DECLASSIFIED E.O. 12063 SECTION 3-402 / MADG NO._____ may made) as made on the many of the many of the contract of Ltr frm Maebaru District Station, dtd 23 August 1950. subject: Talka Chujiro (M), and Eight: (8) Others, Smuggling from Japan to Okinawa aboard the EBISU-Maru - Report of the suspect, the ship was brought to Itoman port, where the suspect landed illegally. Then, going around NARA, ITOMAN, KUNIGAMI and other districts, he pleaded with the people of fisheries circle for furtherance of his emigration and business plans, and he submitted a petition to MG and OCA to the same effect. At or about 1900 hours, 25 June, the suspect had Captain YAHISA bring the ship to TOSOE, OZATO-Son and there he talked to SESOKO Masao, Managing Director of the Tosoe Fisheries Association about the realization of his plans to emigrate Okinawan fishermen to SIAM. At or about 0600 hours, 27 June, the suspect departed from TOSOE with MORI Kazuya aboard the ship. At or about 0900 hours of the same day, while the ship was anchored west at the beach of TSUKEN-Shima, the suspect was arrested aboard the ship. b. Crime committed by YAHISA Kiichi. The suspect YAHISA Kiichi was employed by TOYAMA Shigeo at the rate of ten thousand yen (¥10,000) a month on 15 May 1950 and since then, he has been working aboard the EBISU-Maru as captain. On 2 June 1950, at USHIBUKA-Cho, AMAKUSA-Gun, KUMAMOTO-Ken, the suspect met TAIRA Chujiro, with whom he had become acquainted on HAINAN, CHINA during the war, and was asked by him for charter of the ship. Therefore, with the consent of the agent of the ship owner, TOYAMA Shigeo, the suspect agreed to charter the EBISU-Maru to TAIRA Chujiro and MATSUOKA Yoichi on condition that TAIRA Chujiro supply fuel and provisions for the scheduled round trip and that MATSUOKA Yoichi pay thirty per cent (30%) of the proceeds obtainable from the sale of his cargo consisting of straw matting machine, machine parts and one hundred fifty eight (158) straw mattings. At or about 1200 hours, 4 June 1950, the ship which was manned by the suspect, YAHISA, chief engineer, URABE Miyoshi, agent of the ship owner TOYAMA Shigeo and TAIRA Chujiro departed from USHIBUKA port for Okinawa without proper permit from the Japanese government authorities. The passengers aboard were MORI Kazuya, OTSUKA Hidenori, MATSUOKA Yoichi and his employees NUMATA (FNU) and FUCHIGAMI (FNU). At or about 0100 hours, 7 June, the ship illegally entered UNTEN port, NAKIJIN-Son. Then, in accordance with the instruction of TAIRA Chujiro, the suspect brought the ship first to Itoman port, at or about 1200 hours, 23 June, and then to TOSOE, OZATO-Son, at about 1900 hours, 25 June. At or about 0600 hours, 27 June, in accordance with the instructions of TAIRA Chujiro, the suspect departed from TOSOE for TSUKEN-Shima aboard the said ship and at or about 0900 hours of the same day,

DECLASSIFIED E.O. 12065 SECTION 3-402 / NADG NO. 1 Ltr frm Maebaru District Station, dtd 23 August 1950. Subj: TAIRA Chujiro (M), and Eight (8) Others, Smuggling from Japan to Okinawa aboard the EBISU-Maru - Report of while the ship was staying at the west beach of TSUKEN-Shima, he was arrested. c. Crime committed by URABE Miyoshi, The suspect, URABE Miyoshi, was employed by TOYAMA Shigeo at the salary of seven thousand yen (¥7,000) a month and has been working aboard the EBISU-Maru as chief engineer. At or about 1200 hours, 4 June 1950, in ac ordance with the order of TOYAMA Shigeo, the suspect departed from USHIBUKA port together with Captain YAHISA Kiichi, without a proper permit from the Japanese Government suthorities. Since then, the suspect had acted jointly with Captain YAHISA Kiichi till he was arrested aboard the ship. At or about 0900 hours; 27 June 1950, whide the ship was anchored at the west beach of TSUKEN-Shima. d. Crime committed by TOYAMA Shigeo. The suspect, TOYAMA Shigeo, chartered the EBISU-Maru from KUZUSHIMA Chohachi of KUZUSHIMA, MARUSHIMA-Son, MINAMI Matsuura-Gun, NAGASAKI-Ken, at the rate of twenty thousand yen (\$20,000) a month. At or about 1900 hours, 2 June 1950, the suspect consented to the request of Captain YAHISA Kiichi to rent the EBISU-Maru to TAIRA Chujiro. At or about 1200 hours, 4 June 1950, together with Captain YAHISA, he departed from USHIBUKA port for Okinawa without proper permit from the Japanese Government authorities and since then, he had acted jointly with the captain, until he was arrested aboard the ship at or about 0900 hours, 27 June 1950, while the ship was anchored at the west beach of TSUKEN-Shima. e. Crime committed by MORI Kazuya. The suspect, MORI Fazuya, is engaged in farming and fishing at his registered domicile in HYOGO-Ken, JAPAN. About the beginning part of April 1950, the suspect met TAIRA Chujiro, with whom he had become acquainted on HAINAN, CHINE, during the war. The suspect was informed by TAIRA about his plan of emigrating fishieries group to SIAM and was asked to go to Okinawa with TAIRA to expedite the emigration project. The suspect willingly consented to this request. At or about 1200 hours, 4 June 1950, the suspect departed from USHIBUKA port for Okinawa aboard the EBISU-Maru without a proper permit from the Japanese Government authorities and at or about 0100 hours, 7 June, he arrived at UNTEN port, NAKIJIN-Son where he landed illegally. Then, the suspect cooperated with TAIRA Chujiro in trying to expedite the said emigration project. At or about 0600 hours, 27 June 1950, the suspect departed from TOSOE, OZATO-Son for TSUKEN-Shima together with TAIRA Chujiro, aboard the EBISU-Maru. At or about 0900 hours, - 5 -

Ltr frm Maebaru District Station, dtd 23 August 1950. Subj: TAIRA Chujiro (M), and Eight (8) Others, Smuggling from Japan into Okinawa aboard the EBISU-Maru - Report of of the same day, while the ship was anchored at the west beach of TSUKEN-Shima, he was arrested. Crime committed by OTSUKA Hidenori. The suspect, OTSUKA Hidenori, is engaged in hog-raising in USHIBUKA-Cho, AMAGUSA-Gun, KUMAMOTO-Ken, JAPAN. At or about 1600 hours, 3 June 1950, TAIRA Chujiro, with whom the suspect had become acquainted in SIAM during his stay there, called on him at his home in USHIBUKA-Cho. This was their first meeting in four (4) years. While talking, TAIRA Chujiro told the suspect about his plan of travelling for about two (2) weeks in Okinawa, and asked the suspect to go with him. The suspect said that he wanted to inspect the situation in post-war Okinawa as well as of pig raising there, he agreed to go with TAIRA. At or about 1200 hours, 4 June 1950, carrying six (6) SHO of rice and three (3) kin of onion as provisions for the trip, the suspect went aboard the EBISU-Maru and departed from USHIBUKA port for Okinawa without a proper permit from the Japanese Government authorities. At or about 1200 hours, 23 June, when the ship was brought

At or about 1200 hours, 23 June, when the ship was brought to Itoman Port, the suspect landed there without a proper permit from the military authorities. After inspecting NAHA and ITOMAN of about three (3) days, the suspect returned to the ship. Since then, the suspect acted jointly with the captain. At or about 0900 hours, 27 June 1950, he was arrested aboard the ship while the ship was anchored at the west beach of TSUKEN-Shima.

g. Crime committed by MATSUOKA Yoichi, and his employees, FUCHIGAMI (FNU) and NUMADA(FNU).

The suspect, MATSUOKA Yoichi, is engaged in manufacturing straw matting at his registered domicile in USHIBUKA-Cho, AMAKUSA-Gun, KUMAMOTO-Ken, JAPAN.

On or about 30 May 1950, TAIRA Chujiro with whom the syspect had become acquainted in FOOCHOW, CHINA, called on the suspect and told him that Okinawan people must be needing straw matting because the constructing of homes was going on actively there. Thereupon, the suspect suggested a plan to being his straw matting machine, motor and parts to Okinawa and run a straw matting factory jointly with him. However, due to lack of fund, the plan failed.

SECTION 3-402 / NADG NO. 1 1 2 EL Ltr frm Maebaru District Station, dtd 23 Mugust 1950. Subj: TAIRA Chujiro (M), and Eight (8) Others, Smuggling from Japan into Okinawa aboatd the EBISU-Maru - Report of At or about 1900 hours, 2 June 1950, aboard the EBISU-Maru, the suspect MATSUOKA, together with TAIRA Chujiro, chartered the EBISU-Maru from YAHISA Kiichi on condition that TAIRA Chujiro supply fuel and provisions for their scheduled round trip and that the suspect pay, as charter fee, thiety per cent (30%) of the proceeds obtainable from the sale, a straw matting machine, machine parts and one hundred fifty eight (158) straw mattings. At or about 1100 hours, 4 June 1950, at USHIBUKA port, the ship was loaded with the straw matting machine, machine parts and one hundred fifty eight (158) straw mattings belonging to the suspect, from the port without a proper permit from the Japanese Government suthorities and at or about 0100 hours, 7 June, he arrived at UNTEN port, NAKIJIN-Son. At or about 2100 hours, 9 June, for the purpose of selling the above mentioned straw mattings and straw matting machine, the suspect, MAISUOKA, together with TAIRA Chujiro and MORI Kazuya, and his employees FUCHIGAMI(FNU) and NUMATA(FNU), landed illegally at UNIEN beach after unloading the said articles. At or about 1100 hours, on or about 11 June, the said articles were loaded on a truck. At or about 1900 hours of the same day, the suspect MATSUOKA took the articles to KAWAMITSU Shiro (M), who is engaged in manufacturing straw matting at 7-Han, 2-Ku, ASATO, MAWASHI-Son. The suspect asked KAWAMITSU to buy the articles, but KAWAMITSU refused because the price were too high. From that day to 8 July 1950, the suspect, MATSUOKAm together with his two (2) employees lodged at KAWAMITSU's house. At or about 1200 hours, 8 July, taking the said straw matting machine and parts with him, MATSUOKA called on HIRAOKA Chodo, physic-therapeutist, of 12-Kumi, 5-Ku, NAHA-Shi and borrowed eleven thousand eight hundred yen (¥11,800) from him on the said articles. The money is said to have been spent for lodging fee and beer. In the morning of 10 July, saying that they would go to Itoman, the three (3) suspects left HIRAOKA's house and have not yet returned. The three (3) suspects are still at large so a search for them is being conducted. The straw matting machine is kept at HIRAOKA's house in the custody of this district station. The straw mattings are in the possession of MATSUOKA wholis still at large. Therefore, the disposition of the straw mattings is still unknow. One (1) motor boat. Tonnage: 112 ton, Horsepower: 20 HP. YAKIDAMA engine.

DECLASSIFIED E.O. 12065 SECTION 3-402 / NADG NO. 1 12 Report on the case of smuggling on the Ebisu-maru January 29, '51 Kumamoto District Public Procurator's Office. (1) Name of suspect: OTSUKA Hidenori (51). : Agriculture. Occupation : No. 54, Shingo-mura, Amakusa-gun, Kumamoto-Address ken. (A) Arrested on January 22, 1951. (B) Subject states that he went to Okinawa to see the island on or about June 4, 1950 as he was induced to do so by TAIRA Chujiro but that he is not involved in the smuggling. (2) Name of suspect: MAISUOKA Yoichi (Not arrested yet). (A) Subject removed to Yombancho, Tsukiji-mura, Yatsushiro-gun, Rumamoto-ken. He returned home on or about December 31, 1950 but left home on January 3 leaving words that he was to sail over to Goto Island. He has not been heard of since. (B) At his departure from home he was accompanied by NUMATA Toshimitsu. (3) Name of suspect: FUCHIGAMI Yahachiro (Not arrested yet). His address is No. 1,724, Oshiro-machi, Yatsushiro-shi. On or about October 1, 1950 he returned home but soon after he left home saying that he was going to Nagasaki and has not been heard of since. (4) Name of suspect: NUMATA Toshimitsu (Not arrested yet). (A) His address is No. 3,014, Iage-cho, Yatsushiro-shi. He had been employed by MATSUOKA Yoichi, suspect, since October 1949. (B) Subject returned home in June, 1950 and left home saying he was going to Goto, Nagasaki-ken with MATSUOKA. His whereabouts have not been known. 2. Ragoshima District Public Procurator's Office. (1) Name of suspect: TOYAMA Shigeo (Not arrested yet). The address of the suspect is No. 832, Hananoki, Sendai-shi, Kagoshima-ken. According to his family he left on the voyage about March, 19-50 and has not been heard of since. His whereabouts are being investigated. (2) Name of suspect: YAHISA Riichi. The address of the subject is No. 16, Aza Takaehira, Take-mura, Satsuma-gun, Ragoshima-ken. He left home on or about January 16, 1949 and has not been heard of since. His whereabouts are being investigated. Osaka District Public Procurator's Office.

Name of suspect: TAIRA Chujiro.

(A) He used to live at No. 64, Jugachijo, Higashiyodogawa-ku, Osaka-shi. Since about March, 1949 his whereabouts have not been known.

(B) As it has been found that his eldest son Takao is living at No. 1, 1-chome, Tsunohazu-cho, Shinjiku-ku, Tokyo-to investigation has

been carried out and it has been found that he removed to No. 128,

has been found that TAIRA Chushiro, allegedly younger brother of the

suspect was living at the place. The suspect himself wwas not living

in the locality. However, as it is strongly to be suspected that TAIRA

Chushiro may be the suspect under a false name investigation is being

The Ebisu-maru. Suspect, UEHARA Mitoshi.

(C) Search, therefore, was made into the above said address and it

Kansei-cho, Tsurumi-ku, Yokohama-shi on December 21, 1949.

4. Nagasaki District Public Procurator's Office.

Report has not reached us yet.

continued.

DECLASSIFIED E.O. 12065 SECTION 3-402 / NADG NO. _______ Report on the case of smuggling on the Ebisu-maru January 31, 1951 Nagasaki District Public Procurator's Office. 1. Name of suspect : WATANABE Mitsuyoshi (Not arrested yet). (A) The suspect called himself UEHARA Mitoshi but this was a false name. He also used the name of UEHARA Miyoshi. However, WATANABE Mitsuyoshi is his real name. (B) His address was false too. His real address is Doinoura-ko, Minamimatsuura-gun, Nagasaki-ken, where there live his parents and brothers. (C) The suspect set sail aboard the Ebisu-maru as chief engineer

- and has never been heard of since. His whereabouts are being investigated for.
- The boat has its register as has been indicated by you but it has 2. The Ebisu-maru. never came back from its voyage of May 1950. Investigation in being carried on as to its whereabouts.

DECLASSIFIED E.O. 12065 SECTION 3-402 / MADG NO. _______

Ebisu-Maru Smuggling

LS

Civil Affairs

5 Feb. 1951

(Cont'd)

- 5. In view of the nature of the request contained in basic communication, it becomes necessary to consider the relative merits of a trial in Japan of the nine Japanese as against their extradition to Okinawa. Since it appears that the one escapee apprehended, if not all nine of the escapees wanted by Okinawan authorities, may be tried in Japan for violation of Japanese law, the evidence secured in Okinawa may be of value in the prosecution of the nine Japanese in Japan. The Ebisu-Maru has not been located by Japanese authorities. The investigation discloses that it was last seen at Otoman port, at which place members of the crew separated from said vessel. If the vessel is still there, it may be seized by the Ryukyuan authorities.
- 6. LS is of the opinion that compliance with the request for extradition should be made if all the suspects are apprehended and not brought to trial in Japan. However, since the Japanese authorities are taking positive action in the matter as to those who are apprehended, LS recommends that compliance with the request for extradition not be acted upon until the Japanese Government has apprehended the nine escapees and has disposed of the case.

2 Inol	L3									
a/s						Alfa Ca	C. ale-	64-2111	Ext 16	April 1
From:		Affairs	To:	Legal	Section	Date:				

It is requested that this section be informed when the Japanese Government has apprehended the nine escapees and has disposed of the case discussed above.

2 Incls w/d

AS THE WAY TO THE PARTY OF THE

DECLASSIFIED E.O. 12065 SECTION 3-402 / MADO NO. Ebisu-Maru Smuggling 5 Feb. 1951 Civil Affairs LS 1. Reference is 1st Ind. from RCAS, GHQ, FEC, to Civil Affairs Section, GHQ, dated 3 Jan 1951, and forwarded by routing slip from Civil Affairs Section to LS for information and necessary action. (Incl 1) 2. It appears from the facts in the attached correspondence that nine Japanese Nationals allegedly engaged in illegal trade between Japan and Ryukyus Islands. The nine participants involved were apprehended by Ryukyuan authorities and released on bail pending trial for violation of Ryukyuan military government regulations. The Ebisu-Maru, used in the illegal traffic, was seized by the Ryukyuan authorities, but the nine Japanese Nationals were permitted to remain aboard pending trial. Thereafter, the nine Japanese Nationals escaped from Okinawa aboard the Ebisu-Maru. The United States Civil Administration of the Ryukyus Islands submitted a request to the Commander-in-Chief, Far East, to apprehend the nine escapees for extradition to Okinawa and to seize and hold the vessel, the Ebisu-Maru, for the Okinawan authorities. 3. To determine the advisability of recommending compliance with the request contained in basic communication, LS caused a preliminary investigation to be made by the Attorney General's office of the Japanese Government. The results of the preliminary investigation revealed that the nine escapees set sail on the Ebisu-Maru sometime after 27 June 1950 and cast anchor at Otoman port where some of the escapees left the vessel. Thereafter, from Otoman port, one of the escapees, OTSUKA, reached Japan through the use of another fishing vessel. He was arrested by the Japanese authorities on 22 January 1951 and is being held for trial on charges of illegal exit from Japan. An attempt to arrest the other eight escapees in Japan has been unsuccessful, since their present whereabouts are unknown. The search is continuing. However, some of the escapees gave the Okinawan authorities false names and false addresses. The correct names and known addresses are listed on the attached inclosure (Incl 2), which is a report of the Japanese authorities on the investigation to date. It is believed that the vessel, Ebisu-Maru, is not in Japan. It was last seen at Otoman port by OTSUKA, Hidenori. However, a search is continuing to be made for the vossel. 4. The Japanese authorities report that they intend to prosecute the one Japanese arrested and the eight still at large, if and when apprehended, for leaving Japan without authority and for smuggling machinery and tatamis from Japan.

DECLASSIFIED E.O. 12065 SECTION 3-402 / MADO NO. _______ 23 March 1951 rk A BILL OF LAW PUNISHING CONTEMPT OF COURT TO BE SUBMITTED TO DIET: (The Yomiuri - 22 March 1951) In order to uphold dignity of court against the red struggle in the court room the Attorney General's Office has long been preparing for drafting a bill of law punishing contempt of court following the example of those of the U.S.A. and the Great Britain; the said office which has accomplished the draft is expected to submit the bill to the current Diet; the principles of the law are as follows: 1. A judge is authorized to exercise the summary jurisdiction over an act of contempt of court such as disobeying a judge's order. 2. As to the sentence to be given in the above case, the judge is authorized to take the accused concerned immediately into custody. The penalty to be imposed, different from the provisions of the Penal Code, is as follows: a. Confinement for less than 100 days. b. Fine less than \\$50,000 3. As to the above-mentioned sentence given by the district court, family court or summary court one can appeal to the Higher Court. Against the similar sentence given by the Higher Court one can enter a protest. Against the similar sentence given by the Supreme Court one can make a special appeal only pertaining to violation of the Constitution. K. KOIWAI

DECLASSIFIED E.O. 12065 SECTION 3-402 / MADG NO. ______

7ile 15

GENERAL HEADQUARTERS SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET

(Do not remove from attached sheets)

File No .:

Subject: Japanese rrison Standards re: UN Nationals

Note No. From: Legal Section

To: CAS

Date: 19 Uct 50

14

- 1. Pursuant to the Far Eastern Commission relicy Decision of 21 September 1950 and as implemented by SUAPIN 2127, 18 oct 50, the Japanese Government is authorized to exercise criminal jurisdiction over non-occupation UN nationals. Under this authority non-occupation UN nationals may be confined in Japanese prisons, either before trial or after sentence is imposed.
- 2. Paragraph 7 of the FEC Policy Decision of 21 Sep 50 provides that the Supreme Commander for the Allied Powers take appropriate steps to insure that the rights of the UN national, subject to Japanese jurisdiction, are protected. In implementation of this particular provision, it is suggested that some measures should be undertaken to conduct periodic examinations of Japanese prisons in order to determine whether non-occupation UN nationals confined therein receive adequate treatment.
- 3. In order to explore appropriate action to be taken by GHQ in this regard, it is requested that a member of your Section attend a conference at Legal Section at 10 o'clock, Monday, 23 october 1950.

-A. U. U. -

DECLASSIFIED E.O. 12003 SECTION 3-402 / MILES NO. ______ THE GOVERNMENT OF SAITAMA PREFECTURE URAWA CITY, SAITAMA PREFECTURE 55-450 3 March 1951 SLO-139 REPORT ON TRIAL CONCERNING NON-DELIVERY OFFENCE SUBJECT: KANTO CIVIL AFFAIRS REGION COL. JULIAN DAYTON, CHIEF OF KANTO CIVIL AFFAIRS REGION I hereby report to you on the trial held at Koshigaya Branch of Urawa District Public Procurators' Office on 22 February last concerning the non-delivery offence of 1949 rice as follows: The state of affairs on the trial day A bunch of armed police was waiting for orders at Koshigaya and Osawa M.P respectively in preparation for emergent affairs. About fifty hearers were quiet all the time. List of the defendants, demands of penalty and decisions (as per inclusure) List of each area under cultivation, delivery queta and amount of non-delivery concerning each defendant (as per inclosure) Acting Governor, 1st Vice-Governor of Saitama Pref. 2 Incls.: 64.3

DECLASSIFIED E.O. 12065 SECTION 3-402 / MADG NO. _______

The Government fof Saitama Prefecture

Incl. 1.

LIST OF THE DEFENDANTS, DEMANDS OF PENALTY AND DECISIONS

ATTLE A STEAMING NOT AN ADDRESS TO THE OWNER OF THE PARTY		Demand of Penalty ' Penal ' Penal ' Servitude' Fine			Percentage '	•	D				
					of Amt. Delivered	* Pens	Penal Servitude				Fine
ì	Kankichi Kato	1 70		¥ 10,000	0%	10 1	onths				\$ 5,000
2	Zenzo Kobayashi	10 n	nonths	5,000	50%	8					5,000
3	Kyohei Yamaguchi	8	**	5,000	48%	6	"(Pro	bation	fo	r	5,000
4	Tetsunosuke Fukai	5	**	8,000	67%	4	"(Agera	**)	8,000
5	Jinsuke Yano	5	**	5,000	46%	4	"(**	**)	5,000
6	Motoichi Nagura	4	**	8,000	25%	3	"(11)	7,000
7	Sataro Sugihashi	4	**	8,000	29%	4	"(**	**)	5,000
8	Bunjiro Ushida	3	**	8,000	72%	3	"(**	**)	8,000
9	Zenbei Sugihashi	3	**	8,000	79%	2	"("	***)	8,000
10	Kisuke Miyata	3	"	8,000	80%	2	"(**	**)	8,000
11	Tamezo Köroku	3	***	8,000	80%	2	"(**	")	8,000
12	Genkichi Yoshioka	3		8,000	85%	2	"(**	**)	8,000
13	Saku Kobayashi	3	11	5,000	54%	3	"(***	**)	5,000
	Sukehiro Okada	3	"	5,000	71%	3	"(**	11)	5,000
1220	Tokujiro Nagura	2		10,000	50%	2	"(=)	7,000
	Sanjiro Toyoda	2		8,000	74%	2	"()	6,000
	Takeji Osawa	2		5,000	73%	2	•()	4,000
	Kanjiro Suzuki	2		3,000	73%	2	2(•)	3,000
	Tora Nagura	2	•	1,000	88%	2	"(•	1,000
-7											

DECLASSIFIED E.O. 12065 SECTION 3-402 / MADG NO. _______

The Government of Saitama Prefecture

Incl. 2

LIST OF EACH AREA UNDER CULTIVATION, DELIVERY QUOTA

AND AMOUNT OF NON-DELIVERY CONCERNING EACH DEFENDANT

No.	Addr	ess	Name	Area	Delivery			Amt. of Non-deliver			
	Yoshikawa-machi, katsushika-gun		Kankichi Kato	tax 8.		koku 14.	0.	4 4		0.	o she
2			Zenzo Kobayashi	4.	0	2.	1.	5	1.	1.	5
3			Kyohei Yamaguchi	12.	7	16.	6.	0	9.	0.	0
4			Tetsunosuke Fukai	11.	0	21.	0.	6	6.	6.	6
5	Waseda-mura, "		Jinsuke Yano	6.	6	10.	1.	5	5.	7.	5
6	Yoshikawa-machi,		Motoichi Nagura	5.	6	8.	3.	1	5.	5.	1
7	Waseda-mura,		Sataro Sugihashi	6.	5	6.	5.	2	5.	2.	2
8			Bunjiro Ushida	12.	3	20.	7.	0	5.	5.	0
9			Zenbei Sugihashi	17.	2	29.	7.	8	6.	5.	8
10			Kisuke Miyata	20.	8	35 .	0.	6	7.	0.	6
11	Yoshikawa-machi,		Tamezo Kōroku	23.	5	43.	8.	6	9.	0.	2
12			Genkichi Yoshioka	24.	7	42.	0.	8	7.	2.	0
13			Saku Kobayashi	9.	9	13.	4.	9	6.	2.	9
14	Waseda-mura,	**	Sukehiro Okada	11.	7	16.	8.	2	4.	8.	2
15	Yoshikawa-machi,	**	Tokujiro Nagura	5.	6	8.	3.	1	3.	5.	1
16	Waseda-mura,	•	Sanjiro Toyoda	8.	6	15.	0.	7	3.	8.	7
17	Yoshikawa-machi,		Takeji Ösava	8.	6	11.	3.	3	2.	9.	3
18			Kanjiro Suzuki	4.	7	6.	9.	2	1.	6.	0
19			Tora Nagura	12.	. 8	23.	1.	1	2.	5.	1

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AG 015 (

CAS-L

Japanese Courts

Howard D. Porter 74-2111 Ext 12

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Civil Affairs

Legal Section

1. For your information and consideration:

The Chief Procurator of Yokohama District states:

"I have a few complaints concerning the present status of procurators:

a. At present the status of judges is considered to be higher than that of procurators. Salaries paid to judges are generally higher than that of procurators. Under the present regulation, a law school graduate who passed the state examination can be appointed to a judgeship after a few years' probation.

b. Young judges in general have little understanding of the duties of procurators because they are unfamiliar with the work of procurators. In pre-war days, young judges used to conduct so-called preliminary investigation (Yoshin) on cases to be tried before the court. They had to engage in this kind of duty, similar to duties of procurators, as "pre-liminary investigation judges" for a few years. In those days a judge who had no such experience could not be appointed as a presiding judge. "

The Director of Yokohama District Court states:

"As you know, we have been requested by the higher authorities to adopt the calendar system. However, at this moment we have a few difficult problems. One is that we have too many old cases at hand to be disposed of before the new calendar system can be adopted. The other problem is that the Japanese lawyers will have difficulty meeting the new system. As you know, there are no big law firms in Japan. Each independent lawyer is used to handling several cases at the same time. Therefore, a lawyer who has a large practice is barely able to appear in court even once in a month or two for one particular client. As it is difficult to establish large law firms for the sole purpose of meeting the adoption of the calendar system, we are planning to persuade the lawyers in Yokohama to form a certain number of groups of lawyers, the functions of which will be similar to those of big law firms.

"We ardently wish to have an arraignment system established to the effect that an accused shall not be penalized only on the grounds that he plead guilty."

AG 014.1 (

CAS-L

Progress in Yamanashi Prefecture in Adopting the Calendar System to Expedite Trials

Alice R. Burke 64-1155 Ext 16

Civil Affairs

Legal Section

1. For your information, Judge Odagiri of the Kofu Court, Yamanashi 1. Prefecture, expressed the following opinion to the Legal and Government Officer of Kanto Civil Affairs Region in connection with the calendar system in order to expedite trials:

> "I received an instruction concerning the calendar system on 18 October last year. Therefore, as an emergency measure I rearranged the schedule of trial dates which had been already arranged in order to adopt the calendar system from March 1951. My plan is to call a meeting of all lawyers concerned on the last Monday in February to draw up the calendar for trials to be held in March. After that similar meetings are expected to be held on the last Monday of each month. I believe it is comparatively easy to draw up such calendar by a single judge (calendar master) here in Kofu Court where we have not too many cases to be handled. However, I believe it would be a tough job for a calendar master in Tokyo or Osaka where a court has enormous number of cases to be handled."

DECLASSIFIED E.O. 12065 SECTION 3-402 / MADG NO. _______ January 5, 1951 Mead of Kyoto Pref. Labor Relations Department FROM Chief of Labor Section, Kinki Civil Affairs Region Judgment delivered by Kyoto Local Court's Maizuru Branch on December 22, 1950 to the accused day laborers Forwarded herewith a copy of a judicial decision delivered to day laborers by Kyoto Local Court's Manizuru Branch on December 22, 1950. JUDGMENT Heijiro Yoshiura, born August 25, 1925 Full name: 1270 Himehama-cho, Fukuoka City Permanent Address: Gyosui-Fuso-machi, Maizuru City Present address: Day Labor Occupation: Seiichi Morii, born October 6, 1905 Full name: 124 Shirakawa, Miyazu-cho, Yosa-gun, Kyoto Prefecture Permanent address: 8/126 Minami-Tanabe, Maizuru City Present address: Day Labor Occupation: Regarding the application for prosecution of the above-named two defendants on the charge of trespass (non-withdrawal), the present court having finished necessary trials delivers a following decision under the presence of Public Procurator Katayoshi Kikuchi. SENTENCE The accused Heijiro Yoshiura shall be sentenced to 5-month imprisonment and Seiichi Morii to 3-month imprisonment. Execution of sentences for both of the accused however shall be suspended for two years from the date of judgment. Total expenses for suit shall be borne by the accused. REASON The accused Heijiro Yoshiura is Chief Executive Committee Member of East Maizuru Day Labor Union organized with day laborers living in eastern part of Maizuru City and the accused Slichi Morii is Chief Executive Committee Member of West Maizuru Day Labor Union organized with day laborers living in western part of the same City. Both of the accused representing their own unions respectively had a meeting with Assistant Mayor of Maizuru Tatsutaro Sakurai and other city office staffs at the Maizuru City Office, Kitasui, Maizuru City at around 10 o'clock a.m., August 11, 1950 and submitted demands for (1) payment of Bon-bonus amounting to ¥ 1,000 to union members, (2) cacation with pay on August 14, 15 and 16 and (3) employment on Sundays.

SECTION 2-405 / mino no. In defiance of the Assistant Mayor's refusal to meet their demands due to characteristic nature of unemployment relief projects and restricted frame-work of authorized budget, they failed to be satisfied and claimed that City Office was insincere in answering and continued their unreasonable demands, relying upon their great number of about 300 or 400 day laborers belonging to the East Maizuru Day Labor Union who rushed into the premises of City Office. Because they did not show any intention to withdraw although the regular closing time was past, the Assistant Mayor recuested at 7,30 p.m. as a manager of office building that both of the accused should withdraw immediately, together with the union members who were still gethering there. Neverthless, the accused did not follow it without any good reason and did not leave there until about 9,40 p.m. The above-mentioned facts are well verified by the followings: 1. Affidavit of witness Tatsutaro Matsui, 2. Affidavit of witness Setsuo Mashita, 3. Affidavit of witness Shiro Matsuda, 4. Affidavit of witness Yoshindo Hojuzan, 5. Photograph showing a copy of Assistant Mayor's letter of advice, 6. Affidavit of witness emisaburo Hiroi, 7. Affidavit of witness Kinji Morimoto, 8. Affidavit of witness Kenzo Kuwabara, 9. Affidavit of witness Takeo Fukuda, 10. Parts of affidavits of the accused. The accused and their lawyers claim that the action in question of the accused does not constitute a crime in the light of Criminal Code since it is merely an exercise of workers' prerogative for collective bargaining that is guaranteed by National Constitution. Against which, the present court holds a conception that is; The point at issue is if the labor unions organized with the accused and their fellow workers have a prerogative under labor law for collective bargaining against Maizuru City. A series of trials brought to light the facts that their unions have no certificate issued by Labor Relations Commissions under Art. 5 of the Trade Union Law, (2) day laborers composing these unions are working on unemployment relief projects sponsored by City and not on consecutive employment with City, i.e. a fixed number of them are hired by City from day to day for the fixed amount of day wage, and (3) unemployment relief projects sponsored by City are not at all an undertaking for profit but their prime purpose is to relieve the unemployed. On the other hand, however, following facts make it difficult to deny entirely the workers' prerogative for collective bargaining to be enjoyed by union of this category. 1. Day laborers are workers provided in the Trade Union Law (Art. 3), The Trade Union Law recognizes the formation of craft union with workers in different enterprises. - 2 -

DECLASSIFIED E.O. 12063 SECTION 3-402 / MINO MO- LINE 3. The Frade Union Law gives certain types of protection such as conclusion of labor contract, collective bargaining, immunity from punishments by criminal and wivil Codes, etc., to labor unions that have no certificates issued by Labor Relations Commission under Art. 5 of Trade Union Law. 4. Although there is no consecutive employment relation between City and day laborers for a fixed period of time, about 600 day laborers per day on the average are on employment either continuous or intermittent with City for 10 to 20 days per month, with one day as unit. 5. Although the unemployment relief projects sponsored by City are not an undertaking for profit but unemployment counter-measure projects or public works, the workers employed on projects day by day are physical laborers, having no public-worker-like nature, and therefore their employment contract is purely a contract of private law. 6. City runs unemployment relief projects, receiving subsidies from national treasury under the Unemployment Counter-measure Law and therefore, City has an obligation to place a fixed number of the unemployed on those projects and pay wages to them within the frame-work of the Law. 7. In another words, day laborers who are the unemployed have a right to be hired on unemployment relief projects and receive wages through legal procedures. 8. The Trade Union Law has a socialogical legal aspect. It is however undeniable the right for collective bargaining to be enjoyed by day laborers is subject to remarkable restrictions due to characteristics of unemployment relief projects. But it will be a correct interpretation that the union has a right to negotiate with City for the benefit of day laborers that is their employer, namely a right for collective bargaining under Trade Union Law that is guaranteed in Art. 28 of National Constitution in such cases as follows: 1. City does not operate unemployment relief projects required by the Law or curtails projects unreasonably. 2. City does not pay for daily labor or does not furnish day laborers with necessary welfare institutions or safety devices required by the Law or does not comply with provisions of the Law concerning working hours, (in such case as this, that is a violation of Labor Standards Law, it goes without saying that labor standards inspectors should exercise their right for legislative inspectoon and bring violating employer to penal punishments accompanying violations of Labor Standards Law but this will not justify the theory to deny the right for collective bargaining to be enjoyed by day laborers as a means to protect themselves.) 3. City refuses to hire day laborers merely because they are union members. Next point to be clarified here is if the collective bargaining efforts made by the accused were within the acope of legitimate exercise of their right. As mentioned in preceding paragraphs, it is evident that demands of the accused are - 3 -

distinctly unreasonable except Item No. (3). Regarding Item No. (3) requesting for job-placement service on Sundays, Assistant Mayor Sakurai who is one of Directors of City Administration gave a detailed account of reasons for impossibility of City's meeting the request. It is well verified by affidavits of witnesses Tatsutaro Sakurai, Emisaburo Imai and Kinki Morimoto that the request was inevitably refused and there was no help. The Assistant Mayor has a good reason to have refused collective bargaining forced under pressure of a great number of people. It can be said safely that Directors of City Administration fulfilled their obligations to accept collective bargaining. Neverthless, the accused continued their persistent demand relying upon a great number of about 400 union members who rushed into the premises of City Office. In the way of bargaining, they almost confined city officials into a room and they did not leave the Office in defiance of Assistant Mayor's advice which was made at 7,30 p.m. Their action was obviously beyond the legal collective bargaining. Therefore the accused should be held punishable for trespass. In conclusion, the arguments of the accused and their lawyers are far from adoptable.

DECLASSIFIED E.O. 12003 SECTION 3-402 / MILES MO-

The action of the accused comes under Art. 130 of Penal Code, Art. 60 of the same and Art. 2 and 3 of Penalty and Other Temporary Measures Law (Bakkin-to Rinji Sochi Ho) according to which the accused deijiro Nishiura is sentenced to five-month imprisonment and Seiichi Morii, to three-month imprisonment. However the following execuating circumstances are taken into considerations:

- 1. Day laborers in Maizuru City are now extremely indigent and factors occasioning this case are more or less worthy of sumpathy.
 - 2. All-out denial of the union's right for collective bargaining is not allowed.
 - 3. No actual violence took place during collective bargaining.
- 4. City Office held stiff attitude towards the accused and refused flat-footed negotiation, while the City Office informed the union members gathering in the premises of City Office that one who deserts from his or her position shall recieve no pay and shall be deprived of his or her right to get job, which statement made no pay and shall be deprived of his or her right to get job, which statement made them more excited. The accused were on the horns of a dilemma between City Office and union members.
- 5. The accused hed a wrong idea about collective bargaining authorized by the laws concerned.

Art. 25 of Criminal Code is applied and execution of sentences for both of the accused is suspended for two years from date of judgment. According to Art. 181 of the Penal Procedures Law, total expenses for suit are to be borne by the accused.

DECLASSIFIED E.U. 12003 SECTION 2-405 1 mino no.

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) CAS-L

Contempt of Court Law

Alice R. Burke 56 64-2111 Ext 16

Civil Affairs

Legal Section

The judges in Nagano Prefecture claim that they have been unable to get a copy of the proposed Contempt of Court Law but that they understand that its provisions are so weak it will add nothing to their present lack of authority. They point out that unless the "ccupation takes a hand in this matter, nothing will be done seriously to give the courts reasonable control over the trials.

Mr. Soooneau Segal Section, las !!

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CAS-L

Continuous Trials

Alice R. Burke 64-2111 But 16

Civil Affairs

Legal Section

The judges in Ibaraki Frefecture report that continuous trials are not a success for the reason that it requires three procurators to be in court every day and this hinders the investigation of cases. It is apparent that the procurator who tries a case feels he has to investigate it also.

Mr. Groome au fagae Saction has requestes this information.