

# Implementation of the Japanese Imperial Government Disclosure Act and the Japanese War Crimes Provisions of the Nazi War Crimes Disclosure Act

## An Interim Report to Congress

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See other [Japanese War Crimes](#) resources for researchers.

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### Foreword

The Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group (IWG) submits this report in response to two statutory requirements: (1) The Nazi War Crimes Disclosure Act of 1998 (P.L.105-246), which established the Nazi War Criminal Records Interagency Working Group (IWG) to oversee the declassification and release of U. S. Government records containing information on Nazi crimes during World War II, including those of Germany's ally, Japan; and (2) The Japanese Imperial Government Disclosure Act of 2000 (P.L. 106-567), which specifically added declassification and release of American records related to Japanese crimes during World War II. Section 2(c)(3) of the Nazi War Crimes Disclosure Act required that appropriate committees of the Senate and the House be informed of the activities of the IWG and Federal agencies in identifying and declassifying records under the Act. The first report under that Act, submitted on October 27, 1999, dealt with the Government's efforts related to the identification and declassification of records related to Nazi war crimes in the European Theater in World War II. This report augments that first report and informs the Congress of the Government's efforts in identifying and declassifying records related to crimes committed by Japan.

The statutory requirement fulfilled by this report is that contained in Section 802(c) of the Japanese Imperial Government Disclosure Act (P.L. 106-567), which was signed on December 27, 2000.

This provision requires that:

Not later than 1 year after the date of the enactment of this Act, the Interagency Group shall, to the greatest extent possible consistent with Section 803--

1. Locate, identify, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration (NARA), all classified Japanese Imperial Government records of the United States;
2. Coordinate with agencies and take such actions as necessary to expedite the release of such records to the public; and
3. Submit a report to Congress, including the Committee on Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate, describing all such records, the disposition of such records, and the activities of the Interagency Group and agencies under this section.

The following interim report fulfills these requirements by describing the IWG's effort to survey agency records and identify and declassify Japanese war crimes records. This is an interim report. It does not present an account of final findings and does not attempt to assess the historical significance of the declassified records.

*Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group,*  
March 2002

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## Executive Summary

## Background

In conducting business during World War II and the ensuing Cold War years, federal agencies created

and collected a variety of records related to individuals and circumstances connected with Japanese war criminals, war crimes, persecution, and looting of assets. Some of those records were initially security classified and a limited number remained classified. The IWG's primary mission under P.L. 105-246 and P.L. 106-567 and in accord with Executive Order 13110 of January 11, 1999, as reconstituted under NSPD-1 by President George W. Bush, is to identify any still-classified records and recommend their declassification by the agencies for release to the American public.

The Working Group membership consists of up to four Presidentially-appointed public members (currently three) and the heads of seven key Executive Branch agencies. The agency heads have named high-level officials to represent them. NARA provides project management and administrative support to the IWG.

The laws and the executive order direct the IWG to:

- Locate, identify, inventory, recommend for declassification, and make available all classified Japanese and Nazi war criminal records, subject to certain specified restrictions,
- Coordinate with Federal agencies and expedite the release of such classified records to the public, and
- Complete work to the greatest extent possible and report to Congress one year after passage of the legislation.

### **Activities of the Interagency Working Group with respect to Japanese war crimes records**

The IWG first met on January 12, 1999, and subsequently has held regular meetings, conferred with scholars and other experts, engaged the services of historians of Japan and established the Historical Advisory Panel (HAP). The HAP was created to advise the IWG on the historical significance of records from both the Pacific and European theaters and to guide the search for records and evaluate the records identified as relevant to the Act.

Early in its deliberations, in April 1999, the IWG deemed the search for Japanese war crimes part of its responsibility under the Nazi War Crimes Disclosure Act. That decision was confirmed as appropriate by passage of the Japanese Imperial Government Disclosure Act a year and a half later. The IWG first engaged in identifying and declassifying records related to the European Theater because those records were more voluminous than those for the Pacific Theater. In anticipation of the passage of the Japanese Imperial Government Disclosure Act, the IWG formally embarked on the Japanese phase of the effort in October 2000.

The IWG's website, <http://www.archives.gov/iwg>, provides minutes of meetings, reference materials, and notices as records are declassified and are now or will be opened for public consultation.

### **Progress to date**

Working cooperatively with the government agencies that hold relevant documentation, the IWG has achieved the following initial milestones:

- All agencies completed preliminary surveys of classified records among their holdings that potentially could contain relevant documents about Japanese war crimes. Nearly 20 million pages were identified which required additional screening to locate relevant documentation. (See [chart](#) on page 3.)
- Agencies are screening these "possible" files to identify specific documents, files, or bodies of records that are relevant and must be reviewed for declassification and release under the Act. This second survey, still in progress, has identified more than 80,000 pages of relevant records. The IWG now estimates that 200,000 pages of classified material related to Japanese war crimes will be identified to be reviewed for declassification. This amount contrasts markedly with the more than 10 million pages of relevant and related files that are being declassified in the Nazi war crimes portion of the project.
- In addition to estimates related to records holdings, each agency provided a resource and workload estimate and an implementation plan outlining its proposed actions to comply fully with the Act.

Having identified bodies of records requiring further review under the Act, the IWG member agencies are making progress in declassification review, attempting to declassify and release to the public as much material as possible, consistent with national security. The IWG is committed to accomplishing

this goal. To date, 18,000 pages related to Japanese war crimes have been declassified. These records and the records subsequently declassified will be available for public examination at NARA in College Park, Maryland.

### JAPAN: Agency Processing and Declassification Status, January 2002

[\[View the table\]](#)

NOTE: At the close of 2001, the following agencies had completed their work: NSC and CIA. The following agencies have no relevant records: NSC, Department of Treasury, Department of Commerce, Department of Energy, United States Information Agency, National Aeronautics and Space Administration, Joint Chiefs of Staff.

\*NSA is searching an additional 29,000,000 electronically stored pages and will review any relevant documents that are found.

\*\*Includes files only portions of which are directly relevant, but whole file is being included to preserve file integrity.

\*\*\*Includes materials previously transferred to NARA that have been declassified by CIA and the Department of State.

### Resources Required to Implement the Acts As Related to Japanese War Crimes

These figures are based on agency reports of November 30, 2001. Because agencies are continuing to search for responsive records and are formulating review procedures, these cost estimates should be considered preliminary. If an agency reported only a dollar estimate or only a staffing estimate, the other figure was arrived at by using \$100,000 per FTE, approximately the compensation level of a grade GS-13, step 5, with benefits.

Agency	Estimated Cost	FTE (Full Time Equivalent)
CIA	\$150,000	1.5
DOD		
Army	\$10,000	0.1
Navy	\$400,000	4
Air Force	\$210,000	2
DIA	\$50,000	0.5
JCS	\$210,000	2
NSA	\$1-2 million	10 to 20
DOJ		
Civil Division	\$150	3 hours
Criminal Division	\$22,000	0.25
FBI	\$100,000	1
NARA	\$100,000	1
Dept. of State	\$300,000	3

### Highlights of Declassification to Date

The following are brief descriptions of records related to Japanese war crimes that have been located, identified, and declassified (or otherwise noted) in accordance with the Act. The records described below are only a portion of records that have been opened under the Act. Most records that are responsive to the Act remain among larger bodies of records with which they were filed when created or received by the agency. Where possible, the Government will open entire series of records together, thus providing the context that is necessary to understand historical evidence. The few remaining classified records, when declassified, are restored to the files from which they were withdrawn. The newly-declassified material supplements and adds some detail to the historical record that was previously open; thus far the new material has not revealed significant new information or provided grounds for historical reinterpretation.

The descriptions below also include some files that were previously opened to researchers but now include new material. Other descriptions relate to records that, although opened recently, were not

opened under the Act. These records are included in compliance with the instructions of the Assistant to the President for National Security Affairs, who noted in initial guidance to the agencies that "the Act applies only to security classified records. However, in the spirit of the Act, agencies should bring to light hitherto unknown relevant unclassified or declassified records encountered in the course of the search for relevant classified records."

### **Records of the Office of Strategic Services (OSS)**

The 1.2 million pages of recently declassified materials from this record group contain scattered evidence of war crimes committed by the Japanese military during the Asia Pacific War. The OSS records touch on the following topics:

- Chinese interrogation of Japanese POW covering the Japanese Bacteriological Warfare Section. Report included bacteria production at the Nanking Headquarters, dissemination of bacteria by plane, a chart giving names of division heads and branch organization in South China, and a sketch map of the Nanking Headquarters. (RG 226/Entry 210, Box 179)
- Two sentences in an OSS cable from China stating that a Japanese sergeant attested to dumping poison gas, said to be intended for defensive purposes, into the sea at Hong Kong. (RG 226/Entry 210, Box 184, Folder 1)
- "Final Summary Report of BW," 28 September 1945, by Research and Development Branch, OSS. Appendix A summarizes German and Japanese BW efforts and concludes that the "Japanese had perhaps the best informed scientists in BW investigations of any nation in the world" and were a greater potential threat than Germany. Appendix B outlines possible BW devices for use against personnel and vegetation. (RG 226/Entry 145, Box 320, Folder 1)
- Atrocities against civilians, looting, and forced conscription committed by Japanese forces in the China-Burma Theater.
- Mistreatment of Allied (American, Australian, British, Dutch, and Canadian) inmates held in Japanese civilian internment and prisoner of war camps.
- Collaborative efforts between German and Japanese military intelligence and secret police organizations in China and Manchuria.

### **Records of the Army Staff: The Investigative Records Repository (IRR)**

Materials from this record group contain some evidence of Japanese war crimes. Intelligence and investigative dossiers also include the following information regarding alleged and convicted war criminals, and individuals associated with them:

- Investigation in 1946 of Prince Higashikuni, uncle of the Emperor, and first post-surrender Prime Minister, authorizing, as Head of the Home Defense Command, the execution of U.S. airmen captured after the Doolittle raid in 1942. Also, a report alleging Higashikuni's ambition to replace the Emperor with crown prince Akihito and act as regent.
- Records relating to the investigation by SCAP (Supreme Commander Allied Powers) Legal Section and by scientific and medical experts sent from Fort Detrick, Maryland, 1945-1948, of Lt. General Ishii Shiro and his experiments in biological warfare as head of Unit 731 during the Sino-Japanese War and World War II. These files include summaries but not complete interviews.
- Investigations of the Japanese citizenship, naturalization, and wartime labor mobilization laws, preparatory to the indictment, trial, and conviction of Japanese American Tomoya Kawakita in a Los Angeles court for treasonable behavior toward American POWs.
- Records pertaining to General Onodera Makoto, head of Japanese Military Intelligence in Europe. They identify Sugahara Chiune, Japanese official in Lithuania who became known for issuing visas to Jewish refugees, as one of Onodera's espionage agents.
- Material relating to SCAP investigation of the ultranationalist background in Japan and wartime activities in China of Kodama Yukio, including allegations of smuggling and looting while serving for the Japanese Navy in Shanghai.
- Records illustrating the political activities of convicted war criminals upon their release from Sugamo Prison in the 1950s. These include Shigemitsu Mamoru (Foreign Minister and Deputy Prime Minister) and Kaya Okinori (Minister of Justice in the cabinets of Prime Ministers Kishi and Ikeda).
- U.S. review, 1949-1950, of the records and interrogations of Josef A. Meisinger, wartime head

of the Gestapo in Japan and executed Nazi war criminal, for possible information pertaining to the Richard Sorge spy case.

- Intelligence records monitoring the post-1948 activities of released major war criminal suspect Kishi Nobusuke, prominent bureaucrat who worked with the Japanese Army in the economic development of Manchukuo and later served as senior official of the post-Pearl Harbor Ministry of Munitions.
- The 1946-1963 file of Colonel Tsuji Masanobu, who eluded capture and trial for alleged crimes against the Chinese at Singapore, and for mistreatment of Allied POWs. After returning to Japan, allegedly in disguise in 1948, but not identified until 1950, Tsuji published best selling accounts of his wartime exploits and assumed leadership of the East Asia League.
- Accounts of harsh conditions by Japanese POWs repatriated from labor camps in Siberia, 1948-1951. One returnee recalled being asked by the Russians if he had spread germs along the Soviet border. Another, born in Japan but raised in the United States (and subsequently naturalized), testified to forced labor.
- File on Yokoyama Yui, suspect Class A war criminal released in 1947. The post-1947 records indicate that he was a political purgee and was placed on an intelligence watch list. They contain an intercepted letter asking for help from the wife of an instructor at Kyushu University who, she believed, was unfairly sentenced to death for involvement in the POW vivisection cases.
- File on Suma Yakichiro, career diplomat and suspected war criminal for intelligence activities as Minister to Spain, including access to telegrams from Spanish envoys in neutral and belligerent countries; one source of funding for his operations was alleged to be money credited through the Reichsbank in Berlin. New materials include two private counter-intelligence interviews with Suma in 1947, which were not part of the earlier record.

### **Records of the Central Intelligence Agency**

- Reports on Japanese espionage and propaganda activities in Europe, including the shift after 1943 from Lisbon as a key neutral post to Ankara and Istanbul. These contain no specific references to war crimes but raise the issue of how Japan's operations and informants were financed and coordinated.
- Information on the espionage activities in wartime Europe of General Onodera Makoto, head of Japanese military intelligence and stationed in Stockholm.
- A series of cards, labeled Tientsin (China) and listing suspect Japanese war criminals includes the name of Lt. Colonel Tsuji for torture, murder, and cannibalism (location and victims are not given).
- A 1946 report on Japanese Intelligence Organizations in China, discusses organization, personalities, and methods of operation, but has little specific to say about Japanese war crimes. There is a brief reference to the activities of the Kodama Yoshio group in Shanghai, including the charge that Kodama hired ruffians for intelligence work; also that he made a fortune collecting strategic materials for the Navy in China. The one person given special attention for war crimes is Eugene Hovans, identified as the only foreigner in the Japanese naval intelligence office.
- A small name file on General Ishii Shiro and Biological Warfare contains a redacted 1947 cable indicating that Japan had violated rules of warfare but that evidence pertaining to Japanese instigation of a plague in China was circumstantial. A 1950s report refers to the death in Siberia of a Japanese general tried by the Soviet Union in 1949 for biological war crimes.

### **Records of the Department of State**

- Documents illustrating exchanges of opinion in the 1950s between former Allies on issues of clemency and parole for all classes of war criminals still alive and remaining in Sugamo Prison. Unanimity among the Allies was required before action could be taken.
- Records which illustrate parole and clemency policies, politics, and proceedings in the 1950s pertaining to the release of war criminals held in Sugamo Prison. Included are summaries of the crimes, among them the Kyushu vivisection cases involving American POWs. Well-illustrated is U.S. interest in the economic views of paroled Class A war criminal Kaya Okinori, Japan's wartime Minister of Finance.

### **Records of the Navy Judge Advocate General**

Several folders (declassified in 1997 but apparently unused by researchers) relating to pre-trial collection of reports and evidence compiled by American and Allied sources in various theaters of the Asia-Pacific War for possible prosecution of Japanese war crimes and atrocities. These include:

- Brief U.S. report, New Guinea, April 1944, of the rescue of an American nurse, said to have been transported from the Philippines to New Guinea for purposes of prostitution; nineteen other American nurses were alleged to be in the same situation with Japanese forces in and around Hollandia.
- References in intelligence summaries by the Royal Netherlands Navy to abusive conditions in POW camps in Java. One summary states that a hospital in Java was closed in 1943 and converted to a Japanese brothel, "surrounded with barbed wire" and guarded by a Japanese policeman.
- Report by the Chinese Ministry of War (received by U.S. Military Intelligence in July 1944), on Japan's use of chemical warfare in China, 1937-1942, giving dates, places, and casualty statistics. (All reports, RG 125, Box 4)
- Eyewitness account by second generation Japanese born in Singapore, of the torture and murder of a captured American airman by a Colonel Tsuji and subsequent cannibalism of his preserved body parts. Same informant, in course of interview by Southeast Asia Translation and Interrogation Center under the supervision of the OWI, New Delhi, claimed "rape and pillage" were common among front-line soldiers fighting in China and attested to the establishment by the Japanese army of occupation in Malaysia of "licensed public comfort houses," a practice which did not prevent abuse and rape of Malaysian women.
- Testimony by American Field Service ambulance driver of Japanese disregard of Red Cross emblems and of the killing of eight British doctors near the China-Burma border.
- Report by an American sergeant of cannibalism by Japanese troops on Leyte; his patrol had found flesh removed from butchered Japanese bodies. U.S. officer attested to finding a Japanese body with a missing heart.
- Lengthy U.S. intelligence report on the destruction of Manila and other atrocities based on testimony from ecclesiastical, civilian, and military witnesses. Information was kept confidential at the time to prevent retaliation against other priests in Southeast Asia.
- Interrogation of a Japanese POW, described as "well-educated" and "most reliable," alleging Japanese military decapitation of Chinese POWs. Same prisoner "emphasized" that the emperor personally presided at meetings of the Imperial General Headquarters, which were held within the Palace Grounds and included the Army General Staff and Naval General Staff.

#### **Records from the John F. Kennedy Presidential Library**

- Documents illustrating legal issues and disputes surrounding the decision by President Kennedy, November 1963, to grant executive clemency to Toyota Kawakita, convicted in 1948 of treason for mistreatment of American POWs; his death sentence was commuted to life by President Eisenhower. One question was whether or not parole could be conditional.

#### **The Statutes**

##### **The Nazi War Crimes Disclosure Act of 1998**

The Nazi War Crimes Disclosure Act of 1998 (P. L. 105-246) established the Nazi War Criminal Records Interagency Working Group (IWG) to oversee the declassification and release of U. S. Government records containing information on Nazi crimes during World War II, including those of Japan as an ally of Nazi Germany. The inclusion of Japanese war crimes records under the Act was confirmed formally on several occasions. First, after deliberating over the meaning of the Act, the IWG concluded that the inescapable meaning of the Act's language encompassed not only war crimes records relating to Nazi Germany and its European allies, but also to Japan. Section 3(a)(1)(D) covers records relating to "any government which was an ally of the Nazi Government of Germany" (which includes Japan). Second, the principal House and Senate sponsors of the legislation in hearings before the Senate Select Committee on Intelligence on September 16, 1999, and the House Subcommittee on Government Management, Information and Technology on June 27, 2000, supported the inclusion of Japan-related records. Third, the inclusion of Japanese-related records within the ambit of the Nazi War Crimes Disclosure Act was confirmed by the Executive Branch in a December 5, 2000, memorandum from the Assistant to the President for National Security Affairs to major Executive Branch agencies entitled "Phase Two Implementation of the Nazi War Crimes

Disclosure Act: Identification and Disclosure of Japanese War Crimes Records."

### **The Japanese Imperial Government Disclosure Act of 2000**

The Japanese Imperial Government Disclosure Act of 2000 (P. L. 106-567, Title VIII of the Intelligence Authorization Act of 2000) specifically added declassification and release of records related to Japanese war crimes during World War II to the IWG's responsibilities and renamed the group the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group. Upon its passage the Act required some clarification because the title and definitions in the Act could be construed to mean that the object of the legislation was the release of foreign government records. On December 6, 2000, in a colloquy on the floor of the Senate, held to explain the terms of the Intelligence Authorization Act of 2000, Senator Feinstein defined the records covered by the Act:

"After discussing this with the Senator from Ohio, we agreed that the best course of action was to extend the authorization of the existing IWG until the end of 2003, and give it additional authority to oversee the declassification of Japanese Imperial Government records. In that way, the IWG will be able to undertake an effort to search through U.S. Government records and disclose any classified materials it has on the Japanese Imperial Government similar to the declassification effort underway on Nazi war crimes."

Senate Select Committee on Intelligence Chairman Richard Shelby concurred.

Mrs. Feinstein: "I thank the Senator from Ohio and also thank the Chairman for taking the time to clarify Title VIII. Specifically, would the Chairman agree that the records covered in this title are U.S. Government records?"

Mr. Shelby: "Yes. Title VIII covers any still-classified U.S. Government records that are related to crimes committed by the Japanese Imperial Government during World War II."

In his statement upon signing the Intelligence Authorization Act of 2000, on December 27, 2000, President Clinton provided his understanding that Japanese war crimes-related records already being treated under the Nazi War Crimes Disclosure Act would be continued to be processed under that Act:

"Title VIII of the Act sets forth requirements governing the declassification and disclosure of Japanese Imperial Army records, as defined by the Act. The executive branch has previously been declassifying United States Government records related to Japanese war crimes under the provisions of the Nazi War Crimes Disclosure Act, Public Law 105-246; consequently, I understand that title VIII does not apply to records undergoing declassification pursuant to the Nazi War Crimes Disclosure Act."

All Japanese war crimes-related classified records were already being treated under the 1998 Nazi War Crimes Disclosure Act in accordance with the National Security Adviser's December 5, 2000, directive to Executive Branch Agencies. Because of this and the paucity of remaining classified records related to Japanese war crimes, in practical effect the IWG has recognized no difference in the treatment of records under this combined Act and has made the same diligent effort (using the same procedures) to identify and declassify any records in U.S. Government files on Japanese war criminals.

### **Implementing the Statutes**

#### **Classification Issues**

Very few Japanese war criminal records in the custody of the U.S. Government remain classified -- many fewer than records related to Nazi war crimes. There are a number of reasons for this. Foremost among these is that Japanese crimes were also less likely to be well-documented than those of the Germans.

Furthermore, there was more systematic destruction of Japanese records pertaining to war crimes in 1945 in response to specific directives to this effect from Imperial Headquarters in Tokyo than was the case in Germany. It should also be noted that vast quantities of Japanese records were returned to Japan without screening or microfilming.

The remaining security classified documents relating to either theater of the war are overwhelmingly intelligence records. Security classification of records related to Japanese war crimes and conduct of the war was much less likely to be retained after 50 years than for those records related to German crimes and criminals. This is particularly true of intelligence records because of the presence of foreign government information in the European Theater records that was not present in the Pacific Theater records. Because United States intelligence agencies, principally the OSS, worked very closely with

the British during the war in Europe, the security classification of the British documentation was retained long after the war due to the wish to protect the British/American liaison relationship in successor organizations such as the CIA. The OSS had much less of a presence in the Pacific Theater during the war, where the predominant agencies were components of the U. S. military. In the Pacific, U. S. intelligence depended much less on the support of the intelligence operations of allies and was under the control of the U.S. military services. Consequently, the U. S. Army, for instance, did not need to protect liaison relationships to the same extent as in Europe. As a result, most of the Japanese war crimes-related classified documentation was released in the 1970s and 1980s, if not before, while much German war crimes intelligence material remained classified out of sensitivity to relationships with allies.

## Records and Documentation

The subject of this Act, war criminals and crimes, was not the original reason for the Government's accumulation of most of the records. The transaction of Government business-diplomacy, military deployment and defense, intelligence, criminal investigation, and many other governmental functions—results in the production of records. Records are created in order to achieve results as authorized by governing laws and regulations. Records reflect the nature of the operations from which they originate. Diplomatic records are organized in a manner appropriate to conducting diplomacy; investigative records reflect the nature of the law enforcement process. Many of the difficulties and complexities associated with locating relevant documents stem from the nature of the documentation. Except for the records specifically collected and created for the prosecution of and conduct of war crimes trials (which do not remain classified), there is no one key that provides access to the relevant records since these records come from more than a dozen agencies and represent a multiplicity of functions exercised and filing systems used over a period extending from 1931 to 1998.

## Establishment and Operation of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group

In January 1999, in accordance with the Nazi War Crimes Disclosure Act, the President established, through Executive Order 13110, an interagency working group to oversee and coordinate implementation of the Nazi War Crimes Disclosure Act. The President named members from the major agencies holding classified records and three members to represent the public. The Japanese Imperial Government Disclosure Act provided for a fourth public member who has not yet been appointed. Representatives of non-member agencies have attended IWG meetings as necessary.

Since January 1999, the IWG has met 25 times. The meetings have been open to the general public except for the few in which classified information was discussed. In addition the IWG has held open forums in New York, Los Angeles, and Cleveland to report progress to the public and to solicit information from scholars and the public at large. The IWG publishes a newsletter, *Disclosure*, to keep the public informed. The IWG holds public openings of particularly significant collections of material, most recently opening Nazi-related CIA "Name Files" at the United States Holocaust Memorial Museum in April 2001. The minutes of most of the meetings are available at the IWG web site, <http://www.archives.gov/iwg>.

Employees of NARA carry out the daily work of the IWG under the immediate direction of the Chair and the Executive Director and in accordance with general guidance set forth by the IWG. Additional staff and administrative support are also provided as needed by NARA through contracts with records management firms and other expert consultants. Contractors supporting the IWG include auditors with expertise in the operations of intelligence and military agencies, historians of World War II in both Europe and Asia, and records managers and database experts to assist with the collection and maintenance of information. [Cost estimates](#) are set forth on page 4.

The IWG meets regularly to deliberate matters of policy, to monitor implementation, to receive reports from the staff and individual agency members, and to develop and approve issuance of instructions to Executive Branch agencies regarding compliance. In addition, the IWG staff has held interagency meetings to elaborate on written instructions and answer specific questions. The IWG's actions in fulfilling its Japanese war crimes records functions are described below.

## Statutory Functions of the Interagency Working Group

The legislation presents the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group with several specific tasks. On December 5, 2000, the Assistant to the President for National Security Affairs, issued the basic compliance order to initiate the effort with respect to Japanese war crimes records. ( A ) Drafted by the IWG, the order followed the precedent of

the February 25, 1999, memorandum that outlined the approach to implementing the Act and set forth agency reporting requirements.

The IWG, as specified in Section 802(c)(2), is to "coordinate with agencies and take such actions as necessary to expedite the release of such records to the public." In support of this goal, the Act provides that the IWG undertake five specific tasks. Section 802(c)(1) of the Act requires the IWG to "locate, identify, inventory, recommend for declassification, and make available to the public at NARA, all classified Japanese Imperial Government records of the United States." The following describes progress toward fulfillment of each of these specific tasks. (See page 3 for a [flow chart](#) of the overall process.)

**Task 1.** Locate all classified Japanese Imperial Government records of the United States.

As noted above, "Japanese Imperial Government records" is understood to mean records held by the U. S. Government relating to war crimes committed by agents of the government of Japan during the period 1931 to 1945. The records may be of any date through 1998. All agencies that might possibly hold relevant records were required to conduct a preliminary survey of their records holdings and to submit a report on that survey by January 26, 2001. Agencies were instructed to locate any bodies of records that:

Pertain to individuals, military units, or Governmental or commercial entities which ordered, assisted, or otherwise participated in war crimes or acts of persecution during the period of Japanese aggression prior to and during World War II; or involve assets taken during that period from persons persecuted by the Imperial Japanese regime or its allies. For purposes of this survey, agencies should include any records that are likely to contain information, or lead to information, on war crimes, war criminals, or looted assets regarding Japan, or countries allied with, occupied by, or established with the assistance or cooperation of the Imperial Japanese Government, or in the Pacific Theater during World War II.

Agencies were directed to take an expansive view of the Act in making this survey and in subsequent identification of records and declassification review. As a result of the survey, a universe of approximately 20 million pages was identified, consisting of bodies of records that might contain documents responsive under the Act. It should be emphasized that this initial page count represents materials that must be further searched in order to identify records that must be reviewed for declassification. The number does not represent the number of pages that have been found responsive to the Act. It is expected that, in the end, responsive documents will amount to a very small portion of the universe of records being searched. The NSA estimate of the size of the universe to be searched includes a 29 million page automated file that is not included in the initial estimate of pages to be searched because the Agency's ability to search this entire large database through automation makes it unnecessary to first select out only those portions likely to contain responsive records. Inclusion of this file would have provided an inflated estimate of the volume of potentially responsive records.

**Search Criteria**

To assist the agencies in identifying relevant records, the IWG provided a lengthy keyword list of subjects, organizations, and individuals associated with war crimes in East Asia and the Pacific. The IWG HAP reviewed, approved and supplemented this search list.

In addition to the specific keywords and search terms specified in the list issued by the IWG, agencies were advised that particular attention should be given to locating any records related to certain topics of high interest to the public and to historians. These topics are:

1. Any materials related to Japanese treatment of prisoners of war and civilian internees, including any materials related to forced or slave labor;
2. Any materials related to development and use of chemical and biological warfare agents;
3. Any materials related to General Ishii, medical experimentation on humans, and Unit 731;
4. Any materials related to the U.S. Government decision after the War not to prosecute the Emperor and certain war criminals; and
5. Any materials related to the so-called "Comfort Women" program, the Japanese systematic enslavement of women of subject populations for sexual purposes.

Among the bodies of records located in the survey, those held by the following agencies are likely to contain the most responsive documents:

**Central Intelligence Agency**

Records among the files of the Directorates of Operations and Intelligence, 1947-1998, including operational, name, country, and project files; analytical products, source material, and biographic reports. An estimated 300,000 pages were screened and 782 pages of relevant records were identified and declassified.

An additional 1.4 million pages of Office of Strategic Services records transferred earlier to NARA were reviewed by the CIA and are included in the total for NARA.

### **Department of the Army**

One and a half million pages were identified from the Department of the Army Investigative Records Repository (Army Intelligence and Security Command) Foreign Personnel and Organizations Files, 1900-1975. These are included among dossiers and microfilm already screened and declassified to NARA under the Nazi War Crimes Disclosure Act.

### **Federal Bureau of Investigation**

From the agency's Select Security Case Files 1922-1998 ca. 115,000 pages were identified as likely to contain responsive documentation and some 56,000 pages have been identified as relevant under the Act. More materials will likely be identified.

### **National Archives and Records Administration**

Approximately 2 million pages possibly containing materials relating to Japanese war crimes are among 60 million pages of relevant bodies of records reviewed or under review under the Nazi War Crimes Disclosure Act, including records of the Department of State, the Office of Strategic Services, and the Army.

### **Department of State**

The Department of State has identified 1,827 pages of relevant material for declassification after screening nearly 3 million pages of a universe of 4.5 million pages of potentially relevant material.

### **Other Agencies**

Searches are in progress at the Departments of the Navy and Air Force, and at NSA. The Joint Chiefs of Staff, the non-FBI components of the Department of Justice, United States Information Agency, and the National Security Council have completed searches and discovered no relevant documents.

**Task 2.** Identify all classified Japanese Imperial Government records of the United States.

After locating records likely to relate to Japanese war crimes through the preliminary survey submitted on January 26, 2001, the agencies conducted an additional, more detailed survey of records already located. Some of the records-holding agencies reported results of the second survey on November 30, 2001; others are still conducting the survey. For agencies maintaining files on individuals, the major file identification strategy was to locate files on individual war criminals found in files accessible to searches by name.

As noted above, the agencies have, to date, identified more than 80,000 pages for declassification review. The IWG estimates that the final total of relevant, declassified pages will be approximately 200,000 pages.

**Task 3.** Inventory all classified Japanese Imperial Government records of the United States.

In the broadest sense, inventorying means describing the responsive records to make the records useful to researchers. This description will include enough information to set the documents in historical and organizational context and to understand why the records were kept and how they were collected. This archival description will not interpret the documents or attempt to present a historical interpretation. Rather, archival description will make the documents accessible to allow historians and other researchers to interpret and draw conclusions.

Beyond archival description, the IWG has determined that, because of the scattered and fragmentary nature of the few remaining classified documents, it is necessary to provide some historical context for the documents being released. To that end, IWG historians analyze and assess the newly-released documentation and present their findings in the form of historical reports. The object of this exercise was not to prepare an "official" history of the topics treated, but rather to aid the public by providing a

preliminary opinion about the significance of the newly-released materials and a knowledgeable judgment as to whether records contain hitherto unknown information. The more significant of these reports will contribute to a collected historical analysis prepared by the IWG historians at the end of the project.

**Task 4.** Recommend for declassification all classified Japanese Imperial Government records of the United States.

As a general rule, the IWG recommends that all war criminal records as defined by the Act be reviewed for declassification, no matter what the subject or circumstance of their creation. The Act states that "there shall be a presumption that the public interest will be served by disclosure and release of the records." Accordingly, the IWG has directed the agencies to take an "expansive view" both in identifying and declassifying records responsive to the Act.

The IWG does not consider that there are sufficient *a priori* reasons for continuing security classification of relevant records absent a thorough declassification review by appropriate authorities, even though the records under review may deal with areas such as sources and methods and foreign intelligence liaison relationships. The burden for justifying continued security classification will lie with the agency. Absent appropriate justification for continued classification, the IWG will challenge any decision to withhold records and will report any decision to retain classification in the face of such a challenge to the Congress. The operation of the declassification review process under this Act will parallel and supplement the declassification system established under Executive Order 12958.

Once specific documents have been identified as relevant under the Act and appropriate for declassification review, a number of factors can either delay or prevent release of the documents to the public. Under IWG guidance, a document may be declassified in whole or only in part. By judicious use of redactions, information that remains sensitive can be protected without withholding the entire document. This process can be very time-consuming in that review and declassification decision-making must be carried out line-by-line.

The agency that created a document is responsible for declassification review of the document and for notifying any other agency that may have an interest (equity) in the document. Each organization with equity in a document is entitled to conduct its own review of the document. This additional step may slow the process, particularly if there are multiple agencies that have equities in an item.

Some documents contain sensitive information that has either been provided by a foreign government or describes another government's activities. In the past, such information has been withheld in the absence of express approval by the foreign government to release the information. The IWG is encouraging agencies to negotiate general agreements with their foreign counterparts that will allow the agencies to release certain classes of information without consultation in each instance.

The Act allows an agency head to exempt from release nine categories of national security information. Among these categories is material concerning U.S. foreign relations and diplomatic activities, intelligence sources and methods, and certain military matters. The test for invoking exemption is that clear and demonstrable damage to the national security would result from disclosure of the information. An agency head is required to report to appropriate committees of Congress any applications of exemptions. These exemptions and the declassification review process under the Act, are identical to the exemptions allowed for 25-year-old material under Executive Order 12958, the order that governs the classification, declassification and safeguarding of classified national security information.

**Task 5.** Make records available to the public at the National Archives and Records Administration.

Declassified records may undergo additional reviews or may require additional preparation before they may be released.

In accordance with the Act, privacy considerations must be taken into account before a declassified document can be released to assure that release would not "constitute a clearly unwarranted invasion of personal privacy." Legal constraints that protect an individual's privacy rights must be weighed against the public interest in being informed. The Office of the General Counsel at NARA has prepared guidance to be used by the agencies in making determinations regarding exemptions from disclosure based on privacy grounds. This privacy review is based on the same considerations as those taken into account in Freedom of Information Act review.

The Act contains special provisions for records that relate to investigations and other activities of the

Office of Special Investigations (OSI). Certain records, although declassified, must be referred to OSI for further review before a final decision on their release is made. This provision is meant to protect ongoing investigations of war criminals that would be compromised by premature disclosure. OSI has waived its statutory exclusion in appropriate cases.

### **Preparation and Release of Materials**

The IWG has worked through the complications of preparing for the orderly release of millions of pages of documents from hundreds of sources with respect to the Nazi war criminal records. It is expected that the Japanese war crimes related records, because of their fewer numbers, will not pose a difficult challenge. Normal archival documentation about a body of publicly available records consists of a description of the nature of the records, their origin (provenance), a description of the office or function that created the records, a description of the relationship of the records to other records, and a description of their arrangement and how they may be accessed.

Normally, archival description relates to a body of records that has been accessioned and transferred intact from the agency of origin. The body of records is kept in archives as it was created at the agency. Both the Nazi War Crimes Disclosure Act and the Japanese Imperial Government Records Disclosure Act, however, have resulted at times in records being selected, on the basis of their subject, from larger bodies of records not yet declassified or transferred to NARA. Further, many of those records will be redacted, that is, released only in part. All such selected records, where the body of original records may not be transferred to NARA in toto, will be copies of selected records. The result will be the creation of artificial collections of copies of records. These artificial collections will require additional descriptive work in order to set them in their institutional, archival, and historical context so that they are useful to researchers. Copies of records will be clearly identified as copies in order to distinguish them from actual original records that may remain in the custody of the agency in a more complete form.

### **The Historical Record**

The Nazi War Crimes Disclosure Act and the Japanese Imperial Government Disclosure Act require that the Government locate, declassify and open remaining classified records related to war criminals and criminality. Initial surveys and estimates indicate that there are relatively few records related to Japanese war crimes that remain classified. However, the IWG has found that there is a large and, to some degree, underused body of records related to Japanese war crimes that either was never classified or has been declassified and open to the public at NARA for some time. Although the IWG continues to find and press for the declassification of records related to Japanese war crimes, as this portion of the report demonstrates, most of the historical record on the topic has long been available.

Implementation of the Act requires, as an essential first step, locating pertinent classified records among the billions of pages of records in NARA of the United States, Federal records centers, and agency storage areas. To accomplish this task, it is necessary to understand the nature and functions of the agencies and programs that created and collected records about Japanese war crimes, war criminals, persecution, and looting. As is often the case with records of the Federal Government, it is the sheer volume, not security classification, which is the major hindrance to the comprehensive exploitation of the records relating to any subject. Historians and other researchers frequently encounter important materials that have been available but never previously found or recognized as valuable.

### **Records of the War Crimes Trials**

Each of the war crimes trials occasioned the collection and preparation of large bodies of records. Prosecutors combed captured and American records, secured affidavits and statements, and produced court submissions and background materials that produced a significant war crimes archive. Almost all of this material, together with the trial proceedings themselves, has been open to the public for many years.

The trial of major Japanese leaders (Class A War Criminals) was held in Tokyo-the International Military Tribunal for the Far East (known as the Tokyo War Crimes Tribunal), began on May 3, 1946. There were 28 defendants, selected from a cross section of the Japanese elite, including fourteen generals, three admirals, five career diplomats, and three bureaucrats. Most prominent among them was Tojo Hideki<sup>1</sup>, premier of Japan through most of the war, and wartime foreign ministers-Hirota Koki, Shigemitsu Mamoru, and Togo Shigenori. Neither Emperor Hirohito nor any Japanese industrialists were charged. Defendants were subject to fifty-five counts, which charged the accused with "crimes against peace," murder, and "other conventional war crimes and crimes against

humanity." The trials ended on November 12, 1948. During that time two of the defendants died and one was declared mentally incompetent to stand trial. The prosecution produced more than 400 witnesses, almost 800 witness affidavits, and about 1,000 other documents.

The Tribunal found all defendants guilty. Tojo, former Prime Minister Hirota Koki, and five generals (Doihara Kenji, Itagaki Seishiro, Kimura Hyoturo, Matsui Iwane and Muto Akira) were hanged. Sixteen others were sentenced to life imprisonment. Two other ministers were given lesser sentences. Of the eighteen people sentenced to jail terms, six died in prison, while the others were all released by April 1958.

There were additional tribunals that sat outside of Tokyo, judging 5,379 Japanese, 173 Formosans, and 148 Koreans (Class B and C War Criminals) in more than 2,200 trials. These defendants were generally accused of conventional crimes, violations of the laws of war and civilian crimes of rape, murder and maltreatment of prisoners of war. The trials were conducted by American, British, Australian, Dutch, French, Filipino, and Chinese authorities in 49 locations between October 1945 and April 1956. More than 4,300 individuals were convicted, of whom 984 were sentenced to death, 475 sentenced to life imprisonment, and 2,944 sentenced to various terms of imprisonment.

General Yamashita Tomoyuki was tried in Manila by a panel of American general officers for the crimes committed by the soldiers he commanded. He was found guilty and hanged in Manila on February 23, 1946. While the Yamashita case was the most famous of the American trials, there were hundreds of others. One defendant was Lt. Gen. Homma Matsaharu, Commander of the Bataan Death March and the bombing of undefended Manila. He was found guilty and hanged in April 1946. American authorities turned over to Filipino prosecutors the conduct of the remaining trials, including successful prosecution of Yamashita's predecessor, General Kuroda Shigenori, charged with more than 2,800 deaths. By the time trials in the Philippines were over, 215 Japanese had faced military commissions. Twenty had been found not guilty; 92 had been sentenced to death. The U.S. Navy held trials for crimes committed in the Pacific. Three took place on Kwajalein in the Marshalls; 44 were tried in Guam. Many of these proceedings involved close cooperation with British, Australian and Indonesian authorities. In some cases, courts of one nation tried Japanese for offenses against citizens of an ally.

In Shanghai, American tribunals were held, mostly to try Japanese who had participated in the trial and execution of American airmen under the "Enemy Airmen's Act," promulgated by the Japanese after the Doolittle raid on Japan in April 1942. Most of those trials resulted in convictions.

A series of trials was held at Yokohama. The defendants included such disparate persons as Shinto priests, medical personnel, professors and farmers, in addition to military personnel. Most of those proceedings involved maltreatment of POWs, including starvation, beating, and general neglect that caused thousands of deaths. One case involved the notorious "hell ship" Oryoko Maru, on which some 1,300 prisoners died in route from the Philippines to Japan in 1944. Also prosecuted were members of the Kempeitai, the secret police, and medical personnel who had murdered American POWs.

### **American Records Previously Open to the Public**

Once the records gathered and created for the trials had served their administrative and legal purposes, and were deemed to have sufficient historical value to warrant their continued retention, they were transferred to NARA. Most of the records were not security-classified and were available to scholars and other researchers. Most of the few remaining security-classified records were declassified in the late 1970s and early 1980s. Such records are in numerous record groups at NARA.

Among the civilian agency records are those of the Department of the Treasury (Record Group 56), General Records of the Department of State (Record Group 59) and the Foreign Service posts of the Department of State (Record Group 84), the Department of Justice (Record Group 60), the Federal Bureau of Investigation (Record Group 65), the Federal Reserve Board (Record Group 82), the Office of Alien Property (RG 131), the Foreign Economic Administration (Record Group 169), the Office of War Information (Record Group 208), the Foreign Claims Settlement Commission (Record Group 299), and the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas (Record Group 239). Other relevant civilian agency records can be located within the Records of International Conferences, Commissions, and Expositions (Record Group 43) and the Records of the Interdepartmental and Intradepartmental Committees of the State Department (Record Group 353).

Among the relevant military-related holdings are records of the Chief of Naval Operations (Record Group 38), Secretary of War (Record Group 107), Office of the Army Judge Advocate General

(Record Group 153), War Department General and Special Staffs (Record Group 165), U. S. Joint Chiefs of Staff (Record Group 218), the Office of Strategic Services (Record Group 226), the United States Strategic Bombing Survey (Record Group 243), Army Staff (Record Group 319), the General Headquarters Supreme Commander for the Allied Powers (Record Group 331), U.S. Army Commands, 1942 - (Record Group 338), and Office of the Provost Marshal General (Record Group 389).

Also, important collections of records are found in NARA Collection of Foreign Records Seized (Record Group 242) and NARA Collection of World War II War Crimes Records (Record Group 238).

While investigating and prosecuting Japanese war criminals, the U.S. Army and Navy Judges Advocate General and the Legal Section of the General Headquarters Supreme Commander for the Allied Powers (SCAP) exploited captured Japanese and other records. The volume of these legal records is substantial. These collections contain a large quantity of captured Japanese records that were used as court exhibits. The Army Judge Advocate General records relating to the Far East trials consist of more than 400,000 pages. Most of these records were never security-classified and those that were had been declassified by 1973. The SCAP Legal Section records involving war crimes trials throughout the Pacific area comprise some 1,500,000 pages of documentation, including captured Japanese records. Most of these records were never security- classified and the rest were declassified in 1977.

### **The Captured Japanese Records and Their Disposition**

Before the end of World War II, the U. S. military began to use captured and confiscated Japanese records to prepare for war crimes trials as well as for intelligence purposes. Many valuable Japanese records were destroyed by American bombing, and others were destroyed by the Japanese. According to a recent account, "Anyone attempting to cover Japanese developments... must be wary of the fact that a massive quantity of primary documents was destroyed to forestall announced Allied plans to conduct war-crimes trials."<sup>2</sup> A Library of Congress report in 1951 made similar observations. By 1945, U.S. military forces began coping with a large quantity of captured Japanese records.<sup>3</sup> In addition, a large quantity of records was deliberately concealed, especially company and government records pertaining to the employment of prisoners of war for slave labor.

Primary responsibility for the collection, translation, exploitation, and dissemination of captured Japanese records lay with the Allied Translator and Interpreter Section (ATIS) of General MacArthur's Southwest Pacific Area Command. Beginning with 35 personnel in September 1942, ATIS grew to over 2,600 in 1945. By the time of the Japanese surrender ATIS had processed over 4.2 million pages of captured Japanese documents. During the winter of 1944-1945, the Washington Document Center (WDC) was established to house the records for more intensive intelligence exploitation after they were used in the field for the most urgent purposes.

ATIS was joined in its collection of documents by other military intelligence organizations, e.g. the Pacific Military Intelligence Research Service, and, during 1945-1946, by a special unit of the WDC. During four months of operation in Tokyo, the WDC, augmented by ATIS linguists screened, processed, packed, and shipped 419,064 documents and diaries from Japan. After the departure of the WDC on March 31, 1946, its work was continued by the newly organized ATIS Document Section which, up to November 26, 1946, screened, packed, and shipped 58,830 documents to Washington. The process of acquiring, exploiting, and shipping records continued until early 1947.

### **Dissemination of Information from and about Captured Japanese Records**

ATIS's mission was to translate captured or otherwise seized documents. ATIS publications and other reports were regularly disseminated to intelligence and other agencies in all theaters. Information of an urgent operational nature was translated and immediately distributed in the form of "Spot Reports". In May 1943, external requests for information available from ATIS sources led to the development of Information Request Reports published in answer to specific requests for information. As the body of available material continued to grow, individual studies of information available to ATIS were produced as Information Bulletins. Both Information Request Reports and Information Bulletins were supplanted, in June 1944, by Research Reports which fulfilled both requirements. Reports were issued when sufficient information on any subject had been collated to warrant publication. Among these reports were Report No. 84, which dealt with Japanese bacterial warfare; Report No. 117, which dealt with infringement of the laws of war and ethics by the Japanese medical corps; and Report No. 119, which dealt with the Japanese military police service. On April 29, 1944, Research Report No. 72 (formerly ATIS Information Bulletin No. 14) was published and entitled "Japanese Violations of the Laws of

War."

To ensure that all involved in captured records activities had an appreciation for records and information, ATIS issued Publication No. 6, "The Exploitation of Japanese Documents," dated December 14, 1944. It was developed as a manual for the training and indoctrination of intelligence personnel and as a reference book for the use of intelligence documents. The work contains a program for the collection, translation, and processing of captured documents.<sup>4</sup>

### War Crimes Prosecution Assistance Based on Captured Records

ATIS and similar collection and translation organizations, such as PACMIRS (Pacific Military Intelligence Research Service), carried on wide-ranging search of Japanese documents. ATIS was directed to provide the War Crimes Board with any information having to do with the identification of enemy war criminals.

In Manila, and later in Tokyo, the ATIS Information Section worked closely with the War Crimes Commission and the War Crimes Echelons. These organizations used ATIS Research Reports in successfully preparing cases against war criminals. To assist with the intricacies of war crimes trials and procedures, ATIS furnished necessary data for the trials and supplied court interpreters.

### The Return of Captured Records

As the captured records were shipped to Washington, the CIA and its predecessors reviewed the records for intelligence purposes at the WDC. The Navy and Army used the records for technical and navigation information. In January 1948, the CIA wrote to the Archivist of the United States offering to transfer to NARA an estimated 4,000 cubic feet of records. The CIA explained that the records "have been examined and screened for documents valuable for intelligence purposes" and that they were "no longer of any value" and "these are open records and are not subject to any restrictions." (The CIA has been unable to locate any analysis or description that may have been created as a result of the CIA's examination of the records.) NARA agreed to the CIA offer and an estimated 3,450 cubic feet of records were transferred in May 1949.

James William Morley, a Union College history professor, examined the records and published an article, "Check List of Seized Japanese Records in the National Archives," in *The Far Eastern Quarterly* Vol. IX No. 3 (May 1950). He noted, "large as the collection is, it clearly does not represent all of the records of these ministries and their predecessors. Very few files are complete; many, no doubt, are entirely missing. Probably some were hidden or destroyed and others retained by interested occupation and other United States government authorities for current use."

In keeping with the policy of both the Truman and the Eisenhower administrations to normalize relations with Japan after the signing of the Peace Treaty in 1951, in January 1955 the State Department advised NARA that "the Japanese Government is very much interested in securing the return of the remainder of this group of documents and has asked for our assistance in arranging for shipment of the documents to Japan at United States Government expense... If this group of documents can be returned to the Japanese Government, we hope thereby to bring to a close a long-standing problem which, though minor, has proved a constantly recurring irritant in United States-Japan relations." This proposal was made in the context of attempts to promote better relations that included clemency and parole of the remaining imprisoned war criminals.

The Deputy Archivist of the United States responded in February 1955 that "we have no objections to the return of the records provided the interested agencies of the government agree that this action is desirable." In June of the same year, the CIA noted that it had "no objection to the return of the captured Japanese documents to the Government of Japan. A thorough and systematic exploitation of the documents for intelligence purposed had been completed by 1949." At the same time, the State Department informed the Army that, "The Department of State has received an urgent request from the Japanese Government for the return of these documents, and would be very glad to return them if no objection is perceived by the Department of Defense or by the CIA, with whom the Department is consulting."

The Army asked in August 1955 for a policy on the return of the Japanese records consistent with the policy regarding the return of captured German records, including the requirement that Congress approve the disposition of the records. In September, the State Department responded,

"In the German case, a few qualifications were made of the principle of returning captured papers. The most important, insofar as they are applicable to Japan, were: (a) Documents

which might, if returned, jeopardize the national security interests of our country, or of our allies, would be retained indefinitely, though time and circumstances might change conditions; and (b) Documents required for the time being for purposes of official study would be returned when the official need for them was at an end. These statements of principle are equally applicable to the holding of Japanese documents."

The letter also noted that NARA would immediately go to Congress to obtain approval for the return of the records once there was no longer any agency interest in them.

On October 11, 1955, the Army advised the State Department that the Departments of the Army, Navy, and Air Force concurred in the return of the records to the Japanese, subject to future access. The State Department, in November, wrote NARA that the requirement, "can be met readily by inserting an 'access clause' in the receipt which we shall present for Japanese signature when the time comes for the actual transfer of the records."

In late March 1956, NARA requested Congressional approval for the disposition (i.e., return) of the captured Japanese records. NARA advised Congress that the records had been seized largely for purposes of military and foreign intelligence and that "many of them have been found to have little or no value for purposes of military or foreign intelligence. Those that have such value have been or are being utilized by the appropriate Federal agencies and after their full utilization should be available for return to Japan." The Joint Committee on the Disposition of Executive Papers concurred with the return of the records the following month.

A group of U.S. scholars, learning that the captured records were to be returned to Japan, microfilmed the most historically valuable materials under a grant from the Ford Foundation. Facilities for microfilming were provided by the Library of Congress. Microfilming began in October 1957 and ended in February 1958, when funds were exhausted. Some 400,000 pages were reproduced on 163 reels of microfilm and a positive print was given to the Library of Congress and to the National Diet Library in Tokyo.

The major collection of captured Japanese records was returned to the Japanese Government in 1958. No evidence has been discovered to indicate that when the records were turned over to the Japanese officials any provision was included for future American Government access. No receipt for the records has been found. Several smaller groups of records were returned to Japan in the early 1960s when they were relinquished by the military agencies that had retained them for use.<sup>5</sup>

The IWG and NARA have completed an analysis of the microfilmed selection of the material at the Library of Congress. This study reveals no classified information related to war crimes among the films whose date span and subject indicate some likelihood of the presence of such information. The IWG is also attempting to verify that the returned records are publicly available in Japan.

#### Footnotes:

1. Japanese names are rendered surname first. ([Return to report](#))

2. Richard B. Frank, *Downfall: The End of the Imperial Japanese Empire*, New York: Random House, 1999; p. 446. ([Return to report](#))

3. The term "captured" is retained here, consistent with U. S. military usage, to include confiscated, seized, or otherwise acquired Japanese records, whether taken into U. S. custody as a direct result of battle or after peace. ([Return to report](#))

4. Copies of ATIS work products are scattered throughout NARA's holdings. The most complete collection appears to be found among U.S. Army records, specifically within the records of the Office of the Adjutant General (Record Group 407). NARA is preparing a list of record groups and series containing records pertaining to ATIS, the WDC, and captured Japanese records. ([Return to report](#))

5. Information on the return of captured records is from accessioned State Department (Record Group 59) and NARA (Record Group 64) records and from published articles, including Fritz T. Epstein, "Washington Research Opportunities in the Period of World War II", *The American Archivist*, Vol. XVII No. 3 (July 1954), 225-236. Additional historical information came from *American Foreign Policy 1950-1955 Basic Documents Vol. II* published by the U.S. Department of State in 1957 [Publication 6446 General Foreign Policy Series 117]. *Foreign Relations of the United States 1952-1954 Volume XIV China and Japan Part 2*, published by the U.S. Department of State in 1985 [Department of State Publication 9411]. *Foreign Relations of the United States 1955-1957 Volume XXIV Part I Japan*, published by the U.S. Department of State in 1991 [Department of State Publication 9873]. *Foreign*

*Relations of the United States 1958-1960 Volume XVIII Japan, Korea*, published by the U.S. Department of State in 1994 [Department of State Publication 10130]. Accessioning Dossiers at NARA, College Park, MD, were also consulted. ([Return to report](#))