

The Dropping of the Atomic Bombs and a Shadow of the War Crimes Issue

By Hitoshi Nagai

1. The Protest of the Japanese Government to the U.S.

On his return from the Potsdam Conference, then U.S. President Harry S. Truman made a radio speech on August 9, 1945, in which he explained to the American people the reasons for and significance of the atomic bombing of Hiroshima. The logic of saving the lives of American soldiers, the surprise attack on Pearl Harbor by the Japanese military, and the abuse of prisoners of war by Japanese soldiers were given as reasons for the use of atomic bomb. Even immediately after the bombing of Hiroshima, we can find the germination of the logic justifying the atomic bombing.

As Truman was explaining the significance of the atomic bombing, the Japanese government was preparing a letter of protest to the U.S. government. On August 10, it was delivered to Washington through the Swiss government. In this protest, the Japanese government fiercely criticized the U.S. government for the atomic bombing, calling it a crime against international law and humanity, citing Articles 22 and 23 of the rules concerning the laws and customs of war on land signed at The Hague in 1907. The Japanese government also appealed to international opinion by explaining the intentions of the protest to the International Committee of the Red Cross. However, such a protest by the government was put under seal after the end of the war. What lay behind the situation? I would like to shed light on the root cause of it.

2. Logic to Offset the Atomic Bombings against the War Crimes Issue

On September 2, 1945, Japan signed the Instrument of Surrender, reaffirmed its acceptance of the Potsdam Declaration, and promised to implement the declaration faithfully. Japanese government offices and units of the army and navy destroyed or concealed official documents in anticipation of the imminent pursuit of war criminals, since paragraph 10 of the declaration had stipulated stern justice to "all war criminals, including those who have visited cruelties upon our prisoners."

The General Headquarters of the Allied Powers (GHQ) soon began a full-scale investigation of war crimes, which caused some resentment within the Japanese government and military. This is evident to some extent in the document entitled "Concerning the U.S. investigation of American soldiers executed as a result of a decision taken by the wartime Japanese military tribunal (*Gunritsu Kaigi*), prepared by the Secretary of the Committee Dealing with Postwar Issues (*Shusen Shori [Kaigi]*)," one of the records released by the Ministry of Foreign Affairs. It is thought that military officials prepared this document probably at the beginning

of September 1945 for discussion at the Committee Dealing with Post-war Issues, the highest policy-making body in the Japanese government after the end of the war. Its focus was the case of some surviving crew members of the U.S. planes who were executed in accordance with the decisions of the wartime Japanese military tribunals. I would like to draw attention to a statement in this document, which offers a justification of the execution as a strategy to avoid a thorough investigation by the U.S. army: "If the U.S. blames us for the execution of that American pilots, Japan should emphasize at every opportunity that the U.S. should first and immediately be accused of war crimes for its indiscriminate bombings, especially the atomic bombings, as a means of forestalling a unilateral investigation conducted solely by the U.S."

Reading between the lines of this document, one senses the tension among the officials concerned, who were on an extreme alert that things might develop into the prosecution of war criminals. As indicated in the comment given by an official of the army "This is not meant to be a protest to be lodged with them, but rather to prepare ourselves" the atomic bombing issue was not intended as an immediate negotiating card by the Japanese government. Still, it is interesting that the atomic bombings should be conceived of as a potential bargaining chip in dealing with the war crimes issue and in blocking U.S. investigations. We can clearly see a Japanese eagerness to thwart unilateral U.S. finger pointing by treating the atomic bombings as a war crime and raising it as an issue to offset Japanese responsibility for their own war crimes. But there was another comment, probably written by an official of the Ministry of Foreign Affairs. It reads: "We should not try to offset the issue of the atomic bombings against the war crimes issue. We will lose our dignity by doing so." It suggests that there was an opinion current among policy-makers that questioned the wisdom of raising the atomic bombing issue as a counterbalance to Japanese war crimes.

The logic of offsetting the atomic bombings against Japanese war crimes was not a unique idea of the military staff. Indeed, it seems more likely to have derived from civilian government officials. Mamoru Shigemitsu, the Japanese Foreign Minister, sent a message to the Japanese legations in Sweden, Switzerland and Portugal on September 13, advising them to exploit the atomic bomb question to the utmost in their propaganda since the Americans were creating an uproar about Japanese mistreatment of prisoners. A U.S. military official in charge of intercepting and analyzing this secret telegram cast a keenly observant glance at Shigemitsu's statement and wrote in his report that the Japanese leaders intended to play up the atomic bombings to offset publicity about Japan's treatment of Allied prisoners of war and internees.

Similarly, the Japanese Prime Minister, Prince Naruhiko Higashikuni, wrote to a reporter of the Associated Press: "People of America, won't you forget Pearl Harbor? We Japanese people will forget the picture of devastation wrought by the atomic bomb." This message was reported in the U.S. on September 15, and in Japan on the following day. Such an action of Prince Higashikuni also seems to have been an outgrowth of the same logic. In other words, during the early stage of the U.S. occupation of Japan, the illegality of the atomic bombings tended to be seen as a useful card for Japan to play to slow down the pursuit of war criminals by the Allies rather than as a problem in its own right. Statements by government officials at the time seem to reflect neither a deep understanding of the unprecedented catastrophe caused by the atomic bombs nor a deep concern for the citizens of the devastated cities. Rather, the offset logic highlights the fact that concerns about war crimes were growing among Japanese political leaders and for that reason the issue was regarded as a top priority on the political front. The situation was more serious for the way the war crimes problem impinged on the question of the postwar treatment of Emperor Hirohito.

CONTENTS

The Dropping of the Atomic Bombs and a Shadow of the War Crimes Issue	
	by Hitoshi Nagai.....1 ~ 2
My Opinion about North Korea	
"Agreed Framework" Faces Imminent Revision by Hajime Izumi	2
Pyongyang Nuclear Puzzle by Gavan McCormack	3
New Challenges Posed by the International Criminal Court by Ikuko Togo	4
First Research Workshop on "Confidence-Building Mechanism in East Asia"	5
HPI's first public lecture series	5
HPI Research Forum	
Non-Violent Civil Alternatives to War on Terrorism by Regino Mehl	6
State Terrorism and Human Rights by Mark Selden.....	6 ~ 7
Scope and Limits of International Solidarity in the 1990s	
	by Jean-Marc Coicaud.....7
Hello from HPI	8
Diary	8

3. Conclusion

On October 24, 1945, the U.S. government responded to the letter of protest the Japanese government had presented immediately after the atomic bombing. The reply in effect ignored the Japanese protest since it did not contain any opinion of the U.S. government about the subject of the Japanese protest, but simply acknowledged the receipt of it. Since that time, the Japanese government has neither iterated the charges against the U.S. government nor dared to appeal to world opinion. As a result, it has never been clearly stated as an official Japanese government view that the atomic bombings were a violation of international law. The huge gap between the statement issued by the Japanese government and those made by the mayors of Hiroshima and Nagasaki regarding the legitimacy

of the use of nuclear weapons at the International Court of Justice at The Hague in November 1995 is still fresh in our memory. It is quite possible that the firm attitude of GHQ, typified by its control of the press, caused Japan to shrink back and led to its decision not to further pursue its case about the illegality of the use of the atomic bombs. However, it cannot be denied that the way the issue was framed at an early stage of the U.S. occupation, namely, the recourse to the logic of offsetting the atomic bombing issue against the war crimes issue, severely limited policy options thereafter.

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