

27 May 1947

MEMORANDUM FOR: Mr. Lester C. Dunigan

FROM : Mr. Pedro Lopez

SUBJECT : Witness - ARITA, Hachiro; FUJITA, Tsuguo; ISHIHARA, Kenji;  
MURATA, Shozo; OHYAMA, Fumio; ONO, TAKESHI; OWADA, Teiji;  
TAMURA, Kosaku; YANO, Mitsuji; YOSHINO, Shinji (TOJO)

1. Attached is the decoration info on the above named witness assigned to you.

PEDRO LOPEZ  
Associate Prosecutor  
for the Philippines



27 May 1947

<u>Date</u>	<u>Kinds of Orders</u>	<u>Post</u>	<u>Merit</u>	<u>Commending Ministry</u>
	<u>Name</u> ARITA, Hachiro (TOJO)		<u>Born</u> 21 Sep 1888	
29 Apr 1934	The 2nd Order of the Rising Sun with Double Rays	An Envoy Extraordinary and Ambassador Plenipotentiary. An Envoy Extraordinary and Minister Plenipotentiary.	Manchurian Incident	Foreign Ministry
2 Nov 1938	The Grand Cordon of the 1st Order of the Rising Sun with Paulownia Flowers	Foreign Minister	Anti-Communism Agreement between Japan and Germany	Foreign Ministry
22 Nov 1937	German Order: Grosskreuz Adler		Friendly relations between Japan and Germany	Foreign Ministry
20 Apr 1939	Italian Order: Grand croix saint Maurice et Lazar		Friendly relations between Japan and Italy	Foreign Minister
25 Apr 1938	Manchukuo: 1st Order of Chu Kuo		Friendly relations between Japan and Manchoukuo	Foreign Minister
2 Feb 1942	Manchukuo: 1st Order of Ching Yun		Friendly relations between Japan and Manchoukuo	Foreign Minister



27 May 1947

<u>Date</u>	<u>Name</u>	<u>Kinds of Orders</u>	<u>Post</u>	<u>Merit</u>	<u>Commanding Ministry</u>
29 Apr 1934	FUJITA, Tsugio (TOJO, Hidaki)	The 2nd Order of the Rising Sun with Double Rays	Secretary of War Ministry	Manchurian Incident	Tokyo Prefecture War Ministry



27 May 1947

Name ISHIHARA, Kanji (TOJO)

Yamagata Prefecture  
Born 17 Jan 1889

<u>Date</u>	<u>Kinds of Orders</u>	<u>Post</u>	<u>Merit</u>	<u>Commending Ministry</u>
29 Apr 1934	Intermediate Cordon of the 3rd Order of the Rising Sun	Colonel, Infantry	Manchurian Incident	War Ministry
29 Apr 1940	1st Order of the Sacred Treasure	Lieut.-General	Chinese Incident	War Ministry
29 Apr 1934	3rd Order of the Golden Kite	Colonel, Infantry	Manchurian Incident	War Ministry
24 Dec 1936	Manchoukuo: 2nd Order of Ching Yun		Friendship for Japan and Manchoukuo	Foreign Ministry



27 May 1947

Name MURATA, Shozo (TOJO)

Born 6 Oct 1878

<u>Date</u>	<u>Kind of Order</u>	<u>Post</u>	<u>Merit</u>	<u>Commending Ministry</u>
29 Apr 1940	4th Order of the Sacred Treasure	A member of the House of Peers	Chinese Incident	Cabinet



27 May 1947

<u>Date</u>	<u>Name</u>	<u>Kind of Order</u>	<u>Post</u>	<u>Merit</u>	<u>Commending Ministry</u>
29 Apr 1934	CHIYAMA, Fumio (TOJO)	2nd Order of the Rising Sun with Double Rays	Mil. Judge Advocate	Manchurian Incident	War Ministry
29 Apr 1940		Grand Cordon of the 1st Order of the Rising Sun	Mil. Judge Advocate	Chinese Incident	War Ministry
16 Oct 1940		Manchoukuo: 2nd Order of Ching Yun		Friendship for Japan and Manchoukuo	Foreign Ministry



27 May 1947

**Name** CWO, Takaishi (TOJO)

**Born** 18 Apr 1890

<u>Date</u>	<u>Kind of Order</u>	<u>Post</u>	<u>Merit</u>	<u>Commending Ministry</u>
29 Apr 1934	Minor Cordon of the 4th Order of the Rising Sun Double Rays	Secretary of Communications Ministry Ministry of Communications	Manchurian Incident	Ministry of Communications
29 Apr 1940	2nd Order of the Sacred Treasure	Vice-Minister of Ministry of Communications	Chinese Incident	Ministry of Communications



27 May 1947

Name TAMURA, Kosaku (TOJO)

Toyama Prefecture  
Born 1 Nov 1899

Date

Kind of Orders

Post

Merit

Commending  
Ministry

7 Jul 1937

6th Order of the  
Rising Sun with  
Single Rays

2nd Lieutenant,  
Engineer

Chinese  
Incident

War Ministry



27 May 1947

	<u>Name</u>	OWADA, Teiji	Tokyo Prefecture Born 23 Nov 1888	
<u>Date</u>	<u>Kinds of Orders</u>	<u>Post</u>	<u>Merit</u>	<u>Commending Ministry</u>
29 Apr 1940	2nd Order of the Rising Sun with Double Rays	Vice-Minister of Ministry of Communications	Chinese Incident	Ministry of Communications



27 May 1947

Name YANO, Mitsuji (TOJO)

Tokyo Prefecture  
Born 28 Jan 1897

<u>Date</u>	<u>Kinds of Orders</u>	<u>Post</u>	<u>Merit</u>	<u>Commending Ministry</u>
29 Apr 1934	5th Order of the Rising Sun with Double Rays	Captain, Infantry	Manchurian Incident	War Ministry
29 Apr 1934	5th Order of the Golden Kite	Captain, Infantry	Manchurian Incident	War Ministry
10 Jul 1936	Minor Cordon of the 4th Order of the Rising Sun	Captain, Infantry	Manchurian Incident	War Ministry



27 May 1947

Name YOSHINO, Shinji (TOJO)

Miyagi Prefecture  
Born 21 Sep 1888

<u>Date</u>	<u>Kinds of Orders</u>	<u>Post</u>	<u>Merit</u>	<u>Commanding Ministry</u>
29 Apr 1934	Intermediate Cordon of 3rd Order of the Rising Sun	Secretary of the Ministry of Commerce and Industry	Manchurian Incident	Ministry of Commerce and Industry



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\* After the destruction of Nazism, they hoped to establish a peace which will afford to all the means to dwell in safety within their country, and will assure all men everywhere that they may live in freedom from fear and want, with the right to traverse the high seas without hindrance. All nations must come to abandonment of all use of force. Since no peace can be maintained if armaments continue to be employed by nations which threaten aggression outside their frontiers pending the establishment of a permanent system of general security, the disarmament of such nations is essential. They will aid and encourage all other practical measures which will lighten the burden of crushing armaments.

February 28, 1947.

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\* Certain portions of Prosecution documents relating to the government of Japan were read into the record.

**FUJITA**

DIRECT EXAMINATION of TSUGUO FUJITA,  
Doctor KYOSE.

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\* The witness stated that he graduated in political science from the College of Law, Tokyo Imperial University, in April, 1940. From 1917 to 1934 he was secretary or counselor in the War Ministry, and his duties were legal counselor on military administration. \* After he retired in

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August, 1934, he studied the constitution and received the Doctor of Laws from Tokyo Imperial University in May, 1937, for his study of military administration in Europe and America.

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He believed he could testify on the Japanese constitution, the competence of the different governmental organs, and particularly the organization of the armed forces. There are four fundamental principles of the Japanese constitution. First is the division of the powers in the legislative, judicial, and executive branches. Under Article IV the Emperor is the head of state. \* The legislative rights are exercised on the approval of the legislative branch of the government. The executive powers, with the assistance of the cabinet, and the judicial powers are exercised by the judiciary in the name of the Emperor.



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The second principle is that the freedom of the people cannot be restricted without law. The third principle is the supremacy of law, whereby it cannot be revised or abolished by order. They can be, however, under Article VIII, changed or abolished by emergency imperial ordinance, subject to the subsequent approval of the Diet. The fourth principle is that no state action can be taken without a budget

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\* In referring to statutes, he means those that have been approved and passed by the Diet. The organs recognized by the constitution are the political organs, the military and naval organs, the judicial organs, and the Imperial Household organs. By the military and naval organs, he means the Supreme Command. The political organ is the Cabinet, which is composed of various ministers of state, there

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being thirteen of them, \* as of December, 1941. They are Prime Minister, Foreign, Finance, War, Navy, Judicial, Education, Agriculture and Forestry, Commerce and Industry, Communications, Railways, Overseas Affairs, and Welfare Ministers.

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\* The relations between the Supreme Command and the affairs of state is stipulated in Articles 11, 12, and 55, \* of the constitution, exhibit 68, and by Article 7 of the regulations governing the organization of the Cabinet, exhibit 70, and articles 1 of the responsible regulations of the General Staff Office, and of the Naval Staff Office, exhibits 78 and 79, and in wartime the ordinance of the Imperial General Headquarters, exhibit 70.

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\* In addition, there are the rules and regulations made by the War Ministry concerning the War Office, the Inspector General of Military Education, and the General Staff of August 13. There are also rules and regulations governing the Naval Ministry and the Naval General Staff of 1933.

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The relationship between the powers of the Supreme Command and the powers of military administration may be divided into three points. Matters purely concerned with the Supreme Command, matters purely administrative, and mixed matters relating to both. Purely Supreme Command matters are \* mobilization plans, operation plans, battle array, and field service regulations. These are handled by the General Staffs.



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17552 Purely administrative matters relate to the organization of institutions and schools, accounts of the army and navy, recruiting and requisitioning. With respect to recruiting, the number of men to be recruited each year is handled by the General Staff, while the War Minister is in charge of actual recruiting. The respective \* war and navy ministers are responsible for administrative matters. The mixed matters are the decision on the size of the standing army and navy, and the plan of national defense. They are called mixed because they are matters both for the General Staff and for Military Administration. These mixed matters are handled by consultation between the Chief of the General Staff of the Army and the War Minister, and in the Navy by the Chief of the Naval General Staff and the Navy Minister.

17553 \* When Imperial GHQ is set up in time of war, the same distinction exists as in peace time. In war, matters concerning the Supreme Command are the responsibility of the Chiefs of Staff. The Commander-in-Chief of the expeditionary forces in the field has the position of organizing his army.

17554 Ministers of State have no responsibility with respect to the Supreme Command. In March, 1925, the government declared in the House of Peers \* that Article 55 of the constitution did not apply to the Supreme Command. There are, however, matters which have intimate relation with matters of state administration, and the government stated that the Minister of State would be responsible for matters which fell within the circumscribed area in which the intimate relation is needed. These matters are the mixed matters to which he referred, which are the question of the decision of the size of the standing army and the plan of national defense.

17555 Responsibility related to the administration of state is borne by the Minister of State, while responsibilities relating to matters of Supreme Command are borne \* by the Chiefs of Staff. \* This causes inconvenience in the prosecution of war. To alleviate these inconveniences since the outbreak of the China Incident, consultative conferences between the Naval and the Army Forces, the Liaison Conference, and the Supreme Council for the direction of war were set up.



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17556 The Liaison Conference was comprised of representatives of the Supreme Command and the Cabinet. \* Matters were discussed, but not decided there. Decision was made after an agreement had been reached by the War Minister, for example with respect to matters pertaining to his department after he returned to his own ministry.

With respect to Supreme Command matters, they were carried out for the army by the Chief of the General Staff. Matters agreed upon at the Liaison Conference were decided finally either at the Cabinet or at Supreme Command Organs, depending on the nature of the matter. The consultative conference was of the same character as the liaison conference.

17557 \* The character of the Supreme Council for the direction of war is about the same, but with some difference in that Imperial sanction was received in connection with its establishment.

17558 During the war there were so called conferences in the Imperial presence to coordinate matters with respect to state administration and Supreme Command; that is, the cabinet and the High Command in the presence of the Emperor. If the representatives came to a full agreement at such conference, \* the decision is not taken there, but matters pertaining to state affairs are decided by the State Minister after he returns to his office, and matters to the Supreme Command are decided by the Chiefs of Staff.

17559 Aside from the question of importance, all of the four organs mentioned are of the same character. He did not know that if between 1928 and the beginning of the China Incident \* there was any organs in existence in Japan to establish a relationship between the government and the Supreme Command.

The witness said that there are differences between the positions of the American Secretary of War and the Japanese War Minister.

17560 \* The witness said there was no legal provision in existence prior to the China Incident for the meeting of the Supreme Command and the Government. \* The witness did not believe that it

17561 was accurate to say that in Japan the ordinance power goes far beyond the effectuation of statutes and the delegation of functions, as in Great Britain and U.S.



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17562 There is a clear distinction between statute and ordinance in the constitution. In principle statutes can be neither abolished nor revised by ordinance, and there are many matters which cannot be stipulated by methods other than statute constitutionally. \* One of the principal instances is matters concerning the personal liberty of the people, which cannot be restricted unless by law.

The witness said that it was not correct to state that the Prime Minister also had the power to serve concurrently as the Minister of State and that this had been done a number of times. He would say that the Prime Minister is one of the State Ministers, and in the event he concurrently held another portfolio of state he would be granted another appointment by the Emperor to hold concurrently a second post of State Minister.

17563 \* The witness stated that the Privy Council is never policy forming. This is stipulated in the law governing its organization. The provision is that the Privy Council may act in an advisory capacity, but cannot interfere with legislative and administrative affairs. The Cabinet is not advisory, \* and the Privy Council does not exercise legislative functions. The witness stated it was not accurate to say that the relations of the Privy Council to the state are both executive and legislative, and that it amends many drafts of new laws and ordinances before they are submitted to the Diet.

17565 The Privy Council has the power to give advice to the throne pertaining to bills, and its function is to respond in an adviser's capacity to inquiries from the throne on bills related to the constitution. It advises on matters found in Article 8 in the constitution relating to emergency matters, and on important matters \* relating to education, and on laws governing the organization of the cabinet and each ministry.

17566 He stated that it is incorrect to say that the Diet cannot initiate policy. \* If a bill concerning a policy presented by a member of the Diet is voted and accepted, the policy is decided upon. A Diet member has the power to present a bill to the Diet. This is stipulated in the constitution.



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While he could not recall exactly actual cases in which bills on policy were initiated by the Diet, if he remembers correctly there was a case of a press law initiated by the Diet which was subsequently adopted.

17567 With the gradual development of the parliamentary system, the Diet tended to exert an increasing influence through two methods. \* The first was done in the form of interpellations, the second was done in the form of questions put to the budget commission.

17568 \* Government officials other than cabinet members who can be concurrently members of the House of Representatives are the Parliamentary Vice-Ministers and Secretaries and Councilors in the various ministries, and the Chief Secretary of the Cabinet. Even though a minister of state was not appointed from among the members of the House of Representative the lower House could exercise political influence.

17569 \* The witness said it is rather incorrect to say that the Diet hardly participates in the making and concluding of treaties. His interpretation is that although the Emperor concludes treaties, the Diet can modify or influence them by interpellation. The witness said it was not correct to say that the government monopolized the introduction of bills into the Diet.

17570 The witness said it was not correct an expression to say that the legislative power is ultimately under the Emperor's control while the duty of the Diet was to give advice and consent. \* While the Diet has the right to give consent to bills, the Emperor has never exercised his veto to the bills which have been passed by the Diet.

17571 With respect to reserve expenditures, the witness stated that before a report on them is submitted to the Diet, there is an independent board of auditors which makes inquiries as to whether or not \* the reserve expenditures have been properly compiled, and reports.



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17572 The witness said that it was not correct to say that the Ministry of Home Affairs controlled state Shinto. Matters of religion were handled by the Education Ministry. \* The Home Office supervised shrines, not from a religious angle but from the administrative purpose and the handling of funds.

17573 He stated it was not correct to say that the Minister of Justice is responsible for the administration of civil and criminal law and penal institutions, and exercises supervisory authority over procurators and judges. The Justice Minister has nothing to do with the conducting of trials, and judges conduct them by law. Administratively the judges are controlled by the Ministry of Justice, but not in matters pertaining to trials. \* The Justice Minister cannot interfere with sentences legally, and in practice does not do so.

17574 He stated that the Justice Minister never appointed judges and procurators. This was done by the Emperor. The promotion of judges and procurators depended \* on the recommendation of the Minister of Justice. The witness stated he could not remember anything about a system of Cabinet Councillors prior to the outbreak of the China War.

CROSS-EXAMINATION by Brigadier Nolan.

17578 \* The witness stated that with respect to judges of the Chokunin rank, the recommendation for appointment is made to the Emperor after it has passed a cabinet meeting. \* With respect to judges of the Sonin rank, the Minister of Justice makes recommendations to the throne through the Prime Minister. He repeated that the Minister of Education controls or supervised the Shinto religion, but not its administration. The Home Office was responsible for shrine administration.

17580 \* With respect to the statement of Brigadier Nolan read from his speech that the legislative power was ultimately under the control of the Emperor, while the duty of the Diet is to give advice and consent, the witness said the expression quoted was inaccurate. He did not know from whose writing this was taken. Since it was from ITO's Commentaries, however, he would say that from the standpoint of law, since it is stipulated in the constitution it may be said to be a correct statement.



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17581 Parliamentary vice ministers and counselors are entitled to be members of the House of Representatives. The right was acquired a long time ago. As a member of the House, they have a right to vote.

The witness stated that in practice there were actually more government bills introduced by the government and fewer by the members of the Diet, and actually speaking those introduced by the members of the Diet were of less importance and fewer in number.

17582 \* The witness' statement with respect to the treaty power of the Diet, he believed, were somewhat insufficient. While the Emperor has the prerogative of making war and concluding treaties, he had meant to say that the Diet had certain rights whereby they exercised influence over such matters.

17583 \* This could be done through the right of interpretation.

Legally, the statement of ITO that the Emperor shall dispose of all matters relating to foreign intercourse with the advice of his ministers but allowing no interference by the Diet, is correct.

17584 Under the constitution, if the Privy Council entertained a different opinion from the cabinet on a certain bill and if it was an unimportant bill, the government would withdraw it. If the bill was important it would be either changed or might cause the resignation of the cabinet.

17585 He could not say who attended the liaison conferences because the internal constitution of that conference had not been made public. He understood from the papers \* that the Prime Minister and War and Navy Ministers attended. He also thought the Foreign Minister was in attendance, and of course the Chiefs of Staff attended. He did not know whether the President of the Planning Board attended.

17586 His statement that no decision was reached at liaison conferences required explanation. What he meant to say was that members of the conference who participated in the meeting, following an agreement of views, returned to their respective posts to carry out the decisions in connection with \* matters pertaining to their respective departments.



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The Ministers of State carried out matters under their jurisdiction, and the Chiefs of Staff carried out their work. His understanding was that it was not a decision of the Liaison Conference but an agreement of views. However, since there could be no opposing opinion there was unanimity of agreement. He did not know that the Cabinet invariably approved decisions of the Liaison Conference. A Cabinet Minister holding a certain portfolio is responsible for the decisions of the cabinet as a minister of state, but not as a minister of a particular department.

17587 \* In the Japanese constitution it is stipulated that the ministers of state are responsible for the advice to the Emperor, but it is not stipulated that it is a common responsibility of all cabinet ministers.

17588 \* When questioned by the President as to the point that the liberty of a subject could only be restrained according to law, with reference to the witness who had testified that he had been kept in prison 18 months before trial and then discharged but later brought to trial, the witness stated that this was an illegal act on the part of the government authorities, and the authorities who handled the case committed illegal acts.

Re-Direct Examination by Doctor Kiyose.

17589 \* The witness stated that ITO wrote his commentaries about the time of the promulgation of the constitution, about 1890. When ITO wrote the book he intended to explain for what purpose the constitution should be used. However, since then various different practices and interpretations of the constitution have been introduced. His book is a good reference, but cannot be entirely relied upon.

17590 \* While with respect to certain things legally speaking there has been no change, the facts have changed.

17591 \* With respect to the question of disagreement between the Privy Council and the Government he could remember no actual example, but his reply was based on a hypothetical case, \* as he could remember

17592 no case where members of the cabinet pushed through certain bills in spite of Privy Council opposition.



INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA et al

vs

ARAKI, Sadao et al

STATEMENT

Affiant: FUKUDA, Tsuguo

In accordance with the custom of my country, I have sworn an oath as in appended document and make the following statement:

1. I graduated from the Department of Political Science of the Law School of the Tokyo Imperial University in July, the 43rd year of MEIJI (TN: 1910).

2. I was in the War Ministry as councillor or secretary from August of the 6th year of TAISHO (TN: 1917) to the same month of the 9th year of SHOWA (TN: 1934), during most of which term I held a position of legal advisor in connection with military administration. Since my retirement from the service, I have devoted myself to the study of the Constitution.

3. In May of the 12th year of SHOWA (TN: 1937), I had the degree of Doctor of Laws conferred upon me by the Tokyo Imperial University for a thesis entitled "A Study of Military Administration in Europe and America".

4. The principal statutes which cover the relation between State affairs and the Supreme Command in our country are: Article 11, 12, and 55 of the Imperial Constitution. Besides these, there are Article 7 of the Cabinet Organization Law, Article 1 of both the War Ministry Organization Law as well as the Navy Ministry Organization Law, Article 1 of both the General Staff Office Law and the Naval Staff Office Law, Article 1 of the Imperial General Headquarters Law, the regulations for the co-ordination of business between the War Ministry and the General



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Staff Office of August 1913 (2nd year of TAISHO), and also the regulations for the co-ordination of business between the Navy Ministry and the Naval Staff Office. In addition to the ones mentioned above, Article 1 of what is called the Military Command Act should be referred to. These excerpts of laws and regulations I will attach to this affidavit.

5. Briefly speaking, actual military administration and matters concerning the Supreme Command in Japan can be classified under the following three categories for the sake of simplicity:

a) Matters purely concerning military command.-- This is a function of the Supreme Command and consists in formulating plans for mobilization and operation and order of battle and field service regulations. These are matters handled through the channel of the Supreme Command as will be explained later.

b) Purely military administrative matters.--Organizations of official establishments and schools, Army and Naval accounting as well as recruitment and requisition.-- In recruitment, the decision on the annual number of conscripts belongs to the Supreme Command. What is meant here by recruitment is the drafting to fill up the number of conscripts decided upon by the Supreme Command. This falls under the jurisdiction of the War and Navy Ministers as the organs of military administration as will be explained later.

c) Miscellaneous matters.--Such matters as decision on the size and strength of the Army and Navy and the national defense plan, from one viewpoint, involve the Supreme Command and, from the other, the administration. That is to say, these matters are closely related to both, and need to be conferred over by the two organs of military administration and military command. They will then be submitted to the Cabinet, if their intrinsic



nature so requires or otherwise, to Imperial decision with the joint signature of both organs.

6. I gave in the foregoing item the scope of the function of the organs of military administration and military command. The organ of administration here mentioned, needless to say, comprises the War and Navy Ministers. The organ of military command is the Chief of the General Staff Office in the Army and the Chief of the Naval General Staff in the Navy. If in time of war or incident the Imperial General Headquarters is established, the Chiefs of the General Staff Office and the Naval General Staff Office will become the Chiefs of the Imperial General Staff to H. M. the Generalissimo, but the boundary line between the Supreme Command and State affairs remains the same as mentioned in the foregoing item. The Chief of Expeditionary Forces is, as a rule, under the direct command of the Emperor and the extent of his duties and responsibilities is determined by the orders issued on each particular occasion.

7. Since the 23rd year of MEIJI (TN: 1890) our Constitution has had a provision in Article 55 regarding the responsibility of Ministers of State Affairs. Whether this responsibility extends to the Supreme Command or not was one of the big constitutional problems at that time. But since March of the 14th year of TAISHO (TN: 1925) when the Government expressed the following view in the House of Peers and officially settled the problem, it has remained as the official interpretation ever since: "Supreme Command in Article 11 of the Constitution is thought to be excluded from the scope of the State Minister's responsibility dealt with in Article 55 of the Constitution although it is in some respects, closely connected with matters under the responsibility of State Ministers, who, therefore, shall be held responsible for participation and



assistance." Insofar as governmental acts are concerned, I presume that the ~~letter part of this answer of the Government states as "Supreme Command, in some respects, closely connected with the matters under the responsibility of State Ministers"~~ coincides on the whole with what I called "miscellaneous matters" in this affidavit.

8. As stated above, our country has within the Army the dual structure of State affairs and Supreme Command. In order to prosecute a war, these must be unified. Since the China Incident, the Imperial General Headquarters, the Government Liaison Conferences or Meetings and the Supreme War Directive Conferences since the KOISO Cabinet were established for the purpose of unification. These conferences were established not in accordance with any law, but through agreement between the Government and the Supreme Command. The Supreme War Directive Conference, however, was founded with the Imperial sanction. But even in the case in which the Imperial decision was accorded to, these organs were by no means lawful organs, and their decisions had no legal ground in themselves. Their constituting members were each morally responsible for action in their respective spheres. That is to say, the responsibilities of the Premier arise when he has referred the said decisions, if necessary, to the Cabinet Council or to the Diet for legislation on the matters if need be, and only after all these procedures have been duly followed. The Chief of the General Staff and the Chief of the Naval General Staff each executes those decisions which are within their power, but proceeds to take necessary steps for reporting to the Throne when such a procedure is required.



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9. In conclusion, mention will be made here of Military Regulation No. 1 of the 40th year of MEIJI (1907) which stipulates in its Article 1 that those matters related to Supreme Command needing Imperial sanction should be counter-signed by the Ministers of both War and Navy. This stipulation has a particular historical reason behind it. But it is an error to interpret the fact that matters of Supreme Command should be counter-signed by Ministers of War and Navy as meaning that they have the privilege of Supreme Command. Among us scholars, the counter-signature in question is construed as being of an executive nature, having no constitutional authority.

At Tokyo  
10 December  
21st year of SHOWA (1946)

Deponent: /S/ FUJITA, Tsuguo

I hereby vouch for the fact that the above was sworn, signed and sealed  
before this witness.

Same place  
Same date

Witness: /S/ OHARA, Nobuko



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OATH

In accordance with my conscience, I swear to tell the truth withholding nothing and adding nothing.

/s/ FUJINA, Tsuguo



Imperial Constitution

Article 11: The Emperor shall have the Supreme Command of the Army and Navy.

Article 12: The Emperor shall decide on the organization and the size of the standing Army and Navy.

Article 55: The Ministers of State will give their advice to the Emperor and be responsible therefor.

Cabinet Organization

Article 7: Matters of military command or military secrets to be reported to the Emperor shall be reported also to the Prime Minister by the War or Navy Ministers excepting those which shall be referred to the Cabinet by instruction of the Emperor.

War Ministry Organization

Article 1: The Navy Minister shall control Navy administration and the Naval personnel and civilians attached to the Navy. He shall also supervise all departments under his supervision.

General Staff Office Law

Article 1: The General Staff Office shall control national defense and tactics.

Navy General Staff Office Law

Article 1: The Naval General Staff Office shall control the national defense and tactics.



Imperial General Headquarters Law

Article 1: The Supreme Headquarters under the Sovereign authority of the Emperor shall be called the Imperial General Headquarters. The Imperial General Headquarters shall be established as occasion demands in time of war and incident.

Article 2: The Chiefs of the General Staff and of the Naval General Staff shall attend the Imperial General Headquarters as the Chiefs of the Imperial General Staff. They shall take part in planning operations and endeavor to promote the co-operation of Army and Navy.

Military Command Act No. 1 of the 40th year of MEIJI (TN: 1907)

Article 1: The provisions in connection with the Supreme Command of the Army and Navy that have been sanctioned by the Emperor shall be military commands.

Article 2: To those military commands that need publication shall be attached the Imperial edict together with the Imperial signature and seal as well as the responsible War and Navy Ministers' counter-signatures with the date.

Article 3: Military orders shall be published on the official gazette.

Article 4: Military orders shall immediately be effective unless otherwise provided in regard to the date.

Regulation for Co-ordination of matters relating to the War Ministry, General Staff Office and General Military Education Inspection Board.

Chapter II

Supervision and Handling of Duty

Article 5: The following items shall be planned by the Chief of the General Staff after conferring with the War Minister or the Inspector General of Military



Education and being submitted to Immediate Audience for sanction. The items sanctioned thus shall be communicated by the Chief of the General Staff to the units concerned or turned over to the War Minister who shall, if necessary, administer these sanctioned items. Those communicated to the units concerned by the Chief of the General Staff will be communicated to the War Minister who shall, if necessary, give instructions concerning the items.

- 1) The use of the armed forces for maintaining local peace and order.
- 2) The duty, disposition, operation and relief of armed forces stationed in Korea, Manchuria and China.
- 3) The dispatch of expeditionary forces, excepting gendarmerie to foreign countries, and the duty, operation and relief of expeditionary forces in foreign countries.
- 4) The duty and operation of temporarily organized or mobilized forces.

The foregoing 1 to 4 items shall be published by the Chief of the General Staff after he has obtained the concurrence of the War Minister and sanction by Immediate Audience.

- 5) Matters relating to extraordinary grand manoeuvres.
- 6) Matters concerning inter-divisional manoeuvres.

The foregoing items 5 and 6 shall be published by the Chief of the General Staff after he has conferred with the War Minister and the Inspector General of Military Education and obtained sanction by Immediate Audience.

- 7) Mobilization orders, demobilization orders, orders relating to preparation for war, disarmament orders, urgent preparation orders, and orders for organizing and dissolving units.



- 8) Wartime organization.
- 9) Wartime regulations except those affecting accounting, health and supply.
- 10) The order for mobilization planning and instructions on the annual mobilization plan.
- 11) Details concerning the raising of temporary units.

The foregoing 7 to 11 items shall be administered by the War Minister after the Chief of the General Staff has conferred with the War Minister and obtained sanction by Immediate Audience.

- 12) Field Service Regulation, Siege Regulation and Fortress Defense Regulation.

The foregoing item 12 shall be administered by the War Minister after the Chief of the General Staff has conferred with the War Minister as well as the Inspector General of Military Education and obtained sanction by Immediate Audience.

Article 6: The operation plans and instructions and plans for fortifications and defenses and instructions thereon shall be planned by the Chief of the General Staff. After these have been sanctioned by Immediate Audience, they will be communicated to units concerned. On the matter of materials and supplies required in accordance with this article, consultation will be held in advance with the War Minister.

Article 7: The following items shall be administered by the War Minister after the Inspector General has planned them and concurred with the War Minister as well as the Chief of the General Staff and obtained sanction by Immediate Audience.



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- 1) All military manuals.
- 2) All regulation handbooks.
- 3) Military Education Ordinances, Officer Training Ordinances.

Article 8: The following items shall be administered by the War Minister after he has planned and concurred with the Chief of the General Staff as well as the Inspector General of Military Education and obtained sanction by Immediate Audience.

- 1) Wartime regulations concerning intendance, medical services and supply.
- 2) Matters concerning radical reform or adoption of principal arms, instruments and standard materials.
- 3) Matters concerning the disposition of units except gendarmerie in Japan proper.
- 4) Important peacetime systems in connection with defense and tactics other than those mentioned above.

The foregoing items 1 to 4 shall be handled with the Chief of the General Staff's concurrence.

- 5) Matters concerning research in important military matters.
- 6) Matters concerning special inspections.
- 7) Other important peacetime systems in connection with education.

The foregoing items 5 to 7 shall be handled with the concurrence of the Chief of the General Staff and the Inspector General of Military Education.



Article 9: Detailed regulations concerning the mobilization plan, all detailed instructions regarding the annual mobilization plan and by-laws concerning the organization of temporary units shall be proclaimed by the War Minister after these have been proposed by the Chief of the General Staff and concurred on by the Chief of the General Staff and the War Minister.

Accounts regulations concerning the mobilization plan shall be proclaimed by the War Minister after they have been proposed by him and concurred on by the Chief of the General Staff.

Article 10: The Chief of the General Staff shall superintend the peacetime organization of the armed forces (excluding gendarmerie and disciplinary corps) and the departments and schools under his charge. The Inspector General of Military Education shall superintend the peacetime organization of the departments and schools under his charge. The other peacetime organizations shall be placed under the charge of the War Minister. The plans of the above stated peacetime organizations will be drawn up by their respective superintendents. In case the superintendent is the Chief of the General Staff, he shall concur with the War Minister and if he be the Inspector General, he shall concur with the War Minister and the Chief of the General Staff. After that, they shall submit the proposals to Immediate Audience with the War Minister as joint signatory. In the case of the War Minister, he shall concur and sign jointly with the Chief of the General Staff the proposal to be submitted to Immediate Audience. All proposals sanctioned will be executed by the War Minister.



Regulations for the Co-ordination of Affairs between the Navy Ministry and the Naval Staff Office.

Article 3: Regarding strength, the plan shall be drawn up by the Chief of the Naval Staff. It shall then be concurred upon with the Navy Minister before being submitted for an official or unofficial Imperial decision.

Article 4: The plans of the following items shall be drawn up by the Chief of the Naval Staff, after conferring with the Navy Ministry, submitted to Immediate Audience and notified to the Navy Minister, and the Navy Minister shall, when he thinks it necessary, confer with the Chief of the Naval Staff concerning the despatch of warships, vessels and/or units.

- 1) The superintendence of despatch of warships, vessels and/or units of a military secret or strategic nature.
- 2) Tactical duty and operations of warships and/or vessels.
- 3) Tactical duty and operations of defense warships, vessels and/or units despatched overseas.

Article 5: The plans of the following items will be drawn up by the Chief of the Naval Staff. They will then be conferred over with the Navy Minister before being sanctioned by Immediate Audience and notified to the War Minister.

- 1) Wartime organization.
- 2) Grand and minor manoeuvres.
- 3) Naval battle regulations.

Article 6: The following items will be executed by the Navy Minister after the Chief of the General Staff has drawn up the plan concurred thereupon with the Navy Minister and has obtained sanction by Immediate Audience and notified the Navy Minister.



- 1) Peacetime organization of fleets and air forces.
- 2) Organization of fleets of destroyers, submarines, torpedo boats and mine sweepers as well as air and landing forces.
- 3) Data for fleet movements and manoeuvre orders.
- 4) Naval commands, flight orders and the like.

Article 7: The following items shall be planned by the Navy Minister and administered or executed by him after the Navy Minister has received concurrence thereupon from the Chief of the Naval Staff who shall submit them to be sanctioned by Immediate Audience, if deemed necessary. But the Chief of the General Staff shall confer with the Navy Minister on those items on which the Chief of the General Staff regards such a conference as being necessary.

- 1) The despatch, duty and operation of fleets and units other than stipulated in Article 4.
- 2) Change of commission and duty of ships and vessels.
- 3) Stationing of ships and vessels.

Article 8: The following items shall be administered or executed by the Navy Minister after he has drawn them up and conferred over them with the Chief of the General Staff and obtained the sanction by Immediate Audience when this is necessary. But the Chief of the Naval Staff shall confer with the Navy Minister on such matters he thinks it necessary to confer.

- 1) Establishment of fleets and schools as well as the determination of the number of crews or students to be admitted thereto.
- 2) Appointment of staff officers.
- 3) Curriculum and drill manuals.



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Translation Certificate

I, William E. Clarke, of the Defense Language Branch, hereby certify  
that the foregoing translation described in the attached affidavit  
is, to the  
best of my knowledge and belief, a correct translation and is as near as  
possible to the meaning of the original document.

/s/ William E. Clarke

Tokyo, Japan

Date: 22 Jan. 1947

(Affidavit of FUJITA, Tsuguo)



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17467

\* After the destruction of Nazism, they hoped to establish a peace which will afford to all the means to dwell in safety within their country, and will assure all men everywhere that they may live in freedom from fear and want, with the right to traverse the high seas without hindrance. All nations must come to abandonment of all use of force. Since no peace can be maintained if armaments continue to be employed by nations which threaten aggression outside their frontiers pending the establishment of a permanent system of general security, the disarmament of such nations is essential. They will aid and encourage all other practical measures which will lighten the burden of crushing armaments.

February 28, 1947.

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\* Certain portions of Prosecution documents relating to the government of Japan were read into the record.

DIRECT EXAMINATION of TSUGUO FUJITA,  
by Doctor KLYOSE.

17539

\* The witness stated that he graduated in political science from the College of Law, Tokyo Imperial University, in April, 1940. From 1917 to 1934 he was secretary or counselor in the War Ministry, and his duties were legal counselor on military administration. \* After he retired in August, 1934, he studied the constitution and received the Doctor of Laws from Tokyo Imperial University in May, 1937, for his study of military administration in Europe and America.

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He believed he could testify on the Japanese constitution, the competence of the different governmental organs, and particularly the organization of the armed forces. There are four fundamental principles of the Japanese constitution. First is the division of the powers in the legislative, judicial, and executive branches. Under Article IV the Emperor is the head of state. \* The legislative rights are exercised on the approval of the legislative branch of the government. The executive powers, with the assistance of the cabinet, and the judicial powers are exercised by the judiciary in the name of the Emperor.



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The second principle is that the freedom of the people cannot be restricted without law. The third principle is the supremacy of law, whereby it cannot be revised or abolished by order. They can be, however, under Article VIII, changed or abolished by emergency imperial ordinance, subject to the subsequent approval of the Diet. The fourth principle is that no state action can be taken without a budget

17542

\* In referring to statutes, he means those that have been approved and passed by the Diet. The organs recognized by the constitution are the political organs, the military and naval organs, the judicial organs, and the Imperial Household organs. By the military and naval organs, he means the Supreme Command. The political organ is the Cabinet, which is composed of various ministers of state, there being thirteen of them, \* as of December, 1941. They are Prime Minister, Foreign, Finance, War, Navy, Judicial, Education, Agriculture and Forestry, Commerce and Industry, Communications, Railways, Overseas Affairs, and Welfare Ministers.

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\* The relations between the Supreme Command and the affairs of state is stipulated in Articles 11, 12, and 55, \* of the constitution, exhibit 68, and by Article 7 of the regulations governing the organization of the Cabinet, exhibit 70, and articles 1 of the responsible regulations of the General Staff Office, and of the Naval Staff Office, exhibits 78 and 79, and in wartime the ordinance of the Imperial General Headquarters, exhibit 70. \* In addition, there are the rules and regulations made by the War Ministry concerning the War Office, the Inspector General of Military Education, and the General Staff of August 13. There are also rules and regulations governing the Naval Ministry and the Naval General Staff of 1933.

17551

The relationship between the powers of the Supreme Command and the powers of military administration may be divided into three points. Matters purely concerned with the Supreme Command, matters purely administrative, and mixed matters relating to both. Purely Supreme Command matters are \* mobilization plans, operation plans, battle array, and field service regulations. These are handled by the General Staffs.



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17552 Purely administrative matters relate to the organization of institutions and schools, accounts of the army and navy, recruiting and requisitioning. With respect to recruiting, the number of men to be recruited each year is handled by the General Staff, while the War Minister is in charge of actual recruiting. The respective \* war and navy ministers are responsible for administrative matters. The mixed matters are the decision on the size of the standing army and navy, and the plan of national defense. They are called mixed because they are matters both for the General Staff and for Military Administration. These mixed matters are handled by consultation between the Chief of the General Staff of the Army and the War Minister, and in the Navy by the Chief of the Naval General Staff and the Navy Minister.

17553 \* When Imperial GHQ is set up in time of war, the same distinction exists as in peace time. In war, matters concerning the Supreme Command are the responsibility of the Chiefs of Staff. The Commander-in-Chief of the expeditionary forces in the field has the position of organizing his army.

17554 Ministers of State have no responsibility with respect to the Supreme Command. In March, 1925, the government declared in the House of Peers \* that Article 55 of the constitution did not apply to the Supreme Command. There are, however, matters which have intimate relation with matters of state administration, and the government stated that the Minister of State would be responsible for matters which fell within the circumscribed area in which the intimate relation is needed. These matters are the mixed matters to which he referred, which are the question of the decision of the size of the standing army and the plan of national defense.

17555 Responsibility related to the administration of state is borne by the Minister of State, while responsibilities relating to matters of Supreme Command are borne \* by the Chiefs of Staff. \* This causes inconvenience in the prosecution of war. To alleviate these inconveniences since the outbreak of the China Incident, consultative conferences between the Naval and the Army Forces, the Liaison Conference, and the Supreme Council for the direction of war were set up.



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17556 The Liaison Conference was comprised of representatives of the Supreme Command and the Cabinet. \* Matters were discussed, but not decided there. Decision was made after an agreement had been reached by the War Minister, for example with respect to matters pertaining to his department after he returned to his own ministry.

With respect to Supreme Command matters, they were carried out for the army by the Chief of the General Staff. Matters agreed upon at the Liaison Conference were decided finally either at the Cabinet or at Supreme Command Organs, depending on the nature of the matter. The consultative conference was of the same character as the liaison conference.

17557 \* The character of the Supreme Council for the direction of war is about the same, but with some difference in that Imperial sanction was received in connection with its establishment. During the war there were so called conferences in the Imperial presence to coordinate matters with respect to state administration and Supreme Command; that is, the cabinet and the High Command in the presence of the Emperor. If the representatives came to a full agreement at such conference, \* the decision is not taken there, but matters pertaining to state affairs are decided by the State Minister after he returns to his office, and matters to the Supreme Command are decided by the Chiefs of Staff.

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17559 Aside from the question of importance, all of the four organs mentioned are of the same character. He did not know that if between 1928 and the beginning of the China Incident \* there was any organs in existence in Japan to establish a relationship between the government and the Supreme Command.

The witness said that there are differences between the positions of the American Secretary of War and the Japanese War Minister.

17560 \* The witness said there was no legal provision in existence prior to the China Incident for the meeting of the Supreme Command and the Government. \* The witness did not believe that it was accurate to say that in Japan the ordinance power goes far beyond the effectuation of statutes and the delegation of functions, as in Great Britain and U.S.

17561



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17562 There is a clear distinction between statute and ordinance in the constitution. In principle statutes can be neither abolished nor revised by ordinance, and there are many matters which cannot be stipulated by methods other than statute constitutionally. \* One of the principal instances is matters concerning the personal liberty of the people, which cannot be restricted unless by law.

The witness said that it was not correct to state that the Prime Minister also had the power to serve concurrently as the Minister of State and that this had been done a number of times. He would say that the Prime Minister is one of the State Ministers, and in the event he concurrently held another portfolio of state he would be granted another appointment by the Emperor to hold concurrently a second post of State Minister.

17563 \* The witness stated that the Privy Council is never policy forming. This is stipulated in the law governing its organization. The provision is that the Privy Council may act in an advisory capacity, but cannot interfere with legislative and administrative affairs. The Cabinet is not advisory, \* and the Privy Council does not exercise legislative functions. The witness stated it was not accurate to say that the relations of the Privy Council to the state are both executive and legislative, and that it amends many drafts of new laws and ordinances before they are submitted to the Diet.

17565 The Privy Council has the power to give advice to the throne pertaining to bills, and its function is to respond in an adviser's capacity to inquiries from the throne on bills related to the constitution. It advises on matters found in Article 8 in the constitution relating to emergency matters, and on important matters \* relating to education, and on laws governing the organization of the cabinet and each ministry.

17566 He stated that it is incorrect to say that the Diet cannot initiate policy. \* If a bill concerning a policy presented by a member of the Diet is voted and accepted, the policy is decided upon. A Diet member has the power to present a bill to the Diet. This is stipulated in the constitution.



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While he could not recall exactly actual cases in which bills on policy were initiated by the Diet, if he remembers correctly there was a case of a press law initiated by the Diet which was subsequently adopted.

17567 With the gradual development of the parliamentary system, the Diet tended to exert an increasing influence through two methods. \* The first was done in the form of interpellations, the second was done in the form of questions put to the budget commission.

17568 \* Government officials other than cabinet members who can be concurrently members of the House of Representatives are the Parliamentary Vice-Ministers and Secretaries and Councilors in the various ministries, and the Chief Secretary of the Cabinet. Even though a minister of state was not appointed from among the members of the House of Representative the lower House could exercise political influence.

17569 \* The witness said it is rather incorrect to say that the Diet hardly participates in the making and concluding of treaties. His interpretation is that although the Emperor concludes treaties, the Diet can modify or influence them by interpellation. The witness said it was not correct to say that the government monopolized the introduction of bills into the Diet.

17570 The witness said it was not correct an expression to say that the legislative power is ultimately under the Emperor's control while the duty of the Diet was to give advice and consent. \* While the Diet has the right to give consent to bills, the Emperor has never exercised his veto to the bills which have been passed by the Diet.

17571 With respect to reserve expenditures, the witness stated that before a report on them is submitted to the Diet, there is an independent board of auditors which makes inquiries as to whether or not \* the reserve expenditures have been properly compiled, and reports.



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17572 The witness said that it was not correct to say that the Ministry of Home Affairs controlled state Shinto. Matters of religion were handled by the Education Ministry. \* The Home Office supervised shrines, not from a religious angle but from the administrative purpose and the handling of funds.

17573 He stated it was not correct to say that the Minister of Justice is responsible for the administration of civil and criminal law and penal institutions, and exercises supervisory authority over procurators and judges. The Justice Minister has nothing to do with the conducting of trials, and judges conduct them by law. Administratively the judges are controlled by the Ministry of Justice, but not in matters pertaining to trials. \* The Justice Minister cannot interfere with sentences legally, and in practice does not do so.

17574 He stated that the Justice Minister never appointed judges and procurators. This was done by the Emperor. The promotion of judges and procurators depended \* on the recommendation of the Minister of Justice. The witness stated he could not remember anything about a system of Cabinet Councillors prior to the outbreak of the China War.

CROSS-EXAMINATION by Brigadier Nolan.

17578 \* The witness stated that with respect to judges of the Chokunin rank, the recommendation for appointment is made to the Emperor after it has passed a cabinet meeting. \* With respect to judges of the Sonin rank, the Minister of Justice makes recommendations to the throne through the Prime Minister. He repeated that the Minister of Education controls or supervised the Shinto religion, but not its administration. The Home Office was responsible for shrine administration.

17580 \* With respect to the statement of Brigadier Nolan read from his speech that the legislative power was ultimately under the control of the Emperor, while the duty of the Diet is to give advice and consent, the witness said the expression quoted was inaccurate. He did not know from whose writing this was taken. Since it was from ITO's Commentaries, however, he would say that from the standpoint of law, since it is stipulated in the constitution it may be said to be a correct statement.



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17581 Parliamentary vice ministers and counselors are entitled to be members of the House of Representatives. The right was acquired a long time ago. As a member of the House, they have a right to vote.

The witness stated that in practice there were actually more government bills introduced by the government and fewer by the members of the Diet, and actually speaking those introduced by the members of the Diet were of less importance and fewer in number.

17582 \* The witness' statement with respect to the treaty power of the Diet, he believed, were somewhat insufficient. While the Emperor has the prerogative of making war and concluding treaties, he had meant to say that the Diet had certain rights whereby they exercised influence over such matters.

17583 \* This could be done through the right of interpretation.

Legally, the statement of ITO that the Emperor shall dispose of all matters relating to foreign intercourse with the advice of his ministers but allowing no interference by the Diet, is correct.

17584 Under the constitution, if the Privy Council entertained a different opinion from the cabinet on a certain bill and if it was an unimportant bill, the government would withdraw it. If the bill was important it would be either changed or might cause the resignation of the cabinet.

17585 He could not say who attended the liaison conferences because the internal constitution of that conference had not been made public. He understood from the papers \* that the Prime Minister and War and Navy Ministers attended. He also thought the Foreign Minister was in attendance, and of course the Chiefs of Staff attended. He did not know whether the President of the Planning Board attended.

17586 His statement that no decision was reached at liaison conferences required explanation. What he meant to say was that members of the conference who participated in the meeting, following an agreement of views, returned to their respective posts to carry out the decisions in connection with \* matters pertaining to their respective departments.



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The Ministers of State carried out matters under their jurisdiction, and the Chiefs of Staff carried out their work. His understanding was that it was not a decision of the Liaison Conference but an agreement of views. However, since there could be no opposing opinion there was unanimity of agreement. He did not know that the Cabinet invariably approved decisions of the Liaison Conference. A Cabinet Minister holding a certain portfolio is responsible for the decisions of the cabinet as a minister of state, but not as a minister of a particular department.

17587 \* In the Japanese constitution it is stipulated that the ministers of state are responsible for the advice to the Emperor, but it is not stipulated that it is a common responsibility of all cabinet ministers.

17588 \* When questioned by the President as to the point that the liberty of a subject could only be restrained according to law, with reference to the witness who had testified that he had been kept in prison 18 months before trial and then discharged but later brought to trial, the witness stated that this was an illegal act on the part of the government authorities, and the authorities who handled the case committed illegal acts.

Re-Direct Examination by Doctor Kiyose.

17589 \* The witness stated that ITO wrote his commentaries about the time of the promulgation of the constitution, about 1890. When ITO wrote the book he intended to explain for what purpose the constitution should be used. However, since then various different practices and interpretations of the constitution have been introduced. His book is a good reference, but cannot be entirely relied upon.

17590 \* While with respect to certain things legally speaking there has been no change, the facts have changed.

17591 \* With respect to the question of disagreement between the Privy Council and the Government he could remember no actual example, but his reply was based on a hypothetical case, \* as he could remember no case where members of the cabinet pushed through certain bills in spite of Privy Council opposition.

17592



REPORT BY: Lt. J. Curtis

28 Feb. 1947

MEMORANDUM FOR THE FILE:

Subject: FUJITA, Tsuguo

No information on the above named subject is contained in the files of IPS.



This witness already testified Feb 28  
1947 re Jap. Constitution



FUJITA, Tsuguo

Request by TOJO, Hideki

Address: Shimizu-cho, Suginami-ku, Tokyo.

This witness will testify to the precise relationships between the Japanese Government under the Constitution and the military organization.



FUJITA, Tsuguo - Shimizu-Cho, Suginami-Ku, Tokyo

Requested by TOJO, Hideki

- (a) The nationality of the witness is Japanese.
- (b) This witness will testify to the precise relationships between the Japanese Government under the constitution and the military organization.

2 April 47

carbon copy sent thru error  
Muro



FUJITA, Tsuguo

Request by TOJO, Hideki

Address: Shimizu-cho, Suginami-ku, Tokyo.

This witness will testify to the precise relationships  
between the Japanese Government under the Constitution and the  
military organization.



FUJITA, Tetsuo

Request by Toso, Hideki

Address: Shimizu-cho, Sugiyama-ku, Tokyo.

This witness will testify to the precise relationships between the Japanese Government under the Constitution and the military organization.



by J. Kuzano

Name : Tsuguo FUJITA

Born : Mar. 30th, 1885

Permanent Domicile : Chiba Prefecture.

1910	July 11	Graduated from the political course, law department, Tokyo Imperial University.	
	Nov.	Passed the higher civil service examination.	
	Dec. 19	Appointed a probationer of the Government of Chosen	cabinet
		Granted yearly salary 600 yen.	
		Ordered to hold a post at the account-	



		ants' section, accounts bureau, general affairs department.	Government of Chosen
1911	May 3	Ordered to hold a post <sup>at</sup> the customs section, tax-surveying bureau, Tax department.	the same
1912	Apr. 1	Appointed a customs inspector.	
		Compared the 7th rank of the higher civil service.	Cabinet
		Granted the 1st class salary.	Government of Chosen
		Ordered to hold a post at the Fuzan customs-house.	the same
		Appointed the head of inspection section, <sup>ordered</sup> and to assume temporarily the duties	



of the head of general affairs section, of  
Tuzan customs-house.

the same

May 20 Conferred the Junior Grade of the 7th Court-  
Rank.

Sep. 19 Concurrently appointed an administrative  
official of the Government of Chosen  
Conferred the 7th rank of the higher  
civil service.

Appointed head of the general affairs  
section of the Tuzan Customs-house.

1913 July 5 Granted the 4th class salary

Dec. 10 Appointed a councillor of the Government



of Chosen.

Conferred the 7th rank of the higher civil service.

Cabinet-

Granted the 8th class salary.

Government of Chosen

1914 June 30

Conferred the 6th rank of the higher civil service.

Cabinet-

Granted the 7th class salary.

Government of Chosen

Sep. 21

Conferred the Senior Grade of the 7th Court Rank.

1915 Dec. 23

Granted the 6th class salary.

Nov. 7

Granted 120 yen, for services in the 1914-5 Incident.



1916	Dec. 21	Conferred the 5th rank of the higher civil service.	Cabinet-
		Granted the 5th class salary.	Government of Chosen
1917	Mar. 28	Appointed a member of the higher land investigation committee of the Government of Chosen.	
	Mar. 30	Conferred the Junior Grade of the 6th Court Rank.	
	Aug. 15	Appointed a councillor of the War Ministry, and concurrently a secretary of the Horse Bureau.	
		Conferred the 5th rank of the higher civil service.	Cabinet



		Granted the 5th class salary.	War Ministry
		Appointed an administrative official of the Prisoners intelligence office.	the same
		Appointed members of the common civil service examination committee, of the higher government and national shrine Shinto priests examination committee, of the common government and national shrine Shinto priests examination committee.	the same
1918	July 11	Granted the 4th class salary.	
1919	Apr. 21	Appointed a member of the army friendly society inspection committee	the same



May 12 Appointed a manager of the horse committee Cabinet

June 4 Appointed a manager of the laws and regulations arrangement committee. Not published on the official gazette. the same

June 30 Conferred the 4th rank of the higher civil service. Both principal and additional posts. Cabinet

Granted the 3rd class salary War Ministry

Aug. 11 Conferred the junior grade of the 6th Court Rank.

Nov. 5 Appointed a member of the special aviation committee. The committee was



abolished by the imperial ordinance No.

224, July 29, 1920.

Cabinet

Nov. 13 Appointed a member of the German prisoners repatriation committee. The post

became extinct automatically as the duties

finished on May 31, 1920.

the same

1920 May 10 Ordered to take an official trip to

Tsingtao area.

War Ministry

Aug. 1 Appointed an administrative official of the aviation bureau.

Cabinet

Aug. 18 A part of the higher civil service rank and

salary ordinance was revised, applied to



	August and after.	
Dec. 28	Granted the 2nd class salary	War Ministry
Nov. 11	Awarded the 5th class Order of the Double Rays Rising Sun, granted 2,300 yen, for the services in the 1915-1920 war.	
1921 Dec. 27	Conferred the 3rd rank of the higher civil service, both principal and additional posts	Cabinet
1922 Jan. 20	Conferred the Junior grade of the 5th Court Rank	
Oct. 5	Appointed a suite of the imperial delegate of the wartime laws revision commission held at the Hague, Holland.	Cabinet



	Dec. 28	Granted the 1st class salary	War Ministry
1923	Mar. 31	Discharged the post of an administrative official of the aviation bureau.	Cabinet
	Apr. 1	The additional post as a secretary of the Horse Bureau became extinct as the Bureau was abolished.	
	Sep. 4	Ordered to attach to the headquarters of the forces enforcing martial law in Kanto area.	War Ministry
	Nov. 1	Discharged the above.	the same
1924	Dec. 20	The post was abolished by the imperial ordinance No. 311.	



Dec. 20 Appointed a secretary of the War Ministry.

Conferred the 3rd rank of the higher civil service.

Granted the 1st class salary

Cabinet War Ministry

1926 Nov. 29 Awarded the 4th class Order of the Sacred Treasure

1927 Feb. 15 Conferred the Senior grade of the 6th Court Rank

July 11 Accorded the treatment due to an official of chakunin rank.

Cabinet

1928 Jan. 14 Granted additional salary for long service

700 yen

War Ministry

1932 Mar. 1 Conferred the junior grade of the 4th Court Rank



May 4	Appointed a professor of the Military Academy.	
	Conferred the 2nd rank of the higher civil service.	Cabinet
the same	Concurrently appointed a secretary of the War Ministry.	
	Conferred the 3rd rank of the higher civil service.	Cabinet
May 4	Granted the 1st class salary	
	Appointed a professor of the Military Staff College.	War Ministry
1934 Apr. 29	Awarded the 2nd <sup>class</sup> Order of the Double	



1934

Rayo Rising Sun, for the services of  
the 1931-1934 Incident

July 18 Discharged both the principal and  
additional posts by request.

Cabinet



REPORT BY: Lt. J. Curtis

28 Feb. 1947

MEMORANDUM FOR THE FILE:

Subject: FUJITA, Tsuguo

No information on the above named subject is contained in the files of IPS.



**Name:** Tsuguo FUJITA  
**Born:** March 30, 1885  
**Permanent Domicile:** Chiba Prefecture

1910	July 11	Graduated from the political course, law department, Tokyo Imperial University.	
	Nov.	Passed the higher civil service examination	
	Dec. 19	Appointed a probationer of the Government of Chosen. Granted yearly salary 600 yen. Ordered to hold a post at the accountant's section, Accounts Bureau, General Affairs Department.	Cabinet Government of Chosen
1911	May 3	Ordered to hold a post at the Customs Section, Tax-Surveying Bureau, Tax Department.	"
1912	Apr. 1	Appointed a customs inspector. Conferred the 7th rank of the higher civil service. Granted the 5th class salary. Ordered to hold a post at the Fusan customs-house. Appointed the head of Inspection Section, and ordered to assume temporarily the duties of the head of General Affairs Section, of Fusan Customs-house.	Cabinet Government of Chosen. "
	May 20	Conferred the Junior Grade of the 7th Court-rank.	
	Sep. 19	Concurrently appointed an administrative official of the Government of Chosen. Conferred the 7th rank of the higher civil service. Appointed head of the General Affairs Section of the Fusan customs-house.	
1913	July 5	Granted the 4th class salary.	
	Dec. 10	Appointed a councillor of the Government of Chosen. Conferred the 7th rank of the higher civil service. Granted the 8th class salary.	Cabinet Government of Chosen.
1914	June 30	Conferred the 6th rank of the higher civil service.	Cabinet



1914	June 30	Granted the 7th class salary.	Government of Chosen.
	Sep. 31	Conferred the Senior Grade of the 7th Court rank.	
1915	Dec. 23	Granted the 6th class salary.	
	Nov. 7	Granted 120 yen for services in the 1914-15 Incident.	
1916	Dec. 21	Conferred the 8th rank of the higher civil service. Granted the 8th class salary.	Cabinet  Government of Chosen.
1917	Mar. 28	Appointed a member of the higher land investigation committee of the govern- ment of Chosen.	
	Mar. 30	Conferred the Junior Grade of the 6th Court rank.	
	Aug. 15	Appointed a councillor of the War Minis- try, and concurrently a secretary of the Horse Bureau. Conferred the 5th rank of the higher civil service. Granted the 5th class salary. Appointed an administrative official of the Prisoners Intelligence office. Appointed member of the common civil service examination committee, of the higher government and national shrine Shinto priests examination committee, of the common government and national shrine Shinto priests examination committee.	Cabinet  War Ministry  " "
1918	July 11	Granted the 4th class salary.	
1919	Apr. 21	Appointed a member of the army friendly society inspection committee.	"
	May 12	Appointed a manager of the horse committee.	Cabinet
	June 4	Appointed a manager of the laws and regu- lations arrangement committee. Not pub- lished on the official gazette.	"
	June 30	Conferred the 4th rank of the higher civil service. Both principal and additional posts.	"



1919	June 30	Granted the 3rd class salary	War Ministry
	Aug. 11	Conferred the junior grade of the 6th Court Rank	
	Nov. 5	Appointed a member of the special aviation committee. The committee was abolished by the Imperial Ordinance No. 224, July 29, 1920	Cabinet
	Nov. 13	Appointed a member of the German prisoners repatriation committee. The post became extinct automatically as the duties finished on May 31, 1920	"
1920	May 10	Ordered to take an official trip to Tsingtao area	War Ministry
	Aug. 1	Appointed an administrative official of the aviation bureau	Cabinet
	Aug. 18	A part of the higher civil service rank and salary ordinance was revised, applied to August and after.	
	Dec. 28	Granted the 2nd class salary	War Ministry
	Nov. 11	Awarded the 5th class Order of the Double Rays Rising Sun, granted 2,300 yen for the services in the 1918-1920 War.	
1921	Dec. 27	Conferred the 3rd rank of the higher civil service, both principal and additional posts	Cabinet
1922	Jan. 20	Conferred the junior grade of the 5th Court Rank	
	Oct. 5	Appointed a suite of the Imperial delegate of the Wartime laws revision commission held at the Hague, Holland	Cabinet
	Dec. 28	Granted the 1st class salary	War Ministry
1923	Mar. 31	Discharged the post of an administrative official of the aviation bureau	Cabinet
	Apr. 1	The additional post as a secretary of the Horse Bureau became extinct as the bureau was abolished.	
	Sept. 4	Ordered to attach to the Headquarters of the forces enforcing martial law in Kanto area	War Ministry



1923	Nov. 1	Discharged the above	War Ministry
1924	Dec. 20	The post was abolished by the Imperial Ordinance No. 311	
	Dec. 20	Appointed a secretary of the War Ministry. Conferred the 3rd rank of the higher civil service Granted the 1st class salary	Cabinet War Ministry
1926	Nov. 29	Awarded the 4th class Order of the Sacred Treasure	
1927	Feb. 15	Conferred the senior grade of the 5th Court Rank	
	July 11	Accorded the treatment due to an official of Chokunin Rank	Cabinet
1928	Jan. 14	Granted additional salary for long service 700 yen	War Ministry
1932	Mar. 1	Conferred the junior grade of the 4th Court Rank	
	May 4	Appointed a professor of the Military Academy Conferred the 2nd rank of the higher civil service	Cabinet
	May 4	Concurrently appointed a secretary of the War Ministry. Conferred the 3rd rank of the higher civil service	Cabinet
	May 4	Granted the 1st class salary. Appointed a professor of the Military Staff College	War Ministry
1934	Apr. 29	Awarded the 2nd class Order of the Double Rays Rising Sun for the services of the 1931-1934 Incident	
	July 18	Discharged both the principal and additional posts by request	Cabinet