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U.S. Naval War College (Editor)

The thoughts and opinions expressed are those of the authors and not necessarily of the U.S.

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have won, and for its promise to peoples everywhere who join us in the love of freedom, it is fitting that we, as a nation, give thanks to Almighty God, who has strengthened us and given us the victory.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby appoint Sunday, May 13, 1945, to be a day of prayer.

I call upon the people of the United States, whatever their faith, to unite in offering joyful thanks to God for the victory we have won and to pray that He will support us to the end of our present struggle and guide us into the way of peace.

I also call upon my countrymen to dedicate this day of prayer to the memory of those who have given their lives to make possible our victory.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day
of May, in the year of our Lord
nineteen hundred and forty-five,
[SEAL] and of the Independence of the
United States of America the one
hundred and sixty-ninth.

By the President: HARRY S. TRUMAN
JOSEPH C. GREW
Acting Secretary of State

VII. SINKING OF THE "AWA MARU"

A. EXCHANGE OF COMMUNICATIONS BETWEEN THE GOVERNMENTS OF JAPAN AND THE UNITED STATES

(The Department of State Bulletin, Vol. XII, No. 310, June 3, 1945)

Reference is made to the Department's press release in regard to the sinking by submarine action of the Japanese vessel *Awa Maru*. The *Awa Maru* had

been granted Allied safe-conduct by reason of the fact that it had carried as part of its cargo relief supplies intended for Allied nationals in Japanese custody.

The following communication dated April 26 at Tokyo, protesting the sinking of this ship, has been received by the Department of State through the Swiss Government:

“One. Japanese Government have received communication of United States Government concerning sinking of *Awa Maru* transmitted by note verbale of Swiss Legation Tokyo 17th April, stating information has been that about midnight, April first east longitude date a ship was sunk by submarine action at a position approximately forty miles from the estimated scheduled position of *Awa Maru*. No lights or special illumination were visible at any time. The ship sunk almost immediately. One survivor stated that the ship was the *Awa Maru*

“Two. Prompted by traditional humanitarian principles Japanese Government complied with repeated earnest requests of United States Government for assistance in transporting relief supplies to United States and Allied prisoners of war and internees in Japanese hands. During November 1944 Japanese Government took delivery of 2,000 odd tons of relief supplies which had been sent from United States to Soviet territory in East Asia to forward same to Japan proper, Manchukuo, China, and southern areas. United States Government guaranteed to Japanese Government by the communication transmitted by note verbale of Swiss Legation in Toyko on 12th September, 1944 that Allied governments were prepared to accord safe conduct to Japanese ships to be employed in transport of goods between ports under Japanese administration and Soviet port of transshipment, Nakhodka. As notified by note verbale addressed to Swiss Legation, Toyko on 21st November, 1944 Japanese Government, finding it impossible to dispatch ships for the particular purpose of transporting the relief supplies to China and southern areas, decided to make use of the spaces of ships actually plying in these areas employing one ship for carrying them to Shanghai and Tsingtao and another to southern areas. The Japanese Government understood from above-mentioned communication from United States Government that these ships would equally, with the ship to be engaged in the transport

between Nakhodka and Japan, be guaranteed not to be subjected to attack, visit or any interference whatever by United States and Allied forces either on their outward or homeward voyages and in reply to Japanese Government's request for confirmation of this understanding, United States Government through note verbale of Swiss Legation, Tokyo 13th December, 1944, solemnly promised that the two ships selected to transport relief supplies will not be subjected to attack, visit or any interference by United States and Allied forces either on outward or homeward voyages connected with transportation these supplies. Again by their note verbale 30th January last, addressed to Swiss Legation, Toyko, Japanese Government notified United States Government that in accordance with understanding reached between Japanese and United States Government to utilize for transport or relief supplies a ship plying between Japan and southern areas, Japanese Government had decided to utilize *Awa Maru* for same purpose and requested United States Government to reconfirm that same ship would not be subjected to attack, visit or any interference whatever by United States and Allied forces either on outward or homeward voyage. United States Government through note verbale of Swiss Legation, Tokyo 13th February, fully confirmed above-mentioned guarantee. *Awa Maru* sailed from Mozi 17th February and after carrying relief supplies to southern areas started on homeward voyage. Since the night of first April, however, she was not heard of and all efforts for her search proved futile. Japanese Government inquired of United States Government 10th April. Japanese Government received United States Government's communication referred to in paragraph one above. It has now become evident that *Awa Maru* sunk by a United States submarine in straits of Taiwan at midnight on 1st April and that 1,000 and several hundreds of her passengers and the cargo shared her fate.

"Three. As stated above United States Government have thrice guaranteed absolute safety of voyage of *Awa Maru*. Japanese Government notified United States Government of her routes and schedule and these were duly noted by United States Government. She following same routes according to same schedule, wore the marks which had been notified to and duly noted by United States Government and the marks were illuminated and navigation lights were lighted at night. That ship was at scheduled position at time of sinking is clear also from a communication received from her on 1st April immediately before she was sunk.

Therefore, it cannot but be concluded that she was deliberately and wilfully attacked and sunk by United States submarine, responsibility for disaster, therefore, unmistakably lies with United States Government.

“Four. In spite of United States Government’s malicious propaganda distorting fact of the fair treatment accorded by Japanese Government to prisoners of war and civilian internees, the Japanese Government have unflinchingly continued their efforts for humanitarian treatment of prisoners of war and internees in their hands. The *Awa Maru* was selected to be employed in such humanitarian service in order to cope with United States Government’s ardent desire and in the face of considerable difficulties. The United States force in violation of United States Government’s solemn promise to give her safe conduct, intercepted her on her return voyage and deliberately attacked and sunk her. This is the most outrageous act of treachery unparalleled in the world history of war. United States Government are to be deemed to have abandoned their former desire relating to the treatment of United States prisoners of war and civilian internees in Japanese hands. Japanese Government most emphatically demand that United States Government bear the whole responsibility for this disgraceful act committed in violation of the fundamental principles of humanity and international law. Japanese Government as well as Japanese people, are most profoundly indignant at occurrence of this extremely outrageous incident. They will watch United States Government’s attitude concerning this matter with most serious concern. They do hereby file the strongest protest with United States Government and declare that they reserve all rights for taking any such measures as may be proved necessary to cope with such perfidious act on the part of United States Government.”

The United States Government sent the following reply, dated May 18, to the Swiss Government for transmission to Tokyo, and it is presumed that the Japanese Government has now received this reply:

“The Japanese Government’s protest concerning the *Awa Maru* incident has been received by the Government of the United States.

“As noted in previous communications concerning this incident, all the facts and circumstances have not as yet been determined. An investigation is now in progress to assemble all relevant information and the commander of the American submarine has

been ordered tried by a general court martial to determine the question of primary responsibility for the disaster. In these circumstances, therefore, the Government of the United States cannot accept, prior to a judicial determination of the question of responsibility, the charge of the Japanese Government that responsibility for the disaster unmistakably lies with the Government of the United States.

“The Government of the United States categorically denies the Japanese Government’s charge that the ship was deliberately and willfully attacked and sunk. It is not the practice of the Government of the United States willfully and deliberately to violate arrangements entered into with a foreign state. The Japanese Government may be assured that the Government of the United States likewise views this incident with the most serious concern and is proceeding expeditiously and objectively to ascertain the facts and to determine the question of responsibility. The Government of the United States will take such equitable measures either immediately or in the future as the dictates of justice may indicate as the result of the investigation and court martial.

“While some question may exist as to the propriety of the utilization of this ship as a means of evacuating from zones of danger large numbers of Japanese nationals, including Government officials, the Government of the United States sincerely regrets that in these circumstances there was such a heavy loss of life, and sympathizes with the families of those who perished in this disaster. The heavy death toll resulted in part from the refusal of survivors to accept life lines thrown to them from the submarine, which remained on the scene making every effort to rescue survivors.

“There is no valid connection between this disaster and the matter of treatment to be accorded prisoners of war and civilian internees in Japanese custody. The Government of the United States intends to continue to accord to Japanese nationals in its custody the same high standard of care and treatment as heretofore and expects that there will be no intentional deterioration in the treatment of Allied nationals in Japanese custody. The Japanese Government is hereby put on notice that any retaliatory acts against Allied nationals in Japanese custody will be a matter of the gravest concern to this Government and any persons issuing or executing orders in this connection will be severely dealt with at the appropriate time.

“All the information concerning this disaster which is presently

available to the American authorities at Washington has already been forwarded to the Government of Switzerland for transmittal to the Japanese Government. Additional information will be forwarded as it becomes available."

B. REPORT OF INVESTIGATION

(The Department of State Bulletin, Vol. XIII, No. 316, July 15, 1945)

The Government of the United States has now completed its investigation of the circumstances surrounding the sinking by an American submarine of the Japanese vessel, *Awa Maru*, while returning, under safe-conduct, from a voyage to Hong Kong, Singapore, and other ports to carry supplies for Allied prisoners of war and civilian internees in Japanese custody.

The investigation discloses that the *Awa Maru* was substantially complying with all conditions of the safe-conduct agreement. In the circumstances the burden of making positive identification was placed upon the United States submarine. The investigation reveals that the United States was responsible for the sinking of the *Awa Maru*. The Government of the United States has acknowledged responsibility to the Japanese Government through the Swiss Government in a telegram dated June 29, 1945, and suggested that, in view of the complex nature of the question of indemnity demanded by the Japanese, this matter be deferred until the end of the war.

On April 11, 1945, the Department of State announced that it had been informed by the Navy Department that the Japanese vessel, *Awa Maru*, traveling under Allied safe-conduct had been sunk by submarine action.

On May 29, 1945, the Department released the text of a Japanese protest dated April 26 as well as the text of this Government's reply dated May 18. In this reply, this Government notified the Japanese

Government that an investigation was then in progress to assemble all the relevant information on the sinking and notified the Japanese Government that the United States Government could not accept, prior to the judicial determination of the question of responsibility, the charge of the Japanese Government that responsibility for the disaster lay with the United States Government.

On May 16, 1945 (received May 30), the Japanese Government formally demanded that the United States Government apologize to the Japanese Government for the sinking; punish those responsible; and indemnify the Japanese Government for the loss incurred.

The text of the Japanese statement dated May 16, 1945, transmitted through the Swiss Government, is as follows:

“With reference to the protest which the Japanese Government lodged with the United States Government through the Swiss Government under the date of the 26th of April against attacking and sinking of the *Awa Maru*, the Japanese Government while reserving all rights not hereby exercised to take any necessary action to cope with this violation of a solemn undertaking, make the following demands and request the United States Government to inform the Japanese Government without delay whether they are prepared promptly to comply with the same. Namely (one) that the United States Government apologize to the Japanese Government; (two) that the United States Government punish persons responsible and inform the Japanese Government thereof; (three) that the United States Government pay indemnities for the loss of lives of the crew and the passengers for the injury done to the survivors and for the loss of the vessel and of the goods which were on board.

“The Japanese Government by their note of 12th April addressed to Swiss Minister in Tokyo requested the United States Government to inform them fully of the circumstances in which the *Awa Maru* was attacked and sunk and to take adequate measures for the repatriation of the survivors at the earliest possible date. The Japanese Government request an early reply.”

The text of this Government's communication of June 29 follows:

"The Japanese Government's further communication dated May 16 concerning the sinking of the *Awa Maru* has been received by the United States Government, which makes the following responses to the points raised therein:

"(1) The United States Government, in its communication forwarded through the Swiss Government dated April 10 and May 18, 1945, has already officially expressed its deep regret that this incident has occurred and that there was such a heavy loss of life in connection therewith.

"The official investigation into this disaster has now been concluded. It has been established that at the time the ship was sunk she was proceeding at night in a fog. There is, however, evidence that she was showing the prescribed lights. It appears that the ship was about eight miles off the course previously announced and was about 32 miles ahead of her predicted position. However, the difference between the ship's predicted position and the scene of the disaster is not considered unreasonable. The Commanding Officer of the submarine did not see the *Awa Maru* prior to or after she had been torpedoed, the attack having been made by means other than visual, which fact of itself disproves the charge that the attack was willful and deliberate. However, since it appears that the *Awa Maru* was complying substantially with the conditions of the safe-conduct agreement, the burden of establishing identity was that of the commander of the American submarine and in view of his failure to do so, the United States Government acknowledges responsibility for the sinking of the vessel.

"(2) Disciplinary action is being taken with respect to the commander of the American submarine concerned.

"(3) Because of the complex nature of the question of indemnity, this aspect of the matter cannot be resolved satisfactorily during the period of hostilities. It is suggested, therefore, that the matter of indemnity be deferred until the termination of hostilities. The Japanese Government may be assured that the United States Government will be prepared at that time to discuss all phases of the question of indemnity and will approach the question with an attitude of complete fairness and without regard to the political situation then existing.

"The survivor of the sinking, who is now being cared for by American authorities, will be repatriated to Japan as soon as

arrangements are perfected for further exchanges of nationals between Japan and the Allies.”

In taking this action the United States Government not only took into consideration the facts as determined by the investigation but was also guided by the very real necessity of doing everything in its power to insure that future shipments of food, clothing, and medical supplies to Allied prisoners of war and civilian internees in Japanese custody would be facilitated by the Japanese Government.

Ever since the outbreak of the war in the Pacific, the Government of the United States with the other interested governments has made every effort to maintain a flow of essential relief supplies to Allied individuals in Japanese custody to supplement the inadequate supplies being furnished them. During 1942 and 1943 in connection with the exchange operations some relief supplies were sent in.

In 1944 there were no exchanges. However, the United States Government, deeply conscious of its responsibility to these unfortunate individuals, actively continued negotiations through the Swiss Government with a view to working out mutually satisfactory arrangements for the delivery by the Japanese of further relief supplies. These negotiations finally resulted in an arrangement whereby, through the cooperation of the Soviet authorities, such supplies were picked up at Nakhodka by a Japanese vessel. This vessel traveled under safe-conduct granted by this Government on behalf of itself and the other Allied governments. A portion of the shipment was distributed to American and other Allied prisoners of war and civilian internees in Japan. Subsequently the Japanese asked for and received safe-conduct for two vessels, one to proceed to Shanghai to carry a portion of the remainder of the supplies for prisoners of war

in that area and the other to proceed to the southern areas (Hong Kong, Singapore, et cetera) for a similar purpose. The vessel despatched to Shanghai completed its voyage. The other vessel, the *Awa Maru*, after carrying supplies for distribution to the southern areas, was sunk on its return trip to Japan.

The United States Government in accepting the responsibility for the sinking of the *Awa Maru* hopes that the Japanese Government will be willing to accept further shipments of relief supplies for distribution to Allied nationals detained by the Japanese.

C. OFFER OF SHIP TO REPLACE "AWA MARU"

(Department of State Bulletin, Vol. XIII, No. 320, August 12, 1945)

In its press release of July 14, 1945, the Department of State made public the text of a telegram dated June 29 in reply to a further communication from the Japanese Government dated May 16 concerning the sinking by an American submarine of the Japanese vessel *Awa Maru* while returning, under Allied safe-conduct, from a voyage to Hong Kong, Singapore, and other ports, on which it carried as part of its cargo relief supplies furnished by the Allied Governments for Allied prisoners of war and civilian internees in Japanese custody.

This Government's communication of June 29 acknowledged responsibility for the sinking of the vessel and, as regards the Japanese demand for immediate indemnity, suggested that the matter of indemnity be deferred until the termination of hostilities, although assurances were given that the United States Government would be prepared at that time to discuss all phases of that question and would approach the matter with an attitude of complete fairness and without regard to the political situation then existing.

In a further effort to remove any obstacles in the way of completing arrangements whereby regular and continuous shipments of relief supplies may be made to Allied nationals in Japanese custody to supplement the inadequate supplies now being furnished them, the United States Government has now offered to transfer to the Japanese Government a ship having substantially the same characteristics as those of the *Awa Maru*, the transfer to be conditioned upon the agreement by the Japanese Government to employ the replacement vessel solely in connection with the transportation of relief supplies and mail and the movement of persons eligible for repatriation. In making this offer to the Japanese Government the United States Government stated that the ship is being offered not as a present indemnification for the *Awa Maru* but as a replacement for the sunken vessel in order that there might be no impediment in the way of the Japanese Government in giving immediate effect to its previously announced intention to continue to facilitate the shipment and distribution of relief supplies for Allied nationals.

The text of this Government's communication of July 31 follows:

"On sixth April 1945 an official Japanese spokesman, according to the Tokyo radio, announced to his press conference that the Japanese Government planned to send the *Awa Maru* on further voyages in connection with the forwarding and distribution of relief supplies sent from abroad for the benefit of Allied nationals in Japanese custody. Specifically, the spokesman stated that upon the completion of her then current voyage the ship would be sent to Nakhodka to pick up a further consignment of supplies and then would be utilized in distributing those supplies to areas outside Japan. From the general tenor of the announcement it was assumed the Japanese Government intended to continue to utilize the ship in this and other types of humanitarian service.

"The Allied Governments noted this statement with satisfaction as a further indication of a willingness on the part of the Japanese

Government to cooperate on a continuing basis in facilitating the shipment of relief supplies to Allied nationals in Japanese custody for whose welfare the Japanese Government under the Geneva Prisoners of War Convention has accepted responsibility. The Allied Governments interpreted this statement as an expression of the intention of the Japanese Government fully to reciprocate the observance by the Allied Governments of both the letter and spirit of the Geneva Convention.

“The United States Government realizes that the deplorable accidental sinking of the *Awa Maru* prevented the Japanese Government from giving immediate effect to its announced intention to continue to facilitate the shipment and distribution of relief supplies for Allied nationals. In order, therefore, to assist in overcoming this difficulty the United States Government makes the following offer to the Japanese Government, not as present indemnification for the *Awa Maru* (the suggestion having previously been made that owing to the complex nature of the question of indemnity, that matter might be deferred until the termination of hostilities) but as a replacement for the *Awa Maru* in its humanitarian service.

“The United States Government is prepared immediately to transfer to the Japanese Government a vessel described below of approximately the same size and characteristics as the *Awa Maru*, conditioned upon the express agreement by the Japanese Government to use the vessel so transferred for the following purposes and no others:

“(a) To operate between Japanese-controlled territory and a transfer point in or on the Pacific Ocean, to be designated by the United States Government, in the repatriation or exchange of Japanese and Allied civilians, seriously sick and seriously wounded prisoners of war, and surplus protected personnel.

“(b) To pick up at the Pacific transfer point, either in conjunction with the repatriation or exchange of nationals or otherwise, relief supplies and mail for Allied nationals in Japanese custody and to deliver such supplies and mail to the various areas where Allied nationals are located,

“(c) To transport relief supplies and mail for Japanese nationals in Allied custody from Japan to the Pacific transfer point. The United States Government will undertake the onward transportation of such supplies and mail from the transfer point; and also that the Japanese Government expressly agrees to the following conditions:

“(a) The vessel so transferred will at all times be painted and marked in a distinguishing manner; she will be fully illuminated at night, whether under way, at anchor, or at a wharf or pier, including searchlights trained upon side and deck markings,

“(b) As soon as possible, but not less than seven days in advance of departure, the Japanese Government will notify the Allies of any intended voyage of the vessel, including day and hour of departure, speed, course, and destination. While under way the vessel will report her position by radio at four-hour intervals. Between missions she will not be berthed at a wharf or pier, but will be anchored in a harbor as far from shore and from other shipping as possible. The Japanese Government will notify the Allies as far in advance as possible of the exact location of the ship while in waters under Japanese control between voyages,

“(c) The vessel will be under safe-conduct and safe-guard from both the Japanese and the Allied forces at all times and at all places during the continuance of hostilities in the present war.

“The characteristics of the vessel which the United States Government is prepared to transfer to the Japanese Government for the purposes and under the conditions enumerated above are as follows:

Gross tonnage	11,758
Draft	22 ft.
Deadweight tonnage	5,379
Speed	17 knots
Length	520 ft.
Beam	72 ft.
Approximate passenger capacity.....	2,500
Radius in miles	14,000
Year built	1944

“The vessel will be turned over to Japanese control at a point in the Pacific Ocean to be designated by the American authorities. Every effort will be made to recruit a crew from Japanese seamen in Allied custody. The United States Government will inform the Japanese Government as to such additional crew members as may be required to operate the ship. Such personnel may be sent from Japan to the transfer point by Japanese aircraft for which, on the outward and return journeys, the Allied Governments will be prepared to accord safe-conduct.

“Reports received by the Allied Governments emphasize the urgency of the immediate receipt by Allied prisoners of war and civilian internees in the Far East of supplemental food, medicines,

and clothing in order to prevent unnecessary loss of life and serious physical deterioration. It is, therefore, hoped that the Japanese Government will give this proposal its immediate attention and will convey to the United States Government at an early date the Japanese Government's acceptance thereof."

VIII. CHARTER OF THE UNITED NATIONS

(The Department of State Bulletin, Vol. XII, No. 313, June 24, 1945)

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

to practice tolerance and live together in peace with one another as good neighbors, and

to unite our strength to maintain international peace and security, and

to insure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS

Accordingly, our respective Governments, through