ensure this supervision. It may be provided for in the terms of surrender. In any event, it seems likely that some supervisory agency, supported by military forces, will succeed to military government.

C. The length of time during which United Nations forces may be required in Japan is scarcely subject to determination in advance. It is believed, however, that a prolonged occupation of Japan should be avoided. It would appear desirable, therefore, that no commitments on the matter be made.

D. It is believed that administration of civil affairs in any part of Japan proper should not be turned over to a Japanese Government before combat operations have ceased in all parts of Japan proper.
Memorandum Prepared by the Inter-Divisional Area Committee on the Far East

PWC-124a
CAC-58a

[WASHINGTON,] May 4, 1944.

KOREA: POLITICAL PROBLEMS: PROVISIONAL GOVERNMENT

I. The Problem

The question is "In view of the Cairo pronouncement that Korea is ultimately to be made independent, what interim governmental machinery is to be set up?" (Question 8a).

II. Basic Factors

While there is an agreement among China, Great Britain and the United States that Korea shall be free and independent, it is assumed that this independence will be preceded by some form of interim government under the supervision of an outside power or powers. The Cairo Declaration, December 1, 1943, made by the leaders of these three countries states that:

The aforesaid three great powers, mindful of the enslavement of the people of Korea, are determined that in due course Korea shall become free and independent.

Koreans have had little experience in self-government. Prior to 1905, Korea was a monarchy in which everything belonged in principle to the sovereign and the average citizen was considered as something to be exploited for the benefit of the ruling class; the Korean govern-

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Marginal notation in the original: "Changes in the original document are underscored." (Document under reference, PWC-124, March 28, not printed.)

Ante, p. 1194.
ment showed questionable efficiency and virility. As a colony of Japan, Koreans have been given only a limited opportunity to participate in government. This measure of participation has included the right to serve as officials of the Government-General under close Japanese supervision, and the right of males who are over twenty-five years of age, and who pay a minimum tax, to participate in the election of local councils. Though these councils have been quasi-legislative bodies since the reforms of 1931 and 1933, the subjects which they discuss have been unimportant and have never concerned political problems, while their decisions are subject to review and veto by higher authorities. Thus those Koreans who have had some slight experience in local government have never enjoyed any real freedom of political choice or action.

The possibilities of an early revolution within Korea are remote. The majority of the people do not know the active leaders in any of the revolutionary centers abroad; many of the revolutionary leaders at home have been imprisoned, while other potential leaders have been drawn away from the movement by appointment to positions in the Japanese administration. The exclusion of Koreans from important political posts for the past thirty-five years has emasculated them politically and has deprived them of all experience in managing a state.

These factors, together with the possibility that an independent but weak Korea would again become subject to international pressure and intrigue and threaten political stability and peace in the Pacific, make it highly desirable that some form of interim supervisory organization be established. The form which any such supervisory body for Korea may take is dependent on several imponderables. In the first place, if a general international organization is inaugurated under which a system of international trusteeship is established, such a trusteeship system might be applied to Korea. The basic purposes of any such temporary trusteeship for Korea might well be to foster a capacity for self-government among the Koreans, to safeguard their personal liberties, to promote the economic development of the territory and the social well being of the people, and to assure a just and efficient government.

If the United States were a member of such an international organization it would automatically share in the responsibilities for the establishment of an international trusteeship commission and an administrative authority for Korea. Furthermore, as the security of the North Pacific will be of concern to the United States and as Korea’s political development may affect this security, the United States would naturally be interested in active participation in any Korean administrative authority. For a similar reason, and be-
cause it has been one of the dominant European states in the Far
East, Great Britain will also have an interest in participation either
directly or through the Dominions. Furthermore, both China and
the Soviet Union have territory contiguous to Korea, have a pri-
mary concern in its future political status, and hence will presumably
wish to take part in the administration.

It is possible that a regular trusteeship will not be established for
Korea, but that an international supervisory council will be set up.
Such a council could operate regardless of whether or not there was
an international organization. The members of any such interna-
tional supervisory council would probably include China, Soviet
Russia, the United States and Great Britain, or failing the latter, one
of the British Dominions.

If the temporary trusteeship over Korea were to be assigned to a
single power, the difficult problem arises as to what state should as-
sume this responsibility. Irrespective of the desires of any Chinese
that their country be designated as trustee for Korea, the Chinese will
be confronted with the colossal assignment of reconstruction of their
own country and will have available few capable persons to assist in
the control of Korean affairs. The supervision of Korea by the Soviet
Union during the transition period would create serious political
problems. China would be fearful lest Korea become sovietized and
the United States might consider such a development as a threat to
future security in the Pacific. Finally, it is questionable whether the
United States would wish to accept a trusteeship for Korea.

It seems likely, therefore, that the supervision of the administra-
tion of Korea prior to the establishment of its full independence, will
be delegated to an authority composed of representatives of at least
China, Soviet Russia, the United States and Great Britain, rather
than to any single state. Such action would minimize the possible
effort by individual countries to control Korea affairs and should fa-
cilitate the adjustment of any possible rival claims which might arise,
for example, between China and the Soviet Union. Obviously,
American membership in any sort of international supervisory organ,
whether it be a trusteeship, or a supervisory council, would place on
the United States a responsibility for Korean affairs which would
last even after the termination of military government. Furthermore,
in view of the determination of this Government, as expressed in the
Cairo Declaration, “that in due course Korea shall become free and
independent”, this responsibility will continue even though no inter-
national organization or international supervisory council for Korea
is established. In the event that there is an international organiza-
tion, any arrangement for Korea should be consistent with the gen-
eral plan, but in any case there should be no mandate for the United
States alone.
III. Departmental Views

It is believed that there will be in Korea, prior to its ultimate independence, an international administration or an interim government under international supervision, in which the United States will be represented.

Prepared and reviewed by the Inter-Divisional Area Committee on the Far East.

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820.0146/13a
The Adviser on Liberated Areas for the Far East (Moffat) to Captain H. L. Pence of the Occupied Areas Section, Navy Department

WASHINGTON, May 6, 1944.

MY DEAR CAPTAIN PENCE: With reference to the questions bearing on the segregation of Japanese civilians which you sent me on March 20, the following statement has been approved by the Inter-Divisional Area Committee on the Far East and may be accepted as the informal opinion of the State Department.

SEGREGATION OF JAPANESE CIVILIANS

It is, unfortunately, impossible at this time for the State Department to formulate the definitive policy of the United States relative to the disposition after the war of Japanese civilians, including civilian officials, in the Mandated Islands and Formosa. With regard to the Mandated Islands, the policies to be adopted will be dependent on the formal disposition of the Islands; with regard to Formosa, the determination will rest finally with China after sovereignty is restored to her. The Department has no information regarding any Chinese views as to the final settlement of Japanese civilians now in Formosa, and considers that it would be inadvisable to make inquiries on this subject at this time. It is possible that a determination of the question of repatriation of Japanese civilians from all territories to be taken from Japan may be the subject of international action after the conclusion of hostilities.

*Not printed.*
It is urged, therefore, that no action be taken on policies adopted during the period of military government which might impair complete latitude of decision by the United States Government at the conclusion of the war.

During the period of military government, the military authorities (a) should be guided by accepted international law, (b) should undertake no mass segregation, internment or removal except such as may actually be required by military necessity, and (c) should not attempt to anticipate a decision which must be predicated on agreements which it is not likely will be concluded with other countries until after the war.

Formosa has been under Japanese sovereignty for half a century. Although technically all Formosans, therefore, are enemy nationals, the State Department looks upon the Chinese Formosans and the Formosan aborigines as quite apart from the persons of Japanese blood who live on the island. It anticipates that the Military Governor will act generally on the assumption that the Chinese Formosans, who speak Chinese and are of Chinese or of mixed Chinese and aborigine origin, are to be restored to Chinese citizenship after the war, and that the tribal aborigines, who are akin to the non-Christian peoples of Northern Luzon, are neither Japanese nor Chinese, but more properly to be considered as wards of whatever government has control of the island.

The Marshall, Caroline and Marianas Islands, on the other hand, have been held by Japan only under mandate and the natives of these islands have never become Japanese nationals. They should be treated as wards of the military government. A number of Koreans may be found in the islands. If so, special consideration should be given them.

About half of the Japanese civilian population of Formosa comprise officials, corporation executives, technicians and some business entrepreneurs; the other half are largely urban laborers and small businessmen.

In the Mandated Islands, a far greater proportion of the Japanese civilian population will be found to be farmers and laborers, primarily workers on the sugar plantations in the Marianas, brought for such purpose from the Liuchiu Islands.

It is quite possible that if there is intensive fighting in Formosa the Japanese civilians will be found segregated at one or more points, in which event, clearly, the United States military authorities should continue such segregation at least until stable conditions are restored.

In the Mandated Islands, such segregation of the Japanese civilians does not seem probable.

Unless there has been actual segregation as indicated, it is believed that the Military Governor should not undertake a mass segregation
or internment of the Japanese civilian population in any area under naval control unless or until such action is clearly established as necessary for the security of the occupying forces or of the Japanese themselves or to protect the military effort. Politically, we believe such forbearance to be wise. It is hoped, instead, that only officials and others who may be in a position to affect adversely the security of the occupation will be interned at first. Strict warning should be given all other Japanese that they will be interned promptly for any lack of cooperation with the occupying authorities. It is possible that the non-segregation of many Japanese could be turned to substantial advantage in maintaining the administration and economy of the island.

In the Mandated Islands, many of the Japanese could also be of value in maintaining and developing the agricultural production of the islands.

The Military Governor may, however, find it a matter of military necessity to intern Japanese civilian official personnel and other civilians whose activities may be harmful to the military occupation and to segregate the entire remaining Japanese civilian population, including men, women and children. This may be necessary either for the security of the occupying forces or as a matter of protection for such civilians.

Such mass removal of the Japanese civilian population to segregation areas or internment camps, if deemed a matter of military necessity by the Military Government, is permissible under international law. Although Axis propagandists may endeavor to make the most of any action which our military authorities may take, provided that such segregation or internment is carried out under decent American standards it is believed the Military Governor need not permit such possible propaganda to outweigh the more immediate military considerations confronting him.

With regard to any of the civilians so segregated or interned there would clearly be a special duty, because of our treaty obligations and our concern for Americans in Japanese hands and for the reputation of the United States, to make adequate provision for their housing, feeding, health, and recreation. It is agreed that the experience of the War Relocation Authority 57 would be useful and it is possible that the services of some of those who have had experience with that agency might be available. It is suggested that valuable records on similar problems might be obtained by consulting with the Middle East Command which handled the problem of repatriation and resettlement of Italians in East Africa and from the records of the International Refugee Resettlement Commission, which arranged the

57 Cf. pp. 1069 ff.
transfer of populations between Greece and Turkey twenty years ago. Both of these sources might also provide experienced personnel.

The location of segregation centers or internment camps and whether these are to be concentrated or to be at different points in each area must be decided by the Military Governor, having in mind military considerations and the adequacy of the proposed sites from the point of view of housing, feeding, health and recreation. Unless military necessity clearly so requires, the Department believes that during the period of military government the Japanese civilian population in the Mandated Islands should not be evacuated to points outside the Mandated Islands. All civilian persons who are interned should be accorded treatment compatible with the Geneva Convention of 1929 relative to the treatment of prisoners of war so far as such Convention is adaptable to civilian internees.

Work projects may be imposed upon those interned or segregated, provided that labor on such projects is in accordance with international law as set forth in the Annex to the Hague Convention, No. 4, of October 18, 1907. Those so segregated or interned may not be compelled to work on any military project, and they must be paid for such other work as they perform. Work projects under these circumstances would be entirely different from the German practices of mass removal in order to provide forced labor, to secure a change in regional economy, or to give vent to racial hatreds.

With regard to the property of any Japanese civilians segregated or interned by the military government, it is felt that there is definite obligation on the part of the Military Governor to take reasonable steps to protect such property. It is believed that the United States would not admit of claims for direct or indirect losses or damages on account of such segregation or internment, except, possibly, where gross negligence on the part of the military authorities can be shown. Regardless, however, of the question of liability every reasonable effort should be made to protect such property. This will include property known to have been illegally acquired, as restitution of this should be made after the war in accordance with legal arrangements yet to be worked out.

It is especially important that the Military Governor take steps to protect and furnish custodial care and management for the large sugar and pineapple estates in Formosa nearly all of which are owned and operated by Japanese companies. Aside from any legal requirements under international law to protect this property, this is important in order to protect the Formosan economy and especially in order to assure food surpluses which may be urgently required by the Mili-

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58 Foreign Relations, 1907, pt. 2, pp. 1204, 1207.
tary authorities or by UNRRA to meet civilian relief needs in other Far Eastern areas.

The United States Alien Property Custodian has no jurisdiction over property in enemy areas nor does any American statutory law apply in such areas. The situation with regard to Japanese property and possessions will be quite different from that of German property in Italy. It is hoped that more effective measures than merely posting property or appointing a neighbor as caretaker can be devised.

Although, as has been indicated, it is believed that no action should be taken which will in any way impair latitude of decision as to the post-war disposition of Japanese civilians in the Mandated Islands or Formosa, it is thought that those Japanese civilians who desire to return to Japan after its surrender should be permitted to do so whenever arrangements for their return can be effected. Such arrangements, naturally, will be conditional upon the consent of the Military Governor of Japan, the availability of shipping priorities for the return of Japanese from other liberated areas and other considerations. On the other hand, no Japanese civilian who does not wish to do so should be compelled to return to Japan during the period of military government.

Of those who desire to return to Japan, those whose families or basic ties are there, and who were only temporarily in the Islands or in Formosa (viz. higher officials, executives, etc.) should be sent first. Those who have heretofore lived in the Islands or in Formosa but want to start afresh in Japan will have to await arrangements for resettlement which quite possibly will not take place until after the period of military government is over.

It would seem probable that only a very few Japanese will want to stay in Formosa under Chinese sovereignty. There are few Japanese other than public officials or representatives of Japanese concerns who are not dependent for their livelihood on the presence of other Japanese. Japanese-run hotels, stores, barber shops, and the like cater only to Japanese. With the departure of the official and executive class, the remaining Japanese will face ruin and have no incentive to remain.

In the Mandated Islands, a larger percentage than in Formosa may desire to remain to continue as farmers or farm laborers if the sugar plantations are to be continued. If, after the war, the sugar plantations are largely abandoned, it is thought that a large part of the Japanese civilian population now in the Mandated Islands may want to return to Japan.

Sincerely yours,

Abbot Low Moffat

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*United Nations Relief and Rehabilitation Administration.*
Memorandum Prepared by the Inter-Divisional Area Committee on the Far East

PWC-112c  CAC-110c

[WASHINGTON,] May 9, 1944.

JAPAN: SUSPENSION OF POWERS OF GOVERNMENT

I. The Problem

Should the exercise of the powers of the present existing government be suspended? (Question 3d) 40

Should the Japanese Government be supervised at only the national and prefectural levels? (Question 3j) 41

Should control of the lower echelons of the native government be through inspectors rather than supervisory officials? (Question 3j) 41

II. Discussion

Plans for dealing with Japan during the period of occupation should proceed from the basic principle that the authority and responsibility of all Japanese officials and organs, including the Emperor, be superseded, and that all governing authority during occupation resides in the commanding officer of the occupying forces. However, the commanding officer may direct certain functions of these officials and organs to be exercised under his authority.

A proclamation might be issued by the commanding officer immediately after occupation to the effect that, as provided by the rules of land warfare, all functions of government, legislative, executive, and administrative, whether general, provincial, or local, cease under military occupation or operate only with the sanction of the occupying authorities.

Certain administrative parts of the Japanese Government might be utilized by the military government with great effectiveness and so avoid an impossible burden of administrative detail, but the policy-making agencies which constitute the very core of the modern Japanese Government should be utterly discarded by the military government: the Privy Council, the Cabinet, the Diet, the Board of Field Marshals and Fleet Admirals, and the Supreme Military Council.

The Privy Council is a consultative body and gives advice to the Emperor when requested to do so. The Cabinet is composed of the departmental Ministers and of Ministers without Portfolio and exists for the purpose of initiating, determining and carrying out policies

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40 Marginal notation in the original: “Changes from document PWC-112b are underscored.” (Document under reference, dated May 4, not printed.)

41 Ante, p. 1192.
of the Government. The Diet as it exists today is merely a "rubber-stamp" body, but in theory has certain legislative functions. The Board of Field Marshals and Fleet Admirals and the Supreme Military Council are supposed to concern themselves only with military affairs but in fact in recent years they have exerted great influence over the civilian government. The position of the Emperor in relation to military government has been considered separately. (PWC-116a—Institution of the Emperor).\footnote{Dated April 24, not printed, but see PWC-116d, May 9, infra.}

Military government must be supreme, and while it can effectively utilize much of the Japanese administrative machinery, obviously it cannot tolerate the existence of a separate Japanese government clothed with policy-making powers.

Because the administration of everyday affairs is largely centralized in Tokyo, the military government will probably need to utilize the administrative machinery of some of the national ministries. For example, the Ministry of Home Affairs operates the nation-wide police system and supervises sanitation and local governments; the Ministry of Transportation and Communications operates the railways, postal system, telephones and telegraphs; the Ministry of Education operates or supervises all schools throughout the country. Maintenance of the administrative machinery in these ministries may appear desirable. The control of this machinery by a pernicious oligarchy would be gone and the military government, by placing its civil affairs officers in the policy-making posts including those now occupied by the ministers and vice-ministers, could use this machinery for the purpose of the occupation including the development of democratic tendencies.

In order to assure as effective an administration as possible the military government may desire to utilize, also, the municipal and prefectural administrative machinery and there is no political objection to doing so. Indeed, if military considerations permit, the military government may find it desirable to continue the municipal and prefectural assemblies so as to aid in the development of democratic institutions and democratic processes.

Control of municipal and prefectural government may, at first, have to be by means of CAA supervision, but it is hoped that supervision can shortly be changed to inspection. This change may be brought about by placing CAA supervisors at the seat of prefectural governments whence regional inspectors could make tours of inspection in order to insure compliance with CAA orders and to keep the Japanese officials and population keenly aware of the vigilance and power of CAA. Later, the nine Local Administrative Deliberative Councils established July 1, 1943 might serve as convenient inter-
mediary organs between central and prefectural governments if active
supervision is found unnecessary in some prefectures.

III. Recommendations

Since many potential factors in the situation which will face the
occupying forces cannot be foreseen, the commanding officer should
be given a wide latitude in dealing with that situation. Any direc-
tives of the War and Navy Departments should be tentative and
flexible, in order to permit the commanding officer to make appro-
priate use of such cooperative Japanese elements as he may find.

In order to carry on as quickly and as effectively as possible the
ordinary administrative functions of government, such as those of the
police, post office, and public utilities, and to obtain the cooperation
of the Japanese office-holders, the military authorities may find it
desirable to continue some or all of the following:

1. Administrative functions and machinery of the municipal and
prefectural governments under CAA supervision or inspection, and
also the municipal and prefectural assemblies.

2. Administrative functions and machinery of the Ministries of
Home Affairs, Finance, Justice, Transportation and Communications,
Agriculture and Commerce, Education, and Welfare under CAA
officers in the top policy-making positions.

3. Administrative functions and machinery relating to demobiliza-
tion of the Army and Navy, conversion of factories to peacetime use
and general liquidation of the Ministries of War, Navy, Munitions
and Greater East Asia Affairs; these functions might be handled by
the Ministry of Home Affairs.

4. Routine administrative functions and machinery of the Ministry
of Foreign Affairs, to be performed under the direction of CAA
officers. Any policy matters should be referred to the Department
of State.

5. Certain limited administrative functions of the Emperor as de-
scribed in “Japan: Political Problems: Institution of the Emperor”—
(PWC—116a).

Prepared and reviewed by the Inter-Divisional Area Committee
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JAPAN: POLITICAL PROBLEMS: INSTITUTION OF THE EMPEROR

I. The Problem

The problem is the relation of the institution of the emperor to military government (Questions 3d and 3i).

II. Basic Factors

More than any other of the various questions submitted by the War and Navy Departments, this question is one which is difficult if not impossible to answer finally at the present time because it is impossible to prophesy accurately the effects of an attempt by the United Nations to eliminate the institution of the emperor. The Japanese may change their attitude towards the institution of the emperor.

Since the Japanese at present show an almost fanatical devotion to their sovereign, an attempt from the outside to abolish the institution of the emperor, would, so long as the present attitude of the Japanese continues, probably be ineffective. The mere dethronement of the emperor against the will of the Japanese people would not accomplish the abolition of the emperorship nor could it probably be effectively legislated out of existence so long as the Japanese believed in it and were determined to maintain it. Under these circumstances, the indefinite occupation of Japan might be necessary if the United Nations wished to prevent the revival of the institution of the emperor.

Such a situation is the result of the unique position of the Japanese emperor. He is considered the source from which all authority emanates and is regarded as sacred and inviolable. Accepted governmental procedure has allowed the emperorship to be made an instrument of the Japanese military in the achievement of their aims. This close relationship which the military have developed with the throne will in all probability have to be severed if militarism is to be wiped out of Japan.

Another factor which makes it difficult to answer this question is that while the purposes of the United Nations are clear—the abolition of militarism and the furthering of democracy in Japan—there may be a divergence of views as to the most practical means to achieve these ends. The various United Nations, including the United

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44 Marginal notation in the original: “Note: This document has been thoroughly revised by the Inter-Divisional Area Committee on the Far East.”

45 Ante, p. 1192.
States, apparently have not yet decided on what is the best course to follow. For example, in relation to the emperorship, there are indications that the Chinese may favor the abolition of the institution of the emperor and public opinion in the United States increasingly seems to prefer this solution. On the other hand, the British at the close of the war may oppose such action. In view of the possibility that there may be some disagreement among Great Britain, China, and the United States as to the best policy to follow in regard to the emperor, the final decision may have to be determined by common agreement among these three nations.

Any decision that is taken with regard to the commanding officer of the occupying forces permitting the emperor to exercise certain of his functions will not, of course, in any way affect the right of the military commander to issue any proclamation he may desire. Military government in Japan will be the supreme authority over all of the territory in which that government operates.

There are several courses of action open to the occupation authorities but three alternatives seem the most likely—they could 1) redelegate to the emperor the exercise of none of his functions, 2) redelegate all of his functions, or 3) redelegate only some of his functions.

1) Redelegation of none of the functions of the emperor

Under this alternative, in view of the right of the theater commander to exercise directly all powers of government, the occupation authorities would hold the imperial family in protective custody and suspend the exercise of all of the functions of the emperor. The military government would then actually exercise the rights of sovereignty though the emperor might continue as the de jure sovereign of Japan. Such action might create a difficult situation for the occupation authorities. Japanese functionaries consider the throne as the source of authority to hold office. Therefore, if the emperor is deprived of his rights of sovereignty, it might well be that a substantial group of Japanese officials would feel that their country had lost its independence and that it would be impossible for them to serve under foreign masters. If such a situation developed, it might cause a breakdown in the entire administrative structure.

In a highly industrialized country like Japan, such a breakdown would create an extremely serious situation for the occupation authorities, as it is questionable whether a sufficient number of civil affairs personnel could ever be trained to operate alone the entire administration of Japanese government and the essential functions of Japanese economy. The size of such a task is indicated by the fact that in 1937 there were over 140,000 persons of civil service status in the various governmental ministries, exclusive of the Army and the
Navy and 60,000 national police and 330,000 national employees without civil service ranking. However, the suspension of the exercise of all of the functions of the emperor has the advantage that it would permit the greatest possible freedom of action in regard to the future treatment of the emperor—either all or certain of his functions and sovereign rights could be restored or all of the functions might continue to be suspended.

2) Redelegation of all of the functions of the emperor

The occupation authorities would hold the emperor in protective custody but permit all the functions of government to be carried on through the emperor or in his name. Such a course would allow the issuance of necessary directives for the operation of government under the seal of the sovereign and would presumably facilitate the task of obtaining government officials for service in the actual administration of civil affairs within Japan. However, the occupation authorities might possibly feel that such action could not be taken as it would infringe too much on their own authority. Furthermore, such use of the emperorship would seem to imply that the occupation authorities were supporting the continuance of the throne. It is questionable whether the American people would sanction a program which implied such positive support of the emperorship.

3) Apprehending of the Imperial family and redelegation of some of the functions of the emperor

The occupation authorities would hold the imperial family in protective custody and would use the emperor for their own ends. In line with the basic principle that the authority and responsibility of all Japanese officials and organs, including the emperor, are superseded by the occupation authorities, but that certain functions of these officials and organs may be exercised under the direction of the occupation authorities, the military governor would permit only those functions of the emperor to be exercised which relate to the delegation of administrative duties to subordinate officials. This procedure, without impairing the essential authority of the theater commander, would tend to assure the good behavior of the Japanese people and to keep in office the maximum number of Japanese officials who would be willing to serve directly under the supervision of civil affairs officers.

Such a solution might be interpreted as support of the emperorship and recognition of its symbolic value by the civil affairs administration and hence by the United Nations. It is unlikely, however, that the Japanese would interpret such action by the occupation authorities in this way. The apprehending of the imperial family by foreign military forces, the use of those forces of certain limited functions of the emperor for their own ends, and the uncertainty as to the eventual
disposition of the emperor would be more likely to be interpreted by
the Japanese as an open challenge to the inviolability of their emperor.

In any event, it may well be possible for the civil affairs adminis-
tration to diminish even the limited use it might make of the institution
of the emperor as the administrative machinery of military govern-
ment functions more effectively. It would be desirable politically for
the theater commander to do so to the maximum extent which he
may feel to be practicable. Finally, if there developed a substantial
movement among the Japanese people for the abolition of the insti-
tution of the emperor, the military authorities should take no action
against that movement (except such as may be incidental to main-
taining law and order) and should cease to utilize the emperor as a
political instrument.

III. Recommendations

It is recommended that the military authorities adopt as flexible a
course as possible which can be altered to meet any situation that may
arise. If, considering all circumstances, the military authorities
should decide initially to permit the emperor to exercise certain lim-
ited functions it is suggested that consideration be given to proceeding
as follows:

1. If it is politically practicable and physically possible, the emperor
(regardless of whether the present sovereign or any of his successors
is reigning or is under a regency at the time of occupation) and his
immediate family should be placed under protective custody, and be
removed from the Imperial Palace and Tokyo and be taken to a loca-
tion which is comparatively easy to guard such as the Hayama Palace
on the seacoast south of Tokyo. The emperor should be kept in
seclusion, but his personal advisers should be allowed to have access
to him under reasonable conditions and he should be accorded courtesy
normally extended, in like circumstances, to a head of state. Such an
arrangement should expedite the administration of civil affairs within
Japan as the people would have assurance of the emperor’s safety and
welfare and of the fact that he was under surveillance.

2. In accord with the rights and responsibilities of the occupation
authorities under international law, the theater commander has the
powers necessary for the administration of civil affairs, and his au-
thority and responsibility supersede that of all officials and organs
in the occupied territory. However, he may direct certain functions
of these officials and organs to be exercised under his authority. Con-
sequently, the military governor would permit only those functions
of the emperor to be exercised which relate to the delegation of ad-
ministrative duties to subordinate officials. This procedure should
facilitate the use of Japanese officials by the civil affairs administra-
tion, as such officials would continue in office by order of the emperor but would be, in reality, under the military government.

In the proclamation concerning the authority of the occupation government, it should be stated that those functions of the emperor stipulated in Articles V, VI, and VII of the constitution which relate to the enactment of laws and Articles XI and XII which relate to the command and organization of the armed forces, have ceased. This course would constitute evidence to the Japanese people that the authority of the occupation government was superior to that of the emperor. However, the civil affairs administration would be in a position to use a maximum of Japanese officials who would be willing to serve directly under its supervision and would be able to leave the actual operations of administration in considerable measure to the Japanese themselves.

3. If it should be apparent that the exercise of certain functions of government through the emperor would be of comparatively little benefit to CAA and would not facilitate the use of Japanese personnel under the supervision of civil affairs officers, it might then become advantageous to suspend all of the functions of the emperor. In this contingency, the occupation authorities should be prepared to take charge of the actual operation, in addition to the previously assumed direction of the basic functions of Japanese government. Before such action is taken, however, the Department of State should be given an opportunity to express its opinion in regard to the matter.

4. If a portion of Japan proper is occupied for any length of time prior to the unconditional surrender of the entire country, the occupation authorities should be prepared to operate directly most of the functions of government in such occupied portion, with the possible exception of government in the small villages and townships. In such a case it will probably be difficult to obtain the services of any Japanese officials of significance in the area under occupation. These officials may either have fled to unoccupied territory or may refuse to serve under CAA. A similar situation may prevail throughout all of Japan if the emperor and his household, prior to the capitulation of Japan, escape or are spirited away.

5. The occupation authorities should in all of their treatment of and their contacts with the emperor refrain from any action which would imply recognition of or support for the Japanese concept that the Japanese emperor is different from and superior to other temporal rulers, that he is of divine origin and capacities, that he is sacrosanct or that he is indispensable. They should permit absolute freedom of discussion, except where there may be incitement to breaches of the peace, of political as well as other subjects.
Prepared and reviewed by the Inter-Divisional Area Committee on the Far East.

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Memorandum Prepared by the Inter-Divisional Area Committee on the Far East

PWC–136a  
CAC–119a

[WASHINGTON,] May 9, 1944.

MANCHURIA ("MANCHUKUO"): GOVERNMENT DURING PERIOD OF MILITARY OCCUPATION

I. The Problem

The problem as set forth in the questionnaire is as follows:

"9. Manchukuo
a. Will Chinese sovereignty be immediately reestablished or will there be an interim CAA?
b. If the latter, will this be American or United Nations?
c. What nations will participate? And, what will be their degrees of participation?
d. Will China and/or the Soviets (if the USSR joins the Far East War) have a paramount interest and participation?[""]

II. Basic Factors

"Manchukuo" includes in addition to the "Three Eastern Provinces" which comprise Manchuria (Heilungkiang, Kirin and Liaoning) the Province of Jehol. It does not include Kwantung Leased Territory. "Manchukuo" has never been recognized by the United States and the United States considers that Jehol and Manchuria are still parts of China and the question of reestablishing Chinese sovereignty, therefore, does not arise.

Although the Kwantung Leased Territory is in Manchuria its legal status is different from the rest of Manchuria. This territory was

*Ante, p. 1190.
leased by China to Russia in 1898 \(^{47}\) for a period of twenty-five years. In 1905, with the consent of China, the lease was transferred to Japan.\(^{48}\) The duration of the lease was extended to a period of 99 years by the Sino-Japanese Treaty of May 25, 1915.\(^{49}\) The validity of this action has been contested by China.

III. Recommendations

1. It is recommended that full political control in Jehol and Manchuria (excluding Kwantung Leased Territory) should be turned over to the Chinese as soon as and wherever military operations permit. There should be no interim CAA. In combat zones administration of civil affairs will be the responsibility of the commanders of such zones and to the extent that such commanders may be American the United States military authorities must be prepared for such responsibility.

2. Final disposition of the Kwantung Leased Territory has not been determined. Unless or until a further statement of policy is made by the State Department with regard to such territory, American military or naval authorities should—if they occupy the territory—be prepared to continue such occupation and to assume responsibility for administration of civil affairs until the lawful transfer of such territory is effected. Chinese personnel, however, should be utilized in such administration to the fullest extent possible and it should be clearly understood that such occupation and administration is only temporary.

3. Should the forces of the Soviet Union enter Manchuria during the war against Japan, or should there occur new developments changing substantially the present political or military situation in the Pacific theatre of war, the problem may require reconsideration and the military authorities should consult with the Department of State.

Prepared and reviewed by the Inter-Divisional Area Committee on the Far East.

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\(^{47}\) Convention signed March 27, 1898; John V. A. MacMurray (ed.), Treaties
   and Agreements With and Concerning China, 1894–1919 (New York, 1921), vol. 1,
   p. 119.

\(^{48}\) Treaty signed at Peking, December 22, 1905; ibid., p. 549.

\(^{49}\) Foreign Relations, 1915, p. 171.
Memorandum Prepared by the Inter-Divisional Area Committee on the Far East

PWC-152b
CAC-185b

[WASHINGTON,] May 9, 1944.

JAPAN: ABOLITION OF MILITARISM AND STRENGTHENING DEMOCRATIC PROCESSES

I. The Problem

The problem is to determine what measures the United Nations may take during the period of military government to abolish militarism and to strengthen democratic tendencies and processes in Japan.

II. Destruction of the Military Machine

A. Means of Destroying this Machine

The present military machine in Japan will be destroyed as a natural consequence of the complete defeat of Japan, the unconditional surrender and the disarmament of all the Japanese armed forces, the dismantling of the military installations throughout Japan, and the dismemberment of the Empire as proclaimed in the Cairo Declaration.

With the establishment of military government, all of the functions of the Japanese Government, except those permitted to continue under the direction of the occupation authorities, will cease. Consequently, any constitutional provisions or governmental procedures which have enabled the Japanese military clique to direct policies will become inoperative.

B. Effects of Destruction of Military Machine

The complete defeat of Japan and the destruction of the military machine will doubtless have a profound psychological effect upon the Japanese people. The high esteem in which the military have been held for the past eight or nine centuries, the dramatic victories of the Japanese Army and Navy in the past, with the resultant extension of the Japanese Empire, have convinced the Japanese people of the invincibility of their armed forces, and of the fact that Japan's position as a world power can be maintained only by complete reliance on the military leaders. No one can say at this moment how the Japanese people will react to complete defeat, but it is possible that they may be jolted into a realization that their military leaders have led them to destruction and national disgrace and hence they may well turn to a new group of leaders.
III. Steps to Prevent Revival of Militarism

With the destruction of the Japanese military machine and the establishment of our military government, the occupation authorities will be in a position to take steps to prevent the resurgence of Japanese militarism. These measures might include:

a) Nullification of Obnoxious Laws

Broad categories of laws, ordinances and regulations which should be subject to suspension and rescission should include:

1. Those relating to the creation of the armed forces, conscription and military training.
2. Those relating to the mobilization of industry and labor for war purposes.
3. Those restricting freedom of speech and freedom of worship.

b) Elimination of Ultra-Nationalistic Influences

Ultra-nationalistic aspects of Japanese life should be discouraged through such means as:

1. The elimination, where possible, of ultra-nationalistic societies such as the Imperial Rule Assistance Association and the Black Dragon Society.
2. The termination of police activities having to do with thought control and the enforcement of nationalist ideology.
3. The prohibition of motion pictures and dramas which glorify the military.

c) Creation of Internal Economic Conditions Favorable to the Growth of Democracy

In view of the fact that intolerable economic conditions will seriously threaten any steps toward democracy and of the dependence of Japan on foreign trade, Japan ought to be permitted as soon as possible to carry on international trade under reasonable conditions. In the meantime needed relief and rehabilitation should be provided.

d) Encouragement of Liberal Forces

The trend toward liberal reforms in the political life of Japan, which became marked in the decade following the world war, received a setback and a retrograde current developed after the world-wide depression in 1930. Nonetheless, there exists a fairly substantial body of moderate political influence which has been rigidly suppressed and silenced since 1931 but which it is believed can be encouraged and made the nucleus of a liberal movement. The elements comprising this body include the group of statesmen of the so-called Anglo-American school who held political offices in the 1920’s and who have been conspicuous among the personal advisers of the Emperor, a considerable sprinkling of business leaders whose prosperity was based on world trade rather than on the greater East Asia prosperity
sphere, Christian leaders, such as Kagawa, a limited but courageous group of educators and social and political reformers, et cetera.

Liberal thought and democratic processes might be strengthened by:

2. Freedom of discussion except as it might endanger security.
3. Elimination of restrictions on liberal education.
4. Explanation through press, radio and motion pictures of the meaning of personal liberties in a democracy.
5. Encouragement of political parties, labor unions, credit unions, consumers cooperatives and other organizations of the people.
6. Widespread use of municipal and prefectural assemblies.
7. Preparation of the people for and, if necessary, supervision of an election, or some other means, whereby the people may express, without prejudice, their will as to their own future form of government.

IV. Inauguration of Basic Governmental Reforms

In connection with the establishment of a Japanese Government acceptable to the United Nations, it may be possible to insist upon certain basic governmental reforms which should include:

1. A national legislature with full powers over the national budget and with the right to initiate amendments to the constitution. Heretofore, the Lower House had only limited powers for if it refused to approve a budget, that of the previous year automatically became effective. By giving the duly elected representatives of the people complete powers over the budget, a Prime Minister and all of his cabinet, including the War and Navy Ministers, if a parliamentary system continues, would be dependent on the legislative branch of government for whatever funds they needed. Hence the power which the military leaders have possessed through their special privileges, such as direct access to the throne, could be challenged by the people’s elected representatives.

2. If, notwithstanding the wide consensus which now exists that Japan should not be permitted in the post-war period to retain an army, navy, or air force, Japan should later be permitted to maintain some form of military establishment, such permission should envisage as an essential condition the elimination of existing statutes and ordinances which stipulate that ministers of war and of the navy shall be high-ranking military and naval officers. These statutes and ordinances have been repeatedly employed in the past by the military (through the resignation of the minister of war or the minister of the navy or the refusal of eligible officers to fill these posts) to overthrow an existing cabinet or to prevent the formation of a new cabinet. The elimination of these statutes and ordinances, and their replacement by a legal provision stipulating that the posts of minister of war and the minister of the navy shall be held only by civilians, would provide a substantial safeguard against complete domination of the armed forces by the military and contribute toward preventing the military from usurping control over the government.
3. Increased civil rights and emphasis upon the status of the individual.

4. One of the important instruments for integrating the population into the nationalistic movement has been the courts. Places on the bench are by appointment by the Minister of Justice, who has power equally to remove judges. There is, therefore, so great a subservience by the courts to the Minister of Justice, which working closely with the police, is the principal civilian organ of militaristic nationalism, that the courts have largely become organs for the carrying out of the policies of the Minister of Justice and of the police; the function of safeguarding the rights of the individual, especially in cases involving offenses of a political character, has largely disappeared.

The freeing of the judiciary from the control of the Minister of Justice and of the police, by election to the bench or by other well-tried devices, along with other necessary reforms, should be an essential feature of any program for the democratization of the Japanese.

V. Supplementary Factors

It must be emphasized that no matter what steps may be taken within Japan by the United Nations for the abolition of militarism and for the encouragement of the development of democratic processes, these actions will be of little avail if other factors are not such as to create conditions which will make the growth of militarism unlikely.

The internal reforms mentioned above will contribute greatly to the rooting out of militarism within Japan but this objective of the United Nations will never be achieved unless ultimately:

1) the Japanese people are convinced by the acts of the United Nations that it is their intention to allow a peaceful Japan to discharge her responsibilities as a member of the family of nations;
2) Japan is given a share in the world economy on a reasonable basis with the hope for future betterment;
3) adequate security is provided in the Pacific and eastern Asia, presumably by the establishment of an international security system and a world international organization.

Prepared and reviewed by the Inter-Divisional Area Committee on the Far East.

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Footnote: Marginal notation in the original: "Note: Point 4 is an addition to document PWC-162a." (Document under reference, dated May 4, not printed.)
The Joint Chiefs of Staff to the Secretary of State

WASHINGTON, 14 May, 1944.

My Dear Mr. Secretary: A copy of the “Assumptions for Planning for Civil Affairs for the Period of Military Occupation,” as prepared by the Civil Affairs Division of the War Department and concurred in by the Department of State, and as amended and approved by the Joint Chiefs of Staff, is enclosed for information.

Sincerely yours,

For the Joint Chiefs of Staff:

A. J. McFarland
Colonel, U.S.A.
Secretary

[Enclosure]

ASSUMPTIONS FOR PLANNING FOR CIVIL AFFAIRS FOR THE PERIOD OF MILITARY OCCUPATION

1. In the four main islands of Japan proper and the southern half of Sakhalin (Karafuto) planning for the administration of civil affairs shall be a U.S. responsibility pending a determination of other United Nations interests, particularly those of the Soviet Union as regards Southern Sakhalin.

2. In the Philippine Islands administration of civil affairs shall be a U.S. responsibility.\(^{51}\)

3. In India civil affairs administration is not considered to be the responsibility of the United States.

4. In Burma, Malaya and Thailand administration of civil affairs is not considered to be the responsibility of the United States except that if United States forces are employed, the extent of United States civil affairs administration shall be a matter of recommendation to the Joint Chiefs of Staff by the United States commander concerned.\(^{52}\)

5. In Sumatra the administration of civil affairs is not considered to be the responsibility of the United States, except that if U.S. forces are employed, the extent of U.S. civil affairs administration shall be a matter of recommendation to the Joint Chiefs of Staff by the U.S. commander concerned. It is considered that during the course of any U.S. participation Dutch personnel will be used in the beachhead and combat zones to the extent permitted by the exigencies of the military situation and that total administration will be Dutch as soon as military expediency permits.

6. In Manchuria the administration of civil affairs is not considered to be the responsibility of the United States, except that if U.S. forces are employed the extent of U.S. civil affairs administration shall be a

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\(^{51}\) See also pp. 1299 ff.

\(^{52}\) For correspondence on the postwar status of Thailand, see pp. 1311 ff.
matter of recommendation to the Joint Chiefs of Staff by the U.S. commander concerned.

7. In Korea (Chosen) planning for the administration of civil affairs shall be a U.S. responsibility pending a determination of other United Nations' interests, particularly those of the Soviet Union and China.

8. In China, in combat zones occupied by forces under United States command, the United States should be prepared to undertake such affairs of civil administration as are beyond the capacity of the Chinese to perform to the satisfaction of the U.S. commander.

9. In the Netherlands Indies (exclusive of Sumatra) civil affairs administration shall be the responsibility of the United States except in so far as strategic developments may result in assignment of certain areas for operational responsibility to other United Nations' forces. In so far as the United States is concerned, it is contemplated that Dutch personnel will be used in operational areas to the extent permitted by the exigencies of the military situation and that total administration will be Dutch as soon as military expediency permits.

10. In Portuguese Timor civil affairs responsibility shall be initially that of the United States but will be Portuguese as soon as military expediency permits.

11. In Sarawak, Brunei, and British North Borneo, primary responsibility for civil affairs shall rest with the British.

12. In the Marianas, (including Guam), Carolines, Marshalls, Bonins, and Kuriles civil affairs administration shall continue the responsibility of the United States Navy as provided by J.C.S. 250/5.

13. In the Pescadores, Loochoos (Nansei), and such other small islands in the general vicinity of the Bonins and Formosa, as may be under military control, civil affairs administration shall be the responsibility of the United States Navy.

14. The responsibility for over-all planning for civil affairs administration in Formosa will remain with the Navy. Such plans, however, will recognize that in practice the administration of civil affairs in Formosa to a large extent will be delegated or otherwise assigned to and performed by the Army.

890.0146/10

**The Director of the Office of European Affairs (Dunn) to the Director of the Civil Affairs Division, War Department (Hildring)**

**WASHINGTON, May 15, 1944.**

**My Dear General Hildring:** In reference to a list of questions bearing upon your planning, training, and organization for civil affairs

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85 Similar letter, with enclosures, sent to Capt. H. L. Pence, Navy Department.
administration in certain Far East and Pacific areas, which you and
Captain Pence sent to me under date of February 18, I am enclosing
herewith three sets of twenty-one papers prepared as answers to most
of these questions. These papers contain both discussion and rec-
ommendations on certain of the questions in so far as they relate to
Japan, the Japanese Mandated Islands, Korea and Manchuria. The
papers have been prepared by interested officers of the Department,
have received careful consideration by the appropriate authorities, and
have been approved by the Department.

The enclosed papers do not include answers to certain questions
relating to Thailand, and to financial and economic matters. The
Department is continuing to study the questions on Thailand.

The financial and economic questions involve numerous purely tech-
nical considerations, in which other agencies beside the Department
are intimately concerned. It is recognized, however, that a number
of policy decisions must be made by the Department of State in order
to provide the bases on which such technical questions may be decided.
The Department is now engaged in studies of these financial and
economic problems.

We shall advise you as soon as final action is taken in the Depart-
ment on the questions not covered by the enclosed. In the meantime,
if there are further questions upon which you would like the comments
of the State Department, I hope you will feel free to call upon us.

With regards to the enclosed sets of papers, many of the problems
presented therein will be under constant review by the Department
and will be examined in the light of changing conditions. As new
decisions on these matters are reached, I will endeavor to inform you
accordingly.

I am sending a similar letter with a set of the enclosed documents
to Captain Pence.

Sincerely yours,

JAMES CLEMENT DUNN

The Secretary of State to the Joint Chiefs of Staff

WASHINGTON, May 27, 1944.

Attention: Colonel A. J. McFarland, Secretary

Dear Sirs: This will acknowledge and thank you for your letter of
May 14 enclosing a copy of a paper entitled “Assumptions for Plan-

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4 The first paper, PWC-107, was a copy of the War-Navy questionnaire dated
February 18, p. 1190, with parenthetical notations of PWC documents in reply.
For texts of the other twenty papers, see pp. 1198, 1202, 1207-1223, 1224-1231,
1235-1242, and 1247-1260.
Copies of memorandum of May 9 (PWC-152b), p. 1257, were also transmitted
to General Hildring and Captain Pence on May 15.
ning for Civil Affairs for the Period of Military Occupation." This paper has been carefully considered in the Department and we should like to submit the following comments: the paragraph numbers corresponding to the numbered paragraphs of the paper under reference:

2. It is assumed that this statement will not preclude the making of some arrangements between the United States and the Philippine Commonwealth Government with regard to civil affairs administration should it develop that such arrangements would be desirable.

8. It is believed that the phrasing of this paragraph might be misconstrued by the Chinese in the event that it were to become known to them. It is therefore suggested that, if agreeable to the Joint Chiefs of Staff, this paragraph be revised to read substantially as follows:

"8. In China, in combat zones occupied by forces under United States Command, the United States should be prepared to assume full responsibility for civil affairs administration. It is contemplated that Chinese personnel will be used in such zones to the extent permitted by the exigencies of the military situation and that total administration will be Chinese as soon as military expediency permits."

It will be noted that the above language is in line with that used in paragraph 9 relative to the Netherlands Indies.

It is noted that no reference is made to Hainan, although in the earlier drafts of this document Hainan was specifically mentioned in the paragraph on China. It is assumed that the omission is not intended to indicate a change in the proposed treatment, but that Hainan is construed to be a part of China and therefore subject to the provisions of paragraph 8.

13 and 14. These paragraphs indicate a possibly different treatment for the Pescadores and Formosa. Administratively, the Pescadores are part of Formosa and it would seem logical that under military government this unity should continue.

Very truly yours,

For the Secretary of State:

JAMES CLEMENT DUNN
Director, Office of European Affairs

The Joint Chiefs of Staff to the Secretary of State

WASHINGTON, 7 June, 1944.

My Dear Mr. Secretary: The Joint Chiefs of Staff have given careful consideration to an undated letter \(^{55}\) addressed to them by the Director, Office of European Affairs, Department of State, with

\(^{55}\) May 27, supra.
reference to planning assumptions for United States civil affairs in Pacific Ocean Areas, with certain suggested amendments to the paper which the Joint Chiefs of Staff prepared on this subject.

The statement in paragraph 2 of the original paper—"In the Philippine Islands administration of civil affairs shall be a United States responsibility"—in no way precludes the making of some arrangements between the United States and the Philippine Commonwealth Government, should it develop that such arrangements would be desirable. To eliminate any doubt upon the subject, however, the Joint Chiefs of Staff have amended the assumption in such a way as to make this point clear.

With reference to paragraph 8, which deals with China, the Joint Chiefs of Staff wish to point out that it is their wish that no part of the planning assumptions should be divulged to any persons or agencies save appropriate United States agencies. However, the Joint Chiefs of Staff have amended this paragraph to read as follows:

"In China, in combat zones occupied by forces under United States command, the United States should be prepared to assume such responsibility for civil affairs administration as is considered necessary by the U.S. commander. It is contemplated that Chinese personnel will be used in such zones to the extent permitted by the exigencies of the military situation, and that total administration will be Chinese as soon as military expediency permits."

The Joint Chiefs of Staff assume that the Island of Hainan is considered an integral part of China proper by the United Nations. It is therefore unnecessary to make separate or special mention of this island in planning assumptions.

The reasons which caused the Japanese to incorporate the Bokoto or Pescadores into the administrative system of Formosa would have no bearing upon the situation in the event of the occupation of these areas by United States forces. During the period of occupation by U.S. forces, the civil affairs problems which are likely to arise in the Pescadores are completely different from those to be expected in Formosa. The Joint Chiefs of Staff, therefore, see no reason why the military government of the Pescadores and Formosa should necessarily be united, though the presently accepted planning assumptions would not prevent this union if it were found advisable by the U.S. commander.

Sincerely yours,

For the Joint Chiefs of Staff:

WILLIAM D. LEAHY
Admiral, U.S. Navy
Chief of Staff to the
Commander in Chief of the Army and Navy
Memorandum by the Director of the Office of Far Eastern Affairs (Grew) to the Secretary of State

[WASHINGTON,] June 23, 1944.

MR. SECRETARY: Major General George V. Strong, Senior Army Member of the Joint Post War Committee, came to see me this morning at the request of Lt. General Stanley D. Embick, of the Joint Strategic Survey Committee, and showed me the record of the discussions of the Joint Chiefs of Staff in January and March last on the subject of the ultimate disposition of the Mandated Islands in the Pacific.

In January the Joint Chiefs of Staff recommended that no action should be taken which directly or indirectly would prejudice the ultimate disposition of these islands.

In March the Joint Chiefs of Staff recommended that in the interest of future security the Japanese Mandated Islands north of the equator should pass to the title and sole control of the United States.

Some concern had been caused the Joint Chiefs of Staff by the agreement between Australia and New Zealand envisaging eventual control by these countries of certain of the Mandated Islands. 5a It was pointed out that Australia and New Zealand with their limited resources would not be able to defend these islands against any strong Pacific power; that if these islands should be attacked by some Pacific power, as in the case of the present war, the United States would again have to come to the rescue.

The United States would, however, not be directly concerned with the eventual disposition of the Mandated Islands south of the equator provided that the United States should enjoy operational rights therein.

[JOSEPH] C. G[REW]

Lot 122, Box 53

Memorandum Prepared by the Inter-Divisional Area Committee on the Far East

PWC-184a

[WASHINGTON,] June 28, 1944.

PAPERS CONCERNING MILITARY GOVERNMENT IN FORMOSA

The Inter-Divisional Area Committee on the Far East has prepared fourteen papers on military government in Formosa to answer twenty-eight questions submitted to the Department by the Civil Affairs

5a Signed at Canberra, January 21; see telegram 12, January 22, from Canberra, vol. III, p. 169.
Division of the Army and the Occupied Area Section of the Navy. These answers are based on the conditions which it is believed will probably exist in Formosa during the period of military government. It is realized that new conditions may arise which will cause the Department to revise these papers or to issue new suggestions as to political aspects of military government in Formosa. The main points of the papers which contain recommendations as to policy, as distinct from details of administration, are as follows:

1. **Transfer of Formosa to China**

   It is recommended that the planning for military government in Formosa proceed on the assumption that Formosa and the Pescadores will be returned to China without reservations, that is, without any condition that China shall grant rights for bases on Formosa (PWC-185). It is envisaged that American military administration of Civil affairs in Formosa will continue until such time as Chinese sovereignty in Formosa is restored.

2. **Military Government**

   It is assumed that a military government will be established in Formosa by the United States (PWC-190). It is recommended that, even if the Japanese Government should capitulate before a forcible occupation of Formosa becomes necessary, the United States forces should, nevertheless, occupy the island, and establish a military government (PWC-197). The military authorities will retain sole responsibility and authority for civil affairs administration (PWC-195, questions 1, 9 and 12).

3. **Chinese Participation**

   It is recommended that Chinese participation should be sought in both the planning and administration of civil affairs in Formosa. This participation, however, should not in any way restrict the exclusive authority of the American military government. If the occupation of Formosa should be aided by Chinese forces operating from the mainland, if feasible there should be provision for Chinese representation on the civil affairs staff. (PWC-190 and 195.)

   In the administration of Formosa, Chinese-Formosans should be used as fully as possible; American citizens and Filipinos of Chinese race should be employed on the same basis as other Americans; Chinese citizens, residing in China or in the United States, should be employed

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*PWC-199, letter of March 27 from Major General Hilldring and Captain Pence, and PWC-200, questionnaire of June 2 on “Political and Policy Questions Bearing Upon Civil Affairs Planning for Formosa”, not printed.

*CAC-152, April 20, not printed.

*CAC-161, April 24, not printed, but see PWC-190a, June 28, infra.

*CAC-186, May 8, not printed.

*CAC-177, May 15, not printed.
only with the approval of the Chinese National Government. All persons employed by the Civil Affairs Administration should be subject to the direct orders of the American military government. As a general rule, short-term administrative acts of the military government in Formosa should be designed to meet the immediate needs of Formosan interests as distinct from interests of the Chinese National Government; and administrative acts designed for operation over a comparatively long term, such as acts in respect to the educational system, should accord with Chinese Government policies in so far as those policies are consistent with American ideals and international law (PWC-195).

4. Treatment of the Inhabitants of Formosa and the Japanese Mandated Islands

a. Japanese Residents

The military government, in its treatment of Japanese civilians in Formosa and the Japanese Mandated Islands (1) should be guided by international law, (2) should undertake no mass segregation, internment or removal not required by military necessity, and (3) should not attempt to anticipate a decision as to the disposition of Japanese civilians after the war (PWC-198 62).

b. Non-Japanese Inhabitants of Formosa

Although Chinese-Formosans and the aborigines, in a legal sense, are enemy nationals, in a political sense, the Chinese-Formosans should be treated as "liberated peoples", and the tribal aborigines as wards of the military government (PWC-194 63).

5. Treatment of Japanese Property

The military authorities in their treatment of Japanese property in Formosa, both Government and private, should apply the Rules of Land Warfare of the Hague Convention of 1907. 64 Private Japanese interests should be respected. The military government should assume stewardship of all Japanese Government properties pending final settlement. (PWC-187, 188, 196). 65 It is recommended that in principle the Japanese Imperial Household properties be treated as though they were Japanese Government property (PWC-191 66).

6. Laws Under the Military Government

Laws in force in Formosa at the time of military occupation should be regarded as continuing except as superseded by proclamation having the force of law issued under the authority of the military government. As to existing ordinary civil and criminal law,

62 CAC-187, May 11, not printed.
63 CAC-174, May 11, not printed.
64 Signed October 18, 1907, Foreign Relations, 1907, pt. 2, p. 1204.
65 CAC-156, May 11; CAC-157, April 26; and CAC-178, May 11; none printed.
66 CAC-162, May 9, not printed.
no attempt should be made to substitute Chinese law. With existing land-ownership rights and tenancy contracts the military government should interfere as little as possible. It will probably be necessary to replace the Japanese judges in the courts. (PWC-186 and 193.)

7. Currency

It is recommended that, in determining the currency to be used in Formosa, primary consideration be given to the provision of a stable medium of exchange adapted to the needs of the military authorities and the civil population within Formosa, and that such a currency be distinct from and independent of the present Chinese currency (PWC-192).

Lot 122, Box 53

Memorandum Prepared by the Inter-Divisional Area Committee on the Far East

PWC-190a [WASHINGTON,] June 28, 1944. (CAC-161a)

FORMOSA: (TAIWAN) OCCUPATION AND MILITARY GOVERNMENT
COMPOSITION OF FORCES

I. The Problem

The problem is: 1) “If the Island of Formosa (including the Pescadores) is occupied after successful military assault by the sea-borne forces of the United States, is it desirable to invite the Chinese to participate in the administration of civil affairs after the occupation? 2) If the occupation is aided by Chinese forces operating from the mainland, is it desirable that the Chinese Government participate in civil administration? 3) Notwithstanding unofficial Chinese statements that China expects to assume control immediately, will it be understood that transfer of sovereignty will not take place until a final settlement? Is it contemplated that the United States singly or in collaboration with China, will assume major responsibility until such final settlements?” (Questions 4a, 4b and 4c)

II. Basic Factors

According to the Cairo Declaration, “Formosa and the Pescadores shall be restored to China.”

However, the present military weakness of China, especially the absence of a navy, makes it almost impossible for China to take the initiative in any campaign to drive the Japanese out of Formosa. On

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68 CAC-163, April 25, not printed.
69 PWC-200, Army-Navy questionnaire of June 2, not printed.
the other hand, it may be assumed that Pacific operations will include the capture and occupation of Formosa (including the Pescadores) by sea-borne forces of the United States or of the United States and its allies. As these operations would be under the direction of an American theater commander, it is likely that the United States will establish a military administration for civil affairs in Formosa and that the commander of the United States forces in that area will be responsible for the establishment and operation of such an administration and will continue to assume that responsibility until such time as arrangements have been made to reestablish Chinese sovereignty over Formosa. If it seems politically advisable at the time, representation of those combat forces which were not American might be provided for on the civil affairs staff.

As the population of Formosa is predominantly Chinese and as this territory will be returned to China after the war, the Chinese Government's cooperation would be helpful for the effective functioning of the military administration of civil affairs in Formosa, and would be politically advisable. This administration should be such as to expedite the return of Formosa to China. The Chinese Government should be informed of the general decisions which the Government may reach with respect to the establishment of civil affairs administration under an American commanding officer. It would be advisable to have the American plans for civil affairs in Formosa, so far as military considerations permit, coincide with China's future plans for the administration of Formosa. It would be helpful if China should make available highly qualified Chinese advisers and persons skilled in financial and legal matters and in agriculture and industry who could assist American civil affairs officers with the formulation of plans for civil administration in Formosa and who could be employed in responsible positions in the island. Chinese personnel with a first-hand knowledge of conditions and of the dialects in Formosa, who could be entrusted with administrative and police functions under the military administration, might be invaluable to the civil affairs authorities. From a political point of view it would seem to make little difference whether these Chinese advisers and administrators were representatives of the Chinese Army or whether they were civilian personnel, providing they were officials of the Chinese Government and were directly under the command of the military government.

If the occupation of Formosa is aided by Chinese forces operating from the mainland, the Chinese Government may expect to participate more actively in the civil administration of Formosa than if such an assault is solely by American sea-borne forces from the Pacific. Such participation may be expected to include the use of Chinese personnel in responsible administrative positions and representation by Chinese
civil affairs officers on the civil affairs staff in Formosa. Such participation by the Chinese would be essential if large numbers of Chinese forces had contributed to the occupation of Formosa.

III. Recommendations

It is recommended that the planning for military government in Formosa proceed on the following lines:

1) It is assumed that if the armed forces of the United States undertake and effect the occupation and liberation of Formosa, a military administration for civil affairs in Formosa will be established by the United States.

2) It is envisaged that American military administration of civil affairs in Formosa will continue until such time as Chinese sovereignty in Formosa is restored.

3) If the occupation of Formosa is aided by Chinese forces operating from the mainland, a military administration will, nevertheless, be established by the United States but there should be, if feasible, provision for Chinese representation on the civil affairs staff.

4) In any event, as the cooperation of the Chinese Government would be helpful for the effective functioning of this administration, Chinese participation should be sought in the planning of civil affairs in Formosa and properly qualified Chinese personnel should be entrusted with administrative and police functions under the military administration. As the time approaches for the reestablishment of Chinese sovereignty over Formosa, it would be useful for the military administration to employ an increasingly larger number of Chinese personnel both in administrative and police functions and on the civil affairs staff.

Prepared and reviewed by the Inter-Divisional Area Committee on the Far East.

TS: GHB lakeslee
    HBorton (drafting officer)
    RAFearay
    PRJosselyn
    MMKnight

JA: ER Dickover
    BRJohansen
    FSWilliams
    CA: OE Clubb
    LA: AL Moffat
    FE: JWBallantine
    AHiss

FMA: CFRemer
    ME: MBHall

894A.01/7-1944

The Director of the Office of European Affairs (Dunn) to the Director of the Civil Affairs Division, War Department (Hildring) 70

WASHINGTON, July 21, 1944.

MY DEAR GENERAL HILDING N: I am transmitting herewith a series of papers prepared by the State Department on “Military Government

70 Similar letter sent to Capt. H. L. Pence, Navy Department.
in Formosa” relating to political and policy questions presented by the War and Navy Departments.\(^1\)

These papers are identical with those which were transmitted earlier with the indication that they represent the informal views of experts in the Department. The papers have since been formally approved at the policy level and may now be regarded as the present views of the Department of State, subject, however, to such modifications as may be necessary in the light of future developments.\(^2\)

Sincerely yours,  
JAMES CLEMENT DUNN

890.0146/7-2544

Captain H. L. Pence of the Occupied Areas Section, Navy Department, to the Director of the Office of European Affairs (Dunn)

(SG)A17-10  
WASHINGTON, 25 July, 1944.

DEAR MR. DUNN: Your letter of 21 July 1944, File PWC, enclosing three sets of a series of papers prepared by the State Department on “Military Government in Formosa” relating to political and policy questions presented by the War and Navy Departments has been received.

These papers have been examined with a great deal of interest and found to be exceptionally helpful on the political and policy questions relating to the Military Government in Formosa. The prompt reply to these questions and the splendid cooperation received from the Department of State in this connection is deeply appreciated.

Sincerely yours,  
H. L. PENCE

Lot 122, Box 54

Memorandum Prepared by the Inter-Divisional Area Committee on the Far East

PWC-800  
CAC-292

FORMOSA: MILITARY GOVERNMENT: COOPERATION WITH THE FORMOSAN GOVERNMENT

I. The Problem

The problem is: Is the creation of a Chinese sub-state in Formosa contemplated, and will the occupying forces be expected to cooperate with such a state, in the manner contemplated in Denmark, for example?\(^3\)

\(^1\) For summary, see PWC-184a, June 28, p. 1266.
\(^2\) See PWC-300, September 27, below.
\(^3\) Question contained in letter dated August 18 from Maj. Gen. Hildring and Capt. L. S. Sabin, representing War and Navy Departments, to Mr. Dunn, not printed.
II. Basic Factors

While the Chinese Government is reported to be planning to make Formosa into a separate province, and would doubtless welcome a chance to incorporate it into the Republic of China immediately upon its liberation, it is not contemplated that a sub-state or any other form of Government will be established in Formosa by the Chinese prior to the termination of American military government. In this connection, it has been recommended that the planning for military government in Formosa proceed on the following assumptions:

1) “A military administration for civil affairs in Formosa will be established by the United States” (Formosa: Taiwan Occupation and Military Government: Composition of Forces, PWC-190a 14).

2) “This administration will continue until such time as Chinese sovereignty in Formosa is restored”. (PWC-190a)

3) “As the cooperation of the Chinese Government would be helpful for the effective functioning of this administration, Chinese participation should be sought in planning of civil affairs in Formosa and properly qualified Chinese personnel should be entrusted with administrative and police functions under the military administration. As the time approaches for the reestablishment of Chinese sovereignty over Formosa, it would be useful for the military administration to employ an increasingly larger number of Chinese personnel both in administrative and police functions and on the civil affairs staff.” (PWC-190a)

4) “As Chinese-Formosans will naturally be acceptable to the local population, and are on the spot, they should be used as fully as possible” (Political and Policy Questions Bearing Upon Civil Affairs Planning for Formosa—PWC-195 15)

5) “Plans for the temporary reorganization of the government of Formosa by the occupation authorities should be designed to secure the most effective administration. Any such temporary reorganization should be consistent with the accepted concept of international law that the existing basic legal structure continues during the period of military occupation. In planning such temporary reorganization official Chinese plans for permanent governmental reorganization should be given favorable consideration only to the extent that they meet the need of the occupying authorities, are in accordance with international law and consistent with basic American principles.” (PWC-195)

6) “After the return of Formosa to full Chinese sovereignty, it will be administered by officials appointed by the Chinese Government. (Formosa (Taiwan): Territorial Problems: Disposition—PWC-185) 16

It should be noted that these recommendations for the administration of civil affairs in Formosa differ fundamentally from the plans for civil affairs in Denmark, as set forth in the directives approved...

14 June 28, p. 1269.
15 May 15, not printed, but see PWC-184a, June 28, p. 1266.
16 April 20, not printed, but see PWC-184a, June 28, p. 1266.
554-184—65—81
by the Combined Civil Affairs Committee. In the case of Formosa, military government is to be established and its administration continued until Formosa is turned over to China, at which time an entirely new Formosan government will be established by the Chinese authorities. In the case of Denmark, the basic aim of military government will be to facilitate the re-establishment of a Danish government by the constitutional action of the King, at the earliest possible moment.

It is further assumed for Denmark that the existing administrative services and local authorities “may be regarded generally as well disposed towards the cause of the United Nations and suitable to cooperate with Allied military authorities” (Directive on Denmark, CCAC–77/1). This assumption would not be valid for Formosa for the reason that these services and the local authorities will have been in large part Japanese and not Chinese officials. Finally, in view of the various circumstances mentioned above, it is likely that military government in Formosa will be much longer than that in Denmark.

III. Departmental View

1. The creation of a Chinese sub-state in Formosa prior to the termination of military government is not contemplated.

Prepared and reviewed by the Inter-Divisional Area Committee on the Far East.

TS: GHB lakeslee
    HBorton (drafting officer)
    FE: EHDooman

JA: ERD Dickover
    FWS Williams
    ISO: CE Eagleton
    FMA: OCLockhart
    LA: W BKahn

740.00119 P.W./11–944

The Acting Secretary of State to the Secretary of War (Stimson) 77

WASHINGTON, November 9, 1944.

My Dear Mr. Secretary: In connection with developments in the war in the Pacific, I wish to suggest to you the desirability of setting up, without undue delay, a committee composed of representatives of the State, War and Navy Departments and of the Joint Chiefs of Staff, to undertake such studies as may appear appropriate in preparation to meet, as regards the Far East, problems similar to those which have come before the European Advisory Commission 78 with respect to the enemy states in Europe. It is our thought that among such problems as can be foreseen, the committee would occupy itself with

77 Same sent to the Secretary of the Navy (Forrestal).
78 See vol. 1, pp. 1 ff.
the formulation of the surrender terms for Japan, the military administration of civil affairs in the Far East and such questions as may arise in connection with the disposition of various territories now occupied by the enemy. Efforts might be made to coordinate such studies with regard to these various problems as may already have been pursued by the interested departments. Consideration might also be given by the committee to the question of the desirability of the eventual establishment for the Far East of an international body comparable to the European Advisory Commission.

Apart from representatives of the State, War and Navy Departments and of the Joint Chiefs of Staff, it is thought that representatives of other departments might from time to time be included in the committee on an ad hoc basis when questions of interest to those departments are to be discussed.

In view of the fact that much of the work of the proposed committee will have to do with political problems involving foreign policy and relations with foreign nations, it is assumed that a representative of the State Department should assume the chairmanship of the committee.

If you concur in the foregoing proposal, I shall be glad to learn from you the names of such officers as you may wish to assign as members of the committee. As soon as representatives of the War and Navy Departments and of the Joint Chiefs of Staff have been thus assigned, representatives of the State Department will likewise be chosen and it is hoped that the committee can begin to function at an early date. It is our feeling that it would be desirable to keep the actual membership on the committee as restricted as practicable and that advisers or experts be invited to take part in the committee meetings whenever it may appear desirable.79

Sincerely yours,

Edward R. Stettinius, Jr.

Lot 122, Box 53

Memorandum Prepared by the Committee on Post-War Programs 80

PWC–284a

[WASHINGTON,] November 13, 1944.

JAPAN: TERMS OF SURRENDER: UNDERLYING PRINCIPLES

I. Introduction

This Government has demanded the unconditional surrender of Japan as well as of Germany. Before this unconditional surrender is

79 For correspondence on the establishment of SWNCC, the State–War–Navy Coordinating Committee, see vol. I.
80 Prepared for the War and Navy Departments, which were drafting material on the subject of surrender terms.
achieved, it will be necessary for this Government and other United Nations to decide certain basic issues.

II. Basic Factors

1. Significance of Unconditional Surrender

It is obvious from the various statements of the United Nations that hostilities will be carried on against Japan until that nation has laid down its arms on the basis of unconditional surrender or until it has been completely defeated. While there may be different interpretations as to just what is meant by “unconditional surrender”, there would seem inherent in the expression the right of the victors to impose whatever items they wish on the vanquished. Such an interpretation would not postulate that the instrument stating this fact was in any sense contractual. The instrument might be a unilateral statement by the Japanese authorities surrendering unconditionally and declaring that they will not oppose any measures which the United Nations consider necessary to carry out their policy.

The draft of the instrument of unconditional surrender of Germany, which the European Advisory Commission transmitted on July 25, 1944 to the Governments of the United States of America, the United Kingdom, and the Union of Soviet Socialist Republics for their acceptance, states:

The German Government and the German High Command, recognizing and acknowledging the complete defeat of the German forces on land, at sea, and in the air, hereby announce Germany’s unconditional surrender.

The document also contains an announcement by “the Representatives of the Supreme Command of the United Kingdom, the United States of America, and the Union of Soviet Socialist Republics, . . . acting by authority of their respective Governments and in the interests of the United Nations”, of the “terms of surrender with which Germany shall comply”. To be assured of the necessary authority for any action which the Allies may wish to take, it is further stated that “the United Kingdom, the United States of America, and the Union of Soviet Socialist Republics shall possess supreme authority with respect to Germany . . . The Allied Representatives will present additional political, administrative, economic, financial, military and other requirements arising from the surrender of Germany”.

2. Should the Instrument of Unconditional Surrender for Japan be Contractual or Declaratory?

One of the first questions in connection with the unconditional surrender of Japan is whether the surrender instrument should be contractual or declaratory. International law recognizes contractual instruments made in accord with the law of war between commanders
of opposing belligerents (armistices, capitulations) and contractual instruments made between sovereign states (treaties, conventions). A contractual instrument of either type would seem to be contrary to the conceptions of unconditional surrender because it would impose limitations upon the victor arising either from the terms of the contract or from the implication that the rights of the victor are limited to those expressed in the contract. Furthermore, if there should be no authority in Japan competent to bind that country, a contractual instrument might raise issues concerning the powers of the Japanese signatories to contract for their Government. Finally, the Secretary of State has already stated, in a telegram to London, dated March 16, 1944, in connection with the German surrender instrument, that we wish to avoid any implication that a contractual relationship is involved.

As the Hague Rules of Land Warfare (Art. 35) and the United States Rules of Land Warfare, 1940 (secs. 244-47) recognize capitulations as contractual instruments, if the instrument of unconditional surrender is a unilateral declaration by those Japanese authorities who exercise actual control over the Japanese armed forces, such an instrument would not imply a contractual relationship.

3. What Japanese Authority Should Sign the Surrender Instrument?

The Japanese constitution provides that “the Emperor has the supreme command of the Army and Navy” (Article 11), and that he “declares war, makes peace and concludes treaties” (Article 13). In all probability he would consult his highest advisers, including the Cabinet, the Privy Council and the High Command prior to signing any surrender instrument. However, the actual command of military and naval affairs and responsibility for all military operations is in the hands of the Imperial Headquarters, a body formally presided over by the Emperor and composed of the Chiefs of the Army and Navy General Staff, the Ministers of War and Navy, the Inspector General of Military Education, and the Inspector of Aviation. Consequently, the most conclusive and therefore the most desirable form of acknowledgment of unconditional surrender would be a document to that effect signed by the Emperor, and countersigned by authorized representatives of the Imperial Headquarters (the High Command) to assure recognition by the armed forces of Japan's unconditional surrender.

If there should be no Emperor in Japan to acknowledge the unconditional surrender of Japan, or if he should refuse to sign, it follows

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*No. 1976 (13 EAC), printed in vol. 1, under section entitled “Participation by the United States in the work of the European Advisory Commission,” part V.

*Annex to convention IV signed October 18, 1907, *Foreign Relations, 1907, pt. 2, pp. 1207, 1213.*
that the highest available military authorities should sign such a
document.

4. Who should Receive the Unconditional Surrender of Japan? 

The next important question relating to Japan's unconditional sur-
render is: Who Should Receive the Unconditional Surrender of
Japan? In view of the pledge in the Declaration of the United Na-
tions that the Governments signatory thereto would not make a sepa-
rate armistice or peace with the enemy, it would seem incumbent upon
whomever receives the unconditional surrender of Japan to do so on
behalf of all of the United Nations at war with Japan. Furthermore,
the Department of State has already recommended for Japan that:

The forces to be used for combat purposes in Japan should include,
if not prejudicial to the effectiveness of military operations, units of
those allied countries which have actively participated in the war
against Japan. (*Japan: Occupation and Military Government:
Composition of Forces to Occupy Japan—PWC-111.*)

If this policy is adopted, presumably those nations most vitally
interested in the surrender of Japan would participate in the combat
forces against that country. However, certain members of the United
Nations at war with Japan, as, for example, the Commonwealth of
the Philippines, might find it impossible, for practical reasons, to partici-
pate in the combat operations against the homeland of Japan even
though they had actively participated in the war against Japan.

In view of these circumstances, the Theater Commander should be
duly authorized to receive the unconditional surrender of Japan on
behalf of all of the United Nations at war with Japan.

5. What Nations Should Determine the Policies and Participate
in Drafting the Documents Connected with the Surrender of Japan?

An extremely important question in connection with the uncondi-
tional surrender of Japan is: What members of the United Nations
should determine the policies and participate in drafting the docu-
ments connected with the surrender of Japan? The Declaration of
the United Nations, signed January 1, 1942 (*Foreign Relations, 1942,
vol. I, p. 25.*) by twenty-six countries
at war with one or more of the Axis powers, and later adhered to by
other nations, declares:

Each government pledges itself to cooperate with the governments
signatory hereto and not to make a separate armistice or peace with
the enemies.

Therefore, if only a limited number of nations actually formulate
the instrument of unconditional surrender for Japan and the docu-
ments containing the measures to be applied by the United Nations

*March 13, p. 1202.
as a consequence of this surrender, this procedure might be interpreted by the other signatory governments as counter to this pledge. Furthermore, while the Cairo Declaration of December 1, 1943 was made jointly by the heads of the Governments of the United States, Great Britain and China, the Declaration itself states that "the three Allies in harmony with those of the United Nations at war with Japan, will continue to persevere in the serious and prolonged operations necessary to procure the unconditional surrender of Japan". The question then arises as to whether this Declaration should be interpreted to mean that these three nations alone, or these three countries together with the other United Nations at war with Japan, should be responsible for (1) determining the policies and procedures to be followed in connection with the surrender of Japan, (2) drafting the instrument of surrender for Japan, and (3) drafting the measures with which Japan must comply after surrender.

There is the further question as to whether the inclusion of the Soviet Union is dependent on its entrance in the war against Japan. The Four Nation Declaration signed at Moscow, November 1, 1943, implies that such is the case. It reads:

Those of the signatories at war with a common enemy will act together in all matters relating to the surrender and disarmament of that enemy.

The recent Anzac agreement and subsequent statements of the Governments of Australia and New Zealand reflect the feeling of resentment of those countries in not having been permitted to participate in many of the basic policy decisions on the war and the peace in the Pacific. If they are not consulted on the problems bearing upon the surrender of Japan, it is probable that their resentment on this score will increase.

Here a clear distinction should be drawn between the procedure to be followed in the treatment of two different problems. First, that of obtaining the unconditional surrender of Japan, and second, that of determining and implementing the policies to be adopted by the United Nations following Japan’s unconditional surrender. As regards the first problem, since the United Nations in their joint declaration of January 1, 1942 announced “that complete victory over their enemies is essential”, it is to be assumed that each of these nations will be completely satisfied by an unconditional surrender.

As for the second problem, those countries which have actively participated in the war against Japan will have the major responsibility for carrying through whatever policies are adopted. Consequently, those countries, rather than all the United Nations at war

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*January 21; see memorandum by the Director of the Office of Far Eastern Affairs, June 23, p. 1266, and footnote 56.
with Japan, should determine the basic policies and procedures to be followed subsequent to Japan's unconditional surrender. Up to the present time, military and naval operations in the Pacific Theater have been carried on almost entirely by the United States so that this Government has a primary responsibility to formulate, at the earliest possible date, the basic policies and procedures which it believes should be followed in connection with Japan's unconditional surrender.

When this Government has determined its own policy, probably the most desirable way to reach an agreement on these matters with the other United Nations would be for the United States to present its views to the United Kingdom and China, and the Soviet Union, if it has entered the war against Japan. After a preliminary exchange of views among themselves on these matters, these countries might invite the other United Nations which have actively participated in the war against Japan also to express their views, in order to obtain the largest possible measure of agreement. After receiving their suggestions, the leading powers should formulate definitively the documents containing the basic policies and procedures and transmit these documents to the other United Nations which have actively participated in the war against Japan.

6. What Nations Should Discharge the Responsibilities and Exercise the Powers Resulting from the Unconditional Surrender of Japan?

Many of the United Nations at war with Japan will be unable to participate in combat operations against the homeland of Japan or to discharge the responsibilities arising from this unconditional surrender, such as the responsibilities connected with the military government of Japan. The Department of State has recommended that:

With the completion of military operations and after the unconditional surrender of Japan, there should be, so far as practicable, allied representation by those countries which have actively participated in the war against Japan in the army of occupation and in military government. (Japan: Occupation and Military Government: Composition of Forces to Occupy Japan—PWC-111.)

If such a policy is adopted, it is impossible to determine at the moment just what countries would be affected, but it is reasonable to assume that at least the United States, the United Kingdom, and China would be considered as having actively participated in the war against Japan. Other countries which so far are in a position to make a similar claim include Australia, New Zealand, Canada, the Netherlands and the Philippines. Additional countries having territories in the Far East which so far have not participated in the war
against Japan, may at a subsequent date do so and thereby establish a claim for representation.

To be consistent with the recommendation of the Department just cited, the responsibilities resulting from unconditional surrender should be discharged, and the powers should be exercised primarily by the United States, China and the United Kingdom, and the Soviet Union, if it has entered the war against Japan, with the assistance of those United Nations which have actively participated in the war against Japan.

7. Extent of Authority to be Exercised

The Department of State has recommended the military occupation of Japan, and that adequate forces be available.

To occupy all of the prefectural capitals, other important cities and strategic areas, including divisional headquarters and industrial districts, as soon as possible after capitulation of Japan. (See: Japan: Occupation and Military Government: Extent of Occupation—PWC—110a.)

The unconditional surrender of Japan would make it possible for the United Nations to assume the supreme authority with respect to Japan and to exercise powers beyond those given a military occupant by international law. There would seem to be considerable advantage in the United Nations incorporating in a document or documents those measures which they intend to impose on Japan following its unconditional surrender and the general policy they expect to follow in regard to the post-war treatment of Japan.

The documents should be transmitted to the Japanese upon the receipt of their acknowledgment of unconditional surrender and should specify the initial military measures with which Japan must comply as the consequence of unconditional surrender. They should, for example, provide for military government by the United Nations in Japan and for the demobilization and disarmament of the Japanese armed forces. They should state that, in addition, the United Nations would exercise whatever political and economic functions may be necessary to achieve their objectives and that directives to that effect would be issued from time to time.

A statement of the policy of the United Nations in regard to the treatment of Japan might emphasize that: (1) The United Nations aim to destroy Japanese militarism and those forces responsible for Japanese aggression and thus to prevent Japan from again becoming a menace to world peace. (2) The United Nations have as their basic objective and ultimate aim the formation of a “Japan properly discharging its responsibilities in the family of peaceful nations”.

87 April 17, p. 1230.
The United Nations will, as soon as conditions in Japan permit, facilitate the establishment of a government by the Japanese people which will forward these policies. These objectives indicate that the United Nations do not intend to destroy Japan as a state or permanently to subordinate it to the United Nations.

There would be several advantages to the issuance by the United Nations of such basic documents. In the first place, if the Japanese are given some definite indication of the conditions to be imposed on Japan and if they are assured that the United Nations do not intend to destroy Japan as a state, they would be more likely to collaborate with the civil affairs administration. In the second place, the enunciation of these principles should give encouragement to whatever democratic and moderate elements still remain in Japan, as it would indicate the willingness of the occupation authorities to assist in the development of democracy in Japan. In this way, the Japanese would know what was expected of them and would know better how to work towards the reformation of their own country in line with the desires of the United Nations.

8. Special Aspects of Japanese Surrender

The “unconditional surrender” of Japan will be influenced by certain other factors which require analysis. Hostilities against Japan may continue for some time beyond those in Europe. This situation will enable the United Nations to profit from the experiences in Germany, and, where conditions are similar, to modify the procedures related to the unconditional surrender of Japan. Therefore, whatever measures are drafted at the present time should be considered tentative and subject to revision as a result of the European experience.

Even if both the highest military and civil officials in Japan proper should be willing to sign an unconditional surrender instrument, it is likely that there will be isolated contingents on the Asiatic mainland (especially in North China and Manchuria) which will refuse to recognize or abide by the decision reached by their superiors at home. Similar units may exist in isolated places within Japan. The capitulation of any such units could probably be brought about only by direct action against them rather than by continued hostilities against the main centers of Japanese resistance. If it is apparent that the highest recognized military authorities cannot exercise control over any such units the allied occupation authorities should be prepared, nevertheless, to accept the unconditional surrender of Japan in the homeland.

*May 4, p. 1235.*
The probable disposition of the Japanese to fight to the end might be moderated if the leaders of the United Nations continue publicly to emphasize the following points:

1. Japan will be expected to surrender unconditionally, but the measures consequent upon this surrender will not be enforced in a spirit of vindictiveness;
2. There will be military occupation of Japan, and political controls and economic restrictions over Japan will be necessary, but these limitations will be progressively relaxed as Japanese attitudes and actions warrant.
3. The ultimate aim of the United Nations is not the destruction of Japan as a nation but the emergence of a Japan properly discharging its responsibilities in the family of nations.

9. Need for Consultation with Our Allies

In view of the importance of the various policies and procedures connected with the unconditional surrender of Japan, as outlined above, it would seem advisable for the Department of State at the earliest possible date, to present the views of this Government to the United Kingdom and China, and the Soviet Union, if it has entered the war against Japan, for their consideration and for the formulation of a common policy.

III. Recommendations

The following recommendations have been considered from the point of view of what now seem to be the most desirable policies and procedures to follow. It may be, however, that conditions both inside and outside Japan will develop in such a way that some of these policies and procedures will not be entirely applicable.

Consequently, it may be necessary to issue supplementary recommendations or to authorize the Allied Theater Commander to decide, within certain designated limits, the most desirable course to follow under the circumstances as they may exist.

It is recommended that:

1. The Emperor should proclaim that Japan has surrendered unconditionally to the United Nations at war with Japan and should command the armed forces and people of Japan to offer no opposition to any measures which the Allies may adopt. At the same time, a document acknowledging Japan's unconditional surrender and stating that the armed forces and people of Japan have been ordered to offer no opposition to the Allies should receive the Emperor's official signature and privy seal, should be countersigned by the highest available representatives of the Japanese High Command, and should be delivered to the Allied Theater Commander. This document will constitute the instrument of unconditional surrender of Japan.
2. The Allied Theater Commander for Japan, being duly authorized, should receive the unconditional surrender of Japan on behalf of all of the United Nations at war with Japan.

3. If the several requirements as to the acknowledgment of unconditional surrender by the Emperor are not fulfilled, the Theater Commander should be empowered to determine whether, in the light of existing circumstances, he would accept unconditional surrender of Japan by the highest military authorities of Japan or whether he would by proclamation take over supreme authority of Japan, exercise the necessary powers, and issue directives as provided in Recommendations 7, 8 and 9. In view of the political implications of such a decision, he might wish to have the question brought to the attention of the political authorities of the United Nations principally concerned.

4. In order to fulfill any obligations arising from the United Nations Declaration to the effect that they will not make a separate peace, the United States, the United Kingdom, and China, and the Soviet Union, if it has entered the war against Japan, should, at the appropriate time, inform the other United Nations at war with Japan that they intend to proceed on the basis of the provisions of Recommendation One and Two.

5. To determine the basic policies and procedures to be followed subsequent to Japan’s surrender, the United States should present its views on this subject to the United Kingdom and China, and the Soviet Union, if it has entered the war against Japan, as a preliminary step towards reaching a general agreement. These nations should then invite the other United Nations which have actively participated in the war against Japan to express their views. After receiving suggestions which may be presented, the leading powers should formulate definitively the documents containing the basic policies and procedures and transmit these documents to the other United Nations which have actively participated in the war against Japan.

6. The United States, the United Kingdom, and China, and the Soviet Union, if it has entered the war against Japan, should, with the assistance of those other countries which have actively participated in the war against Japan, exercise the powers and discharge the responsibilities resulting from the unconditional surrender of Japan.

7. Upon Japan’s unconditional surrender the Allied Theater Commander for Japan, being duly authorized, should deliver to Japan the documents referred to in Recommendation Five which would state (a) the initial military and other measures with which Japan must comply in consequence of unconditional surrender, and (b) the general policy of the United Nations in regard to the treatment of Japan.
8. These basic documents should also state, *inter alia*, that the Allies will provide for military government in Japan, and that in addition, they will exercise supreme legislative, judicial, and executive authority and power to be outlined in later directives.

9. The statement of general policy to be included in these basic documents should emphasize the fact that (a) The United Nations aim to destroy militarism and those forces which are responsible for Japanese aggression, but not to destroy Japan as a state; (b) The United Nations have as their basic objective and ultimate aim the emergence of a Japan properly discharging its responsibilities in the family of nations; (c) The United Nations will, as soon as conditions in Japan permit, facilitate the establishment of a government by the Japanese people which will forward these policies.

10. The Allied Theater Commander for Japan, being duly authorized, should be prepared to receive the unconditional surrender of Japan, even though certain contingents of Japanese armed forces refuse to acknowledge that surrender and continue resistance.

11. The leaders of the United Nations should, in anticipation of unconditional surrender, publicly affirm that (a) the measures consequent upon unconditional surrender will not be enforced in a vindictive spirit; (b) the necessary restrictions and controls on Japan following surrender will be progressively relaxed as Japanese attitudes and actions warrant; (c) the ultimate aim of the United Nations is not the destruction of Japan as a state but the emergence of a Japan properly discharging its responsibilities in the family of nations.

12. The Department of State should, as soon as possible, take such steps as are necessary to obtain the approval of these policies and procedures by the United Kingdom and the Republic of China, and the Soviet Union, if it has entered the war against Japan.

Originally prepared and reviewed by the Inter-Divisional Area Committee on the Far East.

Reviewed and revised by the Committee on Post-War Programs, November 10, 1944.

890.00/11-2144: Telegram

*The Acting Secretary of State to the Ambassador in the United Kingdom (Winant)*

WASHINGTON, November 21, 1944—7 p.m.

9791. Reports received here indicate that the British and Dutch may have reached common understandings as to political, security or economic aspects of the future of Southeast Asia and have included or hope to include the French in such common understandings. The
President desires that it be made clear to all appropriate officers of the Government that we expect to be consulted on any arrangements as to the future of Southeast Asia. In your discretion please inform the Foreign Office of this Government's position on some appropriate occasion and in such manner as you deem advisable. Please inform Schoenfeld citing this as Department's Neter No. 12.

Sent to London, repeated to Paris as Department's 497.

STETTINIUS

Agreement No. 36

Agreement Between the United States and the Netherlands Indies

PRINCIPLES GOVERNING ARRANGEMENTS FOR CIVIL ADMINISTRATION AND JURISDICTION IN NETHERLANDS TERRITORY IN THE SOUTHWEST PACIFIC AREA

The discussions which have taken place between the Netherlands and the United States representatives concerning the principles which will govern questions of civil administration and jurisdiction of Netherlands territory in the Southwest Pacific Area liberated by Allied forces under the Commander in Chief of that area, have led to agreement upon the following broad conclusions.

The principles set out below are designed to provide a practical solution of immediate problems and to facilitate as far as possible the work of the Commander in Chief and thereby the common purpose of the Allied Governments, to expel the Japanese from the Netherlands Indies and gain final victory over Japan. It is understood that these arrangements in no way affect the sovereignty of the Netherlands Government.

1. In combat areas, it is recognized that the Commander in Chief, Southwest Pacific Area, will, to the extent necessitated by the military situation, possess de facto authority to take all necessary measures.

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* Rudolf E. Schoenfeld, Minister-Counselor of Embassy near the Governments of Belgium, Czechoslovakia, Netherlands, Norway, and Poland, established in England.
* Filed in the Office of the Legal Adviser.
* In a letter of transmittal on December 10 to Dr. H. J. van Mook, General MacArthur said he had been authorized "to formalize the agreement which you and I reached informally during your visit to Australia last March" and that "All details of the draft which was prepared at that time have been approved, with the exception of a minor change in the wording of the second paragraph of the preamble." In reply the same day, Dr. van Mook accepted and signed the draft agreement and suggested that Australia be informed of the contents of the agreement. On December 22 General MacArthur wrote Dr. van Mook that he was writing the Australian Prime Minister and suggested that the Netherlands similarly inform Australia. (Copies of letters of December 10 and 22, 1944, are filed in the office of the Legal Adviser.)
2. It is agreed that the Netherlands Government will resume as rapidly as practicable, even in combat areas, full responsibility for the civil administration of reoccupied Netherlands territory. To accomplish this, it will reestablish the Netherlands Indies administrative and judicial services as rapidly as possible and will make available key members of its civil administrative service to accompany the military forces reoccupying Netherlands territory. The Commander in Chief will, as rapidly and as fully as the military situation in his judgment permits, notify the Lieutenant-Governor-General of the extent to which such responsibility should be resumed.

3. As long and in so far as the full responsibility for the civil administration has not yet been transferred to the Netherlands Government, the allied military commanders will, as a rule, for matters relative to the civilian population, make use of the intermediary of the Netherlands Indies civil affairs officers available in the area.

4. The Netherlands Indies Government will, in any territory wherein it has resumed responsibility for the civil administration, render all possible assistance to the Commander in Chief in the prosecution of the war, particularly with reference to the use of ports, lines of communication and airfields and other facilities of military importance.

5. Appointments in the Netherlands Indies administrative and judicial services will be made by the competent Netherlands Indies authorities in accordance with Netherlands Indies law.

6. Members of the Netherlands armed forces serving in Netherlands units with the Allied forces in Netherlands territory shall come under the exclusive jurisdiction of Netherlands courts. Netherlands subjects who, at the time of entering the Netherlands Indies, are serving as members of the Allied forces under conditions which render them subject to the naval, military or air force law of another Allied Government, will not be regarded as members of the Netherlands armed forces for this purpose.

7. In the exercise of jurisdiction over civilians, the Netherlands Indies authorities will make the necessary arrangements for ensuring the speedy trial in the vicinity by Netherlands Indies courts of such civilians as are alleged to have committed offences against the persons, property or security of the Allied forces, without prejudice however to the power of the Commander in Chief, Southwest Pacific Area, if military necessity in his judgment so requires, to bring to trial before a military court any such civilian.

8. Without prejudice to the provisions of paragraph 14, the Service courts and authorities of the Allies whose forces are cooperating with the Netherlands forces in the liberation of Netherlands territory will have exclusive jurisdiction over all members of their respective forces
and over all persons of non-Netherlands nationality not belonging to such forces who are employed by or who accompany those forces and are subject to their naval, military or air force law. The question of jurisdiction over such merchant seamen (of non-Netherlands nationality) as are not subject to Allied Service law will require special consideration and should form the subject of a separate agreement.

9. a. Persons who are subject to the exclusive jurisdiction of Netherlands authorities, as mentioned in paragraph 6, may, in the absence of Netherlands authorities, be arrested by Allied military police and detained by them until they can be handed over to competent Netherlands authorities.

b. Persons subject to the exclusive jurisdiction of the Allied Service courts and authorities, as mentioned in paragraph 8, may, however, be arrested by the Netherlands Indies police for offences against Netherlands Indies law and detained until they can be handed over to the appropriate Allied Service authority. A certificate signed by an Allied Service officer of field rank or its equivalent, that the person to whom it refers belongs to one of the classes to whom paragraph 8 applies, will be conclusive. The procedure for handing over such persons is a matter for local arrangement.

10. The Commander in Chief, Southwest Pacific Area, and the Netherlands Indies authorities will take the necessary steps to provide machinery for such mutual assistance as may be required in making investigations, collecting evidence and securing the attendance of witnesses in relation to cases triable under their respective jurisdictions.

11. Members of the Allied forces referred to in paragraph 8 and organizations and persons employed by or accompanying those forces, and all property belonging to them or to their Governments, shall be exempt from all Netherlands Indies taxation (including customs) except as may be subsequently agreed between the Netherlands Government and the Allied Governments concerned. The authorities of such forces will take the necessary steps to ensure that such property is not sold to the public in the Netherlands Indies except in agreement with the Lieutenant-Governor-General.

12. The Netherlands Indies authorities, in accordance with Netherlands Indies law, will make available to the Commander in Chief, Southwest Pacific Area, such labor, billets and supplies, the use of lands, buildings, transportation and other services as he may request for the military needs of his command.

13. The immunity from Netherlands Indies jurisdiction and taxation resulting from paragraphs 8 and 11 will extend to such selected civilian officials and employees of the Allied Governments present in the Netherlands Indies on duty in furtherance of the purposes set forth in the preamble hereto, as may from time to time be notified by
14. Should circumstances in future be such as to require provision to be made for the exercise of jurisdiction in civil matters over non-Netherlands members of the Allied forces present in the Netherlands Indies, the Allied Governments concerned and the Netherlands Government will consult together as to the measures to be adopted.

15. Other questions arising as a result of the liberation of Netherlands territory by Allied forces (in particular questions relating to finance and currency, the handling of claims for compensation for damage or injury preferred by Netherlands subjects) which are not dealt with in this statement of principles are subject to separate agreement as far as necessary.

16. It is understood that when changes in the situation make it urgently necessary, the Commander in Chief, Southwest Pacific Area, and the Lieutenant-Governor-General may by mutual agreement temporarily modify or suspend the application of any of the provisions of this agreement, subject to later confirmation by the United States and Netherlands Governments.

H. J. van Mook
Lieutenant-Governor-General,
Netherlands Indies.

10 December 1944.

Douglas MacArthur
Commander in Chief,
Southwest Pacific Area.