

DECLASSIFIED

E.O. 11652, Sec 3(E) and 5(D) or (E) NND# 760050

894.4054/1-145 -- 12-3145 - 47-48 - 49



DEPARTMENT OF STATE  
CENTRAL TRANSLATING DIVISION

*memo to Sumkey  
10-29-45  
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[TRANSLATION]

TC No. 16519

The writer, Margherita Nogami, née Damin, daughter of the late Giuseppe (Pola) and Margherita Jakab (Fogares) born June 1, 1911 at Fogaras, requests American Authority to allow her:

- 1) To divorce her husband because, cruel, he mistreats her in various ways; (she has lived separated from him since April, 1945.)
  - 2) On being divorced, she wishes to keep their child Mitsuko Maria - Beatrice Nogami;
  - 3) To renounce Japanese citizenship in order to resume Hungarian citizenship;
  - 4) To return--rather than to Japan--to her mother Mrs. Margherita Damin née Jakab who is awaiting her in Regensburg, Germany (zone occupied by American troops.)
- There follows a brief sketch of her life and vicissitudes for the information of Authorities:

On July 26, 1943, she married Professor Soichi Nogami, lecturer of Japanese language at the University of Rome. She was professor in the Hungarian school in Milan. Her civil marriage took place, in conformity with Italian law, in the Capitol of Rome, and the religious ceremony took place in the Church of San Lorenzo in Damaso in Rome. The marriage was also registered in Tokyo.

The following month, when the Japanese Embassy ordered the evacuation of women and children from Rome, she went, on August 26, to Hungary to her mother at Kolozsvar (Via Jokai No. 10), where she remained for three

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three months. Her husband called her to Venice, where the foreign diplomatic representatives were settled after the <sup>e</sup>parate peace made by Marshal Badoglio. Her husband was connected with the Embassy as cultural expert, after he lost his position in Rome. Her marriage was happy in the beginning. They took an apartment in Venice. She worked very hard. Her husband wanted to entertain all the time. She tried to please him, and was continually preparing meals. Gradually, he began to go out with his bachelor friends every night, and to neglect her. Often he did not return home until the following morning.

On May 17, 1944, her daughter was born, and she was happy to spend all her time caring for the child. The child was about 2 months old when, one day, her husband telephoned from the office, calling her to attend a German concert. She refused. At her reply, he asked in rage if she wanted a beating. Indignant and humiliated that so many persons could overhear the conversation, she cut short the communication. A half hour later, as she was nursing the baby, he stormed into the house, and beat her as she held the baby in her arms. The child cried out, but he continued to shout and threatened to throw it into the water. She thought of going away, but did not want to risk the life of the child. The nearby cities were exposed to bombings. Her husband calmed down for a while.

They left Venice for Merano, and then went to Germany, where it would be safer to live. Her husband never helped her to make these tiring journeys, to pack or  
unpack,



-3-

unpack, to carry the luggage, to set up housekeeping. They lived wretchedly in a poor hotel, living on the worst of German war food. Even the Japanese doctor told her the condition was unhealthy. After 3 weeks, Nogami went to Berlin, obtained a position at the Embassy and visited his family only twice a month. The time he spent there was taken up with visiting his Japanese friends.

In January, her mother came for a visit and to bring her possessions (linen, silver, rugs, etc..) where they would be safe from Russian bombs. She was amazed at the squalor of her surroundings. They all went to Bad Schandau, and had to evacuate it a month later. The Japanese General Kintaro Mase put in charge of the colony Mr. S. Iwasaki, a man incapable of being consul and president of the colony. The Embassy appointed her husband to safeguard the colony. They traveled under the guidance of a German. They moved at slow speed, traveling about 2 or 3 hours a day, and they spent the rest of the time in stations without locomotives, or in the fields where they sought refuge from bombs. The German did all he could to slow them, hiding in order not to receive telephonic communication from the German foreign minister. After 6 days, weakened from fatigue and worry, she and her mother carried their luggage, blankets, and the baby into a peasant's house where the mother washed the baby's clothes. When the writer's mother asked the husband to help them to carry something, at least the blankets, he flew into a rage, grasping her by the arm and shaking her, and shouting insults at her.

Once



-4-

Once when they were staying in the house of a peasant on the route, she had to go to the compartment in the train to get supplies, and was stopped by her husband who wanted to tell her some of the plans arranged for the journey. She replied that she knew them already. This angered him. He jumped from the train, ran after her and knocked her to the ground, beating her with an umbrella which he had snatched from her. This was in the presence of witnesses. She rose and struck him twice, for the first and last time in her life. Two of the friends of Nogami followed her to the house and begged her to forgive her husband. (These were Uchimoto Minoru and Fusii Toshio, now at Bedford Springs.) But she then declared her intention of divorcing him. Since this time, she has lived separated from him. This happened at Zwiesel, on April 20, 1945. She and her mother wished to remain at Zwiesel, but the Japanese "president" of the group would not release the baggage of Mrs. Damin, who was not a Japanese citizen.

The journalist, Sichiyo Ono, friend of Nogami, came to the writer to try to arrange a reconciliation between her and her husband, but she told him that her decision to divorce him was irrevocable.

On the tenth day, they reached Grafenau, and after two days they were captured by the Americans. The Japanese had left two cars full of baggage on the route and so the writer and her family lost all their possessions except their hand luggage. The Americans, seeing that she and her family were ill, sent them to the hospital. On leaving there, they were lodged in a house  
with



-5-

with the 4 families who had diplomatic passports. Here she and her mother and baby, were allowed to have an apartment separate from her husband. She informed the military government at Cham and at Furth of her desire for a divorce, but in Germany at that time no legal steps could be taken.

On May 5, the Japanese men were sent to Paris. This was a relief to Mrs. Nogami, for her husband was still subject to fits of rage. Once at Cham, he had started to strike her but was restrained by Mr. Inoue who was present at the time.

In June, in the concentration camp of Furth in Wald, she went to the committee of UNRRA and explained her case to Mrs. Pick, who promised to help her and sent a co-worker later to see her. Soon after, they were sent to Regensburg, to Le Havre and to America.

Now at Bedford Springs, she is trying to obtain a divorce.

Bedford Springs 8-22-45 Margaret Nogami  
nee Ramen





La sottoscritta Margherita Nogami nata Damin chiede la benevolenza delle Autorità americane perchè possa:

1. divorziare in terra americana da suo marito Soichi Nogami (giapponese) essendo egli brutale ed insulto la moglie in varie riprese; essa vive ufficialmente in separazione da lui dal 20 aprile 1945.
2. divorziando, essa vuole, naturalmente, tenere per sé la loro loro bambina Nogami Mitsuko Maria Beatrice.
3. rinunciare alla cittadinanza giapponese per riprendere quella ungherese;
4. ritornare, -anzicchè in Giappone, - presso la sua Madre ved. Margherita Damin nata Jakab che l, aspetta a Regensburg, Germania, (zona occupata dalle truppe americane.)

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1.

La sottoscritta Margherita Nogami nata Damin di fu Giuseppe (Pola) e di Margherita Jakab (Fogaras) nata il 1. giugno 1911 a Fogaras fa domanda alle Autorità americane affinché possa

1. divorziare da suo marito perchè brutale, la malmenò in varie riprese; ( essa vive già in separazione dal mese di aprile 1945.)

2. divorziando, essa vuole, naturalmente, tenere per sè la loro bambina Nogami Mitsuko Maria Beatrice;

3. rinunciare alla cittadinanza giapponese per riprendere quella ungherese;

4. ritornare -anzicchè in Giappone- presso la sua Madre ved. Margherita Damin nata Jakab che l'aspetta a Regensburg Germania (zona occupata dalle truppe americane.)

Segue ora un breve curriculum della sua vita e delle vicende per servire da resoconto alle Autorità.

Il 26. VII. 1943 ho sposato il prof. Soichi Nogami lettore di lingua giapponese presso l'università di Roma. Io sono stata professoressa nella scuola ungherese di Milano. Mio matrimonio civile ebbe luogo secondo la legge italiana, al Campidoglio di Roma e la cerimonia religiosa fu fatta nella sagrestia della chiesa di S. Lorenzo in Janaso a Roma. L'atto di matrimonio fu a sua volta registrato anche a Tokio.

Il mese seguente, avendo ordinata l'ambasciata del Giappone l'evacuazione di donne e bambini di Roma, io andai il 26 agosto in Ungheria da mia Madre a Kolozsvár (via Jokai No 10.) dove rimasi per tre mesi finchè mi chiamò mio marito a Venezia, luogo dove le rappresentanze diplomatiche estere si stabilirono dopo la pace separata fatta dal maresciallo Badoglio. Mio marito fu assunto dall'ambasciata tale esperto culturale avendo ormai perso il suo posto di Roma.

Il matrimonio fu felice all'inizio. Ci stabilimmo a Venezia dove abbiamo preso in affitto un appartamento. Là ivi io lavorai tanto. Mio marito volle sempre ospiti: io l'accontentai preparando continuamente pranzi. Dopo piano piano io fui trascurata; mio marito andava sempre più spesso dai suoi amici scapoli a giocare al ma-yong, alle carte e a bere. Spesso non tornò a casa se non il mattino seguente.



2.

Il 17 maggio 1944 è nata la nostra bambina Mitsuko Maria Beatrice ed io ho trovata la grande felicità curandola teneramente. La adoro: essa è il sommo tesoro della mia povera vita.

La bambina aveva circa due mesi e mezzo quando un giorno mio marito telefona dallo ufficio chiamandomi di venire ad assistere ad un concerto tedesco. Io gli risposi negativamente. A questo proposito lui mi domando tutto arrabbiato: vuoi schiaffi?? Io, indignata ed umiliata di questo trattamento e vergognata perchè chissà quante persone hanno udito questo, cessai la comunicazione. Appena mezza ora dopo, mentre stavo proprio allattando la bambina egli entro furiosamente in casa e, con la bambina in braccio, mi malmenò. La bambina prese un soprassalto, ma egli continuo ad urlare minacciandomi di buttare la bambina in acqua. Io, atterrita, non potevo reagire. Avevo pensato di andarmene via dopo quest' insulto non meritato, ma non volevo rischiare la vita della bambina: le città vicine erano tutte soggette di bombardamenti, - ed io, molto tristemente sono rimasta lo stesso. Mio marito per qualche tempo si calmò.

Intanto nuove evacuazioni in vista. Abbiamo lasciata Venezia per Merano e Merano per la Germania, dove sarà "maggiore sicurezza". In tutti questi viaggi faticosi mio marito non mi aiutava mai; il fare e il rifare di tante valigie, di smontare una casa più l'allattamento mi hanno sciupato troppo. Talmente era un pigrone e un indifferente che trascurò pure di chiedere l'ufficio competente di mandare a prendere la nostra roba. In questoviaggio per Merano con grande sorpresa ho constatato quanto mio marito è vile. Di male in peggio è andato l'affare di Königstein dove arrivammo alla fine di settembre con poche valigie, mentre il grosso del bagaglio lo ho avuto solo in gennaio, da Merano con una spedizione di viveri. In un albergo di pessima qualità, in una stanza umida, senza acqua corrente e senza sole, mangiando la pessima cucina tedesca di guerra ho trascinato la mia esistenza lavorando per la bambina dal mattino fino alla sera. Io ho protestato contro questa situazione, ma mio marito si mostrò tanto vile da tollerare questa situazione che pure il medico giapponese la dichiarò malsana. ~~Il mio~~ ~~generale~~ ~~Berlino~~ Mio marito dopo tre settimane partì per Berlino dove ottenne un posto all'ambasciata e venne due volte al mese per vedere la famiglia, ma non fece altro se non giocare e chiaccherare con i giapponesi fino tardi notte, la mattina dormiva a lungo e si ripartiva la sera stessa o l'indomani.

Nel gennaio 1945 è arrivata dall'Ungheria mia Madre portando con sé il mio corredo (biancheria da letto, da tavola, argenteria e tappeti persiani) credendo di salvare dai bombardamenti russi. Anche Lei è rimasta stupefatta dalla pessima



3.

situazione che mai ebbi nella vita. Finite le vacanze, mia Mamma volle ritornare ma i tedeschi hanno chiuso le frontiere ungheresi per il traffico civile. Partimmo tutti a Bad Schandau, ma tra un mese dovette evacuare anche Schandau. Si voleva arrivare a Frien am Chiemsee, mentre mia Madre volle raggiungere il consolato generale ungherese di Grabenstaett am Chiemsee, così lei venne con noi il giorno 14 aprile.

Il console generale giapponese sig. Kintaro Mase già da un tempo ha incaricato il sig. S. Iwasaki membro della nostra colonia ed uomo incapace da fare da console e presidente della colonia, mentre l'ambasciata incaricò a sua volta mio marito per salvaguardare le sorte di questi 35 persone. Così senza un aiuto vero e proprio e sotto la guida di un tedesco la colonia partì. Viaggiammo solo 2-3 ore al giorno a piccola velocità e il resto sostammo senza locomotivo alle stazioni o si correva alla campagna per evitare le incursioni aerei. Né Iwasaki né mio marito andarono mai dai capistazioni per vedere la vera ragione del perditempo. (Il tedesco ha fatto tutto per non mandare avanti la ricca colonia. Anzi venendo l'aiuto telefonico del treno del ministero degli esteri tedesco, egli si nascose per non rispondere.) Già da sei giorni che stiamo correndo al prato, di giorno, mentre la notte si dormiva seduti sul panchino e mai ci aiutò mio marito come gli altri uomini. Così noi due deboli donne abbiamo trascinato sempre: la bambina, il sacco di montagna, una grande borsa contenenti i pannolini della bambina, una valigia con gli oggetti di valore e una pelliccia caduna, nondimeno le coperte. Il sesto giorno, mentre già tutto deboli si dirigemmo verso una collina dove nella casa di un contadino mia Madre gentilmente ha lavato i panni della bambina ha chiesto mio marito di portare qualcosa, almeno le coperte. Questi rifiuto di nuovo, anzi ha preso per il braccio la mamma, agitandola e ha gridato un sacco di vigliaccheria. Una tale bestialità non si poteva immaginare. Né mai un rimprovero al tedesco, egli tacque pure vilemente davanti Iwasaki, tanto più brontolo contro me. Quando io gli ho rimproverato perché è cattivo con deboli e vile con questi due uomini deficienti egli mi prese dal braccio e mi insultò. Mamma, io e la bambina siamo state tutto il giorno da una brava contadina al caldo del focolare, dove cucinammo pure per la bambina. Avendo bisogno di qualcosa per la bambina sono andata allo scompartimento del treno a prendere. Mi fermò mio marito per dire il progetto del viaggio. Io gli risposi succintamente di saperlo. Egli cominciò ad urlare contro di me, gli dissi pur camminando che la bambina sta male. Allora egli saltò giù dal treno, corse, mi raggiunse, mi strappò l'ombrello dalla mano, e ciò tutto davanti la presenza di una moltitudine, mi butta per terra storcendomi il braccio e mi schiaffeggiò due volte.



4.

Allora io mi alzai e gli restitui gli schiaffi con giusta ragione per la prima e l'ultima volta nella mia vita. L'effetto fu straordinario: mio marito si ridusse d'un tratto. Mi teneva ancora afferrato il braccio, ma io ho protestato e ho vietato di seguirmi in casa dove c'era la mia famiglia. Due suoi amici i quali sopraggiunsero mi accompagnarono in casa e mi pregarono davanti mia Madre di perdonare al marito. Ma io ho dichiarato solennemente davanti questi, era presenti a Bredford Springs: Uchimoto Minoru e Fuzii Toshio che lasciero mio marito mi divorziero da lui e ritornerò con la bambina in casa della Mamma non appena possibile. La vita coniugale non la riprenderò mai. I due signori capirono benissimo che trattasi di una cosa grave, non insistettero più. Questo accadde il 20 aprile 1945 a Zwiesel.

Abbiamo affittato una stanza nell'albergo, - si dormiva per la prima volta su letto: sino allora i giapponesi non hanno permesso di separarsi dalla gregge. Noi volemmo rimanere a Zwiesel per aspettare la fine della guerra, ma il presidente ha rifiutato di rilasciare le valigie, tramite il signor Uchimoto. Io sono andata da lui e lui, il vile mi rispose balbuzando dallo spavento: "se il signor No-ga-ga-mi lo permette, egli me le dà". Ma per quale ragione rifiuto il vecchio di rilasciare le valigie della mia Mamma la quale non è per niente cittadina giapponese?!?

Venne da noi il sig. Sichihiro Ono, giornalista, amico di Nogami (quivi presente) per cercare di conciliarmi parlando a lungo dell'educazione della bambina ecc. Gli ho assicurato della irrevocabile mia decisione di separarmi dal mio marito egli capì tutto e ci pregò di partecipare al viaggio perchè "ormai" il capo è lui. Ci promise su parole ~~serene~~ che non dobbiamo neanche vedere Nogami, per che saremo le ospiti della sua famiglia. Così abbiamo compiuto il decimo giorno la ultima fase del viaggio, arrivando cioè fino a Grafenau. Ivi noi tre ci fermammo nell'albergo Kellermann, mentre i giapponesi in un'altra locanda. Dopo due giorno diventammo tutti prigionieri degli americani. (I giapponesi hanno lasciato un vagone pieno di bauli a Zwiesel, il secondo a Grafenau, - così si perse tutta la nostra roba pure, salvo quelle poche che io avevo portato nell'albergo.

I soldati americani erano gentilissimi con noi. Vedendo la mia famiglia tanta malata, appena giunti a Cham, ci hanno portato dal medico americano il quale ordino di essere subito ricoverate in ospedale. Mio marito monto con forza nella macchina, anzi all'ospedale era lui il primo a discutere delle importanza di essere ricoverato, lui che nemmeno era malato. La dottoressa della "Hilfskrankenhaus" finalmente ha ceduto e lui dormì tanto nel soffitto, tanto nella stanza dei malati a secondo dov'era posto. E non si mosse per 11 giorni lui che doveva pensare al bene dei giapponesi, di far ve-



5.

nire cioè il bagaglio.- Così la colonia di Königstein ha perso tutto. (Il sesto giorno un vecchio ingegnere fu accompagnato in macchina a Grafenau- senza andate a Zwiesel- ma non trovo più nulla.

Io, prima di uscire definitivamente dall'ospedale, sono andata per vedere dove abiteremo. Le autorità militari americane fecero riservare una casa solo per le 4 famiglie in possesso di passaporto diplomatico. Io ho tenuto per me, Mamma e la Bambina una camera separata, mentre per mio marito ho lasciato un appartamento di due stanze al fondo dell'ingresso. Così si continuava la vita in separazione.

Io subito volevo chiedere il divorzio a Cham, ma in Germania allora ogni procedura civile fu divisa. Però il governo militare di Cham e quello di Furth sono stati informati della mia decisione.

Il 25 maggio gli uomini giapponesi furono trasportati a Parigi. Questo fu per me un vero e proprio sollievo. Perché inutile aspettare che mio marito cambiasse natura; egli rimane sempre un impulsivo che si perde ogni dominio di sé. Anche a Cham strillo inutilmente e un giorno, mentre stavo trasmettendo la domanda di una inquilina tedesca al signor Inoue (qui presente pure lui), mio marito si precipitò verso me per insultarmi, - fu però domato dallo stesso Inoue.

Nel mese di giugno, già in campo di concentramento di Furth im Wald ci venne a vedere una commissione dell' U.N.R.H.A. con a capo la signora Pick, alla quale io ho esposto il mio caso. La signora Pick chiedendomi su parole di onore di aver testimoni che conoscono la mia decisione. Io con parole di onore dichiarai di si, essa prendendo le mie generalità, mi lasciò; promettendo il suo aiuto. Pochi giorni dopo venne una sua collaboratrice, la quale confermo la promessa di aiuto della signora Pick.

Nel frattempo ci hanno portato a Regensburg, poi subito raggiungemmo la Francia (Le Havre) in aereo, edopo un soggiorno di 11 giorni al Chateau de Gruville siamo imbarcati per l'America.

Ora a Bedford Springs Pa sto aspettando la possibilità di rendermi finalmente ~~la~~ libertà, perché non è possibile di stare insieme ad un uomo che tanto si cambio o che, forse solo in questi tempi mostra il suo vero carattere. Un iracundo, pigro, indifferente, ecco mio marito che mi ha completamente rovinata.

Appena arrivati a Bedford, volle installarsi nella nostra camera, ma io mi sono rivolta ai rappresentanti americani e al consigliere dell'ambasciata. Mio marito entro nella mia camera per protestare, afferrandomi il braccio che oggi stesso si vedono le tracce delle unghie; io chiedendo aiuto dalla cameriera che non vi era neppure, mio marito, sorpreso da tanta fermezza, aprì la porta e mi la-



6.

scio uscire con un gesto di finta cortesia.

Così io posso continuare la mia esistenza nella stanza No 150, mentre lui abita al No 534.

Quando il processo del divorzio mi renderà la possibilità di non soffrire più il peso di questo matrimonio, io, con la mia piccola bambina andrò a raggiungere mia Madre e lascerò gli Stati Uniti con il sentimento di grande riconoscenza.

Bedford, VIII. 22. 1945.

Yasuko Nogami  
Neto Darwin



DEPARTMENT OF STATE

INCOMING TELEGRAM

DIVISION OF CENTRAL SERVICES TELEGRAPH SECTION

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SPECIAL WAR PROBLEMS DIVISION SEP 21 1945 DEPARTMENT OF STATE

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LEGAL ADVISER SEP 26 1945 DEPARTMENT OF STATE

DC/R

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Reference Mr and Mrs Quirino and children Evacuees from Philippines Mrs Quirino is really wife of Rufo Romero who has been in the United States since outbreak of war she divorced Romero without his knowledge in Japanese court in Manila 1942 and married Quirino are these decrees of divorce and marriage under Japanese Government valid

PEDRO P SIMSON ESQ 106 South Park San Francisco Calif

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9-24-45

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one Justiniano B. Quirino (age 29 Filipino lawyer) and one Lorraine Quirino (age 32 Am housewife) arrived in U.S. on USS Monterey beginning June 1945 from the Philippines.

Rufo Romero Jr, Nancy and Michael Romero, minor children, also arrived this vessel.

Form with fields: DCR - NE Unit, Rev, Cat, Dist

SWP: G. T. ... S/VFJ 894.4054/9-2045



*Handwritten mark*

OCT 4 1945

In reply refer to  
Le 894.4054/9-2045

My dear Mr. Simson:

The Department has received your telegram of September 20, 1945, reading as follows:

"Reference Mr and Mrs Quirino and children Evacuees from Philippines Mrs Quirino is really wife of Rufo Romero who has been in the United States since outbreak of war she divorced Romero without his knowledge in Japanese court in Manila 1942 and married Quirino are these decrees of divorce and marriage under Japanese Government valid"?

The Department regrets that it cannot undertake to pass upon the validity of a divorce obtained in the Philippine Islands during the period of Japanese occupation, as the status of such divorces from the point of view of Philippine law is a matter for determination by the Philippine authorities, and from the point of view of laws of the United States is a matter for determination by the courts in which such divorces are brought into question.

Sincerely yours,

For the Secretary of State:

Green H. Hackworth  
Legal Adviser

Pedro P. Simson, Esquire,  
106 South Park,  
San Francisco, California.

Le LMS:mgc 10/2/45  
Le GHH:AD 10/4/45

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OCT 4 4 45 P.M.  
*Handwritten signature*

A true copy of the signed original

894.4054/9-2045

CS/LE

894.4054/9-2045



SAUL GROVER WLODAVER  
COUNSELOR AT LAW  
475 FIFTH AVENUE  
NEW YORK

TELEPHONE 7337 ASHLAND 4  
7338

LEGAL ADVISER  
JAN 30 1946  
DEPARTMENT OF STATE

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DIVISION OF  
CENTRAL SERVICES

1945 OCT 30 PM 3 43

RECORDS BRANCH

State Department  
Washington, D.C.

October 29, 1945

File  
DEPARTMENT OF STATE  
Rts 1-21-46  
OCT 31 1945  
SA M. L. Paine  
Chief, Division of  
Immigration and Naturalization

Dear Sir:

A marriage which was contracted by an American citizen, to a Japanese woman, in Shanghai, in the year 1940, apparently has been declared to be invalid by the Japanese Government.

Accordingly, may I ask you to be good enough to furnish me with an abstract of the Japanese Law, affecting such marriage entered into by an American citizen and a Japanese woman, in the year 1940.

It is necessary that such information become available to me upon which I may predicate some advice to the American citizen who may shortly seek a visa and in his application, he desires to state that he is unmarried, since such a marriage contracted between the parties above mentioned was declared invalid as aforesaid.

May I have this information at your very earliest convenience, for which please accept my sincere thanks.

Very truly yours,

*Saul Grover Wlodaver*

DCE NE Jm  
SGW:MW  
R  
Dist.

DEPARTMENT OF STATE  
DEC 18 1945  
DIVISION OF JAPANESE AFFAIRS

MAY 28 1945

CS/VJ

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760050

SAUL GROVER WLODAVER  
475 FIFTH AVENUE  
NEW YORK



GRAND CENTRAL



State Department

Washington, D.C.



JAN 25 1946

In reply refer to  
FA 894.4054/102945

My dear Mr. Wlodaver:

The receipt is acknowledged of your letter of October 29, 1945 in which you request advice concerning the provisions of Japanese Law which would apply to a marriage contracted in Shanghai between an American citizen and a Japanese woman.

It is not clear why the validity of the marriage should be governed solely by Japanese law, in view of the fact that only one of the parties is Japanese and the marriage was performed in China (Shanghai). It would therefore appear advisable to obtain further facts and information regarding the form of the marriage in question, as well as the form and grounds of invalidity alleged to have been declared by the Japanese Government.

It is suggested that all available information concerning the marriage in question be submitted to the Department and the American Consulate General at Shanghai will be requested to submit an opinion in the matter.

Sincerely yours,

DCR - NE Unit  
*[Handwritten initials]*

For the Acting Secretary of State:

*[Signature]*  
Virginia Ellis  
Chief, Estates and Notarials Section  
Division of Foreign Service Administration

Mr. Saul Grover Wlodaver,  
Counselor at Law,  
475 Fifth Avenue,  
New York, New York.

JAN 29 1946 P.M.  
*[Handwritten initials]*

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LEGAL ADVISER  
JAN 20 1947  
DEPARTMENT OF STATE  
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for: [unclear]  
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DCR NE Unit  
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WU U 8 NL PD

DIVISION OF JAPANESE AFFAIRS  
JAN 21 1947  
DEPARTMENT OF STATE

894.4054/1-1747

COLUMBUS OHIO JAN 17 1947

SECY OF STATE DEPT  
WASHDC

DEAR SIR I WISH TO HAVE INFORMATION ABOUT JAPANESE MARRIAGES  
IF AN AMERICAN CITIZEN MARRIED A JAPANESE CITIZEN IN JAPAN  
UNDER JAPANESE LAW WOULD BE MARRIAGE BE LEGAL AND IF SO IN WHAT  
PARTS OF THE WORLD WOULD IT BE RECOGNIZED, TELEGRAPH

INFORMATION TO ME COLLECT  
THOMAS HACKWORTH 365 E 11TH AVE COLUMBUS OHIO

365 E 11.

244A JAN 18

JAN 24 1947

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*CSKA*  
*894.4054/1-1747*  
JAN 18 1947



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PREPARING OFFICE  
WILL INDICATE WHETHER

TELEGRAM SENT

TO BE TRANSMITTED  
CONFIDENTIAL CODE  
NONCONFIDENTIAL CODE  
PARTAIR  
PLAIN

Collect { Full rate  
Day letter  
Night letter

Department of State

Charge Department:

Full rate  
Day letter  
Night letter

Washington,

PLAIN

Charge to \$ Thomas Hackworth  
365 East 11th Avenue  
Columbus, Ohio

JAN 20 1947  
January 20, 1947

PLAIN

MR. THOMAS HACKWORTH,  
365 EAST ELEVENTH AVENUE,  
COLUMBUS, OHIO .

REURTEL January 17 validity of marriage. generally determined  
by laws of place where contracted and if valid there, considered  
valid everywhere, unless marriage repugnant to public policy or laws  
of domicile of parties. See Hackworth DIGEST INTERNATIONAL LAW,  
Volume Two, Pages 354 following, available public libraries.

894.4054/1-1747

*George C Marshall*

~~ACTING~~ SECRETARY OF STATE

*GM*

JAN 22 1947 P.M.

*LG*  
Ler Gray:vb  
1-20-47

DOF NE Unit  
*JH*  
JAN 22 1947  
*GM*

RELEASE DESK

CS/A

894.4054/1-1747

Enciphered by .....

Sent by operator ..... M., ..... 19.....





10

THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

UNITED STATES POLITICAL ADVISER

FOR JAPAN

ACTING  
is assigned to



No. 376

RESTRICTED

DIVISION OF  
NORTHEAST ASIAN AFFAIRS  
Tokyo, June 21, 1948.

JUL - 1948  
DEPARTMENT OF STATE

DCR

Subject: Proclamation Prohibiting Marriages Between Ryukyans and Members of the Occupation Forces.

The Acting Political Adviser has the honor to enclose a copy of a proclamation issued by the Chief Military Government Officer of the Ryukyu Command of the United States Army prohibiting marriages between Ryukyans and members of the Occupation forces.

1/

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OCD  
ITP  
DCR  
Army  
CIA

This proclamation, which became effective on April 1, 1948, was referred to this Headquarters for review as a result of a conference between a representative from the office of the Supreme Commander's Deputy Chief of Staff and an officer of this Mission acting in its capacity as the Diplomatic Section of this Headquarters. The Deputy Chief of Staff requested the comments of interested staff sections upon this proclamation. A copy of the communication initiated by the Deputy Chief of Staff and containing the comments of the Judge Advocate of this Headquarters and of the Diplomatic Section is enclosed.

As the Diplomatic Section, this Mission recommended that consideration be given to the repeal of this proclamation on the grounds that there appeared to be no military necessity for its issuance, that the penalties for violation imposed on the Ryukyans were excessive, and that prohibition of marriages between two general classes of people by the issuance of a proclamation is not desirable in this instance for political reasons.

894.4054/6-2148

CSA

Enclosures:

1. United States Military Government Special Proclamation No. 28.
2. Communication initiated by Deputy Chief of Staff, GHQ, SCAP, May 24, 1948.

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Enclosure No. 1 to Despatch No. 376  
dated June 21, 1948 from the Office of  
the United States Political Adviser at  
Tokyo, on the subject: "Proclamation Pro-  
hibiting Marriages Between Ryukyuan and  
Members of the Occupation Forces."

UNITED STATES MILITARY GOVERNMENT

SPECIAL PROCLAMATION NO. 28

MARRIAGES BETWEEN RYUKYUAN AND MEMBERS OF THE  
OCCUPATION FORCES.

TO THE PEOPLE OF

THE ISLANDS OF NANSEI SHOTO AND ADJACENT WATERS  
SOUTH OF THIRTY (30) DEGREES NORTH LATITUDE

WHEREAS, it is deemed necessary for the efficient operation  
of the troops within this command and civilians accompanying them  
that marriages between Ryukyuan and members of the Occupation  
Forces be prohibited,

NOW THEREFORE, I, FREDERICK L. HAYDEN, Brigadier General,  
United States Army, Chief Military Government Officer of the Islands  
of Nansei Shoto and Adjacent Waters South of Thirty (30) Degrees  
North Latitude, do hereby proclaim as follows:

Article I

DEFINITIONS

In this proclamation and for all purposes relating thereto:

- a. A RYUKYUAN is an individual lawfully inhabiting any part  
of the Ryukyu Islands who is a native thereof, or who has taken up  
residence therein with the intent of remaining indefinitely.
- b. RYUKYU ISLANDS are those islands of Nansei Shoto and of  
adjacent waters south of Thirty (30) degrees north latitude.
- c. MEMBERS OF THE OCCUPATION FORCES are all American Military  
and Civilian Personnel, their dependents, and similar personnel of  
Allied Nations.
- d. MARRIAGE shall include "Family" marriage, and other in-  
formal ceremony of marriage, and marriage formally celebrated and  
registered.

Article II

UNLAWFUL ACTS

Section 1. It shall be unlawful for a Ryukyuan to enter into  
a marriage contract or undertaking with a member of the occupation  
forces.

Section 2.



Enclosure No. 1 to  
Tokyo's No. 376, June 21, 1948.

- 2 -

Section 2. It shall be unlawful for a Ryukyu Islands civil authority to accept notification of an attempted marriage between a Ryukyuan and a member of the occupation forces.

Section 3. It shall be unlawful for a Ryukyu Islands religious functionary to participate in the celebration of an attempted marriage between a Ryukyuan and a member of the occupation forces.

### Article III

#### EFFECT OF ATTEMPT

An attempted marriage between a Ryukyuan and a member of the occupation forces shall be null and void and of no effect for any purpose whatsoever.

### Article IV

A Ryukyuan violating any of the provisions of this Proclamation shall upon conviction by an Exceptional Military Court, be fined not more than ¥10,000.00 or imprisoned for more than five years, or both.

### Article V

The Deputy Commander for Military Government may make such orders or regulations as he may deem necessary to effect the purpose of this Proclamation.

### Article VI

In case of any conflict or ambiguity between the English text of this Proclamation and the text as published in Japanese or otherwise, the English shall prevail.

### Article VII

This Proclamation will become effective on the 1st day of April, 1948.

/s/ FREDERIC L. HAYDEN  
/t/ FREDERIC L. HAYDEN  
Brigadier General, United States Army  
Commanding General, Ryukyus Command  
Chief Military Government Officer

OFFICIAL:

/s/ WILLIAM H. CRAIG  
Colonel Infantry  
Deputy Commander for Military Government



Enclosure No. 2 to Despatch No. 376 dated June 21, 1948 from the Office of the United States Political Adviser at Tokyo, on the subject: "Proclamation Prohibiting Marriages between Ryukyans and Members of the Occupation Forces."

RESTRICTED

GENERAL HEADQUARTERS

FAR EAST COMMAND

CHECK SHEET

APF/WKH/WHF/CGB/dc

Note No.

Subject: Proclamation Prohibiting Marriage of Ryukyans and Members of the Occupation Forces

From: DC/S, SCAP

To: JA  
DS (in turn)

Date: 24 May 1948

(1)

1. Request comment from legal and discretionary standpoint on attached United States Military Government Special Proclamation No. 28, "Marriage Between Ryukyuan and Members of the Occupation Forces" issued 1 April 1948 by the Commanding General, Ryukyus Command.

2. This matter has been previously discussed informally with Mr. Finn, DS.

1 Incl

Cpy Special Proclamation No. 28, Ryukyus Command 1 Apr 48.

----- A.P.F. -----

(2)

From: JA

To: DC/S, SCAP  
Thru: DS

Date: 5 June 1948

1. The attached Proclamation No. 28 contains the statement that "it is deemed necessary for the efficient operation of the troops within this command and civilians accompanying them that marriages between Ryukyans and members of the Occupation Forces be prohibited." This office does not know the circumstances on which this statement was based and, accordingly, must assume that the Military Governor made a proper determination of fact. On that assumption, there can be no doubt as to the legality of the Proclamation.

2. The Proclamation is drastic. Whether it goes further than policy dictates and whether it is desirable to inquire into the circumstances to ascertain if the Military Governor's statement as to necessity is justified, are matters on which this office expresses no opinion.

1 Incl

----- F.P.S. -----

RESTRICTED

(3)



Enclosure No. 2 to Tokyo's  
No. 376, June 21, 1948.

- 2 -

DS/WJS/RBF/cgf

(3)

From: DS

To: DC/S

Date: 14 June 1948

1. DS assumes that the action directed by attached Proclamation No. 28 is within the authority of the Military Governor of the Ryukyus. It is noted, however, that the Proclamation appears to constitute an absolute prohibition of marriages between military personnel and aliens ineligible to U.S. citizenship, although GHQ, FEC, regulations state that permission for such marriages may be granted by the appropriate commander under unusual circumstances.

2. DS believes, however, that the action taken is open to objection for several reasons:

a. There appears to be no military necessity for this action, since present procedures and existing Japanese law can effectively prevent marriages of this kind without permission of the appropriate United States military authority. Under Japanese law, a marriage takes legal effect only upon a notification thereof in proper form being made by the parties thereto to a "registrar" (mayor, village chief, etc.) and the acceptance of the notification by the "registrar" (Article 775, Japanese Civil Code). The law also requires in effect that in the case of the marriage of a non-Japanese the person's legal capacity to marry shall be determined by "the law of his country." (Article 13, Law Concerning the Application of Laws.) To determine the legal capacity of an American citizen to enter into a marriage, registrars in Japan require the presentation of an affidavit executed before an American consular officer, and such officers decline to complete such affidavits in the cases of persons subject to the military regulations concerning marriage unless they first present proper military permission to marry. It is therefore impossible in practice for an American citizen member of the United States Occupation Forces to contract a valid marriage in Japan unless proper military permission therefor has been granted.

It is understood that the same laws and procedures are in effect in the Ryukyus, except that when an American consular officer is not available, the above mentioned affidavit is executed before an appropriate Military Government officer. It would therefore appear that valid marriages of military personnel in violation of military regulations could take place in the Ryukyus only if the registrars are ignoring the foregoing procedures. If such is the case, it is not apparent why the situation could not have been met by appropriately instructing the registrars concerning the already existing laws and procedures.

Unless the situation in the Ryukyus differs materially from that in Japan Proper and there are factors that are not known here, there would therefore seem to be some ground for reasonable doubt concerning the military necessity for the Proclamation.

b. The penalty imposed on a Ryukyuan for violation of the provisions of the attached Proclamation greatly exceeds any penalty that is likely to be imposed under the Articles of War on a member of the United States Occupation Forces who contracts such a marriage in violation of military regulations. The penalty for violation that might be imposed upon a Ryukyuan appears in fact so great as to raise a presumption of injustice.

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Enclosure No. 2 to Tokyo's  
No. 376, June 21, 1948.

- 3 -

(3)  
contd

c. It is noted that the attached Proclamation creates a new criminal offense--that of marriage between a Ryukyuan and a member of the Occupation forces. Laws prescribing criminal penalties for marriages between two general classes of persons are believed to be restricted to a few special situations and DS feels that on political grounds it is unwise in the present situation to expand this category of laws.

3. DS believes that the problems raised by marriage between Allied nationals and Ryukyuan should be left for solution by the military commanders involved in accordance with appropriate laws and regulations. On the basis of information available, DS therefore recommends that consideration be given to repeal of the Proclamation as being unnecessary and as officially and in exaggerated form high-lighting racial discrimination.

1 Incl

----- W. J. S. -----

RESTRICTED





THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA  
  
UNITED STATES POLITICAL ADVISER  
  
FOR JAPAN

DC/L  
ACTION  
is assigned to  
  
DC/R

No. 643

Tokyo, September 30, 1948.

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*file*  
DIVISION OF  
NORTHWESTERN AFFAIRS

DEPARTMENT OF STATE

Subject: Rescission of Proclamation by Ryukyus Military Government  
Prohibiting Marriages Between Ryukyans and Members of  
the Occupation Forces.

*894.4054/6-21*

The Acting Political Adviser has the honor to refer to this  
Mission's despatch no. 376 of June 21, 1948 transmitting, together  
with comments by interested staff sections of General Headquarters,  
Supreme Commander for the Allied Powers, Special Proclamation No.  
28, April 1, 1948 of the Ryukyus Command, which prohibited marriages  
between Ryukyans and members of the Occupation forces. Enclosed is  
a copy of Special Proclamation No. 31, August 17, 1948, of the  
Ryukyus Command, which rescinds Special Proclamation No. 28.

894.4054/9-3048

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Enclosure: *att.*

Copy of Special Proclama-  
tion No. 31, August 17,  
1948, of the Ryukyus  
Command.

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cc: American Consulate General, Yokohama

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FEB 24 1949

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*Q. R. B.*



Enclosure to Despatch No. 643 dated September 30, 1948 from the Office of the United States Political Adviser at Tokyo, on the subject of: "Rescission of Proclamation by Ryukyus Military Government Prohibiting Marriages Between Ryukyans and Members of the Occupation Forces."

UNITED STATES MILITARY GOVERNMENT

SPECIAL PROCLAMATION NO. 31

MARRIAGES BETWEEN RYUKYUANS AND MEMBERS OF THE  
OCCUPATION FORCES

TO THE PEOPLE OF

THE ISLANDS OF NANSEI SHOTO AND ADJACENT WATERS  
SOUTH OF THIRTY (30) DEGREES NORTH LATITUDE

I, W. W. EAGLES, Major General United States Army, Military Governor of the Islands of Nansei Shoto and Adjacent Waters South of Thirty (30) Degrees North Latitude, do hereby proclaim as follows:

Article I

Special Proclamation No. 28, heretofore published, is hereby rescinded.

Article II

In case of any conflict or ambiguity between the text of this proclamation and the text as published in Japanese or otherwise, the English shall prevail.

Article III

This proclamation will become effective on the 17th day of August, 1948.

Given under my hand this 17th day of August 1948.

/s/ W. W. Eagles  
/t/ W. W. EAGLES  
Major General, United States Army  
Commanding General, Ryukyus Command  
Chief Military Government Officer

OFFICIAL:

JESSE P. GREEN  
Colonel, Infantry  
Deputy Chief of Staff



J/A.

This encloses a  
copy of a special  
proclamation rescinding  
an earlier SCAP  
order prohibiting  
marriages between  
Ryukyuan's and  
members of the occupation  
forces.

mg