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DEPARTMENT OF THE ARMY
THE ADJUTANT GENERAL'S OFFICE
WASHINGTON

Public Safety Div History Vol I

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Outline of Japan's Internal Security Scheme

POLICE REORGANIZATION PLAN

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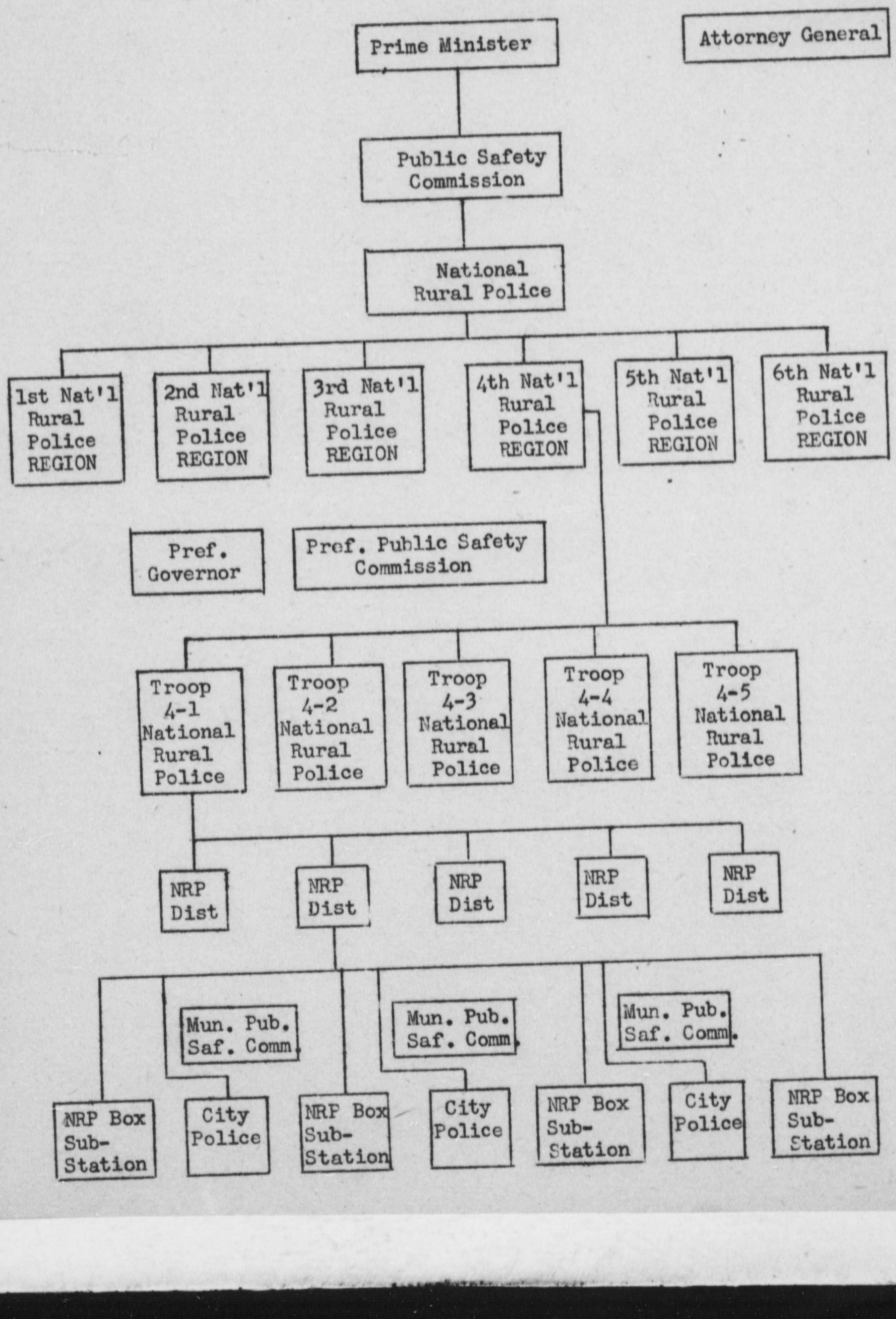

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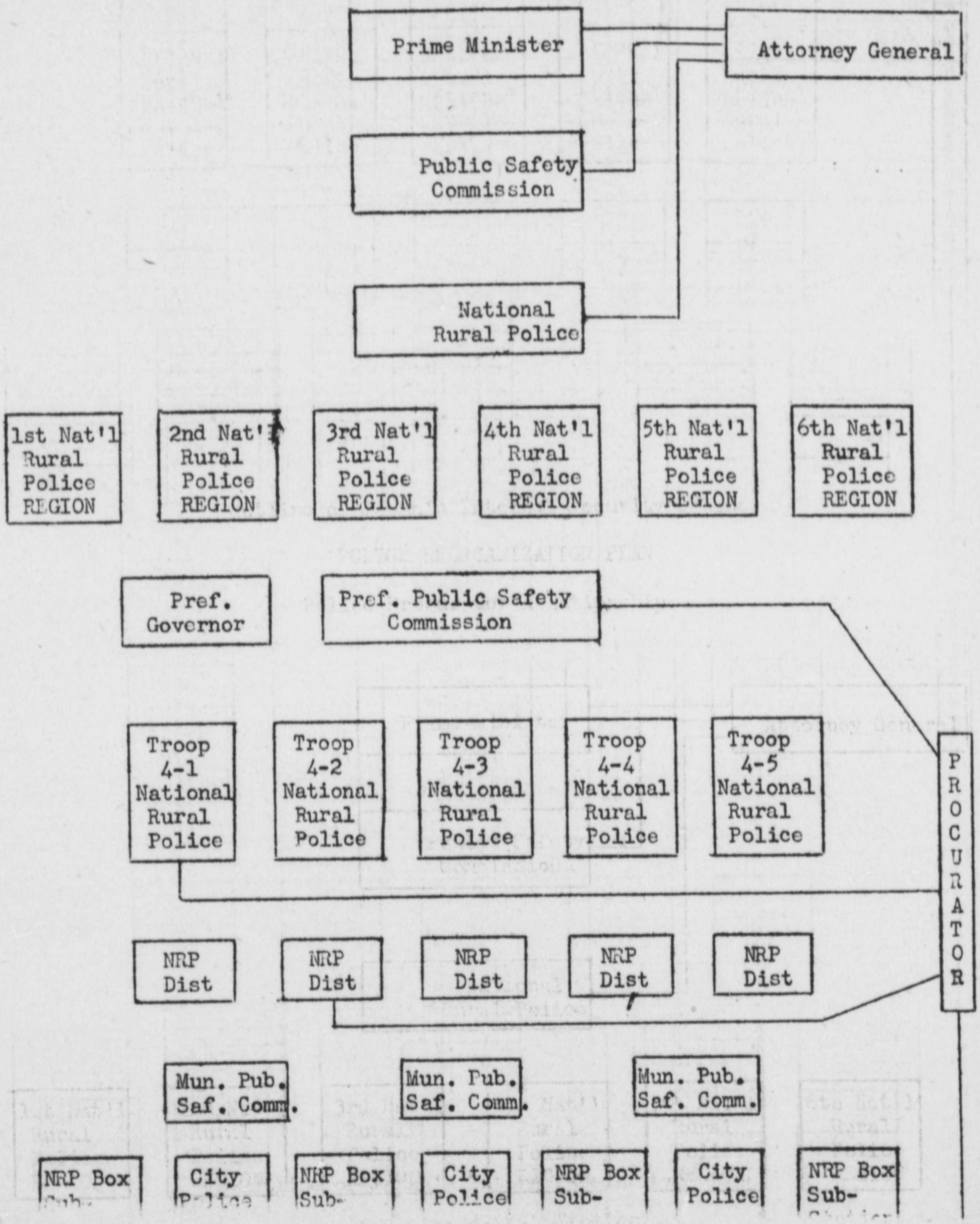
Outline of Japan's Internal Security Scheme

POLICE REORGANIZATION PLAN

Police-Procurator Relationship



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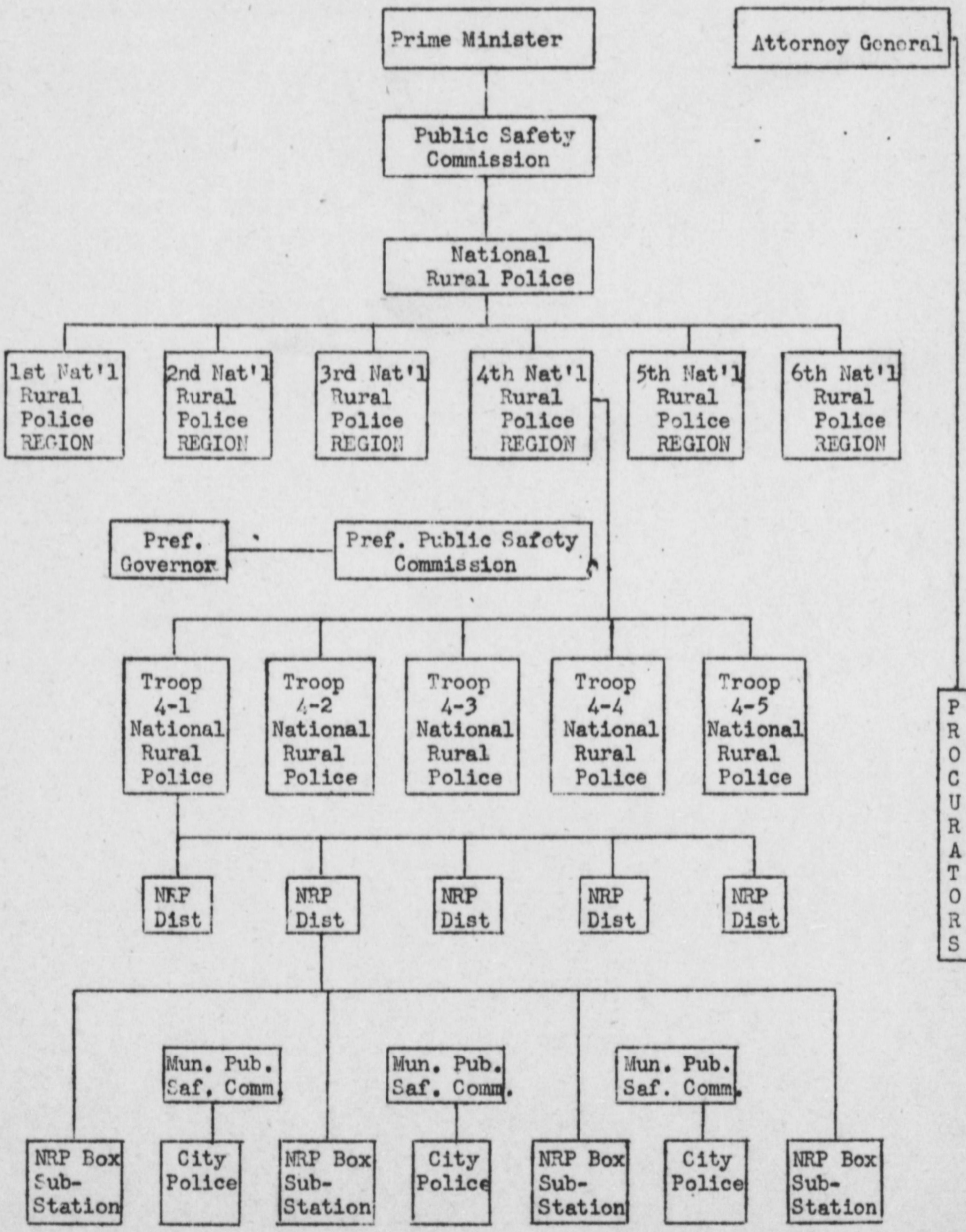
Administrative Control



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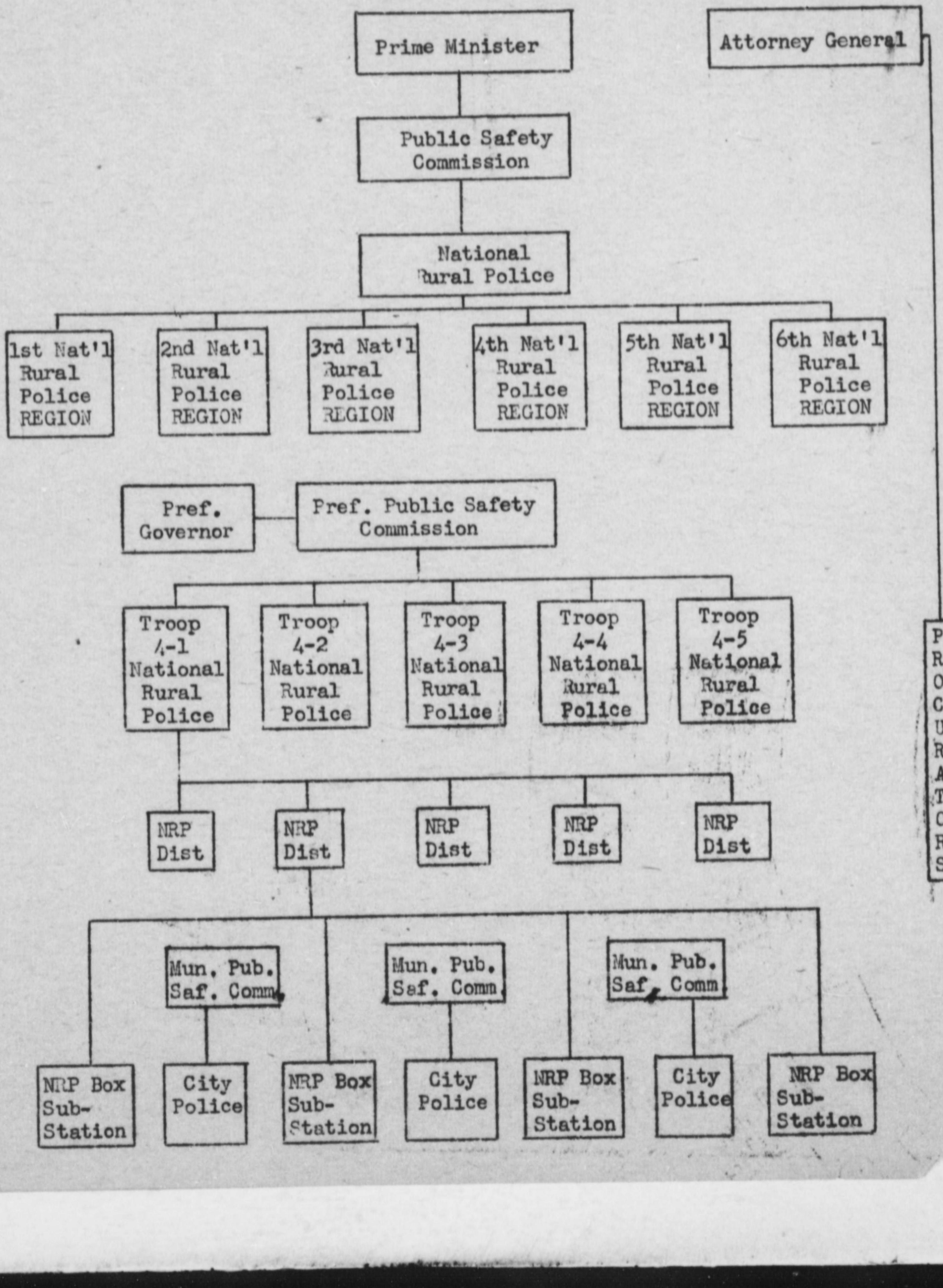
POLICE REORGANIZATION PLAN

Operational Control



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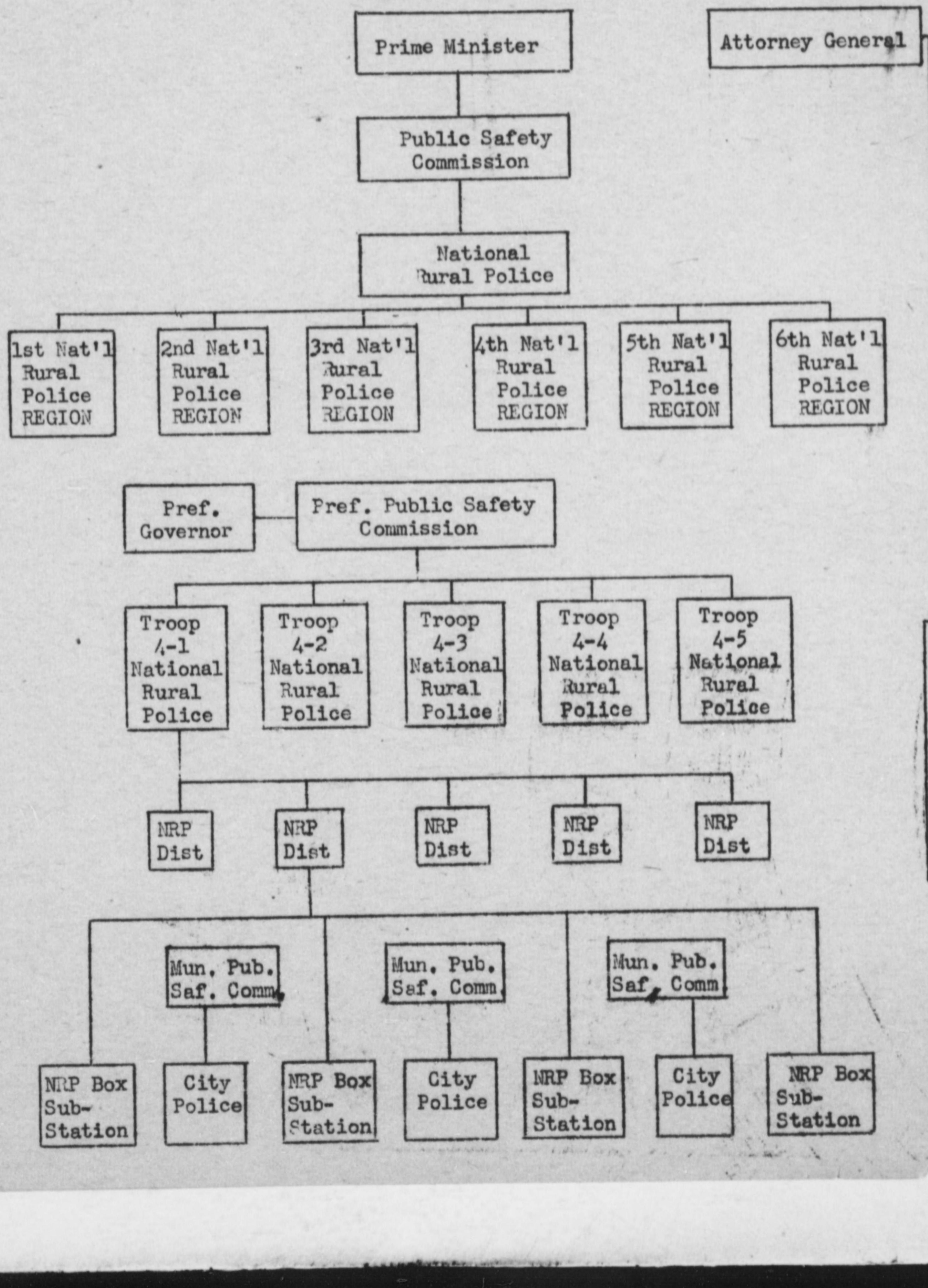

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

CHILD WELFARE LAW
(Jido Fukushi-ho)

CHAPTER I. General Provisions

Art. 1. It is the duty of all citizens of the Nation to have children born and grown up with healthy mind and body. Every child shall have equal opportunity for security of life and loving care.

Art. 2. The Nation and the local public bodies are responsible as well as guardians of children for their healthy growth.

Art. 3. The preceding two Articles point out the principle to insure the welfare of children which should be always borne in mind in enacting all laws relating to children.

Part I. Definitions

Art. 4. The term "child" in this law means the child under eighteen years of age; the subdivision of the child is as follows: (1) "Infant" -- child under one year old; (2) "Preschool child"--child from one year to the entrance in primary school; (3) "Minor" -- child above primary school age and under eighteen years of age.

Art. 5. The term "expectant or nursing mother" in this law means a woman who is pregnant or who has not passed one year after delivery.

Art. 6. The term "guardian in this law means the person who has actual custody of the child including "the holder of parental right". The term "the holder of parental right" in this law means the parent or legal guardian in case there is no parent.

Art. 7. The term "Jido-fukushi Shisetsu" (child welfare agency) in this law includes Josan Shisetsu (lying-in agency), Nyuji-in (infant home), Boshi-ryo (mothers' home), Hoikujo (day nursery), Jido Kosei Shisetsu (Children's recreational agency), Yogo Shisetsu (home for dependent, neglected and abused children), Ryoiku Shisetsu (home for physically handicapped children) and Kyogo-in (home for juvenile training and education).

Part II. Child Welfare Board

Art. 8. For the purpose of investigating and discussing the problems of welfare of children and expectant and nursing mothers, central and local Child Welfare Boards are to be established.

A local Child Welfare Board is to be established in Tokyo Metropolis, Hokkaido and in every local and urban prefecture.

The Central Child Welfare Board is under the jurisdiction of the Minister of Welfare and the local Child Welfare Board under that of the prefecture Governor. The Central Child Welfare Board shall answer the inquiry of the Minister of Welfare to make recommendations to the Ministers concerned about child welfare.

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

The local Child Welfare Board shall answer the inquiry of the governors of the prefectures or make recommendations to the administrative officers concerned.

The Child Welfare Board may ask the administrative office concerned for the presence and explanation by competent officials and presentation of documents when there is special need.

Art. 9. The Central Child Welfare Board consists of not more than forty five persons and the local Child Welfare Board not more than twenty persons. Temporary board members may be appointed for studying special problems when necessary.

The Minister of Welfare and the governors of the prefectures shall appoint members and temporary members of the central or local Child Welfare Board respectively from public officials concerned, those who are engaged in child care, child health and welfare services and those who have knowledge of and experience in work with children. There will be a chairman for each Child Welfare Board selected by vote of the members.

Art. 10. Further rules and regulations regarding the tenure of office of members of the Child Welfare Board, duties of the chairman of the Board and operation of the Board, etc. will be prescribed in the Order.

Part III. Child Welfare Official and Child Welfare Worker

Art. 11. Child Welfare Officials are to be appointed in Metropolis, Hokkaido and each of the prefectures.

Child welfare officials are to work for the promotion of welfare of children and expectant and nursing mothers giving advice and counsel for their care, health and general welfare.

The child welfare official executes his duties described in the preceding Paragraph in the district assigned by the governor of the prefecture.

The status of the child welfare official is that of a prefecture official either clerical or professional; he shall be appointed from among those experienced in or have education in welfare work such as child care and health of children and expectant and nursing mothers.

Art. 12. Child welfare workers shall be assigned to areas of cities, towns and villages (including special ward, the same hereinafter).

Child welfare workers shall cooperate with child welfare officials concerning the execution of their duties.

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

Minsei-iin appointed under the Minsei-iin ordinance are to assume the duties of the child welfare workers.

Child welfare workers are to work under the direction and supervision of the governors of the prefectures.

Art. 13. The heads of cities (including the head of special wards, the same hereinafter), towns and villages may give child welfare officials and child welfare workers their opinions in regard to matters prescribed in Art. 11, Paragraph 2.

Art. 14. Further rules and regulations regarding the qualification, and status of child welfare officials and necessary matters concerning child welfare officials and child welfare workers, will be prescribed in the Order.

Part IV. Child Welfare Center

Art. 15. Metropolis, Hokkaido and the prefectures shall establish Child Welfare Centers. The purpose of the Child Welfare Center is to promote the welfare of children through consultation and determining the child's capacity.

Art. 16. The Child Welfare Center shall be staffed with a director and staff officials. The status of the director and staff officials is that of the prefectural official either clerical or professional. The director manages the Center under the supervision of the prefecture governor. Staff officials are responsible for consultation and determination, provided for by the preceding Article, under supervision of the director. The Child Welfare Center may employ necessary workers besides those authorized previously.

Art. 17. Child Welfare Center shall provide facilities for temporary shelter of children when necessary.

Art. 18. Further rules and regulations regarding the area to be covered by the Child Welfare Center and other necessary matters concerning the Child Welfare Center will be prescribed by Order.

CHAPTER II. Welfare Program and Security

Art. 19. Prefecture governors shall encourage expectant and nursing mothers or the guardians of infants and preschool children to receive health guidance from health centers, physicians, midwives or public health nurses for maternal and child health.

Expectant and nursing mothers and guardians of infants and preschool children shall receive health guidance by health centers, physicians, midwives or public health nurses for maternity and children's health.

The prefecture governors may give health examinations of infants and preschool children.

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

The prefecture governors shall make arrangement for payment, according to the Order, for expenses for health guidance of expectant and nursing mothers and guardians of infants and preschool children who are not able to pay.

Art. 20. The woman who has conceived shall report her pregnancy as soon as possible to the head of the city, town or village with a diagnosis paper of pregnancy from the physician or midwife.

The diagnosis paper however is not necessary if there is any adequate reason as the absence of a physician or a midwife within a reasonable distance.

Art. 21. The prefecture governors shall, in accordance with the Order, issue a Maternal-&-Child Handbook for each expectant mother who has reported her pregnancy under the preceding Article.

When expectant and nursing mothers receive such health guidance from health centers, physicians, midwives or public health nurses, the necessary remarks shall be entered in the Maternal-&-Child Handbook. This provision applies when guardians of infants and preschool children receive health guidance from health centers, physicians, midwives or public health nurses for the health of their infants and preschool children.

Further rules and regulations regarding the Maternal-&-Child Handbook are to be prescribed by Order.

Art. 22. The heads of city, town and village shall admit indigent expectant mothers to the lying-in agency for delivery when it is necessary for their health. This provision does not apply in case it cannot be carried out for any adequate reason such as the absence of a lying-in agency within a reasonable distance.

Art. 23. The head of the city, town and village shall admit to the mothers' home and give protection to widowed women or women under similar circumstances and their children when they deem the welfare of such children is endangered. The provision does not apply in case it cannot be carried out for any adequate reason such as the absence of the mothers' home within a reasonable distance.

Art. 24. The head of city, town or village shall admit infants and preschool children to day nurseries for care whose guardians are considered not able to give them adequate care due to their work or other reasons such as illness. This provision does not apply in case it cannot be carried out for any adequate reason such as the absence of a day nursery within a reasonable distance.

Art. 25. Any person who has discovered a child without a guardian or with an inadequate guardian shall report the child to the Child Welfare Center or its officers. Provided, children who come under the protective measures of the juvenile court are outside the scope of this provision.

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

Art. 26. The head of the Child Welfare Center shall take up any of the following procedures for such children reported under the provisions of the preceding Article when it is deemed necessary: (The same procedure applies when children come or are brought to the center for consultation.)

(1) Children who fall under Art. 27 shall be reported to the governor of the prefecture;

(2) Provide the child or his guardian withthe guidance and services of the child welfare official or the child welfare workers.

The report required by the preceding Paragraph, Item (1), shall contain the child's name, address, age, history, behavior, health conditions, and other facts helpful for understanding the child.

Art. 27. The prefecture governor shall follow any of the following procedures for the child reported as provided under the preceding Article, Paragraph 1, Item 1, in accordance with the Order.

(1) Give the child or the child's guardian admonition or let them submit a written oath;

(2) Provide the child or his guardian with the guidance and services of the child welfare official or child welfare worker;

(3) Place the child under the care of a foster parent (the individual who wishes to bring up a child deprived of proper parental care by reason of absence or inadequancy of the guardian and whom the prefecture governor has approved, the same hereinafter) or infant home, home for dependent children, home for physically handicapped children, or home for juvenile training and education (Kyogo-in).

The procedure of the preceding Paragraph, Item 3, shall not be carried out without the consent of the holder of parental right over the child.

Art. 28. The prefecture governor may take any of the following procedures in case the guardian so abuses the child or is so neglectful as to violate the penal laws or the danger of same may be indicated and the holder of parental right over the child objects to the procedure of the preceding Article, Paragraph1 Item (3);

(1) Taking the procedure of the preceding Article, Paragraph 1, Item 3, with the approval of the Court of Domestic Relations in case such guardian is the holder of parental right over the child;

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

(2) In case the guardian is not the holder of legal parental right over the child, the child shall be returned to the holder of parental right. Provided, if such transfer is deemed to be against the welfare of the child the procedure of the preceding Article, Paragraph 1, Item 3, shall be taken with approval of the Court of Domestic Relations.

The approval in the preceding Paragraph, in the application of Domestic Relation Court Law, is considered to belong to A group of Art. 9, Paragraph 1 of the same law.

Art. 29. The prefecture governor may order child welfare workers or public officials concerned with child welfare work to enter the place where the child is, his residence or the premise where children are engaged in work and make necessary investigations or ask questions. Such public officials shall carry a certificate to show their official capacity.

Art. 30. The prefecture governor may ask foster parents to submit necessary reports about children placed under their care.

Art. 31. The Minister of Welfare or the prefecture governor may extend up to twenty years of age the care of the child in the home for feebleminded children, the home for physically handicapped children or the home for juvenile training and education under the provision of Art. 27, Paragraph 1, Item 3, provided that the Child Welfare Center reviews such case individually and determines the need for such action.

Art. 32. The prefecture governor may vest the head of Child Welfare Center with the whole or a part of the power to take the procedures provided under Art. 27, Paragraph 1.

Art. 33. The head of the Child Welfare Center may place such child pending decision as to disposition provided under Art. 26, Paragraph 1, under the protection of a temporary shelter or consign the child to a suitable individual for temporary care when he deems it necessary.

The prefecture governor may, when he deems it necessary, place such child under the temporary care of the head of the Child Welfare Center or let him place the child under the care of a suitable individual until any of the procedures provided under Art. 27, Paragraph 1 is taken.

Further rules and regulations regarding temporary shelter are to be prescribed by Order.

Art. 34. The following actions are prohibited;

(1) To make a show of deformed or crippled children;

(2) To allow children to beg or to beg by means of a child;

(3) To allow children under fifteen years to act in acrobatic feats and circus riding for public show;

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

(4) To allow children under fifteen years to sing, play or make other performances from house to house, on the street or similar places with the purpose of public show;

(5) To allow children under fifteen years of age to engage in occupations where liquors are served;

(6) To allow children to practice an obscene act.

(7) To transfer custody of the child to a person who is in danger of practicing any of the actions described in the preceding items or in danger of violating any of the penal laws about the child with the knowledge of such facts, or to transfer it to another person with the knowledge of forgoing dangers involved.

In Yogo-Shisetsu (home for dependent children), Seishin Hakujakuji-Shisetsu (home for feebleminded children), Ryoiku-Shisetsu (home for physically handicapped children), and Kyogo-in (home for juvenile training and education), beyond the scope of the object prescribed by Art. 41, 42, 43 and 44 respectively the children shall not be exploited.

Such protection defined in the preceding Paragraph shall be afforded by the minimum standards as provided in Art. 45 with due respect for the spirit and provisions of the Labor Laws and Ordinance affecting children.

CHAPTER III. Child Welfare Agencies

Art. 35. The Nation, Metropolis, Hokkaido and the prefectures shall establish Child Welfare Agencies according to the Order. Cities, towns, villages and other persons may establish Child Welfare Agencies with the approval of the administrative office in accordance with the Order. The prefecture governor may order cities, towns and villages to establish the Child Welfare Agencies after securing the opinion of the local Child Welfare Board. Facilities to train personnel for the Child Welfare Agency may be attached to the Child Welfare Agencies.

Art. 36. Josan-Shisetsu (lying-in agency) is the agency to admit and render maternity services for expectant mothers who are in need of such services but are not able to pay.

Art. 37. Nyuji-in (infant home) is an agency to provide the infants indoor care.

Care provided under the preceding Paragraph may be extended until the infant reaches two years of age.

Art. 38. Boshi-ryo (mothers' home) is an agency to admit and give protection for widowed women or women under similar circumstances with dependent children.

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

Art. 39. Hoikujo (day nursery) is an agency to give daily care for the infants and the preschool children by request of their guardians.

Art. 40. Jido-kosei-shisetsu (children's recreational agencies) are agencies which provide facilities for children's healthy play for the promotion of their health and cultivation of their sentiment such as the children's playgrounds and the children's centers.

Art. 41. Yogo-shisetsu (agencies for dependent children) aim to extend protection by indoor care for those children, except infants, without guardians, maltreated, or who are deprived of adequate care.

Art. 42. Seishin-Hakujakuji-shisetsu (home for feebleminded children) is to admit feebleminded children for care and give them education necessary for their future self support.

Art. 43. Ryoiku-shisetsu (home for physically handicapped children) are agencies to admit physically weak children for the promotion of their health conditions in a suitable environment or the physically handicapped children to give them therapeutic treatment and vocational guidance for their future self support.

Art. 44. Kyogo-in (home for juvenile training and education) is the agency to admit and guide delinquent and predelinquent children.

Art. 45. The Minister of Welfare shall establish minimum standards for the equipment and operation of the child welfare agencies after securing to the opinion of the Central Child Welfare Board.

Art. 46. In order to maintain minimum standards under the provisions of the preceding Article the administrative office may require the heads of such agencies to submit necessary reports or send the public officials concerned with child welfare work to investigate. When such Child Welfare Agencies do not maintain minimum standards, the administrative office may order the agencies to correct it or terminate their services after securing the opinion of the Child Welfare Board.

Art. 47. Superintendents of Child Welfare Agencies may assume the parental right over children in their charge when it is necessary. They do not, however, exercise it over the supervision of properties which belong to such children when there are parents for these children.

Art. 48. The education of children in homes for dependent, feebleminded and physically handicapped children who fall under the provision of the School Education Law, Art. 22 or 39, will be given in accordance with the provision of the School Education Law.

The superintendent of the home for juvenile training and education shall regard those children under his care who completed the course of primary or middle school under the provision of School Education Law as graduated from primary or middle school.

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

Matters relating to the curricula of schools described in the preceding Paragraph shall be approved by the supervisory board under the provision of School Education Law, Art. 20 or 38.

Matters related to the curricula in the homes for juvenile training and education which are approved under the provision of the preceding Paragraph are to be supervised by the Minister of Education (with the homes for juvenile training and education established by those other than the Nation. They are supervised by the supervisory office of the prefecture).

Those who are acknowledged under the provision of the Paragraph 2 are regarded as graduated from the primary or middle school under the provision of School Education Law.

Art. 49. Further rules and regulations relating to the personnel for the Child Welfare Agencies and other necessary matters concerning the Child Welfare Agencies will be prescribed in the Order.

CHAPTER IV. Expenses

Art. 50. Expenses required for the following purposes shall be borne by the prefecture;

(1) Expenses required for the Local Child Welfare Board.

(2) Expenses required for child welfare officials and Child Welfare Workers;

(3) Expenses required for Child Welfare Centers (exclusive of expenses required for equipment);

(4) Expenses required for measures prescribed in Art. 19, Paragraph 4;

(5) Expenses required for the Maternal-and-Child Handbook;

(6) Expenses required for care of those in the lying-in agency, mothers' home or day nursery, established by the prefecture;

(7) Expenses required for procedures provided under Art. 27 (exclusive of the expenses required for the care of children in infant homes, the homes for dependent children, homes for the feebleminded children or homes for juvenile training and education established by the Nation);

(8) Expenses required for temporary protection of children;

(9) Expenses required for the equipment of Child Welfare Centers and Child Welfare Agencies, and facilities for training of personnel provided by the prefectures.

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

Art. 51. Expenses required for the following purposes shall be borne by cities, towns and villages;

(1) Expenses required for the procedures provided under Art. 23 to 24 inclusive (exclusive of the expenses required for the care of individuals in lying-in agencies, mothers' home or day nursery established by the Nation, Metropolis, Hokkaido or the prefecture); and

(2) Expenses required for equipment for Child Welfare Agencies and facilities for training of personnel provided by cities, towns and villages.

Art. 52. The National Treasury shall pay, according to the Cabinet Order, one half of the expenses required for the provisions of Art. 50, Items 1, 2, 3 and 9 and Art. 51, Item 2 (and from one half to one-third inclusive for the expenses on equipments at the mothers' home, the day-nursery and the homes for physically handicapped children in Art. 50, Item 9 and Art. 51, Item 2).

Provided, with the expenses under Art. 50, Item 9 and 51, Item 2, it does not apply to the expenses for the equipments of the infant homes other than those with the object of admitting infants for whom the fee for admission can not be charged and of the children's recreational agencies.

Art. 53. The national Treasury is to subsidize, in accordance with Cabinet Order, eight-tenths of the expenses borne by local public bodies provided under Art. 50 and 51 besides the provisions of the preceding Article.

Art. 54. The prefectures shall, in accordance with Cabinet Order, subsidize one-fourth of the expenses required for the provision of Art. 51, Item 2 (and from one-third to one-fourth inclusive for the equipments of the mothers' homes, the day nursery and the homes for physically handicapped children). Provided, it does not apply to the expenses for the equipment of infant homes other than those with the object of admitting infants for whom the fee for admission cannot be charged and of the children's recreational agencies.

Art. 55. The prefecture shall in accordance with the Cabinet Order pay one-tenth of the expenses required for the provision of Art. 51, Item 1.

Art. 56. Minister of Welfare, the governors of prefectures or the heads of cities, towns and villages shall collect, within a certain time limit, fees for expenses falling under any of the following items from those cared for or persons responsible for the care of such individuals. This provision does not apply when it is ascertained by the head of cities, towns and villages, after securing the opinion of the child welfare official or child welfare worker, that the person cared for or persons responsible for the care of such individuals are unable to meet the expenses;

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

(1) Expenses required for the measures provided under Art. 22, 23, 24 or Art. 27, Paragraph 1, Item 3; and

(2) Expenses required for the temporary protection.

In case of the proviso above, the city, town and village shall bear one-tenth of such expenses. Provided, it does not apply to the cases prescribed by the Order.

The collection of fees under the provision of Paragraph 1 may be entrusted to the governors of the prefectures or to the heads of cities, towns and villages of the residence or the location of property of the persons cared for or persons responsible for the care of such individuals.

When there are persons not paying within the time limit the fees to be collected under the provision of Paragraph 1, the procedure for the recovery of National taxes in arrears may be applied.

CHAPTER V. Miscellaneous Provisions

Art. 57. Metropolis, Hokkaido, Prefectures, cities, towns, villages and other public bodies shall not levy taxes or other duties on the lands and buildings for the following uses. It shall be otherwise with those on charge basis:

(1) The buildings to be used mainly for the child welfare program;

(2) The site of such buildings described in the preceding Item and the grounds to be used for child welfare services.

Art. 58. The administrative office may withdraw the certificate of approval from child welfare agencies established with the approval under the provision of Article 35, Paragraph 2, in case they violated the Law, the Order of the Law or the settlements derived from the Law.

The administrative office may order the child welfare agencies who have not secured approval under this Law or whose certificate of approval has been taken away under the provision of the preceding Paragraph to terminate their services after securing the opinion of the Child Welfare Boards.

Art. 59. Any person who is dissatisfied with the settlement made by the Minister of Welfare, the governors of the prefectures, or the heads of cities, town, villages and the Child Welfare Centers in accordance with the provisions of this Law and related orders, may appeal to the administrative office.

Art. 60. Any person who has violated the provision of Art. 34, Paragraph 1, Item 6 shall be imprisoned for a period not exceeding ten years or fined over 2,000 yen and not in excess of 30,000 yen.

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

Any person who has violated any of the provisions of Art. 34, Paragraph 1, Items from 1 to 5 and 7, and Paragraph 2 of the same Article shall be imprisoned for a period not exceeding one year or fined not in excess of 10,000 Yen.

Such person who employs the child shall not evade the punishments provided under the preceding two Paragraphs for the reason that he was not aware of the child's age. It is, however, otherwise when no error is involved on the part of such person in ascertaining the age.

Art. 61. The employees of the Child Welfare Center who made an investigation about children and have revealed without due reason confidental information secured in the course of executing their duties shall be punished by imprisonment not exceeding six months or fine not exceeding 3,000 Yen.

Art. 62. Any person, who without due reason, refuses, interferes with or avoids the execution of duties by child welfare workers or public officials concerned with child welfare work under the provision of Art. 29 or who does not answer their questions or makes a false statement or who forces the child not to answer or to make false answer, shall be fined not in excess of 5,000 Yen.

Supplementary Provisions

Art. 63. This Law shall go into effect on January 1st, 1948. It is provided, however, that the provisions of Articles 19, 22, 23, 24, Item 4, 6, 7 and 9 (exclusive of the part concerning equipment for the Child Welfare Center) of 50, 51, 54 and 55, and the parts of Articles 52, 53 and 56 concerning the above provision shall go into effect on April 1st, 1948.

Art. 64. The term of Minsei-Iin appointed under the Minsei-Iin Ordinance shall be regarded as expiring on the day after three months have passed from the day of the enforcement of the provision of Art. 12, Paragraph 3.

In selecting Minsei-Iin following the expiration of the term under the provision of the preceding Paragraph, those qualified to execute the duties under Art. 12, Paragraph 2 shall be chosen.

Art. 65. Law for Prevention of Cruelty to Children and Juvenile Training and Education Law shall be repealed. Punishment applied for the actions under the provision of those Laws before the repeal shall be continued to be valid after the repeal of these Laws.

Art. 66. All the procedures by the governors of Metropolis, Hokkaido and the prefectures under the provision of Art. 2 of Law for Prevention of Cruelty to Children shall be superseded by the corresponding provisions of this Law.

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

Art. 67. At the time this Law goes into effect, the existing homes for Juvenile training and education and the facilities to train personnel under the provisions of Juvenile Training and Education Law shall be regarded as those established under the provisions of this Law and the inmates of these homes are regarded as those admitted under the provision of Art. 27, Paragraph 1, Item 3.

Art. 68. At the time this Law goes into effect the existing homes for juvenile training and education whose school curricula have been approved by the Minister of Education under the provisions of Juvenile Training and Education Law, the provisory clause of Art. 24, Paragraph 1, shall be regarded to have secured the approval by the supervisory board under the provision of School Education Law, Art. 20 or 38, as provided under Art. 48, Paragraph 3 of this Law.

Art. 69. At the time this Law goes into effect the existing child welfare agencies among the welfare facilities provided under the Daily Life Security Law shall be regarded as those provided by this Law.

Art. 70. At the time this Law goes into effect the existing child welfare agencies which do not fall under Art. 67 and the preceding Article may continue to exist under this Law with the approval by the administrative office according to the Order.

Art. 71. "The head of the special ward" in the Art. 22, 23, 24 and 56, Paragraph 1, shall read as "the governor of Tokyo Metropolis" in the case of the special wards of Tokyo Metropolis and the "special ward" in the Art. 51 and 56, Paragraph 2, shall read as "Tokyo Metropolis" in case of Item 1 of Art. 51 for the time being.

Art. 72. With children over fourteen years of age who completed the courses of compulsory education provided under the School Education Law, Art. 96 or courses considered as higher than its equivalent, the provision of Art. 34, Paragraph 1, Item 3 to 5 inclusive shall not apply.

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

JUVENILE DELINQUENTS AND CHILD WELFARE

PUBLIC HEALTH AND WELFARE TECHNICAL BULLETIN

PH&W GHQ SCAP APO 500 SEPTEMBER 1948

1. History

a. The Japanese Diet on 5 July 1948 passed a new Juvenile Law which replaces the former Juvenile Court Law (Law No. 42 of 1922). The new law will go into effect on 1 January 1949. This new law is important to welfare administrators since it places additional responsibilities on the child welfare officials.

b. In the past the system for handling juvenile delinquents in Japan has been extremely complicated. A juvenile who violated the provisions of laws or ordinances, and who was either apprehended by the police or referred to the authorities by his parent or guardian, was brought to one of the 10,000 officers of the Judicial Protective Society, a semi-official organization under the control and supervision of the Minister of Justice (now Attorney General's Office). At the office of this society decision was made whether to refer the juvenile to welfare organizations for supervision and rehabilitation, or to the District Procurator's Office, where the procurator would decide if the juvenile should be treated as a criminal offender. If the juvenile was referred to a procurator's office or if he was brought in directly to a procurator, the juvenile who had committed a serious offense was held for trial in the District Court, while the minor offender was referred to the so-called "Juvenile Court" (Shonen Shinpan Jo). The Juvenile Courts were actually not part of the judicial system but were probational departments of the Procurator's Office, established only in the largest cities and acting as centers for the surrounding districts. The Juvenile Court was actually a commission which was part of the Attorney General's Office and staffed by officials of that office. The defects of this system were the lack of supervision of the Judicial Protective Society by the procurator, inadequate supervision of the institutions and homes to which the juveniles were committed, and no check upon the decisions made by the procurators.

2. The Family Court

An important provision of the new law is the granting to the Family (Domestic Relations) Court jurisdiction over juveniles rather than to a separate Juvenile Court. By placing jurisdiction over juveniles in the Family Court, the facilities of a special court can be provided to children in all parts of Japan and not merely in those areas where a separate Juvenile Court has been established in the past.

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

The Family Court will be created through amendment of the Court Organization Law. This court will be separate and independent and of the same status as the District Court, inferior to the High Court, with appeals being made to the High Court from decisions of the Family Court. The Family Court will have two branches; (1) the Juvenile Court Branch, with jurisdiction over juveniles and adults as provided by the terms of the new Juvenile Law; and (2) the Domestic Relations Court, with jurisdiction the same as that now exercised by the Domestic Relations Court Branch of the District Court. The Family Court will come into effect on 1 January 1949.

3. Jurisdiction over Juveniles

a. Legal Provisions

The jurisdiction of the Juvenile Court Branch of the Family Domestic Relations Court is set forth in Article 3 of the new Juvenile Law which provides that: "The Family Court shall have jurisdiction over the following juveniles:

(1) Any juvenile who is alleged to have committed a crime or any juvenile under 14 years of age who is alleged to have violated any criminal law or regulation:

(2) Any juvenile of whom there is apprehension that he may commit a crime, in view of his character or surrounding circumstances, because of the existence of the following reasons:

(a) He habitually refuses to submit himself to the reasonable control of his guardian.

(b) He repeatedly deserts his home without good reason.

(c) He associates with persons of a known criminal or immoral nature, or frequents any place the existence of which is in violation of law.

(d) He habitually acts so as to injure or endanger his own morals or those of others.

The Family Court may put a juvenile under fourteen years of age to trial who comes under item (2) of the preceding paragraph, only when the prefectural governor or the head of the Child Welfare Center transfers him to the court."

b. Application of the Law

The Family Court has jurisdiction over juveniles (persons under 20 years of age) who fall into two categories: (1) juvenile offenders - those who are alleged to have committed a crime, or who have committed acts which

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

would constitute crimes if the juveniles were of an age where they could commit a crime: (2) juvenile delinquents - those of whom there is apprehension that they may commit a crime in view of their character or surrounding circumstances. Juveniles in the second category, under fourteen years of age, are subject to the jurisdiction of the Family Court only when referred to the court by the welfare authorities.

Under the new Juvenile Law, as well as the previous law, jurisdiction of the court is more limited than in Juvenile Courts in the United States. It is expected that needed governmental child welfare services in Japan will be provided by the Child Welfare Sections of Prefectural Departments of Welfare and by Child Welfare Centers (Jido Sodansho). Through such a division of function, it is hoped that necessary services can be provided with a minimum of duplication and overlapping of activities of the court and the child welfare program. The court's jurisdiction is limited to delinquent children who are actually charged with the violation of a criminal statute (Item 1 of Article 3) except for certain children who are delinquent or in danger of becoming delinquent (Item 2 of Article 3). The court is not granted jurisdiction of children under the age of 14, other than those alleged to have violated any criminal law or regulation, unless transferred to the court by the prefectural governor or head of a Child Welfare Center.

c. Analysis of Jurisdiction

The effect of the Juvenile Law is that in general the Child Welfare authorities have responsibility for all children under the age of fourteen (14). The only exception to this policy is a child under fourteen who has committed an act which is in violation of a criminal statute. The Juvenile Court is granted jurisdiction of this type of child. It is to be noted that under Japanese Criminal Law it is not possible for a child under the age of fourteen to be tried on a criminal charge. There is some question in Japan whether such children can best be provided for through court action or by services provided by the child welfare program.

Article 25 of the Child Welfare Law provides that "Any person who has discovered a child without a guardian or with an inadequate guardian shall report the child to the Child Welfare Center or its offices. Provided, children who come under the protective measures of the juvenile court are outside the scope of this provision." The effect of this provision is that the Child Welfare Center is prevented from giving services to a child under fourteen alleged to have violated a criminal law or regulation, unless the child is referred to the center by the court, and is prevented from serving children under 18 of whom there is apprehension that he may commit a crime. It has been suggested that Article 25 should be amended by deleting the second sentence which would give the Juvenile Court and the Child Welfare Center concurrent jurisdiction over children under 18 who are delinquent. It seems particularly important that young children be taken care of by the Child Welfare program and not by the court.

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

In order to insure all young children receiving the benefit of the services provided by the Child Welfare Centers it has been suggested that paragraph (1) of Article 3 of the Juvenile Law should be amended to provide that the court will have jurisdiction of "Any juvenile under 14 years of age whose acts or behavior has violated any criminal law or regulation "only when the child is referred to the court by the prefectural governor or head of the Child Welfare Center. Such a limitation would mean that all children under 14 would be handled by the Child Welfare program and would be the responsibility of the Juvenile Court only when referred by the Child Welfare Center. At the present time a child "of whom there is apprehension that he may commit a crime" may be handled by the Family Court only when transferred to the court by the prefectural governor or head of the Child Welfare Center. This means that such children will be in court only when the administrative authorities decide that court action is the best way to provide for the child. It has been suggested that the age should be increased to eighteen so that the older children will be the responsibility of the Child Welfare program and not the court unless the child is accused of conduct which is in violation of the criminal law.

In determining the jurisdiction of the juvenile court in Japan it is not advisable to merely copy the court structure found in the United States. Experience in the United States can be utilized but for several reasons the court in Japan must be different: (1) past experience in Japan has been different; (2) when juvenile courts were established in the United States public child welfare services did not exist and (3) the function of the Juvenile Court is changing with the development of public Child Welfare programs.

That the Japanese have had a different attitude toward the method of providing for delinquent children is indicated by the following quotation from an address given by Mr. T. NAMAYE, of Japan, at a child welfare conference held in Washington, D.C. in 1919: "The special feature of our Reformitory act is that the executive department, and not the judicial, is the one that places the delinquent children in the reform schools. This is because we believe the purpose of placing delinquent children in reform schools is not to punish or imprison them but to educate and improve them and to make them decent members of society."

That there is now some question in the United States concerning the effectiveness of the courts in providing for children is indicated by the following statement (Herschel Alt, "Juvenile Behavior Problems, Social Work Yearbook, 1947, pp. 266-268): "There has been a growing interest in reconsidering the place of the juvenile court in the treatment of behavior problems and delinquency. It has been felt that its structure and procedures which remain essentially judicial in character, are not adapted to an effective administration of a social treatment program. This becomes a serious practical problem where courts have assumed broad responsibilities in the child welfare field, which may include maintenace of a child-placing program as well as varied services for the treatment of behavior problems of children.

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

"Although the founding of the juvenile court was one of the most important steps in the establishment of a system of social treatment, to which parole, probation and indeterminate sentence were later added, the unified continuous, social and psychological treatment of the young offender is still not administratively possible in most jurisdictions.....Too much emphasis is laid upon the act rather than the individual and his needs.

"It is believed that continuity of treatment can be achieved if responsibility is centered in one administrative agency which is given the power and resources for treatment and education of the delinquent as long as he is in need of supervision of the community and the state."

4. Jurisdiction over Adults

In addition to this jurisdiction over juveniles, the Family Court has jurisdiction under Article 37 over adults who have committed certain specified offenses with regard to juveniles, such as inducing them to smoke or to drink, or violating the provisions of the Labor Standards Law relating to child labor, or Article 60 of the Child Welfare Law. However, if the Family Court desires to impose a penalty of imprisonment or graver punishment, it must transfer the case to the competent district court, since the Family Court is limited to imposition of detention (for less than 30 days) or a fine.

5. Procedure.

The court is required, when it believes as a result of notification or report, that there is a juvenile subject to trial, to order an investigation of the case by a juvenile investigator, and to make use of medical, psychological, educational, sociological and other expert advice in regard to the environment, conduct of the juvenile, his guardians or the other persons concerned.

As a result of this investigation the court may decide:

a. That the juvenile is neither an offender not a delinquent, and so drop the case.

b. That the juvenile should be handled by the welfare authorities without a trial, and so transfer the case to the prefectural governor or the head of the Child Welfare Center (Article 18).

c. That the juvenile should be subject to trial, in the Family Court.

d. That the juvenile should be transferred to the District Public Procurator's Office for indictment and trial in the regular criminal courts, if the juvenile is 16 years old or over.

When the juvenile is transferred to the Procurator's Office, if the juvenile has been placed under the care and custody of a Juvenile Investigator, there must be indictment within ten days.

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

Warrants of arrests issued by the Family Court are to be executed by Juvenile investigators but the court may cause police officers to execute the warrant.

At the trial, the provisions of the new Code of Criminal Procedure apply to the conduct of all proceedings, except that the trial may be conducted in a court room or in chambers. The trial is to be conducted with "warm consideration" of the juvenile, and is not open to the public. These provisions both protect the juvenile as far as his civil rights are concerned and enable the court to act with more latitude than in an ordinary criminal trial, since the Family Court is not a criminal court and is concerned with the welfare of the juvenile delinquent as much as with the interest of the State.

6. Juvenile Detention

When the juvenile is subjected to trial in the Family Court, the court may, as a preliminary step, place the juvenile under the care and custody of a juvenile investigator, or consign him to a Juvenile Detention Home for a two-week period, renewable once. In case the juvenile has been arrested, the ruling for either one of these dispositions for care and custody must be made within 24 hours after the juvenile is brought to the court. This is in line with the provisions of the Code of Criminal Procedure relating to criminal cases. Because there are not sufficient facilities for individual Juvenile Detention Homes, Article 21 of the new Reformatory Law provides that specially separated rooms of regular juvenile reformatories may be used as Juvenile Dentention Homes until 31 March 1950. In placing the juvenile under the preliminary supervision of a Juvenile Investigator, the Court may fix conditions to be followed by the juvenile or guardian, or may commit the juvenile to a suitable institution, organization or individual for guidance.

7. Disposition Prior to Trial

A provision of the new Juvenile law which is important to child welfare administration is the authority granted to the court to discharge the case by referring the child to the Child Welfare Center. Article 18 of the law provides that "The Family Court shall, when it deems it proper, upon investigation, take measures in accordance with the provisions of the Child Welfare Law (Law No. 164 of 1947) render a ruling to transfer the case to the competent prefectural governor or the head of the Child Welfare Center (Sodansho). However, this shall not apply to the cases which have been transferred from prefectural governors or heads of Child Welfare Centers."

Such a provision in the law makes it imperative that the child welfare program operate in such a manner that adequate services can be provided in each community for children transferred to the Child Welfare Center by the court.

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

8. Disposition Following Trial

One of the most important provisions of the new Juvenile Law is Article 24 which controls the action which may be taken by the court after a trial has been conducted. Under Article 23 the court may rule that the child does not need "protection" and in effect, dismisses the child from custody. If a "protective disposition" is advisable, however, the court may make one of three dispositions authorized by Article 24:

(a) Place the child under the supervision of the District Youth Offender Prevention and Rehabilitation Board (DYOPAR Board - Shonen-iin Kai), or

(b) Commit the child to a Home for Juvenile Training and Education (Kyogoin) or a Protective Institution (Yogo-Shisetsu), or

(c) Commit the child to a reformatory (Shonen-in).

The Juvenile Protection Committee is a type of organization which has existed for some time in Japan and is similar to the use of Minsei-iin under the Daily Life Security Law or Child Welfare Workers (Jido-iin) under the Child Welfare Law. Although it is not mandatory that Minsei-iin and Shonen Hogo-iin be the same person, in actual practice frequently the same person serves in both capacities. It has been estimated that about one-third of the Hogo-iin are also Minsei-iin. This means that the same person will have official responsibilities under three separate laws which has distinct advantage in that the aid available under both the Daily Life Security Law and the Child Welfare Law can be made more readily available.

The Homes for Juvenile Training and Education (Kyogo-iin) and the Protective Institutions (Yogo-Shisetsu) are operated by the Children's Bureau of the Ministry of Welfare, and the Children's Section of the prefectural Department of Welfare. By authorizing the Juvenile Court to place children in welfare institutions it is expected that certain children will benefit from the welfare service program. The reformatories (Shonen-iin) are institutions operated by the Attorney General's Office (formerly the Ministry of Justice) and are intended primarily to provide care for older delinquent children. Under the provisions of the Reformatory Law passed in 1948 it is not authorized to commit a child under fourteen to a reformatory. In other words the Juvenile Court must either place a child under fourteen under the supervision of the Juvenile Protection Committee or send him to a welfare institution.

9. Responsibilities of the Attorney General's Office

a. Legal provisions

The Attorney General's Office was established by Law No. 193, 1947, effective 15 February 1948, to replace the former Ministry of Justice.

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

This law creates several bureaus within the Attorney General's Office including a Correction and Rehabilitation General Affairs Bureau and a Juvenile Correction and Rehabilitation Bureau.

Concerning the responsibilities of these bureaus Article 10 of the law provides that:

"The Correction and Rehabilitation General Affairs Bureau shall administer the following matters:

1. Matters concerning planning of policies in respect to the prison affairs and the rehabilitation of offenders, and concerning adjustment of the business thereof;

2. Matters concerning prisons, houses of detention, juvenile protection offices, public reformatories and other public institutions for correction and rehabilitation of juveniles;

3. Matters concerning culture and training of the staff for correction and rehabilitation;

4. Matters concerning finger-prints of offenders;

5. Matters concerning prison affairs and rehabilitation which do not belong to other jurisdictions;

"The Juvenile Correction and Rehabilitation Bureau shall administer the following matters:

1. Matters concerning the execution of penalties and detention of juveniles.

2. Matters concerning the rehabilitation of juveniles placed under correction by the juvenile court.

3. Matters concerning the rehabilitation work for juveniles placed under correction by the juvenile court."

Article 15 of the statute provides that:

"The Attorney General shall have jurisdiction over private institutions for correction and rehabilitation which have, hitherto, fallen under the jurisdiction of the Minister of Justice, until 31st March 1949 but shall be required, from 1 January 1949, to obtain the advice of and exchange opinions with the Minister of Welfare regarding operation of such institutions, as shall be provided by Cabinet Order.

"The Attorney General shall continue to exercise the same jurisdiction over matters concerning rehabilitation of juveniles as has been

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

exercised by the Minister of Justice until 31 December 1948. From 1 January 1949 jurisdiction over juveniles about whom there is apprehension of delinquency will be transferred to the Minister of Welfare, except over those who have been placed under correction by the Juvenile Court.

"The Attorney General will examine the records of all inmates of the institutions mentioned in paragraph one of this article and those juveniles about whom it has been ascertained that they have committed crimes or those who have been placed under correction by the Juvenile Courts will be removed to public reformatories or other public institutions for correction and rehabilitation by 31 March 1949, by which date there are to be no private institutions used for reformatories or for correction and rehabilitation.

"Until removals mentioned in the preceding paragraph have been finished, the Attorney General, in cooperation with the Minister of Welfare, will supervise strictly all private institutions for correction rehabilitation and all private reformatories to insure maintenance of high standards of conduct and operation."

b. Relationship to New Juvenile Law

It is to be noted that the Law establishing the Attorney General's Office (Act 193 of 1947) and the new Juvenile Law complement each other and are designed to carry out the same basic idea. In the future it is expected that only those children who are committed by a Juvenile Court will be placed in institutions operated by the Attorney General's Office. Only delinquent children fourteen years of age and over can be committed to such institutions. Eventually only public instituions will be used by the Attorney General's Office to provide care for Juveniles.

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

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THE CHILD WELFARE LAW

PUBLIC HEALTH AND WELFARE TECHNICAL BULLETIN

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1. General Background

a. The Child Welfare Law, passed by the Diet 21 November 1947, became effective, in part, on 1 January 1948 and will become wholly effective, 1 April 1948 (Article 63). The law supersedes and repeals the "Law for Prevention of Cruelty to Children" and the "Juvenile Training and Education Law". (Articles 65, 66, 67, 68).

b. Generally, the Japanese hold to the theory that a child under 14 years of age cannot commit a crime, and that the child is disgraced if it is necessary for him to appear before a court. This concept accounts for the placement of children, particularly for those under 14 years of age, in institutions for juvenile training and education (Kyogo-in) by agencies or individuals rather than through court action. This philosophy also is based on the theory that treatment of delincuency should be corrective in nature rather than punitive. Lack of training personnel; training facilities, literature, and supervision over institutions by qualified persons has often defeated this progressive attitude.

c. Social workers in Japan realize that the relaxed attitude of the Japanese family throughout the war years coupled with the fact that there are now a great number of children from broken families has increased the delinquency problem measureably. Institutions have retrogressed because of lack of trained personnel, lack of funds for upkeep of facilities and equipment since 1938, and inability to repair war damaged institutions.

d. Community Chest funds for private institutions, more national funds for public institutions, and an increase in training opportunities for social workers as well as an increase in interest in social work as a profession will help to overcome these difficulties.

e. It should be noted that the Child Welfare Law is only one of several affecting children. Education laws, labor laws, and the new Juvenile Court Law, yet to be written, are expected to have considerable influence on the care of children in Japan.

2. Central and Prefectural Child Welfare Boards.

A continuing interest in child welfare programs is best guaranteed by actual participation of the community in the program. Articles 8, 9 and 10 of the new Child Welfare Law provide for National (Central) and Prefectural Child

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

Welfare Boards of 45 and 20 members respectively, the members to be chosen from public officials, persons now in children's health or welfare services, and those who have knowledge of and experience in work with children.

Interest of welfare officers in the appointment of prefectural Board members and in the successful inauguration of its work by the Board will insure a successful program.

Ministerial instructions to the prefectures will point out that existing child welfare committees or outstanding members will be incorporated into the Child Welfare Boards, and that community committees may be continued as sub-committees.

Membership is honorary and is for a two year term, excepting for public officials, who may not exceed 25% of the total membership.

The chairman is to be elected by the Board and meetings are to be called by the governor or at the request of 25% of the membership.

Duties and activities of the Board shall be:

a. For the purpose of investigating and discussing the welfare of children and of expectant and nursing mothers:

b. Answering the inquiry of governors or making recommendations to the governors or the administrative officers concerned:

c. To request information of administrative offices by way of special reports personal explanations, etc:

d. To determine if licenses shall be removed from agencies who do not meet prescribed minimum standards:

e. To determine need for homes for Juvenile Training and Education (Kyogo-in).

f. To review requests for certification of persons who desire to offer their homes as foster homes.

Governors are responsible for appointment of board members and they are authorized to appoint managers and clerks who will manage the Boards under the direction of the chairman.

Evaluation of existing committees of similar type by Western standards leaves much to be desired in way of independent thought and action. When government officials are members of the committee they are prone to assume full direction, and, in fact, are urged to do so by the average Japanese committee member. The usual result, unless the Board members are persons of independent mind and of sufficient community stature, is that the committee will not criticize any actions which the "official" group may desire to perform. Conversely when officials are not members, the committees tend to disintegrate for lack of direction. Child Welfare Boards should be encouraged to have as members such men as newspaper publishers, industrialists, professional

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

persons, labor leaders and others of like stature who will take an active interest in the program and will be in a position to criticize official activities or inactivity when such criticism seems justified.

3. Child Welfare Officials (Articles 11, 13, 14, 29, 62, 64)

a. Qualifications.

The inauguration of child welfare officials (Jido Fukushi-shi) represents the first time in Japanese history that community social workers have been hired by the government. Their duties are to "work for the promotion of welfare of the children and expectant and nursing mothers, acting as their councillors for their care, health and general welfare".

Child welfare officials shall be qualified as second class officials, either clerical or technical and shall fall under any of the following qualifications:

(1) One who has been engaged in child care, health or welfare services not less than two years:

(2) One who has a degree of "Gakushi" from a department of a university specializing in either psychology, pedagogy, sociology:

(3) Physician

(4) One who has graduated from a training school or a training facility for child welfare officials or workers for child welfare agencies designated by the Ministry of Welfare:

(5) Other persons whom the Minister of Welfare deems qualified as a child welfare official.

Instructions to prefectures state that child welfare officials should be persons of practical ability, skilled as case-workers, and be of mature character. Records of applicants, along with recommendation of the governor s all be submitted to the Ministry of Welfare for approval.

b. Duties.

The total number, while admittedly insufficient, represents an important first step. The successful operation of these officials and their acceptance by the community may affect future numerical increase as well as the use of paid officials in other welfare programs (see Incl. #1, "Placement Chart").

Governors are cautioned that the officials shall be located in areas which have demonstrated special need for their services, and that they are not to be used as clerical workers unless specifically hired for that purpose. Generally, the officials are to work with the Child Welfare Center, district, city, town or village offices, however, they are prefectural officials (see Incl #2). More specifically, their duties are prescribed as follows:

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

(1) To study and be well acquainted with the conditions of children and expectant mothers in his district:

(2) To know the resources of the community and to be able to give consultant services on individual child welfare problems.

(3) To discover, through referrals by Minsei-iin and through their own initiative, individual children and families in need of consultation services during early stages of child misbehavior or delinquency.

(4) To maintain good and effective liaison with other governmental officials to assure cooperation in his work.

(5) To cooperate closely with Child Welfare Centers and children's institutions and assist them with advice and consultation.

(6) To keep good records which are readily available.

4. Child Welfare Workers (Articles 12, 13, 14, 29, 62, 64)

The term "Child Welfare Worker (Jido-iin)" is used in the Child Welfare Law to designate volunteer, unpaid welfare workers who have definite responsibilities under the provisions of the law. In order to avoid establishing a second group of volunteer workers, the law provides that the duties of the child welfare workers will be assumed by the Minsei-iin. The term, Child Welfare Worker, is, therefore, used to designate Minsei-iin. According to Article 64 the term of office of all Minsei-iin ends 31 March 1948 and reappointments will be based on experience, education, or interest in children's work. Child Welfare Workers will cooperate with Child Welfare Officials in the execution of their duties. This article is the only major change proposed by the Diet Welfare Committee and was based on a desire to increase the efficiency of the Minsei-iin.

5. Child Welfare Center or Station (Jido-Sodan-sho).

The Child Welfare Center is seen by the Japanese as the hub of all child welfare work in the prefecture. At present there are Centers in the larger prefectures only. According to the law the purpose of the Center is to "promote the welfare of children through consultation and for study - social, mental, psychological and physical - of their capacities". It is hoped that the Centers will eventually be staffed with doctors, psychologists, psychiatrists and social workers as needed and that services will be available to the general public, schools, and juvenile courts. The Centers may have facilities for temporary sheltering of the children when necessary. Those now operating are being used for medical and psychological examinations and for holding pickup children for quarantine periods previous to placement (Articles 15, 16, 17, 18).

Previous to the establishment of a Child Welfare Center (station) governors are requested to submit area and building plans and proposed personnel and budgetary requirements to the Ministry of Welfare for approval.

Governors may plan for more than one center in the prefecture, however, one station shall be designated as the Central Child Welfare Center. The head

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

of the Central Center may order the heads of other centers in the prefecture to submit reports as required. Areas of responsibility are to be designated by the governor.

Heads of Child Welfare Centers may request Child Welfare officials or workers to make necessary investigations and shall make available to those workers all information regarding the child or its family contained on file.

When, upon the advice of a Child Welfare Center, a child is to be placed in an institution or a foster family, the center is required to furnish all available information to the head of the institution or family concerned.

Heads of institutions or families are required to report any deaths which occur or other changes effecting the child, to the center concerned. Institutional or foster home care may be terminated or suspended at the request of family or institutional heads with approval of the head of the Child Welfare Center.

6. Maternal and Child Health Program (Articles 19, 20, 21, 22, 23).

This program, while it is the function of the Children's Bureau of the Ministry of Welfare through its Maternal and Child Health Section, is primarily a health and health education program. In the prefectures the personnel will be in the department of Health (Eisei-bu) and will operate through that Department and through Health Centers and private physicians, midwives, nurses, etc. It is to be noted that the school health program remains a function of the Ministry of Education.

The law provides a wide, general framework for maternal and child health programs under which the Bureau is now attempting to inaugurate a specific plan.

While some restrictions are being placed on the program for the present, the following items will probably be included:

a. A modified Maternal and Child Health Handbook for medical record

b. A plan for location of and treatment of physically handicapped and weak children.

c. Free pre-natal, delivery and post-partum care in hospitals - under certain conditions.

d. Free or partially free venereal disease treatment under certain conditions.

e. Physical examinations for children of pre-school age with particular emphasis on those under one year of age.

f. Training courses, lectures, and written material for doctors, midwives, nurses and other interested technicians as well as for the general public.

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

g. Education regarding infant and maternal mortality and a drive to increase pre-natal examinations as well as to teach better delivery and post-partum care methods.

h. Prevention of childhood diseases through education and preventive medicine.

7. Provisions for Protection of Children (Articles 25, 26, 27, 28, 29, 30, 31, 32 33, 34, 59, 60, 61, 62

a. In an attempt to emphasize public responsibility for children the law points out that "any person who has discovered a child without a guardian or with an inadequate guardian shall report the child to the Child Welfare Center, the Child Welfare officials or to the Juvenile Court". The head of the Center records social and medical information as required, and depending on the circumstances involved may:

(1) Give admonition to the child or the child's guardian or request them to submit a written oath or pledge.

(2) Provide the child or his guardian with the guidance and service of child welfare officials or child welfare workers.

(3) Place the child in a foster home or an institution.

(4) Refer the child to the Juvenile Court.

The law provides that court action shall be used to remove children from abusive or neglectful parents or guardians when such parents object to release of the children. Properly certified child welfare officials are authorized to enter premises in order to carry out investigations when the necessity is indicated.

b. The following acts are specifically prohibited:

(1) Making a show of deformed or crippled children.

(2) To let children beg or to beg by means of a child.

(3) To allow children under fifteen years of age to do acrobatic feats or circus riding for a public show.

(4) To allow children under fifteen years of age to sing, play, or do other performances from house to house, on the street or similar places as a public show.

(5) To allow children under fifteen to act as waiters where liquors are served.

(6) To allow children to practice obscene acts. This article prohibits the use of girls under the age of 18 as prostitutes.

(7) To transfer the custody of a child to a person who may violate the foregoing prohibited acts or other laws regarding children.

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

Article 34 also prohibits exploitation of children in institutions and provides that minimum standards as well as Labor Laws and Ordinances shall be respected. Items 3, 4 and 5 do not apply to children over 14 years of age who have completed compulsory education or its equivalent.

Employees of Child Welfare Centers who reveal personal information regarding clients without due reason shall be imprisoned up to 6 months or fined not more than 3,000 yen. Persons refusing information, interfering with, or avoiding the execution of duties of the child welfare workers or public officials concerned with child welfare work or who refuse to answer questions, make a false statement, or cause a child not to answer or to answer falsely, shall be fined up to 5,000 yen.

8. Child Welfare Agencies (Articles 35, 36, 37, 38, 39, 40, 41, 42, 43, 44).

a. Those persons wishing to establish a private agency falling under the jurisdiction of the Child Welfare Law (agencies listed below) shall apply for approval to the prefectural governor concerned. Applications shall include the following information:

(1) Name, Kind of agency and location.

(2) Grounds and building plans and equipment list.

(3) Method of operation.

(4) Budget of income and expenditures.

(5) Proposed initial date of operation.

(6) History and economic status of those who wish to establish such an agency.

(7) Articles of incorporation, rules of the foundation juridical person and other regulations of an association or legal body.

b. Applications to the governor to permit termination of an agency shall include:

(1) Reasons for termination.

(2) Disposition of the inmates.

(3) Disposition of the property.

c. The following agencies are those included under the Child Welfare Law:

(1) Josan-Shisetsu (Maternity Home or Hospital) is the agency which renders free maternity services.

(2) Nyuji-in (Infant's Home) is the agency for children under two years of age whose mothers are deceased, ill and unable to provide proper care, or who for any other reason are unable to provide care.

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

(3) Boshi-ryo (Mother's and Children's Home) is the agency which provides care for widows with dependent children or women in equivalent circumstances and their dependent children.

(4) Hoikujo (Day Nursery) is an agency offering day-care for infants and pre-school children.

(5) Jido-Kosei-Shisetsu (Children's Recreational Agency) are children's playgrounds or similar recreational centers.

(6) Yogo-Shisetsu (Orphanage or Dependent Child's Institution) is an agency offering full time care to orphans and other needing such care.

(7) Seishin-Hakujakuji-Shisetsu (Home for Feeble minded children) is the agency for the care and training of the feeble minded child.

(8) Ryoiku-Shisetsu (Home for Physically handicapped children) are agencies for physically weak children or for the vocational guidance and therapeutic treatment of the physically handicapped.

(9) Kyogo-in (Home for juvenile training and education) is the home for children under 14 years of age (upon entering) who are delinquent or predelinquent.

Certain matching funds are available to governmental bodies who may wish to build these institutions, however, the prefectural administrative office must give prior approval.

At the request of the Child Welfare Board, cities, towns and villages may be ordered by the governor to establish such agencies.

9. Minimum Standards (Articles 45, 46, 58)

The Ministry of Welfare is authorized, with the assistance of the Central Child Welfare Board, to establish minimum standards for the equipment and operation of all children's institutions. Heads of such agencies may be requested to submit reports and public officials concerned with child welfare work may investigate such agencies to ascertain that minimum requirements are being maintained. The administrative office, after referral to the Child Welfare Board, may order compliance or may close institutions which do not comply.

10. Appeal provision (Article 59)

Any person who is dissatisfied with a decision made by the Minister of Welfare, governors, or heads of cities, towns and villages or heads of Child Welfare Centers (stations) may appeal to the administrative office concerned.

11. Recovery of expenses (Article 55)

Certain expenses incurred by the government for the care of individuals is recoverable from persons able to pay for such services.

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

12. Institutional Educational Requirements (Article 48)

The article generally provides for compliance with compulsory education laws.

13. The law provides that "training schools" for employees or others may be established in connection with any institution with the approval of the Minister of Welfare.

14. Nursery teachers and those desiring certification as such will be required to meet one of the following qualifications to be eligible for examination and certification: Graduation from a high school under the School Education Law; three years experience in a child care institution; other experience or education deemed adequate by the Ministry of Welfare.

Those who qualify will be examined before a "Board of Examination of Nursery Teachers" to be established in each prefecture. The examination shall be based on the following subjects: General Social Work, Child Psychology, Principles of Health, Hygiene and Physiology, Theory and practice of Nursing, Theory and Practice of Nutrition, Theory of Child Care, Practice of nursery.

15. Ratio of expenses as between city, town, village, prefecture and central government is shown on Inclosure #3.

Note: This Bulletin has been prepared from material in officially approved copies of the Cabinet Ordinance, Ministerial Regulations and orders as yet unnumbered and unpublished, as well as from the Child Welfare Law.

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

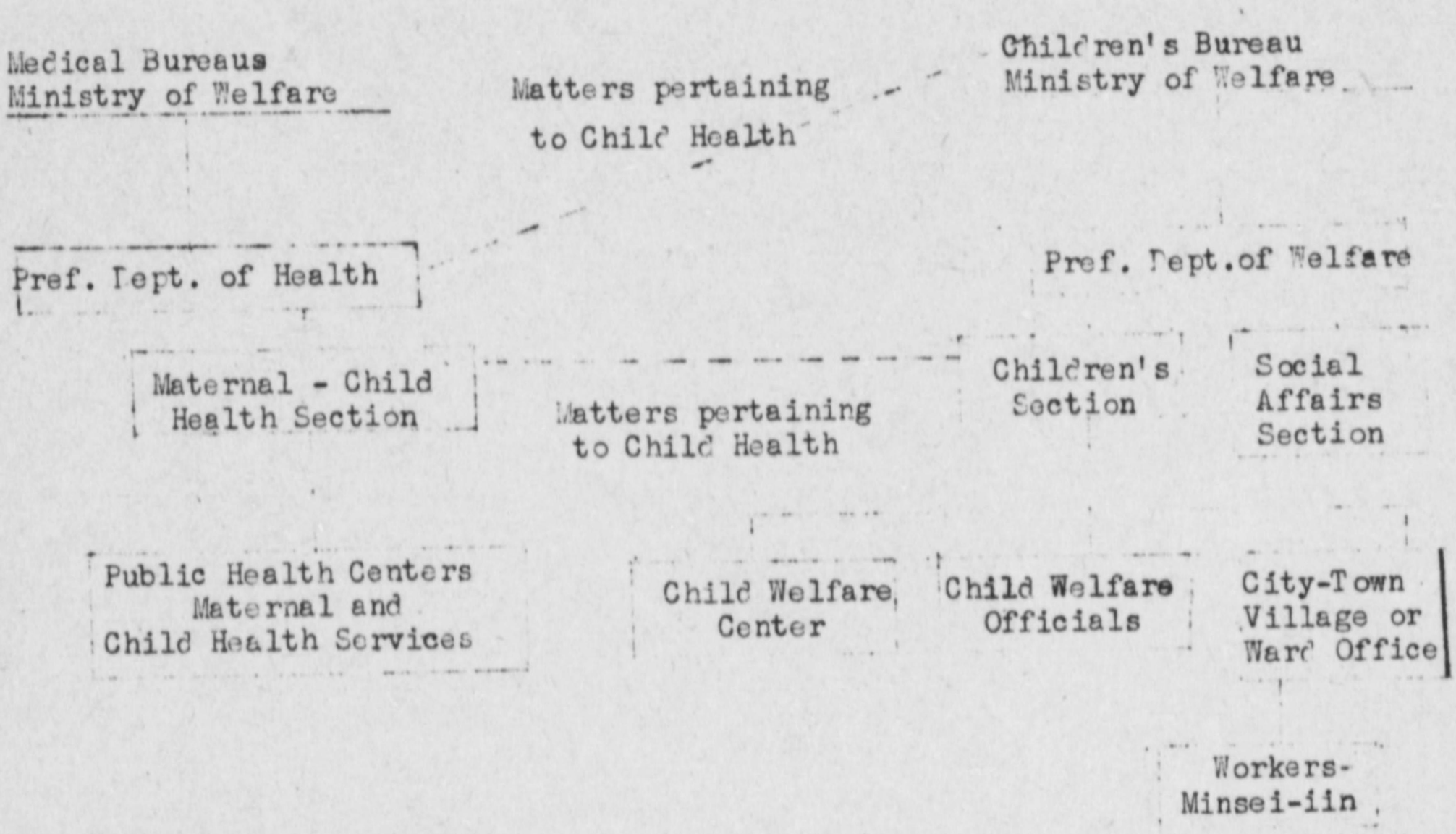
DISTRIBUTION OF CHILD WELFARE OFFICIALS

Name of Prefecture	Number of Child Welfare Officials	Name of Prefecture	Number of Child Welfare Officials
Hokkaido	17	Kyoto	16
Aomori	3	Osaka	34
Iwate	3	Hyogo	19
Miyagi	5	Nara	3
Akita	3	Wakayama	4
Yamagata	4	Tottori	3
Fukushima	4	Shimane	3
Ibaraki	3	Okayama	4
Tochigi	4	Hiroshima	9
Gumma	4	Yamaguchi	10
Saitama	6	Tokushima	3
Chiba	7	Kagawa	3
Tokyo	50	Ehime	6
Kanagawa	23	Kochi	3
Niigata	6	Fukuoka	19
Toyama	4	Saga	3
Ishikawa	5	Nagasaki	7
Fukui	3	Kumamoto	6
Yamanashi	3	Oita	5
Nagano	6	Miyazaki	3
Gifu	4	Kagoshima	4
Shizuoka	9	Aichi	20
Mie	7	Shiga	3
		Total	373

Incl #1

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

Incl #2



Officials of child welfare centers and child welfare officials are prefectural employees responsible to the Children's Section in the prefectures, child welfare officials are to cooperate in every way with Child Welfare Centers, city-town-village or ward offices, and with Minsei-iin. City-town-village-ward offices and Minsei-iin are responsible to the Children's Section only in matters concerning Child Welfare.

Incl. #3

RATIO OF EXPENSES FOR ENFORCEMENT OF THE CHILD WELFARE LAW

Bodies which Establish or Maintain	Item of Expense and Remarks	Ordinary Expenditure — Bodies which bear the expense: Nation	Prefecture	Cities Towns, Villages	Extra-ordinary Expenditure — Bodies which bear the Expense: Nation	Prefecture	Cities, towns Villages
Established by Metropolis Hokkaido and Prefectures	1. Local Child Welfare Board	1/2	1/2				
	2. Child Welfare Officials & Child Welfare Workers	1/2	1/2				
	3. Child Welfare Centers (Sta)	8/10	2/10		1/2		1/2
Prefectures Prefectures	4. Expenses required for Health Guidance for Expectant and nursing mothers & the Guardians of infants & pre-school children for those unable to pay for such services	8/10	2/10				
Prefectures	5. Maternal & Child Handbook	1/2	1/2				
Prefectures	6. For the Care of those in lying-in agencies, mother's homes & Day Nurseries, established by Metropolis, Hokkaido & Prefectures.	8/10	1/10	1/10			
Prefectures	7. Institutional Care or Foster Home Care	8/10	1/10	1/10			
Prefectures	8. Temporary Care of Children	8/10	1/10	1/10			
Prefectures	9. For those in Mothers' Homes Day Nurseries & Homes for Physically Handicapped (delicate children) who are mainly not in need of public aid				1/3		1/3
Prefectures	10. For other agencies (Exclusive of Infant Homes & Children's Recreational Agencies for those not in need of Public Aid)	8/10	1/10	1/10	1/2		1/2
Prefectures	11. For Training Agencies for Personnel	1/2	1/2		1/2		1/2
Prefectures	12. For costs of Care of Mothers' Homes & Day Nurseries for those unable to pay	8/10	1/10	1/10			

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

RATIO OF EXPENSES FOR ENFORCEMENT OF THE CHILD WELFARE LAW

Bodies which Establish or Maintain	Item of Expense and Remarks	Ordinary Expenditure Bodies which Bear the Expense			Extra-ordinary Expenditure Bodies which bear the Expense		
		Nation	Prefecture	Cities towns, villages	Nation	Prefecture	Cities Villages Towns
Established by Cities Towns and Villages	13. For those in Mother's Homes, Day Nurseries and Homes for Physically Handicapped Children who are Mainly not in need of Public Aid				1/3	1/3	1/3
Established by Cities Towns and Villages	14. For other Agencies lying-in Agencies, Mother's Homes, Day Nurseries or others.	8/10	1/10	1/10	½	¼	
Established by Cities Towns and Villages	15. For Training Agencies for Personnel	½	¼	¼	½	¼	
Established by Bodies other than the above	16. For care in lying-in Agencies Mother's Homes, and Day Nurseries	8/10	1/10	1/10			
Established by Bodies other than the above	17. For care in other Agencies (exclusive of Infant's Homes and Children's Recreational Agencies for those mainly not in need of Public Aid	8/10	1/10	1/10			

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

TB-PH-WEL 11 (Supplement)

CHILD WELFARE

PUBLIC HEALTH AND WELFARE TECHNICAL BULLETIN

PHW, GHQ, SCAP August 1948

Section II. TB-PH-WEL No. 11, issued February 1948.

1. The attached paper, written by Mr. T. Namaye, presents a history of "Child Welfare Work in Japan" prior to 1919. The material was presented by Mr. Namaye at a conference on Child Welfare Standards, held in Washington, D.C., in May 1919 under the auspices of the U. S. Children's Bureau. Mr. T. Namaye has been for many years a leader in the development of social work in Japan. He is now retired but participates in the work of the Japan Social Work Association.

2. The material is being made available to Welfare Officers in Military Government since it presents a rather thorough survey of the early development of welfare work in Japan. The paper originally appeared in "Standards of Child Welfare", a Report of the Children's Bureau Conferences, May and June 1919. (U. S. Children's Bureau Publication No. 60, Washington, 1919) This Bulletin is supplementary to TB-PH-WEL No. 11, "Child Welfare Law".

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

CHILD WELFARE WORK IN JAPAN

MAY 1919

By TAKAYUKI NAMAYE .

Department of Interior, Japan

Ellen Kay said that the Twentieth century was the century of the child. It is well said, for the world is beginning to realize the importance of children's welfare as never before. The protection of children is demanded not only from the consideration of humanity, but also from the self-evident truth that the future welfare of society and nation at large dependes upon the healthy minds and bodies of the present children. It is the realization of this fact that has made the question of children's welfare a social and national problem from the latter half of the nineteenth century up to the present time. The faot that a bureau for children's welfare was organized in the American Labor Department about six years ago, although many States at that time had highly efficient organizations for children's welfare work, must have been due to the same consideration.

Japan is not behind other nations in appreciating the importance of children's welfare; but our means for promoting it are far inferior to those of America and the nations of Europe. Various circumstances, customs, and habits are responsible for the poor accomodations; but it is beyond the scope of this paper to discuss them. I shall confine myself chiefly to stating what regulations and provisions different departments have in regard to child welfare, and give explanations and personal views only occasionally. The departments that supervise children's welfare are the Department of Interior and the Departmeht of Education, of Justice, and of Agriculture and Commerce. In discussing children's welfare work, it is convenient, therefore, to divide it as it is divided by the departments.

2. THE DEPARTMENT OF INTERIOR

a. Children's welfare work under the Department of Interior may be divided into two classes; namely, that which is regulated by law and that which is not.

b. Under the first class we have (1) the provisions of the Poor Law concerning the children of the poor, (2) The Foundling Act, and (3) the Reformatory Act.

(1) The Poor law was enacted in Japan in 1874, and the provision in question states that the forlorn children under thirteen years of age shall be given rice at the rate of three bushels and a half per year, and states also that the children who, although not strictly forlorn, have no relatives under seventy and above fifteen years of age, and are in distressing condition, shall receive the same amount of rice as that allowed to the forlorn children. It is hardly necessary to say that this method of relief is very primitive and the recipients necessarily very few. The expenses are to be paid by the national treasury; but as a matter of fact, the local public corporations supply the deficiency, which amounts to a considerable sum, although legal responsibility in the matter ends with the actual carrying out of the relief measures.

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

The latest statistics, which are those of 1917, will give a general idea about the amount of expenses and the number of recipients, as they have not increased or decreased to any great extent in late years.

Government expense	¥ 3,070
Local expense supplementary to the government expense	¥ 8,452
Local expense	¥23,630
Total	¥35,152

The total number of children cared for was 1,203 of whom 213 were cared for at government expense and 990 at local expense or at local expense supplementary to government expense.

It should be noticed that, although the local public corporations are not required by law to provide money for the relief of the poor children, the actual financial assistance given by them to the relief work is comparatively large, as the government allowance is insufficient, its policy being to let them take the matter as much as possible into their own hands.

(2) The Foundling Act was passed in 1871, and is the oldest of the relief enactments now in force in Japan. The original act enjoined that three bushels and half of rice per year should be given to each foundling until he reached his fifteenth year; but in 1873 the age limit was reduced from fifteen to thirteen, and has remained so ever since.

The number of foundlings found in Japan in a year is very small compared to those found in any of the European countries within the same length of time, a fact of which Japan can be proud. For illustration the number of foundlings for several recent years may be given:

Year	Foundlings
1911	225
1912	274
1913	242
1914	188
1915	301
Average for the five years	246

In a country possessing a population of more than sixty millions, only two hundred and forty-six foundlings a year is indeed a very small proportion. One might suspect that this scarcity of foundlings may be due to the strangling of infants or to abortion; but now such crimes are seldom perpetrated in Japan, though in the past they seem to have been quite frequent. In 1916, the total number of the foundlings under the protection of this law was 1,733, and the total expense for them ¥66,826. The foundlings being so few, it is scarcely necessary to have separate asylums for them; so the public corporations put them under the care of orphan asylums.

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

It will be seen that the total number of the children under the protection of the Poor Law and the Foundling Act is about 2,930 for a year, and the aggregate sum of expenses for them only about ¥101,970. European and American specialists may, no doubt, wonder at these small figures; but I believe that the chief causes are the following facts:

(a) The Japanese Poor Law is extremely retrenching.

(b) Social consciousness of the necessity of supporting the poor has not yet dawned.

(c) The spirit of mutual help is quite strong.

(d) The strong solidarity of the family system.

(e) The strictness of legal responsibility of parents to take care of their children.

(f) The natural kindness of Japanese people towards children.

(g) The comparatively small disparity between the rich and the poor.

(3) The Reformatory Act was first enacted in 1900 and was amended in 1908. The act requires each prefecture to establish reform schools to take in delinquent children under eighteen years of age, the the upper age-limit of the inmate being twenty. The bulk of the expense is to be paid by the prefecture; but one-half of the expenses required in founding reform schools and one-sixth of running expenses are to be granted from the National treasury.

There are 54 local reform schools in Japan at present. They are divided into two kinds, public and private. The public reform schools are 28 in number, the private ones 26. The total number of inmates of all these reform schools at the end of 1917 was about 2,100, of which about 500 were taken in during that same year. They are mostly treated under the family system or under a system which is a combination of the family system and the dormitory system. One hundred and fifty is the largest number of inmates that a reform school has at present, and 9 or 10 is the smallest. Under the family system, about 10 inmates are taken in as a rule and the master and mistress or nurses look after them. They are given some elementary school lessons in the morning and some practical lessons in the afternoon, mostly in agriculture and manual labor. We have no accurate statistics as yet on the results of these efforts; but we can say that 70 percent of the inmates come out of the reform schools much improved. The total expense in 1917 was ¥246,886, of which ¥44,000 was Government subsidy.

Besides the local reform schools, there is one national reform school which was opened in March of this year. The number of inmates is limited to 100. A training school for officers and staffs for reform schools in general is to be established in this institution.

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

The special feature of our Reformatory Act is that the executive department, and not the judicial, is the one that places the delinquent children in the reform schools. This is because we believe that the purpose of placing delinquent children in reform schools is not to punish or imprison them but to educate and improve them, and to make them decent members of society. It is, therefore, the prefectural governor who issues the orders to be served upon those whom he thinks it to be advisable to put under the care of a reform school. This is a procedure which is seldom seen in other countries.

c. The reasons why there are only about 2,000 delinquent children in more than 50 reform schools are (1) the scarcity of delinquent children in Japan, and (2) the inadequacy of the Reformatory Act. The Government is contemplating a revision of the act to make it more effective.

d. Under welfare work not regulated by law, we have (1) orphan asylums, (2) day nurseries, (3) the Committee on Social Affairs for work on the Bureau of Local Affairs, (4) The Committee on Investigation of Health and Sanitation, and (5) the Lectures on Sanitation for Women.

(1) Orphan Asylums. - The origin of orphanages in Japan was more than ten centuries ago; but it is unnecessary to dwell upon its long and obscure history. I shall speak only of the orphanage work since the Restoration of 1868. The first orphan asylum built in Japan in the Meiji era was started by a French Catholic nun in 1874. This orphanage has been making great efforts for poor and orphan girls for the past 45 years and takes the first rank among the orphan asylums in Japan in the number of children taken in, which is over 4,100. Besides this, one of the best known asylums in Japan is the Okayama Orphan Asylum, which was started by the late Juji Ishii, who had been greatly inspired by George Muller. This is widely known as the model orphanage in Japan.

There are at present 138 orphan asylums with 6,500 inmates. Their aggregate expense for a year is about ¥420,000. Their properties are estimated at more than ¥2,000,000. They are, with very few exceptions, private enterprises founded by some benevolent person; and in financial matters they are always hard pressed because there are not enough of public orphan asylums to relieve the private ones of their burdens. It is true that the Department of Interior subsidizes, to some extent, such institutions as are doing excellent work, and each prefecture gives some financial aid to those that are within its jurisdiction, out of the interest on the common fund of ¥5,000,000, which was granted by the Imperial Household; and the money that comes from public corporations when they give the charge of foundlings to orphan asylums is of some help. But all these aids are far from being sufficient to enable orphanage workers to carry on their work as they wish.

There are now about 700 charitable institutions in Japan, and there are indications that they will increase year after year. It seems that Christianity is responsible for this stirring up of the public

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

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Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

conscience. There are more than 70 charitable institutions under the management of Christians, and 30 of these are for orphan children. But charitable institutions are not monopolized by Christians by any means. In fact, Buddhists have more than 80 of them under their management, and their institutions for orphan children also outnumber those conducted by Christians. It should be mentioned here as a tribute to praise to both Christians and Buddhists that, though they differ in their religion, they are working hand in hand for the cause of charity.

The unweaned orphans are mostly placed under the care of farmers' families and when they reach school age they are, as a rule, taken into the regular orphanage. In Japan, the farming population is very large as compared with the city population, and there is not much difficulty, therefore, in finding suitable families among farmers to whom to entrust these children, and the result has been excellent. Those who cannot be placed in families are taken into the regular orphan asylums where they are now mostly treated under the family system, though in the past they used to be treated under the dormitory system. The orphan asylum conducted under the family system have from ten to fifteen inmates with a nurse or a master and mistress to look after them.

(2) Day Nurseries. - The first day nursery in Japan was established by the Kobe Women's Public Service Association during the Russo-Japanese war. At that time when it was necessary to support the poor families of soldiers who went to the front by giving them some work, and to enable mothers with small children to work they hit upon the idea of the day nursery and immediately some hundred day nurseries sprang up in different parts of Japan; but soon after the war all except one or two closed. Lately, however, their necessity was felt again owing to the demands of the times, and as a matter of fact they are increasing rapidly in number compared with other charitable institutions. Almost all day nurseries in Japan are private establishments. They are divided into creche and infant schools. The former take both the unweaned and infants, the latter infants only. The four day nurseries managed by the War Memorial Day Nursery Association of Kobe, and the Samegahashi Infant School of Tokyo are among the best known in Japan. There are over fifty day nurseries now and over three thousand infants taken care of by them. The total expense is more than ¥50,000. In everyday nursery great care is taken about the health of the children.

In Japan there is very little settlement work; but in the day nurseries they have family meetings from time to time, and they even visit the poor families and encourage them to save money and give other advice.

In this way they are doing a sort of settlement work to the great benefit of the poor. Though the day nurseries have been only recently organized, their good work is already appreciated by the public.

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

(3) Committee on Social Affairs. - The Japanese Government, in view of the tendency of the times, deemed it advisable to make investigations about the social conditions, both at home and abroad, with the purpose of availing itself of the suggestions obtained from the investigations in coping with problems that may arise in the future, and organized a committee on social affairs, consisting of twenty members, partly selected high officials of the Government and partly experts who have special knowledge and experience on such matters. The committee makes investigations about such matters as are requested by the Minister of the Department of Interior, and makes reports giving its views on them. The scope of investigation is quite extensive. At the last year's meeting the subjects broughtfor discussion were the public market, the housing problem, the employment bureau, the adjustment of capital and labor, and others. The committee is to make a thorough investigation of children's welfare work in the near future with the purpose of aiding those institutions already in existence and of establishing new ones.

From time immemorial the Japanese have had the custom of ancestor worship and even now they attach a peculiar importance to the notion of "family", and children as future successors to the "family" are treated with great care. They are regarded literally as family treasures. A well-known old Japanese poem says:

Silver, gold and precious stone,
What are they in comparison
With a daughter and son?

Traveling through any part of Japan you will see images of Gods and Goddesses which are regarded as protectors of children. From this superstition also you can see how solicitous they are for children's welfare. At any rate, the birth rate is always on the increase, and Japan does not have to resort to a premium system for the encouragement of childbirth as in other countries. The following statistics show that not only does the birth rate exceed the death rate, but it is also steadily increasing every year — a phenomenon seldom seen in any other country.

Year	Birth Rate	Death Rate	Rate of Increase of Population per 1,000
1885	1,058,137	753,456	7.8
1895	1,335,125	876,837	10.9
1905	1,614,472	1,016,798	12.8
1910	1,737,674	1,037,016	13.4

The statistics for 1910 show that the number of births exceeded that of deaths by over 700,000.

But though we are very optimistic about the birth rate we are somewhat alarmed about the death rate of babes and infants, for it has been increasing in the past except in very recent years, as can be seen in the following statistics on the death rate of the unweaned less than one year old.

Declassified E.O. 12065 Section 3-402/NNDG NO. 175 009

The following figures show the yearly average ratio of these deaths for every hundred births:

1886–1890	11.7
1891–1895	14.7
1896–1900	15.3
1901–1905	15.4
1906–1910	15.7
1912	15.4
1913	15.2

The slight decrease in the death rate as shown in the last two figures may be due to the efforts which the Government has been making of late years.

The average death rate per hundred children over one year and below five years of age is as follows:

Period	Age 1–2 Years	Age 2–5 Years	Age 0–5 Years
1889–1893	4.51	2.24	5.82
1894–1898	4.29	2.07	5.92
1899–1903	3.38	1.70	5.65
1904–1908	4.37	1.98	6.13

The above figures show that the death rate of children under five years of age has not materially decreased, but is still about twice as high as that of some European countries. It is a regrettable fact that notwithstanding this enormous death rate of children there are very few private enterprises to combat this problem. At present there is only one mothers' consultation society in Tokyo and another in Osaka. There are hospitals for children, the circuit hospitals, visiting nurses, and such organizations, which may be available in giving medical treatment to sick children, but these accommodations are but a few drops in a bucket. This state of things may look strange in a country which has been called by some "the paradise for children", but the fact is that the social consciousness has not been awakened to the actual state of affairs, the public at large having no knowledge of it.

(4) The Committee on Investigation of Health and Sanitation. - Two very promising organizations have been started lately to probe this problem, namely, the Committee on Investigation of Health and Sanitation and the Lectures on Sanitation for Women. The former, which was started by Imperial Decree in 1916, is under the supervision of the Department of Interior and at present has 36 members, part government officials, part non-official experts. The Vice Minister of theDepartment of Interior is the president of the committee. The work of the committee is divided into eight divisions, and one of them is the investigation of the health of infants, school children, and youth. The matter which has already been investigated and published is the death rate of children under five years for the

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

last ten years. Other matters now under investigation are the sickness of school children, physical development of babies, the health conditions in the day nurseries and orphan asylums, and the condition of about 20,000 sick infants in the pediatric departments of the medical school. The completition of statistics on these matters will facilitate in ascertaining the causes, whether this higher death rate is due to poor nutrition or to the mother's lack of knowledge in rearing children or to endemics. Then the committee will be in a position to devise some suitable means to check the widespread deaths and diseases.

(5) The Lectures on Sanitation for Women. - In prefectures and public corporations in our country, lectures on Sanitation are held for women. Although these were first started scarcely ten years ago they are now held throughout most of the country. The aim of these lectures is to diffuse among women knowledge in the rearing and care of children. The regular meetings continue several days at a place and sometimes they have exhibitions of things which are of interest to the work, something like the Baby Week Movement.

It is possible that by these means, the death rate of infants in Japan will be reduced as low as in other countries.

2. THE DEPARTMENT OF EDUCATION

a. The Primary School Education

(1) History. - Compulsory education is the most important means of building up a healthy nation by inculcating a wholesome national spirit and diffusing general knowledge among the children of school age. All nations of Europe and America have adopted it long ago. In Japan it was in 1886 that compulsory education was adopted. The present school regulation requires six years' course of instruction and as a rule does not charge any school fee.

(2) Matriculation and Attendance. - Though it is only 30 years since school education became compulsory, schoolhouses have been built all over the country. The following table shows the percentages of matriculations and attendance from 1911 to 1915:

Year	Percentage of Matriculation	Percentage of Attendance
1911	98.23	92.47
1912	98.16	92.78
1913	98.26	93.36
1914	98.47	93.69
1915	98.61	94.25

(3) The Number of Schools and School Children.- The number of schools in 1914 was: public, 20,440; private, 136. In 1915 it was: public, 20,518; private, 150. The number of school children in 1914, 6,700,000; 1915, 6,900,000.

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

(4) Finances. - Expenses are paid by public corporations. They amounted in 1914 to ¥ 56,720,000 and in 1915 to ¥ 60,000,000. This rapid increase of expenditure is due to the fact that the population of Japan increases by 600,000 or 700,000 every year and consequently many new schoolhouses must be build. Such being the case, the burden of the self-governing communities becomes heavier yearly, and in some towns and villages the school expenses amount to one-half of their whole expenditure. Last year the Government decided to grant ten million yen annually to relieve the self-governing communities to some extent.

(5) Exemptions.- Children of school age afflicted with lunacy, idiocy, or serious illness may be excused from matriculation. Guardians too poor to send their children to school may postpone their matriculation. It is to be regretted that the nation and self-governing communities have no legal responsibility for educating these poor children. But the Government is contemplating making their education compulsory, though it is not known yet when this provision will be put in force. There are some public and private schools, however, which take in these poor children. So, in fact, this defect in our school regulations is not so bad as it appears. As those special schools have the double aspect of being institutions of education and of relief, they are under the joint supervision of the Department of Interior and the Department of Education.

(6) Institutions of Relief for the Defective and Destitute Children.- In 1917 there were 29 schools for the blind and dumb (both private and public); three schools for the deaf, and 38 schools for the blind. The number of children taken in by these institutions was 3,326. They are given four or six years of common education and practical training, in most cases free of charge. Some of these special schools have dormitories where the students can board with little expense. Most of the blind students become masseurs after their graduation; but as the deaf and dumb cannot easily earn a living, employment offices are established especially for their benefit. The total expense of these 70 institutions was ¥ 176,000 in 1916. The National Treasury, the self-governing communities, the educational associations, and some individual volunteers contribute to defray the expense.

In 1916 the number of the blind children of school age was 3,240; that of the dumb children of the same age, 6,039. These numbers are rather large in proportion to the number of the children taken in by these institutions for defective children. But as they are building new schools and enlarging some of the old ones, they will be able to take in a larger percentage in the future.

To come back to the education of the poor children, although the self-governing communities are not legally responsible for the education of the poor children whose matriculation is delayed for reasons stated before, some of them have voluntarily established

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

schools for the poor children. Besides these there are some conducted by individual benefactors. In 1915 there were 67 schools of this kind, of which 52 were day schools and 15 were night schools. The total number of the pupils in these schools was 14,176. The expenses for the same year amounted to about ¥ 142,000. Moreover, almost every town and village has societies for the protection of the children of school age. Textbooks and lunches are distributed by them among the poor children. In this way, the inadequacy of the school regulations is supplemented to some extent.

(7) The School Physicians.- In 1898 an Imperial Decree was issued to the effect that all primary schools except those in small towns and villages having less than 5,000 inhabitants should hire physicians to improve their sanitary conditions, the physicians to be appointed by the local magistrates. Now most schools are too poor to hire private physicians exclusively attached to them -- only those in large cities can do that. Consequently they hire ordinary practitioners. Thus, nearly 57 per cent of the entire primary schools, that is, 15,300 out of 27,000, have their physicians. Those physicians inspect the sanitary conditions of the schools from time to time, and once a year they make physical examinations of all the pupils and report to the Department of Education and also to the guardian of the students.

The results of the physical examinations of the school children for ten years (1906-1915) show that their height, weight, and lung capacity are getting more satisfactory.

Although considerable efforts are thus being made for the improvement of the sanitary condition of schools, sometimes the improvement does not come up to the expectation, because most of the school physicians, being poorly paid, cannot give sufficient attention to the schools. Therefore, in the large cities the schools are trying to have their own physicians if possible. Under the present regulation the school physician does not examine the mental condition of the children, but something will have to be done to remedy this defect.

(8) The Central Organs. - For better supervision of the sanitation of schools, the Department of Education established the School Sanitary Office in the Department in 1915, and in addition to this organized the School Sanitary Association as the consulting organ of the Minister of Education, and also holds a lecture class in the Department for the benefit of the school physicians from all over the country. Apart from this supervision of the Department of Education some prefectures have their own supervisors.

b. The Supplementary Industrial Schools

(1) In Japan as elsewhere there are many graduates of primary schools who desire to engage in some industry. To meet this demand the Japanese Government issued the Industrial School Order, encouraging the establishment of such institutions as are necessary

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

to give proper training to these graduates. Those institutions are technical, agricultural, commercial, mercantile, marine, and supplementary industrial schools. I shall speak here only of the last.

(2) The supplementary schools are divided into technical, agricultural, fisheries, commercial, and other schools. They matriculate primary school graduates and those who have an equivalent education. The length of the course and the number of study hours vary according to the season, locality, and the like; for instance, the supplementary schools are of very recent origin in Japan, but they are making rapid progress. Of these, the agricultural schools are most numerous, which is quite natural, Japan being essentially an agricultural country. The lessons taught in common throughout the various kinds of supplementary schools are morality, the vernacular, and arithmetic. Other lessons vary according to the kind of school.

(3) In 1916 the number of the public and private supplementary schools was 7,063 and that of the students 369,000. The following are the statistics for all kinds of supplementary schools for the same year:

	Public	Private	Total
Number of Schools.....	9,344	3,021	3,697
Number of Pupils.....	565,899	11,868	577,747
Expenditure.....	¥931,134 ...	Unknown....	Unknown

(4) The supplementary school education is not yet compulsory, but the wonderful growth of this kind of school in a short period shows that it is almost as good as compulsory, and it is believed that the Government will extend this course of instruction by two years and then require those who do not receive high school education to attend one of the supplementary schools.

c. The Religious Education

(1) Catholicism was introduced into Japan several hundred years ago; but Protestanitism came in only at the beginning of the Meiji era (1868). In the fifty year of Meiji, that is in 1872, the first Sunday School was opened, but for some time the growth was very slow. About twelve years ago, however, Mr. Brown, general secretary of the World Sunday School Association, came to Japan and organized the National Sunday School Association of Japan, and from that time the Sunday School work has made a rapid progress, until in 1917 the number of Sunday Schools reached 2,473 and that of the Sunday School children 160,000.

The following table will show how rapidly the Sunday School work is growing:

Year	No. of Schools	No. of Attendants
1907.....	857.....	64,910
1912.....	1,588.....	106,593
1917.....	2,773.....	156,245

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

(2) Prominent men like Marquis Ikuma, Baron Shibusawa, and others were appointed as the promoting committee of the World Sunday School Association Convention, to be held in Japan in October of next year, and preparation for it is already on foot. The expenditure, it is said, will be ¥ 150,000. It is believed that the coming convention will bring a new epoch to the Sunday School work in Japan and will make a great contribution to the general education of the Japanese children.

(3) Sunday schools were at first all Christian institutions, but of late Buddhists also began to feel and need for them and established their own, and it should not be overlooked that they have made a remarkable progress with them.

(4) The Young Men's Association is an institution wherein the boys, who, though graduates of primary schools, cannot receive higher education, get together and learn about supplementary studies, industrial work, and citizenship. The management of theinstitution is left to the self-governing communities, the government only giving instructions on proper occasions. Most of these associations were organized after the Chino-Japanese War and again after the Russo-Japanese War. They had already done much good for social improvement, and in 1915, in view of the Great European War and for the future welfare of Japan, the Ministers of the Education and the Interior Departments gave joint instruction to the prefectural Governors for the improvement of the Young Men's Associations, which brought them under a system and made them doubly efficient.

(5) In most cases each city, town, and village constitutes a Y.M.A. district and has its headquarters; but within a district branches are established to facilitate the work and to bring the members into close touch. In some counties and prefectures they have headquarters to supervise Y.M.A. work within their districts. The age limit is not quite uniform throughout the country, but in most places twenty, and in some, twenty-five years of age is the limit. According to the last year's report of the Department of Interior there are 18,482 associations and 2,932,113 members.

(6) Among the various works carried on by the Y.M.A., the most general are the supplementary education, circulating library, keiro kai (veneration of aged people), temperance work, physical training, improvement of amusement, popular education, and the moral training of young men. Instruction is mostly given from time to time by lectures by school teachers, local officials, religious leaders and sometimes by business men.

(7) The expenses of the associations are paid: 1. out of money earned and contributed by the members of the associations; 2. by subsidies from the cities, towns, and villages; 3. by individual subscriptions; 4. by income from the capital; 5. the proceeds from cooperative enterprises of the associations. The total expenditure of all the associations in the country for 1916 was ¥ 736,750. Their property in the same year was estimated at ¥ 1,000,000.

Declassified E.O. 12065 Section 3-402/NNDG NO. 175 009

(8) The aim of the Young Women's Association is practically the same as that of the Young Men's Association, namely, to make more efficient those girls and young women who are graduates of primary schools, but who cannot get higher education. The work of this association is naturally different from that of the Y.M.A. It includes domestic work, hygiene, rearing of children, cooking, sewing, family nursing, morality, and so on. The instruction is given by lectures of experts in these lines. These associations are all of very recent origin; but they already number 8,852 and have 1,049,652 members. The age limit of the membership varies from twenty to thirty years.

(9) One very noteworthy feature of these two organizations is that they sometimes have joint meetings. The occasions for these joint meetings are when they have school exhibits, pictures, lectures on moral culture, charitable work, and so forth. I say it is noteworthy because in Japan commingling of young men and women in this way is very rare, and these joint meetings, though humbly started, may if wisely conducted on a large scale have a great significance for the social welfare of Japan.

3. THE DEPARTMENT OF JUSTICE

a. Treatment of Juvenile Criminals

(1) The treatment of criminals, especially young criminals, is an important question for criminology. In 1907 the criminal code of Japan was revised and the age of discretion was fixed at 14. The Act says "the acts of persons under 14 years of age are not punishable". Young offenders above that age are punished by ordinary criminal law, there being no special laws for them.

(2) When a police officer apprehends a young offender, he takes him into a police station and there and then they examine him. If the offense is only slight they let him off with an admonition; and if it is not so slight or so serious they keep him in the house of detention for not more than 30 days; if it is serious they send him to the public procurator's office and the procurator examines the case and decides whether the offender should be prosecuted or not. The average number of young offenders who were subjected to judicial examination in five recent years was about 30,000; of these only 10,000 were prosecuted according to the regular law - some of them were fined, some put in jail, and others imprisoned. The average number of those who were imprisoned during the period of the five years from 1913-1917 was 2,248. The statistics, however, reveal an annual decrease in the number of juvenile offenders in prison beginning with the year 1914, as shown in the accompanying table:

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

Year	Male	Female	Total
1913	2,156	183	2,339
1914	2,684	189	2,873
1915	2,092	172	2,264
1916	2,021	163	2,184
1917	1,828	148	1,976

(3) The form of trial of young offenders is not uniform throughout the country, but in large cities like Tokyo, Osaka, and others, the courts have a juvenile department with a special judge. They usually segregate the young offenders from adult criminals and have a separate room for them. The trials are not open to the public. In these matters the spirit and the method closely resemble those of the juvenile courts in America and Europe. But as there are no special laws for children they are judged according to ordinary criminal law.

(4) The prison regulations provide that the offenders under 18 years of age who are subjected to more than two months of penal servitude may be put into special prisons or special departments of regular prisons, and that they be kept in them until they reach their twentieth year. Thus the juvenile offenders are treated in a different way from that in which ordinary criminals are treated, the object being their protection and reformation more than punishment. Moreover, they are obliged to attend school a given number of hours every day, and even the labor they are required to do is rather for their training than for supplementing the funds by which the prisons are maintained. At present there are nine such juvenile prisons in principal places of Japan, and several more will be established in the near future. In the treatment of juvenile offenders both the grade system and mark system have been adopted and the choice between them is left to each prison. Whether they use the grade system or the mark system, they keep each prisoner in a separate cell for the first three or four months of his imprisonment in entire seculsion from theoutside world, and if he shows signs of improvement he is promoted to a higher grade and treatment becomes more lenient.

(5) The result of this treatment is shown in the accompanying table:

Year	First Offenses	Second and Later Offenses
1913	2,220	585
1914	1,903	470
1915	1,851	413
1916	1,787	397

Thus it may be seen that the number of offenses is decreasing every year, but the number of second and later offenses has not materially changed. The latter fact may be due partly to not imposing an indefinite sentence and partly to the lack of social sympathy with the discharged prisoner.

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

(6) It can easily be imagined that many of those who are set free without trial will repeat the offense if adequate protection is not given to them. Therefore whether the juvenile offenders are homeless or not, some further means of protection is absolutely necessary. In this regard we regret there is no probation system in Japan as yet. Not that there is nothing done in the way of their protection, for there are two homes for boys and one for girls in Tokyo. In those two places for boys they look after more than a thousand boys every year, and their work in seven cases out of ten is successful. There are more of these societies outside of Tokyo, but they are not so active in their work as those in Tokyo. It is to be hoped that many more such societies will be organized in the future to give adequate protection to the misguided youth.

b. The Children's Act

(1) Though various attempts have been made at devising means of prevention of juvenile crimes, they have not accomplished the desired results; but it has been thought that the establishment of juvenile courts would be best suited for the accomplishment of this object. The law investigating committee have been working at a bill for some years, and the bill is nearly completed. It is not time yet for its publication; but, generally speaking, it seeks to apply a sort of probation system to those under 18 years of age who have committed some criminal offense or are inclined to do so. What the bill seeks to accomplish is as follows:

(a) To give admonitions from the court.
(b) To obtain admonitions from the principal of the school.
(c) To demand a written promise for repentance.
(d) To hand delinquents over to some protector on certain conditions.
(e) To place them under the care of some religious organization or protective society.
(f) To place them under probation officers' care.
(g) To send them to industrial schools.
(h) To send them to reform schools.

(2) There are also features not seen in the laws of other countries, but on the whole the provisions are practically the same as the juvenile court regulations of America and of Europe. If the bill passes, after some amendments, it will do a great deal of good in the way of rectifying the defects of the present law.

4. THE DEPARTMENT OF AGRICULTURE AND COMMERCE

The development of factories in Japan is of very recent origin. In fact it is not fifty years old yet. Therefore the capitalists and factory owners of Japan have not had experience in the management of such enterprises. Before the introduction of the factory system,

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

the various industries of Japan carried on their business by means of handicraft and home industry. In those days, when international trade was forbidden and the principal of "self-supply" had to be enforced, no great inconvenience was felt from those old-fashioned methods, and the handicraftsmen and those who were engaged in home industries dragged along in their work from morning till late at night in a most lax manner without any definite restriction of time. The relation of the employer and employee was, of course, that of master and servant. But when Commodore Perry came and broke the spell of a long dream, all of a sudden the policy of isolation was abandoned; international commerce was allowed, and in fact everything changed in a very short time. The social, political, and business conditions underwent a complete change and left no trace to remind us of former conditions. In the industrial circle also the factory work took the place of home industry and a great many operatives began to work with wonderful machinery and to have definite hours of work. But even when such violent change had been accomplished, the relation of the capitalist and the factory workers remained that of master and servant. As to the long hours of labor, too, employers, employees, and the public at large, being accustomed to it, never thought anything was amiss.

a. The Factory Act

(1) Such being the conditions under which the factory system had developed, the Government perceived the necessity of taking some protective measures and in 1882 organized a committee to investigate the actual conditions and customs of the factories throughout the country. In 1897 a bill was drafted based on the results of the investigation by this committee. But very unfortunately the Parliament dissolved at that time and the bill was not even presented. After many years of hard labor in overcoming obstacles thrown in its way, the bill finally passed through both Houses in 1911 for the first time; but it was not until 1916 that it became operative, owing to the fact that deciding on the rules of enforcing the law took a long time.

(2) As a result of this law, an Imperial Decree was issued ordering the Department of Agriculture and Commerce to establish a factory section in the Department. In pursuance of this decree the Department appointed the Vice Minister as the sectional chief with four factory supervisors and five sub-supervisors to assist him. Moreover it has been decided to have local supervisors placed in several important places, and in fact there are now about two hundred of them distributed in various parts of the country. The expenditure required in this work is about ¥ 200,000. Although we have now this Factory Law for the protection of child laborers, no special law has been enacted as to the restriction of the work hours of adult laborers, it being left entirely to the agreement between the employers and employees.

The restrictions placed upon child labor are as follows:

(a) THE AGE OF THE CHILD LABORER. "The factory owners (employers) are not allowed to hire children under twelve years of age except under special administrative permissions."

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

(2) THE PROHIBITION OF NIGHT WORK. "All children under fifteen years of age are not allowed to be employed in any work after 10 P.M. and before 4 A.M. But for fifteen years after the enforcement of this law, those special industries which require night work or continual day-and-night work may be exempted from the application of this law by the permission of the Minister of the Department."

(3) HOLIDAYS AND RECESS PERIODS. "To children under fifteen years of age, two holidays should be allowed in a month and to children of the same age who are employed in a business requiring day-and-night work, four holidays should be allowed in a month, and if the working time should exceed six hours a day, a recess of at least half an hour should be given to them, if ten hours, a recess of at least one hour."

(4) CASES WHERE ASSISTANCE IS TO BE GIVEN. "When a factory operative meets accident, falls sick, or dies without any serious fault of his own, the employer is required to give financial assistance to him or to his surviving family."

(3) The Number of Child Laborers in Japan

The number of child workers in factories in 1916 is shown in the accompanying table:

Age	Total	Boys	Girls
10-12	10,914	1,938	8,976
12-15	133,570	29,853	103,717
All ages	144,484	31,791	112,693

The total number of the adult operatives and the child laborers in factories being about a million, children form nearly fifteen per cent.

b. Welfare Work

(1) Special arrangements made for the promotion of the laborer's welfare are not few. Since the operation of the Factory Law, they have rapidly increased, although their exact number is not yet ascertained. In the Prefecture of Tokyo there are about 1,600 factories of all sizes and about 230,000 operatives. There are about 500 factories that employ more than 50 workers. Sixty-three out of these 500 factories have mutual aid societies, some of which, in case of sickness or retirement of the members, give financial aid

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

out of the fund paid up by operatives exclusively, and others of which give aid out of the fund contributed to by the operatives and the employers. The latter usually contribute as much as or half as much as the total sum of the contribution by the employees. There are also day nurseries, rent-free houses, dormitories, bath-houses, places of amusement and so on, altogether numbering 210. And for the education of the employees there are 56 institutions where they train apprentices and give supplementary instruction or primary school education, and the prospect is that these institutions will gradually increase.

I must confess that what has been said above is a very imperfect presentation of the subject. And time does not allow me to discuss fully the advisability or inadvisability of the long hours of labor to which Japanese children are subjected. I should only say that labor in Japan has a peculiar history and circumstances, and now to adopt the American or European system bodily in entire disregard of that history and circumstances would be only to bring on unnecessary disturbance if not disaster. As principles, the propositions made by the Committee on the International Labor Alliance meet our approval, but Japan is under the necessity of steering her course in this matter with due regard to her peculiar internal conditions as well as external circumstances, and for this reason, Japan may have to be treated as an exception. We are not, of course, satisfied with the present condition of the Factory Act; but we must be patient. Perseverance has accomplished wonders. Rome was not built in a day. Japan, though not very slow in making progress, requires time to bring about such fundamental changes as suggested by the Committee now meeting in Paris.

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

Dec 19 Feb 51

Expected to go to Diet end of next month

N.51-236

Points to be amended in the Juvenile Law

1. Even if a juvenile falls under a case to be sentenced to a fine, detention, or a minor fine, he is not sentenced under the present Juvenile Law to such a punishment. In case of violation of, for instance, the Road Traffic Control Law, the Minor Offense Law or others, it is necessary to punish the juvenile, especially the one of above 18 years, of age, with a fine or a lighter punishment. So that the Law must be amended so as to be able to sentence to such a punishment. And in order to make the amendment, it is also necessary to revise the Law so that it can convert a punishment to anotherone.

NRP wants this added. Dr Lewis has approved.

In Article 20, "in respect to the case of an offense punishable with death penalty, or penal sevitude or imprisonment" shall be deleted.

NRP Wants this added. approved by attorney Gen Tyler but not Mr Lewis

Next to Article 54, the following priviso shall be added:

But, a juvenile not less than 18 years of age shall be sentenced, under circumstances, to confinement in a labour house.

2. A police official, under the present Juvenile Law, performs his duties as mere assistant in many cases. His duties, however, in this Law, shall be limited to those only that are deeply concerned with his intrinsic duties as police official.

NRP Wants this added. Mr Lewis has not seen. Also has seen but disapproves

To Article 26, Paragraph 1, the following proviso shall be added:

But, the excution of ruling to be done by a police official or a municipal police official shall be limited to the case of juvenile who is particularly apprehended that he may escape.

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

3. According to the latest criminal statistics, juveniles of 18 to not less than 20 years of age, who are objects of the present Juvenile Law, are showing highest crime rates as well as persons of 20 to under 25 years of age. So that it is necessary/so as to make some differences between the juveniles of above 18 years and under 18 years, even though the juveniles are disposed differently from the adults in accordance with the provisions of the present Juvenile Law.

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

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Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

W 2037

Jan. 31, 1951

To : Mr. Shupak, Investigation, PSD

From : Chief Matsumoto, 1st Juvenile Sect., MPD

Subject: A study in the treatment of minors of ages above 18 and under 20 as juveniles.

Until toward the end of 1950, juvenile offenders under 18 years of age had been, regardless of the provisions of Art. 2 of the Juvenile Law, treated as juveniles under Art. 68 of the same law. However, because of Art. 68 of the Juvenile Law having become nullified, the youths under 20 years of age are now to be treated as juveniles.

With respect to this revision, I should like to be permitted to express my view in the following:

1. In most of the laws and ordinances of other countries, it seems, the youths under 18 years of age are stipulated as juveniles. Such provisions, it appears to me, are the outcome of deep studies made psychologically, medically and from angles of various related sciences.

2. There are found many among the youths above 18 and under 20 years of ages, who have matured, spritually and physically, to such an extent that they are not second to adults. Therefore, the task of rectifying the character of the youths in this age-stratum and adjusting them to their environments, needless to say, requires, humanly and materially, wholly efficient facilies if a good result is to be obtained.

3. There are cases where a youth above 18 and under 20 years of ages is legally recognized of his competency to conduct a business and he can operate it independently. For instance, an automobile driver is given license at his full twenty years (see the Road Traffic Control Law, Art. 42; the Secondhand Business Law, Art. 4; Fuzoku Eigyo Control Law Execution Regulations (business liable to moral hazard), Art. 2.).

   These persons are being treated on equal footing with adults in their acts of operating business, but are treated as juveniles so far as legal offenses are concerned. Such a treatment as viewed from national sentiment cannot be called fair, especially the fact that no court can rule a punishment for a juvenile in the forms of fine, detention or minor fine, must be considered.

4. Juveniles above 18 and under 20 years of age committing offenses are exception, but cases are many where those under 18 years who were arrested by the police or given a court trial for their misdemeanors. Even more difficult would be the attempt to correct youths in their older ages that which could not have been corrected in younger days.

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

DETENTION POLICY - LOS ANGELES POLICE DEPARTMENT

Juvenile detention is protective, not punitive. Following the arrest of a juvenile, the arresting officer shall determine and recommend whether the juvenile should be detained or released to his parents or guardian. He shall be released unless one of the following conditions exists:

(DETENTION RESTRICTIONS). All detentions not under Court Order are temporary in nature. A juvenile can be held no longer than is reasonably necessary and under no circumstances longer than two court days without disposition.

(a) DESTITUTE. When the juvenile concerned is destitute, without supervision, and is in need of protective custody.

(b) DANGER TO PERSON. When the release of the juvenile will endanger his person or morals.

(c) RECORD AS RUN-AWAY. When the juvenile has a record as a run-away and it is reasonable to believe that, upon his release, he will leave the jurisdiction of the Court.

(d) DANGER TO PUBLIC WELFARE. When the record of the juvenile and the gravity of his offense are such that his release would prove dangerous to public welfare.

(e) MEDICAL CARE. When the juvenile is in need of medical care.

(f) INVESTIGATION NEEDS. When the juvenile's release would seriously hamper the officer's completion of the investigation.

DETENTION AUTHORITY. If detention is deemed advisable by the arresting officer, he shall, before booking the juvenile, give the reasons for his opinion, and obtain consent for such detention. He shall call:

(a) Day Watch - Boys - Station 2578

(b) Day Watch - Girls - Station 2566

(c) Night or Morning Watch - Boys and Girls - Station 2568

PLACES OF DETENTION. Juveniles shall be detained at the following places:

(a) Girls - 1 to 17 years, inclusive - Juvenile Hall
(b) Boys - 1 to 15 years of age - Juvenile Hall
(c) Boys - 16 and 17 years of age - Georgia Street Jail
(d) Infants under the age of one year (either sex) shall be held in the General Hospital.

EXCEPTIONS. These ages and places of detention may not hold when a boy is held under order of the Juvenile Court.

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

Byron SOCIOLOGY John J. Guidici
5-15-45

I. Introduction

A. There are no "authorities" in the field of sociology

1. There is at best only "ideas" on the subject
   a. Each new experience added to the collective subject material provides new foundations in the search for principles or rules of social conduct

II. The use of socio-psychological approach rather than violence

A. The use of rational techniques rather than the use of force (physical violence or coporal punishment)

1. Treatment, wherever possible, should be predominately on a basically rational plane rather than on the emotional plane

B. The application of some socio-psychological principles

1. The release of energy

   a. Illustrated by control of Times Square pseudo-mob.
   b. Includes the dissipation of energy harmlessly in non-violent activity

2. Providing outlets for feeling

   a. Illustrated by affair in saloon
   b. Includes the substitution of a controlled, rational situation for a violent, uncontrolled one

3. In emotional situations substitute more dominant emotional outlets

   a. Illustrated by technique of lieutenant at wake
   b. Emotions are more repnsive to greater emotions than to any rational appeals

4. NOTE: All situations will vary and so must the solutions to problems arising in them

   a. Leadership, physical surroundings, type of community, and many other factors will play a part in the effectiveness of any solution that may be given.

Declassified E.O. 12065 Section 3-402/NNDG NO. 175 009

III. Juvenile Delinquency

A. Bibliography

1. "1000 Juvenile Delinquents"
"What Becomes of Young Delinquents" -- The Gluecks

2. "Juvenile Delinquents, Their Making and Unmaking"
"New Light on Delinquency and Its Treatment"
Healy and Bronner

3. "The Jack Roller"
"Brothers in Crime" -- Clifford Shaw

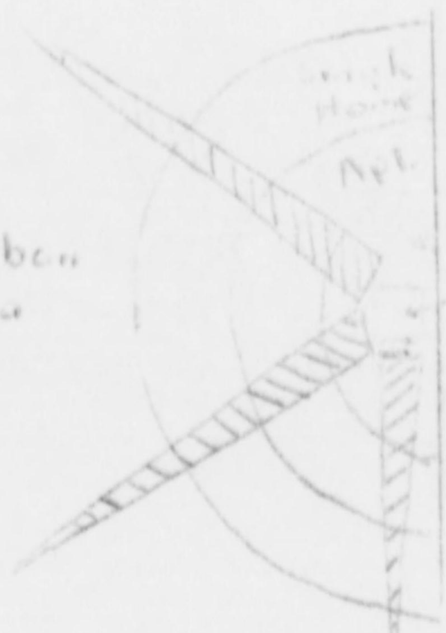
4. Follow Up Studies on Juvenile Delinquents
Dr. Elliot - Sleighton Farm, Pa.

√ B. Breeding places of delinquency and crime

1. Small towns (under 2500 pop.) are <u>not</u> breeding places of crime
a. Here the police is not a factor

2. In large cities crime breeds in the "areas of disorganization."
a. Areas of disorganizations are generally found just outside and adjacent to the central business area
(1) They contain the pawn shops, barber colleges, flop houses, penny arcades, burlesques shows, employment bureaus, vice and gambling places, etc

b. An interesting study of Chicago and its crime problem disclosed what are termed "radial lines of delinquency" as illustrated.



c. The records of the Institute for Juvenile Research show that approximately 85% of juvenile complaints were handled by the police in 194
(1) The police officer who handles adults is <u>NOT</u> psychologically able to handle juvenile and this should be left for experts.

d. Note: In Illinois the jurisdiction over juveniles is in the criminal court until they see fit to release them to the juvenile court or to the Institute for Juvenile Research

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

Byron SOCIOLOGY John J. Guidici
5-18-45

III. Juvenile delinquency. (cont.)

C. Elements in the causation of delinquency

1. Primary and secondary contacts

a. Primary contacts are those that are friendly, intimate, face to face, highly personal, etc.
(1) These are the contacts found in small towns

b. Secondary contacts are those that are casual, offhand, distant, impersonal, etc.
(1) These are the contacts to be found in lafge citie s

2. Primary and secondary groups

a. Primary groups are those that have closely integrated associations and relationships
(1) Some of these are gangs, families, Boy and Girl Scouts and other such groups, teams,

b. Secondary groups are those wherein the relationships are loose or non-existant
(1) Such groups include apartment houses, large churches and schools, factories,
(2) A special type is the armed services where the emphasis is shifted from morals to morale

3. Group influence

a. The primary group will be more influential in determining behavior than secondary groups

b. Unless other competing groups provide for essential wants boys will choose to follow the conducts of the "gang" rather than the conduct of other primary groups.

c. What we have we take for granted. What we don't we want and how we get it will be largely determined by the group whose respect we want to get.

4. "Compensatory mechanisms."

a. Delinquency and crime are often compensations for the absence of some desired quality.
(1) Ex: The tough school kid, the crippled boy, the professor's son,

5. Supplemental bibliography

a. "Gangs" -- Thrasher
b. "Streetcorner Society" -- White

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Byron SOCIOLOGY John J. Guidici
5-21-45

III. Juvenile delinquency. (cont.)

D. Changes in the problem of delinquency

1. The children of today are not like those of yesterday!

2. The conduct patterns of the children of the upper and middle class segments of our economic and social groups are more and more like those of the youngsters who we institutionalize as being delinquents.

E. Delinquency and the police

1. Today police are dealing with the failures produced by other allied groups

2. The police should deal with only the necessary police proble lems, not with the problems of the other social groups

3. This policy is easier to substantiate if the police can show that they are doing their job efficiently and professionally.

a. If this is to occur the police must know more about the problems and the responsibilities of all the agencies in the community

F. The Institute for Juvenile Research - Danzig 5-23-45

1. The Institute dates from 1909 when it was started and maintained by a private grant. The pioneer was a Dr. Healy who had for five years studied juvenile delinquency in the Chicago Juvenile Court. In 1918 the Institute was incorporated in the Illinois Department of Public Health and today it is a service rendered by the state for all. Dr. Healy found that the problem child was an unhappy child.

2. Procedures

a. Referals - More than 50% of the referrals are by parents, a situation which is conducive to best results When children are brought in by Court order, for exampl the parents are on the defensive and often antagonistic a condition not conducive to success.

b. Examination - The first interview is generally with the parent for the purpose of obtaining as much of the child background as possible. Includes such things as
(1) Probable causes and the effects
(2) The backgound of the parents themselves
(3) School and medical reports

c. The examination of the child includes a psychological test (for IQ), a physical check (superficial except where other need is shown) and a psychiatric examinatio
n

Declassified E.O. 12065 Section 3-402/NNDG NO. 175009

Byron SOCIOLOGY John J. Guidici
5-21-45

III. Juvenile delinquency. (cont.)

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n

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III. Juvenile delinquency. (cont.)
F. The Institute for Juvenile Research. (cont.)
2. Prodedures. (cont.)

d. Treatment - Treatment usually consists of weekly or bi-weekly conferences with a therapeutic psychiatrst In the younger child it is generally the problems of the adults that are being reflected in that child so the conferences are usually with the parents. In the older child cases the treatment can and is direct ed at the child himself.

3. Punishment

a. Punishment should be planned to fit the child
b. The way physical punishment is administered is more important than why or how it is administered
c. Consistency in punishment is the desirable quality
(1) The child wants to be punished if he has been doing that which he has been told not to do. This gives him a sense that the parent so punishing him is interested in what he is doing

4. Causes of delinquency - Danzig

a. This is a competetive world and there are many things which tend to create a feeling of inferiority and personal inadequacy and delinquency is the result

a. Delinquency is a way for a person to show adequacy

b. It may be a rebellion against parental authority
(1) Particularly by bringing disgrace upon them

c. It may be an expression of adulthood

d. Hero worship may be a cause with the pattern usually after the mother or father

e. Any variations in the family relationship
(1) Here the emotional relationships are important
(2) Any lack of love, affection or personal security will lead to delinquency

f. Rejection or over protection can lead to trouble

g. Fustration is a source of delinquency

h. Delinquency may be a compensation for economic deprivation

I. NOTE: Most criminals show definite anti-social behavior early in childhood.

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Property Donald G. Reynolds IACP

BERKELEY POLICE DEPARTMENT
Basic Training School

1943-1944

R.

VICE DIVISION PROCEDURE

I. THE VICE DIVISION

- A. Organization
- B. Purpose

II. NARCOTICS

- A. Law
- B. Hypnotic Types
- C. Excitant Types
- D. Treatment
- E. The Addict
- F. The Peddler
- G. Searching
- H. Securing Evidence

III. LIQUOR

- A. Law
- B. Drunks
- C. Disorderly House
- D. Securing Evidence

IV. GAMBLING

- A. Law
- B. Types of Games
- C. Crooked Devices
- D. Other Forms
- E. General Policy
- F. Securing Evidence

V. PROSTITUTION

- A. Law
- B. The Prostitute
- C. Promiscuity
- D. Venereal Diseases
- E. Securing Evidence

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BERKELEY POLICE DEPARTMENT
Basic Training School

1943-1944

Q.

SEX CRIMES

I. SEX
   - A. Its place in the general scheme
   - B. Police concerned with aberrations
     1. Variant causation
     2. Statutory variants

II. RAPE
   - A. Definition
   - B. Corpus Delicti
   - C. Prosecution requirements
   - D. Specific examples

III. L. & L. (288 and 288-a PC)
   - A. Definition
   - B. Corpus Delicti
   - C. Prosecution requirements
   - D. Specific examples

IV. SEX GRABBERS (242 PC)

V. EXHIBITIONISTS (311 PC)

VI. SEDUCTION

VII. ABORTIONS

VIII. ADULTERY

IX. INCEST

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BERKELEY POLICE DEPARTMENT
Basic Training School

1943-44

I.

PROCEDURES WITH MALE JUVENILES

I. LAWS GOVERNING JUVENILE WELFARE

A. Juvenile Court

1. Alameda County

a. Probation Committee
b. Probation Officers

2. Detention Home

a. Segregation
b. Routine

3. Jurisdiction of Court

a. Section 700 and 702 of W & I Code

B. Arrest and Detention of Juveniles

1. Specific Laws

a. McAlmond v. Trippel
b. Other cases

2. General Practise

3. Present Policy

a. Actual Case
b. "Investigation"

II. POLICE OFFICER AND THE JUVENILES

A. General Contacts

B. General Investigations

C. Procedure in Arrests

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BERKELEY POLICE DEPARTMENT
Basic Training School

1943-1944

H.

JUVENILE DELINQUENCY

I. INTRODUCTION

II. HISTORY
- a. Development of schools of thought regarding crime.
- b. Development in treatment of children.

III. REASONS FOR JUVENILE DELINQUENCY

A. Studies
1. Dr. Herman Adler - Chicago, 1929
2. Clifford Shaw - "Delinquency Areas", Chicago, 1929
3. Dr. Carola Blume's Oakland Study, 1940-1943
4. Stamford Study - 1938
5. Tremont Study - 1938 to date
6. Berkeley (Hawthorne School), Dr. Ball, 1919
Nathan Bodin, 1932

B. Causes
1. Disruption of family
2. Shifts in population
3. Employment of mothers
4. Amusements
5. Economic conditions
6. Emotional disturbances

IV. TRENDS

A. Child Guidance Clinics

B. State bodies carrying out crime prevention measures

C. Legislation

D. Federal, State, and local recognition of problem

E. Co-ordination of communities

F. Projects planned for youth

G. Projects planned by youth

V. SUGGESTIONS FOR ACTION

A. Study of the individual

B. Proper utilization of police power

C. National code of ethics or standards for conduct.

L3/51 - 150
7-44

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

Rec: 16 Jan 50

708

11 January 1951

To : Mr. Fritz, PSD II
From : YAMAMOTO, Chief of ~~First~~ Juvenile Section, MPD

Subject: Re the Nippon Times's two articles relative of Red youth programs

The local English-language newspaper Nippon Times recently carried two articles regarding Red activities through Japanese juveniles, one on December 17 in Columnist MURAYAMA's "Communists at Work here to Influence Japan's Youths," and the other on December 19 in its editorial subtitled "Red Youth Program." And here goes in the following for your reference our field findings on the same theme:

The Nippon times says "Communists in Japan are mobilizing youths, and in Tokyo alone there are about 2,000 groups of so-called Communist Pioneers." Actually, however, the number of the said groups is set about 70, and their component elements, according to an investigation by the Attorney-General's Office special investigation bureau are largely Koreans or those closely connected with Koreans.

The Japan Communist Party, in order to effectively work upon the Japanese youths who are to shoulder the burdens of our next generation and also to intensify this move, established within the party's headquarters a "Young People's Division" and a "Central Young People's Committee." Then, based on a 10-year plan formed in the same year, the party started an energetic move on all fields and chances with a view to intensifying and utilizing their communized youth organizations to the most possible extent.

The Japan Communist Party as its strategy has adopted a policy of putting any plan into practice after experimenting with it repeatedly and proving its efficiency. Through its already realized intensification of group activities and cell organizations, the party next wanted a good experiment with the mobilization of youths inclusive of little children for open party activities. This experiment was recently seen in the agitation moves at Kobe and Osaka, and it is generally believed that the results were satisfactory.

The question, therefore, of the nature of the Communist future steps in the line of the utilization of youths, is increasing its importance to those concerned over the youth problems in general.

As to the concrete steps taken by the Communists on their youth mobilization, the most common are the formation of various juveniles' groups, the staging of "Kamishibai" or picture plays, movies and magic lanterns, or the opening of small teaching classes on abacus using, caligraphy or varied other subjects. Through these groups, the Communists are

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intending to spread their ideas. Other things which they are now supposed to be pushing on in this connection are as follows:

1. Opposition to the Red teachers' purge, inclusive of a move to spread the Communists' own idea of the bad effect of the same purge on the school children concerned.

2. Opposition to PTA's monetary and other joint contributions.

3. Opposition to the taxation of the masses.

4. Propagation of the Yoshida Cabinet's "weak" policy on the prevention of youths' degeneration.

5. Obstruction and defiance against Boy Scouts and Girl Guides.

6. Investigation and slanderous public disclosure of the Council on Youths Problems ("Seishonen Mondai Taisaku Kyogikai") and other similar leading organs for youths, and incidentally the propagation of the Yoshida Cabinet's "poor policy."

7. Spreading of the Communists' way of regarding the enforcement of police for a superficial reason that by doing so the degeneration of youths can be prevented. They also announce in this connection the said enforcement will only prove obstructive to the prevention.

8. Dissemination of an idea that the fundamental cause of the current degeneration of youths lies in the present Yoshida Cabinet's loose policy on the problem.

9. Opposition to the police bosses' meddling with youths' organizations.

10. Public announcement that the dispatch of police officers to a school in a certain city shows the revival of a fascistic education.

Through these insidious means mentioned above, the Japan Communist Party, availing themselves of every available chance, directly or indirectly, are trying hard to advertize and reinforce the party lineup.

One of the recent examples of these agitation moves is, according to what was reported to us, some Communists' throwing stones and calling names against a Boy Scouts' parade.

As to the alleged reports that some Red teachers have organized junior traffic police groups along Communist

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lines, we will say here that the report is a mere unsubstantiated rumor.

We will, however, be kept warned against the reported fact that many of the Communist groups are disguised as study clubs, athletic organizations and other similarly innocuous names.

All in all, the only effective measure against these insidious and deceitful Communist acts will be, in our view, the general public's strong support of those authorized youths organizations such as Boy Scouts, Girl Guides, YMCA and YWCA.

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

List of allotted duties in 2nd Juvenile Sect.,
Metropolitan Police Dept.

As of 10 Nov. 1950

Sect. Chief	Police Superintendent	1						1
Branch Chief	Police Superintendent	1			Branch Chief	Police Inspector	1	2
Pol. Ins.	1		1		Pol. Ins.		1	3
Ass'nt Pol. Ins.		1	1	3	Ass'nt Pol. Ins.	2	1	8
Pol. Sgt.	1	4	3	5	Pol. Sgt.	3	2	18
Police-man	5	9	5	10	Police-man	7	4	40
Woman Pol.	1	2	2	3	Woman Pol.	2	2	12
Shuji & Tech-nician	1	2	1		Shuji & Tech-nician	3		7
Allotted duties	General Affairs	General Planning, collection of informa-tion materi-als con-cerning delinquents and crimes,	Crime preven-tion movement, Cultu-ral movement, Campaign of edu-	Gidance	Allot-ted duties	Con-sul-tation, Iden-tifi-cation	Mis-sing chil-dren, wander-ing child-ren,	

Guidance Branch

Office of Counsel on Juvenile Affairs

Guidance Branch

Ins.				
Pol. Sgt.	1	4	3	5
Police-man	5	9	5	10
Woman Pol.	1	2	2	3
Shuji & Tech-nician	1	2	1	
Allotted duties	General Affairs	General Planning, collection of information materials concerning delinquents and crimes, formation of statistics, liaison office about schools, etc.	Crime prevention movement, Cultural movement, Campaign of education	Guidance
Duty	In-duty	out-duty	out-duty	out-duty

Office of Counsel on Juvenile Affairs

Ins.			
Pol. Sgt.	3	2	18
Police-man	7	4	40
Woman Pol.	2	2	12
Shuji & Tech-nician	3		7
Allotted duties	Consultation, Identification	Missing children, wandering children, runaway boys.	
Duty	in-duty out-duty	out-duty	

Total 91

Declassified E.O. 12065 Section 3-402/NNDG NO. 775 009

Declassified E.O. 12065 Section 3-402/NNDG NO. 775009

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Civil Intelligence Section, G-2
PUBLIC SAFETY DIVISION

APO 500
27 December 1950

MEMORANDUM

SUBJECT: Delinquency in Tokyo

THRU: Chief Police Administrator

TO: Chief, Public Safety Division

1. Reference is made to memorandum dated 6 December 1950 to Chief, Public Safety Division from Chief, S & A Branch, subject: "Delinquency in Tokyo".

2. Paragraphs 3 and 5 in said memorandum points out that there has been an increase of over two-thirds in male delinquents and an increase of fifteen (15) percent in the female delinquents. It is the belief of this Administrator that the memorandum sets forth information which is not true and shall be born out by the attached factual report which was prepared by MPD at the request of this administrator.

3. Comprehending past and present juvenile activities within the Metropolitan Police Department, it can easily be understood how statistics furnished this office may be misinterpreted and portrayed in a derrogatory light. The statistics submitted to this office previously which are set forth in subject memorandum would lead one to believe that juvenile offenses had increased. This is not so, in that the matter of enforcement has increased through (1) inauguration and training of juvenile police in the art of detection, and laws, and ordinances; (2) closer liaison and coordination with other sections of the department; (3) down-to-darth plan on setting out the areas where crimes are being committed by the use of spot maps, depicting types of crimes, place, date, time, etc., and concentration upon the areas. As a matter of information, offenses committed by Juveniles reached its peak in 1949.

4. It is hoped that the attached report will clear up any misunderstanding which has been made a part of record.

1 Incl
Memo on Juvenile Crime
from MPD

WILLIAM G. FRITZ
Police Administrator