JAPANESE WAR TRIALS PAPERS

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The College of William and Mary in Virginia

Form of material and dates: Dated 1945-1948. Introduction is given to these papers by an address by Joseph B. Kennan, chief counsel for the prosecution, "Our relations in the Far East as they appear in the International War Crimes Trial in Tokyo," 26 Oct. 1946, and a similar address by Francis Biddle, "The Nuremberg Trial," reprinted from the Proceedings of the American Philosophical Society, Vol. 91, No. 3, 1947. The papers include typescripts of the teletype messages from the United States representative of the International Prosecution Section in Tokyo and representatives of the Judge Advocate Corps, the Dept. of Justice, the Dept. of State, the War Crimes Board, and others in Washington, D.C., as well as material brought forward in the trials, etc. Included are the opinions of several of the justices and statements by Cordell Hull, Joseph C. Grew, Henry L. Stimson, Otto Lowe, and others.

Number of items; Date received; Source
391 items; June 1964; Presented by Mr. Otto Lowe, Washington, D.C.
Acc. no. 82-35 11 photographs; Aug. 1982; Gift of Peter Nebergall, Williamsburg, Va.

Remarks: OCLC #03057383
Contents

This material regarding the War Trials held in Tokyo after World War II, was collected by Mr. Otto Lowe, personal representative in Washington, D. C., of Joseph B. Keenan, Chief of the International Prosecution Section for the Japanese War Trials.

BOX I.

1944, 1 June 5. OTTO LOWE, Washington, D. C., to DR. DAVIS Y. PASCALL, President, College of William and Mary, Williamsburg, Va. PstTLS.

Re. the gift of the Papers to the College, and the position of the trials in International Law.

1945, 2 December 27. "Staff Meeting, 10 A.M." 3 pieces. ADr.

1945, 3 December 28. "Restricted. International Prosecution Section, SCAP, Assignment Chart. Preparation of Trial Brief of Facts. JOSEPH B. KEENAN, Chief of Counsel." FM.

1945-1946 4 "Documents requested by Mr. KEENAN" from 28 December 1945 to 10 July 1946. 20 pages. TCop.

1946, 5 Memorandum sheets with entries from May 11 to June 19. TADr.


Enclosing photostatic copies of articles on the legality of war crime trials.

7 June 26. OTTO LOWE to CARLISLE W. HIGGINS, GHQ-SCAP. TCop.

Copy of letter enclosing affidavit from JOSEPH C. GREW.

8 Folder A.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST.

2 June. JOSEPH B. KEENAN, Chief of Counsel, International Prosecution Section, General Headquarters, Supreme Commander for the Allied Powers, APO 500 c/o Postmaster, San Francisco, Calif., to OTTO LOWE, Department of Justice, Washington, D. C. TLS.

Letter covering attached copies of the Opening Statement on behalf of the Prosecution.

"Opening Statement of the Prosecution" Mimeographed. 56 pp.
"INDICTMENT." "INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST"
Mimeographed. 14 pp.

"APPENDIX A." Mimeographed. 10 pp.

"APPENDIX B, C." Mimeographed. 9 pp.

"APPENDIX D." Mimeographed. 6 pp.

"APPENDIX E." Mimeographed. 6 pp.

"ERRATUM, COUNT 52." Mimeographed. 1 p.

"LISTS OF CLASS 'A' JAPANESE WAR CRIMINAL SUSPECTS." TCop. 5 pp.
Marked "Top secret".

"CRIMES COMING WITHIN THE JURISDICTION OF THE TRIBUNAL FOR WHICH THERE
SHALL BE INDIVIDUAL RESPONSIBILITY"
TCop. 5 pp.

"COPY OF SUGGESTED REPLY BY JOSEPH B. KEENAN TO COMMANDER IN CHIEF,
DATED DECEMBER 22, 1945, RE: JUDGES, ETC. FOR INTERNATIONAL
TRIBUNAL"
TCop. 10 pp.
Marked "Secret" and "Top Secret".

"COPY OF MEMO FROM COL. H. W. ALLEN TO JOINT CHIEFS OF STAFF DATED
DECEMBER 9, 1945, RE: conference with Judge Keenan dealing with
broader aspects of Class A war criminals.
CORRESPONDENCE RELATING TO POSTPONEMENT OF TRIAL OF TOJO PENDING
DETERMINATION AS TO WHETHER IT IS DESIRED TO TRY HIM IN CATEGORY
I "A" RATHER THAN AN OFFENDER AGAINST SPECIAL U. S. INTERESTS."
TCop. 9 pp.
Marked "Top Secret".

"APPOINTMENT, BY THE PRESIDENT, OF JOSEPH B. KEENAN AS CHIEF, INTERNATIONAL
PROSECUTION SECTION" TCop. 5 pp.
Marked "Restricted".

"DIRECTIVE ON THE IDENTIFICATION, APPREHENSION AND TRIAL OF PERSONS
SUSPECTED OF WAR CRIMES. TCop. 15 pp.
Some pages marked "Top Secret".

"CHARTER OF THE INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST"
TCop. 14 pp.

"SPECIAL PROCLAMATION—ESTABLISHMENT OF AN INTERNATIONAL MILITARY
TRIBUNAL FOR THE FAR EAST" TCop. 10 pp.
"BASIC INITIAL POST SURRENDER DIRECTIVE TO SUPREME COMMANDER FOR THE
ALLIED POWERS FOR THE OCCUPATION AND CONTROL OF JAPAN.
STATE-WAR-NAVY COORDINATING COMMITTEE MEMORANDUM FOR INFORMATION
NO. 20 SURRENDER OF JAPAN." TCop. 37 pp.
Some items marked "Secret" and "Top Secret"

"OFFICIAL TEXT OF POTSDAM SURRENDER ULTIMATUM."
TCop. 10 pp.

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File No. 1.
RE: WAR CRIMES - TELETYPExE CONFERENCES.
December 28, 1945 thru March 27, 1946

1946,
March 27. Teletype Conference. TCop. 13 pp.
March 13. Teletype Conference. TDr, TCop. 16 pp.
March 6. Teletype Conference. TDr. 13 pp.
February 27. Teletype Conference. TCop. 14 pp.
Marked "Restricted."

February 6. Teletype Conference. TCop. 20 pp.
January 30. Teletype Conference. TDr. 9 pp.
January 23. Teletype Conference. TDr. 9 pp.
January 3. Teletype Conference. TCop. 11 pp.

1945,
December 28. Teletype Conference. TCop., TDr. 7 pp.

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File No. 2.

RE: WAR CRIMES - TELETYPExE CONFERENCES.
April, 1946 thru August 7, 1946.

LIST OF PERSONNEL, PROJECT "K", TOKYO, April 9, 1946. TDr, TCop.
37 pp.
Bound inside front cover of the file folder.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
<th>Pages</th>
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<tr>
<td>1946, August 7</td>
<td>Teletype Conference</td>
<td>TCop. 11 pp.</td>
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<td>July 31</td>
<td>Teletype Conference</td>
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<td>June 4</td>
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<td>May 28</td>
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<td>April 24</td>
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<td>TCop. 13 pp.</td>
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<td>April 17</td>
<td>Teletype Conference</td>
<td>TCop. 10 pp.</td>
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<td>April 10</td>
<td>Teletype Conference</td>
<td>TCop. 16 pp.</td>
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<td>April 3</td>
<td>Teletype Conference</td>
<td>TCop. 17 pp.</td>
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<td>April 3</td>
<td>Teletype Conference</td>
<td>TDr, E. 3 pp.</td>
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<td>March 27</td>
<td>Resume of Received Telecon</td>
<td>TDr. 2 pp.</td>
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**BOX II**

/ File No. 3
TELETYPE CONFERENCES.
August 14, 1946 thru February 12, 1947

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<td>TCop. 8 pp.</td>
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February 5. Teletype Conference. TCop. 10 pp.
January 29. Teletype Conference. TCop. 10 pp.
January 8. Teletype Conference. TCop. 6 pp.
January 2. Teletype Conference. TCop. 6 pp.

December 18. Teletype Conference. TCop. 8 pp.
December 11. Teletype Conference. TCop. 8 pp.
December 2. Teletype Conference. TCop. 10 pp.
November 20. Teletype Conference. TCop. 8 pp.
November 13. Teletype Conference. TCop. 6 pp.
November 6. Teletype Conference. TCop. 6 pp.
November 1. Teletype Conference. TCop. 6 pp.
October 24. Teletype Conference. TCop. 4 pp.
October 23. Teletype Conference. TCop. 3 pp.
October 16. Teletype Conference. TCop. 7 pp.
October 2. Teletype Conference. TCop. 9 pp.
September 25. Teletype Conference. TCop. 7 pp.
September 11. Teletype Conference. TCop. 7 pp.
September 4. Teletype Conference. TCop. 8 pp.
August 28. Teletype Conference. TCop. 8 pp.
Folder B.
(Untitled. As received from Mr. Lowe.)

1946,
May 15. MR. LOWE to DR. BROWN. TCop. "Some practical considerations for brief."


"THE CRIME OF CONSPIRACY". TCop. 16 pp.


, April 24. Dr. BRENDA F. BROWN, The Catholic University of America, Law School. TCop. 13 pp.

A COMPILATION OF STATE CRIMINAL CONSPIRACY STATUTES. TCop. 35 pp.


"THE CRIME OF CONSPIRACY." TCop. 18 pp.


"INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST ... INDICTMENT." Pst. 47 pp.

Folder C.
Duplicate photostats of last four items in Folder B.

Folder D.
June 14. CARLISLE W. HIGGINS, APO 500 (Tokyo) to MR. LOWE, War Crimes Branch, Civil Affairs Division, Washington 25, D. C. TLS.
Letter covering suggested affidavit to be sworn by MR. JOSEPH C. GREW.

Draft Affidavit to be sworn by Mr. Joseph C. Grew. TADr. 2 pp.

July 9. CARLISLE W. HIGGINS, APO 500 (Tokyo) to MR. OTTO LOWE, Washington. TLS., TCop.

July 1. OTTO LOWE to CARLISLE W. HIGGINS, APO 500 (Tokyo).
Letter covering affidavit by E. TOMLIN BAILEY.


June 10. ANDY OCHMANN, on "Office Memorandum, United States Government", to MR. LOWE. ALS.
Re: Affidavit of E. TOMLIN BAILEY with another copy of that affidavit. TCop. 13 pp.

June 27. OTTO LOWE to CAPT. ROBINSON and COL. SWEARINGEN. TCop.
"Subject: Extract from letter of GROVER C. HARDIN."

May 23. Notes. ADr.

June 13. OTTO LOWE to GROVER C. HARDIN, International Prosecution Section, APO 500. TCop.
Re: the STIMSON affidavit.

June 4. OTTO LOWE to GROVER C. HARDIN, Intern. Pros. Section. APO 500. TCop.
Re: Affidavits of GREW, HULL, STIMSON.

Affidavit of CORDELL HULL. TCop. 5 pp., 2 copies.

Affidavit of JOSEPH C. GREW. TCop. 13 pp., 2 copies.

Affidavit of HENRY L. STIMSON. TCop. 12 pp.

June 12. OTTO LOWE, Personal Representative, to WILLIAM D. WRIGHT, Chief Central Service Division, Department of State, Washington, D. C. TCop. 2 copies.
Re: affidavits for the trials in Tokyo.

June 4. OTTO LOWE to JAMES P. McGRANERY, The Assistant to the Attorney General. TCop., attached ADr.
"thank you for ... recent assistance"
June 4. OTTO LOWE to LAMAR CAUDLE, Assistant Attorney General, Criminal Division.
"thank you ... for your many acts"

June 6. M. S. ECCLES, Chairman of the Board of Governors of the Federal Reserve System, to OTTO LOWE, Civil Affairs Division, War Department, Washington, D. C.
Re. letter of appreciation from MR. LOWE.


June 3. OTTO LOWE to ALBERT E. KANE, Chief, Japanese Section, State Department. TCop.
"Thank you for ... assistance."

June 3. OTTO LOWE to WILSON L. HOOFF, Assistant Counsel, Federal Reserve System, TCop.
Re: document relating to the Japanese-Brazilian financial situation.

May 31-June 3. Journal of appointments. TDr, E.

May 28. THERON L. CAUDLE to OTTO LOWE. TCop. 7 pages.
"Itemized lists of documents" obtained for MR. KEEHAN.

May 24. HENDRICK VAN OSS, Acting Chief, Division of Biographic Intelligence, Japanese Biographical Files, to JOSEPH B. KEENAN, Chief, International Prosecution Section. TCop.
Re: "A photostat of the Japanese Biographical files of the OSS"

May 27. JOSEPH S. BROCK, Attorney, Department of Justice, to ALLEN T. KLOTS, New York, N. Y.
Re: affidavits for the trial.

May 28. GROVER H. to "My Dear OTTO." ALS.

May 27. OTTO LOWE to TOM C. CLARK, Attorney General of the United States. TCop.
"Request for certified copies of documents and reports--Japanese Trading Companies in the United States."

May 8. D. N. SUTTON to CARLISLE W. HIGGINS, Assistant to the Chief of the Counsel. TDr.
"Re: request for authority to secure copies of records from Embassy at Nanking."
May 2. to CARLISLE HIGGINS. TDr.
"Subject: Documents to be requested of Chinese Foreign
Ministry." TDr.
Enclosure. TCop. 4 pp.

TDr. 2 copies.
List of five books on Japan and the Far East.

May 23. R. J. BURKE to =... TL.
Re: sets of books on the Far East

May 28. O. L. to JOSEPH B. KEENAN
Re: reports being prepared by the Department of Justice.

May 11. JOSEPH B. KEENAN, Tokyo, to OTTO LOWE, Washington, D.C.
TLS.
Re: reports on the pre-war Japanese economy

May 11. BRIG. R. H. QUILLIAM to OTTO LOWE
Introducing COL. G. G. DEVERALL

May 19. Message from Hamilton Field, Calif., to War Department.
TCop.
Re arrival of LT. COL. DEVERALL. Attached: calling card
of GEORGE GRACE DEVERALL with endorsement PAM.

May 1. E. A. BAYNE, Department of State, to OTTO LOWE,
Department of Justice. TCop. 16 pp.
Enclosing "general historical memoranda on German-Japanese
relations....prepared by Dr. Erich Kordt." Marked "Confidential"

March 27. HARRY J. KROULD, Washington, D. C. to OTTO LOWE
Washington, D. C., with encl. TLS. 16 pp.
Re: report on information received from passengers on
the SS.Gripsholm.

Prosecution Section, Memorandum for the legal staff. Mimeo.
7 pp.
"Outline of Treaty Violation by the Japanese Government,
etc."

January 3. MAJOR W. S. ALLEN to MR. LOWE. TLS. 2 copies.
Re: procurement of documents.

1945,
December 24. MAJOR WALTON S. ALLEN to COLONEL GOFF. TCop.
Re: procurement of documents.
December 19. MAJOR LEROY H. BARNARD to COL. COFF. TLS. 2 cop.
   Re: "Battle Report, Pearl Harbor to Coral Sea."

December 10. BRIG. GEN. A. W. W. WOODCOCK memorandum. TCop.
   3 pp.
   Re: preparation of briefs for the trial. Reply of MR.
   HIGGINS and MR. LOWE, to GENERAL WOODCOCK. TCop. 9 pp.

December 5. COL. H. W. ALLEN, memorandum regarding "Regulations
   governing the Trials of Accused War Criminals." Mime. 8 pp.
   Marked "Restricted" and "By command of General MacArthur".

December 20. E. E. DANLY to MR. LOWE. TLS. and enclosure.
   Encl: COL. ARCHIBALD KIND, "Memorandum for the Judge

December 14. LT. COL. B. EDWIN SACKETT,"Memorandum for the file,"
   TCop. 8 pp.
   Re: BOLTZE, former counselor for the German
   Embassy in Japan.

December 14. LT. COL. B. E. SACKETT "Memorandum for the file"
   TCop. 17 pp.
   Re: HANS STAHRER, former German Ambassador to Nanking
   Government, China, and to Japan.

December 14. LT. COL. B. EDWIN SACKETT, "Memorandum for the
   file" TCop. 9 pp.
   Re: von Marchtaler, former Legation Counselor, German
   Embassy.

File No. 0. to MR. LOWE. Mimeo. 4 pp.
   Re: Japanese personal names.

E. E. DANLY, Chief, Document Section, to OTTO LOWE. TCopS, E.
   Enclosure: "Instructions for analyzing and filing docu-
   mentary evidence." Mimeo. 3 pp.

Folder E.

   Marked "Confidential."

April 23. HENRY L. STIMSON, New York, to ALBEN W. BARKLEY, U.S.
   Encl. "Answers of HENRY L. STIMSON to supplemental questions
   prepared by SENATOR FERGUSON."
BOX III

1946. 1 Calendar Pad of notes for the year, c. of OTTO LOWE.


1945 3 "The Legal Basis of the Nuremberg Trials", by MURRAY C. BERNAYS. Pst from Surrey Graphic. 9 pp.

1946 4 March 10., The Department of State Bulletin. PB. 3 cop.


1946 6 Map of Tokyo. PM. 2 cop.


Folder F

8 "Newspaper Clippings re: Trial of Major Japanese War Criminals. PN. 76 pp.

1946, 9 October 24. JAMES V. BENNETT, Secretary, American Bar Association, to OTTO LOWE, Cape Charles, Va. TLS. Re: MR. KEENAN's speech.


11 October 27. Program of the Sixty-ninth Annual Meeting of the American Bar Association. PM. (at this meeting MR. LOWE read MR. KEENAN's speech).

12 October 30. MICHAEL LIPMAN, Drexel Hill, Pa., to OTTO LOWE. TLS. Re: speech before the American Bar Association.

13 Signatures of JEAN MACARTHUR and DOUGLAS MACARTHUR.
BOX IV

1948, 1 January 3. OTTO LOWE to FRANCIS BIDDLE, Washington D. C. TCop, Encl.
   Re: copy of "The Nurnberg Trial", by FRANCIS BIDDLE, enclosed, as sent to OTTO LOWE.


5 November 1. Part C, Chapter X. "Verdicts". Mimeo. pp. 1,145 thru 1,211.

6 "Errata Sheet". Mimeo. 3 pp.


8 "Separate Opinion of the President" addition. Mimeo. 8 pp.

9 November 1. "CONCURRING OPINION By the Honorable Mr. Justice Delfin Javanilla, Member from the Republic of the Philippines." Mimeo. 35 pp.