

Tokyo's 362
June 17, 1948.

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decentralization, governmental activities continue to center in Tokyo. Many Japanese leaders in local government and other walks of life who were interviewed consider the Occupation as the real government of Japan, whereas the general public, unfamiliar with the relationship between the Occupation authorities and the Japanese government, apparently does not share this view.

Democracy and Education

There appeared to be a conviction on the part of Military Government and Japanese leaders that the Occupation is trying to do too much too quickly. The Japanese people do not comprehend what democracy means despite the fact that they discuss it glibly and appear to be enthusiastic about it. There is indication that progress is being made, however, particularly among the younger people, as may be judged by the growing success of such activities as those of student government. The consensus among educators was that efforts should be concentrated upon these individuals, but it is also believed that as much attention as possible should be given to older groups despite the opinion of some officials that the chances of changing attitudes of the older groups are practically nil.

Educators were found to be deeply disturbed at the meager amount of money appropriated for education. Notwithstanding the patent difficulties experienced by the Japanese Government in balancing the budget, encouragement should be given to the Japanese Government to increase appropriations for education, or much of the effort of the Occupation to promote an understanding of democracy by the Japanese people will have been wasted.

Mr. Lawrence found a strong desire on the part of Japanese University students and teachers to study abroad, although the difficulties of finding the means to finance this study causes real anxiety and concern. The desire to study abroad is also shared by younger men in the financial, business, and newspaper world.

There was widespread interest in the United States and a desire on the part of many people interviewed to read books and publications about the United States; the dearth of such material was decried and hope expressed that this situation will change. (The Civil Information and Education Section of this Headquarters has recently announced a list of 100 books available for publication.) A real need exists in Japan for literature from abroad and every effort should be made to increase the publication of foreign books as rapidly as possible, notwithstanding the high cost of translation rights and the severe paper shortage in Japan.

American movies are mostly praised, but some aspects thereof are considered detrimental to the Japanese sense of moral and social propriety. In this connection, there is noted in the memorandum a widespread tendency on the part of many young Japanese people to belittle things Japanese, including the finer aspects of Japanese culture, in their enthusiasm to adopt anything of American origin.

Military

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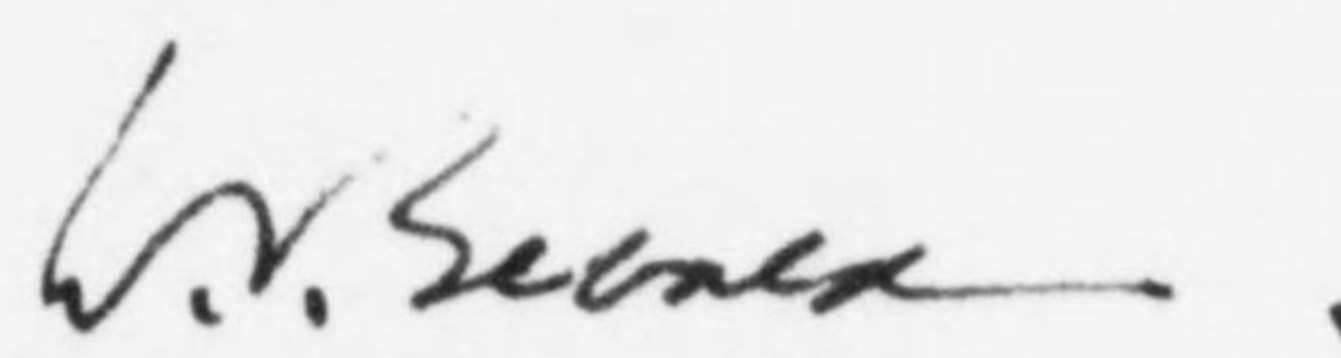
Military Government

Military Government personnel were found to be varied in ability and in length of time in Military Government, and to shift constantly. Military Government teams have been encouraged by higher authority to make living conditions as pleasant as possible. With disregard of economics, higher authority appears to take the attitude that "the only reparations Americans will get from Japan will be the good living conditions of members of the Occupation". There is apparently little recognition of the fact that actually a sizeable portion of the expenses of the Occupation are being borne by the American taxpayer and that the use of Japanese materials and funds retards the recovery and rehabilitation of Japan. As the Department is aware, the expenses of the Occupation and the amounts of indigenous materials used in support of the Occupation forces are both great.

Military Government was originally set up to "observe and report", but in many respects has become an operating agency. The chain of command is through the tactical forces which often results in conflicting orders. Military Government officials would prefer to be responsible directly to General Headquarters, Supreme Commander for the Allied Powers. These officials feel that they can get the Japanese to do almost anything Military Government wishes, and it seems clear that the Japanese tend to welcome such direction.

Some Military Government officials feel, however, that it is unfortunate that so much direction is given to the Japanese people, because it has retarded their initiative, advice of Military Government being considered tantamount to an order. If the Japanese people are to be encouraged to handle their own affairs, we are of the opinion that the tendency on the part of Military Government officials to direct everyday details of Japanese affairs should be curbed and the Japanese weaned as quickly as possible from such minute direction in order to stimulate a sense of responsibility, confidence, and ability in Japanese officialdom to manage their own affairs.

Respectfully yours,


W. J. Sebald

Enclosure:

Memorandum dated June 17, 1948.

Original and ozalid to Department.

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WHLawrence, Jr.:mhp

CONFIDENTIAL

Enclosure to Despatch No. 362
dated June 17, 1948 from the Office
of the Political Adviser for Japan,
Tokyo, on the subject, "Observations
Concerning Government, Democracy and
Education, and Military Government in
Kyushu".

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(For Use of Department Only)

(COPY)

MEMORANDUM

June 17, 1948

Subject: Observations Concerning Government, Democracy and Education,
and Military Government in Kyushu Made as a Result of a Visit
to that Area.

Government

It was found that the policies of the ASHIDA cabinet are considered ambiguous by Japanese local government officials in Kyushu. It is clear that many Japanese leaders regard the Occupation as the real government of Japan, a fact which was best expressed by a local newspaper editor who said that at the present time it makes little difference which party is in power since General Headquarters, Supreme Commander for the Allied Powers, runs the Japanese Government.

Comment: There is some doubt that the same opinion is shared by the man-in-the-street. On a recent occasion, Dr. TSURU Shigeto, formerly Deputy Director General of the Economic Stabilization Board, stated that the Japanese people have no means of knowing the real facts concerning the relationship between the Occupation and the Japanese Government. He contends that the Japanese Government gets credit for many things for which the Occupation is responsible. This lack of knowledge on the part of the people is even shared by some of the Japanese leaders, because, as Prince TAKAMATSU (brother of the Emperor) puts it, so many things take place between officials of the Occupation and the Japanese Government of which no record is made or published.

Local government officials feel that local government does not yet have sufficient respect among the Japanese people to attract the number of able men needed. There is also lack of understanding as to the responsibilities of the different local governing bodies, such as the assembly and the governor, which will require education of both government officials and the public. It appears that governmental activities are still centered in Tokyo, so that decentralization of government is a goal rather than an actuality.

Throughout Kyushu, Military Government officials claim a lack of interest on the part of local politicians in the overall welfare of their constituents and of Japan. There is amazingly little interest on the part of farmers, barbers, and fishermen with respect to political affairs. They consider themselves unversed in governmental affairs, and therefore believe that the government should be left to the experts, meaning the politicians.

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dated June 17, 1948.

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The higher government officials and businessmen are condemnatory of government workers. The mayor of Fukuoka City, Mr. MIYOSHI Yaroku, admitted that most of his people were inefficient. Mr. HARAGUCHI Tomiichi, a director of the Sasebo Ship Industry Company, Ltd. stated that, in his opinion, private business could operate the government railroads efficiently with one third of the present workers. Duplication of central and local government offices was repeatedly mentioned by Military Government personnel and Japanese leaders as wasteful.

Democracy and Education

Both among Military Government officials and to an extent among the more frank of the Japanese leaders there is a conviction that the Occupation is trying to do too much too fast. It was pointed out that this is the first time in history that a people have been given democracy from the top and that many of the Japanese people do not understand what the Occupation is trying to accomplish nor comprehend what democracy means.

Mr. TANAKA Johei, a Japanese newspaper publisher, said that many Japanese consider the old "boss system" democratic, because the boss does not take money for himself, but looks after the welfare of his followers. Mr. Tanaka and other leaders declared that there is need for a great deal of education before the Japanese people will understand what democracy means both from the point of view of what it has to offer and of what responsibilities it entails. There is a tendency on the part of many Japanese to interpret democracy as the American way of doing things and to interpret the American way as the material and glamorous things which they see in American movies and magazines.

There is indication that progress is being made, particularly among young people. Military Government officials and Japanese leaders frequently stressed that the youth of Japan are the ones upon whom to concentrate. Educators in Military Government believe that some progress can be made with adults, but that the amount of effort required will be much greater than with the younger generation. With the latter, they feel that democratic ways are reasonably easy to implement. The success of such activities as student government in schools and participation of youth groups in community activities are claimed by educators to show that young people can do things in a democratic way. The need for further education over a long period of time, however, educators are convinced is obvious.

Educators in Military Government and among the Japanese maintain that the amount of money appropriated for education is far too little. There is need for funds for school buildings to make the new 6-3-3 school system a success as well as need for funds for better salaries for teachers and for educational supplies and materials. Too much reliance is placed on meeting expenses by obtaining contributions from parents of students. Military Government educators said that even the present unsatisfactory state of education depends in large measure upon these contributions--as much as 50%. The educators object to this way of meeting expenses, stating that expenses should be met by taxes on all the people rather than on those whose children are being educated at a particular time.

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The universities have the same problem as the lower schools in making ends meet and, in addition, have serious difficulty in providing housing for students. At Kyushu University, most of the students work part time in order to meet expenses and several hundred of them sleep in class rooms, because there is insufficient housing available. Extension of the college course to four years as planned under the Occupation is like adding a third more students, so will augment difficulties of university life. Veterans at Kyushu University have been found to be extremely serious students.

Most Japanese University students and many teachers would like to study abroad. The recent announcement by the Supreme Commander that some of them will be allowed to go abroad for study was enthusiastically received and many inquiries made as to how this might be done. The desire to study abroad is not limited to students and teachers alone, but is eagerly desired by the younger men in the financial, business, and newspaper world. Practically the only place mentioned where individuals would like to study is America because they feel that it offers the only stable and secure place where one can carry on an academic career.

Interest in America is not confined to going there but to knowing everything about Americans. The dearth of books and publications concerning the United States is decried and hope expressed that American books might be published in Japan or translated into Japanese so that people might learn more about how things are done in America. The desire to know more about the United States and its people is both overwhelming and encouraging. Announcement of the opening of a library in Fukuoka City under the auspices of the Civil Information and Education Section of General Headquarters was enthusiastically received. The news that a technical section had been established in the library was especially welcomed by doctors and others who are starved for scientific information published during the last ten years.

American movies were mostly praised but occasionally fear was expressed that they might mislead the Japanese as to what America is like and that some things in the movies are detrimental to the Japanese sense of moral and social propriety. It was claimed that movies give the impression that there are a tremendous number of divorces in America. Some Japanese people, even among the young ones, think that young people in Japan have gone overboard for doing things the American way without proper appreciation for the finer aspects of Japanese culture and without discerning what is good and bad in American culture.

Everywhere the Japanese leaders and people expressed their friendliness toward Americans. Time and again individuals told of their experiences during the early days of the Occupation. Mr. KATAOKA Shigemi, Assistant Editor of the Nagasaki Minyu Shimbun, Ltd., who had been a radioman on a bomber during the war, said that he was convinced he would be killed when the Americans came ashore. He stated, however, that United States troops behaved so differently from expectations and were so kind he and others felt a deep and lasting friendliness for all Americans. A young

university

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university graduate, Mr. TAKEUCHI Toshiro, expressed a similar reaction. He explained that even though the Japanese people were aghast at the use of the atomic bomb they did not hate the American people for having used it against the Japanese. The explanation appeared to be the vivid contrast between the horrible crimes Americans were expected to commit when they came ashore and their friendly democratic behavior when they arrived in person.

Military Government

No report on Kyushu would be complete without considerable mention of Military Government. As is well known, there is a Military Government team in each prefecture and a regional team for Kyushu. The personnel consists of people of widely varying ability and interest, and length of time in Military Government. Many of the officers are on temporary duty from the tactical forces for special drives, such as fish and vegetable control and collection of taxes. A sizable number of these officers are fairly recent West Point graduates. In general, Military Government officers and civilians are enthusiastic about what they are doing.

Many of the personnel in Military Government have had no experience which particularly qualifies them for Military Government and have had little or no training for such duty. The enlisted men are mainly engaged in housekeeping not only because of the ordinary needs of a team, but because of frequent inspections from local tactical commanders. The enlisted men are held by many of their officers to be not very well-fitted in most cases for the duties of Military Government, because of their youth, inexperience, and lack of training. Military Government teams have excellent living conditions and are making constant improvements in their mode of living. They have been encouraged to do this by higher authority who appear to take the attitude that the only reparations Americans will get from Japan will be the good living conditions of members of the Occupation, including Military Government, while in Japan.

There is constant shifting of personnel within Military Government. It is true that some of the officers have been with Military Government since the beginning of the Occupation and that some officers have stayed on as civilians. In a number of cases these men are believed to be doing outstanding jobs. Japanese officials express gratitude for what Military Government has been doing to aid them since the Occupation began in procuring such things as allocations of coal and food.

Military Government was originally set up to "observe and report" but has found itself operating in many cases. Not only do members of Military Government feel that this is a practical thing to do but they receive orders from higher authority to do so. The chain of command which is through the tactical forces often results in conflicting and confusing orders. Military Government officials express the view that it would be far better if Military Government were operated directly from General Headquarters, Supreme Commander for the Allied Powers, as are the Civil Intelligence Corps and the Civil Intelligence Detachments.

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One Military Government officer stated that the Japanese think he is a lesser edition of General MacArthur and almost a god. This officer and many others feel that they can get the Japanese to do anything which they ask. Since there is no doubt that the Japanese people have long been accustomed to being told what to do, they welcome having Military Government continue the process. Some Military Government officials feel that this is unfortunate because it has led the Japanese to depend too much upon Military Government. Rather than finding ways of accomplishing something, they come to Military Government for advice. Once having received the advice, the Japanese people consider it practically tantamount to an order.

W. Henry Lawrence, Jr.
Second Secretary

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AIRMAIL

4523

FROM: Moscow

DATE: June 18, 1948

DISPATCHED: June 19, 1948

REC'D:

June 25, 1948 12:13pm

SFS

OFFICE OF
EUROPEAN AFFAIRS
MESSAGE CENTER

SECRETARY OF STATE
WASHINGTON

A-592, June 18

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The Soviet press has recently shown an increased interest in Japanese affairs, publishing three rather lengthy articles and several brief Tokyo Tass dispatches, during the period June 12 to June 16.

Two of the articles emphasized the willing cooperation of the Ashida government in alleged US plans to convert Japan into a "reactionary," "anti-Communist" bastion in the Far East. These articles concentrated on the Johnson Committee report and the activities of Mr. Johnson, General Draper, and Mr. George Kennan in an expected endeavor to characterize these gentlemen in Soviet eyes as prime examples of arch-imperialists. The third article elaborated on the revelations of the paper Asahi (May 27, 1948) concerning the irregular election funds received by the Socialist Minister Nishio and others, and contrasts these irregular practices with General MacArthur's year-old praise of the Japanese elections.

In addition, the articles and Tass dispatches comment on the growth of Communist influence in Japan and the proposed establishment of a "popular front" of workers and peasants in the face of alleged increases of militarism, reaction, and exploitation of the laboring masses.

The following selected quotations adequately reflect the nature of the articles:

"Offensive by Reaction in Japan," Trud, June 12

"... According to a report from the Hong Kong newspaper Huasanpaq, the Chairman of the US State Department's Political Planning Board, Kennan ... has worked out the so-called 'Little Marshall Plan' providing for economic and strategic ties between Japan, Southern Korea, the Philippines, and the former mandated islands which passed from

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-2- A-592, June 18, 1948

Japan to the USA after the war. As a result of negotiations between Kennan and Draper, on the one side, and Japanese Premier Ashida and a representative of Japanese concerns, Nakashima, on the other side, a plan was evolved in accordance with which Japan will be granted a loan of \$1,740,000,000 in 1948-1949.

"In order to achieve its aims, the Ashida Government plans to ban trade unions. Ashida declared at a session of the Lower Chamber on May 24 that he insists on banning 'the trade union movement which is directly assuming the forms of a political movement.'

"Deeply hated by Japanese and American reactionaries are such mass organizations of workers as, for example, the National Congress of Production Trade Unions, which numbers 1,700,000 members, and which is under the leadership of progressive elements. Not only the Japanese but also the occupation authorities have made repeated slanderous attacks against this progressive trade union association. In May, John Harold, Department of Labor representative on MacArthur's staff, even called upon the workers never to elect Communists to trade union positions.

"The Japanese workers, however, pay little attention to the advice of domestic and foreign reactionaries, and are continuing to show complete confidence in the Communists. The attacks of Japanese and American authorities, like the treasonous policy of the right wing Socialists, who are trying to split the National Congress of Production Trade Unions, cannot deflect its leaders from the right course ...

"All this again confirms the immutable truth that in Japan, as throughout the whole world, the forces of the democratic camp, despite the offensive of reaction, are steadily growing and becoming stronger."

"A Record for Servility," Red Star, June 12, 1948

"... But Johnston has found a competitor who went even farther than the greedy businessman in his proposals regarding 'reconstruction' of Japan's economy. It is highly characteristic that the author of the so-called 'Nakashima Plan,' a report on which appeared on the 30th day in the pages of the

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-3- A-592, June 18, 1948

newspaper Mainichi is not an American but ... a Japanese. He is the former Japanese Minister of Trade, Nakashima, who now occupies the post of director of the Council on Foreign Trade.

"What is the meaning of the 'Nakashima Plan'?"

"It appears that this 'patriot' proposes no more, no less, than 'including Japan in the American economic system.' Such a proposal scarcely needs any explanation. Everyone understands that its realization would result in transforming Japan into a colony of American capital. There is a characteristic detail: for the all-embracing inclusion of Japan in the American economic system, Nakashima recommends re-naming Japanese yens, for 'reasons of a psychological nature,' as he puts it, Japanese dollars. He asserts: 'The yen connected with the American dollar will enjoy the same respect as American currency.'"

In addition to the above mentioned articles, the Soviet press has featured most prominently several lengthy reports of the allegedly widespread Chinese opposition to US policy in Japan.

SMITH

Copy to Tokyo

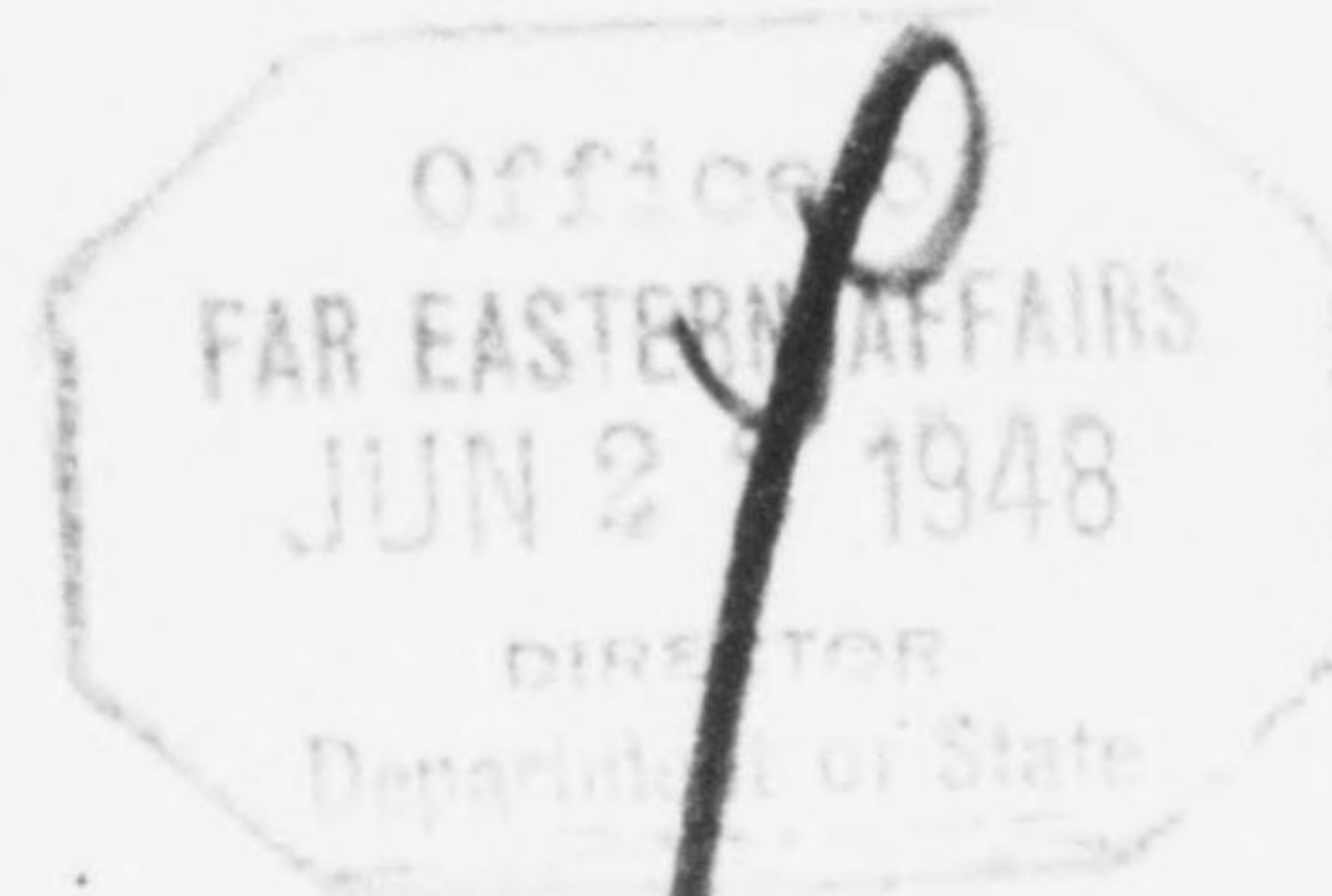
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DEPARTMENT OF STATE

Memorandum of Conversation
OFFICE OF FAR EASTERN AFFAIRSDATE: June 18,
1948.

SUBJECT:

PARTICIPANTS: Mr. Kensuke Horinouchi,
Former Japanese Ambassador to the United StatesMr. Butterworth, FE
Mr. Benninghoff, FECOPIES TO: NA
DRF
Mr. Hamilton
Mr. Young

894.00/6-1848

Mr. Horinouchi called at his own request to pay his respects. For the most part the conversation was general.

With regard to his own position, Mr. Horinouchi said that he was attached to the Foreign Office in the capacity of instructor to officers who would eventually go abroad in the Japanese foreign service. He said that the students include both former junior members of the Foreign Office as well as new appointees recently graduated from the university. He said that in his instructions his chief purpose was to convey to the students the necessity for concentrating on democratic processes. Japanese officers are being trained on an area or language basis.

He did not have much to say about the operations of GHQ. However, he did volunteer the information that early in the occupation many Japanese newspapers turned to the left, probably at the instance of "junior officers" in GHQ who themselves had leftist tendencies. He said that this unfortunate trend of the press had stopped and that the pendulum had swung far to the right, perhaps too far.

Mr. *WJ*
To: *WJ*
Date: *17/8*

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With regard to the Japanese people, Mr. Horinouchi stated that the apathy which was so noticeable immediately after the end of the war has been replaced to some degree by a feeling of hope. This has been brought about, he said, by such recent developments as the beginnings of foreign trade and the possibility of American financial aid. On the other hand, he was worried and anxious about the low state of morality among the Japanese people. As an example, he said that, although before the war if a person left a pocketbook in a streetcar it would be returned, such was unhappily not the case at present.

HMB

FE:HMBenninghoff:hst

Form DS-302
(7-2-46)

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COMMUNICATIONS AND RECORDS
TELEGRAPH BRANCH
MESSAGE CENTER

DEPARTMENT OF STATE

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Action: ~~EUR~~ *JUL 28 8 14 AM 1948*

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File 327
DEPARTMENT OF STATE

Control 9418

Rec'd June 26, 1948
2:20 p.m.

FROM: Moscow

TO: Secretary of State *5/5*

NO: 1187, June 26, 1 p.m.

Continuing Soviet vigilance re Japanese developments key-
noted by IZVESTIA, editorial June 25 "Government crisis
brewing in Japan" claiming Jap press predicting fall Ashida
Cabinet article alleges Nishio bribe scandal formal
explanation but real cause inability Ahida Government
create satisfactory conditions guaranteeing protection
American investments from increasing influence "democratic
movement". Article avers consequent US dissatisfaction
demonstrated by "sharp reduction by US Congress of
appropriations for so-called 'economic restoration'".

Charging occupation authorities recently "increased direct
interference in internal political struggle in Japan and
arrested most active leaders democratic movement," and are
encouraging formation single front of reactionary parties
with democratic liberal party as center, article concludes:
"Political situation indicates occupation authorities and
Jap reaction planning fresh campaign against democratic
movement."

Deptment pass Toyko 15.

SMITH

[Handwritten signature]
DEPARTMENT OF STATE
JUL 8 - 1948
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RSP:CH

NOTE: Passed Tokyo 6/26/48, 2:30 p.m. (JR)

JUL 1 1948

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NOTATION OF ACTION TAKEN.

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INCOMING AIRGRAM

DEPARTMENT OF STATE

DIVISION OF COMMUNICATIONS AND RECORDS

DIVISION OF
NORTHEAST ASIAN AFFAIRS

TELEGRAPH BRANCH

AIRGRAM

DEPARTMENT OF STATE

1885

FROM: USPOLAD, Tokyo

Dated: July 9, 1948

Date of Mailing: July 10, 1948

Rec'd: July 14, 3:26 p.m.

CONFIDENTIAL

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A

ACTION: FE Secretary of State,
INFO: Washington.

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A-143, July 9, 1948.



At approximately 10:30 p.m. on July 6, 1948, ONO Goichi, brother of NOSAKA Sanzo was killed in Tokyo, presumably by a hit-and-run driver. The investigating agencies of General Headquarters, SCAP, have been unable to ascertain the circumstances surrounding this incident and have no possible clue as to the identity of the driver of the car.

As the Department is aware, NOSAKA Sanzo is one of the chief leaders of the Japan Communist Party. He has voiced dissatisfaction with the manner in which the Japanese police authorities are conducting the investigation of this incident, has stated that he will request the Provost Marshal of Tokyo to conduct an investigation, and has threatened, in the event that the latter investigation should be inconclusive, to place the matter into the hands of the Soviet Member, Allied Council for Japan for appropriate action.

The Department will be advised in the possible event that this incident should give rise to further difficulties.

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THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

UNITED STATES POLITICAL ADVISER FOR JAPAN

ACTION is assigned to



file OF ASIAN AFFAIRS JUL 26 1948 G

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No. 431

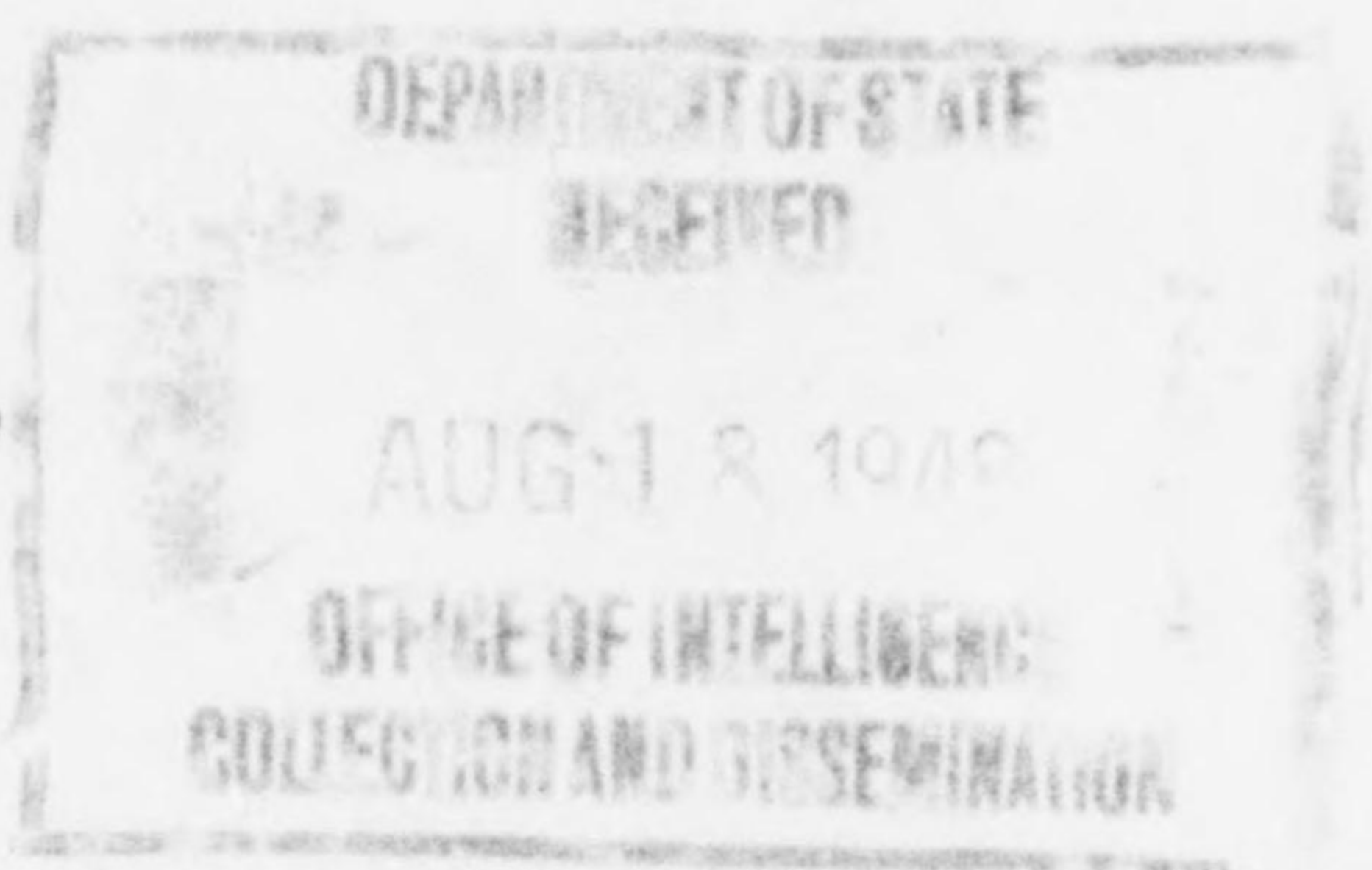
Tokyo, July 10, 1948

CONFIDENTIAL (For Department Use Only)

File JWS

Subject: Comments of Japanese Leaders Upon the Current Political Situation.

The Honorable The Secretary of State, Washington.



Sir:

I have the honor to enclose copies of memoranda of conversation held on July 6, 1948 between an officer of this Mission and Mr. KATAYAMA Tetsu, President of the Social Democratic Party and former Prime Minister, and on July 7, 1948 between the same officer and Mr. MATSUMOTO Takizo, Chairman of the Policy Committee of the People's Cooperative Party and former Parliamentary Vice Minister of Foreign Affairs in the Katayama Cabinet, on the general subject of the current political situation and the possible course of political events this coming fall.

These and other conversations with Japanese leaders have further confirmed the instability of the Ashida Cabinet which we have previously reported, (see this Mission's despatch No. 263 of May 5, 1948). Both Mr. Katayama and Mr. Matsumoto expect that during the coming fall the present cabinet will either be forced to resign and a new one be formed or the National Diet will have to be dissolved. These men and also Dr. ASHIDA Hitoshi, the Prime Minister and President of the Democratic Party, (according to Mr. Matsumoto who is closely associated with Dr. Ashida despite affiliation with a different party), are inclined at this time to prefer the latter course. The main reason for this preference appears to be that these men do not wish to see the Democratic Liberal Party form a new cabinet until this new party obtains the mandate of the people through a general election.

It is generally felt that an extraordinary session will be called this fall to consider a supplementary budget in view of the united front being presented by government labor unions for a wage increase and other demands. Between now and that time we believe there will be considerable political maneuvering, such as efforts directed at the formation of a new center party on the part of both Mr. MIKI Takeo, President of the People's Cooperative Party, and Dr. Ashida. It is obvious that the Democratic Liberal Party will continue efforts to

strengthen

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Class sheet written

Tokyo's No. 431
July 10, 1948.

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itself by endeavoring to attract the Taiyokai faction of the Democratic Party and some of the smaller parties, such as the Social Renovatationist Party (Shakai Kakushinto) which latter party has consistently voted with the Democratic Liberals. It is clear that all parties will keep in mind the likelihood of a general election and pursue the same tactics as Mr. Katayama who is extending his speaking tour to areas not covered recently.

The Department is already aware from press reports of the disturbance which has shaken the Social Democratic Party in consequence of the resignation from the cabinet of Mr. NISHIO Suehiro, Deputy Prime Minister and dynamic party leader, and the expulsion of members of the extreme left wing element of the party. Mr. Nishio's resignation was precipitated by his testimony before the Illegal Property Transaction Committee of the House of Representatives that he had received and distributed ¥500,000 obtained from building contractors. Mr. Nishio did not report this sum as party funds, because he claims the money to have been a gift to him personally in his capacity as a member of the Social Democratic Party.

In connection with Mr. Nishio's resignation, an observation of Dr. KAWAI Kazuo, Chief Editor of the Nippon Times and an astute commentator on Japanese affairs, is of interest. He is convinced that Mr. Katayama, despite his integrity and zeal, will be lost without the guiding genius of Mr. Nishio. It is evident, however, that Mr. Katayama feels that Mr. Nishio will be cleared and continue his activities on behalf of the Social Democratic Party. Mr. Katayama is also convinced that the party will be strengthened by expulsion of the extreme left wing element. We are of the opinion that the Japanese nation is better off by having the influence of these men, who so closely resemble the Communists in their actions, removed from the Social Democratic Party.

3/ As worthy of special interest, the Department's attention is invited to the editorial "Whither the Socialist Party?" which appeared in the July 7, 1948 issue of the Nippon Times, copies of which are enclosed. It is believed to be a concise analysis of the present predicament in which the Social Democratic Party finds itself. We agree with the comment in the editorial that the growth of left wing influence will make the Social Democratic Party unable to participate in the cabinet on the same basis as it has during the session of the Diet just concluded. The Social Democratic Party, in our opinion, gives every appearance of having reached a peak in its activities. It is possible that the party can rebuild itself and emerge stronger than ever, but as Mr. Katayama has emphasized, the Social Democratic Party cannot be expected to achieve its aims overnight.

In contrast to the waning power of the Social Democratic Party and the Democratic Party, we have long been of the view that the Democratic Liberal Party's star is rising in the political firmament. Indicative of its enthusiasm is the statement of Mr. SHIDEHARA Kijuro, former Prime Minister and now Supreme Adviser to the Democratic Liberal Party, to an officer of this Mission that he joined the new party with considerable scepticism as to its future, but has been increasingly impressed by the amount of unity and zeal being shown by its members.

Mr. YOSHIDA

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Tokyo's No. 431
July 10, 1948.

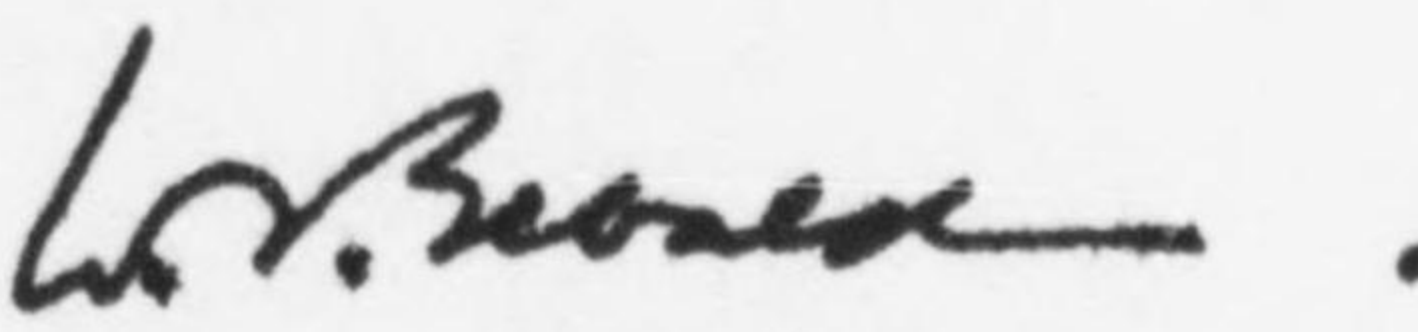
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Mr. YOSHIDA Shigeru, President of the Democratic Liberal Party and also former Prime Minister, has assumed a very confident attitude in discussing the future of his party with officers of this Mission. One point of special interest was his recent remark that General MacArthur assured him that this Headquarters did not support any particular party. Mr. Yoshida went on to add, however, that the government parties claim support of the Government Section of this Headquarters, and intimated that such support was the reason why the Liberal Party, the predecessor of the Democratic Liberal Party, was not allowed to form the last cabinet.

An important point in the conversation with Mr. Matsumoto, to which attention of the Department is invited, is the comment concerning Mr. NARAHASHI Wataru, former State Minister and an outstanding member of the Democratic Party, who has recently been exempted from the provisions of the purge directive. Mr. Matsumoto said that while Mr. Narahashi is at present adopting an attitude of watchful waiting, there is no question but that he will play an increasingly important role in national politics.

Respectfully yours,


W. J. Sebald

att
Enclosures:

1. Memorandum of conversation dated July 6, 1948.
2. Memorandum of conversation dated July 7, 1948.
3. Editorial from Nippon Times dated July 7, 1948 (five copies).

✓ hold in ACP Interim Files
Original and ozalid to Department

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WHLawrence, Jr.:mhp

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Enclosure No. 1 to Despatch No. 431 dated July 10, 1948 from the Office of the Political Adviser for Japan, Tokyo, on the subject, "Comments of Japanese Leaders Upon the Current Political Situation".

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UNITED STATES POLITICAL ADVISER
FOR JAPAN

July 6, 1948

MEMORANDUM OF CONVERSATION

SUBJECT: Comments of Mr. Katayama on the Current Political Situation.

PARTICIPANTS: Mr. KATAYAMA Tetsu, former Prime Minister and President of the Social Democratic Party.

Mr. TAKEUCHI Harumi, Japanese Foreign Service Officer and Secretary to Mr. Katayama when he was Prime Minister. (Mr. Takeuchi acted as interpreter)

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Communist

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Enclosure No. 1 to
Tokyo's No. 431
July 10, 1948.

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There appeared no doubt in Mr. Katayama's mind that the present coalition will face a stormy session this fall when he believes an extraordinary session of the Diet will have to be called in order to devise a supplementary budget. At that time the two "realistic" left wing (Mr. Katayama's terminology) cabinet members, Mr. Kato Kanju, Minister of Labor, and Mr. NOMIZO Masaru, State Minister, will be confronted by a labor offensive including a demand that wages be increased above the ¥3791 level upon which the present budget is based. Mr. Katayama believes that the Democratic Party will agree only upon a relatively small increase which these two ministers cannot accept and that they will therefore resign. Another possible cause of their resignation may be an attempt at revision of labor legislation.

According to Mr. Katayama, both the left wing faction and the Democratic Liberal Party are advocating that the extraordinary session be held in August, but the remainder of the Social Democratic Party and the other government parties prefer having it called in September. (Since this statement was made the Central Executive Committee of the Social Democratic Party decided to request convocation of a special session of the Diet for three or four days in July for the express purpose of discussing the Government bill postponing interest payment on war bonds which was shelved by the House of Councillors toward the end of the last session).

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Mr. Katayama stressed that the Social Democratic Party after the war attracted many voters because it represented the interests of the people. However, the people have expected too much of the party, he pointed out. Mr. Katayama further said that the times are such that the aims of the party cannot be achieved overnight, but only gradually. He stated that unions are under the influence of extremists and aggressive leaders who are unwilling to progress at a reasonable rate, and that the general public does not realize that the aims of the Social Democratic Party can only be achieved gradually.

Mr. Katayama

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Enclosure No. 1 to
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July 10, 1948.

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Mr. Katayama stated that in his opinion the majority of Diet members are now in favor of a dissolution of the Diet to be followed by a general election. He said that he himself with this in mind had already covered about two-thirds of Japan trying to consolidate the Social Democratic Party and also to inform the general public that the goals sought cannot be achieved overnight, but are attainable gradually. He plans to continue his travels in view of the increasing likelihood of Diet dissolution.

W. Henry Lawrence, Jr.

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Enclosure No. 2 to Despatch No. 431 dated July 10, 1948 from the Office of the Political Adviser for Japan, Tokyo, on the subject, "Comments of Japanese Leaders Upon the Current Political Situation".

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UNITED STATES POLITICAL ADVISER
FOR JAPAN

July 7, 1948.

MEMORANDUM OF CONVERSATION

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PARTICIPANTS: Mr. MATSUMOTO Takizo, former Parliamentary Vice Minister of Foreign Affairs in the Katayama Cabinet and now Chairman of the Policy Committee of the People's Cooperative Party.

Mr. W. Henry Lawrence, Jr.

Mr. Matsumoto stated that recently Dr. ASHIDA Hitoshi, the Prime Minister, requested that he inquire of Mr. MIKI Takeo, President of the People's Cooperative Party, whether the latter would be agreeable to a merger with the Democratic Party. Mr. Matsumoto thinks that Dr. Ashida is seriously worried about the instability of the present political situation and considers such a merger would have a stabilizing influence upon the Democratic Party. Mr. Matsumoto pointed out that the Taiyokai faction of the Democratic Party (some 30 members) has been flirting with the Democratic Liberal Party. He said he is convinced that Dr. Ashida believes this faction can be held within the party if the Democratic Party were strengthened by a merger with the People's Cooperative Party.

Mr. Miki, according to Mr. Matsumoto, would not think of merging with the Democratic Party as long as the Taiyokai faction is a part of it. Mr. Matsumoto stated that Mr. Miki, however, came out with a statement on July 5, 1948 advocating the formation of a new center party. On receiving news of this, Dr. Ashida indicated hearty endorsement.

Mr. Matsumoto said that he expected an extraordinary session of the Diet in September even though the Social Democrats are advocating a special session for late July to consider the question of suspension of interest on war bonds which was shelved at the Diet Session just completed. During the September session, Mr. Matsumoto expects that either the cabinet will have to resign or the Diet be dissolved. Meanwhile, Dr. Ashida is expected to put off the session as long as possible and to make strenuous efforts to consolidate the strength of the Government Parties as well as to cooperate in the formation of a new party. Mr. Matsumoto appeared convinced that Dr. Ashida would prefer dissolution of the Diet to formation of a new cabinet by the Democratic Liberal Party.

Mr. Matsumoto

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Enclosure No. 2 to
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July 10, 1948.

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Mr. Matsumoto stressed that Diet members sense the discontent of the general public and, therefore, despite the risk of losing their seats are becoming more and more in favor of a general election rather than resignation of the present cabinet and formation of a new one.

Mr. Matsumoto stated that Mr. NISHIO Suehiro's position of Deputy Prime Minister, from which he has just resigned following the revelation before the Illegal Property Transaction Committee, of the receipt and distribution of ¥500,000 from building contractors, will not be filled. Dr. Ashida, according to Mr. Matsumoto, expects that Mr. Nishio will be cleared by the court. If this verdict transpires, Dr. Ashida plans to have Mr. Nishio return to the cabinet in the same position he formerly occupied.

Mr. Matsumoto feels that Mr. NARAHASHI Wataru, a former State Minister and member of the Democratic Party, who has returned to the political scene after having been exempted from application of the purge provisions, is biding his time. Mr. Narahashi does not wish to become too closely identified with the present activities of the Democratic Party, but prefers to remain in the background until he considers the time opportune to accept a high position in the party should Dr. Ashida resign or not be reelected as President at the next election of party leaders or in a new center party should one be formed. Mr. Matsumoto expects Mr. Narahashi will emerge gradually as one of the leading forces in Japanese politics.

W. Henry Lawrence, Jr.

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Enclosure No. 3 to Despatch No. 431 dated July 10, 1948 from the Office of the Political Adviser for Japan, Tokyo, on the subject, "Comments of Japanese Leaders Upon the Current Political Situation".

NIPPON TIMES: June 7, 1948

WHL

Whither the Socialist Party?

Whither the Socialist party? Beset by a mass of mounting problems, the Socialist party is on the verge of expelling a group of its extreme left wingers and eliminating the influence of the "strong man" in its right wing.

Paradoxically, however, the current crisis facing the Socialists may be the turning point for the establishment of their party on sounder foundations. The loss of the extreme left-wingers will doubtlessly mean the alienation of a portion of the working class from the Socialist party. The elimination of Deputy Prime Minister Nishio will certainly mean the loss of the party's most dynamic leader. But these losses may bring unity to a party which has admittedly been split by a number of vying factions.

If the Socialist party can rebuild on the ruins left by the present intra-party earthquake, it may, in the long run, emerge stronger than ever before.

The movements to oust Mr. Nishio and the extreme left-wingers came as no sudden development over investigations of the Lower House Illegal Property Transactions Committee or the budget issue. To be sure, they did act as catalytic agents. But the trouble in the Socialist party can be traced back to the days when socialism was still in its infancy in Japan and the various socialist groups were working at cross-purposes though their goal was a common one. With the formation of the present Japan Social Democratic Party in May 1945, all socialist groups had evidently merged into one happy family.

The sudden emergence of the Socialist party as the leading political group in the House of Representatives, however, brought on a bitter struggle for power. To retain a place in this intra-party battle, Mosaburo Suzuki and Kanju Kato, as leaders of the left wing, issued a joint statement severing all ties with the unpopular Communists. The feud in the Socialist party then developed into a three-corner fight among Mr. Nishio, the left-wingers, and Rikizo Hirano, a right-wing rival to Mr. Nishio. The purge of Mr. Hirano cleared the decks for a two-way struggle for power between Mr. Nishio and the left wing.

The left-wingers were aided in this fight by the important role played by Mr. Nishio as the coordinating link between the Democratic and the Socialist parties in the Cabinet coalition. In the give-and-take among the coalition partners, the Socialists could not always take and that furnished ammunition to the left-wingers for their attacks upon Mr. Nishio. In the party's January convention, the left-wingers mustered enough strength to win a signal victory over the policies to be followed by the party. They followed up this triumph by causing the downfall of the Katayama Cabinet over a supplementary budget to pay higher wages to government employees.

In the formation of the Ashida Cabinet which followed, Mr. Nishio succeeded in breaking the unity of the left-wing group somewhat by inviting Mr. Kato and Masaru Nomizo, left-wing leaders, into the Cabinet. This maneuver however, did not make the left-wingers any too happy, for it left Mr. Nishio as the most powerful man in the So-

cialist party. The revelations in the Diet probe body that Mr. Nishio had connections with building contractors and had received political contributions from them thus came as a godsend to his enemies. The left-wingers immediately took advantage of the Nishio issue to bargain on the budget question.

The extreme left-wingers at this point took a strong stand, declaring that they would not compromise their position on the budget at any cost. The Socialist left wing, with the knowledge that Mr. Nishio was through as a political influence at least for the time being, then came to a parting of the ways. While the extremists declared their intentions of acting against the Government-drafted budget, the moderate left-wingers led by Mr. Suzuki began working for a tie-up with the neutral group headed by Mitsusuke Yonekubo to take over the party leadership vacated by Mr. Nishio.

How this new shape of things in the Socialist party will fare remains to be seen. But it is certain that Mr. Nishio's influence cannot be erased so easily and his supporters will be far from satisfied. With the growth of left-wing influence, however, it is certain that the Socialists will not be able to participate in the Cabinet on the same basis as at present.

But whatever the fate of the present administration, it is to be hoped that the Socialist party will emerge from its current crisis upon a sounder foundation as a true progressive party which will truly speak for the masses of forgotten men.

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W. Henry Lawrence, Jr.

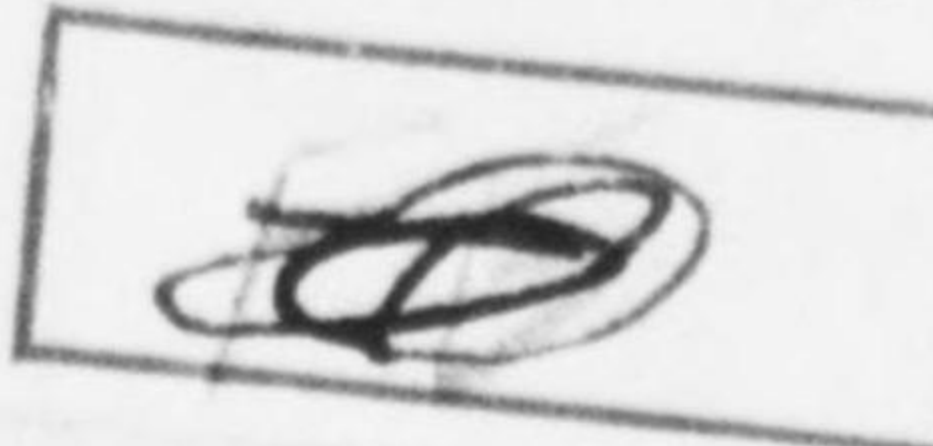
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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

UNITED STATES POLITICAL ADVISER
FOR JAPAN

DCH
ACTION
is assigned to



JUL 23 1948
Tokyo, July 24, 1948.

No. 464

CONFIDENTIAL

DEPARTMENT OF STATE

894.00/7-2448

Subject: Application of HATOYAMA Ichiro Regarding Purge.

The Honorable
The Secretary of State,
Washington.

Sir:

1/

I have the honor to forward herewith an application of Mr. HATOYAMA Ichiro, dated March 17, 1947, addressed to Mr. YOSHIDA Shigeru who was then Prime Minister, urging reconsideration of Mr. Hatoyama's case under SCAP Memorandum of May 3, 1946, SCAPIN-919, by which he was banned from holding public office. Included with the application are selections from Mr. Hatoyama's personal diaries, 1938-1942.

2/

The application endeavors to show that Mr. Hatoyama, although Chief Secretary, was not responsible for the program undertaken by the Tanaka Cabinet. The extracts from the diaries are offered as evidence that Mr. Hatoyama was opposed to the Pacific War and was not affiliated with the Imperial Rule Assistance Association.

Mr. Hatoyama's application was brought to this Mission by Mr. KURUSU Saburo as a matter of interest. Mr. Kurusu stated that Mr. Yoshida advised Mr. Hatoyama not to file the application, and hence it was never used.

Respectfully yours,

W. J. Sebald
W. J. Sebald

Enclosures:

1. Application of Mr. Hatoyama dated March 17, 1947.
2. Selections from Personal Diaries, 1938-1942.

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DEPARTMENT OF STATE

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APPLICATION DATED MARCH 17, 1947
LETTER OF PLEA "CHARGES AND EXPLANATIONS"
EVIDENCES AND REMARKS

APPENDIX A - P

*FW 894.00/7-2448
encl dup. 4/14/47 from 2-1-47*

Ichiro Hatoyama

(hatoyama file)

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Tokyo, March 17, 1947.

To Shigeru Yoshida, Esq., Prime Minister,
Japanese Government, Tokyo.

APPLICATION

I earnestly hope that you re-examine SCAP Memorandum of May 3, 1946, SCAPIN-919, which banned me from public office of Diet Member. I further hope that, with your findings, you apply SCAP reconsideration of my case to be re-studied from the following viewpoints.

First, can the charges contained in the SCAP Memorandum be supported? I submit that evidences cited in the Memorandum are either false as to facts or falsely interpreted. At least half the cases against me is based on the assertion that I "necessarily share the responsibility" for Tanaka Cabinet's amendment of the Peace Preservation Law and suppression of "free speech" which followed that move between 1927 and 1929.

a. When I was Chief Secretary of the Tanaka Cabinet, unlike Chief Secretaries of today, I was not a Minister Without Portfolio. I had no part in the Cabinet debates on the Imperial Edict which effected the amendment in question. Because the amendment was effected by Imperial Edict and not by Diet action, my position of leadership

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in Seiyukai was not concerned. In fact, personally I did not affix my seal to the official copy of the legislation as appended.

b. As contemporary records show, the purpose of amending the Peace Preservation Law was the suppression of Communist elements then preaching the forcible overthrow of Constitutional Government. In the years 1927-1929, only this kind of "free speech" was suppressed as it is suppressed in every democratic country of which we have any knowledge.

c. The suppression of the farmer-labor movement mentioned in the SCAP Memorandum was suppression of Communist cells which had infiltrated into the farmer-labor movement. The true farmer-labor movement, on the other hand, gained strength steadily from 1927 until 1938 as rolls of Diet members testify.

I do not deny that the legislation later was mis-used to suppress legitimate free speech. I do deny that the amendment could have seemed as dangerous in 1928 as it now appears with the benefit of hindsight. If SCAP insists that, because I was attached to Tanaka Cabinet, I must "necessarily share the responsibility", I submit that the responsibility is far from so heavy a one as SCAP Memorandum made it appear.

I submit that there is a great confusion of thought since the surrender over the terms "liberalism" and "communism". It

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has become a habit for Japanese and Occupation critics of past actions in Japan to assume that any act of suppression was always directed against "liberals". This is a false assumption. Commencing with 1927, acts of suppression were aimed at Communism at variance with Japanese Constitution and private enterprise system. Not until 1930's were well under way, did Rightist totalitarians commenced suppressing liberals as well as leftist totalitarians.

d. SCAP Memorandum further charges me with "mass dismissals and arrests of teachers" when I was Minister of Education from 1931 to 1934. The only mass dismissal of teachers in that period concerned primary school teachers in Nagano Prefecture. Those dismissals were made by the Prefectural Governor and were outside the control of the Minister of Education.

e. A full record of the Takikawa case is appended. As the record shows, the man was a communist and was teaching a moral code at sharp variance with Japanese way of life. In judging my efforts to have the man removed from the guidance of the young, I wish to ask SCAP to consider how long he would have been allowed to continue as a professor in any State-owned university in the United States.

f. SCAP Memorandum cites a few passages from my 1933 book "Visage of the World" to show me friendly to Nazism and Fascism, admiring German labor system and supporting the

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aims of Japan in China. I submit that passages must be matched with passages and that the complete effect of the book is negative. With the possible exception of April 18, 1946, issue of AKAHATA, a Communist organ in Tokyo, which translation is appended hereto, no Japanese certainly ever identified me because of it as "a tool of ultra-nationalistic interests" and considered me as one of the military clique.

g. SCAP Memorandum mentions my mailed address at the time of 1942 election. I submit that, like the book, this should be considered in its context which includes my persistent advocate for parliamentary government against totalitarianism, consistent Diet opposition to Tojo as evidenced in my formation of Doko-kai and vicious effort of Tojo Government to prevent my election in that campaign. And, you will admit, in those days of war, camouflages were sometimes necessary weapon against the ruling clique.

Finally, did I really "deceived and misled the people of Japan into militaristic misadventure"? Certainly not. If I really did so, I would have not lived in political obscurity during past 10 years. I am convinced that our people thought of me as an opponent to militarists. Militarists hated me and fought me. Liberals in the Diet all considered me a friend and an ally. I never have been anything save a convinced parliamentarian. In the feverish days of war when opposition to the

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ruling clique was perilous. I fought for Constitutional Government.

How could, then, the opinion of an American investigator arrived on the scene long after the event be formulated that I "deceived and misled" my people "into militaristic misadventure" in the face of the fact that I was consistently facing in the other direction? I strongly submit that the case should be judged against the background.

I would appreciate your thorough re-examination of my case and whatever recommendation you can make to SCAP with your findings of my past records. Attached to this application is my letter of plea "Charges and Explanations" dealing more in details of my plea accompanied by Appendix A-B.

Ichiro Hatoyama

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CHARGES AND EXPLANATIONS

SCAP Memorandum dated May 3, 1946, SCAPIN 919, relative to Removal and Exclusion from Public Office of Diet Member.

1. As Chief Secretary of Tanaka Cabinet

SCAP Memorandum first charges that as Chief Secretary of the Tanaka Cabinet from 1927 to 1929, I "necessarily share responsibility for the formulation and promulgation without Diet approval of amendment to the so-called Peace Preservation Law". However, I submit that I was not a participant in this legislation.

On June 29, 1928, Tanaka Cabinet amended a part of so-called Peace Preservation Law, as cited in SCAP Memorandum, by means of Urgent Imperial Edict. The amendment aimed to impose heavier punishments than before on political movement or action designed to bring about possible change in the national constitution. Urgent Imperial Edict is a Government order which any Cabinet is authorized under Article 8 of the Imperial Constitution to issue without approval of the Diet and is a temporary means of enactment to remain effective until next Diet is convened with same legal force as any law as approved by the Diet.

However, unlike Chief Secretaries of today, I was not then a Minister Without Portfolio and was not a cabinet member under the Government system. I had no part in the cabinet debates.

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Functionally, at that time, it was a chief of secretariate of the Cabinet directly under the Prime Minister to engage in his general affairs. It was necessary, therefore, if a Chief Secretary was to be a cabinet member, that a special Imperial act of grace was to be given to him. Such grace was used to be given to President of Privy Councils, but there was no case until then that it was ever given to Chief Secretary of the Cabinet.

Thus, as Chief Secretary, I had no authorization to study and deliberate on legislative measures to be introduced in the Diet, nor on draft of Imperial Edict to be promulgated by Tanaka Cabinet. Under the Government system, it is the Director of Bureau of Legislation, one of the two high offices directly under the Cabinet, who from technical viewpoints studies and deliberates on drafts on legislative measures and Imperial Edicts, presents opinions and makes necessary preparations for the cabinet discussions, thus legislatively assisting Prime Minister on behalf of the Cabinet. The Director of Bureau of Legislation at that time was Ionezo Maeda.

As Government routines, if a Department Minister wants Cabinet approval and decision on legislative measure or on issuance of an Imperial Edict relative to affairs of his jurisdiction, he is requested to make an application addressed to the Prime Minister accompanied by draft of such legislation or Imperial Edict.

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The Chief Secretary receives the application and transfer it, as it is received, to the Director of Bureau of Legislation. The Director of Bureau of Legislation, after studies and deliberations of the draft at his office, presents the draft directly to the cabinet meeting accompanied by his opinion and not through the Chief Secretary. When approved and the decision is made at the Cabinet meeting, the Chief Secretary will transfer the paper, in case of Imperial Edict, to the Department of Imperial Household for submitting to the throne for Imperial sanction.

The Imperial Edict in question, No. 129 of the Third Year of Showa (1928), amending a part of so-called Peace Preservation Law, was formulated and promulgated in a procedure as usual, in which I was only a routine officer. Its original draft was sent to Giichi Tanaka as Prime Minister on May 22, 1928, as a joint application of Kadoh Hara, Minister of Justice and Giichi Tanaka, as Minister of Home Affairs. The draft was then transferred to Yonezo Maeda, the Director of Bureau of Legislation, who, with some wording corrections made by his Bureau, submitted the draft on June 6 to the cabinet meeting accompanied by a recommendation that the proposed amendment be approved and signed as applied.

In addition to the main column for seal of the Director of Bureau of Legislation in the official form of recommendation and decision of the Cabinet, there is a side column for seals

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of Chief Secretary and Under-Secretary of the Cabinet as routine officers. In the present case, cabinet record shows that I did not affix my seal on the document, confirming that I had not personal part not only in the debate of the legislation but even in the handling of the recommendation, translation of which is attached hereto as Appendix A.

SCAP Memorandum further goes in charging that the amendment made by Tanaka Cabinet to the Peace Preservation Law "made that law the Government's chief legal instrument for the suppression of freedom of speech and freedom of assembly and made possible the denunciation, terrorization, seizure and imprisonment of tens of thousands of adherents to reform, thereby preventing the development of effective opposition to the Japanese militaristic regime". However, this was not the only amendment. The Law has had since undergone several important changes.

The Imperial Edict in question was not an amendment. designed to regiment a militaristic regime. Its prime object was solely in the preservation and protection of Tenno System and National Constitution. The joint application of Minister of Justice and Minister of Home Affairs states, as reasons of the amendment, in part:

"While Criminal Code prescribes sentences of severe punishment on crimes of high treason, insurrection, external danger and even on individual crimes such as murder and robbery, it would be out of proportion that the present Peace Preservation Law prescribes imprisonment of only less than 10 years on insurrection and external danger of thought.

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It would not be proper to secure the aim of the legislation.

"The fact revealed in the recent arrest of the Communists that a well planned organized plot of horrible nature has been under way on a large and collective scale is a sufficient evidence to justify a prompt remedy, as proposed, for the defect in the present legislation."

As above extract clearly shows, the purpose of amending the Peace Preservation Law was the suppression of Communist elements then preaching the forcible overthrow of the Constitutional Government. In the years 1927-1929, only this kind of "free speech" was suppressed, as it is suppressed in every democratic country of which we have any knowledge. I do not deny that the legislation later was much mis-used by extreme militarists and nationalists as "chief legal instrument" to suppress even legitimate "free speech". But, I do deny that the amendment could have seemed as dangerous in 1928 as it now appears with the benefit of hindsight.

The merit of the legislation should be appreciated in the light of then existing circumstances. If SCAP insists that, because I was attached to the Tanaka Cabinet, I must "necessarily share the responsibility", I strongly submit that the responsibility is far from so heavy a one as the language of SCAP Memorandum has made it appear. (See Appendix G and H)

2. As Minister of Education from 1931 to 1934.

Next of the SCAP charges was that, as Minister of Education from December 1931 to March 1934, I was responsible for "stifling freedom of speech in the schools by means of mass

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dismissals and arrests of teachers suspected of leftist leanings or dangerous thoughts".

During my tenure of office, however, record shows no case in which, as Minister of Education, nor even personally, I have had to do with in the mass dismissals and arrests of school teachers.

The only such case, as mass arrests of school teachers during the period was that of Communists on February 4, 1933, from among primary school teachers in Nagano Prefecture, in which 208 "red" teachers of 65 primary schools were arrested in a round up. But, I had no hand in the matter.

As Government system, Minister of Education is to "administer affairs relating to education, science, art and religion" and naturally educational matters in primary school are under his jurisdiction. However, while Minister of Education exercises a collective control over educational matters in general, matters of primary schools and under were, as a matter of fact, entrusted to the prefectural governors and were not under direct supervision of Minister of Education.

Thus, in accordance with Article 8 of the provisions of Function and Organization of Prefectural Governments, prefectural governors were authorized to exercise discretionary power over the personnel administration of primary school teachers under Article 1 of the provisions of Function and Organization of Department of Home Affairs. Minister of Education was not

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in a position to be consulted with how individual primary school teachers were going to be dealt with and why. Particularly, arrest of personnel for criminal reason was a matter handled by the prefectural governors under the joint direction of Minister of Home Affairs and Minister of Justice. There is no justification that Minister of Education was to share a responsibility in the case.

SCAP's further charge under this item that the dismissal in May 1933 of Prof. Takikawa from the faculty of Kyoto University on my "personal order" is a flagrant illustration of my contempt for the liberal traditions of academic freedom and it "gave momentum to the spiritual mobilization of Japan which, under the aegis of the military and economic cliques, led the nation eventually into war" perhaps needs more exculpation.

Academic freedom means "freedom of thought and freedom of study". It should not be allowed, however, to be extended to "freedom of action". In view of the circumstances then existing, was Takikawa unjustly dismissed and without reason? Was his dismissal literally my "contempt for the liberal tradition of academic freedom"?

It was a time when undigested Marxian theory ran high in this country when I took up my duty as Minister of Education in 1931 to 1934. The Government as well as the nation as a whole were seriously concerned in those days over the possible

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disturbances in public order and subsequent danger to the National Constitution.

Takikawa was an ardent follower of extreme Marxism. Not only lecturing on Marxian theory from the chair of Kyoto University and other colleges, he advocated his radical views through his books such as "Readers on Criminal Code" or "Lectures on Criminal Code". These books he continued to circulate disregarding official suspension order from the Department of Home Affairs. I had repeatedly warned him for his such defiance of national law only in vain.

As more fully explained in the Appendix C, he advocated the theory that number of crime can be reduced only by unlawful social reform. He applauded revolution, glorified revolutionists, approbated adultery as result of "class war" between man and woman in married life and denied heavy punishments of murder of lineal ascendant as "a reflex action" of feudal patriarchal system. His whole disposition was undoubtedly beyond an "academic study" and was a step forward.

I sent an instruction to Dr. Konishi, then President of Kyoto University, to take procedures necessary for an action about Takikawa. President Konishi, however, delayed the case. The reason was that behind him was a group of professors of Law Faculty to which Takikawa belonged whose concensus of opinion was that any such personnel disposition should be decided by the University independently "on the basis of Self-

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governing principle of University" and not by Minister of Education.

The point of controversy was not they were supporting Takikawa's theories and conduct, but they were opposing to interference to "self-governing principle of University" of Minister of Education who is an administrative body of the Government. The controversy has resulted in their wholesale resignation.

Their protest was based on Clause 2 of Article 2 of the provisions of Organization of Kyoto University which reads as follows.

"Relative to personnel disposition, President of the University shall submit the case to Minister of Education for senior official rank (Koto-Kan) but shall decide on his own authority for junior official rank (Hannin-Kan)."

This provision, while it empowers President of the University arbitrary decision of personnel matters of junior officials, prescribes that he is not allowed same authority for senior officials, mostly professors and assistant professors. He is requested to apply the case to Minister of Education who will take necessary action relative to disposition of personnel in question.

In respect to this clause, a group of professors took the view that Minister of Education is not in a position to take an initiative action unless the case is submitted by the President and they construed it as "self-governing" of the

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university. Department of Education, however, took a different view that the provision authorized the President his power of application to Minister of Education for senior officials in contrast to his arbitrary power relative to personnel disposition of junior officials and that it does not intend to restrict in any sense the authority of Minister of Education.

The gist of the controversy was as above explained and thus the substance was not in the right or wrong or pro' and con. of Takikawa's thought and conduct. In this regard, Takikawa's case entirely differs in nature from the controversy at Tokyo University in 1939 when 13 professors resigned in protest to the "purge" of the Economic Faculty directed by Dr. Hiraga, then President.

First pressure upon Takikawa was brought by Department of Home Affairs in suppressing his books. In defiance of this Government order and of my repeated warning, Takikawa continued the circulation of his books. I dismissed the man on my authority as Minister of Education. It was an action of necessity on my part responsible for educational administration of the country. In judging my efforts to have the man removed from the guidance of the young, I wish to ask SCAP to consider how long he would have been allowed to continue as a professor in any State-owned university in the United States.

In view of the above circumstances, it will be clear enough that how could Takikawa case give such "momentum to spiritual

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mobilization of Japan which, under the aegis of military and economic cliques, led the nation eventually into war" as concluded in the SCAP Memorandum. It is falsely interpreted. Moreover, prime purpose of Home Minister's action in suppressing his books was in the preservation of internal peace for the obvious reason that his theory and conduct were harmful to the public order and good customs of the people.

See for further information attached translation of the draft of explanation prepared by Japanese Government in May 1946 and also full record of Department of Education of May 1933 on his dismissal, theories and contents of his books. (Appendix C)

3. Forced Dissolution of Farmer-labor Bodies
and Doctrine of Regimentation of Labor

SCAP Memorandum charges as third item that I "also participated in the forced dissolution of farmer-labor bodies" and, in addition, my "indorsement of totalitarianism, specifically in its application to the regimentation and control of labor is a matter of record".

However, I have no knowledge that I have ever had "participated in the forced dissolution of farmer-labor bodies", nor indorsed "totalitarianism, specifically in its application to the regimentation and control of labor".

While I was Chief Secretary of Tanaka Cabinet, 1927-1929, Labor-Farmer Party, Labor Union Councils, Proletariate Young

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Men's League and Student's Social Science Society, all Communists' secret organs, were ordered to dissolve by Department of Home Affairs on April 10, 1928. This was an action, however, taken independently by Department of Home Affairs to put an end to the so-called Second Round-Up of Communists made on March 15, 1928, following series of events of Communists arrests since 1923. But, this had no relation to me whatsoever. While keynote of policy of Tanaka Cabinet toward legitimate labor bodies such as Social Peoples Party, Japan Peoples Party or National Peoples Party was a moderate one in general, it has taken a policy of decisive suppression against radical Communists organs as they were known to instigate anarchical reform by force.

Thus, the suppression of farmer-labor movement as then widely known was the suppression of Communist cells which had infiltrated into the farmer-labor movement. The true farmer-labor movement, on the other hand, gained strength steadily from 1927 to 1938 as the rolls of Diet members testify.

I submit that there is great confusion of thought over the terms "Liberalism" and "communism". It has become a habit since surrender for Japanese and Occupation critics of past actions in Japan to assume that any act of suppression was always directed against "Liberals". This is a false assumption. Commencing with 1927, acts of suppression were aimed at Communism at sharp variance with Japanese Constitutional Government

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and private enterprise system. Not until the 1930's were well under way did Rightist totalitarians commence suppressing liberals as well as Leftist totalitarians.

No record is available which confirms that I have ever sponsored the doctrine of the regimentation and control of labor, as I have had practically no association with labor institute, committees, newspapers, magazines or any other labor organizations, official and unofficial. How SCAP could trace up to conclude that I have ever indorsed "totalitarianism specifically in its application to the regimentation and control of labor" is a mystery to me.

The only resemblance of such report, since SCAP Memorandum further refers to my recommendation that "it would be well to transplant Hitlerite anti-labor devices to Japan", issues few passages on page 119 of my book "Visage of the world", my diary of trip abroad in 1937-1938, relative to labor educational system of Germany.

If this is the source, a careful reading of the passages will tell that it is a mis-interpretation of the contents in as much as that remarks described on that page relative to German labor system are those reported to me in Berlin on October 4, 1937, by H. Kobayashi of Department of Home Affairs, Tokyo, who was then staying in Germany for study of Nazi labor system. On the contrary, so far as I am concerned, I was against transplanting Nazi economic and political system to Japan "where

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racial, economical and other conditions vary" as I have clearly described on PP. 128-129 of my above book. (See also Appendix E)

I have never been a sponsor of "the doctrine of regimentation of labor". I am convinced no record will identify me as "a tool of the ultranationalistic interests which engineered the reorganization of Japan on a totalitarian economic basis as a pre-requisite to its wars of aggression", nor will prove my "innate antipathy to the democratic principle of the right of labor". The charge is completely unfounded.

4. My Trip to America and Western Europe.

1937-1938

SCAP Memorandum then relates to my trip to America and Western Europe, 1937-1938, as "personal emissary of the then Prime Minister Konoye" and charges that while abroad I "negotiated economic arrangement for supporting the war against China and subsequent exploitation of that country after subjugation" and "with duplicity" I told British Prime Minister in 1937 that "China cannot survive unless controlled by Japan". Obviously these charges were cited from my book, as above referred, "Visage of the World", published in 1938 in Tokyo, which reprints my diary of the trip from July 1937 to February 1938. (See Appendix D)

I planned this trip not as a personal emissary of Konoye. Politically, in those days, I was not favorably looked upon by

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militarists and nationalists. I lived in obscurity and could have the time to make a trip abroad to renew my knowledge. After I arrived Germany, however, I received a cablegram on October 12, 1937 from Tokyo Government asking me to continue travel as a national envoy of Japan. How it happened for Konoye to make such a request was not, and still is not, known to me. Konoye did not instruct me any specific mission nor conditions. Probably Tokyo Government wanted to have it for a show that it had sent a national envoy. (See Appendix D and G)

Such being the case, while abroad I had never "negotiated economic arrangement for supporting the war against China and the subsequent exploitation of the country after subjugation". The only resemblance to this was my interview with then German Economic Minister Schacht on October 5, 1937, before I accepted the appointment of national envoy. In this interview, we discussed various economic problems between Germany and Japan including German-Japanese cooperation in exploiting natural resources of China and possible bartering system between the two countries as I more fully dilate on pp. 121-122 of my book. But, our conversations were merely exchange of private views and were far from "negotiation".

It is also unfounded that I proposed to then British Prime Minister a loan for Japan. I talked to some business men such as Sir Robert Kindersley something of possibility in future of

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British financial help to Japan when China Incident is settled, but never to British Prime Minister. What I told British Prime Minister Chamberlain on November 23, 1937 was the general situation in China and that she needs Japanese help to survive.

On this point, perhaps more dilation will be necessary. In brief, my views on China at that time fully shared those of H. Abend and Billingham, both veteran New York Times Correspondents in the Far East, who collaborated on a book "Can China Survive", which expressly concludes that "the prospect for survival of China, except under Japanese directions, or as adjunct to the Soviet Union, seems gloomy indeed". I described same views on pp. 325, 337 and 354 of my book quoting their opinions.

When I met British Premier Chamberlain, I frankly told him that I entertain a doubt whether China can survive as a full independent nation, that China has to choose either to survive under Japanese influence or under that of the Soviet Union and that Japan is trying to drive Soviet influence out of China which consummation will not only benefit China but also other powers. I further stressed to British Premier that, for this purpose, it is essential for Japan to establish a separate North China Government under Japanese influence in order to combat with the invading Soviet influence.

My whole dispositions on politics in general and Chinese situation are more fully enumerated in Appendix D on my book "Visage of the World". As expressed on several pages of the

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book, I always hoped that the war in China would come to a close as early as possible not only for the benefit of China but also for the benefit of this country.

5. My Mailed Address to Constituents
in 1942 Election

The Memorandum finally charges on my mailed address in 1942 election. As such printed address usually was not well valued in the past campaigns by Japanese constituents, its preparation was, in many cases, was left in the hands of others than the candidate himself. My mailed address was not an exception. It was written by Mr. K. Yamaura, one of my political friends and assistants. But, I have no excuse in this.

SEAP picked up from the address several passages and cited that I "upheld the doctrine of territorial expansion by means of war, referred to the attack on Pearl Harbor as fortunately a great victory, stated as a fact that the true cause of the Manchuria and China incidents was the anti-Japanese sentiment (in China) instigated by England and America, ridiculed those who in 1928 and 1929 had criticized the Tanaka Cabinet, boasted that the cabinet had liquidated the (previous) weak-kneed diplomacy toward England and America and gloated that today the world policy drafted by the Tanaka Cabinet is steadily being realized".

However, I submit that passages must be matched with passages and that, like my book, the total effect of the address

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is negative. A complete translation of the address in question is attached hereto as Appendix M.

I also submit that the 1942 election was held during the feverish days of war under extremely strained and abnormal conditions. Under the stress of circumstance, I admit, the address was worded by the writer with exaggerated and disguised expressions in defending me from the attack of the opposition and Tojo Government, as I was then branded as American-British faction and anti-war pacifist. As the translation shows, it praised in part Tojo and his policies, but any reader of the whole letter who knows the situation will find the tone of innuendo instead of eulogy and of veiled criticism instead of tribute of praise.

In short, it was a way of sheltering in mailing the address to the mass of people who were fascinated with the militarist's regime and the war. Ironical to say, in the 1942 election, addresses and election reports of non-recommended candidates were more in militaristic tone than those of recommended candidates by Tojo Government. If we take in consideration the abnormal political circumstances and psychological conditions of voters in the 1942 election, I submit that it is too much severe and, at the same time, too much superficial to take my mailed address at its "face value" to formulate a SCAP decision.

Some dilation will be further necessary about the so-

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called "Tanaka Policy" since the charge concludes that my identification with "the notorious Tanaka Policy of world conquest", whether genuine or opportunistic, itself brands me "as one of those who deceived and misled the people of Japan into militaristic misadventure".

Tanaka Cabinet, 1927-1929, was often misrepresented as a military cabinet sponsoring policy of continental aggression by force. Perhaps, one reason was that the cabinet was headed by late Giichi Tanaka, then an army general on reserve list but formerly War Minister of Japanese Government during World War I. Perhaps, because he sent Japanese troops to Shantung in May 1927 and later called the so-called Eastern Conference.

Perhaps, because his name was often mentioned in connection with the document known as "Tanaka Memorandum" which is widely believed to be a guiding principle and policy of the whole programme of Japanese military invasions leading up to Pacific War. Or, perhaps more accountable for such misrepresentation was the sudden death of General Chang-Tso-lin, then War Lord of Manchuria, by explosion of his special train at midnight of June 3, 1928, at railway junction nearby the Mukden Station. The incident led up to the eventual resignation of Tanaka Cabinet in July 1929, leaving impressions to the world that Tanaka Cabinet had something to do with the unfortunate assassination.

While the latter two reasons are more important, the

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doubts have been now cleared. Tokyo War Tribunal has witnessed in its summer session of 1946 that the so-called "Tanaka Memorandum" was a 100 per cent fabricated document, that the assassination of Chang Tso-lin was an independent and arbitrary plot of Kwantung Army carried out without the knowledge of Tanaka Cabinet and that "the Tanaka Policy", contrary to the outside interpretation, was more designed at closely cooperating with the Manchurian War Lord in developing economic resources of Manchuria. If this is the truth, I expect that SCAP will reconsider its charge on "notorious Tanaka Policy of world conquest".

6. Have I "deceived and misled" the people of Japan into War I

The most serious charge to me of all of the SCAP Memorandum is that I have "deceived and misled the people of Japan into militaristic misadventure". Really did I? Certainly not.

I did my best all through past 32 years in building-up a sound parliamentarianism in this country. On every possible occasion, I emphasized that only a spirit of fair-play could establish a real parliamentarianism. And, in my opinion, only liberalism is a mother of sound parliamentarianism and a spirit of fair play, because, I advocate, a true liberalism develops only on the basis of self-respect of every individual personality. My constituents all know this. That is why our peoples

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for years called me a liberalist. Even such men like Yukio Ozaki or Daikichiro Tagawa, although they belong to different party, will testify this in my favor.

Political situation in Japan has undergone a drastic change during the past decade or so. Generals and soldiers stepped into politics. Liberals were all shut out of the theater. Various things happend.

Once I was told that I was held by militarists for 57 crimes on account of my article contributed to a certain magazine. At another time, I was warned that militarists were plotting to arrest me in a coup detate together with Takao Saito and Kunimatsu Hamada, both noted Japanese democrats. When February 26 Incident broke out, I took a refuge for 3 days in a friend's house in Hongo District of Tokyo, as danger was so iminent. Also I remember an occasion, when I was Educational Minister, that I was chased around in my office by extreme rightists with bare swords.

Tojo Government's interference in the 1942 election is well known. None the less severe was their interference, according to my experience, in the 1937 election. My trip to Europe and America was a result of such political situation. I could have nothing to do politically and I had a time.

Some of my friends advised me that I better issue a statement upon returning home from abroad announcing a turn of my coat or a apostasy. It was true that at that time talks of my

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apostasy were spreading over in this country. I remember when I arrived in London in October 1937, Chokichi Miyawaki, a member-elect of House of Representatives and my colleague, who was then staying there, strongly advised me not to change colors. This I am quoting from page 163 of my book "Visage of the World".

Upon landing at Yokohama in February 1938, I was received in open arms of many of my political friends who protected me against the rightists' plot to prevent my landing. On the very day of my return to Japan, I met Premier Konoye and urged not to let the National Mobilization Bill sponsored by militarists pass the Diet. Despite our opposition, the general situation was in favor of the Bill. Therefore, I declined to vote.

It is a matter of record that, together with Seijun Ando, Etsujiro Uehara, Mitoshi Ashida and others, then members of House of Representatives and my political colleagues, I opposed to the signing of Tri-Power Military Pact between Japan, Germany and Italy. We frequently met, discussed and did our best in preventing the conclusion of the pact. It was, however, an unavailing labor against the general militaristic swing of the time. We were blamed and placed under constant watch by militarists and nationalists as "antimilitarist" and "unpatriot".

Time drifted rapidly against us. I took my refuge to Karuizawa for most of the time since. That is why I was called

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as "on-lookers" of war. I secluded myself since from the political activities, perhaps, however, with two exceptions. One was the formation of Dohkoh Kai in 1941 soon after the widely known oration at the Diet by Takao Saito, denouncing militarists' policy which made him embroiled in a political trouble. It was organized by 35 members of the Diet, including Yukio Ozaki, who opposed to the budget bill for Taisei Yokusankai (Imperial Rule Assistance Association). I seceded from Seiyukai Party and fought through the whole session of Diet against bills of War-time Special Criminal Code and Control Act of Speech, Publication and Assembly in the protection of the people's right.

The other one was my admonition in June 1943 to Japanese Government and executives of Taisei Yokuseikai (Imperial Rule Political Association). For about 10 years, I kept silent in the Diet. Only I remember twice I called on Chuji Machida, then President of Minseito Party, to discuss with him to reject the bill for increase in the budget for Taisei Yokusankai, as I always opposed to it.

In the 1942 election, then Tojo Government refused to recommend me as candidate. They played, instead, every possible trick to intervene in my campaign. For example, they recommended Hisashi Kawaguchi, one of my close political supporters, from my electoral district in Tokyo to prevent my election. I could not even freely speak to my constituents. Other my

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political activities were also prevented. In the election for Tokyo Municipal Assembly which was held subsequent to the general election in 1942, I was arrested when I was speaking at a political meeting of a friend of mine and taken to Kisagata Police Station in Asakusa District. The reason was that I spoke on "freedom" as compared to "control" and opposed to Government's theory of control.

Prior to war was declared in 1941, I once called on Baron Wakatsuki, urging him to directly appeal to the Throne to change Konoye, then Premier, because if such a weak-willed man remains in the post of Premier, I felt the danger of war between America and Japan. I remember I also talked to Admiral Keisuke Okada same subject. Wakatsuki agreed with me, but Okada categorically denied that there never will be a war between the two countries.

Ever since the war, I anticipated eventual defeat of Japan. I frequently warned and argued early ending of the war. I did so particularly to Konoye, first when Singapore fell in our hands, then when allied operation on Saipan started and in the last when Allied general attack on Okinawa was imminent.

War ended in Japan's complete defeat. Time has changed. On August 22, 1945, I returned to Tokyo encouraged by my political friends to organize a new party. Thus, Liberals Party came into existence. He won the election and, just at the last moment to organize my own cabinet, I was barred as aforesaid

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as "undesirable personnel" by SCAP on the charge that I am "one of those who deceived and misled the people of Japan into militaristic misadventure". I strongly submit that the whole charges should be thoroughly reexamined and reconsidered. For additional information, see Appendix and explanations of evidences.

7. My Purge of May 3, 1946.

When I first heard various talks about my eligibility, I paid no attention to them as I thought them a prank on the part of my opposition. I heard from newspaper sources such as Asahi during my several day's canvass trip in Shikoku in February 1946 that I was made in Tokyo definitely ineligible, but I did not still mind it. I continued my trip from Shikoku to Kyushu as my itinerary called for.

When election was over and Liberals won the No. 1 party, again various rumors rallied. Some said I was hopeless. Some said I was all right. So far as I am concerned, I did not even think of calling on SCAP for explanation, because I firmly believed that I am innocent all the way through. But, there were reasons to believe that certain group of men were in the Government (Shidehara Cabinet) who were malicious to me and who were planning something to deepen suspects around myself. This motivated my following statement to the public, as generally reported, at the Liberals meeting on April 27, 1946.

"Let me tell you at this occasion what I feel and believe relative to my personal affair as so much talks

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are circulated around.

"First, about my book 'Visage of the World'. This book is simply a diary of my trip to Europe and America several years ago. Any perusal of the whole book will convince that I am a pacifist. On some pages, I certainly praised some of the good points of Germans and Italians, but I clearly stated that we should not become a Fascist. Along with Germany and Italy, I praised on several pages of the book good points of America and England too.

"Secondly, some criticize the fact that I opposed to communism. This is, however, only natural because I cannot agree with Communists who oppose to Tenno system.

"I rather feel a pity for those who reproached me, until the election is over, as 'on-lookers' of war, blamed me at the time of the 1942 election as American-British faction, now suddenly turn over-night in vituperating me as a reactionary and a militarist. All the fair-minded citizens of our country know that I am an advocate of liberalism throughout the past 30 years.

"I deeply regret that the Government did take no action during past 10 days or more in cleaning up suspects looking over myself, thus causing the present political uncertainty. The Government now should take its responsibility seriously in deciding black and white of the case."

Shidehara Cabinet did not show any response to my statement. In the meantime, SCAP Memorandum was issued.

On May 6, 1946, after 3 days the Memorandum was issued, I was told that Japanese Government had a letter of explanation ready about my case to the effect that both Takikawa case and "Visage of the World" have no reasons to make me ineligible. I received a copy of the draft on May 7, 1946, translation of which is attached hereto as Appendix C.

It appears to me that this letter of explanation was prepared much earlier than these dates. If, at that time, the

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Japanese Government was informed, as pointed out in the SCAP Memorandum, that my eligibility to hold any public office was open to doubt in the light of evidences published subsequent to my screening by the Japanese Government, why did the Japanese Government not send the letter of explanation to SCAP immediately? A mystery. (See Appendix B and J).

I am convinced that our people except Communists thought of me as an opponent to militarists. (See Appendix N) Militarists hated me and fought me. Liberals in the Diet all considered me a friend and an ally. I never have been anything save a convinced parliamentarian. (See Appendix E and F) In the feverish days of war when opposition to the ruling clique was perilous, I fought for Constitutional Government. How could, then, the opinion of an American investigator arrived on the scene long after the event be formulated that I "deceive and misled the people of Japan into militaristic misadventure" in the face of fact that I was constantly facing in the other direction? I earnestly hope SCAP's fair and unbiased judgment.

Ichiro Hatoyama

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EVIDENCES AND REMARKS

APPENDIX A Cabinet Paper Dated June 6, 1926, showing I had no part in the cabinet decision on Urgent Imperial Edict amending a part of so-called Peace Preservation Law.

APPENDIX B Report from Cabinet Records on Relation of Assassination of Chang Tso-lin to Tanaka Cabinet, 1927-1929, showing the assassination was carried out without knowledge of Tanaka Cabinet. The event was a cause of widely spread misunderstandings about so-called "Continental Policy" of Tanaka Cabinet. This Appendix shows the misunderstandings were completely unfounded. Copies of correspondences between Premier Tanaka, Japanese authorities in Manchuria and War Minister Shirakawa at that time have been loaned to American Prosecutor at Tokyo War Tribunal.

APPENDIX C Letter of Explanations about My Eligibility prepared by Department of Home Affairs and Department of Education prior to My Purge on May 3, 1946, but not submitted to SCAP by Shidehara Cabinet, showing Takikawa was a Communist and his dismissal was a matter of necessity. It also explains my book "Visage of the World" furnishes no reasonable ground for purge directive.

APPENDIX D Contents of My Book "Visage of the World", showing:

- a. That I labored to prevent aggravation of Japan's

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international relations and outbreak of armed conflict between America and Japan.

- b. That I am opposed to totalitarianism and militarism.
- c. That I am a pacifist and how I worried over Japanese public opinions being guided toward anti-British.
- d. That how I worried about spreading over of China Incident and hoped improvement in living standard in China.

APPENDIX E My Article "A Note-book of a Liberalist" in January 1936 Issue of Chuo Kohron (Central Review). As this article came out in January 1936 issue, I had probably written it in course of November 1935. It shows I publicly advocated liberalism and parliamentarianism and opposed to militarists dictatorship when their high-handedness was generally feared following assassination of Inukai.

APPENDIX F "Political Calendar" by Akaboshi from Asahi Graph of March 24, 1938 Issue, showing I was an anti-militarist, a liberalist and a parliamentarianist from course of years prior to 1937. On July 19, 1937, I sailed Kobe for a trip abroad. It is well-known that since I have lived in political obscurity for 10 years. I have not been anything but "an on-looker".

APPENDIX G "Hidehara Overlays" by Tatsuo Iwabuchi from May 26, 1946 Issue of Nippon Weekly, showing:

- a. That possible development of China incident was anticipated only by a group of militarists and not by

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Konoye and by many others.

- b. That militarists, rightists and my oppositions all assailed me as "American-British faction" and a liberalist.
- c. That I did not share responsibility in amending a part of Peace Preservation Law.

APPENDIX H "Fight between Conservative's and People's Fronts" by Tetsu Yoshida from July 1946 Issue of Seikei Shunju (Political & Economic Annals), showing:

- a. That I am a liberalist and anti-militarist.
- b. That I did not share responsibility in amending a part of Peace Preservation Law.
- c. That I had no part in foreign policies of Tanaka Cabinet.

APPENDIX I "Move of Politics and Move of Men" by Shinnosuke Abe from June 1946 Issue of Choryu (Current), showing I am a liberalist, a parliamentarianist and opposed to Tojo all throughout.

APPENDIX J Memorandum by ex-Admiral and ex-Premier Keisuke Okada dated February 21, 1947, showing I worked to prevent possible armed conflict between America and Japan.

The Memorandum, however, has made a mistake in stating that "it was when first Konoye Cabinet was in process of formation". This his memory is not correct. It was during second Konoye Cabinet that I went to Okada to ask to work to cause

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resignation of Konoye Cabinet.

At that time, informed circles in this country were afraid of the eventuality of armed conflict between America and Japan in view of the development in European situation and spreading-over of China Incident. When first Konoye Cabinet was formed, Saionji, "the Genro", was still alive and I am not sure whether Okada was in a position to be consulted on political matters. Be that as it may, the Memorandum will serve to show that I worked to prevent any possible conflict between the two countries.

APPENDIX K Memorandum by ex-Premier Keihiro Nakatsuki dated February 28, 1947, showing similar evidence as Appendix J.

APPENDIX L Memorandum by Koichi Seko (Parliamentary Vice-Minister of Home Affairs, 1940-1941) on Formation of Dokokai, showing my opposition to "pro-military opportunists" and Taisei Yokusankai (Imperial Rule Assistance Association) as my doctrine was that such an organization was against a constitutional governmental system.

APPENDIX M My Mailed Address in April 1942 Election. Following points are to be specifically explained.

- a. The clause which superficially praised Tojo under heading "One Vote Service" is in reality an innuendo and not an eulogy as any Japanese reader can easily appreciate. The clause, instead, denounced a Diet run by pro-military opportunists and stressed the impor-

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tance of a true representative Diet. The motive of citing Tojo's words in the address and praised his decision to hold an election was to "smash the enemy with enemy's weapon".

It was a matter of record that how speeches and addresses of non-recommended candidates were suppressed by Tojo Government in 1942 election. For example, mailed addresses and election reports of our allied candidates were required to be inspected and some of them were not permitted to be mailed to constituents. In fact, as widely known, non-recommended candidates were almost not allowed to carry out even "authorized methods of campaign".

b. Some insist that I claimed myself as "German-Italian faction" merely because I stated in the address under heading "There is no American-British faction" that "according to my book, I might be called German-Italian faction". This is too much "cooked up" argument. The clause is an integral part of the clause that ridiculed those who called me as "American-British faction" and is a rebuff at them.

My oppositions accused me as "American-British faction" as they knew that I used to praise at almost every election how British parliamentary system is operated and also as they knew I opposed to any con-

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flict with America and England. The clause in question was inserted to defend my position against such accusation and will serve to show, on the contrary, that I am a parliamentarianist and a pacifist.

e. The last clause of the address that "Japan's World Policy as designed by Tanaka Cabinet is now steadily being realized" was worded, to my sincere regret, with too much exaggerations, although its original intent was a refutation against the charge of oppositions that I was "American-British faction" and anti-war pacifist. I believe, however, any reader of the whole paragraph will understand what the substance is.

APPENDIX N "A War Criminal - Hatoyama - Has an Eye to Power" from April 18, 1946, Issue of Akahata (Red Flag) as Typical Example of Communist Assail.

This charge of Akahata probably would have given SCAP unfavorable impressions toward my case, because, at that time, Japanese Government showed no response to SCAP opinion to re-examine my eligibility and I too failed to explain to SCAP on my case. Both committed important oversights. As enumerated under, the article is almost completely unfounded.

a. I was once very close with Kaku Mori as Akahata points out, but his subsequent close association with the Army and militarists had severed our relation. My friends all know this. I was not one of his "satellites".

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- b. I never had "drove one of the most progressive professors out of Kyoto Imperial University".
- c. I have no knowledge about Toho episode.
- d. I never had "maneuvered" in negotiating with foreign powers to supply this country with instruments of war.
- f. I have no memory I had ever talked to or consulted with Gisuke Ayukawa or Shingo Tsuda on pecuniary or any other matters.

Thus, this account of Akahata has played up with my case in most malicious imagination. It is a maximum slander and insult I ever know.

Futher reference is made to the following articles which translations were omitted from the Appendix to avoid duplication of effect with the articles as appended above.

- a. "Hatoyama and Nozaka" by Seijin Fukagawa in April 1, 1946 Issue of "Sozo" (Creation), p.58, stating in part:

"Hatoyama was continually elected to the Diet member despite Tojo's refusal of recommendation and his extreme pressure brought upon him. Now we hear his purge. It looks to be a little bit too severe."

"Jiyuto (Liberals) represents groups of men historically anti-militarists and anti-yokusan (Imperial Rule Assistance Association members) in sentiment."

- b. "Men in Political Mess - Hatoyama, Saito, Katoyama

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and Nozaka" by Kanichi Yamaura in June 1, 1946 Issue of same publication, p.48. The article points out:

"What Hatoyama tried during the war was first to overthrow Tojo Cabinet, then to terminate fighting with China by using influence of Tojo's oppositions so that Pacific War could be avoided, and, after War was declared, to make it come to a close as soon as possible."

"Hatoyama never tried to change his doctrine of liberalism as he is a true and genuine liberalist from the blood."

"Hatoyama had no alternative during the war except to retire to Karuizawa and do some farming work there, because he was treated by the militarists like a traitor to his country and nobody was willing to finance his political activities."

c. "Personification of Political Parties" by Sunji Ishii in January 1, 1946 Issue of "Jinbutsu Hyoron" (Personal Review), p.3. It also says:

"As a liberalist, Hatoyama was forced to retire from the theater of active politics during the war."

"Hatoyama is loudly assailing these groups or the Diet members who formerly belonged to Yokusan-kai and Nisseikai that they should share responsibility of the result of war. They are shouting back to Hatoyama that during the war he was an on-looker of war, a pacifist and he is not qualified to talk anything about re-building of new Japan."

d. "Ups and Downs with Men" by Kanraiho in February 1, 1946 Issue of Tokyo Jiho (Tokyo Times). This article cites a charge on myself:

"Those who do not like Hatoyama blame that during the war he was living up in Karuizawa leading a lazy life of reading and farming - a irresponsible man and a coward."

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e. "Round-Table Discussion with Educational Minister Hatoyama" in December 24, 1932 Issue of "Toyo Keizai Shinpo" (Oriental Economist), p.31. This article reprints that I stressed importance of sport in character education of the young and shows that I am a non-militarist in education.

All these articles agree and vindicate that all throughout long years I have been a liberalist and an anti-militarist and I have lived in political obscurity during the war.

APPENDIX 0 Extract from letter of Taikichiro Tagawa dated "Middle-day" of November 1946, showing that I am "one of the few liberalists".

Ichiro Hatoyama

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APPENDIX A

THE CABINET PAPERDATED 6TH JUNE, 3RD YEAR OF SELOWA (1928)

Shi Ko No. 8

Granted 13th. June, 1928.

BUREAU OF LEGISLATION

6th. June, 1928.

Chief Secretary (no Sealing)

Secretary (sealed)

Prime Minister

Director of Bureau of
Legislation (sealed)Minister of Foreign
Affaire (signed)Minister of Home Affairs
(signed)Minister of Finance
(signed)

Minister of Army (signed)

Minister of Navy
(signed)Minister of Justice
(signed)Minister of Education
(signed)Minister of Forestry
(signed)Minister of Commerce
& Industry (signed)

Minister of Communications

Minister of Railways

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After due deliberations, we deem the proposed draft as attached hereto for Urgent Imperial Edict relative to Amendment of Law of Preservation of Public Order applied jointly by Minister of Home Affairs and Minister of Justice is appropriate and hereby recommend that it be approved at the Cabinet Meeting as applied. We further recommend that the matter shall be referred to the Privy Councils as it relates to an Imperial Edict under Article 8 of the Imperial Constitution.

IMPERIAL EDICT DRAFT

Date

In view of the urgent necessity, I hereby sanction to be promulgated, after submission to the Privy Councils, the amendment of a part of law of Preservation of Public Order in accordance with Clause 1 of Article 8 of the Imperial Constitution.

Imperial Signature
and SealCountersignatures of
Cabinet Ministers

No. of Imperial Edict _____

Draft of Amendment as attached.

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APPENDIX B

TANAKA CABINET AND ASSASSINATION
OF GENERAL CHANG TSO-LIN

Tanaka Cabinet, 1927-1929, was in many cases was too much misrepresented as a military cabinet sponsoring policy of aggression by force.

Perhaps one reason was that the cabinet was headed by late Baron Giichi Tanaka, then an army general on reserve list but former War Minister of Japanese Government during World War I. Perhaps because he sent Japanese troops to Shantung, China, in May 1927. Perhaps because his name was often mentioned in connection with the fabricated document known as "Tanaka Memorandum" which widely believed to be a guiding principle of the whole programme of Japanese military invasion leading up to the Pacific War.

But perhaps more accountable for such misrepresentation was the death of General Chang Tso-lin, then War Lord of Manchuria, by explosion of his train at railway junction in the north of Mukden Station at mid-night of June 3, 1928. The incident led up to the eventual resignation of Tanaka Cabinet in July 1929, leaving impression that the cabinet has had something to do with the unfortunate assassination. The following is a part of cabinet record of the incident showing that it

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was an independent plot by a group of officers of Kwantung Army carried out without the knowledge of Tokyo Government.

On May 20, 1929, nearly a year later since the explosion at Mukden, Yoshinori Shirakawa, then War Minister, reported to Premier Tanaka to the following effect.

"Whereas the incident occurred within the jurisdiction of Kwantung Army garrison causing various rumors, careful investigations were carried out relative to the explosion at railway junction of Peking-Mukden Line in the north of Mukden Station on June 4, 1928. However, result shows no evidence that the Imperial Army nor its officers have anything to do with the incident."

The report was made obviously at the request of Premier Tanaka, although record of such request is missing at present. Prior to this Kenjiro Kinoshita, then Governor of Kwantung Province, submitted the following report dated May 10, 1929, to Premier Tanaka at his request.

"Whereas the explosion of General Chang Tso-Lin's train on June 4, 1928, as it took place within South Manchurian Railway Zone, is an event of prime importance internationally as well as for protection of Japanese interests in Manchuria, the matter has been referred to Kwantung Army and South Manchurian Railway authorities and careful investigations, as requested, were conducted by Mukden Police Office who reports:

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(1) Personal effects left by Chinese who were dressed likely to be civilian soldiers of South China and who were killed by Japanese guards for trespassing prohibited zone, have given reason to suspect that the explosion was a plot by Chinese revolutionists. Investigations, however, revealed no evidence to this effect.

(2) As there were rumors that the incident was an intrigue of Japanese "ronins", both outside and inside investigations were carried out fully about Japanese in Manchuria listed for possible dangerous action, however, they failed to find no evidence of such fact. Detailed investigations on other directions also were in vain.

(3) No truth could be found about the rumor that the explosion was machinated by Chinese Army."

Obviously in response to then prevailing public opinion in Japan which was decidedly against the cabinet, Premier Tanaka again on June 8, 1929, requested War Minister Shirakawa to further investigate the case. As no copy of his second request is available, it was presumably made in private. War Minister responded to the request in an un-numbered confidential report dated June 10, 1929, as follows.

"With reference to your request of June 8, we wish to report that when return of General Chang Tso-lin to

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Mukden was made definitely known, Chinese Military Police at Mukden asked Japanese Military Police for permit to put 50 guards and several military police-men between Shinyung Station and Kochutung Station. The matter was referred to Kwantung Army Headquarters.

"Upon receipt of request, Staff Officer Col. Kawamoto, at his discretion, authorized Chinese Military Police to dispose guards under the land-bridge at railway junction of Peking-Mukden Line and South Manchurian Line, as it has been customary in the past to permit entry of Chinese armed forces to South Manchurian Railway Zone for guarding purpose.

"However, as such authorization to Chinese authorities to dispose their armed forces within an important point where Kwantung Army is directly in charge of guarding is to be regarded as improper in procedure, its responsibility is expected to be defined in due course."

Acting upon these information, Premier Tanaka reported to the Throne as follows.

"Relative to the explosion of Chang Tso-lin's train on June 4 last year, I understand that War Minister had privately reported details of the case as well as his intention of maintaining military discipline and order through administrative action for minimizing effect of the case.

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"In this respect, I have his recent report that more thorough and detailed investigations of his Army could not uncover any trace of truth or evidence that his Army or any of its officers have had to do with the case.

"However, as railway junction of Peking-Mukden Line and South Manchurian Line is a point of importance where most strict garrisoning is required, I made further request how and why they permitted Chinese armed forces to enter the Zone and who issued the permit. The report submitted to me in this regard disclosed that Col. Kawamoto, Staff Officer of Kwantung Army, issued the permit in his own discretion in the after-noon of June 3 of last year at the request of Chinese authorities, allowing Chinese armed forces to dispose under the land-bridge at railway junction. I wish to call him to account for this action.

"I have received another report from Governor of Kwantung Province stating that he made investigations on sources of various suspects and rumors but failed to find any evidence on either Japanese or Chinese side."

All these records convince that Premier Tanaka was not a participant in the explosion nor he was even properly informed about the truth of the case. Even War Minister himself, very probably, had no knowledge about the true story. The truth was that it was an independent and arbitrary plot of Kwantung

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Army. Without knowing it, Tanaka Cabinet honestly made the following statement to the public.

"Respecting to the explosion of General Chang Tso-lin's train on June 4, 1928, at railway junction of Peking-Mukden Line and South Manchurian Line in the north of Mukden station, both Japanese and Chinese authorities made joint on-the-spot investigations of the conditions of the explosion and its causes. Both sides tried to ascertain the fact but in vain.

"As the incident has subsequently provoked various rumors, Japanese Government conducted further investigations through Kwantung Army, Kwantung Provincial Government and other channels, failing, however, to reveal any findings of the fact nor vindication of rumors. It is to be admitted that Kwantung Army directly in charge of guarding the Zone should be held responsible for carelessly permitting Chinese armed forces at their request to dispose at an important point. As it deserves severe reproof, due action will be taken for calling persons concerned to account for negligence of duty."

Further private investigations by Tanaka Cabinet later disclosed the truth and, astounded at the finding, Premier Tanaka painfully reported to the Throne in private the truth deeply apologizing for his previous false report as follows.

"I feel greatly humiliated in hereby reporting that Mukden explosion of which I had previously reported to

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the Throne now has been discovered by subsequent private investigations as a plot by a small group of men headed by Staff Officer Col. Kawamoto of Kwantung Army.

"Although due action is necessary to maintain the discipline and order of the Army, I am deeply concerned over the possible unfavorable effect of the incident to the nation if the truth is disclosed to the public in course of management of the affair. It is my wish to maintain them without provoking unfavorable reactions.

"Since the matter is of serious importance for the future of the Army, I have fully taken it up with Chief of the General Staff, of Military Education and Field Marshals of the Army who all agreed to such policy of the management of the affair."

Thus, on July 2, 1929, Tanaka Cabinet took the consequence of false reporting to the Throne of Mukden Incident by tendering resignation to the Emperor.

As illustrated in the above case, it should be remembered that so-called "Tanaka Programme" was not a programme of Tanaka Cabinet itself, but a programme planned and drafted independently by group of persons other than Tanaka Cabinet when Tanaka was in power and without the knowledge of the latter. As Tanaka happened to be an Army General and Premier, aggressive militaristic policy particularly of Kwantung Army has been widely misrepresented as "Tanaka Programme".

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APPENDIX C

DRAFT OF EXPLANATIONS PREPARED BY JAPANESE GOVERNMENT
IN MAY 1946 BUT NOT SUBMITTED TO SCAP BY SHIDHARA CABINET

IMPERIAL JAPANESE GOVERNMENT

Pertaining to the Questionnaire of Ichiro Hatoyama1. "Visage of the World"

This book was published in March, 1938. It was a record of personal experiences during Hatoyama's 7 month trip in Europe and America from July, 1937 to Feb., 1938. The contents are a daily record of impressions about peoples, sceneries, books, etc. which he came across during the trip and we, the Japanese Government, do not think the book is of much importance as to necessitate the application of your Memorandum. In this book, Hatoyama did not approve unconditionally Nazism nor Fascism, nor did approbate unreservedly Hitler or Musolini. We find in this book no reason why he should be branded as a militarist or bellicose-nationalist.

It is Hatoyama's fault that he did not mention this book (he wrote also some others) in the questionnaire. But, as this book is a daily record of impressions of his trip and not of special importance from the view-point of his qualification to membership and as we do not think him malicious when he left

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out this book from the questionnaire, it should be too severe, in the opinion of the Japanese Government, to regard him guilty for the omission as "concealment of fact under criminal provisions, although it is a matter to be left to the Court for final judgement.

2. So-called Kyoto Imperial University Case

When Hatoyama was Minister of Education (1931-1934), he dismissed from professorship in May 1933 Koshin Takikawa, professor of the Faculty of Law, Kyoto Imperial University, not waiting for the application of the President of the University. The reasons of the action were that man entertained Marxian ideas, lectured them freely to students, published books which were banned from sale and distribution for too radical contents. In protest to such dismissal as deprivation of academic autonomy and freedom, number of professors and assistant professors of the Faculty of Law tendered resignation. This was the so-called Kyoto Imperial University case and Hatoyama was the responsible person of education as Minister of Education.

More precisely the reasons of the dismissal were that ideas of Takikawa, as expressed in his "Readers of Criminal Law", "Lectures on Criminal Law" and "Treatises on Criminal Law" in the Collection of Legal Studies were those of Marxian theory in that he advocated that decrease and extinction of crimes which Criminal law intends could not be hoped for except by revolutionary change of economical construction of society.

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thus ignoring the subjectivity of human morality; that these his basic ideas were more clearly expressed in his treatises on criminal chapters in asserting, for example, insurrection is a "punishment when it fails in its attempt, but sublime in its motive" - a description which disturbs the individual penal sense and the social order; that his idea on adultery and murder of ascendant relatives completely ignores good custom and morality among the people; and that, in short, his theories and the contents of his books were against public welfare and social order, harmful to good custom and morality of the people and were in violation of the purport of the First Article of the Ordinance of the University aiming at "cultivation of personal character and fostering of national thought", with the conclusion, in the opinion of the then ministerial authorities, that it was a great impediment for educational purpose to have him remaining in professorship. Thus, his dismissal was ordered.

At that time, President Konishi of Kyoto Imperial University was first instructed by the ministerial authorities to take an action on professorial imprudence of Takikawa but Konishi failed to response, while, on the other hand, professors and assistant professors of the faculty united in a joint protest against such ministerial measure. Thus ministerial authorities were obliged to directly order the dismissal of Takikawa without the application of the President.

The justification of the ministerial action and consequent

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responsibility on the part of Hatoyama, however, should not be judged by the sense of today, but should be judged in the light of the internal circumstance then existing. At those days, the Law of Preservation of Public Order (whether it was right or wrong) was in full force. Any thought and conduct to bring about changes in the national constitution was rigidly supervised. Specially after the Manchurian incident, national ideas were advocated throughout the country and morality was emphatically claimed upon, so that such theories and ideas as entertained by Takikawa were not generally acceptable. Particularly it was considered most improper and undesirable that they were allowed to be lectured as an authoritative theory from the chair of an university.

In view of such circumstances of those days, in the opinion of the Japanese Government, it would not be proper to conclude that Hatoyama comes under the purview of the Memorandum as "a person who persecuted advocator of anti-militarism" for the sole reason that Hatoyama held a responsible position in the affair. But, opinions may differ if it should be judged only from fact actually occurred, as in the case of exclusion from public offices of special police-men, irrespective of the circumstances. (Attached translation of Reasons of Dismissal of Takikawa as stated in Official Record of Japanese Government Department of Education accompanied by Report on Theories of Takikawa and Contents of his Books)

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REASONS OF DISMISSAL OF TAKIKAWA AS STATED
IN OFFICIAL RECORD OF DEPARTMENT OF EDUCATION

The said man was appointed assistant professor of the Kyoto Imperial University in September 1918, was given chair of Criminal Law and Code of Penal Procedure in August 1919, appointed professor in April 1924 and held same chair to date. His thought showed gradual leftist leaning. Not only lectured his such thought freely to students, he published without impunity such books as were prohibited from sale and distribution for too radical contents. As to his theories and the contents of his publications, see report as per attached.

As radical thought is being easily propagated recently among students and intellectuals causing serious circumstances, national unity is being required for its prevention. Radicalist troubles have occurred one after another subsequent to the affair of Kyoto Imperial University. Many cases were reported and great number of students were prosecuted, accused or compelled to be banned out of the University. The situation is so urgent that the university authorities now should devote its utmost to prevent such occurrences and to manage them properly.

The professorship of an University is requested to use his endeavour for discipline of personal character and fostering of national thought on the part of the youngsters as dire-

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cted in the Ordinance of the University. If a professor entertains a thought contradictory to his duty, teaches it to the youngsters or publishes it, he should be removed from his post as an university professor. It is unexcusable that the said person not only entertains radical thought but openly publishes and teaches such thought as above mentioned. Accordingly, we deem it necessary to remove him from his post as applied for, as it is a great impediment for educational purpose to have him remaining in the professorship.

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DEPARTMENT OF EDUCATION

Report on The Theories of Takikawa
and Contents of His Books

1. As judged from his fundamental thought on criminal law as expressed in his various works, Takikawa entertains Marxian ideas that the final aim of criminal law to reduce and extinguish crimes cannot be hoped for except by revolutionary change of economical construction of society and thus he systematizes and describes his theories entirely ignoring the subjectivity of human morality. To quote his fundamental idea on criminal law:

"Crimes are same as sickness, poverty, suicide, unemployment, prostitution, etc. and are natural phenomena which come from the defects of social order. Crimes cannot be decreased nor extinguished by the virtue of penalty. The basic condition to combat crimes is in the revolutionary reformation of economical construction of society. The theory of omnipotence of penalty is simply the most conservative and reactionary idea." (p.1, "Lectures on Criminal Law", Revised Edition)

Thus, according to his ideas, prerequisite is "the revolutionary reformation of economical construction of society". To quote again:

"It is impossible to decrease or extinguish crimes by the virtue of penalty. Its prerequisite is to construct a society without penalty. I tell you, therefore, to emancipate criminals from penalty is to emancipate human beings from crimes." (p.196, "Readers of Criminal Law")

To quote also:

"The basic nucleus of combating crimes is reformation

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of social order. The social reformation by lawful measures is simply a matter of saying, not practical. So to combat crimes by the virtue of penalty or police-punishment is an empty theory." (p.37, "Lectures on Criminal Law", the First Edition)

Thus he advocated that the reformation of social and economical construction of society is prerequisite and his idea of reformation is not a gradual one but a revolutionary one as evidently shown on p.157, "Readers of Criminal Law", which compares penal measures with reformation of basic construction of society as follows.

"The execution of old penal measures chiefly aims at thefts but the thefts are increasing instead of decreasing. As long as basic organization of society is not reformed, decrease of thefts and consequently of the whole crimes cannot be hoped for."

Such his whole disposition of thought is further indicated in approving revolutionist with a touch of admiration. He states:

"The conducts of revolutionist aim at destruction of present social order favoring only minority and at cultivation of living of the injured majority. There is an unsurmountable barrier between such conduct of the revolutionist and the present social organization. Naturally, his conducts agree with the supreme human morality but are contrary to the reasons of the time. His head is always adorned with a thorny crown." (p.100, "Lectures on Criminal Law", Revised Edition)

This idea of his is eloquently expressed in a few words quoted in the preceding page that "the social reformation by lawful measures is simply a matter of saying, not practical" and he describes the kind of reformed society he advocates as follows. (p.195, "Readers of Criminal Law")

"There is established in the prison a principle that 'those who do not work cannot eat'. They are dressed in

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same clothes, eat same food and sleep in same room for same hours. The prison is likely to be an ideal society. But the actual society around it is quite differently organized. So it will be vain if a prisoner, even he is trained by the virtue of penalty, and now swears to come back to his community, returns from where 'those who do not work cannot eat' to where those who work are confronted with those who do not work. To those who are trained in the prison by education penalty, the world where they should belong is a world where the principle same as the prison of 'those who do not work cannot eat' governs by which they can live. Deplorably the actual society is not a society like that."

Further he says on p.7 - 8, "Readers of Criminal Law":

"The traits of the laws of every nation vary with its economical structure. In so far as the basic structure of the nations is not the same, the essence of the law or the aim which the law is to serve in the maintenance of public peace and order is quite different, even though the formalities of the laws or the passages of the provisions of the laws are one and the same. To understand correctly the Japanese Laws, you must not ignore the present state of things of society in Japan, that is, a capitalistic society which is now tracing a downward trend of collapse from an imperistic stage throughout the world."

Again he states on p.32, "Lectures on Criminal Law", Revised Edition:

"Laws depend upon the economical situation of society. It is a part of the whole upper building built upon the economical construction of society."

This shows that he interprets laws as simply a part of the upper institution built upon, and regulated by, the economical order of society. This is evidently a Marxian doctrine.

According to his "Readers of Criminal Law", there have been several changes in criminal legislatures since the beginning of the Meiji Era. He describes these changes as from Temporary Criminal Regulation, New Outline of Criminal Law and

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to present Criminal Law and lastly to the new Criminal Law as results of processes of economical development as from feudal economic system to capitalistic stage of free competition, then to the zenith of the capitalistic monopoly, now turning downwards to the collapsing process of capitalism. This indicates that he follows a historical materialistic view-point of Marxism. (pp.12 - 16, "Readers of Criminal Law") He also says:

"What kind of people commits crimes in the present society is demonstratively answered in a study that crimes are committed mostly by proletariat or the people of the lower classes of society. Inversely speaking, those who are inflicted with damages by commission of crimes are of the bourgeoisie classes. Now readers will know clearly who is to be protected by the laws and who is to be trained by penalty." (p.194, "Readers of Criminal Law")

Here he asserts class-feeling of Criminal Law, suggesting that the law protects only the propertied classes. We notice the same intention of his on pp.46 - 47, "Lectures on Criminal Law", Revised Edition:

"Though the essence of the law is to protect chiefly the interests of a certain class in the society, its interpretation should be developed along the line to protect the interests of the majority. Any exposition should not be allowed to exist as a social science if it ignores the interests of the majority."

2. The above-mentioned traits of ideas of Takikawa are more manifestly shown in his treatise on specific subject of Criminal Law. It will suffice here to illustrate two or three specimens.

INSURRECTION

"The aim of insurrection is to destroy the order of the nation. It is what any government is most afraid of and what they need to oppress. But, the motive of those

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who commit insurrection should not be detested. Rather they undertake to destroy the order of society for constructing a happier society of mankind. As viewed from the result, if it results in a success, they displace the ruling class and substitute them. Broadly speaking, they are not punished because their motive or behavior is wrong, but simply because they fail in their attempt." (p. 125, "Readers of Criminal Law")

This is a description which slackens the sense of morality and disturbs the peace and order of society, as it denotes that motive of insurrection as "sublime" though it is accused if it fails in its attempt.

ADULTERY

"Whichever man or woman breaks their faith of matrimony, the responsibility is same. The principle of sex equality is the logical consequence of matrimony. Women have been economically and accordingly legally subordinate to men. This sex relation is reflected on matrimony. Matrimony is a harmonious union in formality but essentially is a struggle between man and woman, a miniature of social struggle in the family between husband representing the ruling class and wife representing the ruled class. The natural outcome of the contention is adultery. The legislation to punish the adultery on the part of wife only is a full indication of complete triumph of the ruling class." (pp. 31 - 32, "Treatise on Criminal Law" in Collection of Legal Studies, Vol. 28)

It is a matrimonial view based on the Marxian theory of class-struggle which destroys good habits and customs in Japan.

MURDER OF ASCENDANT RELATIVES

"To punish this crime heavily is a remnant of feudalism in which treason against the patriarch was considered the worst crime. This idea itself must get through social criticism. To require particular respect simply because ascendants are ascendants is a reflection of patriarchy. As members of the family are getting out of the controlling power of the head of the family and incorporated into the constituent of society, such an idea is gradually losing its ground. It is nothing but an anachronism to

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impose a heavy penalty with the excuse to maintain the so-called good manners and habits of society." (p.93, "Treatise on Criminal Law" and P.400, "Treaties on Criminal Law" in Collection of Legal Studies, Vol. 27)

3. These are extracts from Takikawa's "Readers of Criminal Law", Revised Edition, "Lectures on Criminal Law" and other books. In the light of above analysis, it shall be concluded that his theories and contents of his books are to be regarded as to disturb the public peace and order and destroy good habits and customs of the people in Japan. Also his ideas are contrary to the purport of the First Article of the Ordinance of the University based upon the cultivation of personal character and fostering of national thought.

REFERENCE

First article of the Ordinance of the University provides:

"The object of the University is to teach theories and applications of science useful to the nation and study them to profundity aiming at the cultivation of personal character and fostering of national thought."

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APPENDIX D

CONTENTS OF "VISAGE OF THE WORLD"

This 369 page book was published in March 1938 through Chuoh Kohron Sha (Central Review Publishing Co.) of Tokyo as publishers and distributors. The book was dedicated to my late father, Dr. Kazuo Hatoyama, who died on October 3, 1911 and who advised me, first when I graduated from the college and secondly from death bed, to go abroad for broadening my knowledge and experience. As I have stated in the "Foreword" of the book, I did not observe this my father's last injunctions for nearly 30 years and it can be said that my trip to Europe and U.S. in 1937-1938 was partly motivated by this old memory of my father.

The book is the usual diary of a foreign trip with a random account of daily impressions and memos, as my publisher has remarked in "Preface" of the book as follows.

"In the evening Hatoyama returned from abroad, I found at his home in Tokyo three diary books taken out of his travelling trunks scrupulously filled, even with occasional inserted writings, by letters as small as hole in a needle. Broad and fair observations. Rich tastefulness in style. I thought they were too good to be a private record. I told him to publish it and he consented."

So much so is the nature of the book. This feature is further indicated in the following translation of the contents of the book, although they were edited by the publishers and rather

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