APPOINTEES RE-EXAMINATION COMMITTEE

Report on Decisions (No.12)

(July 21, 1948)

Contents:

KAWAI Kikuhei (Ref. No.29)

Ref No. 29

For Re-examination

KAWAI, Kikuhei

President atc., Nihon Fushuko Kosaku K.K.
(subsidiary Company of Mitsui)

Immediately after his return from a visit to Europe and America for the study of technical theory and practice, the appellant was discharged from the service of the Mitsui Bussan Kaisha and became a Director of the Taiyo Industry Company. In view of these facts, it cannot be necessary said that the appellant had a strong colour of representing the interests of the Mitsui Bussan Kaisha. Furthermore, during his tenure of office, he served as a technical instructor in a status virtually similar to that of a staff member and was never in such a position as to perform his duties as a director representing the chief shareholder.

The appellant was in the position of Standing Director of the Mitsui Wooden Ship Buidling Company only for one year and half holding this position till the and of the war, but he took almost no part in the operation of this company as will be seen from the circumstances in which his appointment to the directorship was made. He was chosen for that position by President KAMIMURA who was in a dictatorial position of the company, in consideration of his technical knowledge, and he was charged with the duty of directing technical experts in charge of actual work while Standing Director NAKAMURA Ichiro took charge of the operation of the company together with President KAMIMURA, the former bearing the actual responsibility for the management of whole affairs of the company. Accordingly, the appellant simply played the role of a mere supervising technical expert.

APPLICANTS RE-EXAMINATION COMMITTEE
(Nissan Bldg. Room 413)

MINUTES OF THE NINITEENTH MEETING

1. Date of Meeting: July 19, 1948(Mon), 10.00-12.00

2. Persons Present: All the Members except Mr. Okui; Secretary General and staff.

3. Procedings: The Committee reached decisions as follow:

The reasons being as set forth in the attached

Report on Decisions (No.11)

Ref. No.	Appellant	Present Position	Decision
No.30	HAYASHI JUNJI	President etc., Nippon Reizo K.K. (Subsidiary Company of Nissan)	for Re-examination
No.31	HAYASHI Masaji	President etc., Hihon Iwo K.K. (subsidiary Company of Nissan)	ditto
No.32	IIJIMA Sanai	Directer Taisho Unso K.K. (restricted company of Nissan)	ditto
No.33	NAKAMURA Tamiichi	Auditor, Taisho Unso K.K. (restricted company of Nissan.)	Rejected

APPOINTEES RE-EXAMINATION COMMITTEE

Report on Decisions (No.11)

(July 19. 1948)

Contents:

HAYASHI Junji (Ref. No.30)

HAYASHI Masaji (Ref. No.31)

IIJIMA Sanai (Ref. No.32)

NAKAMURA Tamiichi (Ref. No.33)

Ref. No. 30

For Re-examination

HAYASHI, Junji

President etc., Nippon Reizo K.K.

(subsidiary company of Nissan)

The papers previously submitted to the Examination Committee were too simple and were lacking in adequate proof in regard to facts enabling him to be esteemed not to be an appointee.

According to the papers submitted to the Re-examination Committee, however, the appellant is recognized to fall under each item of Art. 7 of the Law for the following reasons:

(1) He has no kinship with the family members of the Nissan Zaibatsu;

(2) He took up, as it were, automatically, the directorship of the Kyodo Gyogyo (Nihon Suisan) as an official of the Horai Suisan which had thitherto been under his own management and was then merged with the former. That, accordingly, he did not obtain any previous approval of the Nissan Zaibatsu as to his assumption of the above post, is proved by the testimony of Mr. AYUKAWA, Gisuke;

(3) The appellant is an ordinary director of the company of the Nissan group coming under category B and he has neither held any position higher than a standing director nor exercised the authority or influence higher than the same;

(4) He has never concurrently held more than four positions. From the above is established the ground upon which to prove that the appellant is not a appointee.

Hence the present case is decided to be returned for re-examination.

Ref. No.31

For Re-examination

HAYASHI, Masaji

President etc., Nihon Iwo K.K.

(subsidiary company of Nissan)

As stated in detail by the appellant for re-examination in his written appeal, the appellant joined, as engineer, the Dai Nippon Jinzo Hiryo K.K., and was gradually promoted and is now Director of Engineering Affairs Division. In view of the circumstances in which he was appointed official of the company as well as in view of the real aspects of the execution of business, it is apparently inappropriate to regard him as an appointee of the Nissan Zaibatsu group.

(1) His assumption of the directorship of the Nissan Kogyo K.K. may justly be interpreted as a mere taking over of the post necessitated by the amalgamation. After the assumption of the position he was engaged in the disposal of the remaining affairs and chiefly in the reclamation work of the area near the Hakodate Plant. He resigned the post after only a ten-month period of tenure.

(2) While serving as an official, there were held nine meetings of officials, in only three of which he participated. (Please refer to the testimony submitted by President Okabe of the Nihon Kogyo Kai Sha).

(2) His service as Director of the Nissan Kagaku Kogyo Kai Sha was not regular one and without any remuneration therefor.

Ref. No. 32

For Re-examination

IIJIMA, Sanai

Director, Taisho Unso K.K.

(restricted company of Nissan)

As the appellant fulfills the conditions as set forth in Article VII, it is recognized prpper that this case should be returned for re-examination.

1. The appellant has not any family relations with the Nissan Zaibatsu.
2. As stated in the testimony submitted by Mr. AYUKAWA Gisuke, the Nissan Zaibatsu, as well as its direct affiliates, neither participated in, nor gave previous approval to, the appellant's assumption of the post of a director of the Chosen Nissan Kagaku K.K.
3. During the term of office as a director of the Chosen Nissan K.K., the appellant was neither vested with practical authority nor with a controlling power, which was commensurate with, or above, that of the highest executive representing the company.
4. The appellant never assumed concurrently four or more executive posts of the Zaibatsu companies.

Ref. No. 33

Rejected

NAKAMURA Tamiichi

Auditor, Taisho Unso K.K.

(restricted company of Nissan)

1. The appellant was successively in the positions of Ordinary Director from May 1937 to April 1938, Managing Director from April 1938 to May 1945, the sole representative director after March 1944, of the Taiwan Kagaku Kogyo K.K.

This company was established in April 1937 with the object of manufacturing ammonium sulphate in Formosa. The principal activities of the company in the beginning were to construct its ammonium sulphate factories. After his appointment as Managing Director in April 1938, the appellant, being an engineer, engaged in constructing factories as a supreme commander. Therefore, although it is a fact that afterwards until the enf of March 1944 Messrs. ISHIKAWA Ichiro, SHIMADA Rikiehi, TANAKA Eihachiro instructed, in Tokyo, as his superior officials, the opinion of the appellant on the spot attached weight, and at least the appellant made evey effort, in one body with these senior officials, for the construction of the factories, so he must be deemed to have had the authority equal to that of the highest representative official. In addition, after April 1944 the appellant was in a position of controling and maintaining the assets of the company as a sole representative official.

2. That the appellant was in the position of Managing Director of the Nissan Kagaku K.K. was for the purpose of balancing the influence hitherto exercised as an official of the Nissan Kagaku, that is to say, of opposing to officials of the Nippon Kogyo (cf. Evidence-document No. 5). Therefore he ought to be esteemed to have had in fact the equal authority with the supreme representative official.

Judging from the above-mentioned facts, the reasons stated by the appellant based upon Art. 6 and 7, are not justifiable.

APPOINTEES RE-EXAMINATION COMMITTEE

(Nissan Bldg. Room 413)

MINUTES OF THE EIGHTEEN MEETING

1. Date of Meeting: July 12, 1948 (Mon.), 9.00 - 12.00
2. Persons Present: All the Members except Mr. ANZAI; Secretary-General and staff.
3. Proceedings: The Committee reached decisions as follows, the reasons being as set forth in the attached Report on Decisions (No. 10):

Ref. No.	Appellant	Present position	Decision
No. 27	INOUYE Itsuro	President etc, Mitsui Real Estate Co. (direct affiliate of Mitsui)	Rejected

APPOINTEES RE-EXAMINATION COMMITTEE

Report on Decisions (No.10)

(July 12, 1948)

Contents:

INOUYE Itsuro (Ref. No. 27)

Ref. No. 27

Rejected

INOUYE, Itsuro

President etc., Mitsui Real Estate K.K.
(direct affiliate of Mitsui)

1. As the appellant was appointed as Auditor respectively of two Mitsui Zaibatsu direct affiliates before the War's end, he is not entitled to appeal by virtue of Art. 7 of the Law.

2. The appellant was Head of the Financial Division of the Mitsui Somotokata from Nov. 22, till the end of Feb. 1944 and Head of the Financial Division of the Mitsui Honsha from March 1, 1944 till Jan. 25, 1946. Meanwhile he was appointed, in Feb. 1944, Auditor of the Mitsui Real Estate K.K. and in Nov. 1944, Auditor of the Toyo Rayon K.K. As the Mitsui Somotokata and the Mitsui Honsha were both the central supreme organs those objectives were exclusively to administer and control the Mitsui Zaibatsu enterprises, the respective post of the Head of the Division must be regarded as extremely important. Moreover, the appellant was appointed as an auditor of the Sanshin Building Co.

The Re-examination Committee cannot but conclude that all these appointments were made during his service as the head of the financial division and therefore with its previous approval of the Mitsui Somotokata - this means that he has no reason to appeal under the provisions of Art. 6

APPOINTEES RE-EXAMINATION COMMITTEE

(Nissan Bldg. Room 413)

MINUTES OF THE SEVENTEENTH MEETING

1. Date of Meeting: July 10, 1948 (Sat.) 12.00 - 16.00
2. Persons present: All the Members except Mr. OKUI; Secretary-General and staff.
3. Proceedings: The Committee deliberated and reached decisions as follows, the reasons for the respective decisions being set forth in the attached Report on Decisions (No. 9):

Ref. No.	Appellant	Present Position	Decision
No. 25	INAGAWA, Jiro	President etc, Yasuda Soko K.K. (quasi-direct affiliate of Yasuda)	Rejected
No. 28	KATSURAGI, Tadao	Managing Director, Nippon Suisan K.K. (quasi-direct affiliate of Nissan)	for Re-examination

APPOINTEES RE-EXAMINATION COMMITTEE

Report on Decisions (No. 9)

(July 10, 1948)

Contents:

INAGAWA Jiro (Ref. No. 25)

KATSURAGI Tadao (Ref. No. 28)

Ref. No. 25

Rejected

INAGAWA, Jiro

President etc., Yasuda Soko K.K.

(quasi-direct affiliate of Yasuda)

It was on Oct. 15, 1945 that the Yasuda Hozensha (viz. Yasuda Honsha) decided, at its Board meeting, the dissolution of its structure, and abandoned its personnel and other control power. When the appellant was appointed as Director (June, 1942) and Standing Director (April, 1943), the Yasuda Soko was, it is clearly esteemed, under the control and administration of the Yasuda Hozensha.

Judging from the circumstances in which the appellant was appointed as an official and judging from his actual activities in executing his duties and powers, he is considered as an appointee without causing gross injustice. Therefore, it is proper for the Re-examination Committee to reject this case of appeal as the Examination Committee did.

Ref. No. 28

For Re-examination

KATSURAGI, Tadao

Managing Director, Nippon Suisan K.K.

(quasi-direct affiliate of Nissan)

1. The appellant assumed office as Director and Chief of the North Sea Division of the Nippon Suisan K.K. in March, 1941, and was in office for two years until the Company was dissolved and the Nippon Kaiyo Gyogyo Tosei K.K. was established in March, 1943, in accordance with the Marine Products Control Order. The appellant is considered to meet every condition prescribed in Paragraph 1 of Article 7, as shown by the following facts:

(1) He is not a kinsman to the Nissan Zaibatsu.

(2) In assuming the directorship, he did not receive the approval of either the Nissan Zaibatsu or its directly affiliated company, the Manshu Toshi Shoken K.K.

(3) As a technical expert graduated from the Deep-Sea Fishery Course of the Fisheries Institute, he was stationed at Hakodate during his tenure of office, taking charge of the cannery-boat fishing in the north-sea region, and did virtually hold no authority or controlling power equal to or in excess of that of a standing director.

(4) He held no concurrent office as official of any Nissan Zaibatsu company, other than the Japan Marine Products Company.

2. When the Japan Oceanic Fisheries Control Company was established in March, 1943, in accordance with the Marine Products Control Order, the appellant took office as Director of the Company and Chief of the North Sea Division thereof, with the approval of the Minister of Agriculture and Forestry. Although it was a special company, the appellant was nothing more than Director of the Company and Chief of the North Sea Division who was stationed at Hakodate as before, granting that the company was an extension of the Japan Marine Products Company. He is deemed to satisfy the conditions mentioned in Paragraph 1 of Article 7 all the same.

3. Following the repeal of the Marine Products Control Order on November 30, 1945, the Japan Oceanic Fisheries Control Company was renamed the Japan Marine Products Company on December 1, and the appellant again took office as Director of the Company and Chief of the North Sea Division thereof. His duty and power being the same as before, all conditions under Paragraph 1 of Article 7 are deemed to be satisfied.

In view of the above-mentioned reasons, it is considered that the appellant should not be regarded as an appointee, and that the matter should be returned for re-examination to the Examination Committee.

APPOINTEES RE-EXAMINATION COMMITTEE

(Nissan Bldg. Room No. 413)

MINUTES OF THE SIXTEENTH MEETING

1. Date of Meeting: July 5, 1948 (Mon.), 10.00-13.00

2. Persons Present: All the Members; Secretary-General and staff.

3. Proceedings: The Committee reached decisions as follows, the reasons being as stated in the attached Report on Decisions (No. 8):

Ref. No.	Appellant	Present Position	Decision
No. 21	MAYEKAWA Kiyoshi	President-etc., Yubari Sei-sakusho (restricted Co.)	for Re-examination
No. 22	KAMEYAMA Makoto	Auditor, Mitsubishi Estate Co. (direct affiliate)	ditto
No. 23	TANAKA Hikosaburo	Standing director, Toyo Menka K.K. (direct affiliate)	Rejected

APPOINTEES RE-EXAMINATION COMMITTEE

Report on Decisions (No.8)

(July 5, 1948)

Contents:

MAYEKAWA Kiyoshi (Ref. No. 21)

KAMEYAMA Makoto (Ref. No. 22)

TANAKA Hikosaburo (Ref. No. 23)

Ref. No. 21 For Re-examination

MAYEKAWA, Kiyoshi

President etc., Yubari Seisakusho K.K.

(resticted company of Mitsui)

The appellant was in the position of Ordinary Director of the Nippon Seiko-sho K.K. (quasi-direct affiliate of Mitsui) between May, 1941 and December 15, 1945, but, as the company was one engaged in manufacturing special arms, it was the practice of the company to appoint admirals as its President and Standing Directors on the recommendation of the Navy and these officials were entrusted with the whole affairs for the operation of the company despite the fact that it was a Mitsui Zaibatsu company. Accordingly, Mr. SHIMADA Katsunosuke, President of the Hokkaido Tanko Kisen Company, did not interfer with the operation of the Nippon Seikosho though he was concurrently Chairman of the Board of Directors of the latter. In these circumstances, the appellant was appointed Ordinary Director of the said company on the recommendation of President SUGI Masato (Vice-admiral, formerly Director of the Bureau of Naval Construction), and though it is presumed that Mr. SHIMADA Katsunosuke probably gave his consent, before-hand, to this appointment at a directors' meeting in his capacity as Director, it may be considered that the consent, if given, was not of such a positive nature as to imply the intention of protecting the interests of the Mitsui Zaibatsu,

but of such a negative nature as merely to mean the non-opposition to the proposal of President SUGI and others who were entrusted with the whole affairs for the operation of the company.

The appellant is a technical expert and was appointed as Superintendent of the Hiroshima Factory under the said company in May, 1937 and Superintendent of the Muroran Manufactory in March, 1940 and while in the last mentioned position, he was appointed Ordinary Director of the Japan Seikosho according to the policy of the company to treat the senior staff members considerately. Even after this promotion, he was continuously stationed at Muroran as Superintendent of the Muroran Manufactory and he devoted himself to the conduct of business of the manufactory. Accordingly, of 64 directors' meetings held during his tenure of office as director, the appellant attended only four meetings which were incidentally called when he was on visits to Tokyo.

In view of the foregoing, there is not the slightest doubt that the appellant did not have power equal to or in excess of that of a standing Director. Judging from the circumstances in which he took office as Director of the said company and facts concerning the performance of his duties in that position, it is considered apparently unreasonal to regard him as an appointee.

On December 15, 1945 the appellant became sanyo (a councillor) of the Tokyo Head Office and on Dec. 24, 1945 he accepted the appointment as President of the Yubari Seisakusho K.K. but these facts have nothing to do with the decision in respect to the present case inasmuch as the appointments were made after the Mitsui Zaibatsu ceased to exercise control over the affiliated companies.

Ref. No. 22

For Re-examination

KAMEYAMA, Makoto

Auditor, Mitsubishi Estate K.K.

(direct affiliate of Mitsubishi)

1. The appellant was appointed a director of the Mitsubishi Estate Company on Aug. 3, 1943, but at that time he was under suspension from service of the said company, and was in Manchuria working as a standing director of the Kotoku-Kisso K.K. Consequently, while he was in Manchuria until Jan. 14, 1945, he was a non-regular director as an official of the Mitsubishi Estate. Moreover, during this period the meeting of the board of directors was held 14 times, but he attended it only 3 times.

2. The appellant returned to the Mitsubishi Real Estate in January, 1945, and held the post of a director and concurrently the post of the chief of the Business Division, and from April, 1946 to November, 1947, he held the post of a director and concurrently the post of the chief of the Enterprise Division. As mentioned above he always held the post of a division chief concurrently. According to the office organization of the said company the division chief leads the personnel under him by order of the standing director and attends to the affairs in his charge;

the division chief had no authority to control the company. In external relations, except the president and the standing director, no director had the right to represent the Company. Accordingly, the appellant was effectively more of a division chief than a director, and it can be said that he was not "a big figure".

3. Judging from the actual preformance of his duties, it is deemed not proper to regard the appellant as an official of the Zaibatsu and this matter is therefore to be returned to the Examination Committee.

Ref. No. 23

Rejected

TANAKA, Hikosaburo

Standing Director, Toyo Menka K.K.

(direct affiliate of Mitsui)

The appellant cites various reasons in his application submitted to the Re-examination Committee, but the Re-examination Commitee esteems just the decision of the Examination Committee and rejects the appeal.

APPOINTEES RE-EXAMINATION COMMITTEE

(Nissan Bldg. Room No. 413)

MINUTES OF THE FIFTEENTH MEETING

1. Date of Meeting : July 3, 1948 (Sat.), 13.00 - 17.00

2. Persons Present : All the Members; Secretary-General and Staff.

3. Proceedings : The Committee reached decisions as follows, the reasons being the same as set forth in the attached

Report on Decisions (No. 7):

Ref. No.	Appellant	Present Position	Decision
No. 19	ISHIKAWA Moritsugu	Managing Director, Edogawa Kogyo sho K.K. (associate Co. of Mitsubishi)	for Re-examination
No. 20	KAWASE Toshio	President etc., Edogawa Kogyo sho K.K. (Associate Co. of Mitsubishi)	ditto

APPOINTEES RE-EXAMINATION COMMITTEE

Report on Decisions (No. 7)

(July 3, 1948)

Contents:

ISHIKAWA, Moritsugu (Ref. No. 19)

KAWASE, Toshio (Ref. No. 20)

Ref. No.19
Ref. No.20

For-Re-examination

ISHIKAWA, Moritsugu

Managing Director, Edogawa Kogyo Sho K.K.

(associate Company of Mitsubishi)

KAWASE, Toshio

President etc., Edogawa Kogyo Sho K.K.

(associate company of Mitsubishi)

The appellants are considered to meet the four conditions provided for under Article 7 of the Law for Termination of the Zaibatsu Family Control as will be seen from the following facts:

1. As is shown by a copy of their census registers submitted by the appellants, they have no kinship with anyone belonging to Mitsubishi Zaibatsu.

2. The fact that in respect to the appointment of officials of the Edogawa Kogyosho there was no arrangement which made it necessary to obtain a previous approval from the Zaibatsu or its direct affiliate has been proved by the certificate submitted by the Mitsubishi Head Office. However, a question arises whether it should be interpreted that Mitsubishi Zaibatsu gave approval in the case of appointment of the appellants as officials of the Edogawa Kogyosho in view of the

fact that Mr. IWASAKI Takaya, of the Mitsubishi Family, was then a Director of this company. In this connection, Mr. IWASAKI Takaya has submitted a certificate clarifying the under-mentioned points:

a. The directorship held by Mr. Iwasaki was merely a nominal position.

b. The personnel affairs concerning officials were decided upon by Mr. MIKUNI Mikizo, President of the concern, at his own responsibility. Although the articles of association stipulated that standing-directors should be coopted by directors, this procedure was not followed, the President nominating standing-directors at his discretion.

c. As Mr. MIKUNI is an authority on paper pulp and was Mr. IWASAKI's senior at school, and therefore, the relation between the two was something like that of teacher and student, the latter did not interfere with autocratic acts of Mr. MIKUNI.

In order to prove that the Edogawa Kogyosho was merely a factory under the Mitsubishi Paper-Manufacturing Company and that, although the appellants were Standing-Directors of the Edogawa Kogyosho, they were treated simply on the same footing with factory superintendents, they have produced evidences pointing out under-mentioned facts. As the appointment of officials of the Edogawa Kogyosho is considered to have mattered little to Mitsubishi Zaibatsu, judging from the evidences produced, the statement of Mr. IWASAKI referred to above is thought acceptable.

The following facts have been pointed out by the appellants:

a. In the list of staff of the Mitsubishi Paper-Manufacturing Company, as of December 1, 1941, the Edogawa Kogyosho is on a level with the factories under the Paper-Manufacturing Company such as the Takasago and the Nakagawa Factories.

b. The bonus the appellants received in June and December, 1945 was respectively ¥10,000 each time and this was the same in amount as that received by factory superintendents who were staff members of the Mitsubishi Paper-Manufacturing Company.

3. It is beyond any doubt that the appellants had not authority or controlling power equal to that of the supreme representative officials and they never occupied concurrently four or more official positions of Zaibatsu companies.

APPOINTEES RE-EXAMINATION COMMITTEE

(Nissan Bldg. Room No. 413;
Tel: 57- 3007)

MINUTES OF THE FOURTEENTH MEETING

1. Date of Meeting: June 28, 1948 (Mon.), 9.00 - 12.00

2. Persons Present: All the Members, Secretary-General and staff.

3. Proceedings: The Committee deliberated and reached decisions as follows, the reasons for the respective decisions being set for the in the attached Report on Decisions (No. 6):

Ref. No.	Appellant	Present Position	Decision
No. 9	KOMURA Seiichi	Director, Mitsubishi Mining Co.	Rejected
No. 16	TAKAI Giichi	Vice-President etc., Okano Valve Mfg. K.K.	ditto
No. 18	KURAMOCHI Shojiro	President etc., Shinagawa Kogyo K.K.	ditto

APPOINTEES RE-EXAMINATION COMMITTEE

Report on Decisions (No.6)

(June 26, 1946)

Contents:

KOMURA, Seiichi (Ref. No. 9)

TAKAI, Giichi (Ref. No. 16)

KURAMOCHI, Shojiro (Ref. No. 18)

Ref. No. 9

Rejected

KOMURA, Seiichi

Director, Mitsubishi Mining Co.

(direct affiliate of Mitsubishi)

1. According to the statement of the said applicant it is clearely established that throughout the entire period of his standing directorship in the Japan Aluminum Industry Company, including the time from May 1939 to August 1940 when he served as "the person responsible for production," he executed the affairs of the company continously under the control and direction of President KORENAGA. Therefore, there is no plausible ground for rejecting the conclusion that he would not be considered as an appointee without causing gross injustice according to Item 2, Article 6, par. 1.

2. The applicant had been a division head of the Mitsubishi Mining Company up to April, 1939. Temporarily retired, but retaining his member status in the said firm, he became Director of the Japan Aluminum Industry Company. If his Mitsubishi background is left out of account there is no possible reason for his appointment to directorship in the Japan Aluminum Industry Company. It cannot but be concluded that the applicant was sent out to the Aluminum Company from the parent company, the Mitsubishi Mining, with its prior approval. And since the counter-evidence data submitted by

the applicant against this conclusion are not convincing, it is impossible to maintain that he does not fall under the Zaibatsu Officials category according to Article 7. From any of the above points the Committee finds that the present application cannot but be rejected.

Ref: No. 16
Ref: No. 18

Rejected

TAKAI, Giichi

Vice-President etc., Okano Valve Manufg. K.K.

(Subsidiary Company of Asano)

KURAMOCHI, Shojiro

President etc., Shinagawa Kogyo K.K.

(Subisidiary Company of Asano)

1. The Committee can not accept the statement of the appellant, concerning the Asano Bussan Company's character upon which they based their reasons.

2. In view of the circumstance under which the appellants have been appointed as Directors or Standing Director of the Asano Bussan or in view of their actual activies in executing their dutiesand powers as officials, the Committee came to a conclusion that their two appellants would be considered as appointees without causing gross injustice.

APPOINTEES RE-EXAMINATION COMMITTEE

(Nissan Bldg. Room No. 413; Tel: 57-3007)

MINUTES OF THE THIRTEENTH MEETING

1. Date of Meeting: June 26, 1948(Sat.), 13.00 - 17.00

2. Persons Present: All the Members except M. NISHIYAMA. Secretary-General and staff.

3. Proceeding:

Mr. KORENAGA, then President of the Nihon Aluminum Mfg. Co.,. explained the case of Mr. KOMURA's case to this Committee. Then the Committee deliberated different cases and came to the following decisions, the reasons being as stated in the attached Report on Decisions (No. 5)

Reference No.	Appellant	Present Position	Decision
No. 14	NAGAMATSU Toshikuma	President etc. Nissan Fire & Marine Insurance Co.	for Re-examination
No. 17	SASAKI Daikichi	Director, Nissan Fire & Marine Insurance Co.	Rejected

APPOINTEES RE-EXAMINATION COMMITTEE

Report on Decisions (No. 5)

(June 26, 1948)

Contents:

NAGAMATSU, Toshikuma (Ref. No. 12)

SASAKI, Daikichi (Ref. No. 17)

Ref. No. 12

For Re-examination

NAGAMATSU Toshikuma

President etc., Nissan Fire & Marine Insurance Co.

(associate company of Nissan)

1. The appellant was President of the Board of Directors of the Zaibatsu associate company. But his appointment to the post took place immediately before the War's end. Moreover, he was totally a stranger to insurance business. It is therefore impossible to infer that his work was such as to contibute in any substantial measure to the formation and maintenance of the Nissan Zaibatsu.

2. The Appellant was made the Company's president by Mr. IBUKI Shin, an influential member of the Nissan Zaibatsu and Chairman of the ~~- Nissan~~ Fire Insurance Co, through the recommendation of Mr. YUKI Toyotaro. This fact is considered a compromizing factor for the appellant.
However, Mr. YUKI, only a distant relative of Mr. IBUKI, had no connection with the Nissan Zaibatsu. Nor had the appellant previously any connection either with Mr. IBUKI or the Nissan, as is clearly indicated by his career as Manager of Osaka Branch of the Japan Industrial Bank, Director of the Daido Electric Power Company, Standing Director of the Japan Electric Power Supply Company, and Standing Director of the Fujita Gumi. Though made President by Mr. IBUKI, the appellant was a man entirely outside the Nissan Zaibatsu.

He was recommended simply because he was a subordinate of Mr. YUKI in the days when the latter was President of the Japan Industrial Bank . This is a point deserving of full consideration.

Viewed from the above-mentioned two points - his actual performance in office and the circumstance of his appointment - it is improper to regard the appellant as a Zaibatsu official.

Ref. No. 17

Rejected

SASAKI, Daikichi

Director, Nissan Fire & Marine Insurance Co.

(associate company of Nissan)

Based upon the provisions of Art. 6 and Art. 7, the appellant requests the re-examination of his case. However the Re-examination Committee esteems justifiable the decision of the Examination Committee and therefore rejects his appeal.

APPOINTEES RE-EXAMINATION COMMITTEE

(Nissan Bldg. Room No. 413; Tel: 57-3007)

MINUTES OF THE TWELVETH MEETING
(Special)

1. **Date of Meeting:** June 25, 1948 (Fri.), 12.00-17.00

2. **Members Present:** All the Members, Secretary-General and staff.

3. **Proceedings:** With regard to Mr. KOMURA's case, it was decided to hear Mr. KORENAGA, then President of the Nihon Aluminum Mfg. Co., say as witness on the next day.

APPOINTEES RE-EXAMINATION COMMITTEE

(Nissan Bldg. Room No. 413; Tel: 57-3007)

MINUTES OF THE ELEVENTH MEETING

1. **Date of Meeting**: June 21, 1948 (Mon.), 9.00-12.00

2. **Persons Present**: All Members except Mr. ENJYOJI, Secretary-General and staff.

3. **Proceedings**: The Committee reached decisions as follows, the reasons being as stated in attached Report on Decisions (No.4):

Reference No.	Appellant	Present Position	Decision
No. 1	IMOTO Teisuke	President etc., Nihon Zinc Mining K.K.	for Re-examination
No. 10	TOMINARI Miyakichi	President etc., Nomura Life Insurance K.K.	ditto
No. 11	HIGUCHI Minoru	Standing Director, Mitsubishi Estate K.K.	ditto
No. 15	TANAKA Seikichi	President etc., Nissan Nohrin Kogyo K.K.	Rejected

APPOINTEES RE-EXAMINATION COMMITTEE

Report on Decisions (No. 4)

(June 21, 1948)

Contents:

IMOTO, Teisuke (Ref. 1)

TOMINARI, Miyakichi (Ref.10)

HIGUCHI, Minoru (Ref.11)

TANAKA, Seiichi (Ref.15)

Ref. No. 1 For Re-examination

IMOTO, Teisuke

President etc., Nihon Zinc Mining K.K.

(subsidiary company of Mitsui)

The appellant held the post of the standing director of the Kelung Tanko K.K. for a period between Dec. 21, 1934 and Dec. 20, 1940, and those who took up the posts of the President, the standing directors, directors and auditors of the said company, before and after his term of office, as representatives of the interests of the Mitsui Zaibatsu were Messrs. MAKITA Tamaki, FUJIOKA Jokichi, TAKASHIMA Motoe, NISHIMURA Kojiro, KIMURA Kyotaro, MIYAZAKI Takeshi, SHIMADA Fusanosuke, HIROOKA Shinzaburo, ABE Ginjiro, IKEDA Takuichi, YAMAMOTO Sadaji and YAMASHITA Soso. All of them concurrently held the important positions in the Mitsui Kozan K.K. (Mitsui Mining Company) (the president, the standing director, directos and chiefs of the coal division) and the Mitsui Bussan K.K. (Mitsui Products Company) (chiefs of the Taihoku Branch) and were either prominent central figures of the Mitsui Zaibatsu or high-class officials holding important posts in its controlled companies. It is evident that compared with these persons, the appellant's position in the Mitsui Zaibatsu was extremely low because at that time he held the post of Sanji (a councillor) at the Head Office, to which he had been relegated due to his failure as a clerk in charge of labor affairs at the Miike Mining Office of the Mitsui Mining Company. There must have been

some special reason why the leaders of the Mitsui Mining Company selected the ill-fatted appellant as the standing director of the Kelung Coal-Mining Company, but there is nothing whatever which could be recognized as the special reason.

Moreover, it is recognized that the interests of the Mitsui Zaibatsu were successfully protected not by the appellant, but by the above-mentioned persons who had held the posts officials of the said company.

When the appellant left the Mitsui Mining Company to take up the post of the standing director of the Kelung Coal-Mining Company, he received about 49,000 yen as a retiring allowance, and while in office, he got a monthly salary of only 435 yen. Later, when he was made "shokutaku", he was paid only 260 yen a month.

Judging from the above-mentioned facts, it cannot be recognized that the appellant became the standing director of the Kelung Coal-Mining Company by the nomination of the Mitsui Mining Company as a person representing its interests.

It was reported to the Examination Committee from the Mitsui Mining Company that the appellant took up the post of the standing director taking the place of Chairman MAKITA, but it is a mistake on the part of the company. The date of their appointments and retirements is as follows:

Tamaki Makita: March, 1918 --- December, 1935.

Teisuke Imoto : December, 1934 -- December, 1940

And it cannot be recognized that the appellant came to represent the interests of the Mitsui Zaibatsu taking the place of Chairman MAKITA.

Accordingly, it is deemed proper to recognize that, as he explains in detail, the appellant, then a sanji (councillor) of the Head Office of the Mitsui Mining Company, came to be appointed standing director of the Kelung Coal-Mining Company through the good offices of his near relative, Mr. SHIGETA Eiji, who was on intimate terms with the family of GANKOKUNEN, then President of the Kelung Coal-Mining Company and one of the leading business men in Taihoku, --- especially at the latter's earnest request.

Besides, judging from all verbal evidences, it may even be suspected that the appellant was assigned to the Kelung Coal-Mining Company not so much to let him fepresent the interests of the Mitsui Zaibatsu as to banish him to a remote island because of relations between capital and labor in those days.

It is therefore deemed that the Examination Committee had made a decision before the above-mentioned facts were fully explained, and so this case shall be returned to the Examination Committee for re-examination.

Ref. No. 10 TOMINARI, Miyakichi For Re-examination

President etc., Nomura Life Insurance K.K.,

(associate company of Nomura)

Mr. TOMINARI, Miyakichi was the President of the Nomura Dife Insurance Company (present the Tokyo Mutual Life Insurance Company), and he concurrently served, between April and September, 1945, as a Director of the Nomura Securities Company, and also as a Director of the Nomura Contruction Industry Company, from August to September 2, 1945. It has, however, been concluded that as the appellant meets the four conditions provided for in Paragraph 1, Article 7, the Law for Elimination of the Zaibatsu Family Control, he does not come under the category of Zaibatsu company officials. This conclusion may be explained by the following facts:

1. The appellant has no kinship with the Nomura Zaibatsu.
2. Although the appellant was appointed Director of the Nomura Life Insurance Company, in April, 1934, and also Standing-Director in February, 1939 and Managing- Director in October, 1941, there is a note submitted certifying that the Nomura Zaibatsu or the Nomura Gomei Kaisha took no part in these appointments in any case.

In the certificate the Nomura Gomei Kaisha states that the Partnership usually participated in the appointment of supreme responsible officials of its companies, but that it was in now way concerned in the appointment of other officials. The appellant assumed office on November 24, 1945

as President of the Nomura Life Insurance Company, but it is certified that the Partnership did not participate in this appointment as it refrained, in obeyance to the purport for elimination of the Zaibatsu control, from taking part in the appointment of even supreme responsible officials of the Zaibatsu companies since the end of the war.

3. It is to be recognized, in view of the under-mentioned facts, that the appellant has never in fact, exercised the authority or influence commensulate with surpassing that of the highest responsible official provided fro under Item 3, Article 7, Paragraph 1, the said Law.

A. During the period between April, 1934 and February, 1939 when the appellant was a Director of the said company, there were above him Mr. NOMURA Keiji and Mr. NISHIMURA Katsutaro who occupied the positions of President and Managing-Director respectively.

B. During the period between February, 1939 and October, 1941 when the appellant was a Standing-Director, there were senior oficials above the appellant such as the President and Managing-Director which positions were occupied respectively by Mr. NOMURA Kenji and Mr. NISHIMURA Katsutaro, and after the resignation of Managing-Director NISHIMURA in February, 1941, there wre the Chairmna of the Board of Directors and President in the persons Mr. YAMANOUCHI Mitsugu and Mr. NOMURA Kenji.

C. During the period between October, 1941 and November, 1945 when the appellant was the Managing-Director, there were above him Mr. YAMANOUCHI and Mr . NOMURA serving respectively as Chairman of the Board of Directors and President.

D. On October 24, 1945 the appellant assumed office as the President and thus he became the supreme respresentative official, but as this promotion took place after September 3, 1945, the clause concerning the authority and controlling power of the supreme representative official may not be applied to this case according to the parenthesized stipulation in Article 7, Paragraph 1, the said Law.

4. Inasmuch as the appellant merely occupied concurrently three official positions of Zaibatsu companies, Item 4, Article 7, Paragraph 1, is out of question.

The Nomura Securities Company is one coming under Category B, but the appellant served in that company as an ordinary Director and in the Nomura Construction Industry Company which is one coming under Category C, he assumed duties also as an ordinary Director and therefore, the Nomura Gomei Kaisha had nothing to do with his assumption of office as Director in these two cases, and it has, therefore, been recognized that he did not, as a matter of fact, possess authority or controlling power equal to or in excess of the authority or controlling power of a Standing-Director or

Supreme Representative Director.

5. From April to November, 1945 the appellant served as Inter-Locking Director of the Nomura Gomei Kaisha, but according to the Regulations of the Partnership, the Inter-Locking Director was not an official included in the Board of Directors of the Partnership, but it was merely an honorary position which was usually given to comparatively senior officials of companies connected with the Nomura Gomei Kaisha. Although it was stipulated under the said Regulations that the Inter-Locking Director should express views whenever consulted by the President of the Gomei Kaisha on any matter, it has been certified that the appellant's view was never sought by the President during the appellant's tenure of office as Inter-Locking Director. Accordingly, it cannot be recognized that the appellant ever occupied any position which was either nominally or actually approximate to that of an official of the Nomura Gomei Kaisha.

Judging from the foregoing, it has been concluded that the appellant does not come underthe category of Zaibatsu appointees as he is considered to meet fully the four conditions stipulated in Article 7, Paragraph 1, the said law.

Ref. No. 11

For Re-examination

HIGUCHI, Minoru

Standing Director, Mitsubishi Estate K.K.

(direct affiliate of Mitsubishi)

It appears that his appeal desreves reconsideration, in view of the special nature of the estate company under war conditions and of the role played by the company in contributing to the formation of Zaibatsu, which was merely passive as compared with other ten direct affiliates of the Mitsubishi, as well as of the circumstances which led to the appellant's assumption of the post in the company and the manner in which he carried out his functions.

1. Of the eleven direct affiliates of the Mitsubishi Zaibatsu , the Mitsubishi Estate company is the only one, which has not been designated as coming under the Purge Directive. The non-designation of a company belonging to a Zaibatsu in relation to the Purge Directive is interpreted to mean that, despite the company concerned coming under Category A, its contribution to the formation of Zaibatsu was estimated to have been quite insignificant. It is assumed that if the grading down of the company to Category B had been applied for, there would have been every likelihood that the application would be approved. Particular attention should be drawn to the act that in comparison to the capital amounts of

other ten affiliates ranging from scores t o several hundred of million Yen, the capital of the Mitsubishi Estate company did not exceed ¥ 14 million (Paid-up). This may be taken as demonstrating that the company's businesswas on a small scale and that during the war no remarkable expansion took place thereby to play a part in protecting the interests of Zaibatsu. During the war, the business of estate companies was classed as non-essential or non-urgent, and various restrictions were imposed on their activities. The only source of income for the estate business, i.e. the rental for leasing and supervising lands and buildings, was rigidly controlled, so that the rate of profit gradually declined. The fact that this business made little or no contribution to the accumulation of profits by the Mitsubishi may be evidenced by the company's returns for each business term. It may fairly be recognized that the Mitsubishi Estate Company has never collected any illegal rents on house and land, in sharp contrast to munitions manufacturing companies, who during the war rqpidly expanded themselves through illegal gains.

Neither did the company take any steps to interfere with the activities of such companies as were not the affiliates of the Mitsubishi making inroad into the Marunouchi area. Whereas the Mitsui Fudosan K.K. (Mitsui Estate Company) of the Mitsui Zaibatsu and the Nippon Kensetsu Sangyo K.K. (Nippon Building Industrial Company) of the Sumitomo

rented their buildings only to such companies as were related to the Zaibatsu respectively, the Mitsubishi Estate Company did not always support the monopolistic interests of the Mitsubishi . The Marunouchi Building, for instance, is rented on a comparatively fair basis of distribution to its tenants including small and medium scale entrepreneurs of non-Mitsubishi groups. Notwithstanding strong objections of the Mitsubishi Bank, certain space is rented as offices of other banks. Even the pressure brought to bear upon the company by the Army and Navy during the war did not succeed in inducing the company to give priority to munitions companies. The company never deviated from the principle of protecting the interests of its old tenants. This may also be evidenced by referring to numerous other actual instances.

2. The appellant started his career as a judicial official of the Government, and joined the Mitsubishi some time later. It appears, therefore, that he was appointed to the post in the capacity of an expert in legal matters as well as in routine business. As a director, he was engaged more in routine business than in what a director of a Zaibatsu company was expected to perform. The posts of the chairman of board of directors and the president of the Mitsubishi Estate Company were always occupied by persons selected from among the functionaries of the Mitsubishi headquarters, who dictated the Management of the company as a natural sequence of its characteristic existence.

There were also other executives who were appointed by the headquarters. In the circumstances, it was at the personal discretion of the chairman or the president that a member engaged in the routine of the company's business was chosen, if at all, to act as a director.

Seemingly it was proved that the appellant was appointed a director by Mr. AKABOSHI Rikuji, the company's first chairman, and later a standing director by Mr. YAMAMURO, the succeeding president.

Inquiry into the details of what took place at the inaugural meeting of the Mitsubishi Estate Company, held on May 7, 1937, in connection with appointment of directors, will reveal that the only persons chosen from among the members of the company's staff were Mr. FUJIOKA Akira as technical expert and Mr. HIGUCHI Minoru (the appellant) as expert in business affairs, and that all the other directors, including the chairman, were appointed from high quarters of the Mitsubishi. Mr. HIRAI Kiyoshi, who succeeded Mr. AKABOSHI and Mr. YAMAMURO as president, was also appointed from the headquarters. It is recognized, therefore, that the appellant was neither an appointee of the Mitsubishi Zaibatsu, nor an executive originally belonging to the Mitsubishi, but was appointed merely as a matter of convenience in the capacity of an expert in business.

This may also be inferred from the fact that not only the appellant did not assume any post in the headquarters of the Mitsubishi, but also he never took any office in any company

directly or indirectly affiliated or associated to the Mitsubishi.

It is also obvious frm the results of inquiries that the appellant, in carrying out his duties, remained an expert in business affairs, and as mentioned before never devoted himself to promoting the monopolistic interests of the Zaibatsu.

For reasons stated above, it is desired that the appellant be given an opportunity to receive re-examination.

Ref. No. 15

Rejected

TANAKA, Seikichi

President etc., Nissan Nohrin Kogyo K.K.

(Associate company of Nissan)

The appellant served under President SHIMOKOBE Kenji as Managing-Director of the said company between December, 1939 and February, 1941. From February, 1941 to October, 1947, he served under Chairman of the Board of Directors SHIMOKOBE Kenji as the President and Director of the company. Judging from the facts asserted by the appellant, it is clear that throughout his tenure of offices as the Managing-Director and the President, he conducted the affairs of the company, in one united body, with Kenji Shimokobe who represented the interests of the Zaibatsu. Accordingly, there is sufficient ground to regard the appellant as an appointee, and his assertion itself contains no facts which justify the appellant's reasoning.

APPOINTEES RE-EXAMINATION COMMITTEE

(Nissan Bldg. No. Room 413; Tel: 57-3007)

MINUTES OF THE TENTH MEETING

1. **Date of Meeting:** June 19, 1948 (Sat.), 12.00 - 17.00
2. **Persons Present:** All the Members, Secretary-General and staff.
3. **Proceedings:** The Committee came to the decisions as explained in the attached Report on Decisions (No.3)

Reference No.	Appellant	Present Position	Decision
No. 12	ITO Yukio	Managing Director, Nissan Steamship K.K.	for Re-examination
No. 13	KURIHARA Jingo	Director, Fuji Industrial Co.	Rejected

APPOINTEES RE-EXAMINATION COMMITTEE

Report on Decisions (No.3)

(June 19, 1948)

Contents:

ITO, Yukio (Ref. No. 12)
KURIHARA, Jingo (Ref. No. 13)

Ref. No. 12 For Re-examination

ITO, Yukio

Managing Director, Nissan Steamship K.K.

(associate Company of Nissan)

1. The appellant was appointed, in May 1941, Director and promoted to Standing Director; it was after the War-end, in December 1945, that his was promoted to the rank of Managing Director.

2. However, because during his services as Director, Standing Director and Managing Director, Messrs ITO Bunkichi, ODAGIRI Chuji, YOSHIKAWA Kosaburo and TATSUTA Giichi occupied always higher positions over him, the appellant has never handled the policy matters of this Zaibatsu company, except during about 3 months in the year 1946 after the stopping of the Zaibatsu influence - with regard to the period after the War-end, the provisions of Article 7, para. 1, exempt application of its Item 3.

3. With reference to the appellants' appointment to the position of official, there never existed an arrangement with the Zaibatsu or the direct Zaibatsu affiliates that their previous approval should be obtained, nor did he obtain in fact such previous approval.

4. The appellant is not a spouse, parent, child, brother or sister including a spouse of such person, of persons belonging to the Zaibatsu or their family members. Moreover, the appellant has never held any concurrent official positions in

the Zaibatsu companies.

5. Taking into considerations the above-mentioned circumstances, it is not justifiable to conclude that the appellat, while his appointments as official were subject to control of the Zaibatsu, handled the policy matters of the Zaibatsu, representing the interest of his Zaibatsu.

Ref. No. 13

Rejected

KURIHARA, Jingo

Director, Fuji Industrial Co.

(direct Zaibatsu affiliate of Fuji)

As a result of examination of the appeal, it has been found that the appellant was in the position of official for nearly two years and it is thought that the arrangement of necessary things has been already effected mostly, and furthermore, he cannot be considered a person indispensable for the reconstruction of national economy. Accordingly, it is considered that the original decision is reasonable.

APPOINTEES RE-EXAMINATION COMMITTEE

(Nissan Bldg. Room No. 413; Tel:57-3007)

MINUTES OF THE NINETH MEETING (Special)

1. Date of Meeting: June 17, 1948 (Thurs.), 17.00-20.00
2. Persons Present: All Members except Mr. NISHIYAMA, Secretary-General and Staff.
3. Proceedings:

a) The Secretary-General transmitted to the Meeting the request of Com. Hussey for the interpretation of the Law with regard to the Prime Minister's final decision.

b) The Committee accelerated its work. But any formal decisions were taken.

APPOINTEES RE-EXAMINATION COMMITTEE

(Nissan Bldg. Room 413, Tel: 57 - 3007)

MINUTES OF THE EIGHTH MEETING

1. Date of Meeting: June 14, 1948 (Mon.), 9.00 - 13.00

2. Persons Present: All the Members, Secretary-General and staff

3. Proceeding: The Committee deliberated and reached decisions as follows, after hearing the explanation of the Secretary-General of the Examination Commission. The reasons for the respective decisions are set forth in the attached Report on Decisions (No. 2):

Reference No.	Appellant	Present Position	Decision
No. 5	AOKI, Torao	President etc., Nomura Kogyo K.K.	for Re-examination
No. 6	OSAWA, Chuzo	Director, Toyo Tsushinki K.K.	ditto
No. 8	IWAGAMI, Junichi	President etc., Asano Bussan K.K.	ditto

APPOINTEES RE-EXAMINATION COMMITTEE

Report on Decisions (No. 2)

(June 14, 1948)

Contents:

AOKI, Torao (Ref. No.5)

OSAWA, Chuzo (Ref. No. 6)

IWAGAMI, Junichi (Ref. No. 8)

Ref. No. 5

For Re-examination

AOKI, Taro

President etc., Nomura Kogyo K.K.

(associate company of Nomura)

1. The said company was established by the former President YAMANOUCHI as shown by his statement based upon the private investment of Mr. NOMURA Tokuhichi. The appellant was elected a director and then a standing director of the Nomura Kogyo K.K. and on November 1945 was elected a managing director of the said company. Though he played an active part as the chief of the Hokkaido Branch since the evacuation of the said company to Hokkaido due to the air raids, it cannot be concluded that the appellant exercised, in fact, the authority or influence commensurate with or surpassing that of the highest responsible official in the said Zaibatsu associate company. It is to be point out that President KUMADA, successor of the former President YAMANOUCHI, was in the home Office in Tokyo, and that both Director MATSUMOTO and Director NISHIMURA were not in the Hokkaido Branch. It is evident that President KUMADA was exercising the supreme business direction, and it seems that the appellant was a directorand the concurrent Hokkaido branch chief.

2. Regarding his status in the Nomura Toindo Shokusan K.K., the appellant was nominally elected an auditor, and, practically, Managing Director KUMADA conducted the directorship of the said company. The appellant was in his Hokkaido Branch of the Nomura Kogyo and could not take part in the business planning, nor attend at the Board meetings of the Toindo Shokusan K.K.

3. The appointment to a director of the Nomura Kensetsu Kogyo K.K. was on August 31, 1945 immediately befor the end of the War. Therefore this case is not so important.

4. Regarding the situation as a director of the Nouvelle Callédonie Mining Company, this company not a Zaibatsu company, though it is a restricted company of Nomura lineage. It is a small company having the capital of ¥5,000,000 (¥1,250,000 paid up), and Goro Mining Area, which is the chief mining area of the said company, is privately owned by Mr. SEO Akira, famous for having developed the Southern mines. So it is evident that the said company has been under the autocracy of President SEO. It is truly believed that the appellant took no part in the practical business and did not attend at Board meetings.

Ref. No. 6 For Re-examination

OSAWA, Chuzo

Director, Toyo Tsushinki K.K.

(associate company of Sumitomo)

As the reasons for disapproval the Examination Committee stated that the appellant held the positions of auditors in five associate companies of the Nihon Denki at the same time. However, (1) circumstances under which he held the positions of auditors and performed his duties, are open to re-examination and (2) the appellant continued to be apparently an employee of the Sumitomo Zaibatsu from the start of his career, and his personal situation must be taken into consideration with regard to his posts and duties.

1. The Chief of Accounting Division of the Nihon Denki Co., customarily held in his capacity as such, positions of auditors in its associate companies, and it was generally thought an extended part of his duties.

   a. As auditors he was not requested, in effect, to attend the office regularly.

   b. He received no remuneration as auditors, his functions as such being thought to be included in his duties as Chief of Accounting Division of the Nihon Denki Co.

   c. Each company in which he held the position of auditor, had as principal officials highest managing staff of the Nihon Denki Co. These managing perosns were the representatives of the interests of the

the Zaibatsu and the appellant was an official merely charged with the task of liaison.

2. Concerning the special personal circumstances of the appellant, it can be pointed out that he did not occupy an important position in the personal formation of the Zaibatsu.

a. Despite the afct that the post of chief of Section of Commerce and Industry in the Sumitomo Honsha was important, the appellant could not effectively perform his duties in this position to the satisfaction of the company's brain staff and was compelled to be transferred to the position of Chief of Accounting Division of the Nihon Denki Co.

b. His position as Chief of Accounting Division, in the Nihon Denki Co. was not so powerful as the corresponding position in the Sumitomo Honsha and his influence in the company was also not so great.

c. That the appellant was not promoted to a director in the Nihon Denki Co., remaining an employee with his post as chief of division , may be cited as showing his position in the company.

d. Moreover, his shift from Chief of Accounting Division to sinecure in the Nihon Denki Co. and finally after the war, his tansfer to the Toyo Tsushinki Co., well prove that he was never in an important position in the personal formation of the Sumitomo Zaibatsu.

e. The fact that he took charge of the affairs relating to accounting from beginning to end as an employee, testifys his technical ability for accounting.

The statement itemized above being supported by ample facts in the application documents submitted to the Re-examination Committee, it is impossible to regard the appellant as a Zaibatsu Official who handled the policy matters of the Zaibatsu Company representing its interests.

Ref. No. 8

For Re-examination

IWAGAMI, Junichi

President etc., Asano Bussan K.K.
(Quasi-direct affiliated)

1. The Examination Committee has made it one of the reasons for disapproval that the period of the tenure of office of the appellant was long. But by the following reasons it is unjust to regard him as a Zaibatsu official:

(1). The appellant went to America in 1927, resided in San Francisco and Los Angeles, and was elected in February 1940 a director while keeping his position as the chief of the Los Angeles Office. Consequently it is clear that the character of his duty during his stay in the U.S.A. has undergone no change after being elected a director.

(2). After February 1940 when the appellant was elected a director, the business of Los Angeles Office has generally lost its importance, reflecting the deterioration in the relation between Japan and the U.S. A. It is needless to state the circumstances after the outbreak of the War.

(3). It is clear, from the statement of Mr. ASHIKAWA, chief of section of Asano Bussan Co., that the appellant seldom attended the Board meetings during the period from February 1944, when he was reelected a director in Japan, to January 1947 when the first trusting of voting right took place.

It was directly after he was re-elected that he attended the meetings, and it seems to be also clear that the appellant who had long been abroad and finally been interned, had no important voice in the Board meetings immediately after he had come back to Japan. Anyhow, with regard to his position in Japan, only the period of one year and half between Feb. 1944 above-mentioned and Sep. 1945 (War-end) ought to be taken into consideration, under the provisions of item 2 of Article 3, para. 2 of the Law for termination of Zaibatsu.

2. The Examination Committee seems to have esteemed the Los Angeles Office as important in the imports and exports business of Asano Bussan Co., and to have examined his position as the head who controlled its management. But the whole staff of this office consisted, besides the appellant, of one male Nisei employee and two female employees only. Consequently, his position can not be regarded as identical to that of powerful Branch managers of other important trading companies.

3. The statement of the appellant to the effect that he was appointed director upon recommendation of the former president NINOMIYA, who was then wielding all-powerful influence in Asano Bussan Company, is worth considering in view of the situation then prevailing in the company.

APPOINTEES RE-EXAMINATION COMMITTEE

(Nissan Bldg. Room 413, Tel: 57- 3007)

MINUTES OF THE SEVENTH MEETING

1. Date of Meeting: June 12, 1948 (Sat.), 12.00 - 17.00

2. Persons Present: All the Members, Secretary-General and staff.

3. Proceedings: The Committee deliberated and reached decisions as follows, the reasons being as stated in the attached Report on Decision (No.1):

Reference No.	Appellant	Present Position	Decision
No. 2	KAMIYA, Chiwaki	President etc. Nissan K.K.	Rejected
No. 3	SHIBUZAWA, Kinzo	Director, Fuji Industrial Co.	for Re-examination
No. 4	KASHIMA, Yoshinobu	Director, Tozan Noji K.K.	Rejected
No. 7	MAEDA, Koretomo	Standing Director, Nissan Nohrin Kogyo K.K.	for Re-examination

APPOINTEES RE-EXAMINATION COMMITTEE

Report on Decisions (No.1)

(June 12, 1948)

Contents:

KAMIYA, Chiwaki (Ref. No. 2)
SHIBUZAWA, Kinzo (Ref. No. 3)
KASHIMA, Yoshinobu (Ref. No. 4)
MAEDA, Koretomo (Ref. No. 7)

Ref. No. 2

Rejected

KAMIYA Chiwaki

President etc., Nissan K.K.

(direct Zaibatsu affiliate of Nissan)

1. The appellant was appointed Director of the Central Fire and Marine Insurance Co. in Nov. 1925 and promoted to Standing Director in 1939. He remained Standing Director even after it became an associate company of Nissan as Nissan Fire and Marin Insurance Co. He was successively promoted to Managing Director in Aug. 1938, to Vice-President in March 1941, to President in March 1944 and to Chairman of the Board of Director in June 1945.

2. The appellant claims that (a) with the induction of the Nissan interest all the officials of the Central Fire and Marin Insurance Co. were to retire from office, but someone had to remain in order to attend current business, and the appellant at the earnest requests from the old and new Presidents and employees consented to remain; and that (b) later the appellant became Vice-President, President, Chairman, merely as a matter of normal promotion on the basis of seniority and meritorious services, and not at all because of any especial instructions of Mr. AIKAWA or Nissan Company.

3. However, judging from the facts that even after the

induction of Nissan interest he remained as Standing Director, and successively was elected for a long time to the important post of Managing Director, Vice-President, President, Chairman, it is not inconsistent with the prescriptions of the Law, to regard the appellant as a Zaibatsu appointee even granting that the circumstances were such as stated by him.

4. In addition, the Committee is not furnished by the appellant with any new materials that add to or alter the facts on which based the decision of the Examination Committee.

Ref. No. 3

For Re-examination

SHIBUZAWA, Kinzo

Director, Fuji Industrial Co

(direct Zaibatsu affiliate of Fuji)

1. That the appellant was appointed Director on July 10, 1946 with the approval of the G.H.Q., as one of the new directors, to execute, under the supervision of the G.H.Q. and in accordance with the G.H.Q. Memorandum dated 29 June, 1946, the liquidation of Fuji Industrial Co. and the financial readjustment of the said company by establishing a second company, is apparent from the Memorandum of the Central Liaison Office dated May 20, 1946, the above-mentioned June 29 Memorandum of the G.H.Q., the record of the Temporary General Meeting of Shareholders of the said company held on July 10, 1946 (cf. attached copy). In the light of the circumstances in which he assumed his position, it is not proper to regard him as a Zaibatsu official.

2. The decision of the Examination Committee seems to have made it a reason that the appellant was made Director by the designation of the shareholders of Fuji Industrial Co. whose shares were almost all owned by the Nakajima family. But this designation of shareholders was done in accordance with the above-mentioned Memorandum of the G.H.Q. Moreover, his appointment had that G.H.Q. previous approval and he executed the Reorganization Plan under the strict

supervision of the G.H.Q. Even if the designation of the shareholders was one of the conditions for assuming directorship, it is quite clear that the assumption of directorship on the part of the appellant does not signify that he represented the interest of the Nakajima family and tried to organize and maintain, under their control and for their interest, the enterprises of Fuji Industrial Co. or its related enterprises.

3. The decision of the Examination Committee regarded the appellant as a Zaibatsu official because his directorship in restricted companies belonging to Fuji Group and his personal relations with Mr. NAKAJIMA Chikuhei. But among those restricted companies in which the appellant assumed directorship there is no Zaibatsu associate company, and the appellant was only an ordinary director but not a managing director having the right of representation. So it is not fair to conclude that the appellant has served influentially for the formation and maintenance of Nakajima Zaibatsu enterprises, nor is it proper to regard him as Zaibatsu official on the ground his friendship with Mr. NAKAJIMA Chikuhei.

4. It is beyond dispute that the appellant is not a Zaibatsu official under Paragraph 3 of the G.H.Q. Memorandum of July 23, 1946, concerning "Appointee"

Ref. No. 4

Rejected

KASHIMA, Yoshinobu

Director of Tozan Noji K.K.

(quasi-direct Zaibatsu affiliate of Mitsubishi)

The Re-examination Committee conducted examination on the bases of the letter of his original and supplementary appeal-applications, but can not find out that his applications are sufficiently justifiable. The appellant cities the case of Mr. OKATO, his colleague, insisting that they are nearly in the same circumstances. However, the date of the respective appointments of Mr. OKATO to Director of Tozan Noji K.K. and to Standing Director of Tozan Sangyo K.K. is July 2, 1945, that is to say a little more than one month before the wars end. It is on this basis that Mr. OKATO was approved; this is a special case. The appeal of Mr. KASHIMA, who served these two quasi-direct Zaibatsu affiliates for so long a time in comparison with Mr. OKATO, is unwarrantable.

Ref. No. 7

For Re-examination

MAEDA Koretomo

Standing Director of Nissan Nohrin Kogyo K.K.
(associate company of Nissan)

1. Mr. MAEDA was appointed in May 1936 ordinary Director, Nissan Nohrin Kogyo K.K., associate company of Nissan, and promoted in Feb. 1941 to the rank of Standing Director.

2. However,

(a) Because after his nomination as ordinary Director, Mr. SHIMOKOBE Kenji, then Managing Director, and Messrs. TANAKA Seikichi and OKABE Tsunetaro, then Standing Directors, occupied always higher positions above the appellant, the appeallant conducted only Estate business as chief of the office of Tawau Rubber Estate under the direction and instruction of these senior officials. (Standing Director OKABE Tsunetaro conducted, as chief of office, business concerning Johore Rubber Estate);

(b) At the time of his promotion to Standing Director, the Company was reorganized into 4 divisions, namely Planation Division, Forestry Division, Match Division, General Affairs Division. The appellant conducted plantation business as chief of Tawau Estate under the direction of Mr. OKABE Tsunetaro, Head of Plantation Division and Managing Director. (Besides, there were Johore Estate and Mastyn Estate.) Moreover, it is

clearly recognized from the appellant's statement in his letter of appeal that Mr. SHIMOKOBE Kenji, Chairman of the Board of Directors and Mr. TANAKA Seikichi, President Director, stood above Managing Director OKABE and the appellant. These are the points which are not made clear in his application submitted to the Committee of the 1st instance. Mr. OKABE, Head of Plantation Division, died in Jan. 1944, but it is evident that after his death the oversea plantation enterprise of the company was practically suspended, owing to international circumstances.

3. Judging from the above, it can be said that the appeallant has, in fact, never exercised the authority or influence commensurate with or surpassing that of the highest responsible official during his function not only as ordinary Director, but also as Standing Director.

4. In addition, according to the testimonials or certificate submitted by Messrs. AYUKAWA Yoshisuke, KOBAYASHI, Masaichiro (Chairman of C.I.L.C.), SHIMOKOBE Kenji, HARA Yoshibumi, it is seen that there never existed an arrangement with the Zaibatsu or the direct Zaibatsu affiliates that their previous approval should be obtained, and that the appellant, did not in fact obtain their previous approval on the occasion of his appointment as ordinary Director or

Standing Director of the Company.

5. Lastly the appellant satisfies the other necessary conditions prescribed in items 1 and 4 of Article 7, para. 1.

APPOINTEES RE-EXAMINATION COMMITTEE

(Nissan Bldg. Room No. 413)

MINUTES OF THE SIXTH MEETING

1. Date of Meeting: June 7, 1948 (Mon.), 9-12.
2. Persons Present: All the Members; Secretary-General and his staff.
3. Proceedings:

Mainly 2 new cases were examined but no final decision was taken.

4. Interview:

After the above deliberation, the members of the Re-examination Committee had an interview and exchanged views, with the members of the Examination Committee.

JUN 11 1948

APPOINTEES RE-EXAMINATION COMMITTEE

(Nissan Bldg. Room No. 413)

MINUTES OF THE FIFTH MEETING

1. Date of Meeting: June 5, 1948 (Sat.), 12-17.

2. Persons Present: All the Members; Secretary-General and his staff.

3. Proceedings:

(1) The Chairman presented a form for examination reports, which the Committee agreed to use and to sign on, as an act of the final decision of their examination.

(2) Continuing from the last session, the Committee examined the 6 cases without reaching any final decision.

(3) With regard to the above-mentioned 6 cases, the Secretary-General and staff of the Examination Committee attended this meeting and explained the reasons for the disapproval of the said cases.

APPOINTEES RE-EXAMINATION COMMITTEE

(Nissan Bldg. Room No. 413)

MINUTES OF THE FOURTH MEETING

1. Date of Meeting: May 31, 1948 (Mon.) 9-13

2. Persons Present: All the Members; Secretary-General and his staff.

3. Proceedings:

From this day the Committee's examination of cases was actually commenced. The Members in charge reported respectively their cases. However, no final decision was made by the Committee. And at the next Meeting a written report will be produced respectively by the Member in charge.

APPOINTEES RE-EXAMINATION COMMITTEE

(Nissan Bldg. Room No. 413)

MINUTES OF THE THIRD MEETING

1. Date of Meeting: May 29, 1948 (Sat.) 12-16.

2. Persons Present: All the Members; Secretary-General and his staff.

3. Proceedings: Based upon the decision of the second Meeting, the Committee conducted practices in examination with regard to 4 cases. And it was agreed that (a) at the next Meeting each Member in charge should report his case, and that (b) the detailed reasons of decision of the 1st instance with regard to each case should be obtained from the Appointees Examination Committee.

A General norm of deliberation as desired was yet difficult to find out.

Rec'd
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APPOINTEES RE-EXAMINATION COMMITTEE

(Nissan Bldg. Room No. 413)

MINUTES OF THE SECOND MEETING

1. Date of Meeting: May 24, 1948 (Mon.) 17-21

2. Persons Present: All the Members; Secretary-General and his staff.

3. Proceedings:

(1) The secretary-General reported that (a) the number of the actual appeals submitted is 5, and that (b) the request for the postponement of time-limit was accepted by the Prime Minister.

(2) The Committee adopted a method of deliberation.

(3) It was decided that at the next meeting the Committee should conduct, as a practice, examinations of appeals and find out, if possible, a norm of deliberation.

(4) The Committee studied the relevant laws, article after article. This was the main subject of this day.

METHOD OF DELIBERATION

(adopted at the 2nd Meeting)

1. Every Member (including the Chairman) receives a copy of all the applications, and prepares himself for the next Meeting.

2. Each application shall be allotted respectively to each Member (excluding the Chairman) who shall take charge of it.

3. The Secretariat prepares, for the Committee's deliberation, an investigation form in which summarized data are filed separately for each appeal.

APPOINTEES RE-EXAMINATION COMMITTEE
(Nissan Bldg. Room No. 413)

MINUTES OF THE FIRST MEETING

1. Date of Meeting: May 14, 1948.

2. Persons Present: All the Members: Secretary-General and his staff.

3. Proceedings: Mr. Kawazoe was elected the Chairman of the Committee, and 4 items concerning (1) Rules of proceedings (2) Understanding (3) Date of meeting (4) Postponement of time-limit of examination, were decided as follows: (1) Rules of proceedings

1. The Chairman presides over the proceedings and represents the Committee.

In unavoidable circumstances the Member designated previously by the Chairman takes charge of the function of the Chairman.

2. The meeting shall be held periodically. However the Chairman may convene an extraordinary session when he deems necessary.

3. When any proposals are submitted, the Committee shall deliberate thereon after the explanation of the Secretariat.

The Members may interpellate freely thereupon and express their opinions. The Secretariat personnel may speak with the approval of the Chairman.

4. When the interpellations and speeches of Members are finished, the Chairman puts the subject-matter to the vote.

When the Members have no objection, the Chairman may omit the vote.

The vote shall be unsigned.

5. The result of the examination of the Committee shall be noted on the written applications, which the Chairman signs.

(2) Understanding: It was agreed among the Members that

1. Proceedings and results of the meetings shall be published, if necessary, by the Chairman or the Secretary General always after having obtained the approval of the G.H.Q. Otherwise, every Member shall strictly refrain from making public those informations.

The Chairman and the Secretary-General shall consult the Committee with regard to the publication of the matters.

2. In order to avoid misunderstandings, the petitions and other statements concerning the examination case of the Committee shall be submitted by writing if possible. Personal contacts with persons interested such as interviews at Members' domiciles shall be avoided.

(3). Date of meeting: Monday morning and Saterday afternoon (beginning May 24).

(4) Postponement of time-limit of examination:

The Committee request the Prime Minister to postpone the time-limit that the Committee may examine to report, within 2 weeks from June 1st, the appeal applications submitted not later than the end of May.