Title of Document: 「公文書の焼却・隠匿と天皇の免責」 "Destruction and Concealment of Official Documents and Exemption from the Emperor's Responsibility"

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Date of issue: July 30, 2000

Character of Document: Opinion paper presented for the "Tribunal."

Based on various materials, this document clarifies the fact that after the end of the war, the Japanese government, through a Cabinet decision, collaborated with the U.S. to destroy evidence by burning or concealing official documents and to exempt the Emperor from his responsibility.

Location of the part concerned within the document:

Quote [copy of the original attached]: See the attached paper. The summary is given below.

I made it clear based on various materials that during the period of two weeks between August 14, 1945, when the Japanese government accepted the Potsdam Declaration, and August 28, 1945, when occupation by GHQ started, the three steps were taken:

1. The Cabinet decided to burn official documents.
   (a) The incineration of military-related materials, in particular, was tried thoroughly even on the municipal level.
   (b) Fearful of follow-up investigation by the Allied Powers, the government orally ordered to burn documents to destroy evidence of the order itself.
   (c) It was strictly forbidden to mention war crimes.

2. Important confidential materials, including Imperial orders, were concealed systematically.

3. Japan and the U.S. closely "collaborated" to exempt the Emperor from his responsibility. As a result, the Emperor's war responsibility was not tried by the Tokyo tribunal.

I hereby swear on this 6th day of November 2000, that the information contained above is accurate and the quote genuine.

YOSHIDA Yutaka
Destruction and Concealment of Official Documents and Exemption from the Emperor's Responsibility

YOSHIDA Yutaka

Destruction of official documents

On August 14, 1945, the Japanese government informed the final acceptance of the Potsdam Declaration of the Allied Powers. On August 28, the advance party of the US military arrived at Atsugi Airport and the occupation by the General Headquarters (GHQ) really started. There was a time lag of two weeks between these events. What is important is that, as Arnold C. Brackman pointed out in his book The Other Nuremberg (1987), Japanese militarists took advantage of this period for destroying evidence kept in storehouses that would prove Japanese war crimes. Here, I focus on the incineration of official documents.

First, the fact must be confirmed that this act was a measure according to a Cabinet decision. HIROSE Toyosaku, then Finance Minister under the Suzuki Kantaro Cabinet, looked back on those days, saying, "Immediately after the end of the war, I also burned documents according to the government policy. This is what we decided at a Cabinet meeting" (Research and Planning Division, Minister's Secretariat, Ministry of Finance, ed., Memoirs: Wartime Finance History, Okura Zaimu Kyokai, 1978). OYAMA Fumio, former Army Lieutenant-General in charge of legal affairs, replied to the Justice Ministry's postwar survey that documents were destroyed under the government order (KITA Hiroaki ed., Tokyo Tribunal: Materials Related to OYAMA Fumio, Fuji Shuppan, 1987).

Next, it must be pointed out that materials related to the military, in particular, were burned thoroughly. HATTORI Takushiro noted in his book History of the Greater East Asia War (Hara Shobo, 1965):

-- When this matter [the acceptance of the Potsdam Declaration] was decided at a Cabinet meeting, the incineration of confidential documents had started at Ichigaya where the Army central office was situated. Immediately after the Imperial decision to end the war, the head of the General Affairs Bureau of Army General Staff Headquarters and the Adjutant general of the War Ministry sent notification of the burning of confidential documents to all the Army units. Black smoke was climbing due to document burning at Ichigaya from the afternoon of August 14 through August 16.

The fact that even military affairs documents at a municipal level were burned in various parts of Japan indicates how thoroughly the military tried to destroy evidence. In fact, there are only a few cases where considerable
quantities of military affairs documents remain for specific reasons, for example, because military affairs officials refused to burn documents. Such municipalities include former Shoka-mura (now Tonami, Toyama Prefecture), former Naka-mura (Mooka, Tochigi Prefecture), former Higashimurayama-cho (Higashimurayama, Tokyo), former Goka-mura (Mitsukaido, Ibaraki Prefecture), former Futase-cho (Iizuka, Fukuoka Prefecture), former Wada-mura and Takashi-mura (Joetsu, Niigata Prefecture) (Joetsu Compilation Committee ed., History of Joetsu City, Annex Vol.7, Military Affairs Materials, Joetsu City, 2000).

Moreover, the fact cannot be overlooked that the Japanese government was fear of the follow-up investigation by the Allied Powers and ordered orally to burn official documents to destroy evidence of the order itself. Here, I discuss the Home Ministry that was deeply involved in the "comfort station" system. OKUNO Seisuke, who, as a Home Ministry official, visited several regional offices to transmit the Ministry's order to burn documents, said as follows (Historical Materials Compilation Office of the College of the Home Affairs, Forum for Discussing the Time When YAMAZAKI Iwao Was in the Position of the Home Minister, 1960):

-- We did not know just when US forces would land on Japan after [August] 15. If they find such documents, that will get us into trouble. Therefore, we decided to keep some records and transmit other matters orally, ... and then we assigned and visited regional offices.

In addition, OKUNO said in another discussion meeting, "I wrote a policy paper on the burning of documents, got approval from the Army and the Navy, and called on regional superintendent-generals to transmit the policy" (Showa 13th Year Group Meeting: Talk about the period when they worked for the Home Ministry, Taika, No.108, 1988). This remark shows that the Home Ministry's order to burn documents was based on the agreement with the military.

Meanwhile, apart from the destruction of official documents, there is another fact to be confirmed that it was strictly forbidden to mention war crimes committed under superiors' orders. According to Authentic History of the Japanese Military Police edited by the compilation committee of the National Association for Former Military Police (Kenbun Shoin, 1976), when General YAMASHITA Tomoyuki, former commander of the 14th Area Army, was put into war crimes trial in the Philippines, Lieutenant-General MUTO Akira, former Chief of Staff, the 14th Area Army, who was taken to a camp for war crime suspects, testified as a witness that he gave the following instruction to Japanese military officers and soldiers:

-- You become special attack members and minimize damage caused by the
trial. In honor of the Japanese Army and the State of Japan, never say that the commanding officer of the unit or corps issued orders to kill local residents held as POWs. Your country will never abandon you and your family.

As a result of this instruction, "superiors denied the issuance of all orders, so conduct done by subordinates under the order had negative effects on them, according to the same book.

Concealment of official documents

On the other hand, the systematic concealment of important confidential materials was tried. Those materials are classified into two categories. One relates to supreme national policies, including policies decided at the Imperial Headquarters-Government Liaison Conference meetings and imperial conferences. The former Army staff, including HATTORI Takushiro and HARA Shiro, continued to keep these documents secretly until the end of the occupation without being investigated by the US military (Compilation Committee of the HARA Shiro Memorial Collection, Mourning over the Death of HARA Shiro, Not for sale, 1993).

The other category is Dairikurei and Daikairei, or the Emperor's supreme orders. Dairikumei means orders given to the Army. Former staff officers, including MIYAZAKI Shuichi and HATTORI Takushiro, continued to conceal Dairikumei documents in "a certain place in Tokyo" or their own houses until the end of occupation according to the "Career Note" attached to the Dairikumei document held by the War History Department of the National Institute for Defense Studies of the Defense Agency.

Daikairei means orders given to the Navy. Daikairei documents were also held secretly by a staff officer group, including TOMIOKA Sadatoshi (Maru, June 1978). In this respect, TOMIOKA himself wrote as follows (Historical Material Survey Group ed., Pacific War and TOMIOKA Sadatoshi, 1971).

-- When the war ended, I, Chief of the First Bureau, the Naval General Staff, held the original text of Daikairei and was ordered to burn it. This is because the government was fearful of the problem of the Emperor's war responsibility and war crimes. ... At first I also thought it should be burned, but in fact I did not burn but concealed it because if it was burned, the families of the war dead would be embarrassed. If there is no evidence that all of them went to the front under the Emperor's order, the war bereaved would be at a loss. GHQ ordered me to reproduce it because they would have a difficulty in holding a trial without it. So I submitted the document after modifying improper words and sentences.
As mentioned above, the systematic destruction and concealment of official documents were implemented as a part of efforts to make war crimes invisible. In this context, the postwar war crimes tribunal was carried out under those circumstances where the Allied Powers could not get important materials that could prove the responsibility and involvement of the government senior officials and the military officers and the Emperor, in particular.

Exemption from the Emperor's responsibility

What made the relevant matter more complex is GHQ's attitude: Under the virtually U.S. military occupation of Japan, GHQ took advantage of the Emperor's authority to implement occupation policies as smoothly as possible. That is why the Tokyo tribunal did not deal with the Emperor's war responsibility at all. Several studies have rather concretely clarified how the Emperor was exempted from his responsibility: For example, AWAYA Kentaro and NHK Reporting Team, Path to the Tokyo Tribunal (Japan Broadcasting Corporation, 1994), HIGASHINO Shin, Showa Emperor's Two "Monologues," (Japan Broadcasting Corporation, 1998), and YOSHIDA Yutaka, History up to Showa Emperor's Termination of the War (Iwanami Shoten, 1992). Therefore, in this paper I would like to introduce an important historical material I have recently found. That is the "Document of an Interview with SHIOBARA Tokisaburo, Former Lawyer of the International Military Tribunal for the Far East" written by the Judicial System and Research Department of the Justice Ministry (The paper is owned by Yasukuni Kaigyo Bunko). It says as follows:

-- When being interviewed in 1961, SHIOBARA told the following fact as an "inside story about the interrogation of TOJO as to the Emperor's responsibility." One day, General Courtney Whitney (Chief of the General Section) said to former Navy Admiral YONAI Mitsumasa, "TOJO will undergo an interrogation soon. What reply will he give with respect to the Emperor's responsibility? A major problem might occur depending on his reply. President Truman, General MacArthur and I want to conclude that the Emperor is not responsible so that the national polity, or 'kokutai,' might not be damaged. Of course, there is considerable objection in the U.S. If TOJO gives a reply which will fuel such objection, it's all up with us. Don't you know how he will reply?" Hearing about this matter from YONAI, SHIOBARA said, "TOJO will never give a reply which will have an effect on the Emperor. But I think it is necessary to talk with him so that he can reply taking into account the U.S. public opinion." Soon after that, SHIOBARA
met with TOJO in Sugamo prison and discussed how to respond to the prosecution's questioning.

-- Moreover, chief prosecutor Joseph B. Keenan called SHIOBATA and said, "I will give questions like this. How will TOJO answer?" Then they consulted about the matter at Keenan's. This incident was also informed of the Emperor through Prince Higashikuni. The Emperor seems to have paid much attention to the attitude of the defense toward this matter. It can be said that this is an episode of Keenan's questioning to TOJO at the Tokyo trial.

As mentioned above, there was a close linkage under the surface between Japan and the U.S. with respect to the problem of the exemption from the Emperor's responsibility. That is why the Tokyo tribunal is said to have an aspect as a collaborative political trial by Japan and the U.S.