WAR CRIMINALS FROM INDONESIA DUE MONDAY

Eleven former generals and civil governors are among the more than 600 war criminals scheduled to arrive Monday from Djakarta aboard the Dutch ship S.S. Tjisadane, the Netherlands Mission has informed SCAP's Legal Section.

Most of the group consists of convicted Japanese war criminals being transferred by Netherlands authorities to SCAP custody to serve out the remainder of their terms in Sugamo Prison here.

They will be under the same regulations as approximately 1,150 other war criminals now in Sugamo. These regulations will permit the prisoners from Indonesia to see members of their families for the first time in years. Due to quarantine restrictions, however, members of their families will not be permitted to visit Sugamo for approximately one month. No visitors, except members of the press, will be allowed on the dock when the ship arrives.

The prisoners have been sentenced by Dutch authorities to prison terms ranging up to life.

Among the Japanese aboard will be:

Ex-Gen. Hitoshi Imamura, Commanding General of Japan's wartime 16th Army in Indonesia, who is serving a 10-year sentence for atrocities committed against Australians on New Britain by men of his command. Imamura was transferred to Netherlands authorities for investigation after his trial by an Australian military commission at Rabaul.

Heijuro Kasai, retired lieutenant general who was Civil Governor of Palembang prefecture, South Sumatra, from August 1942 to February 1944, and Toshio Miyaka, Kasai's civilian successor--both serving 20 years, responsible for terroristic activities against the population and unwarranted mass arrests by the Japanese civil police.

Ex-Maj. Gen. Shozo Nishida, Commanding Officer of the Kempei-tai in Java --12 years, partial responsibility for the torture and general terrorization of large numbers of the population. (Thirty-seven of his subordinates have been sentenced to death and executed for their parts in the atrocities.)

Shosaburo Iino, retired major general who was Military Governor of Achin prefecture, Sumatra--15 years, responsibility for the mistreatment of war prisoners and civilian internees in North Sumatra.

Ex-Maj. Gen. Makoto Asami, Commanding Officer, Engineers Regiment, 2d Imperial Guards Division, in North Sumatra--seven years, responsibility for mistreatment and overworking of POWs constructing a road on the island.

Ex-Maj. Gen. Toshishige Shoji, Commanding Officer of a mixed brigade in the 2d Division--10 years, partially responsible for his brigade's massacre of some 40 Dutch and British POWs following its capture of Kalidjati Air Field, West Java.

Kenzo Yano, Civil Governor of East Sumatra prefecture--eight years, for failing to provide adequate facilities for civilian internees, including some sick and aged who died, during their transfer from one internment camp to another.

Hisaichi Shimokawa, civilian chief of Legal Section for Military Government in Java--five years, partial responsibility for miserable conditions in Java's civil prisons, where large numbers of Indonesians and Chinese died. (Several of Shimokawa's subordinates were held primarily responsible for these crimes and have been sentenced to death and executed.)

Three other former high-ranking officers in the Japanese army, who were tried jointly with Imamura by a Dutch tribunal at Djakarta, also will be aboard the Tjisadane. Netherlands reviewing authorities found defects in the trial and set aside the judgment. The three are to be released shortly after their return to Japan. They are Lt. Gen. Seisaburo Okazaki, Imamura's Chief of Staff; Lt. Gen. Masao Maruyama, Commanding General of the 2d Division under Imamura, and Maj. Gen. Moichiro Yamamoto, Chief of Staff to Imamura's successor, Lt. Gen. Harada.

-0-

1 Feb 50

Major Napier:

1. Attached is proposed instruction which Attorney General Expects to send to various governmental offices.

2. It is recommended that such instruction should be sent to warn governmental officials that they too are liable for violation of the purge ordinance.

Mickey

SCAP
Ltr

Draft

(2SEC.No. 371)

January 31, 1950

FROM : Director of the Special Investigation Bureau, Attorney-General's Office.

FOR : Governors of Tokyo Metropolis, Hokkaido and Prefectures. (and Vice Ministers)

SUBJECT : Prohibition of Political Activities by Purgees.

In accordance with the provisions of Article 15-(1) of Imperial Ordinance No. 1 of 1947, any person who falls under the Memorandum is prohibited from urging a person in the public service, in connection with handling of official affairs of the Government or local public entities, to exercise his official power, or interfering with the latter's official duties, or expressing any opinions which tend to influence the latter. These activities fall under the purview of political activities as stipulated in the same provisions. Recently,

however, there is frequent occurrence of such cases as purgees interfere in the administration of the Government or local public entities through the medium of petition or some other means. These possible violation cases are in may instances caused by lack of consciousness on the part of purgees, but it is also true that part of the responsibility for this tendency should be placed at the door of those who are in the public service.

The political activities provided in Imperial Ordinance No. 1 include :

(1). Activities connected with elections.

(2). Activities concerning support of and opposition to political organizations.

(3). Activities concerning discussion and criticism of the policies (including those of the Government and local public entities, and international problems) and interference in the execution of the policies, *etc.*

It is a matter of great regret to say in this connection, however, that some of the public office holders, interpreting the above criterion of policical

activities in a narrow sense, carelessly accept petitions from purgees, or inadvertently give purgees a motive to conduct political activities in violation of the Ordinance as a result of communicating with the latter.

Previously we issued a notification calling your attention to the entry by purgees into official residences or public offices. In view of SCAP Memorandum dated January 4, 1946, concerning "Removal and Exclusion of Undesirable Personnel from Public Office," we issued the notification which is aimed at prohibiting purgees from conducting political activities in violation of the Ordinance. With regard to the relations between purgees and public office holders, therefore, it is requested that the utmost care be taken so that those who are in the public service may not violate the Imperial Ordinance by paying close attention to the provisions of the Ordinance. You are further requested that you not only give more appropriate guidance to the purgees residing within your jurisdiction but call the attention of those who are in the public service.

For your reference, the violation cases which we have recently handled are mentioned in the annexed paper.

ANNEXED PAPER

(Jome) Instances of the political activities made by the persons who have fallen under the Memorandum

1. A certain person who was designated as one falling under the Memorandum because he had assumed the position of prefectural branch chief of the Imperial Rule Assistance Structure Establishment Conference in addition to a chief of a news agency advised a prefectural assembly member not to accuse a prefectural-governor, vice-governor and a chief of the accountants' section whom he had intended to apply to a court on account of their misuse of prefectural expenses' without the approval by the prefectural assembly in connection with the establishment of a national university.

2. A certain person who was designated as one falling under the Memorandum because he had assumed the post of a speaker of the Imperial Rule Assistance Association City Branch Conference and other posts, was asked by

a prefectural-governor, vice-governor and a chief of the Stock-Breeding Section to help in the holding of a prefecture-managed house-race because he is influential in local horse-race circles. Then he positively backed the holding of the horse-race meeting and participated in the prefectural administration.

3. A certain person who was designated as one falling under the Memorandum because he had been recommended as a Diet member (during the war) appealed to the authorities concerned asking for his appointment as a sale agency for the immovable properties to be paid in kind for benefit of a certain company which he heads, asked some persons in public office to get him an approval on his consignment of the selling business of the properties ; and he stated his opinions frequently to an official in an important position in a certain ministry, showing him his "private plan."

4. A certain person who was designated as one falling under the Memorandum because he had assumed a post of chief of a prefectural branch of the Imperial Rule Assistance Structure Establishment Conference intervened in the Municipal Government acting upon a Municipal Assembly member of his faction and is suspected

of this continuance of his influence upon the administration of the governor and prefectural assembly members concerning various kinds of local problems.

RESTRICTED

Mr. Rizzo
26-6238
Minister for Ministry of Agriculture and Forestry Personnel Action

GS NRS

18 January 1950

1. The policy of the Supreme Commander as understood by this Section is to leave Japanese internal administrative affairs to the decision of the Japanese people through their duly elected and appointed representatives, free of direction or intervention by the Occupation authorities. The fixing of responsibility for irregularities in the Charcoal and Firewood Special Account and the determination of such corrective action as may be proper is a question of internal administration and therefore should be left to the Japanese authorities concerned.

2. If the responsible minister should act contrary to the Public Service Law, procedures exist under that law for the official or officials affected to obtain equitable remedies. NRS, acting in an advisory capacity, has already fully recorded its views on this matter with the Minister of Agriculture and Forestry and with the Chief Cabinet Secretary. Any further action on its part could serve only to undermine the capacity of the Japanese Government to discharge its administrative responsibilities.

GS

- C. W. - - - - - - - - - - - -

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Lt Col Donaldson, 26-6689
HGS/HBD/ad

NR 510( )Fo
17 JAN 1950

Minister for Ministry of Agriculture and Forestry Personnel Action

NR GS

17 JAN 1950

1. References:

a. Memorandum for Record, subject: "Conference No 2 with Mr K. Masuda, Cabinet Secretary, and Interpreter, Held in the Office of the Chief of Section, 1 January 1950," NR 120.11, dated 5 Jan 50.

b. Memorandum for Record, subject: "Japanese Government Personnel Procedure as it Relates to Dismissal from Office", NR 510, dated 10 Jan 50. (Incl 1)

2. GS has been informed of action on the part of Mr Mori, Minister for the Ministry of Agriculture and Forestry, to force the resignation of Mr Miura, Director, Forestry Agency.

a. The reason for this action is indicated in par 6, reference 1 a, namely the failure on the part of Mr Miura to correct irregularities in the Charcoal and Firewood Special Account until Mr Mori requested an audit.

b. Paragraphs 7 b and d, reference 1 b, note that irregularities in the account were brought to the attention of Mr Miura Oct 47, at that time Chief, National Forest Division, Forestry Bureau. Mr Miura, after his appointment as Chief, Forestry Bureau in Dec 47 was unable to secure satisfactory information from the Charcoal Office on the status of the Charcoal and Firewood Special Account and requested the Economic Stabilization Board to make an investigation in March 48. Administration of the account was under the supervision of lawyer-administrators assigned to Administration Division, Bureau of Forestry, from its establishment until 1 Jun 49, when the account was transferred to a technical division.

c. Paragraphs 6 b and 8 a, reference 1 b, state that in an ESS preliminary investigation of the Special Account during February and March 1949, Mr Mori was unaware that irregularities existed.

3. It appears that Mr Mori's contemplated personnel action in requesting the resignation of Mr Miura is contrary to the principles of National Public Service Law No. 120 of 1947 as revised, and to the objectives of the National Personnel Authority.

4. It is requested that GS advise whether NR should take additional action at this time.

1 Incl:
M/R, dtd 10 Jan 50

RESTRICTED - H. G. S. - - - - - - - - - - - - - - -

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Natural Resources Section

NR 510(10 Jan 50)Fe

NGS/HBD/ad
10 January 1950

MEMORANDUM FOR: Record

SUBJECT: Japanese Government Personnel Procedure as it Relates to Dismissal from Office

1. References:

a. National Public Service Law No. 120 of 1947 as revised by Laws No. 222, 258, and 265 of 1948, and By-Laws No. 2, 125 and 174 of 1949, Articles 78; 82; 89; 90; 91.

b. National Personnel Authority Rule 11-0, par 5; 8-0; 8-9; 11-2; 12-0; 13-1.

c. NR/Fe Daily Divisional Notes

3 Oct 47, Discrepancies in Fuelwood Inventories;
12 Oct 47, Death of I. Nakao, Chief Forestry Bureau, MAF;
6 Jan 48, appointment T. Miura, Chief Forestry Bureau on 27 Dec 47;
3 May 48, Proposed Transfer of Charcoal Offices;
2 Apr 49, Transfer Mr Tomitani, Chief Charcoal and Firewood Section;
26 Apr 49, Transfer Mr Tomitani, Chief Charcoal and Firewood Section;
17 Jun 49, Charcoal and Firewood Special Account Deficit 3.5 billion yen;
21 Jun 49, Charcoal and Firewood Special Account Deficit 1.3 billion yen;
5 Aug 49, Mr Inoue, House of Representatives Protests Discontinuance of Charcoal and Firewood Special Account.

d. Memorandum for Record, 14 July 49, Charcoal and Firewood Special Account.

e. Japanese Government Cabinets

1 Jun 47 Katayama
10 Mar 48 Ashida
19 Oct 48 Yoshida (1st)
16 Feb 49 Yoshida (2nd)

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2. The National Public Service Law No. 120 of 1947 as revised provides under Article 89 when an employee is dismissed against his will he shall at the time of such action be given by the person taking the action an explanatory written statement setting forth the reasons for the action. NPA Rule No. 11-0, par 5, provides, the action of dismissal against the will of an employee shall be effected by delivery of a written notification of action. The appointing officer shall when he has effected such action immediately present to the National Personnel Authority two copies of the written statement provided by Article 89 of the Law.

3. Article 78 lists instances for dismissal, Article 82 instances of disciplinary punishment, Article 90 Appeal for Review, Article 91 Investigation.

4. In the action under question Mr Mori, Minister for the Ministry of Agriculture and Forestry, has requested that Mr Miura, Director, Forestry Agency, resign his position because of discrepancies uncovered in an audit and inventory of the Charcoal and Firewood Special Account. Mr Miura has refused to resign pending submission of written notification as to his delinquencies.

5. The history of the Charcoal and Firewood Special Account is:

a. Established 29 Mar 40 under the provisions of Law No. 73.

b. An audit of the account was not made until 1949.

c. Administration of the account was under the supervision of lawyer-administrators assigned to Administration Division, Bureau of Forestry, until 1 Jun 49 when the account was transferred to the Service Division.

6. Mr Mori's Occupation History and Actions are:

a. 4 Mar 47 to 24 May 47, Parliamentary Vice-Minister, MAF; 17 Oct 48 to 15 Feb 49, Minister without Portfolio; 16 Feb 49 to present, Minister, Ministry of Agriculture and Forestry.

b. Mr W. C. French, ESS/PS/PD, stated 5 Jan 50 that Mr Mori was called during February and March 1949 to conferences in ESS and asked to explain discrepancies in the Charcoal and Firewood Special Account. At this time, Mr Mori exhibited great surprise that the account was out of adjustment and appeared to have no knowledge of the matter.

c. Mr Mori, Chief Fuels Section, Bureau of Forestry, advised NR/Fe (DDN 3 May 48) that the Minister wished to transfer supervision of the Charcoal offices from the Bureau of Forestry to prefectural governors as the Minister wished to be rid of the responsibility of fuel distribution. This action would prevent balancing the Charcoal and Firewood Special Account.

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7. Mr Miura's Occupation History and Actions are:

a. 15 Aug 45 Forest Products Section, in charge of Timber Allocation Branch; 16 Feb 46, Chief of Forest Products Section; 1 Apr 47, Chief of National Forest Division; 27 Dec 47 to present, Director of Forestry Agency.

b. 3 Oct 47 (DDN) Mr Miura, then Chief of National Forest Division, Bureau of Forestry, was asked by NR/Fe to explain the very large discrepancy between the amount of wood cut for fuel and the amount reported stockpiled. At this time two reasons given for the discrepancies were errors in estimation by prefectural inspectors and black market activities.

c. From 12 Oct to 21 Dec 47, the administration of the Bureau of Forestry was under the direction of Mr Saseyama, Vice Minister, MAF because of Mr Nakao's death.

d. 21 Jun 49 (DDN) Mr Miura, in conference with Chief, NR/Fe, stated that he, Mr Miura, recognized the Charcoal and Firewood Special Account was out of adjustment soon after assuming office in Dec 47. He was unable to secure satisfactory information from the Charcoal Office as to the status of the special account and he requested the third Deputy Director-General of the Economic Stabilization Board to make an investigation. This action was taken during 1-10 March 48 following preliminary audit of the account by the Bureau. Since the records are so muddled no single individual or group could be blamed. Mr Miura recognized the investigation would provide a national scandal and that he, undoubtedly, would be held responsible for the account.

8. ESS Action:

a. Mr W. C. French, ESS/PS/PD, was contacted 5 Jan 50 and stated that Mr Morrow, Chief of ESS/PD, had called Mr Mori, Minister of Agriculture and Forestry in during February and March 1949 to explain discrepancies in the Charcoal and Firewood Special Account. This action was partially a result of discussions held between Mr French and NR/Fe's Mr Uderitz and Mr Bruce, regarding inventory discrepancies. Mr French stated that on these occasions Mr Mori exhibited great surprise that the account was out of adjustment and appeared to have no knowledge of the matter.

b. The matter was discussed with ESS/Finance. As a result of these action, ESS in May 49 directed ESB and Ministry of Finance to check the account. Subsequently, Mr S. Tomitani, Head, Charcoal and Firewood Section, Forestry Agency, was relieved from his assignment and transferred to another position.

9. NR Action:

a. As a result of check and analysis of statistical data submitted by the Bureau of Forestry, representatives of the Bureau were asked

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to explain discrepancies between production and stockpile figures (DDN 3 Oct 47). Subsequent follow up on this action indicated the Charcoal and Firewood Special Account finances might be out of adjustment and this was brought to the attention of ESS. The action taken by ESS and NR caused the Japanese Government to make an inventory and audit of the account.

b. During the period these discrepancies occurred, the account was under the supervision of Japanese Government lawyer-administrator type personnel. With the reorganization of the Forestry Agency 1 Jun 49, the account was transferred under the supervision of a technical service division.

10. Action:

a. It is recommended that Mr Mori, Minister for MAF be advised in reply to his request for guidance from the Chief, NR, that the removal and appointment of officials of the Japanese Government is the responsibility of the Japanese Agency concerned and that the National Public Service Law has been enacted and the National Personnel Authority established to assist the Minister with personnel problems. (Reference M/R for Division Chiefs, subject: Policy Government Relationships with Japanese Government Agencies, dated 22 Jul 49)

2 Incls:
1-Nat'l Public Sv Law as revised
2-Nat'l Personnel Authority Rules

INR

H. B. DONALDSON
Lt Col Inf
Chief, Forestry Division

RESTRICTED

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
GOVERNMENT SECTION

18 January 1950

MEMORANDUM TO: Mr. Mazo, Labor Division, Economic & Scientific Section

SUBJECT: Removal of Japanese Officials

1. Confirming our telephone conversation 17 January 1950, in regards to action on basic letter from Headquarters, Kobe Base, dated 16 July 1949, subject: as above. A verbal agreement has been made between Government Section and Col. Watts, Civil Affairs Section that no action will be taken, and that the papers will be filed along with your 5th Indorsement in Government Section. Civil Affairs Section will notify Kinki Civil Affairs Region of this decision. If the case is brought up again, Civil Affairs Section will investigate further.

W. E. CURTIS, JR.
Capt FA
Ch, Administrative Division

GS File

GOVERNMENT SECTION

17 January 1950

MEMORANDUM TO: Major Napier

The attached papers were hand-carried to Col. Watts, Civil Affairs Section. Col. Watts stated that if agreeable with General Whitney, Government Section should file the papers. Civil Affairs Section will notify Kinki Civil Affairs Region by phone that no action will be taken and no formal reply made, and that if Kobe Base makes further inquiry to notify Civil Affairs Section and they will get later information.

Col. Watts also stated that Kobe Base technically had no right to deal with the Labor Officials, and that Civil Affairs Section is willing to have 5th Ind go out or let the case die a natural death.

Col. Watts requests Government Section notify him as to General Whitney's decision.

Incls.

W. E. C.

GOVERNMENT SECTION
Action Slip

Line No: 349

Date Rec'd: 4 Oct 49

ACTION

Action Assigned to Carol Service

14

Suspense Date 10 Oct 49

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
AND
FAR EAST COMMAND

9/24/v

ROUTING SLIP

FROM: ESS DATE: 30 Sept 1949

TO:

Commander-in-Chief		Ordnance	
Aide-de-Camp		PM	
Chief of Staff		PIO	
D C of S FEC		Ryukyus Mil Govt	
D C of S SCAP		QM	
SGS		Signal	
G-1		Sp Services	
G-2		Trans	
G-3		TI&E	
G-4		Civ Comm	
JSPOG		CI&E	
AG		Civ Int	
Antiaircraft		Civil Property Custodian	
Central Purchasing O		Civ Trans	
Chaplain		Diplomatic	
Chemical		ESS	
Civ Personnel		Gen Acctg	
Engineer		Gen Proc	
Fiscal		Government	(1)
Hq Comdt		Legal	
IG		NRS	
JA		PH&W	
Medical		Statistics & Report Sec	

FOR:

Approval		~~Note~~ and Return	(1)
Comment or Concurrence	(1)	Distribution Desired	
Information		Signature	
Initials		Dispatch	
Issuance of Orders		Attachment of	
Necessary Action		Reference	
		File	

FEC AGO Form No. 14 (1 Jan 49)

6643—FEC Printing Plant—6/49—75M

AG 091.112(16 Jul 49)ESS/LAB 5th Ind

GENERAL HEADQUARTERS, SUPREME COMMANDER FOR THE ALLIED POWERS, APO 500,

TO: Commanding General, Eighth Army, APO 343

1. Reference is letter from General Headquarters, Supreme Commander for the Allied Powers to Commanding General, Eighth Army, et al, AG 004.06 (21 Mar 49)GD, 21 March 1949, subject: Operative and Productive Labor. Paragraph 8a states, "Under the provisions of Japanese laws, the Japanese Government, as employer of all directly employed labor furnished to the occupation forces, has responsibilities for: (1) Establishment of wage scales ....." This statement is repeated verbatim in paragraph 8 a of letter from General Headquarters, Supreme Commander for the Allied Powers to Commanding General, Eighth Army, et al, AG 004.26(3 Aug 49)GD, 3 August 1949, subject: Operative and Productive Labor.

2. Within the Japanese Government, responsibility for the establishment of wage scales rests with the Special Procurement Board, which has delegated to prefectural authorities responsibility for application of these scales to individual employees. Wage scales issued by the Special Procurement Board are reviewed by General Headquarters, Supreme Commander for the Allied Powers, and prefectural governments have no authority to change such wage scales. In the case of wage rates which are determined by the "prevailing wage" method, authority for determination and publication of such rates is vested in the Japanese Government Labor Ministry by Law No. 171 (1947), "The Law to Protect the Government from Unjust Claims," passed by the Diet pursuant to Memorandum for the Japanese Government from General Headquarters, Supreme Commander for the Allied Powers, AG 120.1(12 Sep 47)ESS/FI, SCAPIN 1775, 12 September 1947, subject: Reduction of Governmental Expenditures. The method used in determining such rates is subject to review by General Headquarters, Supreme Commander for the Allied Powers. Prevailing wage rates are adopted, as published, by the Special Procurement Board and are applied to the appropriate classes of employees. Prefectural governments have no authority to change such published prevailing wage scales.

3. Application of all wage scales by prefectural authorities is limited by general rules established by the Special Procurement Board and reviewed by General Headquarters, Supreme Commander for the Allied Powers, to insure efficient service and sound personnel practices. For example, it is considered an unsound practice for all employees in a given category to be paid the maximum of the established wage scale. Responsibility for surveillance on the local level to insure conformity with Special Procurement Board regulations and General Headquarters, Supreme Commander for the Allied Powers' policies rests with Civil Affairs units. In the event that established wage scales are believed by using units to

be inappropriate for certain classes of employees, such cases should be called to the attention of appropriate Civil Affairs officers.

4. The Japanese Government, at the request of General Headquarters, Supreme Commander for the Allied Powers, has investigated the circumstances of the alleged lack of cooperation cited in basic letter. This investigation indicates that subject Japanese prefectural officials' action in refusing to establish wage scales recommended by the using unit and by labor officers was in accordance with Japanese Government procedure and General Headquarters, Supreme Commander for the Allied Powers' policy. Reference "Referencial Particulars of Determination of Wages for Employees of Q. M. Commissary," (Inclosure 1) submitted by Japanese Government Special Procurement Board. It is noted that a number of the proposals of the using unit, if adopted by prefectural officials, would have made such officials subject to disciplinary action; and that a number of the wages finally adopted are open to serious question. For example:

a. Wage proposed for 41 clerks was in excess of established maximum and adopted wage is close to the maximum.

b. Wage proposed and adopted for three car drivers was in excess of legal prevailing wage for car drivers.

c. With the exception of laborers, all wages adopted are in excess of Hyogo Ken average and most are at or near the maximum of the established wage scale.

5. In the subject case it is noted that pressure by the using unit (Quartermaster Commissary) was in the direction of higher wages. With the institution of yen limitations upon the expenditures of using units for Occupation Force labor, evidence of pressure against Japanese officials and, in some cases, directly against Occupation Force laborers to lower wages has come to the attention of this headquarters. It should be noted that such pressures are also contrary to established policy.

6. In view of the above findings, no action will be taken against employees SHIOZAKI Yoshizumi and YAHANO Michibumi of the Hyogo Prefectural Government.

BY COMMAND OF GENERAL MacARTHUR:

1 Incl
Referencial Particulars of
Determination of Wages for
Employees of the Q.M. Commissary

HEADQUARTERS
KOBE BASE
APO 317

AG 230

JUL 16 1949

SUBJECT: Removal of Japanese Officials

TO: Commanding Officer
Hyogo Civil Affairs Team
APO 317

1. Under the provisions of Operational Directive No. 8, Headquarters Eighth Army, dated 3 February 1948, it is requested that consideration be given to the dismissal of two employees of the Liaison Labor Section of Hyogo Prefectural Government.

2. In many conferences between the AG Civilian Personnel Labor Officer, this headquarters, and the Hyogo Civil Affairs Labor Officer, employees, YAHANO, Michibuchi and SHIOZAKI, Yoshizumi, have consistently opposed recommendations concerning pay scales, pay raises and classifications.

3. On 8 July 1949 a conference was held in connection with the classification and pay scales of Kobe Commissary employees who were in the process of being changed from a Procurement Demand operation to Labor Requisition operation. Those in attendance were the Adjutant General, Base Quartermaster and Base Labor Officer of Kobe Base, the Civil Affairs Labor Officer and the Kinki Civil Affairs Region Labor Officer. The entire conference was marked throughout by YAHANO's and SHIOZAKI's bickering and absolute stubbornness in refusal to accept pay scales and classification recommended by all officers present. Recent payrolls from the Osaka and Kyoto commissaries were presented by the Labor Officers, in an effort to show that wage scales and classifications recommended were not out of line with prevailing wages in the Kyoto-Osaka-Kobe Area. Finally, after approximately two hours of argument, the Liaison officials agreed to accept the scales recommended with minor reservations.

4. Two previous meetings of the same duration on the subject had been held with the Civil Affairs Labor Officer and the Kobe Base Labor Officer. At these meetings the same bickering and haggling were encountered from the two Japanese officials mentioned above.

5. It is recommended that YAHANO, Michibuchi and SHIOZAKI, Yoshizumi be relieved from their present assignment and new employees be assigned to these positions so that better cooperation may be obtained in matters affecting Occupation Forces.

W. A. Collier

W. A. COLLIER
Colonel, Inf
Commanding

Jul 702

AG 230 Ltr. Hdqs. Kobe Base, Sub: Removal of Japanese Officials
dated 16 July 1949

1st Ind

HEADQUARTERS HYOGO CIVIL AFFAIRS TEAM, APO 317, 21 July 1949

TO: Commanding Officer, Kinki Civil Affairs Region, APO 25

1. I have discussed this matter with the Labor Section Head of this team. It appears the facts as stated in basic communication are true.

2. Recommend action be taken for the removal of the two Japanese officials named above.

G. K. CROCKETT
Colonel, Inf.
Commanding

2nd Ind

JOB/hg

Hq Kinki Civil Affairs Region, APO 25, 30 July 1949

TO: CG, I Corps, APO 301

78

CA

1. This headquarters has personal knowledge of the very obvious friction between the Occupation Forces and representatives of the Labor-Management Section of the Japanese Government. At the present time, when utmost co-operation is needed between the Occupation Forces and the Japanese Government to effect personnel readjustment, the retention of Yahano and Shiozaki would seriously impair the fulfilling of the delicate task at hand.

2. It is recommended that Yakano and Shiozaki be removed from their present positions immediately.

FOR THE COMMANDING OFFICER:

GEORGE MINARIK
Captain CE
Adjutant

78/9C

8D/1614

SCAP 2388
15 1949
GHQ, AGO RECORDS

BASIC: Ltr, Hq Kobe Base, file AG 230, Subj: "Removal of Japanese Officials", dtd 16 Jul 49.

AG 230 - BA 3rd Ind CDO: C/s jm/md

Hq I Corps, APO 301,

AUG 6 1949

TO: CG, Eighth Army, APO 343

7280

A. S.

RECORDED HQ I CORPS

AGMGEL 230.145 4th Ind AUG 13 1949

Headquarters Eighth Army, APO 343

TO: Supreme Commander for the Allied Powers, APO 500
ATTN: ESS/Labor

1. General Headquarters, Supreme Commander for the Allied Powers Operation Instruction No. 5, dated 1 January 1948, states in part that the removal and appointment of Japanese officials will be done by the responsible Japanese agency. The same instruction also states, however, that the Supreme Commander for the Allied Powers retains the authority to take direct action in the event of the unwillingness or failure of the Japanese authorities to act effectively.

2. The conditions cited in the basic letter indicate that there is justification for an investigation in the instant case and this headquarters so recommends.

8

FOR THE COMMANDING GENERAL:

RECEIVED-CIVIL AFFAIRS

J. A. O'BRIEN
CWO
Asst Adj Gen

1591X

COPY

~~Annex I.~~

Referencial Particulars of Determination of Wages for Employees of the Q.M. Commissary.

Classification	Amount demanded by Army	Plan of L.M.C.	Average in Hyogo-ken LR	Plan of Ken	Amount of final decision	Wage frame fixed by P.W. or S.P.B.
Labor 6 men	4845	5050	4850	5416	4845	2415-4845 PW 3880-6350
Heavy Labor 21 men	5340	5900 (2men) PW 6981 (19men)	PW 6929	PW 7910	5340	2745-5340 PW 6320-10100
Driver 3 men (driving car)	PW 15251	PW 11183	PW 11881	PW 10311	PW 15250	9810-15250 (Heavy Truck) PW 7780-12000 (Driving car)
Butcher 16 men	6511	4843)	5360	5743	6511)	3045-6630
Baker 13 men	6341	4677)		5961	6341)	
Kitchin Police 5 men	4845	3700	3600	4000	4845	2070-4845
Guard 8 men	5229	4425	4727	4999	5229	2415-5385
Adviser 1	(b) 12000	(a) 9600	(a) 8825	(a) 9600	(a) 9600	(a) 7544-9639 (b) 9639-12000
Manager 2	9937	6350	6641	6262	7430	4320-7890
Asst. Manager 2	6795	5200	5712	5200	6790	3675-6795
Super-viser 5	6300	6020	6266	6020	6300	4845-6300
Clerk 41	5744	4360	4657	5174	5541	2280-5580
Tramsla-ter 4	7750	6075	6227	6072	6300	3045-6300
Sales clark 28	6210	4335	4272	4870	5380	2415-5385
Account-ant 15	6941	5960	6180	6069	6939	4845-7215

Incl 1

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Steno-grapher	2	6300	5650		5100	6300	3675-6300
Car washer	3	9447	8283	8257	8283	9470	6250-9950
Sign painter	1	10365	9600	9226	9600	10360	6690-10650
Oil Man	5	9596	8810	7911	8810	9590	6320-10100
Electrician	4	10519	9950	10166	9950	10510	6610-10510
Carpemter	1	10519	9200	9286	9200	10510	6610-10510
Boiler Man	4	10519	10000	9182	10000	10510	6610-10510
Auto Mecha-mic (class B)	1	13099	10500	10866	10500	13100	8430-13250

(Note)

1. The above amounts are the average monthly amount of the basic wage of each job type.

2. P.W. in the table is the Prevailing Wage to be applied for the technical employees, and those which are not written as P.W. are wages of the clerical employees. In cases of the P.W., the dependent family allowance will be added to the basic wage, but the working area allowance (30% in Kobe district) will be added furthermore to wages of the clerical employees. That point is the main difference between the two.

3. As the P.W. should be applied for a labor and a heavy labor, the P.W. is adopted in the plan of the prefecture. Accordingly, the average amount of the prefecture is also shown by the P.W.

4. Drivers being drivers of driving cars, the wage frame for drivers of driving cars are applied in the prefectural plan. The amount demanded by the Army is the wage frame for

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drivers of heavy trucks. The prefectural average amount of drivers are the synthetic average amount for three kinds of drivers of the heavy trucks, light trucks and driving cars.

5. Adviser (a) will be determined by a prefectural government in accordance with a recommendation of the local Civil Affairs Team, and (b) will be determined in accordance with a recommendation of the local Civil Affairs Team, after getting an approval of the S.F.B.

COPY 5

Toku-Gyo-Hatsu No. 712

COPY 16 Aug. 1949

To: Governor of Hyogo-ken.

From: Director of the Operation Department, S.P.B.

Subject: Assessment of Wages of Employees of Kobe Q.M. Sales Commissary Accompanying with the Transfer from P.D. to L.R.

Regarding Hyo-Re No. 291, dated July 14, I answer as follows:

1. As to handling of wages of those special P.D. laborers who are employed as employees hired directly by the Government, it should be dealt with in accordance with the policy of the Notification Toku-Cho-Otsu-Sho-Hatsu No. 16, dated June 8, 1949.

Regarding determination of basic wages of the employees of Kobe Q.M. Sales Commissary, following measures should be taken:

(1) To request the cooperation of the Army so that the pays may be assessed basing upon the notification mentioned in the above 1.

(2) Not to lose balance with the pays of other employees hired directly by the Government in Hyogo-ken.

(3) In a case where the measures stated in the above (1) and (2) are not appropriate for special circumstances, I approve your application on the following conditions.

a. In a case where the pay exceeds the maximum amount of the Table of standards of Basic wages annexed to the pay Regulation, the maximum amount of it will be the limit.

b. A periodical increase in salary and other salary increase by an adjustment will not be approved for a while until the balance with the pays of other directly hired employees is secured.

c. To practise adjustment of wages to keep balance with the wages of other directly hired employees at the time of overall revision of wages and at other proper chances.

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Toku-Cho-Otsu-Hatsu No. 16 9 June 1949

To: Governors of To,Do,Fu and Ken
Chiefs of branch offices of S.P.B.

From: Director-General of S.P.B.

Subject: Wage Measure in a case of Changing the Employment of Special P.D. Laborers to the Employees Directly Hired by the Government.

There are some negrects to unify to handle the decision of monthly amount of basic wage and the period of payment to be begun of the Dependent Family Allowance in a case of changing the employment of Special P.D. Laborers to the Employees Directly Hired by the Government. Accordingly the following matters are decided to expect your perfect enforcement.

1. Monthly Amount of Basic Wage

It is natural to come existence the difference of wage and the other labor conditions between the Special P.D. Laborers and the Employees Directly Hired by the Government, for it's parties concerned of contructs of employment are different.

Therefore it should be decided the monthly Amount of basic wage considering with their ability, experience and efficiency, and the balance to the other employees Directly Hired by the Government actualy employed, as a newly employed persons, in a case of changing the employment of the Special P.D. Laborers to the Employees Directly Hired by the Government.

2. Dependent Family Allowance

Dependent Family Allowance will be paid since the next month of the date recorded to employ as mentioned the former purpose of management to pay the Dependent Family Allowance. Moreover it should be taken proper step to record the date of it, not to make a gap on date by the changing of employment.

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ECONOMIC AND SCIENTIFIC SECTION
Labor Division

WFM/RTA/GGS/BM/brh
30 Sep 49

MEMO FOR RECORD:

1. Basic letter dated 16 Jul 49 from Headquarters, Kobe Base, to Hyogo Civil Affairs Team recommends that consideration be given to the dismissal of two officials of the Hyogo Prefectural Government. The reason given is that the two officials, YAHANO, Michibuchi and SHIOZAKI, Yoshizumi, "opposed recommendations" by Kobe Base officers regarding the wage scales to be applied to Japanese workers who were being shifted from a "procurement demand" (hire through a contractor) to "labor requisition" (direct hire by the Japanese Government).

2. First indorsement, dated 21 Jul 49, from Hyogo Civil Affairs Team, recommends that "action be taken for removal of the two Japanese officials."

3. Second indorsement from Headquarters, Kinki Civil Affairs Region, dated 30 Jul 49, recommends that the officials "be removed from their positions immediately."

4. Third indorsement from Headquarters, I Corps, dated 6 Aug 49, merely transmits the case to the Commanding General, Eighth Army, with no comment.

5. Fourth indorsement, dated 13 Aug 49, from Headquarters, Eighth Army, recommends that an investigation be made.

6. ESS/LAB requested that the Special Procurement Board, the Japanese Government agency which acts as employer of indigenous labor for Occupation Force work, conduct an examination to determine the facts of this case. This report indicated that the Japanese officials involved attempted to adhere to the wage scales and procedures established by the Special Procurement Board and reviewed by ESS/LAB, while the officers at Kobe Base urged these officials to adopt wage scales which these officers considered more appropriate. The Special Procurement Board further reported that such pressures by Army units are frequent, in spite of several command letters issued by GHQ, SCAP which emphasize that the determination of wages, hours and working conditions for indigenous labor is the responsibility of the Japanese Government, as employer. In some localities, it was further reported, the Japanese officials quietly give in to such pressures, whereas the two officials involved in the subject case have zealously adhered to the standards set by the Japanese Government. The Special Procurement Board described both as excellent employees and stated that if action were taken against them merely because they faithfully performed their duties, it would have a disastrous effect on the operation of the Japanese Government program of establishing appropriate wages for Japanese workers hired for Occupation Force

Memo for Record, contd.

use and maintaining an equitable balance among such workers at various units throughout Japan.

7. Since the evidence presented shows that the Japanese officials, YAHANO, Michibuchi and SHIOZAKI, Yoshizumi, acted in accordance with their assigned duties and no violation of GHQ, SCAP policy is involved, there is no justification for recommending Japanese Government action to dismiss them.

8. Concurrence: GS _____

B. Mazo
57-8886

C O P Y

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 004.06 (21 Mar 49) GD

21 March 1949

SUBJECT: Operative and Productive Labor

TO: Commanding General, Eighth Army, APO 343
Commander, United States Naval Forces, Far East, Navy No. 1165
Commanding General, Far East Air Forces, APO 925
Commanding General, Headquarters and Service Group, General Headquarters, Far East Command, APO 500

1. a. Rescissions.

(1) Letter, General Headquarters, Supreme Commander for the Allied Powers, file AG 230.14 (10 Apr 47) GD, subject, "Domestic Servants for Dependent Housing", dated 10 April 1947.

(2) Letter, General Headquarters, Supreme Commander for the Allied Powers, file AG 230.14 (14 Feb 47) GD, subject, "Labor Requisitioned from Japanese Government", dated 14 February 1947.

(3) Letter, General Headquarters, Supreme Commander for the Allied Powers, file AG 230.14 (14 Feb 47) GD, subject "Allowances of Service Personnel Provided by Japanese Government", dated 14 February 1947.

b. References.

(1) Letter, General Headquarters, Supreme Commander for the Allied Powers, file AG 400.12 (14 Feb 49) GD, subject, "Procurement Policy in Relation to the Stabilization of the Japanese Economy", dated 14 February 1949.

(2) Circular No. 5, General Headquarters, Supreme Commander for the Allied Powers, dated 10 February 1949.

(3) Supreme Commander for the Allied Powers' Memorandum for Japanese Government, AG 400.12 (31 Mar 48) CE-GD, SCAPIN 1872, subject "Expenditures from Funds Appropriated for Occupation Force Requirements", dated 31 March 1948.

(4) Supreme Commander for the Allied Powers' Memorandum for Japanese Government, AG 004.06 (26 Jan 48) OGS, SCAPIN 1852, subject, "Submission of Monthly Labor Report", dated 26 January 1948.

Ref "A"

C O P Y

COPY

AG 004.06 (21 Mar 49) GD, 21 Mar 49
Subj: Operative and Productive Labor

(5) Letter, General Headquarters, Supreme Commander for the Allied Powers file AG 248 (6 Dec 47) ESS/LA, subject, "Wages of Domestic Servants in Occupation Force Dependent Housing", dated 6 December 1947.

2. Purpose.

To prescribe revised policies and procedures effective 1 April 1949, covering the procurement and control of directly employed indigenous labor and to effect the consolidation of reports covering the use of such personnel.

3. Responsibilities.

Addressee commanders are responsible for adequate implementation and enforcement of policy and procedures as amended herein.

4. Definition.

Operative and productive labor referred to herein is defined as every form and type of indigenous labor employed under the direct supervision of the occupation forces for the operation of activities of the occupation forces and furnished by the Japanese Government under Labor Requisition Form No. 1. (Par 3c reference 1b (3) above).

5. Procurement.

The Eighth United States Army is the only agency authorized to issue procurement instruments. The method of issuance of procurement instruments is prescribed by Eighth Army. Labor using units and agencies will carefully analyze the labor requirements of each project, and will limit their requests for operative and productive labor to the minimum number of personnel essential to each project. Particular precaution will be exercised in planning work schedules to preclude requisitioning laborers in excess of the number which can be fully or profitably employed. All labor, reported for non-work allowances, will be included in and will be accounted for, against the ceilings established for the commands.

6. Control.

a. The Supreme Commander for the Allied Powers will continue to prescribe labor ceilings to addressee commanders. Commanders will require that manning tables be established for each facility utilizing operative and productive labor. All manning tables will be critically reviewed periodically by the respective major commands and adjusted as may be necessary to insure that they provide for minimum essential requirements only. Manning tables will not be submitted to General Headquarters

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but will be readily available for inspection at each facility. Total personnel requirements as shown on manning tables will be included in the over-all ceiling prescribed for the commands (sample form, Incl 1).

b. The labor officer of each labor using unit will compare the number of operational and productive labor reported employed (daily average) with the payrolls to insure that the work was actually performed in the number of hours and days for which labor is being paid by the Japanese Government.

c. Payrolls will be prepared in accordance with established procedures and will include the following certificate bearing the personal signature of the receiving officer:

> "I certify that the total number of man-days and/or man-hours for which each individual is entitled to receive payment from the Japanese Government on this payroll, is true and correct to the best of my knowledge and ability to ascertain and that the grand total of man-days and/or man-hours does not exceed the maximum allowable working time for the daily average number of employees during the period covered".

d. Special Allowances.

The payment to an excessive number of employees of the separation and/or discharge allowance, which is equal to one or more months pay, places an unwarranted drain on the labor portion of the Termination of War Budget. Consequently discharges when re-employment is immediately in prospect will be avoided. Considering the employment changes resulting from the transition of many activities from a service contract to a direct hire method of operation, an endeavor will be made to secure stability of employment at the earliest practicable date. In each instance where any of the special allowances listed below are shown on the payroll, the unit labor officer will attach to the payroll a statement of explanation and/or approval:

(1) Non-work allowances

(2) Special work allowances

(3) Language allowances

(4) Separation and/or dismissal allowances

(5) Traveling expenses

(6) Any other voucher requiring occupation force approval

C O P Y

e. Overtime.

Addressee commanders will establish and enforce strict controls limiting the man-hours of overtime in their respective commands to a total which shall not exceed in any one month 10% of the total man-hours of regular time authorized within their established ceilings in the same month, except that this limit on overtime employment may be exceeded in any emergency when excess overtime is necessary to protect life or property of value. Such excess overtime will be specifically explained on monthly report (Reports Control Symbol QGD-23 (R1)). In the case of activities in which continuous operation is essential to the health, security, or an important function of the command, the employment of an additional shift will be utilized when less expensive than employment of overtime. Overtime for domestic servants employed in dependent housing will continue to be limited to a maximum of twelve hours per week (Incl 1 to reference 1b (5)).

7. Reports to General Headquarters.

a. Addressee commanders will submit an operative and productive labor report (Reports Control Symbol QGD-23 (R1)) in quadruplicate to the Supreme Commander for the Allied Powers within forty days following the last day of the month for which the report is rendered. Initial report under the provisions of this directive will be submitted for the month of April 1949 to reach General Headquarters on or before 10 June 1949.

b. The labor report form (Incl 2) will be prepared by each technical service activity and/or other activity utilizing operative and productive labor. The appropriate requesting agency code and the project (purpose) code will be shown for all employees reported, as indicated in Incl 3. All information required by the report will be submitted from factual data and will not be based on estimates.

8. a. Under the provisions of Japanese laws, the Japanese Government as employer of all directly employed labor furnished to the occupation forces, has responsibilities for:

(1) Establishment of wage scales

(2) Payment of wages, supplements and allowances

(3) Regulation of working hours, vacation time, transfers, separation and/or discharges

(4) Immunization, medical care and treatment

C O P Y

C O P Y

AG 004.06 (21 Mar 49) GD, 21 Mar 49
Subj: Operative and Productive Labor

b. While the above responsibilities are primarily a concern of the Japanese Government, the manner and extent of their application is prescribed by the Supreme Commander for the Allied Powers. Specifically, no payment for expenses incurred in the fulfillment of the above obligations can be made from funds appropriated for support of the occupation forces without a duly executed receipt signed by an authorized representative of the occupation forces (SCAPIN 1872). It is therefore the responsibility of the individual receiving officer to determine that the full requirements of the procurement instrument have been met and that payment is promptly authorized for only the amount of service delivered.

9. Field audits will be made by representatives of General Headquarters and frequent inspections will be made by addressee commanders to insure uniformity of application of the provisions of this directive and compliance therewith. Each unit utilizing operative and productive labor will maintain the minimum records essential for inspection and auditing purposes.

BY COMMAND OF GENERAL MacARTHUR:

3 Incls
1. Manning Table Form
2. Monthly Report Form
3. Requesting Code Table

/s/ R. M. Levy
/t/ R. M. LEVY
Colonel, AGD,
Adjutant General.

C O P Y

COPY

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 004.26 (3 Aug 49) GD

GD OP-NMW/HRM/CCR/vgd
3 August 1949

SUBJECT: Operative and Productive Labor

TO: Commanding General, Eighth Army, APO 343
Commander, United States Naval Forces, Far East, Navy No. 1165
Commanding General, Far East Air Forces, APO 925
Commanding General, Headquarters and Service Group, General Headquarters, Far East Command, APO 500

1. a. Rescissions.

(1) Letter, General Headquarters, Supreme Commander for the Allied Powers, file AG 004.26 (21 March 49)GD, subject as above, dated 21 March 1949.

b. References.

(1) Letter, General Headquarters, Supreme Commander for the Allied Powers, file AG 400.12 (14 Feb 49) GD, subject, "Procurement Policy in Relation to the Stabilization of the Japanese Economy", dated 14 February 1949.

(2) Circular No. 5, General Headquarters, Supreme Commander for the Allied Powers, dated 10 February 1949.

(3) Supreme Commander for the Allied Powers' Memorandum for Japanese Government, AG 400.12 (31 Mar 48) CE-GD, SCAPIN 1872, subject, "Expenditures from Funds Appropriated for Occupation Force Requirements", dated 31 March 1948.

(4) Supreme Commander for the Allied Powers' Memorandum for Japanese Government, AG 004.06 (26 Jan 48) OGS, SCAPIN 1852, subject, "Submission of Monthly Labor Report", dated 26 January 1948.

(5) Letter, General Headquarters, Supreme Commander for the Allied Powers file AG 248 (6 Dec 47) ESS/LA, subject, "Wages of Domestic Servants in Occupation Force Dependent Housing", dated 6 December 1947.

(6) Letter, General Headquarters, Supreme Commander for the Allied Powers, file AG 400.12 (13 June 49) GD, subject, "Control of Occupation Force Requirements for Indigenous Services, Supplies and Materials in JFY 1949," dated 13 June 1949.

COPY

Ref "B"

AG 004.26 (3 Aug 49) GD, 3 Aug 49
Subj: Operative and Productive Labor

(7) Letter, General Headquarters, Supreme Commander for the Allied Powers, file AG 400.12 (13 June 49) GD, subject, "Control of Occupation Force Requirements for Indigenous Services, Supplies and Materials in JFY 1949," dated 1 August 1949.

2. Purpose.

To prescribe revised policies and procedures effective 1 April 1949, covering the procurement and control of directly employed indigenous labor and to effect the consolidation of reports covering the use of such personnel.

3. Responsibilities.

Addressee commanders are responsible for adequate implementation and enforcement of policy and procedures as amended herein.

4. Definition.

Operative and productive labor referred to herein is defined as every form and type of indigenous labor employed under the direct supervision of the occupation forces for the operation of activities of the occupation forces and furnished by the Japanese Government under Labor Requisition Form No. 1. (Par 3c reference 1b (3) above).

5. Procurement.

The Eighth United States Army is the only agency authorized to issue procurement instruments. The method of issuance of procurement instruments is prescribed by Eighth Army. Labor using units and agencies will carefully analyze the labor requirements of each project, and will limit their requests for operative and productive labor to the minimum number of personnel essential to each project. Particular precaution will be exercised in planning work schedules to preclude requisitioning laborers in excess of the number which can be fully or profitably employed. All labor, reported for non-work allowances, will be included in and will be accounted for, against the ceilings established for the commands.

6. Control.

a. The Supreme Commander for the Allied Powers will continue to prescribe labor ceilings to addressee commanders. Commanders will require that manning tables be established for each facility utilizing operative and productive labor. All manning tables will be critically reviewed periodically by the respective major commands and adjusted as may be necessary to insure that they provide for minimum essential requirements only. Manning tables will not be submitted to General Headquarters but will be readily available

C O P Y

AG 004.26 (3 Aug 49) GD, 3 Aug 49
Subj: Operative and Productive Labor

for inspection at each facility. Total personnel requirements as shown on manning tables will be included in the over-all ceiling prescribed for the commands (sample form, Incl 1).

b. The labor officer of each labor using unit will compare the number of operational and productive labor reported employed (daily average) with the payrolls to insure that the work was actually performed in the number of hours and days for which labor is being paid by the Japanese Government.

c. Payrolls will be prepared in accordance with established procedures and will include the following certificates bearing the personal signature of the receiving officer:

"I certify that the total number of man-days and/or man-hours for which each individual is entitled to receive payment from the Japanese Government on this payroll, is true and correct to the best of my knowledge and ability to ascertain and that the grand total of man-days and/or man-hours does not exceed the maximum allowable working time for the daily average number of employees during the period covered."

d. Special Allowances.

The payment to an excessive number of employees of the separation and/or discharge allowance, which is equal to one or more month's pay, places an unwarranted drain on the labor portion of the Termination of War Budget. Consequently discharges when re-employment is immediately in prospect will be avoided. Considering the employment changes resulting from the transition of many activities from a service contract to a direct hire method of operation, an endeavor will be made to secure stability of employment at the earliest practicable date. In each instance where any of the special allowances listed below are shown on the payroll, the unit labor officer will attach to the payroll a statement of explanation and/or approval:

(1) Non-work allowances

(2) Special work allowances

(3) Language allowances

(4) Separation and/or dismissal allowances

(5) Traveling expenses

(6) Any other voucher requiring occupation force approval

e. Overtime.

Addressee commanders will establish and enforce strict controls limiting the man-hours of overtime in their respective commands to a total

which shall not exceed in any one month 10% of the total man-hours of regular time authorized within their established ceilings in the same month, except that this limit on overtime employment may be exceeded in any emergency when excess overtime is necessary to protect life or property of value. In the case of activities in which continuous operation is essential to the health, security, or an important function of the command, the employment of an additional shift will be utilized when less expensive than employment of overtime. Overtime for domestic servants employed in dependent housing will continue to be limited to a maximum of twelve hours per week (Incl 1 to reference 1b (5)).

7. Reports to General Headquarters.

a. Report on operative and productive labor, reports control symbol QGD 66 (R1), will be submitted by addressee commanders in accordance with par 3 reference 1b (7).

b. Initial report under par a above will be submitted for the month of July 1949.

8. a. Under the provisions of Japanese laws, the Japanese Government as employer of all directly employed labor furnished to the occupation forces, has responsibilities for:

(1) Establishment of wage scales

(2) Payment of wages, supplements and allowances

(3) Regulation of working hours, vacation time, transfers, separation and/or discharges

(4) Immunization, medical care and treatment

b. While the above responsibilities are primarily a concern of the Japanese Government, the manner and extent of their application is prescribed by the Supreme Commander for the Allied Powers. Specifically, no payment for expenses incurred in the fulfillment of the above obligations can be made from funds appropriated for support of the occupation forces without a duly executed receipt signed by an authorized representative of the occupation forces (SCAPIN 1872). It is therefore the responsibility of the individual receiving officer to determine that the full requirements of the procurement ihstrument have been met and that payment is promptly authorized for only and amount of service delivered.

9. Field audits will be made by representatives of General Headquarters and frequent inspections will be made by addressee commanders to insure uniformity of application of the provisions of this directive and compliance therewith. Each unit utilizing operative and productive labor will maintain the minimum records essential for inspection and auditing purposes.

BY COMMAND OF GENERAL MacARTHUR:

1 Incl
Manning Table Form

/s/ A. J. Rehe
A. J. REHE
Major, AGD
Asst Adj Gen

COPY

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

AG 120.01 (12 Sep 47)ESS/FI
(SCAPIN 1775)

APO 500
12 September 1947

MEMORANDUM FOR: JAPANESE GOVERNMENT

THROUGH: Central Liaison Office, Tokyo

SUBJECT: Reduction of Governmental Expenditures

1. Effective immediately the following steps will be taken to reduce governmental expenditures:

a. Only prices legally established by the Japanese Government for any product will be recognized, approved, or used in:

(1) Computing and establishing legal prices for any other product.

(2) Determining and making payments for goods, work done, or services rendered whether paid directly by the Japanese Government or indirectly as reimbursements or payments to contractors or manufacturers.

b. Legal prices for materials used in projects or activities demanded by the Occupation Forces will be the same as for similar materials used in other projects or activities.

c. Expenditures, payments and reimbursements by the Japanese Government on account of labor costs, whether the labor be employed directly by the Japanese Government or engaged by contractors, manufacturers, private companies, or public agencies in the accomplishment of any project, goods, services for the Japanese Government or the Occupation Forces, shall not exceed in amount the actual wage payments directly received by the workers, plus prior deductions authorized by law.

d. In the following categories of labor, actual wage payments sha as a rule, equal, and in no case shall exceed, prevailing wages for compara employment in the locality as determined by the Japanese Government in acco ance with methods which shall be subject to the review of the Supreme Comma for the Allied Powers:

(1) Labor employed by the Japanese Government in response to "Labor Requisitions" by the Occupation Forces.

(2) Labor engaged as the result of "Procurement Demands" by the Occupation Forces or Memorandums to the Japanese Gov ment for the accomplishment of construction, building

REFERENCE "C"
SCAPIN 1775

COPY

Ref. "C"

C O P Y

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

AG 120.01 (12 Sep 47)ESS/FI
(SCAPIN 1775)

APO 500
12 September 1947

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d. In the following categories of labor, actual wage payments shall, as a rule, equal, and in no case shall exceed, prevailing wages for comparable employment in the locality as determined by the Japanese Government in accordance with methods which shall be subject to the review of the Supreme Commander for the Allied Powers:

(1) Labor employed by the Japanese Government in response to "Labor Requisitions" by the Occupation Forces.

(2) Labor engaged as the result of "Procurement Demands" by the Occupation Forces or Memorandums to the Japanese Government for the accomplishment of construction, building

C O P Y

Ref. "C"

BASIC: Memo to JG, dtd 12 Sep 47 , subj: Reduction of Governmental Expenditures

maintenance and associated services, and operation of Occupation Forces installations. Wage rates in this category shall not exceed those in category (1).

(3) Labor engaged in the accomplishment of public works projects financed in whole or in part by the Japanese Government.

e. Adequate inspection and supervisory systems will be established over all activities involving expenditures by the Japanese Government to eliminate waste of labor or materials and to assure against the payment of padded or false cost claims.

2. Direct communication between the Ministry of Finance and interested Staff Sections of General Headquarters, Supreme Commander for the Allied Powers, is hereby authorized to implement this memorandum.

FOR THE SUPREME COMMANDER:

/s/ J Z SHUGART
For R. M. LEVY,
Colonel, AGD,
Adjutant General.

Ltr, Hq. Kobe Base, AG 230, subj: Removal of Japanese Officials, 16 Jul 49

AG 091.112(16 Jul 49)ESS/IAB 5th Ind WFM/RTA/GGS/BM/bh

GENERAL HEADQUARTERS, SUPREME COMMANDER FOR THE ALLIED POWERS, APO 500,

TO: Commanding General, Eighth Army, APO 343

1. Reference is letter from General Headquarters, Supreme Commander for the Allied Powers to Commanding General, Eighth Army, et al, AG 004.06 (21 Mar 49)GD, 21 March 1949, subject: Operative and Productive Labor. Paragraph 3a states, "Under the provisions of Japanese laws, the Japanese Government, as employer of all directly employed labor furnished to the occupation forces, has responsibilities for: (1) Establishment of wage scales ....." This statement is repeated verbatim in paragraph 3 a of letter from General Headquarters, Supreme Commander for the Allied Powers to Commanding General, Eighth Army, et al, AG 004.25(3 Aug 49)GD, 3 August 1949, subject: Operative and Productive Labor.

2. Within the Japanese Government, responsibility for the establishment of wage scales rests with the Special Procurement Board, which has delegated to prefectural authorities responsibility for application of these scales to individual employees. Wage scales issued by the Special Procurement Board are reviewed by General Headquarters, Supreme Commander for the Allied Powers, and prefectural governments have no authority to change such wage scales. In the case of wage rates which are determined by the "prevailing wage" method, authority for determination and publication of such rates is vested in the Japanese Government Labor Ministry by Law No. 171 (1947), "The Law to Protect the Government from Unjust Claims," passed by the Diet pursuant to Memorandum for the Japanese Government from General Headquarters, Supreme Commander for the Allied Powers, AG 120.1(12 Sep 47)ESS/FI, SCAPIN 1775, 12 September 1947, subject: Reduction of Governmental Expenditures. The method used in determining such rates is subject to review by General Headquarters, Supreme Commander for the Allied Powers. Prevailing wage rates are adopted, as published, by the Special Procurement Board and are applied to the appropriate classes of employees. Prefectural governments have no authority to change such published prevailing wage scales.

3. Application of all wage scales by prefectural authorities is limited by general rules established by the Special Procurement Board and reviewed by General Headquarters, Supreme Commander for the Allied Powers, to insure efficient service and sound personnel practices. For example, it is considered an unsound practice for all employees in a given category to be paid the maximum of the established wage scale. Responsibility for surveillance on the local level to insure conformity with Special Procurement Board regulations and General Headquarters, Supreme Commander for the Allied Powers' policies rests with Civil Affairs units. In the event that established wage scales are believed by using units to

AG FILES

AG 091.112(16 Jul 49)MIS/LAB, 5th Ind

Subj: Removal of Japanese Officials

be inappropriate for certain classes of employees, such cases should be called to the attention of appropriate Civil Affairs officers.

4. The Japanese Government, at the request of General Headquarters, Supreme Commander for the Allied Powers, has investigated the circumstances of the alleged lack of cooperation cited in basic letter. This investigation indicates that subject Japanese prefectural officials' action in refusing to establish wage scales recommended by the using unit and by labor officers was in accordance with Japanese Government procedure and General Headquarters, Supreme Commander for the Allied Powers' policy. Reference "Referential Particulars of Determination of Wages for Employees of Q. M. Commissary," (Inclosure 1) submitted by Japanese Government Special Procurement Board. It is noted that a number of the proposals of the using unit, if adopted by prefectural officials, would have made such officials subject to disciplinary action; and that a number of the wages finally adopted are open to serious question. For example:

a. Wage proposed for 41 clerks was in excess of established maximum and adopted wage is close to the maximum.

b. Wage proposed and adopted for three car drivers was in excess of legal prevailing wage for car drivers.

c. With the exception of laborers, all wages adopted are in excess of Hyogo Ken average and most are at or near the maximum of the established wage scale.

5. In the subject case it is noted that pressure by the using unit (Quartermaster Commissary) was in the direction of higher wages. With the institution of yen limitations upon the expenditures of using units for Occupation Force labor, evidence of pressure against Japanese officials and, in some cases, directly against Occupation Force laborers to lower wages has come to the attention of this headquarters. It should be noted that such pressures are also contrary to established policy.

6. In view of the above findings, no action will be taken against employees SHIOZAKI Yoshifumi and YAMANO Michibumi of the Hyogo Prefectural Government.

BY COMMAND OF GENERAL MacARTHUR:

1 Incl
Referential Particulars of
Determination of Wages for
Employees of the Q.M. Commissary

5

VM

9/24/2

ECONOMIC AND SCIENTIFIC SECTION
Labor Division

WFM/RTA/GGS/BM/brh
30 Sep 49

MEMO FOR RECORD:

1. Basic letter dated 16 Jul 49 from Headquarters, Kobe Base, to Hyogo Civil Affairs Team recommends that consideration be given to the dismissal of two officials of the Hyogo Prefectural Government. The reason given is that the two officials, YAHANO, Michibuchi and SHIOZAKI, Yoshizumi, "opposed recommendations" by Kobe Base officers regarding the wage scales to be applied to Japanese workers who were being shifted from a "procurement demand" (hire through a contractor) to "labor requisition" (direct hire by the Japanese Government).

2. First indorsement, dated 21 Jul 49, from Hyogo Civil Affairs Team, recommends that "action be taken for removal of the two Japanese officials."

3. Second indorsement from Headquarters, Kinki Civil Affairs Region, dated 30 Jul 49, recommends that the officials "be removed from their positions immediately."

4. Third indorsement from Headquarters, I Corps, dated 6 Aug 49, merely transmits the case to the Commanding General, Eighth Army, with no comment.

5. Fourth indorsement, dated 13 Aug 49, from Headquarters, Eighth Army, recommends that an investigation be made.

6. ESS/LAB requested that the Special Procurement Board, the Japanese Government agency which acts as employer of indigenous labor for Occupation Force work, conduct an examination to determine the facts of this case. This report indicated that the Japanese officials involved attempted to adhere to the wage scales and procedures established by the Special Procurement Board and reviewed by ESS/LAB, while the officers at Kobe Base urged these officials to adopt wage scales which these officers considered more appropriate. The Special Procurement Board further reported that such pressures by Army units are frequent, in spite of several command letters issued by GHQ, SCAP which emphasize that the determination of wages, hours and working conditions for indigenous labor is the responsibility of the Japanese Government, as employer. In some localities, it was further reported, the Japanese officials quietly give in to such pressures, whereas the two officials involved in the subject case have zealously adhered to the standards set by the Japanese Government. The Special Procurement Board described both as excellent employees and stated that if action were taken against them merely because they faithfully performed their duties, it would have a disastrous effect on the operation of the Japanese Government program of establishing appropriate wages for Japanese workers hired for Occupation Force

Memo for Record, contd.

use and maintaining an equitable balance among such workers at various units throughout Japan.

7. Since the evidence presented shows that the Japanese officials, YAMAMO, Michibuchi and SHIOZAKI, Yoshizumi, acted in accordance with their assigned duties and no violation of GHQ, SCAP policy is involved, there is no justification for recommending Japanese Government action to dismiss them.

8. Concurrence: GS _____

B. Imao
57-0836

Prime Minister's Office and Ministry of
Agriculture and Forestry Ordinance No. ----

, 1949

In accordance with the provisions of Imperial Ordinance (No. 542 of 1945), concerning orders to be issued in consequence of the Acceptance of the Potsdam Declaration, matters concerning restrictions on those persons falling under the Memorandum issued on the basis of Imperial Ordinance No. 1 of 1947 in respect to their acceptance of the post of officers etc. of Agricultural Cooperative Associations, Federations of Agricultural Cooperative Associations and Fishery Industry Cooperative Associations shall be set forth as follows:

Prime Minister

Yoshida Shigeru

Minister of Agriculture and Forestry

Sudo Hideo

Article 1. Any person who has been designated as falling under the Memorandum in accordance with the provisions of Imperial Ordinance (Imperial Ordinance No. 1 of 1947) concerning the exclusion and dismissal from public service (hereinafter referred to as a person falling under the Memorandum, including any person who has been regarded as designated to fall under the Memorandum issued on the basis of Imperial Ordinance No. 101 of 1946) shall not assume any of the following positions or perform functions belonging thereto:

1. Directors of an agricultural cooperative association, a federation of agricultural cooperative associations or a fishery industry cooperative association (hereinafter referred to as an association);

2. Auditor of an association;

3. Secretary of an association;

4. Treasurer of an association;

5. Chief of office, plant, factory or other enterprise, or chief of bureau, division, section or branch of office, plant, factory or other enterprise;

6. Any other position involving discharge of supervisional, managerial or policy-making responsibilities in the business or accounts of an association, excluding the positions provided in the preceding items:

7. Commissioner of property disposal board of Nogyokai (agricultural association) to be elected according to the provisions of Art. 9 of Law (Law No. 133 of 1947) concerning liquidation of the agricultural organizations and others in consequence of the establishment of the Agricultural Cooperative Association Law, or commissioner of property disposal board of Gyogyokai, Seizogyokai or prefectural Suisangyokai (Fishery Association, Marine Products Manufacturers Association and Prefectural Fishery Industry Association) to be elected according to the providions of Art. 13 of Law (Law No. 243 of 1948) concerning liquidation of the fishery industry organizations in consequence of the establishment of the Fishery Industry Cooperative Association Law.

Article 2. If any person holding any of the positions mentioned in items 1 to 7 inclusive of the preceding Article has been designated as falling under the Memorandum, he must quit the position within twenty days following the date of designation. If he fails to quit within this period, he shall lose his position on the twenty-first day from the designation.

Article 3. Any person who contravenes the provisions of Art. 1, shall

be liable to penal servitude or imprisonment of not exceeding three years or a fine not exceeding five thousand yen.

Supplementary Provision

The present Ordinance shall come into force as from the day of its promulgation.

The Ordinance (Prime Minister's Office and Ministry of Agriculture and Forestry Ordinance No. 2) concerning restrictions on those persons who may be officers etc. of Agricultural Cooperative Associations and Federations of Agricultural Cooperative Associations and others shall hereby be abolished.

12 Aug 49

Major Napier:

1. Attached is proposed instruction SIB wishes to send to its various local branches.

2. Instruction seems reasonable.

3. Please Comment.

TO

Mickey

File SIB

NOTIFICATION (Draft)

August , 1949

FOR : Governors of the Metropolis, the District, and Urban and Rural Prefectures.

FROM : Director Mitsusada Yoshikawa of Special Examining Bureau, Attorney-General's Office.

SUBJECT : Concerning the supervision of the trend of repatriates.

Recently a large number of the brethren are repatriating from the area of Soviet Russia, and it is considered that among these repatriates there are considerable number of the persons falling under the Memorandum. Regarding the aforementioned designated persons it is desirable that you will investigate them and take measures in accordance with the following points and will successively report to us the result of your investigation through the Chief

of our Branch Office.

1. You will first make your investigation as to whether the repatriates have been designated as ones falling under the Memorandum or not.

(a) In relation to those who are familiarly known as the "Senzai Gaitosha" (meaning the ~~designated~~ persons to be designated lying hidden), you will take measures in connection with their disignation after communicating immediately with the Prime Minister's Office.

(b) Speaking of ~~To~~ those who have already been disignated, you will encourage them for their declaration in accordance with the Attorney-General's Office Ordinance No. 42, and at the same time you will arrange to make them thoroughly and universally know the laws and ordinances concerning the purge from public service, beginning with the provisions of prohibition in the Imperial Ordinance No. 1.

2. You will direct you attention to the trend of the aforementioned objective persons after their return home, particularly you will

make strict observation as to their joining any political parties and their political activity by means of speeches and contributions.

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2. You will direct you attention to the trend of the aforementioned objective persons after their return home, particularly you will

make strict observation as to their joining any political parties and their political activity by means of speeches and contributions.

Purge Background (3)

PRIME MINISTER'S OFFICE AND MINISTRY OF AGRICULTURE AND FORESTRY

ORDINANCE NO.

, 1949.

In accordance with the Ordinance relating to the Orders to be issued in consequence of the Acceptance of the Potsdam Declaration (Imperial Ordinance No. 542 of 1945), the Ordinance concerning the Exclusion of the Persons falling under the Memorandum, as prescribed in the Provisions of Imperial Ordinance No. 1 of 1947, from the Office of Officer of Land Improvement District and League of Land Improvement Districts shall be provided for as follows:

Prime Minister YOSHIDA, Shigeru

Minister of Agriculture & Forestry MORI, Kotaro

Article 1. Any person who is designated as falling under the Memorandum in accordance with the provisions of the Imperial Ordinance concerning the Exclusion, Retirement, Resignation, etc. in respect to Public Offices (Imperial Ordinance No. 1 of 1947), (including those who have been deemed as designated as persons falling under the Memorandum, by virtue of the provisions of

Article 12 of the Organizations Control Order (Cabinet Order No. 64 of 1949); hereinafter referred to as "persons falling under the Memorandum"), shall not assume the following offices:

(1) Director of Land Improvement District or League of Land Improvement Districts (hereinafter referred to as "District ");

(2) Auditor of District;

(3) Representative or Member of Meeting ;

Article 2. When a person who holds an office mentioned in any item inclusive of the preceding Article becomes "a person falling under the Memorandum", he shall resign his office within twenty days from the day thereof. In case he does not resign his office within this period, he shall lose his office on the twenty-first day.

Article 3. Any person who violates the provisions of Article 1 shall be subjected to an imprisonment not exceeding three years with or without hard labor, or a fine not exceeding five thousand yen.

Supplementary Provisions:

1. This Ordinance shall come into force as from the day of its promulgation.

2. In Appendix II Category 8 of Cabinet and Ministry of Home Affairs Ordinance No. 1 of 1947, "Nogyo Kyosai Kumiai (Agricultural Mutual-Aid

Insurance Union)" shall be amended as "Nogyo Kyosai Kumiai Rengo Kai (Federation of Agricultural Mutual-Aid Unions)" ; in the column of ordinary public offices in the same Category, next to "or receives compensation commensurate with any of officials listed above of the following organization ", shall be added ", and, responsible official of main office, branch offices, etc., only for the Senpaku Un-ei Kai (Civil Marchant Marine Committee)".

3. In the Ordinance relating to the Removal and Exclusion of Those Falling under the Memorandum provided for in Imperial Ordinance No. 1 of 1946, from Office in a District Agricultural Adjustment Committee, a City, Town or Village Agricultural Adjustment Committee and a Local Agricultural Adjustment Committee. (Prime Minister's Office and Ministry of Agriculture and Forestry Ordinance No. 12 of 1948) and the Ordinance concerning Restrictions on Those Persons falling under the Memorandum issued on the Basis of Imperial Ordinance No. 1 of 1947 in respect to Their Acceptance of the Post of Officers, etc. of Agricultural Cooperative Associations, Federations of Agricultural Associations and Fishery Industry Cooperative Associations, "Imperial Ordinance No. 101 of 1946, Article 5 - (4)" and "Article 5 - (4) of Imperial Ordinance No. 1 of 1946" shall respectively be amended as "Article 12 of the Organizations Control Order (Cabinet Order No. 64 of 1949) ".

Okada Noribazu

Attorney General

Law No. 142

The Offenders Prevention and Rehabilitation Law

(Promulgated on May 31, 1949)

Contents

Chapter 1. General provisions (Arts. 1-2)

Chapter 11. The Offenders Prevention and Rehabilitation Commission

Section 1. Establishment and organization of the Commissions (Arts. 3-15)

Section 2. Power and authority of the Commissions (Arts. 16-19)

Section 3. Executive offices and their personnel (Arts. 20-27)

Chapter 111. Measures for Rehabilitation

Section 1. Release on parole (Arts. 28-32)

Section 2. Supervision (Arts. 33-42)

Section 3. Conclusion of Supervision, etc. (Arts. 43-48)

Section 4. Review of dispositions (Arts. 49-51)

Section 5. Miscellaneous provisions (ARts. 52-60)

Supplementary Provisions

Chapter 1. General Provisions

(The object of this Law)

Article 1. The object of this law is to provide assistance to the reformation and rehabilitation of offenders, to provide for the appropriat effectuation of amnesty, to provide an impartial and improved system for administering parcles and other pertinent affairs and to facilitate the activities of crime prevention, for the purpose of the protection of society and the promotion of individual and public welfare.

2. All the people are required to render valuable help, according to their position and ability, to accomplish the object mentioned in the preceding paragraph.

(Definitions)

Article 2. The term "youth" as used in this Law shall mean any person over furteen and under twenty-three years of age, and the term"adult" shall mean any person of twenty-three years of age or over.

Chapter 11. The Offenders Prevention and Rehabilitation Commissions

Section 1. Establishment and organization of the Commissions.

(Establishment of Commissions)

Article 3. In order to effectuate the purpose of this law, there shall be established, in accordance with the provisions of Para.2 of Art. 3 of the National Government Organization Law (Law No. 120 of 1948), a National Offenders Prevention and Rehabilitation Commission (which hereinafter shall be referred to as "NOPAR Commission") as an independent organization of the Attorney-General's Office, and as the local branch offices of the NOPAR Commission there shall be established District Youth Offenders Prevention and Rehabilitation Commissions and District Adult Offenders Prevention

and Rehabilitation Commissions (which hereinafter respectively shall be referred to as "DYOPAR Commissions" and "DAOPAR Commissions").

2. The name, location and territorial jurisdiction of the DYOPAR Commissions and DAOPAR Commissions shall be as the APPENDIX List.

(Organization of NOPAR Commission)

Article 4. The NOPAR Commission shall consist of five commissioners.

2. The commissioners mentioned in the preceding paragraph shall be appointed by the Attorney-General with the consent of both Houses of the Diet.

3. The NOPAR Commission shall have a chairman, who shall be nominated by the Attorney-General from among the commissioners.

(Qualification of commissioners)

Article 5. The commissioners of the NOPAR Commission shall be especially qualified by training, experience, education and character to perform the duties of their office.

2. A person who belongs to a political party or other association which advocates the overthrow by force of the Constitution of Japan or the Government existing thereunder shall not be eligible to be a commissioner of the NOPAR Commission.

3. No more than two of the commissioners of the NOPAR Commission shall be affiliated with the same political party.

(Term of office and performance or duty of commissioners)

Article 6. The term of office of the commissioners of the NOPAR Commission shall be five years. However, a commissioner filling a vacancy shall remain in office during the rest of the term of office of his predecessor.

2. The commissioners may be reappointed.

3. The provisions of Section 7 (Performance or Duty) of Chapter 111 of the National Public SErvice Law (Law No. 12C of 1947) shall apply mutatis mutandis to the commissioners of the NOPAR Commission.

(Dismissal of commissioners)

Article 7. In case a commissioner of the NCPAR Commission has come to fall under the provisions of Para.2 of Art.5, the Attorney-General shall dismiss the said commissioner.

2. In case a commissioner of the NCPAR Commission joins newly a political party or changes his political affiliation during his term of office and in conseque more than two members of the Commission belong to the same political party, he shall be dismissed by the Attorney-General.

3. In case more than one commissioner of the NCPAR Commission join newly a political party or change their political affiliation at the same time and in consequence more than two members of the Commission belong to the same political party, the Attorney-General shall, so as to cause no commissioner more than two to belong to the said party, dismiss such one or more of the commissioners who have come to belong newly to the said party as deemed fit for dismissal at his discretion.

4. The Attorney-General may, in case he considers that any commissioner of the NCPAR Commission is incapacitated for performing his duties on account of a mental or physical defect or that the has violated his official obligations or committed a misconduct unfitting membership, dismiss the commissioner.

5. No commissioner of the NCPAR Commission shall be dismissed without a hearin wherein he shall be given the opportunity to defend himself and a reasonable time to produce evidence favorable to him, and his dismissal shall be approved by both Houses of the Diet.

(Functions of the chairman)

Article 8. The chairman of the NCPAR Commission shall preside over the affairs of the Commission and represent it.

2. Concerning the duties of the chairman, in case the chairman is prevented from discharging his duties, one of the other commissioners shall take his place in such order as fixed by the chairman in advance

(Resolution, etc.)

Article 9. The NOPAR Commission shall not open a meeting or pass a resolution unless the majority of its commissioners are present.

2. All issues shall be decided by the majority of commissioners present and in case of a tie, the chairman shall decide the issue.

3. Any investigation, inquiry or hearing which the NOPAR Commission has power to make may be held by or before any member designated by the Commission for the purpose.

When the commissioner designated under the provisions of the preceding paragraph has conducted an investigation, inquiry or hearing, he shall report to the Commission the results of such investigation, inquiry or hearing, accompanied his recommendation therewith.

(Organization of District Commissions)

Article 10. Each DYOPAR Commission and each DAOPAF Commission shall consist of three commissioners respectively.

2. The commissioners mentioned in the preceding paragraph (they shall be hereinafter referred to as "district commissioners") shall be evaluated and appointed by the Attorney-General, as provided for by the Personnel Authority.

3. Each DYOPAR Commission and each DAOPAR Commission shall have a chairman respectively, who shall be designated by the Attorney-General from among the district commissioners.

(Qualification of district commissioners)

Article 11. The provisions of Paras. 1 and 2 of Art. 5 shall apply mutatis mutandis to the district commissioners.

2. No more than one of the district commissioners of the respective Commission shall be affiliated with the same political party.

(Term of office of district commissioners)

Article 12. The provisions of Paras. 1 and 2 of Art. 6 shall apply mutatis mutandis to the district commissioners.

(Dismissal of district commissioners)

Article 13. In case a district commissioner of a DYOPAR or DAOPAR Commission joins newly a political party or changes his political affiliation during his term of office and in consequence more than one member of the Commission belong to the same political party, the Attorney-General shall dismiss the said district commissioner.

2. In case more than one district commissioner of a DYOPAR or DAOPAR Commission join newly a political party or change their political affiliation at the same time and in consequence more than one member of the Commission belong to the same political party, the Attorney-General shall, so as to cause no district more than one to belong to the said party, dismiss such one or more of the district commissioners who have come to belong newly to the said party as deemed fit for dismissal at his discretion.

(Functions of the chairman of District Commission)

Article 14. The chairman of DYOPAR or DaOPAR Commission shall respectively preside, under the direction and control of the chairman of the NOPAR Commission over the affairs of the respective Commission

2. Concerning the duties of the chairman as specified in the preceding paragraph in case the chairman is prevented from discharging his duties, one of the other district commissioners of the respective Commission shall take his place in such order as fixed by the chairman of the NOPAR Commission in advance.

(Resolution, etc.)

Article 15. The provisions of Art. 9 shall apply mutatis mutandis to the DYOPAR Commissions and DAOPAR Commissions.

Section 2. Power and authority of the Commission

(Power and authority of NOPAR Commission)

Article 16. The NoPAr Commission shall have the power and authority to exercise its functions and duties in relation to the

following matters; however the matters described in Item (4) shall not be construed to be any exclusive function of this Commission:

(1) To administer the Supervision (Kogo-Kansatsu) System as prescribed in this Law, to formulate general policies regarding the effectuation of Supervision and to conduct research and study for the improvement of the Supervision system;

(2) To administer the system of conditional release, such as from prison, work-house or reformatory, within the scope of limitations laid down by this and other laws, to formulate general policies regarding the effectuation of such conditional release and to conduct research and study for the improvement of the said systems;

(3) To conduct research and study on matters concerning the effectuation of general amnesty, special amnesty (pardon), commutation of punishemnt, reprieve (exemption of further execution of punishemnt) and restoration of rights and the improvement of such systems, and to report and recommend on the said matters to the Attorney-General;

(4) To formulate pertinent programs of crime prevention, and topromote and assist the development of activities designed to prevent crimes;

(5) To direct and control the operation of the DYOPAR Commissions and DAOPAR Commissions;

(6) To conduct review of the dispositions given by the DYOPAR or DAOPAR Commission and render rulings thereof, as provided for in this Law;

(7) To administer, within the scope of limitations laid down by this and other laws, the matters concerning personnel, organizations and budget in relation to the NOPAR Commission, DYOPAR Commissions and DAOPAR Commissions;

(8) To exercise scientific research and study on the matters essential to the reformation and rehabilitation of offenders, such as mental and physical qualities, personality, behavior environment, education, guidance, etc. of offenders;

(9) To foster and train the persons who are or are to be engaged in the work of reformation and rehabilitation of offenders;

(10) Other matters within the authority of the NOPAR Commission under the provisions of this and other Laws.

2. The NOPAR Commission may establish Rule in accordance with the provisions of Art. 13 of the National Government Organization Law, in regard to the internal regulations of the Commission and DYOPAR and DAOPAR Commissions and to their procedure for handling cases concerning Supervision, conditional release from prisons, work-houses or reformatories, recommendation of amnesty and review of dispositions.

3. The NOPAR Commission shall submit an annual report to the Cabinet through the Attorney-General in respect to the results obtain by the Commission and DYOPAR and DAOPAR Commissions.

4. The NOPAR Commission shall make the results of research and study and the plans established, as prescribed in Items 4 and 8 of Para.1, available to the administrative offices concerned, local public entities, schools, hospitals and other organizations, public or private.

5. The NOPAR Commission may present its opinions or recommendations to the comptent Ministers through the Attorney-General or to other administrative offices or local public entities, when it deems necessary in order to attain the purpose of this Law.

(Power and authority of District Commissions)

Article 17. The DYOPAR Commissions shall be, under the direction and supervision of the NOPAR Commission, in charge of the following matters;

(1) To effectuate Supervision in respect to youths, as prescribed in this law;

(2) To exercise, as provided for in laws and ordinances, the affairs concerning the effectuation of special amnesty, individually specified commutation of punishment, reprieve and individually specified restoration of rights, in respect to youths;

(3) Other matters within the authority of the DYOPAR Commission under the provisions of this and other Laws.

2. The DAOPAR Commissions shall be, under the direction and supervision of the NOPAR Commission in charge of the following matters:

(1) To effectuate Supervision in respect to adults, as prescribed in this Law;

(2) To exercise, as provided for inlaws and ordinances, the affairs concerning the effectuation of special amnesty, individually specified commutation of punishment, reprieve and individually specified restoration of rights, in respect to adults;

(3) Other matters within the authority of the DAOPAR Commission under theprevisions of this and other Laws.

3. The administrative authority as specified in Arts. 28 and 30 of the Penal Code (Law No. 45,1907) shall be the DYOPAR Commission in regard toyouths and the DAOPAR Commission in regard to adults, and these Commission respectively shall have the power to grant such conditional release (parole) as from a prison or reformatory, to revoke such dispositions and to grant provisional release from a work-house.

4. The DYOPAR and DAOPAR Commissions respectively shall, for the purpose of facilitating the rehabilitation of offenders, endeavour to enlighten and lead the public opinion, to improve social environments and to promote such activities of the residents as aiming at the prevention of offenses in respective localities.

(Request for cooperation)

Article 18. The NOPAR Commission, and DYOPAR and DAOPAR

Commissions respectively may request the necessary help and cooperation of public offices, local public entities, schools, hospitals, public health and welfare agencies or other organizations, inorder to exercise and accomplish their duties and powers.

(Rehabilitation workers)

Article 19. The DYCPAR and DACPAR Commissions may, if supervision officers are not available, have under their respective direction and supervision the rehabilitation workers serve in the affairs within the authority of the said Commissions.

Section 3. Executive offices and their personnel.

(Executive office of NCPAR Commission)

Article 20. The NCPAR Commission shall, for the purpose of administering its specific functions, have a Secretariat in accordance with the provisions of Para. 4 of Art. 7 of the National Government Organization Law, and the Secretariat contains the following three Divisions:

General Affairs Division;

Youth Division;

Adult Division;

3. The General Affairs Division shall be in charge of the affairs mentioned in the following Items:

(1) The affairs concerning personnel and accounting and miscellaneous affairs;

(2) The affairs concerning the effectuation of amnesty and the research and deliberation on the systems of amnesty, release on parole from prisons, reformatories or work-houses and Supervision;

(3) The affairs concerning the scientific research and study of fundamental data and methods in regard to the crime prevention and to the reformation and rehabilitation of offenders.

3. The Youth Division shall be in charge of the affairs concerning the effectuation of release on parole from prisons, reformatories or

work-houses and Supervision in regard to youths.

4. The Adult Division shall be in charge of the affairs concerning the effectuation of release on parole from prisons, reformatories or work-houses and Supervision in regard to adults.

5. Sections may be established in each Division specified in Para. 1 the establishment of sections and the scope of their respective specific functions shall be determined by the chairman.

(Executive office of DYCPAR Commission)

Article 21. In each DYCPAR Commission, there shall be established a District Youth Rehabilitation Secretariat as its executive office to deal with the affairs concerning the matters within the authority of the Commission, and in order to take partial charge of the affairs of the District Youth Rehabilitation Secretariat there shall be established a Youth Supervision Office at each place where the Family Court is located.

2. The scope of the affairs under the respective charge of the District Youth Rehabilitation Secretariat and of the Youth Supervision Office and their respective internal organization shall be fixed by the Rules of the NOPAR Commission.

3. The NOPAR Commission may establish a branch of a Youth Supervision Office, if deems necessary, at the place where a branch of the Family Court is located.

(Executive office of DAPPAR Commission)

Article 22. In each DAOPAR Commission, there shall be established a District Adult Rehabilitation Secretariat as its executive office todeal with the affairs concerning the matters within the authority of the Commission, and in order to take partial charge of the affairs of the District Adult Rehabilitation Secretariat there shall be established an adult Supervision Office at each place where the District Court id located.

2. The scopeof the affairs under the respective charge of the District Adult Rehabilitation Secretariat and of the Adult Supervision Office and their respective internal organization shall

be fixed by the Rules of the NOPAR Commission.

3. The NOPARCCommission may establish a branch of an Adult Supervision Office, if it deems necessary, at the place where a branch of the District Court is located.

(Personnel)

Article 23. The executive offices of the NOPAR Commission, and DYOPAR and DAOPAR Commissions shall have such personnel as secretaries, research officers and supervision officers and other nexessary subsidiary personnel.

2. The secretary shall be engaged in general affairs under the direction of his superior.

3. The research officer shall be engaged in scientific research and study under the direction of his superior.

4. The dupervision officer shall be engaged, under the direction of his superior, in Supervision, personal diagnosis and such other affairs as concerning matters within the authority of the DYOPAR or DAOPAR Commission.

5. The authorized number of personnel specified in Para.1 shall be fixed by other law.

(Appointment of personnel)

Article 24. The personnel menticned in Para. 1 of the preceding Article shall be appointed in accordance with the provisions of the National Public Service Law.

2. The research officers, until such time as the National personnel Authority shall establish qualifications for these officers, shall be appointed from among persons possessing a good special knowledge on criminology, medicine, psychology, sociology or other sciences having connection with the reformation and rehabilitation of offenders; the superbision officer, from among persons possessing a good experience in the work of correction and rehabilitation of offenders, social work or education, or persons equivalent in experience and culture.

(Chief of executive office of NOPAR Commission)

Article 25. The Secretariat of the NOPAR Commission shall have

a Director. He shall, under the direction and control of the Chairman preside over the affairs of the Secretariat, and shall direct and supervise the personnel thereof.

2. Each Division shall have a Division Chief respectively. He shall, under the direction and control ofthe Director, preside over the affairs of his Division.

(Chiefs of offices of DYOPAR Commissions)

Article 26. In each District Youth Rehabilitation Secretariat there shall be a Director of the Secretariat. He shall be in Charge of the affairs of the Secretariat under the direction and supervision of the chairman of the concerned DyOPAR Commission and direct and supervise the subordinate personnel.

2. In each Youth Supervision Office there shall be a Chief. He shall be in charge of the affairs of the Supervision Office under the direction and supervision of the Director of the District Youth Rehabilitation Secretariat and direct and supervise the subordinate personnel.

(Chiefs of offices of DAOPAR Commissions)

Article 27. In each District Adult Rehabilitation Secretariat there shall be a Director of the Secretariat. He shall be in charge of the affairs of the Secretariat under the direction and supervision of the chairman of the concerned DAOPAR Commission and direct and supervise the subordinate personnel.

2. In each Adult Supervision Office there shall be a chief. He shall be in charge of the affairs of the Supervision Office under the direction and supervision of the Director of the District Adult Rehabilitation Secretariat and direct and supervise the subordinate personnel.

Chapter III. Measures of Rehabilitation.

Section 1. Release on parole.

(Duty of head of institution to report)

Article 28. When a prisoner has served the term specified

in Art. 28 of the Penal Code or in Art. 58 of the Juvenile Law (Law No. 168; 1948), the head of the prison concerned shall report it to the DYOPAR or DAOPAR Commission, in accordance with the rules established by the NOPAR Commission. This shall be the same as for the head of a reformatory when its inmate has been in it six months.

(Hearing for parole)

Article 29. When the DYOPAR or DAOPAR Commission has received an application for release on parole from a warden of a prison in regard to prisoners or inmates of work-houses or from a superintendent of a reformatory in regard to its inmates eligible for parole, it shall cause its commissioner or commissioners designated by it to conduct a hearing in order to decide whether to permit such release or not. Provided, however, that when such an application has been made contrary to the established form or deficient in legally essential conditions, the Commission may dismiss it by means of a ruling.

2. For the person of whom the report has been made under the provisions of the preceding paragraph, the DYOPAR or DAOPAR Commission may cause its commissioner or commissioners designated by it to conduct a hearing, even in case where the application mentioned in the preceding paragraph has not been made, to decide whether to permit release on parole or not. In such case, the Commission must ask for the opinion of the warden of the prison or of the superintendent of the reformatory in advance.

3. In such a hearing as mentioned in the preceding two paragraphs, investigation shall be made of the personality of the concerned person, his conduct while in custody, his knowledge of a trade or profession, former means of livelihood, his family relationship and any other matters concerned.

(Interview)

Article 30. In such a hearing as relating to the permission of release on parole from a prison or a reformatory, as prescribed in the preceding article, the commissioner or commissioners shall personally make an interview with the person in the presence of the head of or other concerned personnel of the institution, wherein the person is in custody, inquiring the opinion of such institutional personnel. However, this shall not apply in case of the eminent danger of death, severe illness or serious injury of the person.

(Disposition of release on parole

Article 31. When a DyOPR or DAOPAR Commission finds it unfit, in consequence of the hearing mentioned in Para.1 of Art. 29, to grant such release on parole as from a prison, a work-house or a reformatory, the Commission concerned shall, by means of a ruling, dismiss the application mentioned in the said paragraph.

2. When a DYOPAR or DAOPAR Commission deems it proper, in consequence of the hearing mentioned in Para. 1 or Para. 2 of Art. 29 to grant such release on parole as from a prison, a work-house or a reformatory, the Commission concerned shall grant such release by means of a ruling.

3. When a DYOPAR or DAOPAR Commission grants such release on parole as from a prison or a reformatory under the provision of the preceding paragraph, it shall at the same time specify, within the limitations laid by the rules of the NOPAR Commission, the specific conditions which are to be complied with by the person during on parole. However, this shall not apply in case where there are some special causes such as his eminent danger of death, his severe illness or serious injury.

(Notification of conditions)

Article 32. In case of releasing a person from a prison or from a reformatory according to a ruling rendered under the provision of Para. 2 of the preceding Article (excluding such ruling as granting release from a work-house), the head of the prison or the

reformatory concerned shall give notice to the person, in writing, of the term of his parole and these conditions which are to be complied with by thepersonduting on parole, and order him to sign and promise that he will observe these conditions.

2. The provision of proviso of Para. 3 of the preceding Article shall apply mutatis mutandis in the case of the preceding paragraph.

Section 2. Supervision.

(Objects of Supervision and its term)

Article 33. The following persons shall be placed under Supervision (Hogo-Kansatsu), under the jurisdiction of the NOPAR Commission:

(1) Person who has has received the protective disposition mentioned in Item (1) of Para. 1 of Art. 24 of the Juvenile Law;

(2) Person on parole from a reformatory;

(3) Person on parole from a prison;

(4) Person who has been pronounced suspending execution of sentence with regard to penal servitude or imprisonment when he was not fully 18years old, and who is placed under the suspension.

2. The provisions of the preceding paragraph shall not be construed to extend the term of Supervision beyond the term of sentence, beyond the date of general amnesty, special amnesty or reprieve, beyond the term reduced by commutation or beyond such term of execution of sentence as fixed under either the provisions of Para. 1 or 2 of Art. 59 of the Juvenile Law or the provisions of Para. 1 of Art. 48 of this Law.

3. The Supervision for the person mentioned in Item (1) or Para. 1 shall not be effected after he has reached twenty years of age; provided that the term of Supervision shall be two years in cases where there are less than two years left for him to reach twenty years of age.

4. The Supervision mentioned in the preceding paragraph may be

suspended or remitted, if it is deemed unnecessary, even during the term of Supervision.

(Purpose of and conditions on Supervision)

Article 34. Supervision shall be designed to provide for improvement and rehabilitation of the person under Supervision, by means of measures such as direction and control, and guidance and assistance, requiring him to comply with the conditions specified in the immediately following paragraph and recognizing that it is the primar responsibility of the individual to help himself.

2. Any person who is placed under Supervision shall comply with the following conditions, in addition to the conditions specifically attached either by a DYCPAR or DAOPAR Commission under the provisions of Para. 3 of Art. 31 or Para. 1 of Art. 38:

(1) He shall have a fixed residence and engaged in an honest calling;

(2) He shall observe a good conduct;

(3) He shall not keep company with persons who are known to be of criminal or immoral tendencies;

(4) He shall ask his Supervisor for permission of any change of his residence or of any long scheduled trip.

(Measures of direction and control)

Article 35. The direction and control in Supervision shall be effected by such means as follows:

(1) To look always at the behavior of the person under Supervision, being in reasonable contact;

(2) To give instructions to the person under Supervision, which shall have such contents as deemed reasonably necessary to make him comply with the conditions as specified in Para. 2 of the preceding Article;

(3) To take other measures essential to assist him to become a law-abiding member of society.

(Measures of guidance and assistance)

Article 36. The guidance and assistance in Supervision shall be affected by means of any one or more of the following Items:

(1) To assist in measures for education and training;

(2) To assist in obtaining medical treatment and recreation;

(3) To assist in obtaining lodging accommodations;

(4) To give vocational guidance and aid in obtaining a job;

(5) To reform and adjust environments;

(6) To assist in the return of the person to such place as would be most likely to effect his rehabilitation;

(7) To take other measures essential to accomplish his rehabilitation.

2. The measures of guidance and assistance mentioned in the preceding paragraph may not exceed the extent as deemed reasonably necessary to accomplish the purpose of Supervision; and the measures mentioned in Item (5) of the said paragraph may not be effected over members of the family of the person without the consent of the family.

(Organs in charge of Supervision)

Article 37. The effectuation of Supervision on the person who is placed under Supervision shall be in charge of the DYCPAR or DACPAR Commission which exercises jurisdiction over the place of residence of the person (or the place where the person is at present, in case he has no fixed residence).

2. A DYCPAR Commission may, on account of a ruling, not transfer a person under its Supervision to a DACPAR Commission when he has reached twenty-three years of age, for a specified period not exceeding a year, in case the former frinds the transfer prejudicial to the purpose of Supervision. In this case the effectuation of Supervision on the person shall be in charge of the said DYCPAR Commission for the specified period, notwithstanding the provisions of Paras.1 and 2 of Art. 17.

(Specification and notice of conditions)

Article 38. When the protective disposition, mentioned in

Item (1) of Para. 1 of Art. 24 of the Juvenile Law, has been given to a person, the DYOPAR Commission in charge of the Supervision on the person shall, within the limitations laid by the rules of the KOPAR Commission, specify the specific conditions to be complied with by the person during under Supervision, by means of a ruling.

2. When a DYOPAR Commission has rendered a ruling under the provision of the preceding paragraph, it shall give notice to the person in writing of these conditions which are to be complied with by the person during under Supervision, and order him to sign and promise that he will observe these conditions.

3. The Provisions of the proviso of Para. 3 of Art. 31 shall apply mutatis mutandis to the cases of the preceding two paragraphs.

(Exercising organs)

Article 39. The direction, control, guidance and assistance effected in Supervision shall be exercised either by a Supervision officer or by a rehabilitation worker.

(Emergency help)

Article 40. In case where there is apprehension that a person placed under Supervision is prevented from rehabilitation by reason of injury or sickness or the lack of proper transient lodging, housing or job, the DYOPAR or DAOPAR Commission shall assist such person to obtain a hospital or medical care, food, lodging, work or other necessary help from public health and welfare facilities or other public institutions; and such institutions shall be made available within the rules and responsibilities of such facilities and institutions.

2. The expenses for such temporary emergency help as may be necessary that can not be obtained by the provisions of the preceding paragraph shall be paid, by the DYOPAR or DAOPAR Commission which conducted such measures, from a fund established by the budget for its use.

(Summons, investigations, and questioning)

Article 41. A DYOPAR or DAOPAR Commission respectively may at any time summon and inquire the person who is under its Supervision.

2. A DYCPAR or DACPAR Commission may, when it deems it necessary for the purpose of effectuation of Supervision, cause a Supervision officer or a rehabilitation worker to make necessary investigation or to ask question to the parties concerned.

3. In case the supervision officer or the rehabilitation worker is to conduct investigation and questioning in accordance with the provision of the preceding paragraph, he must carry with him an identification card to certify his official capacity and show it to the parties interested upon their request.

(Notification to Family Court, etc.)

Article 42. When the DYOPAR Commission has, in respect to the person who is given the protective disposition mentioned in Item (1) of Para. 1 of Art. 24 of the Juvenile Law, found anew such causes as mentioned in Item (3) of Para. 1 of Art. 3 of the said Law, the Commission may notify a Family Court of the case, even if the person is twenty years of age or more.

2. To the person of whom the notification has been made by the DYCPAR Commission under the provision of the preceding paragraph, the provisions of Chapter 11 of the Juvenile Law shall be applied, the person being regarded as a juvenile notwithstanding the provision of Para. 1 of Art. 2 of the said Law.

3. In case a Family Court renders a protective disposition as mentioned in Item (1) or (3) of Para. 1 of Art. 24 of the Juvenile Law to the juvenile as specified in the preceding paragraph, it shall, at the same time, fix the term of Supervision of of the custody in a reformatory, which shall not extend after the person reached twenty-three years of age.

4. The provision of Para. 3 of Art. 33 shall not apply in respect to the person for whom the term of Super ision has been fixed under the provision of the preceding paragraph.

Section 3. Conclusion of Supervision, etc.

(Measures for reformatory paroless)

Article 43. In case the person who has been released on parole

from a reformatory and is under twenty three years of age has violated or is apprehended to violate the conditions which are to be complied with, the DYCPAR Commission concerned may make application, to the court which made the commitment for a ruling of continual detention in a reformatory for a specified period until the person reaches the age of twenty-three. The ruling by such court shall be made after a hearing, as provided in Para. 3 of Art. 11 of the Reformatory Law (Law No. 169 1948).

2. In case where the person who is on parole from a reformatory and is twenty three years of age or more falls under the reasons as mentioned in Para. 3 of Art. 11 of the Reformatory Law, the DYCPAR COMMission concerned may make application, to the court which made the commitment, for a ruling of continual detention in a medical reformatory while the person is mentally defective to a remarkable degree until he reaches the age of twenty-six. The ruling by such court shall be made after a hearing, as provided in Para. 3 of Art. 11 of the Reformatory Law.

(Revocation of Prison Parole)

Article 44. The revocation of parole from a prison shall be effected on account of a ruling, by the DYCPAR or DAOPAR Commission which is in charge of the Supervision on the person concerned.

2. When violation of the conditions, which were to be complied with is the basis on which the ruling of revocation of parole is rendered, such ruling of revocation shall be rendered after a hearing.

3. The provisions of the Code of Criminal Procedure (Law No. 131, 1949) relating to the commitment to a prison shall apply to the recommitment of a person for whom the parole has been revoked.

(Suspension of parole (declaration of parole violation))

Article 45. In case where there is some sufficient reasons to believe that a parole from a prison has violated the conditions which were to be complied with by him, the DYCPAR or DAOPAR Commission in charge of his Supervision may render a ruling to suspend the parle (a declaration of violation).

2. When a DYOPAR or DAOPAR Commission has rendered a ruling to suspend the parole under the provision of the preceding paragraph, it may, for sake of a hearing, cause the arrest of the person upon a warrant of arrest (inchijō), issued by a judge in advance.

3. The warrant of arrest mentioned in the preceding paragraph shall be issued upon request of the DYOPAR and DAOPR Commission.

4. The warrant of arrest mentioned in Para. 2 may be served either by a judicial police official or by a supervision officer, who in such case shall have the authority of a judicial police official.

5. When the arrest (inchi) has been done under the provisions of the preceding paragraph, the DYOPAR or DAOPAR Commission concerned shall conduct a hearing without delay and shall, within ten days after such arrest, render a ruling to or not to revoke the disposition of parole.

6. The person who has been arrested under the provision of Para. 2 may be held in a prison or other proper institution within the term specified in the preceding paragraph. However, the DYOPAR or DAOPAR Commission concerned shall immediately release him when it believes there is no need to detain him, even during the term mentioned in the preceding paragraph.

7. When the DYOPAR or DAOPAR Commission has rendered a ruling to or not to revoke the parole or when the term specified in Para. 5 has passed after arrest, the disposition of suspension of parole becomes null and void from that time on.

8. In case a revocation of parole is rendered to the person who was arrested under a ruling of suspension of parole (under a declaration of parole violation), the time between the alleged violation and the violator's arrest shallnot be construed as time served on his sentence.

9. The days during which the arrested person has been held under the provision of Para. 6 shall be counted as a part of time served.

10. The provisions of Arts. 200, 201 and Para. 1 of Art. 203 of the Code of Criminal Procedure shall apply mutatis mutandis totthe warrant of arrest mentioned in Para. 2 (inchijō), in so far as such application does not run counter to the nature of the said arrest.

(Violation of suspending execution)

Article 46. In case it is deemed advisable that the pronouncement suspending execution of sentence is to be rescinded, against the person who has been placed under Supervision under such pronouncement, the DYOPAR Commission shall notify it to the procurator of the District Procurators' Office which has the jurisdiction over the area where the person is or stayed last.

(Permission of discharge from reformatory)

Article 47. A DYOPAR or DAOPAR Commission shall render a ruling to grant regular discharge from a reformatory when it deems it proper in view of the merits achieved while in custody in regard to an inmate and of the merits achieved while on parole in regard to a person who has been released. This ruling shall be rendered upon the receipt of an application for such regular discharge from the superintendent of the reformatory in regard to the person in custody, and at any time in regard to the person who has been released on parole.

2 A certificate shall be delivered to the person who has been granted a regular discharge under the provisions of the preceding paragraph.

(Expiration of indefinite terminal sentence)

Article 48. In case where the minimum period of the penalty, which was sentenced to a person under the provisions of Paras. 1 and 2 of Art. 52 of the Juvenile Law has passed while the person is on parole, the execution of his sentence may be considered, despite of the provisions of Para. 2 of art. 59 of the said Law, to have been completed, on account of a ruling rendered by the competent DYOPAR or DAOPAR Commission which deems it proper in view of his merits achieved while under Supervision. This shall apply in case where the said minimum period has passed before his release.

2. In case where an application is made about a prisoner, after the warden of the prison to the purport that to him under the provisions of Paras. 1 and 2 of Art. 52 of the Juvenile Law has passed from the warden of the prison to the purport that the execution of his penalty must be completed, the competent DYOPAR or DAOPAR Commission shall render a ruling to complete the execution of his

sentence, if it deems it reasonable.

3. When the DYOPAR or DAOPAR Commission has rendered the ruling under the provisions of the preceding paragraph, the Commission shall notify it in written instrument to the warden who made the application.

4. As for the person to whom a ruling for the discharge was rendered under the provisions of Paragraph 2, the term of sentence shall be regarded as having expired on the day when the written instrument mentioned in the preceding paragraph reached the prison.

5. When the DYOPAR Or DAoPAR Commission has rendered a ruling to complete the execution of sentence under the provisions of Para. 1 or 3, it shall deliver a certificate of it to the person himself.

Section 4. Review of dispositions.

(Application for review)

Article 49. Any person who has a complaint to the disposition given on account of a ruling by a DYOPAR or DAOPAR Commission may apply to the NOPAR Commission for the review of such disposition within thirty days after the rendition of the disposition.

2. The application for review shall be in writing and in accordance with the process established by the rules of the NOPAR Commission.

3. Application for review shall not have the effect of staying the execution of the disposition.

(Procedure of review)

Article 50. When an application for review has been made contrary to the process established or subsequent to the termination of the right to make such application, the NOPAR Commission shall dismiss it by means of a ruling.

2. Upon receipt of all application for review, the NOPAR Commission shall commence a review without delay, except the case mentioned in the preceding paragraph.

3. Upon commencement of a review, the NOPAR Commission shall notify

the concerned DYOPAR or DAOPAR Commission of it immediately and recuire said Commission to forward without delay papers and record of the complaint's case, together with its opinion pertinent to the case.

4. In case where the NOPAR Commission conducts a review, itmay by means of a ruling order a stay of execution of the disposition of the disposition concerned if it deems necessary.

(Disposition upon review)

Article 51. When an application for review is without grounds, the NOPAR Commission shall dismiss it by means of a ruling.

2. In case where the NoPAR Commission finds the application for review to be well-founded, it shall, on account of a ruling, order the DYOPAR or DAOPAR Commission to revoke or alter the disposition concerned.

3. The rendition of ruling mentioned in the preceding two paragraphs shall be done within sixth days of receipt of the application.

Section 5. Miscellaneous provisions.

(Environmental adjustment of prisoners and inmates)

Article 52. In case where a DYOPAR or DAOPAR Commission deems it necessary for the purpose of facilitating the return to society of the persons who are detained in prisons or reformatories, it may cause a supervision officer to visit and discuss with the family or any other persons concerned the matters relating to the adjustment of their circumstances or other environmental conditions.

(Care for persons under stay of execution)

Article 53. As for the person for whom the execution of sentence has been stayed under the provisions of Art. 480 or Art. 482 of the Code of Criminal Procedure, a DYOPAR and DAOPAR Commissions respectively may exervise such measures of direction, control, guidance and assistance as deered proper, in case where such measures have been requested by the procurator concerned.

2. The provisions of Arts. 37, 39 and 40 shall apply mutatis mutandis to the case of the preceding paragraph.

(Recommendation of amnesty)

Article 54. In case the NOPAR Commission recommends to the

Attorney-General concerning the effectuation of special amnesty, individually specified commutation of punishment, reprieve and individually specified restoration of rights, the Commission shall make investigations, in advance, in relation to pertinent matters such as the character of the person concerned, his conduct, his fitness to be law-abiding, the sentiments of the society for him and so on.

2. In case where a recommendation of special amnssty, commutation of punishment or of reprieve is made of an inmate of a prison, it is required to take into consideration his fitness to be at liverty without being a threat to the security and welfare of society.

(Summons and testimony of outsider)

Article 55. The NOPAR Commission, the DYOPAR Commissions and the DAOPAR Commissions respectively may summon the parties concerned at the date and place specified, ask for their testimony and made inquiry to them, when it deems it necessary for the investigation of the matters within the powers of the Commission.

2. Any person who does not obey the summons may be summoned again.

3. Any person who has without any justifiable reason failed to accede to the repeated summons as prescribed in the preceding paragraph shall be subject to a non-penal fine not exceeding 5,000 yen.

(Payment of expenses)

Article 56. To the person who has obeyed the summons mentioned in the preceding Article, travelling expenses, daily allowances and lodging charges shall be paid, as provided by Cabinet Order. However, this shall not apply if, without good reason, he has refused to testify.

(Request for records, recommendations, etc.)

Article 57. When the NOPAR Commission, the DYOPAR Commission and the DAOPAR Commission respectively deems it necessary for the investigation of the matters within their respective power, they respectively may require the production of necessary records, papers, opinions and reports from the Trial Court, a procurator, the head of a prison and a reformatory.

(Keepting of record)

Article 58. The KOPAR, DYOPAR and DAOPaR Commissions shall keep records, as provided by cabinet order, of any recommendations which have been rendered by them concerning general amnesty, special amnesty, commutation of punishment, reprieve, restoration of rights; of any ruling which have been rendered by these Commissions concerning release on parole from a prison, a work-house and a reformatory, discharge from a reformatory, Supervision; and of such ruling which have been rendered under the provisions of Art. 48.

2. The records mentioned in the preceding paragraph shall be put to perusal when any person requires to peruse it; however the request for perusal may be rejected in case where is apprehension that such perusal will obstruct the rehabilitation of the person or will bring disgrace on the parties concerned.

(Privileged communication)

Article 59. Any person who is or was a personnel of the KOPAR? DYOPAR and DAOPAR Commission may, whenever he will be examined as a witness under the provisions of any other law, refuse testimony in respect tp facts of which he has obtained knowledge in professional lines and which relate to secrets of other persons if he deems it to obstacle rehabilitation of the person concerned. However, this shall not apply if the principal (clients) has consented, orif the refusal of testimony is deemed to be nothing but an abuseof right intended merely for the interest of the accused when he is not the principal or if there exist any special circumstances which shall be provided by the Rules of Court.

(Collection of expenses)

Article 60. The DYOPAR and DAOPAR Commissions shall collect the expenses needed for payment mentioned in Para. 2 of Art. 40 (including the case of Para. 2 of ARt. 53 to which Para. 2 of Art. 40 mutatis mutandis applied), by fixing the timelimit for collection, either from the individual himself or the person who is under obligation to sustain him.

However, this shall notapply in case where the Commission believes that neither the individual himself nor the person who is under obligation to support him can bear such expenses.

2. The collection of expenses mentioned in the preceding paragraph may be commissioned to the headman of a city, town or village (including the headman of a special ward, hereinafter the same) in which the individual himself or the person who is under obligation to support him is living or the properties of such person are situated.

3. In case where the Government has entrusted the headman of a city, town or village with the collection of expenses in accordance with the provisions of the preceding paragraph, the Government shall pay to the city, town or village (including the special ward) concerned the amount equivalent to 4 per cent of the sum collected by it.

Supplementary provisions:

The present Law shall come into force as from July 1, 1949.

Appendix List

Name, location and territorial jurisdiction of District Commissions

Name of DYOPAR and DAOPAR Commissions	Location of DYOPAR and DAOPAR Commissions	Territorial jurisdiction of DYOPAR and DAOPAR Commissions
Kanto District Youth Offenders Prevention and Rehabilitation Commission	Metropolis of Tokyo	Territorial Jurisdiction of the Tokyo High Court
Kanto District Adult Offenders Prevention and Rehabilitation Commission		
Kinki District Youth Offenders Prevention and Rehabilitation Commission	City of Osaka	Territorial Jurisdiction of the Osaka High Court
Kinki District Adult Offenders Prevention and Rehabilitation Commission		
Chubu District Youth Offenders Prevention and Rehabilitation Commission	City of Nagoya	Territorial Jurisdiction of the Nagoya High Court
Chubu District Adult Offenders Prevention and Rehabilitation Commission		
Chugoku District Youth Offenders Prevention and Rehabilitation Commission	City of Hiroshima	Territorial Jurisdiction of the Hiroshima High Court
Chugoku District Adult Offenders Prevention and Rehabilitation Commission		
Kyushu District Youth Offenders Prevention and Rehabilitation Commission	City of Fukuoka	Territorial Jurisdiction of the Fukuoka High Court
Kyushu District Adult Offenders Prevention and Rehabilitation Commission		
Tohoku District Youth Offenders Prevention and Rehabilitation Commission	City of Sendai	Territorial Jurisdiction of the Sendai High Court
Tohoku District Adult Offenders Prevention and Rehabilitation Commission		
Hokkai District Youth Offenders Prevention and Rehabilitation Commission	City of Sapporo	Territorial Jurisdiction of the Sapporo High Court
Hokkai District Adult Offenders Prevention and Rehabilitation Commission		
Shikoku District Youth Offenders Prevention and Rehabilitation Commission	City of Takamatsu	Territorial Jurisdiction of the Takamatsu High Court
Shikoku District Adult Offenders Prevention and Rehabilitation Commission		

Purge General

(3)

Prime Minister's Office Ordinance No.

April , 1949

Part of the Order concerning the Enforcement of Imperial Ordinance No. 1 of 1947, relating to the Exclusion, Retirement, etc. in respect to Public Offices (Cabinet and Ministry of Home Affairs Ordinance No. 1 of 1947), shall be amended as follows:

Prime Minister

YOSHIDA Shigeru

In Category 3 of Appendix II, next to "prefectural level;" shall be added, "in case of the Welfare Commissioner, including those of every category;".

In Category 5 of the same Appendix, "head of the ballot opening station (Kaihyo Bunkai-cho), head of the polling station (Tohyo Bunkai-cho)," shall read "Superintendent of the counting of the vote (Kaihyo Kanrisha), superintendent of the poll (Tohyo Kanrisha),".

In Category 8 of the same Appendix, next to "Gomu Kogyo Kai (Rubber Ind. Society)," shall be added "Kachiku Toroku Kyokai (Live-Stock Resister Association)".

In Category 9 of the same Appendix, "Article I paragraph 1 of Imperial Ordinance No. 101 of 1946" shall read "Article 2 of the Organizations Control Order (Cabinet Order No. 64 of 1949)".

In Category 10 of the same Appendix, "Article V paragraph 1 of Imperial Ordinance No. 101 of 1946" shall read "Article 6 paragraph 1 of the Organizations Control Order (Cabinet Order No. 64 of 1949).

In Category 3 of Appendix III, before "Members, and personnel of the commission or committee, council of the prefectural level or below" shall be added "Welfare Commissioners,".

Supplementary Provision:

This Ordinance shall come into force as from the day of its promulgation.

I hereby promulgate the Organizations Control Order.
Signed: HIROHITO, Seal of the Emperor
This fourth day of the fourth month of the twenty-fourth year of Showa (April 4, 1949)
Prime Minister
YOSHIDA Shigeru

Cabinet Order No. 64

The Organizations Control Order

In accordance with the Ordinance (Imperial Ordinance No. 542 of 1945) concerning the Orders to be issued in consequence of the Acceptance of the Potsdam Declaration, the Cabinet establishes this Cabinet Order for amendments to the Ordinance (Imperial Ordinance No. 101 of 1946) concerning the Prohibition, etc. of the Formation of Political Party, Association, Society or Other Organization in accordance with the former Imperial Ordinance.

(Purpose of the present Cabinet Order)

Article 1. This Cabinet Order aims to secure public knowledge of the character of political organizations and to prohibit the formation and leading of secret, militaristic, ultra-nationalistic, terroristic and anti-democratic organizations and such activities of organizations or individuals, in order to attain the healthy development and promotion of pacifism and democracy.

2. This Cabinet Order shall not be interpreted nor shall it be applied in such a manner as to interfere with freedom of assembly, speech or religion, except with respect to the purposes and activities specifically mentioned in this Cabinet Order.

(Prohibition of formation and leading of organizations)

Article 2. It shall be prohibited to form or lead any political party, association, society or other organization whose purpose or activity comes under any of the following items:

(1) Resistance or opposition to the Occupation Forces or to orders issued by the Japanese Government in response to directions of the Supreme Commander for the Allied Powers;

(2) Support of justification of aggressive Japanese military action abroad;

(3) Arrogation by Japan of leadership or other Asiatic Indonesian or Malayan peoples;

(4) Exclusion of foreign persons in Japan from trade, commerce or the exercise of their professions;

(5) Opposition to a free cultural or intellectual exchange between Japan and foreign countries;

(6) Affording military or quasi-military training, or providing benefits greater than similar civilian benefits or special representation for persons, formerly members of the Army or Navy, or perpetuation of militarism or a martial spirit in Japan;

(7) Alteration of policy by assassination or other terroristic programs, or encouragement or justification of a tradition favoring such terroristic methods.

(Prohibited activities)

Article 3. It shall be prohibited to take part in any activity which comes under any of the items of the preceding Article.

(Dissolution of organization)

Article 4. Any organization which falls under any of the following items and is designated by the Attorney-General shall be dissolved by the said designation:

(1) Organizations which fall under Article 2 (including those regarded as organizations mentioned in Article 2 in accordance with the provisions of Article 5);

(2) Organizations which have taken part in any activity coming under any of the items of Article 2;

(3) Organizations which fail to make the declaration mentioned in Article 6.

2. The Attorney-General may also designate an organizations which falls under any of the items of the preceding paragraph and has already been dissolved without the designation mentioned in the said paragraph (including one dissolved prior to the enforcement of this Cabinet Order) in accordance with the said paragraph. In this case the organization shall be regarded as being dissolved by the said designation.

3. The designation by the Attorney-General mentioned in the preceding two paragraphs shall be made by public notice in the Official Gazette.

(Organizations regarded as those mentioned in Article 2)

Article 5. Any organization which falls under any of the following items shall be regarded as one mentioned in Article 2, unless otherwise designated by the Attorney-General:

(1) In case any of its principal officers falls under any of the categories listed below:

(a) Formerly constituent member of an organization dissolved in

(5) Opposition to a free cultural or intellectual exchange between Japan and foreign countries;

(6) Affording military or quasi-military training, or providing benefits greater than similar civilian benefits or special representation for persons, formerly members of the Army or Navy, or perpetuation of militarism or a martial spirit in Japan;

(7) Alteration of policy by assassination or other terroristic programs, or encouragement or justification of a tradition favoring such terroristic methods.

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Article 3. It shall be prohibited to take part in any activity which comes under any of the items of the preceding Article.

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3. The designation by the Attorney-General mentioned in the preceding two paragraphs shall be made by public notice in the Official Gazette.

(Organizations regarded as those mentioned in Article 2)

Article 5. Any organization which falls under any of the following items shall be regarded as one mentioned in Article 2, unless otherwise designated by the Attorney-General:

(1) In case any of its principal officers falls under any of the categories listed below:

(a) Formerly constituent member of an organization dissolved in

accordance with the provisions of the preceding Article;

(b) Former commissioned officers of the Imperial Japanese Regular Army or Navy, or the Special Volunteer Reserve, who have been on active duty since January 1, 1930;

(c) Any person who has served in or cooperated with the military police (Kempei-tai), the "Tokumu Kikan", "Kaigun Tokumubu" or other special or secret intelligence of military or naval police organizations.

(2) In case more than one-fourth of its whole constituent membership is occupied by persons who were formerly constituent members of any organization dissolved under the provisions of preceding Article.

(Declaration of organization)

Article 6. As for a political party, association, society or other organization whose purpose or activity falls under any of the following items, the representative or superintendent of such organization shall make declaration in accordance with the provisions of Article 7:

(1) Proposing or supporting candidates for public office;

(2) Making an activity influencing the policy of Government or local public entities;

(3) Discussing the relations between Japan and foreign powers.

Article 7. The declaration mentioned in the preceding Article shall be made, in case an organization falling under the said Article has newly been formed or existing organization has been reorganized to such an organization, on the matters enumerated in the following items within three days from the date of the formation or reorganization, and in case there has been any alteration on the matters for declaration or the organization has been dissolved, to that effect within twenty days from the date of the alteration or dissolution, to the mayor of a city, or headman of a town or village (including headman of a special ward; the same shall apply hereinafter) in which its principal office is located:

(1) Its name;
(2) Its purpose;
(3) The address of its principal office;
(4) The names and addresses of its officers and the names of all organizations of which they are or have once been members, together with a statement as to their military or police service;
(5) The names and addresses of substantial financial supporters and the amounts of their respective contributions;
(6) The names and addresses of its constituent members, and the names of all political or ideological organizations with which they were previously affiliated.

2. The provisions of the sixth item of the preceding paragraph shall not apply to trade unions and similar kinds of organizations of

workers or employees.

3. The necessary matters relating to the declaration mentioned in the preceding Article shall be provided for by Attorney-General's Office Ordinance, except those prescribed in the preceding two paragraphs.

(Notification and publicity of declaration)

Article 8. The city mayor, town or village headman who receives the declaration mentioned in Article 6 shall notify the governor of the Metropolis, Hokkaido or each prefecture and the Attorney-General of the declaration, as prescribed by the Attorney-General's Office Ordinance.

2. The city mayor, town or village headman, the governor of the Metropolis, Hokkaido or each prefecture and the Attorney-General shall make the declaration mentioned in the preceding paragraph open to general public respectively, as prescribed by the Attorney-General's Office Ordinance.

(Presentation of its organ)

Article 9. In case any organization mentioned in Article 6 publishes its organ magazine or paper, the representative or superintendent of the organization shall, within twenty days from the date of publication, present one copy thereof to the governor of the Metropolis, Hokkaido or each prefecture in which its principal office is located and two copies to the Attorney-General through the said governor.

(Investigation by the Attorney-General)

Article 10. The Attorney-General shall be authorized to make necessary investigations in order to ascertain whether or not the provisions of the present Cabinet Order are observed.

2. The Attorney-General may authorize the governor of the Metropolis, Hokkaido or each prefecture to transact a part of the business prescribed in the preceding paragraph.

3. The Attorney-General or the governor of the Metropolis, Hokkaido or each prefecture shall be authorized, if necessary for conducting investigation prescribed in Paragraph 1, to summon the persons concerned, or to cause competent governmental or public officials to hear their explanations and to request the submission of data and other articles to them.

4. The competent governmental or public officials prescribed in the preceding paragraph shall carry with him the identity card and, upon request of the persons concerned, shall show it to them.

(Removal from public offices in consequence of the dissolution of organization)

Article 11. Any person who had such connection as coming under any of the following items, regardless of the length of period, with any of the head office, branch office or other subordinate organs of the organization dissolved after May 11, 1948 in accordance with the provisions of Article 4 and has been designated by the Attorney-General shall be removed from public office, following the example of "those falling under the Memorandum" in accordance with the provisions of the Imperial Ordinance concerning Exclusion, Removal, Retirement, etc. from Public Office (Imperial Ordinance No. 1 of 1947; hereinafter called the Imperial Ordinance No. 1):

(1) Founder, officer or director;

(2) Holder of important office;

(3) Compiler of all publications or the organ magazine or paper;

(4) Voluntary contributor of a large sum of money.

2. The designation by the Attorney-General mentioned in the preceding paragraph shall be made by public notice in the Official Gazette.

Article 12. Any person coming under the provisions of Paragraph 1 of the preceding Article shall be regarded, by the designation mentioned in the said paragraph, as designated as "one falling under the Memorandum" in accordance with the Imperial Ordinance No. 1, and if he is at present in public office stipulated by the said Ordinance, he must retire from the public office in accordance with the provisions of Article 3 of the said Ordinance. The said Ordinance shall also apply to the person in respect to other matters. However, the authority prescribed in the proviso of Article 3, Paragraph 2 of the said Ordinance shall be exercised by the Attorney-General.

(Penal regulations)

Article 13. Any person mentioned below shall be punished with penal servitude or imprisonment for a period not exceeding ten years. However, he may, taking the extenuating circumstances into consideration, be punished with a fine not exceeding 75,000 yen:

(1) Persons who contravene the provisions of Article 2 or 3;

(2) Persons who fail to file the declaration stipulated in Article 6 or make a false declaration;

(3) Persons who do not comply with the request for their appearance, explanation or submission of data or other articles in accordance with the provisions of Article 10, Paragraph 3;

(4) Persons coming under the provisions of Paragraph 1 of Article 11 who fail to take steps to retire from public office in accordance with the provisions of the preceding Article or take any public office mentioned in the Imperial Ordinance No. 1 by concealing the fact of their coming under the said paragraph.

Article 14. Any person who was formerly a principal officer or substantial financial supporter of the organization dissolved in accordance with the provisions of Article 4, or who is "one coming under the Memorandum" mentioned in the Imperial Ordinance No. 1 and was formerly an adviser, councillor (including positions of similar and equivalent authority; the same shall apply hereinafter) or constituent member of such organization shall, if he newly forms an organization as mentioned in Article 2, supports its formation, leads such organization or supports the leading thereof, be punished with a penalty not exceeding twice the maximum penalty stipulated in the preceding Article.

2. In case any person mentioned in the preceding paragraph becomes a principal officer, adviser, councillor, constituent member or substantial financial supporter of a new organization mentioned in the said paragraph, he shall be presumed to have formed a new organization mentioned in the said paragraph, have supported its formation, have led such organization or have supported the leading thereof.

Article 15. In case representatives of a juridical person, or proxies, employees or other workers of a juridical or natural person have committed acts of violation mentioned in Article 13 in connection with the business of the juridical or natural person concerned, not only the offenders shall be punishable but also the juridical or natural person in question be liable to the fine penalty provided for in the said Article.

Supplementary Provisions:

1. The present Cabinet Order shall come into force as from the day of its promulgation.

2. The designation previously made in accordance with the provisions of Article 2 or Item 1 (a) of Article 4 of the Ordinance concerning the Prohibition, etc. of the Formation of Political Party, Association, Society or other Organization in accordance with the Imperial Ordinance No. 542 of 1945 concerning the Orders to be issued in consequence of the Acceptance of the Potsdam Declaration (Imperial Ordinance No. 101 of 1946; hereinafter called the old Ordinance) shall be deemed as the designation made in accordance with the provisions of Article 4 of this Cabinet Order.

3. The declaration made in accordance with the provisions of Article 5 of the old Ordinance shall be deemed declaration made in accordance with the provisions of Article 6 of this Cabinet Order.

4. The designation made in accordance with the provisions of Article

5-(3) of the old Ordinance shall be deemed designation made in accordance with the provisions of Article 11 of this Cabinet Order.

5. The punishments against acts of violation committed prior to the enforcement of this Cabinet Order shall be governed by the old Ordinance.

6. A part of the Cabinet Order concerning the Custody and Disposition, etc. of the Properties of the Dissolved Organizations (Cabinet Order No. 238 of 1948) shall be amended as follows:

Article 1 shall read as follows:

Article 1. The "dissolved organization" in this Cabinet Order shall mean the organization dissolved in accordance with the provisions of Article 4 of the Organizations Control Order (Cabinet Order No. 64 of 1949).

In Article 4, Par. 1, Article 6 and Article 15, Par. 1, "Article 2 of the Imperial Ordinance No. 101 of 1946 or Item 1 (a) of Article 4 of the said Ordinance" shall read "Article 4 of the Organizations Control Order", and in Article 23, Par. 1, "Article 2 of the Imperial Ordinance No. 101 of 1946" shall read "Article 4 of the Organizations Control Order."

7. A part of the Law for the Establishment of the Attorney-General's Office (Law No. 193 of 1947) shall be amended as follows:

In Article 1, Par. 3, "matters concerning prohibition. etc. of the formation of a political party, association, society or other organization made in accordance with the provisions of the Imperial Ordinance No. 101 of 1946" shall read "matters concerning prohibition, etc. of the formation of a political party, association, society or other organization made in accordance with the provisions of the Organizations Control Order (Cabinet Order No. 64 of 1949), matters concerning the custody, etc. of the properties vested in the National Treasury in accordance with the provisions of the Cabinet Order concerning the Custody and Disposition, etc. of the Properties of Dissolved Organizations (Cabinet Order No. 238 of 1948)".

In Article 6, Par. 2, Item 1 and Article 10, Par. 1, Item 9, "Imperial Ordinance No. 101 of 1946" shall read "Organizations Control Order", and Article 10, Par. 1, Item 10 shall read as follows:

(10) Matters concerning the custody and disposition, etc. of the properties vested in the National Treasury in accordance with the provisions of the Cabinet Order concerning the Custody and Disposition, etc. of the Properties of Dissolved Organizations.

8. A part of the Cabinet Order concerning Special Remission for Persons Designated as falling under the Memorandum in accordance with the

provisions of the Imperial Ordinance concerning the Exclusion, Removal, Retirement, etc. from Public Offices (Cabinet Order No. 39 of 1949) shall be amended as follows:

In Article 1, "in accordance with the provisions of Article 5 (4) of the Ordinance concerning the Prohibition., etc. of the Formation of Political Party, Association, Society or Other Organization (Imperial Ordinance No. 101 of 1946)" shall read "in accordance with the provisions of Article 12 of the Organizations Control Order (Cabinet Order No. 64 of 1949)".

Prime Minister
YOSHIDA Shigeru
Attorney-General
UEDA Shunkichi

Purge Gen
File

Purge -
Pol. Activity

Materials for Purgee Observation

On Prohibition of the Persons who fall under the Memorandum from making "Political Activities".

By

Masumi TAKAHASHI

Chief of Purgee Observation Section,
Special Examining Bureau,
Attorney-General's Office.

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