

LACAH V

THE TRUMAN FILES

**ATOMIC ENERGY UNLEASHED
--NEW BOMB BLASTS JAPAN**



REGIONAL TOURNAMENT

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SYNOPSIS

This year's case puts the 33rd president of the United States of America, Harry S. Truman, on trial. He took over as Franklin D. Roosevelt's successor, towards the end of World War 2, and is well known for the Truman doctrine and his anti-communist policies. However, he is most famous for ordering the atomic bombings of Nagasaki and Hiroshima in Japan, 1945, ultimately killing roughly 200,000 people. Due to the catastrophes created by both bombs, Truman will be charged with two allegations under Article 6 of the Nuremberg Charter, and brought in front of the International Criminal Court.

WITNESSES

PROSECUTION

Michinomiya Hirohito
William D. Leahy

DEFENCE

Harry S. Truman
Leslie R. Groves

Acknowledgements:

Certain technical aspects of the case are referenced and modified from Peer Potential Mock Trial Association

INDICTMENT

THE INTERNATIONAL CRIMINAL COURT

v.

HARRY S. TRUMAN

Defendant.

THE GRAND JURY CHARGES

COUNT I

CRIMES AGAINST HUMANITY

namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.

COUNT II

WAR CRIMES

namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill- treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity;

Burden of proof: the Prosecution must prove beyond a reasonable doubt that Harry S. Truman is indeed guilty of both Crimes against Humanity and War Crimes

Date: 11/25/2021

Joshua Zhang - International Criminal Court Prosecutor

PROCEDURE TIMING

Opening for prosecution (5 min)

Opening for defense (5 min)

Direct of prosecution witness 1 (8 min)

Cross of prosecution witness 1 (8 min)

Optional redirect/recross (remaining time)

Direct prosecution witness 2 (8 min)

Cross prosecution witness 2 (8 min)

Optional redirect/recross (remaining time)

Direct of defense witness 1 (8 min)

Cross of defense witness 1 (8 min)

Optional redirect/recross (remaining time)

Direct of defense witness 2 (8 min)

Cross defense witness 2 (8 min)

Optional redirect/recross (remaining time)

Closing for prosecution (7 min)

Closing for defense (7 min)

Rebuttal closing for prosecution (remaining time)

ALL LOSES AFTER 2 HOURS

JURY INSTRUCTIONS

Evaluation of Testimony – Believability of Witnesses

You are the sole judges of whether a witness is to be believed and of the weight to be given a witness's testimony. There are no hard and fast rules to guide you in this respect. In determining believability and weight of testimony, you may take into consideration the witness's:

1. Interest or lack of interest in the outcome of the case,
2. Relationship to the parties,
3. Ability and opportunity to know, remember, and relate the facts,
4. Manner,
5. Age and experience,
6. Frankness and sincerity, or lack thereof,
7. Reasonableness or unreasonableness of their testimony in the light of all the other evidence in the case,
8. Any impeachment of the witness's testimony,
9. And any other factors that bear on believability and weight.

For the last analysis, you should rely upon your own experience, good judgement, and common sense.

Expert Testimony

A witness who has special training, education, or experience in a particular science, occupation, or calling, is allowed to express an opinion as to certain facts. In determining the believability and weight to be given such

opinion evidence, you may consider:

1. The education, training, experience, knowledge, and ability of the witness,
2. The reasons given for the opinion,
3. The sources of the information,
4. Factors already given you for evaluating the testimony of any witness.

Such opinion evidence is entitled to neither more nor less consideration by you than any other evidence.

Impeachment

In deciding the believability and weight to be given the testimony of a witness, you may consider:

1. Evidence that the witness has been convicted of a crime. You may consider whether the kind of crime committed indicates the likelihood the witness is telling or not telling the truth.
2. Evidence of a statement by or conduct of the witness on some prior occasion that is inconsistent with present testimony. Evidence of any prior inconsistent statement or conduct should be considered only to test the believability and weight of the witness's testimony. In the case of the defendant, however, evidence of any statement the defendant may have made may be considered by you for all purposes.

STIPULATIONS

1. Both parties fully comply with their discovery obligations. No pertinent information or evidence withheld during discovery.
2. The defendant Harry S. Truman is tried on two counts: that of Crimes Against Humanity and War Crimes.
3. Both parties agree to the validity of the Geneva Convention and all other war time accords in place, recognizing the full authority of the International Criminal Court.
4. The parties reserve the right to dispute any other legal or factual conclusions based on these items and to make objections to these items based on evidentiary issues.
5. All parties and witnesses are of at least normal intelligence and none has ever suffered from mental conditions that would impact a person's perception, memory, or ability to respond on direct or cross examination.
6. The parties waive all objections under the Best Evidence Rule as to items or documents not contained in this packet. In other words, no attorney may object under Rule 1002 of the Evidence that the "original writing, recording, or photograph" in question is not among the documents contained in this case file.

SPECIAL INSTRUCTIONS

1. Witnesses must acknowledge authorship of any document that purports to be authored by them and the authenticity of any signature that purports to be theirs. A witness whose affidavit, deposition, or report states that the witness is familiar with a particular document must acknowledge, if asked, that the witness is familiar with that document and that the referenced document is the same version as the corresponding document in the current case.
2. Harry Truman does not have an affidavit or report. Students playing Truman may build their testimony using the deposition and other documents in the case. Truman may also invent facts outside of the case documents but can still be cross-examined on those inventions using the deposition, exhibits, or other case materials. All inventions of fact by Truman must comply with all LCAH Rules and other special instructions in the case. For example, Truman may not deny that Truman gave the answers given in the deposition after having sworn to tell the truth or deny having sent any reports that purport to have been sent by Truman.
3. The only legal materials that competitors may mention, or judges may rely upon, for any purpose are those set forth in "LCAH Case Law." All participants must acknowledge such if asked.
4. There should be no outside evidence introduced other than the ones that are provided in the case packet.

5. No witness may refuse to answer any question—and no attorney may instruct a witness not to respond—based on the witness’s Fifth Amendment rights.
6. Each party may designate a party representative. For purposes of this trial, there is no party representative for the prosecution, while the party representative for the defense is the defendant.
7. Concerning timing purposes, all contestants should consider the trial to be taking place in the present yet the knowledge of all witnesses limited to 1950/1/1. The contestants should not comment on any personal knowledge they possess or observe as lay or expert witnesses after the set date, yet expert witnesses can testify on information given to them through secondary sources to infer their expert conclusions, even if these secondary sources are dated after the time stamp. The credibility of these conclusions should be appropriately correlated with the assumption that the experts do not know anything of their own cognition after 1950/1/1.
8. Stipulation 5 provides that “[a]ll parties and witnesses are of at least of normal intelligence and none has or ever has had a mental condition that would impact a person’s perception, memory, or ability to respond to questions on cross examination.” It is a violation of that stipulation and of this special instruction to portray any witness in a manner that renders that witness unable or unwilling to respond to otherwise proper questions on cross examination.
9. While teams may employ distinctive accents/ speech characteristics to develop a character, teams may not use such accents/speech characteristics to invent material facts or to prove that a voice heard

was or was not the voice of a specific person in the case. This Special Instruction does not prohibit asking a witness questions regarding the witness's certainty of a voice identification or the circumstances in which the witness heard the voice in question. This Special Instruction applies both to examinations of witnesses and to opening statements/closing arguments.

10. All witness roles may be played by a person of their own chosen gender. A team shall not conduct examinations or make arguments that would lead the jury to draw a favorable or adverse inference based on the gender of a witness.
11. When a witness is asked to identify a party in the case, all members of both teams shall turn on their video cameras and allow the witness an opportunity to describe the person they "see" in the room. Additionally, during housekeeping matters at the beginning of the trial, both teams shall clearly and slowly identify all of their team members for both the benefit of the judges and the opposing team, so that the opposing team can be aware of which person is playing each witness/party.
12. Should a team wish to publish part or all of a document by reading it onto the record, the time spent reading shall be deducted from the publishing team's total direct or cross time, depending on whether the reading occurs during the publisher's case-in-chief or that of the other team. Publication may not occur before opening statements or after the defence team closes its case-in-chief.
13. The final power of ruling to any judicial discrepancies or technicalities of law is vested in the LACAH high court.

CASE LAW

Neo v. Morpheus (1988)

Pursuant to LACAH Rule of Evidence 104(a), courts may consider custodial documents, such as clerks' certifications or affidavits of records keepers, when determining the admissibility of other evidence without regard for the admissibility of the custodial document itself. The custodial document typically only addresses preliminary matters of admissibility and is not entered into evidence, and thus the court is not bound by the rules of evidence when considering it. However, if a party wishes to enter the custodial document itself into evidence, the proper foundation must be laid to establish its admissibility.

Johnson v. Bird (1993)

Trial judges must ensure that any scientific testimony or evidence admitted is not only relevant but reliable. In determining reliability, judges should consider only the methods employed and the data relied upon, not the conclusions themselves. The proponent of the evidence has the burden of proving each section of Rule 702 by a preponderance of the evidence.

Tarot Readers Association of LACAH v. Merrell Dow (1994)

In assessing reliability under Rule 702(c), judges should consider whether the theory or technique has been or can be tested, whether it has been subjected to peer review and publication, whether it has a known error rate, and whether it has gained widespread acceptance within the field. These factors, while relevant, are not necessarily dispositive. For example, lack of publication does not automatically foreclose admission; sometimes well-grounded but innovative theories will not have been published. There is no definitive checklist. Judges must make such assessments based on the totality of the circumstances.

Richards v. Mississippi BBQ (1997)

LACAH Rule of Evidence 703 does not permit experts to testify or present a chart in a manner that simply summarizes inadmissible hearsay without first relating that hearsay to some specialized knowledge on the expert's part. The court must distinguish experts relying on otherwise inadmissible hearsay to form scientific conclusions from conduits who merely repeat what they are told. The testimony of the former is admissible; that of the latter is not. At the same time, statements that would otherwise be admissible are not inadmissible simply because they are offered by or through an expert witness.

Bruno Software Co. v. Mars Investigations (1998)

LACAH does not permit parties to use their experts as weapons in a trial by ambush or unfair surprise. Expert reports that are exchanged prior to trial must contain a complete statement of all opinions the expert will testify to and the basis and reasons for them, the facts or data considered by the expert in forming their opinions, and the expert's qualifications. Experts are strictly prohibited from testifying on direct or redirect examination about any opinions or conclusions not stated in their report, and such testimony must be excluded upon a timely objection from opposing counsel. For example, an expert may not testify on direct or redirect examination that they formed a conclusion based on evidence that came out during trial that the expert did not previously review. However, if an expert is asked during cross-examination about matters not contained in their report, the expert may freely answer the question as long as the answer is responsive.

Harper v. Stockton (2012)

Pursuant to LACAH Rule of Evidence 104(a), when evaluating the admissibility of evidence, a trial court is permitted to rely on both admissible and inadmissible evidence. The use of underlying inadmissible evidence does not make that inadmissible evidence

admissible. Instead, the court is merely permitted to consider the underlying inadmissible evidence in order to assess the admissibility of the offered evidence. In a jury trial, the jury may not always be privy to the underlying facts used to determine what evidence is admissible, but the court may hear it. Previous upheld examples of this in LACAH include using character evidence to make a ruling on hearsay exceptions, using hearsay to make a ruling on character evidence, and using hearsay to decide whether an expert has adequate foundation to testify.

LACAH Television Studios v. Kosack (2018)

In lieu of submitting an entire deposition into evidence, a party may instead elect to read excerpts of said deposition onto the record. The excerpt must include the full question(s) asked and the full answer(s) given unless both sides agree to specific redactions. Any excerpt read onto the record is still subject to the AMTA Rules of Evidence. Should a party elect to read excerpts of the deposition onto the record, that party cannot also submit the deposition itself into evidence.

Kahn v. McMahon (2019)

In LACAH, substantive objections are inappropriate during a deposition. As a result, failure to object to a question during a deposition does not preclude a party from objecting to the deposition (or an excerpt under *LACAH Television Studios v. Kosack*) being offered at trial.

EVIDENCE

EXHIBIT A: Homeland Operations Record

<https://docs.google.com/document/d/14c70K4L4HU7IGSGrkU9sQiUZlbDJ2UK6CT6Q2eD7Q7c/edit?usp=sharing>

EXHIBIT B: The Japanese War Economy 1940-1945

https://docs.google.com/document/d/1bXw-iX6mwmTdHkKVRA0Q_UOPNxQglweWo1qt6Fq393A/edit?usp=sharing

EXHIBIT C: Japanese Peace Feelers in the Soviet Union

https://docs.google.com/document/d/1bvdwB2HE7lCZogqhSBe32LJc_o-IOYmh4XcZyNFz0Hg/edit?usp=sharing

EXHIBIT D: Potsdam Declaration

<http://www1.udel.edu/History-old/figal/hist371/assets/pdfs/potsdam.pdf>

EXHIBIT E: Truman Statement on Hiroshima

<https://www.atomicheritage.org/key-documents/truman-statement-hiroshima>

EXHIBIT F: The Jewel Voice Broadcast

<https://www.atomicheritage.org/key-documents/jewel-voice-broadcast>

EXHIBIT G: General Leslie Groves' Statement to the Officers about the Atomic Bomb, 1945

<https://iowaculture.gov/sites/default/files/history-education-pss-wwii-groves-transcription.pdf>

EXHIBIT H: Picture of Japanese civilians training to fight invaders with bamboo sticks



https://www.airandspaceforces.com/app/uploads/2020/06/0620_Correll_001_Japan_spear_training.jpg

EXHIBIT I:

	Hiroshima	Nagasaki
Pre-raid population	255,000	195,000
Dead	66,000	39,000
Injured	69,000	25,000
Total Casualties	135,000	64,000

EXHIBIT J:

Distance from X, feet	Killed	Injured	Missing	Total Casualties	Killed per square mile
0 - 1,640	7,505	960	1,127	9,592	24,700
1,640 - 3,300	3,688	1,478	1,799	6,965	4,040
3,300 - 4,900	8,678	17,137	3,597	29,412	5,710
4,900 - 6,550	221	11,958	28	12,207	125
6,550 - 9,850	112	9,460	17	9,589	20

EXHIBIT K:

Hiroshima	
Cause of Death	Percent of Total
Burns	60%
Falling debris	30
Other	10

TABLE D: Cause of Immediate Deaths

Nagasaki	
Cause of Death	Percent of Total
Burns	95%
Falling debris	9
Flying glass	7
Other	7

AFFIDAVIT OF MICHINOMIYA HIROHITO

PROSECUTION WITNESS AFFIDAVIT

1 After being duly sworn upon oath, Michinomiya Hirohito hereby states as
2 follows: I am over 18 and competent to make this affidavit. I have not been coerced
3 and am testifying out of my own will.

4 My name is Michinomiya Hirohito, the Emperor of Japan. I am the son of
5 the previous Emperor, Emperor Taishō. I was educated at the Peer's School and
6 at the Crown Prince's Institute, the former of which has a history of attendance by
7 members of the royal family and the latter, a special institute for the crown prince
8 specifically. On December 25, 1926, I ascended the throne and became the reigning
9 Emperor. However, I had been regent for more than five years at that point, on
10 account of my sick father.

11 The Soviet Union was always a concerning neighbor for us. The legacy
12 of the Russo-Japanese war proved detrimental to the establishment of a positive
13 cooperative relationship. As such, I always perceived the Soviet Union as a threat
14 to national security, and they perceived us as a threat as well, with a massive Soviet
15 army always deployed in the Siberian tundra. The Soviet relationship deteriorated
16 over the course of the 1930s, mainly due to border friction over Manchurian
17 territory. This resulted in multiple conflicts with the Soviet Union, including the
18 unofficial battles of Khalkhin Gol and Lake Khasan in 1938 and 1939 respectively.
19 We faced defeat in both battles, which the military attributed to a deficiency
20 in military equipment, such as tanks and other heavy weaponry. **The political**
21 **aftermath of this battle had a significant effect on the Japanese military**
22 **assessment of the Soviet Union.**

23 **In April 1941, we signed the Soviet-Japanese Neutrality Pact, which**
24 **committed both sides to not attacking the other. The pact was to last five years,**
25 **until 1946.** There were many reasons why we chose not to attack the Soviets, even
26 as our German allies were pushing deep into Soviet territories in 1941. But the

27 simple reason is that it would have been more costly than it was worth.

28 In 1941, our military was deeply mired in conflict in China, hence conflict
29 with the Soviets would have been very difficult. And there would have been very
30 little purpose in invading the Soviets. In 1941, Japan was desperate for resources,
31 with the American oil embargo seeking to cripple not only the Japanese military,
32 but also the domestic Japanese economy as well, and the lives of the citizenry.
33 Oil was vital for our economy and our security. Oil could be found in Siberia,
34 but it would take many miles of marching to reach it, and years of development
35 to be able to extract it. And, in 1941, we needed oil desperately. So, in the face
36 of American pressure, we sought to conquer the Pacific, instead of attacking the
37 Soviets. Thus, throughout WWII, our nation and the Soviets had always maintained
38 a sort of strange peace, despite being neighboring enemies.

39 To say that we were in dire straits in 1945 would be an understatement.
40 In spring 1945, Iwo Jima, and other islands near the mainland were captured by
41 the Americans. Every night, since summer of 1944, countless incendiary bombs
42 poured down upon major cities, such as Tokyo. **Our navy and air force were all**
43 **but destroyed, and we faced major resource shortages. I saw these issues. I**
44 **heard the suffering that my people went through, the rations, the bombing.**
45 **Tokyo itself was a wasteland, every other building burned by napalm. Defeat**
46 **was inevitable – what mattered was how we were defeated.**

47 **In June 1945, Marquis Kido proposed to me a plan for a conditional**
48 **surrender. He suggested that the Soviet Union could be brought as a mediator**
49 **more favorable to us than simply directly negotiating with the United States.**
50 **I believed this plan to be feasible.** After all, it was in the Soviet's interest to curb
51 American strength in the East, and the Neutrality pact still had nearly a year left
52 before expiration. I personally wrote to Stalin requesting his aid as mediator.

53 On August 6th, 1945, the city of Hiroshima was bombed with an atomic
54 bomb. In the aftermath, there was a flurry of activity about what that bomb was.
55 **The foreign minister, Togo, was certain that this was an atomic bomb, but**
56 **Anami, the war minister, was more doubtful.** In any case, Anami argued,

whether or not it was an atomic bomb didn't really matter, since our cities were being firebombed left and right anyways. He argued that it would be unnecessarily demoralizing to publicize this fact. **He seemed very hesitant to accept the fact that the Americans had developed an atomic bomb.** Quite frankly, the inflexibility of these militarists always frustrated me. In any case, in the end, the government was not to publicize that it was an "atomic bomb", but rather just a "new" bomb, in order to not incite panic among the citizenries.

It is my understanding that the Americans have regarded the bombing of Hiroshima, and later Nagasaki, as triumphant moments that forced our surrender. But the atomic bomb simply meant that there was one more city destroyed. 66 cities in total were firebombed by the American air force; Hiroshima represented a very small part of that. In the days following the atomic bomb, high ranking officers of the Navy informed me that, due to the difficulty of procuring uranium, the United States had only a few atomic bombs at most. These officers were in turn informed by scientists who had worked in our own atomic program. **So, while bombing itself influenced greatly my decision to surrender, it cannot be said that the atomic bomb specifically struck fear into me.**

Rather, it was the Soviet's invasion of Manchuria on August 8th that caused me to lose all hope. Without Soviet mediation, there was little hope of a conditional surrender. In addition, most of our troops and fortifications were in the south, in Kyushu. Knowing this, I believed it would be very difficult to react to a northern invasion instead. It was the Soviet betrayal that encouraged me to surrender, not the atomic bomb.

On August 9th, I called the cabinet for a meeting at the Imperial Palace, in order to urge them to accept the Potsdam declaration – surrendering was a joint decision between myself, the Emperor, and the cabinet. Still, the pro-war faction, supported by the military, refused to surrender without assurances of continued Japanese sovereignty, fearing a similar situation to that of the German occupation. It was in fact, in this meeting, that the second bomb, the one on Nagasaki, was

87 dropped.

88 **I'm not too clear on what the ministers discussed behind the scenes. The**
89 **cabinet often met on their own, and it was very rare that I called the cabinet**
90 **for a meeting. The cabinet certainly met commonly in these trying times, and**
91 **it's not clear what happened behind the scenes.** I didn't often speak up and voice
92 my opinion regarding policy; it was an implicit understanding that the Emperor
93 would not interfere with "trivial" issues. However, what is clear is that eventually,
94 on August 11th, with American assurances that my position would be maintained,
95 several previously pro-war ministers agreed to surrender.

96 It was 11 o'clock on August 14th, after five days of gridlock, I remember,
97 that the cabinet met in the Palace for one last time to discuss peace. The war
98 ministers, Anami, Umezu, and Toyoda, appealed for a continued war with the
99 Americans, arguing that it would be impossible for the national polity to survive
100 American conditions. They would be proven right. However, the national polity
101 was the least of my concerns at that time. An invasion of the homeland would
102 not only be unwinnable, but it would also devastate Japan. My people would be
103 slaughtered, my cities razed, my nation would crumble. But if we surrendered now,
104 there could still be a Japanese revival ahead, rather than the fate of a broken nation.
105 I decided that there would be no purpose to fighting this sort of hopeless, self-
106 harming war.

107 **No one spoke after Toyoda finished. Silence set upon the room. No**
108 **progress or agreement had been made yet. Finally, I spoke up, entreating the**
109 **ministers to set aside their personal emotions and sentiments, and to surrender**
110 **for the good of Japan.** It would be a shock to everyone – those who lost family in
111 the war, those who suffered greatly due to the war, but I would do everything in my
112 power to console them in the wake of our great defeat. There was great emotion in
113 the room following my words, and some cried, but it was decided. On August 14th,
114 we, the Japanese people, surrendered.

115 I will be frank about how I feel about the atomic bombs. I don't agree with
116 what Truman did at all. He must have been aware that Japan was on the verge

117 of surrender in August 1945. **In the years following WWII, I have been made**
118 **aware that Truman sought Soviet involvement during the Yalta conference.**
119 He knew that the Soviet Union was going to enter the war. And Truman must have
120 known, given the state of the Japanese economy and military in the summer of
121 1945, that we could not fend off a Northern offensive by the Soviets. The Japanese
122 economy was in shambles, our shipping destroyed by the naval blockade, and
123 our heavy industry constricted by the bombing of our industrial centers. **Our**
124 **steel production fell to less than half of our 1944 rates, and 35% of our 1943**
125 **production, for one. It was impossible for our limited forces to defend two**
126 **fronts at once, especially in the North, where little fortifications had been built.**

127 No, Truman did not drop the bombs to ensure a quick end to the war – the
128 war was going to end anyways. Rather, Truman sought to limit Soviet advances
129 into Japan and Asia through receiving our surrender. Truman tried to shock us into
130 surrender through his geopolitical scheme by dropping the atomic bombs, all so
131 that he could prevent a Soviet occupation of Japanese. His bombs did not cause
132 Japanese surrender. But what he did cause was the death of hundreds of thousands
133 of my people. And for that, I deplore Truman.

134 I swear or affirm the truthfulness of everything stated in this affidavit. Before
135 giving this statement, I was told I should include everything that I know may be
136 relevant to my testimony, and I followed those instructions. I know that I can and
137 must update this affidavit if anything new occurs to me until the moment before
138 opening statements begin in this case.

Signed: 嵯
仁



Subscribed and sworn to me on this 23rd day of September 2022:

Joshua Zhang
Notary Public

AFFIDAVIT OF WILLIAM D. LEAHY

PROSECUTION WITNESS AFFIDAVIT

1 After being duly sworn upon oath, William Daniel Leahy hereby states as
2 follows: I am over 18 and competent to make this affidavit. I have not been coerced
3 and am testifying out of my own will.

4 My name is William Daniel Leahy, and I am the United States Chief of Staff
5 to the President. Just like many young men in the late 1800s, I was drawn to a
6 career in the military and had my sights set on the United States Military Academy.
7 **Yet, I was appointed to the United States Naval Academy in 1983. Although**
8 **my not first choice in career, I excelled quickly through the Naval Academy,**
9 **and through my hard work and dedication to the United States Navy, I**
10 **reached a 4 Star general rank. I have held many titles, including Chief of**
11 **Naval Operations and Chief of Staff to the Commander in Chief. Since 1942,**
12 **I have been the highest-ranking active duty member of the U.S. military—**
13 **reporting only to the President.** Throughout the war, I have been involved in
14 most major decision-making process, including the dropping of the atomic bomb.
15 I am not only aware of the internal United States Government events leading up
16 to the bomb's usage, but I am also aware of the disastrous effects of both bombs.
17 Currently, I am the senior-most United States military officer on active duty, and I
18 have been in this position since well before the start of World War II.

19 My occupation has led me to work with President Harry S. Truman. I
20 originally began my career in the Government working with President Franklin
21 D. Roosevelt and after his death, I kept my position in the White House under
22 Truman. I had a deep respect for President Roosevelt as his knowledge of world
23 affairs and politics was unmatched by anyone I have met before, but I was ready
24 to serve Truman as I did Roosevelt. Roosevelt did have me attend much more
25 conferences than Truman did, though I still had an active role under Truman. I have
26 come to know President Truman as a dedicated man and one who is passionate

27 about his country. Yet, I firmly believe that he must be held accountable for his
28 inexcusable actions in the nuclear bombings of Japan.

29 The dropping of the atomic bomb was by no means necessary, nor was it
30 justified. **Mr. Truman was no expert in military bombings. However, there**
31 **was no doubt that he knew that dropping massive atomic bombs on densely**
32 **populated areas would result in the deaths of many civilians.** Mr. Truman had
33 full knowledge of what these attacks would entail, and yet he allowed for hundreds
34 of thousands of Japanese civilians to be wiped out. **My ranking is deceiving, as**
35 **President Truman did have the final say in dropping the atomic bombs,** all
36 while I attempted to stop him from using harsh weapons of war such as the atomic
37 bomb. It was his rash decision-making that led to the suffering and agony of
38 Japanese families.

39 President Truman refused to listen to me not only once, but twice. At our
40 meeting after the dropping of the first bomb, I along with President Truman and
41 his cabinet heard of the effects it on the Japanese people. **We were not given an**
42 **exact death toll initially after the first bomb was dropped, but it was passed**
43 **on to us by word of mouth that tens of thousands of Japanese people died.**
44 **Knowing this and knowing my hesitations with dropping a second nuclear**
45 **bomb, President Truman persisted in its usage and furthered the already**
46 **overwhelming widespread violence and destruction on August 9th, 1945.** We
47 now are aware that entire populations were destroyed, the buildings of once proud
48 cities were reduced to rubble, and the surrounding environment became barren of
49 life.

50 **Speaking as one with military experience, I can safely say that the use**
51 **of this barbarous weapon at Hiroshima and Nagasaki was of no material**
52 **assistance in our war against Japan. The Japanese were already defeated and**
53 **ready to surrender because of the effective sea blockade and the successful**
54 **bombing with conventional weapons.** The war with Japan was clearly coming
55 to an end. The Allied forces had won victory in Europe, and the American forces
56 were steadily advancing in the Pacific Theater. By 1945, the Japanese had suffered

a string of defeats. The Marianas Campaign, the fight for the Philippines, and U.S. victory in Saipan all indicated a clear American victory. We had made progress with bombings, taken Iwo Jima, and captured Okinawa—which was to be the staging site of Operation Downfall, the plan to begin the U.S. invasion of mainland Japan. The U.S. Navy had destroyed most of Japan’s naval infrastructure, and our strategic bombing of military manufacturing districts left Japan without the weaponry needed to continue their war effort.

As one with extensive military knowledge, I knew that Japan would not last any longer and would surrender in mid-August, given trends in past smaller bombings in key cities, as the United States bombed 66 cities in the summer of 1945. This was before the two atomic bombs were deployed. Each of these smaller bombings was slowly chipping away at Japan’s resources, military oh, and civilians. To me, it was obvious that Japan was on the verge of surrender and I relayed that message to President Truman multiple times, including before both nuclear bombings.

Clearly, in terms of the end result—I’m not talking about the means, but in terms of the outcome of the attack—Hiroshima was not exceptional. It was not outside the parameters of attacks that had been going on all summer long. Hiroshima was not militarily decisive. **The Soviet Union’s declaration of war the day before the bomb was dropped on Nagasaki, on the other hand, fundamentally altered the strategic situation.** Adding another great power to the war created insoluble military problems for Japan’s leaders. It might be possible to fight against one great power attacking from one direction, but **anyone could see that Japan couldn’t defend against two great powers attacking from two different directions at once.** The Soviet declaration of war was decisive; Hiroshima and Nagasaki were not. The atomic bomb was not at all necessary to end the war, and many of the estimates regarding lives saved with the use of the bomb are completely inaccurate. A two-front war was not a possibility for Japan to fight in given their depleting status.

During the last meeting between myself before any nuclear bombs were

87 deployed, President Truman, and his chair, President Truman, heard of Japan's
88 wartime situation. We spoke of how surrender was inevitable, yet that idea
89 that Japan needed time and conditions to accept the surrender according to the
90 country's culture and traditions was brought up. **While we were speaking to**
91 **Truman, he made it clear that his mind was set on dropping the first bomb.**
92 **He almost seemed closed-minded to any other peaceful possibilities.** I was
93 stubborn on my position regarding the bomb, as was Truman. From our meetings,
94 Truman still decided to drop yet another bomb on Nagasaki, regardless of any
95 opposition presented by myself or others on his chair. I understood that Truman
96 refused to accept anything less than unconditional surrender—an unreasonable and
97 unnecessary insistence. Our final meeting showed me and his chair that Truman
98 knew Japan was incredibly close to surrender, and he knew how Japanese culture
99 would cause difficulties in procuring an unconditional surrender in such a short
100 span of time, as both facts were heavily discussed. However, he barely gave the
101 Japanese time to agree to said surrender and ultimately made the atrocious decision
102 that ended thousands of lives unnecessarily and without justification.

103 Truly, politics was never my concern. I was never one to fully understand
104 politics, nor how politicians can make decisions that risk human life. Politics is a
105 tricky area to be maneuvered, debatably hard for me to wrap my head around. To
106 me, there was a war going on, and I cared about the people. All my advice was
107 given in regard to human life.

108 Finally, I can say that President Harry S Truman was well-informed on
109 the state of Japan during the dropping of both atomic bombs at Hiroshima and
110 Nagasaki. From the perspective of someone consulting with President Truman, I
111 am certain that President Truman was aware of the state of Japan's government and
112 the country as a whole before and after the first bomb was dropped. Mr. Truman's
113 actions were both unjustifiable and led to unnecessary civilian death, and he should
114 face the consequences for his actions.

115 I swear or affirm the truthfulness of everything stated in this affidavit. Before
116 giving the statement, I was told I should include everything that I know may be

117 relevant to my testimony, and I followed those instructions. I know that I can and
118 must update this affidavit if anything you occur to me until the moment before
119 opening statements begin in this case.

120 I am familiar to all exhibits in the case that pertain to my role as the United
121 States Chief of Staff to that President. I am familiar with inside documents of the
122 American Military or government, and I am Familiar of all public records of the
123 usage of atomic bombs, yet I am unaware of internal Japanese Communications or
124 governmental documents.

125 All the information presented here is true and all documents that offer a
126 difference in narrative can be explained through a different degree of information
and should be taken into account the information I receive, yet can still be used as
solid points of contention against me, in terms of legal disputes.

Signed: *William D. Sealmy*

Subscribed and sworn to me on this 9th day of September 2022:



Joshua Zhang
Notary Public



INTERNATIONAL CRIMINAL COURT
THE OFFICE OF THE PROSECUTOR
Deposition Transcript
Interviewing: HARRY S. TRUMAN
Prosecutor: KARIM AHMAD KHAN

LOCATION: OUDE WAALSDORPERWEG 10,
2597 AK DEN HAAG, NETHERLANDS
DATE: AUGUST 8th, 1958
TIME: 0920 HOURS
COURT REPORTER: LIANGELO. L. V. BALL

1 Examination by Karim Ahmad Khan, for Prosecution. Witness represented
2 by public defender Joshua Zhang.

3
4 The deponent herein, after having been first duly sworn, testified as
5 follows:

6
7 Q: Please state your name, and spell it for the record.

8
9 A: Harry Truman. H-A-R-R-Y. T-R-U-M-A-N.

10
11 Q: Are you currently taking any medication?

12
13 A: No.

14
15 Q: Do you understand that anything you say here may be used against
16 you in a court of law?

17
18 A: Yes, I do.

19
20 Q: Do you understand your fifth amendment rights to remain silent?

21
22 A: Yes, and I chose to waive them, I have nothing to hide today.

23
24 Q: Given this is a deposition that will only be used in a non-
25 televised courtroom for the International Criminal Court, do you waive
26 your presidential confidentiality clause which bars you from speaking
27 about classified information you have received as a president?

28
29 A: Yes.

30
31 Q: Are you in any way coerced, forced, or here to make this deposition
32 against your own will?

33
34 A: No.

35
36 Q: Is there any reason you cannot give a truthful testimony today?

37
38 A: No. It would be good if we get started soon, investigator. Do you
39 think a man of my stature would perjure in a court of law?

40
41 Q: Let's start with that. For the record, please introduce yourself.

42
43 A: My name is Harry S. Truman, and I am the 33rd president of the
44 United States of America. Serving from 1945 to 1953, I succeeded upon
45 the death of Franklin D. Roosevelt after serving as the 34th vice
46 president.

47 Q: Where do you live?

48

49 A: I used to live in 1600 Pennsylvania Avenue, or more commonly known
50 as the White House. After I was relieved of my Commander-in-Chief
51 post, nowadays, I live in Mar-a-lago, a really nice estate down in
52 Florida.

53

54 Q: When did you take over as the President of the United States?

55

56 A: That would be after Franklin D. Roosevelt, may his soul rest in
57 peace, passed away. America was full on engaged in World War II, and I
58 was inaugurated at a time of warfare and chaos in the world.

59

60 Q: Did you ever serve in the army?

61

62 A: Yes, when I first joined the army, a 21-year-old me was so proud of
63 my new uniform that I promptly went to a photographer's studio and
64 had a series of portraits made. Needless to say, I loved the notion
65 of war, and having fought in WWI, I know how important it is to make
66 split-second decisions and how important brotherhood was in the army.
67 When the United States declared war on Germany in 1917, I was a
68 farmer of 33 who could easily have avoided service. On the contrary,
69 I reenlisted with the National Guard and became a captain. Under my
70 command, Battery D won regimental records for firing accuracy and range
71 assembly speed, and participated with distinction in the Vosges, St.
72 Mihiel, and Meuse-Argonne campaigns.

73

74 Q: Did you still keep in touch with your men after the war?

75

76 A: Yes, some of my trusted lieutenants, unlike me bailing on them to
77 go into politics, they stayed in the army. A lot of my friends in
78 my army days actually became high commanding officers in World War
79 II, some of them leading the fight to force Japan's surrender. They
80 reported back that casualties were high, and that they weren't far
81 from the front line either!

82

83 Q: What was your knowledge of nuclear weapons when you became
84 president?

85

86 A: After the first meeting of the Cabinet after I was sworn in
87 as President, Secretary Stimson informed me of the first bit of
88 information about the nuclear bomb. He explained that he thought it
89 necessary to share about the revolutionary changes in warfare that
90 might result from the atomic bomb and the possible effects of such a
91 weapon on our civilization. I learned that this top-secret project
92 was made in conjunction between the U.S. military and top nuclear
93 scientists to develop an atomic bomb. In July 1945, several bombs were
94 completed, and testing occurred at the Trinity site in Los Alamos.
95 The test was successful, and the bombs were deemed operational. If
96 it worked, the bomb, in all probability, would shorten the war. But
97 warfare, no matter what weapons it employs, is a means to an end, and
98 if that end can be achieved by negotiated settlements of conditional
99 surrender, there is no need for war.

100 Q: What was the war situation when you became President?
101
102 A: I needed to decide America's next steps regarding the war's
103 procession in the Pacific Theater. At that point in time, the other
104 major Axis powers had surrendered, and only Japan remained steadfast
105 in its refusal to surrender.
106
107 Q: What was your reaction to Japan's attitude of refusing cooperation?
108
109 A: It was my decision that the proclamation to Japan should be issued
110 from the forthcoming conference at Potsdam. I wanted to afford Japan
111 a clear chance to end the fighting before we used atomic power. After
112 the first explosion of an atomic bomb on the morning of July 16,
113 we reviewed our military strategy in light of this revolutionary
114 development. We were not ready to make use of this weapon against the
115 Japanese, as we did not know as yet what effect the new weapon might
116 have, physically or psychologically, when used against the enemy.
117
118 Q: What preliminary research have you done before deploying the atomic
119 bomb?
120
121 A: While we received no response from Japan, it was the committee's
122 recommendation that the bomb is used against the enemy. I had
123 realized, of course, that an atomic bomb explosion would inflict damage
124 and casualties beyond imagination. It was their conclusion that no
125 technical demonstration they might propose, such as over a deserted
126 island, would be likely to bring the war to an end. It had to be
127 used against an enemy target. In deciding to use this bomb, I wanted
128 to make sure that it would be used as a weapon of war in the manner
129 prescribed by the laws of war. That meant that I wanted it dropped
130 on a military target. Therefore, Kyoto, though favored by General
131 Arnold as a center of military activity, was eliminated when Secretary
132 Stimson pointed out that it was a cultural and religious shrine of the
133 Japanese.
134
135 Q: Were there no alternatives for this?
136
137 A: Making the decision to drop the atomic bomb was incredibly difficult
138 for the military and my administration. Believe me, if someone had
139 told me there was another viable solution that could have caused less
140 harm, I would have taken it in a heartbeat. There truly was no other
141 option-we ran through every scenario-and I wish every day that this
142 had not been the case.
143
144 It was clear that the Japanese would not surrender under the
145 conditions of how the war was proceeding at the time. Even after V-Day
146 and Germany's surrender, they refused to back down. Everything we had
147 tried so far had not worked, and the world was tired of war. All eyes
148 were on the United States to end things. The American government had
149 no choice but to do what was necessary to end the Second World War.
150 More and more lives were lost every day, and dragging on the war would
151 merely lead to millions more casualties for all nations involved.

152 Q: What other scenarios were there?
153

154 A: There were four solutions that were recommended to me by the
155 committee and my national security officers.
156

157 The first scenario was that of continuing conventional bombing of
158 Japanese home islands. In order to make Japan surrender in the Pacific
159 area of World war II, we launched hundreds of such attacks to bombard
160 Japan, including Tokyo. Despite such efforts, however, Japan refused
161 to surrender, making this option ineffective. This would also be less
162 timely and cause casualties on the Japanese side that could've been
163 prevented! After all, all I wanted to do was to end the war earlier, I
164 am not a mass murderer.
165

166 Our second scenario was that of a land invasion of the Japanese home
167 islands. This is the last possible choice I would ever make. As
168 nationalism continued to thrive in Japan, invading Japan would only
169 cause more nationalist resentment towards Americans, potentially
170 prompting a counterattack more fiercely, causing unwanted casualties.
171 Plus, this would also draw other foreign major forces into the
172 conflict. My objective is to save as many American lives as possible,
173 but I also have a human feeling for the women and children of Japan. I
174 do not want to risk more lives for an uncertain decision.
175

176 We considered our other alternatives, and we really did. There was a
177 possibility to demonstrate the prowess of the atomic bomb in other
178 unpopulated areas on Japanese islands! Doing so could frighten
179 Japanese forces and force a surrender. However, there were several
180 shortcomings to this. This most likely would not force a surrender and
181 be seen as a sign of weakness, the full extent of the atomic bomb's
182 power unable to be revealed. It will not bring enough attention to
183 the Japanese government, and my congress will also criticize me for
184 spending money excessively! During the Potsdam Conference, I clearly
185 warned Japan that unless they gave us an ordeal of unconditional
186 surrender, a "destructive" force would cause prompt and utter
187 destruction. Sure, I didn't tell them what it was at the time, but
188 nevertheless, such a threat was ignored by Japan, essentially hinting
189 at the ineffectiveness of this method.
190

191 And finally, the method and solution that somehow put me on trial
192 today, even though it was the best of all four! It was to use an
193 atomic bomb on the populated areas of Hiroshima and Nagasaki. After
194 long periods of debate and discussion with my advisors and the
195 national security committee, this option stood out. It would be
196 strong enough to send a message to the Japanese and destroy their
197 nation completely. See, this is also the reason why I did not select
198 a cultural center like Tokyo or Kyoto to bomb. My goal is to make the
199 Japanese government aware of the fact that continuing fighting is no
200 use but only causes more devastation, nothing else. This was the best
201 solution to bring our American boys home, and to my eyes, there was no
202 alternative that could end the war faster and with fewer casualties.
203

204 Q: What was the attitude of the United States congress upon this

205 situation and your leadership?

206

207 A: I will frankly admit that I was put under much pressure under
208 Congress. I took the seat when my beloved friend and colleague, FDR,
209 unfortunately, passed away due to Polio.

210

211 Congress definitely gave me a hard time. It would be unfair to say that
212 my influenced were not in the thought of what the media and civilians
213 of America would think of the policies and actions. I cannot be a soft
214 president, I need to leave my mark as FDR did in American history.
215 And, well turns out, it did.

216

217 Q: Do you ever regret this decision you have made?

218

219 A: Every day during a war, leaders must make hard decisions-the
220 hardest ones we will ever have to make. This decision is something I
221 will live with for the rest of my life. It was in no way wanton, and
222 it was made with sadness and resignation after intense deliberation.
223 It was terrible but made even more terrible because it had to happen.
224 I hope the world is never again put in this situation.

I, the court reporter, declare under penalty of perjury that the foregoing is true and correct.

Lilington Ball
Court Reporter

August 23 2022
Date

I, the deponent, certify that I have read the foregoing transcript of my deposition, and I swear it is a true, correct, and complete transcript of my deposition. I have no changes or amendments.

Harry S. Truman
Defendant

August 24 2022
Date

AFFIDAVIT OF LESLIE R. GROVES

DEFENSE WITNESS AFFIDAVIT

1 After being duly sworn upon oath, Leslie Richard Groves Jr. hereby states as
2 follows: I am over 18 and competent to make this affidavit. I have not been coerced
3 and am testifying out of my own will.

4 My name is Leslie Richard Groves Jr. **At the time of the atomic bombings,**
5 **I was a General for the Army of the United States.** My father was a US Army
6 Chaplain so I've always been close with the army, moving a lot as my father
7 was assigned to different army posts. Hence, it was my dream to join the army.
8 Growing up, I was around many other soldiers and their children. We all wanted to
9 join the army after we grow up. **In the end most of us did.**

10 **I finally started my career as part of the army in 1918 after I graduated**
11 **fourth in my class from the US Military Academy at West Point and got**
12 **commissioned into the US Army Corp of Engineers (USACE).** As part of
13 the USACE, I went to Nicaragua in 1929 as part of an expedition. In 1931 an
14 earthquake hit Nicaragua so I took over Managua's water supply and helped
15 ensure that people will have access to clean water. I was awarded the Nicaraguan
16 Presidential Medal of Merit for that. I later attended the Command and General
17 Staff School at Fort Leavenworth and the Army War College. In 1942 I was put in
18 charge of the Manhattan Project, in which I was responsible most aspects of the
19 development of the bombs.

20 After being assigned to the Manhattan Project, I met with Robert
21 Oppenheimer who I was confident was able to lead the Manhattan Project. Though
22 Robert Oppenheimer had many communist connections which would have
23 concerned many others, I still gave Robert Oppenheimer the job.

24 After the war, I thought a lot about the usage of the atomic bombs. I never
25 felt great about giving the order to drop the bomb. **You could even say that it**
26 **drenched my hands with blood. But some blood needs to be shed in war. In the**

end, I would say that with my experience as part of the program, I do believe that the atomic bombs were important for stopping the war because the Japanese just wouldn't surrender.

Anyone familiar with Japanese culture can tell you why I made that assessment. A tradition in the Japanese military was to issue the Senjinkun Military Code to new recruits. Later, it was even issued to civilian populations in preparation of Operation Ketsu-Go, a desperate teeth-and-claw attempt by the Japanese to protect their homeland. The military code bluntly stated to "Never live to experience shame as a prisoner". In the absence of guns, civilians were even trained to fight with sharpened bamboo sticks. Japan was clearly prepared to fight to the last man.

The Japanese showed their remarkable tenacity in their preparations for Operation Ketsu-Go, and their defensive operations beforehand. For months now our warships had been harried by Kamikaze attacks, wherein a pilot would crash his plane into our ship, dealing significant damage and killing himself in the process. It was a shock, to say the least, to hear that even the common Japanese pilot was willing to make the ultimate sacrifice to protect the Japanese homeland. And our intelligence reports showed that the Japanese had several thousands of these planes, ready to crash into our ships and men in a flame of blazing glory. Furthermore, Japan had prepared countless fortifications along their southern coast. The years of fighting had crippled the Japanese Navy, and the blockades had throttled their industry, but it certainly had mortally wounded the Army. On the shores of Japan, ready to strike back at any American invasion, sat 6 million Japanese soldiers in wait. And it was all concentrated on the southern border, prepared to push back any invasion by our men. Because of all these factors, Operation Downfall, the planned invasion of Japan, was estimated to cause between 1.7 and 4 million casualties, 400-800 thousand of which would be American.

The Japanese had affirmed their commitment to a fierce defense all throughout the Pacific island-hopping campaign, but no island found fighting more

shockingly fierce than Okinawa. **It took almost three months to trudge across that tiny island. Fifty thousand Americans died in that battle, and around 110 thousand Japanese soldiers and civilians,** but something more shocking than the casualty figures was the attitude of the civilians. Many reports were placed on my desk detailing their behavior. **Due to Japanese propaganda, many Okinawans would even rather kill themselves than surrender to American hands.** I can't even imagine the sight of civilians, innocents, backing up fearfully and fleeing from our soldiers, jumping off cliffs rather than face American occupation. Needless to say, our troops on the ground were quite rattled. In 1945, Japan was on its last legs, and any sane person would surrender. But clearly the Japanese leadership was not sane.

Personally, I never fought in the Pacific. But I knew many who did. The son of a dear friend of my wife was involved in the fight for Iwo Jima. A nephew of mine, recently 18, was sailing to the Pacific at the time - July 1945. And I had seen and saluted many brave young lads, marching off to the dockyards, ready to fight for their nation. Many of them never came back. Could I really allow the sacrifice of these bright young men, tear apart their families, and grieve the nation? With all this in my mind, there was only one choice I ever could have made. In 1945, under my recommendation, the Army Corp of Engineers proposed to Harry Truman that we drop the atomic bombs on Japan.

Japan would have never surrendered without the atomic bombs, not before we clawed our way all the way through Honshu and to Hokkaido, until they had not a square foot of land left to stand on. In war, one never takes a pointless risk. The critics of the atomic bombs argue that Japan was on their way to surrender already. They argue that the bomb was never necessary, that some "factor" - the Soviets, resource shortages, incendiary bombing - something would have caused them to surrender, other than the bomb. But their arguments matter very little. These people have clearly never been commanders. To so casually suggest gambling with your men's lives is an appalling proposal to me. As a military leader, you control the lives and deaths of the men under your command. These are real,

87 living, breathing humans. They are not dice. And I refused to treat them like dice.
88 So, Hiroshima and Nagasaki burned.

89 Clearly the bombs affected the Japanese morale, and struck fear into the
90 Japanese leadership. **Just look at how they didn't even dare to admit it was an**
91 **atomic bomb, instead stating that it was a "new" bomb. Togo, the Japanese**
92 **foreign minister, even told me, after the war was over, that he personally was**
93 **shocked by the power of the atomic bomb.**

94 The Japanese may decry the actions of the American military. They may
95 criticize the dropping of the atomic bomb as cold, callous, unnecessary. It seems
96 that in just five short years, they have forgotten the crimes they have committed.
There may be plenty of blood on my hands, but there is blood ten times as thick on
theirs.

Signed: 

Subscribed and sworn to me on this 16th day of September 2022:



Joshua Zhang
Notary Public