

(Translation) -

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al.

- vs -

ARAKI, Sadao, et al.

S W O R N D E P O S I T I O N

Deponent: Tsugita, Disaburo

Domicile: 41 Otsuka-Nakanachi, Bunkyo, Tokyo.

Having first duly sworn an oath as on the attached sheet in accordance with the procedure prevailing in my country, I hereby depose as follows:

(1) I have deposed, in my affidavit, Exhibit No. 2366, about the reform of the system of the War and Navy Ministries. In spite of the reform, however, there was a way left for those on the reserve list to be appointed War or Navy Minister. The following instance may be of service in proving it:

I participated in the forming of the Cabinet of General UGAKI, Kazushige, when he received the Imperial mandate. He received the Imperial command at Nagaoka, Shizuoka Prefecture, on the night of January 24, 1937, and immediately returned to Tokyo in a motor car. On that occasion he was warned by a gendarmerie officer on his way to the Imperial capital that the Army would raise an objection to his forming Cabinet, which proved to be true as soon as he set about selecting the Cabinet members: the War Minister and the Inspector-General of Military Education called on him and advised him to give up the idea of forming the Cabinet. It was hardly possible now to appoint a War Minister, and this proved fatal to the formation of his Cabinet. In this way, many of his surroundings came to think that, under such circumstances, there was nothing for it but to give up all thoughts of forming a Cabinet. But, General UGAKI did not change his mind. He proceeded to the Imperial Palace on January 27, saw Lord Keeper of the Privy Seal YUZAWA and reported to

him the progress of his negotiations with the Army. On that occasion, General UGAKI asked for his advice, suggesting to take either of the following three countermeasures for the Army's veto:

1. To form a cabinet with the position of War Minister left unfilled, and then have the Premier take the charge of the War Minister's business in accordance with the provisions concerning the system of Cabinet.

2. To appoint some well-qualified general or lieutenant-general from the reserve list as War Minister after placing him again on the active list.

3. To ask His Majesty to order some well-qualified general or lieutenant general on the active list to cooperate as War Minister.

The Lord Keeper of the Privy Seal, however, replied to the effect that he feared that either of the three countermeasures would trouble the Emperor, and that he had not the heart to put His Majesty to such trouble. He added further that the difficulty concerning the appointment of the War Minister from the viewpoint of the system of Government organization was out of the question and that the key of the problem lay in the strong opposition of the Army. And he revealed that he feared, even if the General succeeded in forming the Cabinet, it would be doomed to collapse soon owing to the Army's opposition. It was impossible for General UGAKI to request to be received in audience by His Majesty and ask for the Imperial decision in this connection. Thus he gave up all his hope and excused himself formally on January 29.

(2) Now I depose as to the circumstances attending the general resignation of the HIROTA Cabinet. In March, 1936, the HIROTA Cabinet was formed. In May of the same year, the House of Representatives passed a resolution concerning the reform of the Parliamentary system, and in July, the Government established the Parliamentary System Investigation Committee. Towards the end of October, the Army's opinion pertaining to the reform of the Parliamentary system was published in newspapers, which evoked a great deal of comment and criticism. Especially, the delegates of the House of

Representatives who had the majority in the Committee were indignant at it, saying that this was a retrogressive step in constitutional government. The Committee requested the presence of the War Minister at its meeting on December 2 and plied him with many questions with respect to the above opinion of the Army, but it seemed that the replies of the War Minister failed to satisfy the Committee.

This tense atmosphere was brought over into the session which the Diet resumed after recess on January 21, the following year, and developed into Mr. HAMADA's interpellation, demanding the resolution of harakiri of the War Minister. Thereupon, the War Minister demanded the dissolution of the House of Representatives, but the Government rejected it out of respect to the Parliamentary system, asking the Imperial sanction to recess for two days. The Government expected that the excitement on both sides might be quieted in the course of time. But, the War Minister being dissatisfied with the attitudes of the Government, tendered his resignation on January 22. In the light of the opposition on the part of the Army, Premier HIROTA judged it difficult to maintain the Cabinet any longer, and the Cabinet resigned en masse on the following day. The date and the reasons for the resignation of the War Minister, accordingly, were different from those of the other Cabinet members.

On this 18th day of September, 1947, at Nippon Club, Tokyo.

(Signed) Tsugita, Daisaburo (SEAL)

Sworn to and subscribed before me on the above-mentioned date and place.

(Signed) Hanai, Tadashi (SEAL)

Witness

O A T H

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

(Signed) Tsugita, Daisaburo (SEAL)

TSUGITA, Daizaburo

<u>Date</u>	<u>Class of Decoration</u>	<u>Achievement</u>	<u>Recommending Ministry</u>
29 Apr. 1934	Intermediate Cordon of the Order of the Ris- ing Sun	Manchurian Incident	The Cabinet
22 Apr. 1938.	Second Class, Chukuo- Chang (Manchukuo)	Japan and Manchukuo Amity	Foreign Office

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

--VS--

ARAKI, Sadao, et al

Sworn Deposition

Deponent: TSUGITA, Daizaburo

Having first duly sworn an oath as an attached sheet and in accordance with the procedure followed in my country I hereby depose as follows.

On this 13th day of Jan., 1947.

At Tokyo.

DEPONENT /S/ TSUGITA, Daisaburo (seal)

I, TSUGITA, Daisaburo hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date, at the same place

Witness: /S/ HANAI, Tadashi (seal)

I was the chief of the Bureau of Legislation in the HIROTA Cabinet from March, 1936 to February, 1937.

The HIROTA Cabinet which came into existence following the 'February 26 affair', had as its mission a rigid enforcement of military discipline, the calming down of the people's mind and the establishment of a peaceful diplomacy, Premier HIROTA adhered to this policy consistently. At the first Cabinet conference held soon after the inaugural ceremony in March 9, 1936, he made an important statement as follows: "When I presented the

Cabinet members list today, the Emperor told me firstly to conduct civil administration in accordance with the provisions of the Constitution, secondly, not to conduct diplomacy forcibly and thirdly to avoid any sudden change in the financial situation. I am going to render my services to the State ⁱⁿobedience to the Imperial intention, so I hope therefore every one of you will cooperate with me." All ministers respectfully agreed. In this connection, in my diary of March 9, 15th Year of Showa 1936 I wrote the following description:

"March 9

About 9 a. m. Mr. DANASAKI, Takukichi rang me up. Secretly asked if I would accept the directorship of the Bureau of Legislation and consented. At 9.30 I was summoned, went to the Premier's official residence and paid respects to each Minister. Went into the Cabinet room. The Imperial opinion confided to the Premier when he presented the list of Cabinet members: Firstly to govern according to the articles and chapters of the Constitution. Secondly not to conduct foreign policy by force. Thirdly avoid a sudden change in the financial situation. Each Minister understood the point of the Finance Minister's talk. The War Minister said he was sorry for the Incident and he would take care that such an event should not occur again in future." The part of the said diary referring to the War Minister's talk shows a firm resolution declared by him to enforce military discipline considering the February 26 Incident.

The reason why the HIROTA Cabinet reformed the Army and Navy ministries official organization was to enforce military discipline. It was at the extraordinary session of the Diet in May 1936 that this reform bill was

introduced into the Cabinet from the Army and Navy Ministries. The military and naval authorities explained, "The Army and Navy Ministers have the duties of supervising troops belonging to the supreme command, of maintaining military discipline and of strengthening the Unity of the army; therefore equally they themselves must be soldiers belonging to the supreme command, that is, on the active list. Indeed this is brought out by the fact that all of the War and Navy Ministers were soldiers on the active list since the reform of the government organization in the second year of Taisho (T.N. 1913) (i.e. the reform in which generals and lieutenant-generals on the reserve list were also allowed to become Ministers). Now, soon after the Incident, keenly feeling the necessity of restricting the Ministers to officers on the active list in order to strengthen the power of the Ministers, to enforce military discipline and to solidly preserve unity, we intend to make the system correspond with actuality by reforming the government organization." When I asked them the meaning of, "Soon after the Incident we keenly feel the necessity of restricting the Ministers to the officers on the active list." they answered as follows: "We will place several generals and lieutenant-generals who are responsible for the Incident on the reserve list but under the existing system some of them could become War Minister in future and could bring about such a disgraceful event as the February 26 Incident or an even more serious one than that. In order to prevent such a calamity, we intend to make the system one under which generals and lieutenant-generals on the reserve list cannot become Ministers."

Moreover the Vice-Ministers of War and Navy said, "As the Premier has already consented to this bill, we want it to be passed quickly." After I

asked the Premier about that. I prepared a Cabinet bill and submitted it to the Cabinet conference.

In the conference Premier HIROTA asked TERAUCHI, the Army Minister, and next NAGANO, the Navy Minister, "Will this reform not lead to a situation in which those commanded to form the Cabinet will find it difficult to appoint future War and Navy Ministers?" They both answered, "There is no fear that such a situation will arise." With this exception, no special utterance was made and the bill was passed in its original form.

I did not ascertain how each Minister thought about the bill and why he consented to it. Only Mr. BABA, the Finance Minister, expressed his opinion directly to me when I spoke with him about it before the conference. "Enforcement of military discipline is a serious question in hand and a very difficult task, but the War Minister is resolved to take it upon himself and carry it out at any cost. Now that he eagerly desires this reform in order to perform the task, the Cabinet reforms the government organization to save his face but in return for that, he shall enforce military discipline thoroughly. That is the best course for the Cabinet to take, I think." Thus he indicated his consent to the original bill.

There are some who hold that the reform caused the Army to participate in politics afterwards. I will relate one or two facts as material for judging whether this observation is right or wrong. The formation of the HIROTA Cabinet naturally took place before the reform of the Army and Navy Ministries and to choose ministers from generals and lieutenant-generals on the reserve list was still permissible from the legislative point of view. Informing his Cabinet however, HIROTA met with several demands from

the Army concerning the selection of the Ministers and if he rejected those demands, it was feared that he would be unable to get an Army Minister. His attempt to form the Cabinet met with great difficulty; he continued negotiations for about a week after he had received the Imperial mandate and during that time the formation was several times in danger of aborting, but finally, after acceding to most of those demands, he succeeded. In this case the system under which Ministers could be selected from generals and lieutenant-generals on the reserve list was of no use in preventing the Army from participating in politics.

Next, when the KŌISO Cabinet was formed in July, 19th Year of Showa (T.N. 1944), the War and Navy Ministers were required to be generals and lieutenant-generals on the active list in accordance with the government organization of the War and Navy Ministries, but Admiral YONAI who was on the reserve list was appointed Navy Minister. In order not to conflict with the rules of the government organization however, Admiral YONAI was placed on the active list just before he was inaugurated, with the special consideration of the Emperor. In this case even the reform could not prevent a general officer on the reserve list from becoming Navy Minister.

OATH

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

/S/ TSUGITA, Daizaburo (seal)

DEF LOC # 455

TRANSLATION CERTIFICATE

I, William E. Clarke, of the Defense Language Branch, hereby certify that the foregoing translation described in the ^{attached} ~~above~~ certificate 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 27 Jan., 1947

TSUGITA, Daizaburo

Request by TOJO, Hideki

Address: 41 Ohtsuka Nakamachi, Koishigawa-Kn., Tokyo.

He was chief of Legislative Bureau in Hirota Cabinet
and at present State Minister of the Yoshida Cabinet.

This witness will testify concerning the Japanese
system of the War and Navy Ministries and as to their selection,
and as to changes taking place in that system.

9 June 1947

MEMORANDUM FOR: Mr. Dunigan; Mr. Sutton

FROM : EDWARD P. MONAGHAN, Chief,
Investigative Division, IPS

SUBJECT : Defense Witness

1. Please find attached hereto list of material available on the following witness and/or witnesses.

DEFENDANT - TOJO

The attached information has been taken from the compiled report prepared by MIS. The report was previously classified secret however this classification has been cancelled and at the present time does not carry any classification. It will be noted that much of this information has been furnished in curriculum vitae obtained from the Cabinet Secretariat's office.

WITNESS

TSUGITA, Daisaburo

LIST OF MATERIAL AVAILABLE

Info from MID report

2. Please acknowledge receipt of this memorandum by initialling and returning attached carbon copy to this office, Room 300.

Incl
(Described above)

E P M
EDWARD P. MONAGHAN

Daisaburo TSUGITA: Member House of Peers; former Director Imperial Rule Assistance Political Society (now dissolved).

1883 Mar.
1910

Born Okayama Prefecture. Son of Daisaburo Tsugita.
Graduated Law College, Tokyo Imperial University.
(1919 also given as date)

*

Commissioner, Ishikawa Prefecture. Secretary, Home Department. Councilor, Railway Department. Superintendent, Home Department. Chief, Health Insurance Department, Social Bureau. Governor, Ibaraki Prefecture. Director, Civil Engineering Bureau, Local Bureau and Police Bureau of Home Department.

*

1931
1936-37
1942

Member House of Peers.
Vice Minister of Home Affairs.
Director Legislation Bureau of Cabinet.
Director IRAPS.

Address: 41 Otsuka Naka-machi, Koishikawa-ku, Tokyo.

Resume by: L. C. Dunigan

10 March 1947

TSUGITA, Daizaburo

March 10, 1936 Appointed Chief of Bureau of Legislation,
First Rank.

October 1946 Chief Secretary of Cabinet.

According to information furnished to C.I.S. (File 6, Serial 22) TSUGITA engineered the Imperial Order requiring War Ministers to be Generals or Lieutenant-Generals on active service.

File 6 indicates that this information is alleged to have originated with UEDA, Shinkichi and was revealed by UEDA to Agent J. W. Sandweiss. (Note: UEDA, Kenkichi, has been requested by TOJO as a witness).

File 6, Serial 22, page 7, referring to the above and in connection with a discussion of the so-called "Inner Group", states as follows:

"The frequent Cabinet changes hereafter were the result of the insistence by the Inner Group that the government should either follow its dictates or resign. It could enforce its will by reason of the new Imperial Order requiring that the War Minister must be a General or Lieutenant-General on active service, a vital step towards complete Army control engineered by TSUGITA, Daizaburo*****"

In File 380, Serial 3, it is stated in substance that legislation requiring candidates to the post of War Minister to be a General or Lieutenant-General on active service was not revolutionary prior to 1936. Regulations governing men qualified for the post of War Minister varied with the years. Even prior to 1900, according to Hillis Lory in his book entitled "Japan's Military Master" (pp.120-128) it was ruled by Imperial ordinance, prompted by the powerful Prince YAMAGATA, that the Minister of War and office Minister of War be chosen from among Generals and Lieutenant-Generals in active service.

HIROTA, in a statement made by him on February 13, 1946 (File 212) stated: "I believe a change took place somehow whereby even a retired Army or Navy officer could be minister of either department (but) in fact no one from the retired list was actually appointed".

TSUGITA, Daizaburo (cont'd)

HIROTA then gave reasons why his cabinet changed this policy, that he was urged by his Minister of War, TERAUCHI, and the Navy Minister, NAGANO, to take this rule off the books inasmuch as it had not been followed for years anyway. TERAUCHI urged such change as he felt that unless it was made there would be a possibility of some of the army officers, who had been removed from their office as a result of the February 26 Incident, returned to power.

On page 8 of this interrogation (File 212) HIROTA, in discussing what part TSUGITA played in passing legislation, stated in part that he "believed that TSUGITA was head of the Legal Department in my Cabinet and handled all matters pertaining to the efficiency of the change as desired by Army and Navy Ministers, as well as the negotiations, until that revision was made law".

File 380, Serial 5, page 2, states that in a recent session of the Diet TSUGITA was asked about his responsibility for the legislation above referred to and he replied that he was too weak to resist the Army's demand for this regulation. The file goes on to say, without naming any of the people referred to, that "there are many people who remember he boasted at that time that the Privy Council was opposed to the measure but that he, TSUGITA, through great efforts was able to get the legislation pushed through".

TSUGITA was interrogated on March 26, 1946 by Robert T. Hummer. The interrogation may be summarized as follows: TSUGITA was not able to attain a position of great importance in government or in Japan's political structure. Positions held by him were few in number. His wife comes from the family of EGUCHI, Tiejō a member of the Mitsubishi concern. EGUCHI was Vice President of the South Manchurian Railway in 1931 but was compelled to resign about the time of the Manchurian Incident because of his incooperative attitude in planning of the Incident. According to TSUGITA, the Kwantung Army had requested funds from the Railway but EGUCHI refused to contribute on the grounds that the Railway was a commercial enterprise and could not be compelled to contribute to the Army Fund.

Regarding the duties of the Chief of the Legislation Bureau, he stated that a draft of the proposed legislation is ordinarily sent to the Legislative Bureau by the agency or minister desiring the legislation, an opinion of the legality or constitutionality of the proposed bill is rendered, usually in writing, and the proposed bill returned to the Cabinet for a vote. If the law is considered an important one the Cabinet presents it to the Privy Council, where the matter is fully discussed. On such important matters it is the further duty of the Chief of the Legis-

TSUGITA, Daizaburo (cont'd)

lative Bureau to represent the Cabinet in arguments before the Privy Council. TSUGITA said that apart from the personal feelings of the Chief of the Bureau in such matters, he is required to argue the position taken by the Cabinet.

Regarding the bill requiring Ministers of War to be chosen from Generals and Lieutenant-Generals on the active service list, TSUGITA said that it originated in the War Ministry and had already been given unofficial approval by the Cabinet in view of the War Minister's stand that it would be necessary for public use. Then it came to his office for an opinion as to its legality, etc.

TSUGITA said he personally attended to the matter to see why this law was required and that he expressed his personal feelings to the War Minister. His views, he said, were:

1. Since under the existing regulations, which permitted an officer on the reserve to ascend to War Minister, no reserve officer had in fact ever held the position so why change a situation requiring no change.
2. The proposed legislation might give rise to a situation where only a few candidates were eligible and none acceptable.

The War Minister argued that unless the change were made there would be a possibility of some of the former officers, who had been put on the reserve list as a result of their part in the February 26 Incident, being returned to War or Navy posts. TSUGITA said HIROTA felt the same way about it. In fact the entire cabinet felt that such legislation was needed to eliminate once and for all any likelihood of a repetition of the February 26 Incident.

Then the War Minister, according to TSUGITA, insisted that he approve the bill without further arguments so he approved it as to legality, etc and passed it back to the Cabinet.

Thereafter he said he personally talked to BABA, Eiichi, Finance Minister and former Chief of the Legislation Bureau and a most influential member of the Cabinet, concerning his position but to no avail.

According to TSUGITA, the Cabinet then took the measure to the Privy Council. The Emperor was present when the bill was discussed before the Privy Council but he expressed no opinion on it. He said after the bill was passed he requested the permission of HIROTA to resign but HIROTA, through one YUASA, Kurahei (now dead) asked him to stay on, which he did.

TSUGITA, Daizaburo (cont'd)

TSUGITA said that in his view the persons most responsible for passage of the legislation were:

Vice Minister General UMEZU

Naval Minister Admiral NAGANO

Vice Minister HASEGAWA

Privy Councillor General KAWAI

He was asked if he did not feel at the time that passage of the bill would strengthen Army control to a point where the formation of a Cabinet would be impossible without Army approval and he replied that should the bill become law a loophole existed in that a Premier could, with the approval of the Emperor, assume the War Minister himself, advance a reserve officer to the active list, resign from the War Ministry and appoint a former reserve officer - now active - to the post. He considered the case of UGAKI, who had just such an opportunity but who had not the fortitude to use the loophole.

TSUGITA said that neither he nor anyone else at the time foresaw that the measure was likely to place the Cabinet in the hands of the Army but he said that considering the measure in retrospect it had that effect.

In explaining the assertion attributed to him that he was "too weak" to resist the Army's demands for the regulation he said that his position as Chief of the Legislation Bureau was influential enough to afford him the power of resisting the Army's demands.

In regard to the alleged boasts, heretofore mentioned, to the effect that he (TSUGITA) was able through great efforts to get the legislation passed over the protests of the Privy Council, TSUGITA replied that he had never made such statements.

CURRICULUM VITAE

TSUGITA, Daisaburo

Born: 18 March, 1883.

July, 1909: Graduated from the Law Department of the Imperial University of Tokyo.

10 Aug., 1909: Appointed clerk of Ibaraki Prefecture.

30 Sept., 1910: Relieved from office at own request.

1 Oct., " Appointed Probationer of Ibaraki Prefecture.

26 Apr., 1911: Appointed secretary, Ishikawa Prefecture (7th rank)

13 June, 1913: Appointed director, Ishikawa Prefecture (7th rank)

28 Apr., 1914: Appointed director, Hyogo Prefecture (6th rank)

1 July, 1915: Appointed administrative secretary (6th rank)

17 " " Concurrently appointed councillor to the Board of Railways.

25 Sept. " Raised to 5th rank of higher civil service (regular).

22 Dec., " Raised to 5th rank of higher civil service (concurrent)

7 Aug., 1916: Relieved from the concurrent post.

1 Oct., 1917: Concurrently appointed secretary of the Bureau of Local Administration.

25 " " Raised to 4th rank of higher civil service (regular and concurrent posts).

25 May, 1918: Ordered to be temporarily retired under Article 11, Paragraph 1, Item 4 of the Ordinance relating to the Status of Civil Officials.

7 June, " Commissioned with investigation business of the Bureau of Colonization.

26 Dec., 1919: Relieved from office.

9 Aug., 1919: Appointed administrative inspector and concurrently councillor of the Home Ministry (4th rank)

28 June, 1920: Appointed administrative secretary (4th rank)

16 Apr., 1921: Raised to 3rd rank of higher civil service.

23 Feb., 1922: Appointed administrative secretary (3rd rank)

13 Mar., " Concurrently appointed administrative inspector (3rd rank)

9 June, " Appointed administrative inspector and concurrently councillor of the Home Ministry (3rd rank)

28 July, " Concurrently appointed secretary of the Bureau of Colonization (3rd rank)

13 Nov., " Concurrently appointed secretary of the Social Welfare Bureau (3rd rank).

1 June, 1923: Appointed department chief of the Social Welfare Bureau (2nd rank)

9 Jan., 1924: Appointed governor of Ibaraki Prefecture (2nd rank)

16 Sept., 1925: Appointed chief of the Engineering Bureau of the Home Ministry (2nd rank)

10 July, 1926: Raised to 1st rank of higher civil service.

17 May, 1927: Ordered to be temporarily retired under Article 11, Paragraph 1, Item 4 of the Ordinance relating to the Status of Civil Officials.

18 " " Relieved from the principal post at own request.

5 July, 1929: Appointed chief of the Bureau of Local Administration of the Home Ministry.

15 Apr., 1931: Appointed director of the Police Bureau of the Home Ministry (1st rank)

8 Aug., " Appointed Vice-Minister of Home Affairs (1st rank)

Appointed chief of the Police Training School.

Appointing acting director of the Police Bureau.

28 Aug., 1931: Relieved from office as acting director of the Police Bureau.

Relieved from office as chief of the Police Training School.

12 Dec., " Nominated member of the House of Peers under Article 1, Paragraph 4 of the Imperial Ordinance concerning the House of Peers.

14 " " Relieved from the principal post at own request.

10 Mar., 1936: Appointed president of the Bureau of Legislation (1st rank)

2 Feb., 1937: Relieved from the principal post at own request.

17 Jan., 1941: Appointed member of the Railways Council.

16 Jan., 1944: Term of office expired.

9 Oct., 1945: Appointed Minister of State.

Concurrently appointed chief secretary of the Cabinet and director of the Investigation Bureau of the Cabinet (1st rank)

Concurrent post of director of the Investigation Bureau of the Cabinet abolished under Imperial Ordinance No.645.

13 Jan., 1946: Relieved from the concurrent post at own request.

13 " " Relieved from the principal post at own request.

5 Mar., " Relieved from office as member of the Railway Council at own request.

14 May, " Relieved from office as member of the House of Peers at own request.

13 Sept., " Designated as falling within the purview of the SCAP Directive under Article 1 of Imperial Ordinance No.109 of 1946.

GENERAL HEADQUARTERS
FAR EAST COMMAND
Operations, CIS, G-2
Compilation Branch

SUBJECT. TSUGITA, Daisaburo

22 Apr. 1938

Authorized to receive and Wear 2nd Class Order of
"Chu Kuo" presented by Emperor of Manchukuo.

Founder of the Imperial Rule Assistance Political
Association and a Councillor for the Society.

SOURCE:

CLO

He has some connection with the Japanese intelligence
activities since he was the Director of the Police
Bureau.

TSUGITA, Daisabro - No. 41 Otsuka, Naka-Cho, Koishikawa, Ku,
Tokyo

Request by TOJO, Hideki

- (a) The nationality of the witness is Japanese.
- (b) He will testify regarding the Imperial Ordinances
relative to the selection of War and Navy ministers.

2 April

*copy inadvertently sent
Muro*

TSUGITA, Daizaburo

Request by TOJO, Hideki

Address: 41 Ohtsuka Nakamachi, Koishigawa-Kn., Tokyo.

He was chief of Legislative Bureau in Hirota Cabinet and at present State Minister of the Yoshida Cabinet.

This witness will testify concerning the Japanese system of the War and Navy Ministries and as to their selection, and as to changes taking place in that system.

(70)

TSUGITA, Naigaburo

Request by: Tojo, Hidetji.

address: 41 Ohtsuka Nakamachi, Koishigawa-
ku, Tokyo.

was chief of Legislative Bureau in Hirota
Cabinet and at present state minister of
the Yoshida Cabinet.

This witness will testify concerning the
Japanese system of the War and Navy
Ministries and as to their selection and
as to changes taking place in that system.

TSUGITA, Daizaburo

20 February 1947

Gave copy of Curriculum Vitae to Mr. Dunigan; to be returned to us.

Daisaburo TSUGITA: Member House of Peers; former Director Imperial Rule Assistance Political Society (now dissolved).

1883 Mar.

1910

Born Okayama Prefecture. Son of Daisaburo Tsugita. Graduated Law College, Tokyo Imperial University. (1919 also given as date)

Commissioner, Ishikawa Prefecture. Secretary, Home Department. Councilor, Railway Department. Superintendent, Home Department. Chief, Health Insurance Department, Social Bureau. Governor, Ibaraki Prefecture. Director, Civil Engineering Bureau, Local Bureau and Police Bureau of Home Department.

1931

1936-37

1942

Member House of Peers.

Vice Minister of Home Affairs.

Director Legislation Bureau of Cabinet.

Director IRAPS.

Address: 41 Otsuka Naka-machi, Koishikawa-ku, Tokyo.

INTERNATIONAL PROSECUTION SECTION

5 May 1947

MEMORANDUM TO: Mr. D. N. Sutton

SUBJECT : Members of the KOKUSAKU KENKYU KAI (National Policy Research Institute)

1. Attention is called to IPS Doc. No. 2302, reference book on the KOKUSAKU KENKYU KAI (National Policy Research Institute), which may be of interest to members of the Legal Staff in charge of Defense witnesses.

2. A rescanning of the book has revealed the following Defense witnesses as members of the society:

ANDO, Kisaburo; AOKI, Kazuo; ARITA, Hachiro; GODO, Takuo; HORIKIRI, Zenjiro; ISHIWATARI, Sotaro; IKAWA, Tadao; KANAMORI, Tokujiro; KISHI, Shinsuke; MATSUMURO, Koryo; MITARAI, Tatsuo; NAKASHIMA, Tetsuzo; NAKAMURA, Keinoshin; OKADA, Tadahiko; ONO, Takeshi; OWADA, Teiji; SANADA, Renzo; TAKAGI, Rikuro; TSUGITA, Daizaburo; YASUI, Eiji; YOSHINO, Shinji; YUZAWA, Michio; KOMAI, Tokuzo.

3. Reference is made to File 250, Item 43 re Patriotic Societies which gives information about the KOKUSAKU KENKYU KAI as follows:

"Kokusaku Kenkyu Kai (KKK) existed as an organization to advise the Army, and to a lesser extent, the Government, on policy. Its activities were not publicized, so that it was almost a secret organization. Its members were mostly businessmen and politicians who were eager to have Army connections. It had considerable financial resources.....

"By 1938 or 1939, the KKK had become so important that it was felt that no Japanese Government could continue to function smoothly without its support and advice.

"The chief figure in the KKK is YATSUGI, Kazuo. He is a sinister man who, unlike other members of the KKK, is a rough and uneducated man. He originally began public life as a policeman. In early life, he is believed to have had some connection with left-wing organizations. Later he became a fanatical nationalist and developed close connections with the Army.....

"YOSHINO, Shinji, became Commerce Minister in the First KONOYE Cabinet; KAWA, former Foreign Minister; AOKI, and ISHIWATARI are all men who were brought close to the Army probably through the KKK. Former Home Minister YUZAWA, Michio, was a member and director of KKK."

W. H. Wagner
W. H. WAGNER
Scanning Unit

September 30, 1947

DEFENSE - HIROTA

TSUGITA - Direct

PageDIRECT EXAMINATION OF TSUGITA, Daisaburo,
by Mr. Hanai.

29645

29649

* The witness identified and verified exhibit 3258 as his affidavit. * The affidavit stated that in spite of the reformation of the system of the War and Navy Ministries, there was a way left for those on the reserve list to be appointed War or Navy Minister.

29650

The witness participated in the attempted forming of the UGAKI Cabinet. On that occasion UGAKI was warned by a gendarmerie that the army would raise an objection to his forming a Cabinet. This proved true as soon as he set about selecting members. * War Minister TERAUCHI and an Inspector General advised him to give up the idea. It was hardly possible then to appoint a War Minister, and this proved fatal, and there was nothing to do but give up all thoughts of forming a cabinet. However, UGAKI did not change his mind, but saw the Lord Keeper YUASU and reported to him the progress of his negotiations with the army.

29651

UGAKI suggested three counter measures for the army veto. 1, form a Cabinet without a War Minister and then have the Premier take charge of the War Minister's business; 2, appoint a general or lieutenant-general from the reserve list after placing him on the active list; 3, ask the Emperor to order a general or lieutenant-general on the active list * to cooperate as War Minister.

The Lord Keeper replied that he feared that either of these measures would trouble the Emperor, which he didn't want to do. The difficulty concerning the appointment of the War Minister from the viewpoint of government organization was out of the question, and the key of the problem lay in strong army opposition. YUASU feared that even if UGAKI succeeded in forming the Cabinet, it would be doomed to collapse owing to army opposition. It would be impossible for UGAKI to receive an Imperial audience and ask for decision in this connection. Thus, he gave up all hope and excused himself on 29 January.

Page

29651 In March, 1936, the HIROTA Cabinet was formed. In May, 1936, the House of Representatives passed a resolution on parliamentary reform, and in July the government established the Parliamentary System Investigating Committee. Towards the end of October, * army opinion on the reform was published and evoked much comment and criticism. Especially, representatives who had a majority in the Committee, were indignant at it, saying this was a retrogressive step.

The Committee requested the War Minister, at its meeting on 2 December, and plied him with many questions, but this failed to satisfy the Committee. The tense atmosphere was brought over into the Diet session resuming on 21 January, and developed into HAMADA's interpolation demanding hara kiri of War Minister TERAUCHI.

Thereupon the War Minister demanded dissolution of the House of Representatives, but the government rejected this, asking Imperial sanction for a two day recess. The government expected the excitement to be quieted, but the War Minister resigned January 22.

29652 * Because of army opposition, HIROTA judged it difficult to maintain the Cabinet any longer, and it resigned en masse the following day. The date and reasons for the resignation of War Minister TERAUCHI were different from those of the other Cabinet members.

(Translation)

Kurota

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al.

- vs -

ARAKI, Sadao, et al.



SWORN DEPOSITION

Deponent: Tsugita, Disaburo
 Domicile: 41 Otsuka-Nakamachi, Bunkyo-ku, Tokyo.

*was minister responsible
 caused fall of cabinet Jan 1937*

Having first duly sworn an oath as on the attached sheet in accordance with the procedure prevailing in my country, I hereby depose as follows:

(1) I have deposed, in my affidavit, Exhibit No. 2366, about the reform of the system of the War and Navy Ministries. In spite of the reform, however, there was a way left for those on the reserve list to be appointed War or Navy Minister. The following instance may be of service in proving it.

I participated in the forming of the Cabinet of General UGAKI, Kazushige, when he received the Imperial mandate. He received the Imperial command at Nagaoka, Shizuoka Prefecture, on the night of January 24, 1937, and immediately returned to Tokyo in a motor car. On that occasion he was warned by a gendarmerie officer on his way to the Imperial capital that the Army would raise an objection to his forming Cabinet, which proved to be true as soon as he set about selecting the Cabinet members: the War Minister and the Inspector-General of Military Education called on him and advised him to give up the idea of forming the Cabinet. It was hardly possible now to appoint a War Minister, and this proved fatal to the formation of his Cabinet. In this way, many of his surroundings came to think that, under such circumstances, there was nothing for it but to give up all thoughts of forming a Cabinet. But, General UGAKI did not change his mind. He proceeded to the Imperial Palace on January 27, saw Lord Keeper of the Privy Seal YUZAWA and reported to

him the progress of his negotiations with the Army. On that occasion, General UGAKI asked for his advice, suggesting to take either of the following three countermeasures for the Army's veto:

1. To form a cabinet with the position of War Minister left unfilled, and then have the Premier take the charge of the War Minister's business in accordance with the provisions concerning the system of Cabinet.

2. To appoint some well-qualified general or lieutenant-general from the reserve list as War Minister after placing him again on the active list.

3. To ask His Majesty to order some well-qualified general or lieutenant general on the active list to cooperate as War Minister.

The Lord Keeper of the Privy Seal, however, replied to the effect that he feared that either of the three countermeasures would trouble the Emperor, and that he had not the heart to put His Majesty to such trouble. He added further that the difficulty concerning the appointment of the War Minister from the viewpoint of the system of Government organization was out of the question and that the key of the problem lay in the strong opposition of the Army. And he revealed that he feared, even if the General succeeded in forming the Cabinet, it would be doomed to collapse soon owing to the Army's opposition. It was impossible for General UGAKI to request to be received in audience by His Majesty and ask for the Imperial decision in this connection. Thus he gave up all his hope and excused himself formally on January 29.

(2) Now I depose as to the circumstances attending the general resignation of the HIROTA Cabinet. In March, 1936, the HIROTA Cabinet was formed. In May of the same year, the House of Representatives passed a resolution concerning the reform of the Parliamentary system, and in July, the Government established the Parliamentary System Investigation Committee. Towards the end of October, the Army's opinion pertaining to the reform of the Parliamentary system was published in newspapers, which evoked a great deal of comment and criticism. Especially, the delegates of the House of

Representatives who had the majority in the Committee were indignant at it, saying that this was a retrogressive step in constitutional government. The Committee requested the presence of the War Minister at its meeting on December 2 and plied him with many questions with respect to the above opinion of the Army, but it seemed that the replies of the War Minister failed to satisfy the Committee.

This tense atmosphere was brought over into the session which the Diet resumed after recess on January 21, the following year, and developed into Mr. HAMADA's interpellation, demanding the resolution of harakiri of the War Minister. Thereupon, the War Minister demanded the dissolution of the House of Representatives, but the Government rejected it out of respect to the Parliamentary system, asking the Imperial sanction to recess for two days. The Government expected that the excitement on both sides might be quieted in the course of time. But, the War Minister being dissatisfied with the attitudes of the Government, tendered his resignation on January 22. In the light of the opposition on the part of the Army, Premier HIROTA judged it difficult to maintain the Cabinet any longer, and the Cabinet resigned en masse on the following day. The date and the reasons for the resignation of the War Minister, accordingly, were different from those of the other Cabinet members.

On this 18th day of September, 1947, at Nippon Club, Tokyo.

(Signed) Tsugita, Daisaburo (SEAL)

Sworn to and subscribed before me on the above-mentioned date and place.

(Signed) Hanai, Tadashi (SEAL)

Witness

O A T H

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

(Signed) Tsugita, Daisaburo (SEAL)

26 Sep 1947

MEMORANDUM FOR: Mr. Sutton
FROM : EDWARD P. MONAGHAN, Chief,
Investigative Division, IPS
SUBJECT : Defense Witness

1. Please find attached hereto list of material available on the following witness and/or witnesses.

DEFENDANT

HIROTA

WITNESS

TSUGITA, Daisaburo

LIST OF MATERIAL AVAILABLE

Curriculum Vitae
Special Report
Info from Tojo request
G-2 report

2. Please acknowledge receipt of this memorandum by initialling and returning attached carbon copy to this office, Room 300.

Incl
(Described above)

EPM
EDWARD P. MONAGHAN

CURRICULUM VITAE

TSUGITA, Daisaburo

Born: 18 March, 1883.

July, 1909: Graduated from the Law Department of the Imperial University of Tokyo.

10 Aug., 1909: Appointed clerk of Ibaraki Prefecture.

30 Sept., 1910: Relieved from office at own request.

1 Oct., " Appointed Probationer of Ibaraki Prefecture.

26 Apr., 1911: Appointed secretary, Ishikawa Prefecture (7th rank)

13 June, 1913: Appointed director, Ishikawa Prefecture (7th rank)

28 Apr., 1914: Appointed director, Hyogo Prefecture (6th rank)

1 July, 1915: Appointed administrative secretary (6th rank)

17 " " Concurrently appointed councillor to the Board of Railways.

25 Sept. " Raised to 5th rank of higher civil service (regular).

22 Dec., " Raised to 5th rank of higher civil service (concurrent)

7 Aug., 1916: Relieved from the concurrent post.

1 Oct., 1917: Concurrently appointed secretary of the Bureau of Local Administration.

25 " " Raised to 4th rank of higher civil service (regular and concurrent posts).

25 May, 1918: Ordered to be temporarily retired under Article 11, Paragraph 1, Item 4 of the Ordinance relating to the Status of Civil Officials.

7 June, " Commissioned with investigation business of the Bureau of Colonization.

26 Dec., 1919: Relieved from office.

9 Aug., 1919: Appointed administrative inspector and concurrently councillor of the Home Ministry (4th rank)

28 June, 1920: Appointed administrative secretary (4th rank)

16 Apr., 1921: Raised to 3rd rank of higher civil service.

23 Feb., 1922: Appointed administrative secretary (3rd rank)

13 Mar., " Concurrently appointed administrative inspector (3rd rank)

9 June, " Appointed administrative inspector and concurrently councillor of the Home Ministry (3rd rank)

28 July, " Concurrently appointed secretary of the Bureau of Colonization (3rd rank)

13 Nov., " Concurrently appointed secretary of the Social Welfare Bureau (3rd rank).

1 June, 1923: Appointed department chief of the Social Welfare Bureau (2nd rank)

9 Jan., 1924: Appointed governor of Ibaraki Prefecture (2nd rank)

16 Sept., 1925: Appointed chief of the Engineering Bureau of the Home Ministry (2nd rank)

10 July, 1926: Raised to 1st rank of higher civil service.

17 May, 1927: Ordered to be temporarily retired under Article 11, Paragraph 1, Item 4 of the Ordinance relating to the Status of Civil Officials.

18 " " Relieved from the principal post at own request.

5 July, 1929: Appointed chief of the Bureau of Local Administration of the Home Ministry.

15 Apr., 1931: Appointed director of the police Bureau of the Home Ministry (1st rank)

8 Aug., " Appointed Vice-Minister of Home Affairs (1st rank)

Appointed chief of the Police Training School.

Appointing acting director of the Police Bureau.

28 Aug., 1931: Relieved from office as acting director of the Police Bureau.

Relieved from office as chief of the Police Training School.

12 Dec., " Nominated member of the House of Peers under Article 1, Paragraph 4 of the Imperial Ordinance concerning the House of Peers.

14 " " Relieved from the principal post at own request.

10 Mar., 1936: Appointed president of the Bureau of Legislation (1st rank)

2 Feb., 1937: Relieved from the principal post at own request.

17 Jan., 1941: Appointed member of the Railways Council.

16 Jan., 1944: Term of office expired.

9 Oct., 1945: Appointed Minister of State.

Concurrently appointed chief secretary of the Cabinet and director of the Investigation Bureau of the Cabinet (1st rank)

Concurrent post of director of the Investigation Bureau of the Cabinet abolished under Imperial Ordinance No. 645.

13 Jan., 1946: Relieved from the concurrent post at own request.

13 " " Relieved from the principal post at own request.

5 Mar., " Relieved from office as member of the Railway Council at own request.

14 May, " Relieved from office as member of the House of Peers at own request.

13 Sept., " Designated as falling within the purview of the SCAP Directive under Article 1 of Imperial Ordinance No. 109 of 1946.

9 June 1947

Mr. Dunigan; Mr. Sutton

MEMORANDUM FOR:

FROM : EDWARD P. MONAGHAN, Chief,
Investigative Division, IPS

SUBJECT : Defense Witness

1. Please find attached hereto list of material available on the following witness and/or witnesses.

- 1030

DEFENDANT

The attached information has been taken from the compiled report prepared by MIS. The report was previously classified secret however this classification has been cancelled and at the present time does not carry any classification. It will be noted that much of this information has been furnished in curriculum vitae obtained from the Cabinet Secretariat's office.

WITNESS

TSUGITA, Daisaburo

LIST OF MATERIAL AVAILABLE

Info from MID report

2. Please acknowledge receipt of this memorandum by initialling and returning attached carbon copy to this office, Room 300.

Incl
(Described above)

E P M
EDWARD P. MONAGHAN

Daisaburo TSUGITA: Member House of Peers; former Director Imperial Rule Assistance Political Society (now dissolved).

1883 Mar.
1910

Born Okayama Prefecture. Son of Daisaburo Tsugita.
Graduated Law College, Tokyo Imperial University.
(1919 also given as date)

Commissioner, Ishikawa Prefecture. Secretary, Home Department. Councilor, Railway Department. Superintendent, Home Department. Chief, Health Insurance Department, Social Bureau. Governor, Ibaraki Prefecture. Director, Civil Engineering Bureau, Local Bureau and Police Bureau of Home Department.

1931
1936-37
1942

Member House of Peers.
Vice Minister of Home Affairs.
Director Legislation Bureau of Cabinet.
Director IRAPS.

Address: 41 Otsuka Naka-machi, Koishikawa-ku, Tokyo.