

Investigation of Rape Charge

G-1

GPM

13 August 1946

1. All evidence in this case points to the guilt of Pfc. Ushiroda except that which establishes a perfect alibi for him. There is no clue to indicate the guilt of any other person. In view of the above it is believed that this case should be considered closed and that the efforts of the limited number of criminal investigators be concentrated on cases which admit more promise of solution.

----- E.M.A. -----



1.

2. FROM: G-1 TO: Dipl Section DATE: 12 August 1946

1. Request reply be made to Swiss Diplomatic Mission substantially as follows:

"Clearance is granted for entry of Mr. Ludwig Bachmann, a Swiss citizen, as replacement for Mr. Jean Rutz, a Swiss citizen and manager of the Swiss firm "Nishisui Trading Co. Ltd" at Osaka.

Accomplishment of entry and his livelihood in Japan will be independent of the occupation forces."

Incl: n/c

----- E.M.A. -----



PAY ACCOUNT OF LT. COL. PAUL S. CULLEN

Paul S. Cullen, Lt.Col

GHQ Fin O

12 Aug 1946

1. On 5 August 1946 I moved from the Bai Iti Hotel into dependent housing unit, U. S. House #54. Request necessary change in my pay account be effected.

----- Paul S. Cullen -----  
Lt. Col., F.A.  
G-23111



11 August 1946

SUBJECT : Survey of Civilian Personnel Section  
TO : Assistant Chief of Staff, G-1

1. In accordance with your oral instructions of 4 August 1946, the following is a report on the operation and functions of the Civilian Personnel Section, GHQ.

2. Purpose of Survey: To explore the entire functions of the Civilian Personnel Section with particular reference to allocation of grades and ratings, recruitment and placement, job survey of GHQ sections, employee relations and discipline.

3. Discussion:

a. The section is organized functionally in accordance with regulations and approved methods of the Office of the Secretary of War less a training subdivision. There are two additional subdivisions, namely, radio and mail control. It is contemplated that a training subdivision will be established if and when the need exists and a suitable instructor can be assigned.

b. Functional chart and allotment of grades and ratings (Tab A).

c. Position and Budget Control Division reviews requests for job assignments to insure that such jobs have been approved and personnel within authorized allotments.

d. Recruitment and Placement Division administers all matters relating to the selection and assignment of personnel. Interviews prospective employees. Establishes priority in the assignment of personnel based on the urgency of the needs of a particular section.

e. Classification and Wage Division reviews job description sheets on new and changed positions for the purpose of establishing appropriate grade or rating according to Civil Service rules and regulations. Conducts wage administration for ungraded positions. All civilian personnel positions are to be analyzed in GHQ, 8th Army, PACUSA and 5th Air Force. The Classification subdivision has been operating with two (2) Classification Analysts and it has not been possible to make "desk audits" in the allocation of grades. They now have a total of four (4) Analysts with an additional Analyst enroute. The present plan is to start "desk audits" of the ES&S Section on 20 August. This unit assisted CIA&E in getting their office organized and jobs established (Tab B).

f. Employee Relations Division. The chief of this division is a Lieutenant Colonel (WAC), concerned with the general welfare of the employees and assists them in personal affairs. She has five assistants, all female, who appear to be quite competent for the work they are performing. A vacancy exists for an assistant chief of this division. The situation at present is awkward in that the chief is female and as presently set up, any male counselor would necessarily be placed under her jurisdiction.



SUBJECT : Survey of Civilian Personnel Section  
TO : Assistant Chief of Staff-G-1

(Continued)

The Chief of the Division states that the majority of male cases handled by her consists of counselling pertaining to domestic relations, such as marriage and divorce, and her impression is that males have no hesitancy in discussing such problems with her; that she has had practically no complaints from males regarding dissatisfaction with their job or employer; that a male assistant is required. As an instance of such need, it was necessary for one of her female assistants, assisted by MPs from Tokyo Provost Marshal, to accompany 4 recalcitrant ex-soldiers to Yokohama for return to U.S. and discharge on 7 August. This would appear to be a man's job.

g. Discipline. This phase of operations was carefully examined. At present, delinquency reports are being received at the rate of approximately 75 per month, mostly minor infractions committed by ex-enlisted personnel for violations of uniform, traffic and off limits regulations. Delinquency reports are referred by the Tokyo Provost Marshal to the Chief GPS who investigates the alleged offenses and takes disciplinary action under Civil Service Regulations, which usually consists of reprimands, suspension from duty or removal from the job. It should be noted that while such action is probably legal, Civil Service Regulations were drawn primarily to apply to infractions committed during duty hours, whereas most of the infractions referred to above are committed outside office hours.

#### 4. Conclusions:

a. In general the Section is well organized, adequately staffed except for analysts and a male counselor, and efficiently operated. The allotment and spread of grades and ratings, approved by G-1, are considered satisfactory both as to number and spread.

b. The procedure established to account for vacancies in each of the several GHQ sections is well administered. Interviewers are kept advised of all vacancies including the job specification. This assists them in determining the local applicants' qualifications with respect to the job, and if applicant reasonably meets job specifications he is referred to the Section having such vacancy for interview.

c. Priority in assignment of personnel is excellent, being closely supervised by the Chief of Section and is based on existing vacancies in the section and liaison with sections concerned.

d. The acute shortage of clerical personnel will be somewhat alleviated by 15 September. Mr. Mead, in telecon 1 August, states that shipping is being set up by 25 August to ship 2000 employees. Telecon 10 August states that 800 employees (190 male and 620 female) sail from New York 13 and 15 August.

e. The Employee Relations Branch requires a competent male counselor.

f. That some procedure, other than civil service regulation, is required to take care of minor offenses committed during off duty hours.



SUBJECT : Survey of Civilian Personnel Section

TO : Assistant Chief of Staff G-1

(Continued)

5. Recommendations:

a. That sufficient additional classification analysis be procured to initiate an immediate survey of GHQ staff sections and the major commands in Japan.

b. That renewed effort be made to obtain a competent and experienced male counselor.

c. That all minor offenses committed outside of duty hours be referred to the Hdq Comdt for investigation;

That the investigating officer consult with the GHQ Section Chief concerned and the Chief of Employee Relation Division as to the character of the offender and consider other pertinent data before final recommendation is made;

That those cases recommended for reprimand, suspension from or removal from duty be referred to the Chief CPS for action; and

That cases warranting trial by Summary or Special Court be referred to the Hdq Comdt for action.

R.R.C.



Request for a Personal Military Aide for Sir William Webb

G-1

Genl Secy, IMTFE

10 August 1946

1. Reference is made to C/N, Genl Secy, IMTFE to G-1, dated 17 June 46, subject: "Request for a Personal Military Aide" and 1 Incl: memo from Sir William Webb dated 11 June.
  2. Sir William Webb's memo was referred to BCOF by letter dated 2 July 1946, which stated in part:
 

"This Headquarters feels that the personnel requested should be furnished by the BCOF, specifically the Australian contingent. Should this meet with your approval, it is requested that the aide and enlisted man be detailed as requested."
  3. Request you inform Sir William Webb of action taken on his memo of 11 June 46 and that following reply has been received from BCOF (Col. D. T. Maxwell):
    1. ".....Application has been made by Hq BCOF to Joint Chiefs of Staff, AUSTRALIA for provision of the necessary personnel to permit BCOF accepting responsibility for all British nationals.
    2. "when these additional personnel become available, Sir William Webb's requirements will be met."

----- E.M.A. -----



23 August 1946

MEMORANDUM TO: Board of Governors, GHQ Officers Club  
SUBJECT : Suggestions and Reactions

1. Attached herewith are reports of visits to GHQ Officers Club by members of the G-1 Section for the period 2 - 16 August inclusive, which, it is believed, contains constructive suggestions; therefore, forwarded to you for such action as the Board may consider feasible and appropriate.

2. While it is realized that many of the suggestions are already under consideration by the Board, it is believed the following extracts warrant special emphasis:

a. Immediate construction of outdoor facilities such as tennis, badminton and volley ball courts.

b. Same for indoor, and pool, billiards and ping-pong tables.

c. Reading room containing variety of leading Stateside newspapers and magazines.

d. Covers be placed on chairs to relieve the stilted atmosphere. In this connection it is believed that further consideration should be given to toning down the formal atmosphere.

e. The establishment of transportation facilities, particularly from those areas in Tokyo where bachelor officers are billeted.

Inclosures:  
Cpys of reports

E.M.A.



## Constitution of GHQ Officers Club

C-1

C/S

9 August 1946

1. It is recommended that the attached Constitution and By-Laws of the GHQ Officers Club be approved, except that the first sentence of Article II be changed as follows:

ARTICLE II1. ACTIVE MEMBERSHIP:

- a. Active members will include all Army, Navy and Marine Officers assigned or attached to GHQ; personnel of COMNAVJAP will be included.
- b. Active members who subsequently change to a civilian status may retain their active membership.

2. ASSOCIATE MEMBERSHIP:

- a. Associate members will be limited to ten per cent of active membership but will not exceed 200.
- b. Eligibility-
- (1) All civilian section chiefs of GHQ will be extended invitations for associate membership.
- (2) Subject to a above, all other U.S. civilians and allied civilians paid from War Department appropriated funds, on duty with GHQ, will be eligible for associate membership on written request of an active member and sponsored by at least 10 additional active members subject to the approval of the Board of Governors.

3. HONORARY MEMBERSHIP:

Honorary membership will be extended to the following:

- a. Heads of military missions.
- b. Heads of diplomatic missions
- c. Judges of the INTFC
- d. Senior officers of U.S. military and naval forces in AFPAC.



Constitution of GHQ Officers Club

9 August 1946

G-1

C/S

(Continued)

- 1.
  - e. CG and C/S of allied occupation forces in Japan.
  - f. Visiting dignitaries will be accorded temporary honorary membership through the medium of guest cards.

2. In the event this change is considered to be too much in detail, it is suggested that Article II remain as written, and that the definition of classes of membership be incorporated in the By-Laws.

Incl:  
Constitution & By-Laws in duplicate

----- E.M.A. -----



## Identification Cards for Allied Civilians

4

FROM: G-1

TO: G-4

DATE: 8 August 1946

1. G-1 concurs in principle with issuance of subject identification cards. It is feared, however, that such cards while serving a useful purpose will also operate to increase the laxity with which transportation is now being furnished to people to travel over Japan without competent authority. Permission for personnel, both military and civilian, being absent on pass, furlough or leave is extremely limited but it is understood that transportation is being issued to personnel based on the strength of a checksheet signed by the Chief of the Section. As an example of this, G-1 of I Corps called this office a few days ago stating that two female civilian employees had reported into Kyoto without authority, having in their possession a paper of doubtful competence authorizing them to visit some other town far removed from Kyoto. No investigation has been made as to how they managed to travel but it seems most probable that laxity exists.

(continued)



Identification cards for Allied civilians

G-1

G-4

8 August 1946

(Continued)

2. In view of the above it is recommended that paragraph 2 (g) in letter to Eighth Army be deleted and that the following be added to paragraph 1:

"In this connection, however, it has been noted that some laxity exists in the furnishing of free transportation to Allied personnel. In order that the proposed railroad passes will not operate further to extend such laxity, it is desired that strict measure be instituted to require all personnel to present competent travel authority prior to being furnished transportation."

Incls 5:  
2 n/c

----- E.M.A. -----



8 August 1946

MEMORANDUM TO: Major General E. M. Almond

SUBJECT : Monthly Report of Complaints Received on Alleged Misconduct of Occupation Troops.

1. Question: Why did we (G-1) ask for this on 25 March?

In the absence of the CPM, G-1 of Advanced Echelon took staff action on matters pertaining to the CPM. The CPM (Col. Purdy) arrived in Tokyo from Manila approximately 1 February 1946. Up until this time complaints on alleged misconduct of U. S. troops were referred by the AG to G-1 for necessary action.

In checknote to CPM, dated 25 March, G-1 turned over to the CPM several action letters on alleged misconduct. It was arranged with the AG that future correspondence on this subject would be sent to the CPM for necessary action. Since G-1 had dealt with this subject from September 1945 until March 1946, a monthly report on misconduct cases was requested from CPM in order to keep informed of this phase of troop discipline.

2. Question: Do we have other such reports to compare this with?

a. This report can be compared with reports of previous months as indicated in the following table:

<u>CRIME</u>	<u>MONTH</u>				
	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>
<u>On Person</u>					
Murder	12	12	9	3	12
Injury	114	114	115	129	154
Violence	86	86	70	104	108
<u>On Female</u>					
<u>Person</u>					
Rape	47	47	17	16	37
Attempted Rape			15	20	31
Kidnapping			4	4	7
<u>Trespassing</u>					
<u>ON Property</u>	67	67	64	16	44
Burglary	392	392	397	453	396
Theft	510	510	86	111	142
<u>Total above cases</u>	<u>1228</u>	<u>1228</u>	<u>877</u>	<u>852</u>	<u>924</u>
<u>Total all cases reported:</u>	1245	1245	1204	1208	1251

b. The figures shown in (a) above are based on cases of



alleged misconduct as reported by the Japanese and the report is not considered to be accurate. Steps have been taken, however, to get a report from 8th Army on cases which are actually known to have occurred. The first such report has not yet been received.

3. The CPM states that he has noted a slight improvement in the conduct of troops during the past three months. If the Japanese figures shown in 2(a) above are to be believed, there has been no improvement. These figures, however, are not considered to be accurate and no accurate conclusion can be drawn from them. When reports from 8th Army are received the trend in misconduct will be more readily discernable and the Japanese Government's report may be more accurately evaluated.

RRC



Security Clearance for Certain  
German Nationals.

G-1

G-2 (CIS)

8 August 1946

1.

The following German nationals have submitted applications requesting to be exempted from repatriation to Germany. Security clearance for subject nationals to remain in Japan is requested.

Fischer, Kiku  
Homare

Kropp, Carl Gustav  
Elisabeth  
Erika  
Robert

Pringsheim, Klaus  
Hanserik  
Yuki  
Yurika Gwendolyn  
Klaus H.

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E.M.A.



Pariahs

G-1

Govt Sect  
CIAE (In turn)

8 August 1946

- 1. 1. Request your comments on the attached petition and recommend action if any.

1 Incl:  
 - Petition\_fr Ogiwara\_Pariah - - - - - E.M.A. - - - - -



**Temporary Duty for Commercial Purposes**  
FREEMAN

3. FROM: G-1 TO: NRS DATE: 8 August 1946  
THRU AG

1. Request contained in checknote No. 1, above subject, is dis-  
approved.

1 Incl: n/c

----- E.M.A. -----



BCOF Personnel Travelling to USA

G-1

Dipl Sec

8 August 1946

1. 1. Attached herewith correspondence, subject "BCOF Personnel Travelling to USA".

2. From a military point of view there is no objection to such personnel travelling to the U.S., subject to the availability of shipping.

3. Request such additional information as you may wish to have incorporated in our reply to Eighth Army.

2 Incl:

- Ltr fr CG, 8th Army dtd 5 Aug 46
- Memo fr BCOF, dtd 13 Jul 46

----- E.M.A. -----



230

Transmittal of WD Form 72

Legal Section

OCP

6 August 1946

THRU: G-1

ATTN Col Coursey

Enclosed Form 72 on Major Ben B. Blakeney requesting civilian employment as Defense Attorney. To be reviewed by your office and forwarded to the Office of Civilian Personnel.

2 Incl:

1.

- Form 72 on Maj. Blakeney
- Form 57 on Maj. Blakeney

----- A.A. M., Capt, Wac  
 Personnel Officer

2.

FROM: G-1

TO: Legal Section

DATE 7 August 1946

1. Returned without action in view of the absence of any requests from the President of the IMTFE for additional Defense Attorneys for Major War Criminals of the Far East.

----- E.M.A. -----



Clearance for Mr. W. E. Preston

G-1

Legal Section

7 August 1946

1. 1. Memorandum for record on the attached radio indicates that further action will be necessary in actually clearing Mr. Preston for entry to Tokyo. It is believed that the proposed radio which in effect commits this Headquarters to clearing Mr. Preston should not be dispatched until the whole action is completed.
2. Request that action be completed and radio be prepared with memorandum for record and forwarded through G-1 for concurrence.

----- E.M.A. -----



Request for Clearance (Mr. W. E. Preston)

2. FROM: G-1 TO: Legal Section DATE: 3 September 1946

1. Approved under conditions stated but with further understanding that Mr. Preston is a replacement and will not fill a new position.

----- E.M.A. -----



Data for Conference with General Derevyanko

G-1

C/S

7 August 1948

1. Submitted herewith as Inclosure No. 1 are questions submitted by General Derevyanko, Chief of Soviet Section, Allied Council for Japan, and answers thereto prepared at a conference attended by representatives of Office of Deputy Chief of Staff, G-1, G-2, G-3, G-4, Civil Information and Education Section, Provost Marshal and Special Services Officer.
2. Inclosure No. 2 is discussion of answers contained in Inclosure No. 1. This Inclosure, No. 2, should not be transmitted to Chief, Soviet Section, Allied Council, particularly para 4 thereof.
3. Concurrences have been secured from appropriate staff sections in contents of Inclosures Nos. 1 and 2, and in submitting Inclosure No. 1 to Chief of Soviet Section, Allied Council.
4. Recommend Inclosure No. 1 be transmitted to Chief of Soviet Section, Allied Council at conference to be held at CGSO, Thursday, 8 August 1948.

2 Incls:  
As described above.

----- H.M.A. -----



ANSWERS TO QUESTIONS SUBMITTED BY GENERAL DEREVYANKO

1. a. Question: Regulations pertaining to the arrival and departure of ships. Specifically, the General would like to know if the above regulations pertain to the Soviet Mission only or to other Missions as well. In the conference General Derevyanko stated that he gets the impression that restrictions are applicable to Soviets only.

b. Answer: Regulations pertaining to arrival and departure of ships are contained in SCAP Circular No. 3, dated 8 June 1946, and apply equally to ships of all Allied nations.

2. a. Question: Re letter requesting lists of dependents in which it was stated that the Soviet Mission has exceeded the allocated number of dependents in Japan. General Derevyanko stated that the only maximum set as far as he knows is the 414 for Mission personnel. He has no information on any maximum set for number of dependents.

b. Answer: The number of dependents of the Soviet Mission arriving in Japan should correspond to the number of sets of quarters for family units available for allocation to the Soviet Mission. Housing will be made available to the Soviet Mission in the same proportion as applies to United States personnel and that of other Allied agencies. Based on this percentage, 42 housing units will be made available to the Soviet Mission. Although the percentage of houses to be made available to the Soviet Mission is the same as that for United States and other Allied agencies, the Soviet Mission now has 20 residences according to records of this Headquarters. This number is greatly in excess of proportionate housing available to other similar agencies. The remaining 22 residences to be made available to the Soviet Mission may be expected during the period 1 April - 1 July 1947.

3. a. Question: Housing problem in Karuizawa. General Derevyanko stated that due to constant interference by Japanese Nationals, supposedly under instructions from U. S. authorities, Mr. Amurov, the Political Advisor, moved out of his house in Karuizawa though the house was not given up. The General would like to know something specific whether they can or cannot rent these houses. If they cannot rent these houses he will give them up.

b. Answer: It is understood that Mr. Amurov and Mr. Volgin are at present renting houses in the Karuizawa area. It will not be necessary that these two houses be vacated since it is planned to provide rest center facilities for official Soviet personnel in this area and these two houses will be included. If it is the desire of the Member Soviet Section Allied Council that above houses be taken by procurement demand on the Imperial Japanese Government, it is requested that such a request be made giving necessary identification data. In addition, action is being taken to provide two additional houses with a capacity of 25-30 persons which will make available a total of four houses in this area for rest facilities for all official Soviet personnel in Tokyo.



ANSWERS TO QUESTIONS SUBMITTED BY GENERAL DEREVYANKO (Continued)

4. a. Question: May or may not Soviet personnel travel beyond a certain area. It seems that other allied personnel travel unrestricted, yet any time Soviet personnel move out of Tokyo they are always escorted back by MP's. The General would like to have definite regulations and they will be complied with. He has suggested that certain types of passes could be issued entitling him to move along a definite route to specific places for recreation purposes. The bulk of the personnel could have another type of pass entitling them to make specific trips.

b. Answer: Regulations concerning travel apply equally to personnel of all Occupation Forces and Missions in Japan, including the Soviets. Commanders of Occupation Forces and Chiefs of Foreign Missions in Japan are authorized to issue passes for travel to recreational areas designated for their use. When specific recreational areas are assigned to the Soviet Mission, the Chief of the Soviet Mission will be authorized to issue passes as described above. Clearances to travel to any other localities must be obtained by submitting requests to GHQ through G-2 Foreign Liaison for approval by the Chief of Staff. Travel into off limits or restricted areas is prohibited.

The Provost Marshal is preparing identification cards for issue to all Allied personnel in Japan. These will be issued in the near future.

5. a. Question: It was requested that special days be designated for use of swimming pools and other recreational facilities for Soviet Mission personnel.

b. Answer: It is not considered desirable to set aside special days for exclusive use of any GHQ recreational facilities by Soviet or any other group of personnel. There is no objection, however, to the Soviets utilizing swimming pools in the Tokyo area to a limited extent. It is suggested that such utilization be restricted to 25 per cent of the strength of the various allied agencies on any one day.

6. a. Question: Distribution of Soviet movie film in Japan. The General feels that there is a definite policy to prevent the showing of Soviet films in Japan. Repressive measures have been applied to persons who showed these films. There is no attempt on the part of the Soviets to show films of a political agitating character, merely humanitarian or historical films. If the U.S., British or Chinese films can be shown for commercial purposes then why cannot the Soviet films be shown? If they cannot be shown, then he would like to have the legal foundation for such action. If they should go through censorship he would like to know to whom they should be submitted and how. One series of film was picked up and has not been released to them yet.

b. Answer: There is no policy to prevent the showing of Soviet films. Repressive measures have not been applied to persons who have shown Soviet films except that the showing of uncensored films has been prevented in accordance with regulations. Soviet films can be shown for commercial purposes if procedure as outlined in Tab A is observed. This tab outlines the procedure for dissemination of foreign, including Soviet, films in Japan, and contains the reasons for seizure of certain Soviet films.



ANSWERS TO QUESTIONS SUBMITTED BY GENERAL DEREVIANKO (Continued)

7. a. Question: The General would like to straighten out the question on the number of houses to be allocated to them. He stated that when he made the request for houses certain Soviet personnel or organizations already had been occupying certain houses and these were not included in his estimate yet when the group was given a definite number of houses (14) these previously occupied houses were included in that number, thus reducing his requested total.

b. Answer: The allocation of residences to the Soviet Mission for dependent housing for the calendar year 1946 amounts to twenty houses. Fourteen houses have been requisitioned from the Imperial Japanese Government and allocated to the Soviet Mission. As stated in letter, AG 620 (15 Jul 46) GD, 15 July 1946, subject "Dependent Housing for Soviet Section of the Allied Council", six additional houses which are owned or leased by the Soviet Mission or members thereof, are considered as part of the twenty residences. On your request, requisitions will be placed on the Japanese Government for those residences in this group of twenty residences which are not now on procurement demand. All housing occupied by official members of any Allied agency, whether owned, leased or otherwise occupied, is considered as a part of the dependent housing project.



OUTLINE OF SCAP PROCEDURE FOR DISSEMINATION OF ALL FOREIGN,  
INCLUDING SOVIET, FILMS IN JAPAN

1. Foreign films to be disseminated in Japan on a loan or information basis:
  - a. Request will be forwarded to Foreign Liaison Sub-section, G-2, attention CCD, CIS, G-2.
  - b. After censorship approval, the films may be disseminated in Japan only by CI & E, SCAP.
2. Foreign films to be disseminated in Japan on a contractual or commercial basis, such as reproduction or exhibition:
  - a. Initial commercial agreements with the Japanese will be negotiated in writing through the Diplomatic Section, SCAP.
  - b. Foreign films to be exhibited or reproduced in Japan will be submitted to CCD, CIS, G-2 by the Japanese.
3. Foreign agencies desiring to enter Japan to produce and exhibit their own films will submit written request to Foreign Liaison Sub-section, G-2, Attention CCD, CIS, G-2.
4. There have been instances in which Civil Censorship has had to confiscate or stop Soviet films. Specific instances which have required such action are:
  - a. The Soviet film, "Bogdan Khmelnitski", was lawfully confiscated because the film did not carry a censorship stamp. This film had never been presented to or passed by censorship. The film was illegally exhibited at Osaka to members of the Nippon Minshu-Shugi Bunka Kenzei on 19 June 1946, and again to members of the Kyoto Kandai Nippon Kenkyu-Kai, Kyoto, on the 14th, 15th and 16th of June.
  - b. The Soviet films, "Childhood of Gorky", "News of the World Number 15", and "News of the World Number 20", were also confiscated on 5 July 1946. On 9 May 1946 the "Childhood of Gorky" was passed by censorship; however, the film did not carry the censorship stamp of approval at the time of confiscation. The two news-reels have never been presented to nor passed by censorship.
5. The reason for the above actions is the fact that the films were exhibited in Japan without the censorship stamp of approval which is in violation of SCAP Memorandum to the Imperial Japanese Government, AS 000.76 (24 June 46) CIS.
6. The films referred to in para 3 above are in the custody of Foreign Liaison Sub-section, G-2, and will be returned to the Soviet Section immediately. The action of returning the Soviet films has been delayed pending reply to Letter of General Beresnyanko to the Supreme Commander for the Allied Powers, dated 1 July 1946.



DISCUSSION OF QUESTIONS AND ANSWERS1. Question No. 11 (Answer submitted by G-2)

SCAP Circular No. 3, dated 8 June 1946, is being revised, however upon revision will still apply equally to ships of all Allied nations.

2. Question No. 21 (Answer submitted by G-4)

Soviets were informed in memorandum issued by G-2 on 6 May 1946, file AG OSI.711 (6 May 46) GS, that it was necessary to adopt a restrictive policy in respect to providing housing for dependents and that allocation initially would be made on the basis of 30 per cent of total requests. Since there were 60 Soviet applications, initial allocation was 20 houses.

A review of this situation indicates that, based on 10 per cent of strength, the Soviets should be allocated a total of 42 houses. No presumption should be allowed to exist that the Soviets will be allocated 60 houses.

Soviets should be permitted to bring into Japan only that number of dependent families corresponding to number of houses made available to them by this Headquarters.

3. Question No. 31 (Answer submitted by G-4)

Current regulations state that no one may rent, lease or otherwise procure houses without approval of this Headquarters. This ruling applies to all Occupation Forces and Missions.

4. Question No. 41 (Answer submitted by Provost Marshal and G-2)

Judging by the number of Soviet personnel apprehended in off limits and restricted areas, purpose of many Soviet trips is to gather information, rather than for recreational purposes. Because of this, G-2 is anxious to retain present restrictions.

Provost Marshal is preparing new regulations concerning registration and control of Allied personnel in Japan. These regulations will be issued in the near future.

Diplomatic Section is issuing cards authorizing diplomatic immunity, on the basis of 3 cards per mission, including the Soviets.

5. Question No. 51 (Answer submitted by Special Services Officer)

Capacities of existing GHQ recreational facilities will not permit assignment of any facility for exclusive use by Soviets; however, it is estimated that capacities of swimming pools in the Tokyo area will accommodate 25 per cent of Soviet personnel in addition to normal attendance.



DISCUSSION OF QUESTIONS AND ANSWERS (Continued)

Special Services Officer states that Soviets are attending GHQ motion pictures, but that in view of pending change to paid admissions on or about 1 October 1946, it is preferable not to make specific mention of this subject at this time.

There are approximately nine swimming pools in the Tokyo area which have not been procured by Special Services. Should the Soviets request exclusive use of one of these pools, request probably could be approved, however, should be reviewed with reference to requests which would probably come in from other foreign missions.

6. Question No. 6: (Answer submitted by GGD and CI & R)

Procedure outlined in Tab A to inclosure No. 1 is procedure currently being used. These regulations currently are being reviewed by Office of Deputy Chief of Staff with GGD.

7. Question No. 7: (Answer submitted by G-4)

Discussion outlined in paragraph 2 above applies to this question also.



Recreational Areas Assigned to Allied Missions

G-1

G-4  
C SSO (In turn)

16 Sept 1946

1. Attached hereto is Staff Study on above subject.
2. The following additional information, while not directly associated with recreational areas, is of interest in this connection:
  - a. Siamese Embassy has been allocated to British Commonwealth Sub Area, Tokyo, as residences for Lieutenant General Robertson and Doctor Jain.
  - b. British request for a hospital in the Tokyo area was not favorably considered, since it is considered by this Headquarters that existing facilities at Ebisu Camp can be developed to satisfy requirements.
  - c. Marunouchi Hotel has been allocated to British Commonwealth Sub Area, Tokyo, as a billet.
3. Your comments or concurrence on attached Staff Study are requested prior to submission to Chief of Staff.

1 Incl:  
Staff Study

----- E.M.A. -----



STAFF STUDYI. PROBLEM:

1. To investigate adequacy of recreational facilities assigned or available to Allied Missions.

2. To determine location and extent of additional recreational facilities needed by Allied Missions.

II. FACTS:

1. a. Strengths of Allied Missions in Japan are indicated in Tab A.

b. Recreational facilities assigned or available to Allied Missions are indicated in Tab B.

III. DISCUSSION:

1. General - The role of this Headquarters in the recreational program of personnel assigned to Allied Missions is supervisory and policy-setting in nature. The desirability of equitable allocation and maximum utilization of available facilities, however, renders it highly essential to investigate the adequacy of facilities assigned or available and to determine location and extent of additional facilities required.

2. By Activity -a. Motion Picture Service -

- (1) Currently, U.S. operated theaters in downtown Tokyo can accommodate approximately 12,000 persons daily. In conjunction with the proposed 35-MM paid admission service, some changes in these facilities now are under study. If effected, these changes will not entail any increase in the number of seats required but will, through the use of different facilities and additional performances each day, permit approximately 16,000 persons to be accommodated daily.
- (2) A recent survey indicated that the above-mentioned facilities have to serve approximately 37,000 persons, including personnel listed in Tab A.
- (3) Based on paragraphs 1 and 2 above, an authorized person can expect to attend U.S. operated motion pictures on an average of 2 or 3 times a week in Tokyo.



STAFF STUDY-Cont'd:

- (4) Allied personnel now attend U.S. operated motion pictures in such installations as Hibiya Hall and Ernie Pyle Theater on an informal and unofficial basis, however, attendance after 1 October will be on a paid admission basis.
- (5) After 1 October 1946, establishment of dollar credits must be made by Allied Missions, unless already established, to arrange admissions for their personnel. Allied personnel should be permitted to attend only paid admission theaters, since free motion pictures will be held only in theaters operated in billets.
- (6) Based on a specific request, the Hogakuza Theater has been allocated to BCOF. This allocation provides adequate theater facilities for British Commonwealth personnel in Tokyo.

b. Rest and Recreation Hotels - Check Note initiated by G-1 on 8 July 1946 and approved by Chief of Staff, proposes that the Dutch, French and Philippine Missions be granted limited use of rest hotels under control of American authorities. Authority for such usage, however, is not to be granted until facilities have been provided for British, Chinese and Soviet Missions.

c. Club Facilities -

- (1) The only contemplated authorization for use of American controlled club facilities by members of Allied Missions is to allow heads of missions to become honorary members of the GHQ Officers' Club.
- (2) Based on a specific request, the New Tokyo Restaurant has been allocated to BCOF for use as an enlisted mens' club.

d. Swimming Pools -

- (1) Allied personnel utilize the following U.S.-controlled pools in the Tokyo area:



STAFF STUDY-Cont'd:

Shiba Park (Personnel asgd to GHQ only)

Meiji

National

- (2) Basic policy with respect to swimming pool facilities for Allied Missions is that separate facilities will be provided for those national representations whose strength is large enough to so warrant.
- (3) Swimming pools in the Tokyo area not being used by U.S. forces, and available for consideration for use by Allied Missions, are listed in Tab C.

IV. CONCLUSIONS:1. Motion Picture Service -

a. Separate theater facilities have been allocated for British Commonwealth personnel in Tokyo. See Section III, paragraph 2a (6) above.

b. Since admission will be on a paid basis after 1 October, either arrangements should be made by Soviet and Chinese Missions to establish dollar credits or separate theaters should be procured for their use.

c. Since the strengths of the French, Netherlands and Philippine Missions are too small to warrant procurement of separate theaters for them, arrangements should be made to establish dollar credits so as to utilize American-controlled theaters, if such is desired by mission concerned. See Tab D.

2. Rest and Recreation Hotels -

a. Use of American-controlled hotels by French, Netherlands and Philippine Missions has been approved.

b. Facilities assigned to the British and Soviet Missions appear to be adequate.

c. Facilities assigned to the Chinese Mission appear to be adequate for present strength, however, it is understood that the eventual strength of this mission will be 300 with an honor guard of an additional 300. No increase in facilities appears to be justified until strength has been increased.



STAFF STUDY-Cont'd:3. Club Facilities -

a. Club facilities available to Chinese and Soviet Missions appear to be adequate.

b. Club facilities for British appear to be adequate. See Section III, paragraph 2c (2) above.

c. It is anticipated that there will be additional requirements for the Chinese when increase in their strength warrants. The remaining Allied Missions (French, Netherlands and Philippine) are too small to warrant separate club facilities.

4. Swimming Pools -

a. Strengths of French, Netherlands and Philippine Missions do not warrant assignment of separate pools to these missions, particularly in view of availability of American-controlled pools.

b. Strengths of British, Chinese and Soviet Missions are sufficient to permit assignments of separate pools to these missions in accordance with paragraph 2d (2), Section III, above. However, as an interim measure, such assignments should not be made unless requested by mission concerned or until such action is deemed necessary or desirable by this Headquarters.

V. RECOMMENDATIONS:

It is recommended that:

1. Tab D, containing information concerning attendance at American-controlled theaters after 1 October 1946, be approved for dispatch to Allied Missions.

2. No further action be taken to provide separate theaters or swimming pools for any Allied Missions until request therefor is received, or until such action is considered desirable by this Headquarters.

3. If additional assignment of separate theater or swimming pool is desired in any case, representatives of G-1, G-4 and CSS jointly inspect available facilities and prepare priority list to be offered Mission concerned.

4. French, Netherlands and Philippine Missions be informed of the limited use of American-controlled hotels to be authorized their personnel, in accordance with recommendations previously approved by the Chief of Staff.



STAFF STUDY-Cont'd:

5. No further action be taken with respect to rest and recreation hotels and club facilities until requests therefor are submitted by Allied Missions.



7830

Recreational Areas

G-1

SSO

16 August 1946

- (3)
1. Inviting attention to preceding Check Notes.
  2. Request your comments be expedited.

---

E.M.A.



EMA /  
/dnb

Recreational Areas

G-1

G-4  
Special Service Officer

7 August 1946

1. It is considered highly important to fix definitely the location and extent of recreational areas for logistically self-supporting agencies in occupied areas, particularly for the Soviet Mission.

2. Request that G-4 and SSO confer and recommend to the Chief of Staff through G-1 as promptly as possible location and extent of recreational areas for the Soviet Mission and at a later date for other logistically self-supporting missions.

3. It is believed that this recreation area should be insofar as practicable, in one locality but should contain beach facilities, swimming pool facilities, building suitable for movies, and athletic fields. It may be necessary to assign groups of areas for this purpose.

4. So much confusion and misunderstanding has already arisen as to location and extent of recreational facilities together with the right to circulate freely to and from these areas that it is highly essential to determine location of these areas with minimum delay

PLANS AND POLICY DIVISION FILE COPY

-----E. M. A.-----



S 701  
AG 095

Request for clearance for Australian National  
to enter Korea

DS

G-1

26 July 1946

1. Enclosed is copy of communication of 17 July 1946 from the Australian Political Liaison Officer requesting clearance for Dr. C. I. McLaren to return from Australia to Korea.

2. Request necessary action be taken and this section informed of decision in order that reply may be made to communication.

Encl: Memo from Aust. Pol. Liaison Off.

----- G.A., Jr. -----

2. FROM: G-1 TO: Dipl Sec DATE: 7 August 1946

1. CG, USAFIK in radio TIFYNG 2438 suggested action on return of Dr. McLaren be deferred until such time as Australian representative missionaries arrive in Korea to conduct survey.

2. In letter to General MacArthur, 18 February 46, a Rev George Anderson requested permission for himself and Rev. H. W. Lane to return to Korea to initiate plans for renewal of their missionary work. Letter to Rev Anderson, 12 March 1946, signed by Col. H. B. Wheeler, Aide-de-Camp to General MacArthur, granted Revs Anderson and Lane authority to enter Korea as representatives of the Presbyterian Church of Australia.

3. Revs Anderson and Lane have not arrived in Korea and no further information has been received at GHQ, SCAP or Hdq, USAFIK as to their plans for return to Korea.

4. Reference attached memorandum from the Australian Political Liaison Officer, it is suggested Mr. Ballard be advised that action on Dr. McLaren has been deferred. It is further suggested that the Australian Political Liaison Officer write to Rev George Anderson (address: Presbyterian Church of Australia, 156 Collins Street, Melbourne C.1, Victoria, Australia) and inquire as to status of his plans to visit Korea as a representative missionary. Clearance of Dr. McLaren is dependent upon information on Rev Anderson's visit to Korea. It is understood that Rev Anderson, as a representative in Korea of the Presbyterian Church of Australia, would be in a position to give required assurances that Dr. McLaren would have living accommodations independent of the American Forces in Korea.

1 Incl: n/c

See omad C-63557/29 Jul to Korea

----- E.M.A. -----



Clearance for Colonel W. J. Reynolds

G-1

Legal Section

7 August 1946

1. 1. Attention is invited to checknote dated 23 July 1946 from G-1 to Legal Section approving clearance for subject Dutch officer.
2. Request reply by first indorsement be prepared to Commanding General, Eighth Army.

Incl:

Ltr fr 8th Army dtd 31 Jul 46 - - - - - E.M.A. - - - - -



Establishment of War Department Civilian Club

G-1

SSO

6 August 1946

1. It is desired that the Special Service Office initiate immediate steps to organize a social club, comparable to the newly organized ONQ Officers Club, for the use of War Department civilian employees.
2. It is suggested that a Steering Committee of approximately five members, preferably from the principal SCAP Sections including GCP, be appointed for the purpose of assisting and advising the SSO on the following major points and such other related matters as are pertinent:
  - a. Constitution and by-laws.
  - b. Appointment of a Board of Governors.
  - c. Selection of a suitable building and grounds.
3. A brief report of progress is requested not later than 15 August 1946.

----- E.M.A. -----



**Request for Travel Orders**

G/S

G-1

5 August 1946

4

1. Mr. Cunningham's request to proceed to Nurnberg, Germany, for temporary duty, is approved.

2. Mr. Cunningham desires to depart Japan 7 August 1946 to return 7 September 1946. He expects his work in Germany will require from one week to ten days and he wishes to stop over at Washington, D. C., for five days on his return trip. He has requested an 85 pound baggage allowance to enable him to carry a typewriter.

3. It is desired that you effect the necessary coordination with USFET and have the necessary orders issued to enable Mr. Cunningham to begin his trip with the least practicable delay.

----- P.J. M. -----

5.

FROM: G-1

TO: AG

DATE 5 August 1946

1. COMGEN, USFET is being queried by radio for clearance for Mr. Owen Cunningham to reply to War Crimes Branch, War Department.

2. Request orders be issued immediately with sufficiently high air priority to insure reasonable continuous movement for Mr. Cunningham to proceed to Washington for 5 days TDY with War Crimes Branch, Civil Affairs Division, War Department; and thence subject to clearance from COMGEN USFET to proceed to Nurnberg, Germany, and return to Tokyo upon completion of duty.

----- E.M.A. -----

*See rad  
CX 63838/5 Aug*



Request for Travel Orders

Defense Attorneys  
for the Major War Crimi-  
nals of the Far East

G-1

24 July 1946

Thru: Legal Section - SCAP

(1) Inclosure one (1) is forwarded for your consideration. This super-  
sedes a similar request made by this office on 16 July.

1 Incl:  
Copy of Request  
for Travel Orders

E.R.H.

2 From: Legal Section To: G-1 Date: 25 July 1946

Forwarded.

A. A. M., Capt., WAC  
Personnel Officer

3. FROM: G-1 TO: C/S DATE: 31 July 1946

1. It is recommended:

a. Request of Mr. Owen Cunningham, Defense Attorney for the Major War Crimes of the Far East, be not favorably considered for the reasons stated in checknote #3 (Tab #1).

b. That Tab #2 be approved for dispatch to Mr. Cunningham through IMTFE, Defense Attorneys.

2. This correspondence withheld in G-1 pending decision on a similar request forwarded to Office of Chief of Staff on 19 July 1946.

2 Incls: Tab 1 & 2

E.M.A.

See unad  
CX 63838 / 5 Aug

162



Request for Travel Orders

c/s

Mr. Owen Cunningham  
THRU: Legal Section  
THRU: Defense Attorneys, IMPF

31 July 1946

1. Request contained in your letter dated 24 July 1946, subject as above, to proceed to Nurnberg, Germany, on temporary duty from 28 July to 28 August 1946 is not favorably considered.

2. It is believed that the evidence envisaged in paragraph 1 of your letter can be obtained through the assistance of United States authorities in Germany if they are furnished with specific questions and subject matter desired by you.

*not used*

----- P.J.N. -----



GA/JDE/blc

Request for Clearance of British National to  
Replace Swiss Manager of Nestle Products Co.S 701  
AG 095

FROM: DS

TO: G-1

DATE: 16 July 1946

1. 1. There is forwarded herewith as a matter pertaining to your Section copy of note, 12 July 1946, from the Swiss Diplomatic Mission on the above subject.
2. Request information on which to base reply.

1 Incl:  
Note as stated.

----- G. A., Jr. -----

2. FROM: G-1

TO: Dipl Sec  
THRU: G-2

DATE: 1 August 1946

1. Request reply be made to Swiss Diplomatic Mission substantially as follows:

Clearance is granted for entry of Mr. Arthur Harris as replacement for Mr. E. Mandelert of Nestle Products Company Ltd.

Accomplishment of entry and his livelihood in Japan will be independent of the occupation forces.

2. Memorandum for record on file copies of reply should be as follows:

Swiss Diplomatic Mission in letter to SCAP, dated 12 July 46, requested clearance for Mr. Harris, British subject now in Singapore, to replace Mr. Mandelert, Swiss subject, as manager of Nestle Products Co. Ltd. Mr. Mandelert desires to return to Switzerland.

UKLM was queried by letter 18 July (File AG 095 (12 Jul 46) GA for comment on message from Swiss Diplomatic Mission. UKLM reply to SCAP, dated 27 Jul 46, stated that it could not make any provisions for Mr. Harris' accommodations, but assumed that Harris would be permitted to take over any arrangements that Mandelert had for his subsistence.

Clearance for person to replace businessman now in Japan has been granted in 2 previous cases: (1) Mr. Ailelli of "l'Air Liquide" in letter to French Mission, 5 Apr 46, and (2) Replacement for Mr. Robert of French Institute of Kansai by letter to French Mission dated 29 Jul 46.

(Continued)



S 701  
AG 095

Request for Clearance of British National to  
Replace Swiss Manager of Nestle Products Co

DS

G-1

11 August 1946

(Continued)

3. Request G-1, G-2 and AG be furnished copies of your reply to the  
Swiss Diplomatic Mission.

4 Incls:

- 1 - n/c
- 2 - Copy ltr to UKLM dtd 18 Jul 46
- 3 - Copy ltr fr UKLM dtd 27 Jul 46 reply to our ltr
- 4 - Copy c/n from G-2 to G-1

----- E.M.A. -----



C  
O  
P  
YC  
O  
P  
Y

LEGATION DE SUISSE AU JAPON  
D. - GCa.-

The Swiss Diplomatic Mission presents its compliments to the Diplomatic Section of the General Headquarters of the Supreme Commander for the Allied Powers and, upon instructions received from its Government, has the honour to submit the following matter for due consideration.

Mr. E. Mandelert, a Swiss citizen, at present manager for Japan of the Swiss firm "Nestle Products Company Limited", Kobe, has been requested by his head-office to return to Switzerland, having been stationed uninterruptedly in the Far East (mostly in China and the last six months in Japan, since 1937, without holidays or home-leave. Another urgent reason for his return home is his present poor state of health which has worsened in recent months.

As successor of Mr. Mandelert in his capacity of manager of the said Swiss firm, Mr. Arthur Harris, of British nationality, has been appointed. Mr. Harris is at present stationed in Singapore, awaiting permission to come to Japan in order to replace Mr. Mandelert. He has been in the service of "Nestle Products Company Limited" for over 30 years.

The Swiss Diplomatic Mission would therefore be greatly obliged to the competent Authorities of the General Headquarters if permission for Mr. Harris's entrance to Japan could be granted as soon as possible. The fact that it is only question of a replacement of one individual by another, should remove the major obstacle in favourably considering the above request, since the number of foreigners in Japan would thereby not be affected.

The Swiss Diplomatic Mission thanks in advance the Diplomatic Section of the General Headquarters for its kind assistance in this matter.

Tokyo, July 12th, 1946

The General Headquarters  
of the Supreme Commander  
for the Allied Powers,  
Diplomatic Section

Tokyo

Incl 1

161



COPY

COPY

UNITED KINGDOM LIAISON MISSION  
IN JAPAN  
BRITISH EMBASSY,  
TOKYO

Ref. : 290/A17/46. 27 July 1946

TO : General Headquarters,  
Supreme Commander for the Allied Powers  
(Attention: G-1 Section,  
Through : G-2 Foreign Liaison

Subject : Request for Clearance for Mr. Arthur Harris,  
British National, to replace Mr. E. Mandelert,  
Swiss Manager of Nestle Products Company Limited

With reference to your memorandum AG 095 (12 July 46) GA, dated 22 July 46, subject as above, it is advised that this Mission has no objection to the entry into Japan of Mr. Harris. This Mission cannot of course make any provisions for his accommodation or logistic support. In this connection it is assumed that Mr. Harris would be permitted to take over any arrangements that Mr. Mandelert may have been able to make for his subsistence.

s/ C. J. Cowan

C. J. COWAN, MAJOR, R.A.,  
Assistant Military Adviser  
(for Head of Mission).

G-1-Copy

Incl 3



Request for Clearance for <sup>GB/ BTP/jwt</sup> Mr. Arthur Harris,  
British National, to replace Mr. E. Mandelert  
Swiss Manager of Nestle Products Co., Ltd.

G-2

G-1

29 July 1946

1. The attached letter from the United Kingdom Liaison Mission is forwarded as a matter pertaining to your section.

1 Incl:  
Ltr. United Kingdom Liaison Mission,  
dated 27 July 1946.

-----C. A. W.-----



**Proposed Conference with Dutch Shipping  
Experts**

6. FROM: G-1 TO: DS DATE: 9 August 1946  
THRU: G-2

1. G-1 concurs in denying entry to Mr. Everts for the purpose of initiating the re-establishment of Dutch shipping activities. No objection can be seen, however, to the recommendation of the Diplomatic Section in paragraph 3 of checknote dated 22 July 46 that Mr. Everts become a member of the Netherlands Military Mission as a shipping expert.

----- E.M.A. -----



Proposed Conference with Dutch Shipping Experts

G-4

DS  
THRU: G-1, G-2

30 July 1946

2.

1. Inclosed is copy of C/N from G-4 to DS, subject: "Proposed Conference with Dutch Shipping Experts", of 23 July 46, and Memorandum for Record (Incl 2).

2. The change in status of Mr. Evarts as indicated in Incl 1, letter from the Netherlands Military Mission in Japan of 20 July 1946, does not affect the decision outlined in Incl 2, insofar as a conference with SCAP representatives to discuss reestablishment of commercial shipping to and from Japan is concerned.

3. Wash radio W 93549 of 6 July, copy attached, is pertinent to the question as to whether or not Mr. Evarts and his party may be authorized entry under their new status as members of the Netherlands Military Mission.

4. In the event authority is granted to admit Mr. Evarts and his secretary, no additional facilities can be made available other than those presently allocated and available to the Netherlands Military Mission in Japan.

3 Incls

Incl 1 - n/c

Incl 2 - Cpy of C/N fr G-4  
to DS of 23 Jul 46

Incl 3 - Cpy rad W 93549 of  
6 Jul 46

H. E. E.

3

FROM: G-1

TO: G-4

DATE: 5 August 1946

1. Returned for additional information per telephone conversation Lt. Col. Gallion (G-4) and Lt. Col. Cullen (G-1)

----- E.M.A. -----



8 3  
EXPERTS NEEDED AND CLEARANCE FOR MR. POLLOCK

2. FROM: G-1 TO: NRS: DATE: 3 August 1946

1. Request action on basis letter be routed through G-1 for concurrence.

----- E.M.A. -----



JUH/aww

Staff Study Japanese Delegates to International Convention

PH & W

G-1

2 August 1946

1. The attached staff study is forwarded for your comments or concurrence.

1. 2. The recommended action is concurred in by G-2 (Col. Bishop), DS (Mr. Bishop).

Incl: as indicated

-----J. U. W.-----

2. FROM: G-1 TO: PH & W DATE: 3 August 1946

1. Censur

-----E.M.A.-----



OKA

3. FROM: G-1 TO: G-2 DATE: 2 August 1946

1. G-1 non-concurs with conception of responsibility outlined in para 2, basic c/n, in view of G-2 responsibility prescribed in para 2 (b), SCAP Staff Memo No. 5.

2. Information from Diplomatic Section indicates that there are no diplomatic or consular personnel in Japan awaiting repatriation.

3. It is considered that non-Japanese enemy former diplomatic and consular personnel have lost their diplomatic and consular status, and that their repatriation is a G-1 responsibility.

----- E.M.A. -----  
M/R: Dipl Sec (Mr. Bishop & Mr. Johnson) concur. 157



1.

2. FROM: G-1 TO: AG - PD DATE: 1 August 1946

1. Medal of Freedom, General Order announcing the award, and accompanying citation, were presented to Mr. U. Alexis Johnson by Major General E. M. Almond, U. S. Army on 1 August 1946.

----- G. H. F. -----



Purchase of PX Goods

G-1

Hdq Comdt (PXO)

1 Aug 46

1. Request that 12 cases of Coca Cola be sold to Captain E. M. Soler to provide refreshments in celebration to be held on 9 August 1946 at the Tokyo Kai Kan involving approximately 200 individuals.

----- P.S.C. -----



Alleged Theft of Personal Articles from Home of General Homma.

Theater JA

G-1

20 Aug 46

12

1. In the opinion of this office the attached report of investigation does not contain sufficient evidence at the present time to warrant trial of Lt. Nakanishi. This opinion is based on the following:

- a. The record fails to indicate clearly the specific property which is alleged to be missing from the Homma residence.
- b. There is no definite evidence connecting Lt. Nakanishi with the taking of any property.

2. To warrant trial of this officer the evidence should be sufficient to prove that he removed certain articles from the Homma residence without authority which he has since failed to account for. It is possible that additional investigation in Tokyo may result in the recovery of some of the stolen property and proof thereby be obtained that Lt. Nakanishi was involved in the alleged theft thereof.

3. It is recommended that pending completion of whatever investigation may be undertaken by the Department of Justice in the United States, further inquiry be made in Tokyo with a view to tracing some of the articles alleged to have been stolen from the Homma residence.

S. F. C.

G-1

C/S

21 Aug 46

13

1. Forwarded in compliance with paragraph 2, C/N No. 10.

Incl: n/c

----- E.M.A. -----





Alleged Theft of Personal Articles from  
Home of General Homma

G-1

G-2

26 August 1946

1. Reference is made to checknote from G-1, above subject, dated 15 August 1946, in which the Chief of Staff directed that 2nd Lt. Toshio Nakanishi, O-203085, 441st CIC Detachment, GHQ AFPAC, APO 500, Tokyo, be retained in this Theater until his release is authorized by the Office of the Chief of Staff, GHQ SCAF.

2. In paragraph 2, checknote #14, from Chief of Staff to G-1, above subject dated 25 August 1946, the Chief of Staff directs that 2nd Lt. Nakanishi be released from the restraint imposed by reference checknote above.

----- E.M.A. -----



Alleged Theft of Personal Articles from Home  
of General Homma

Incls: n/c

15

FROM: G-1

TO: AG

DATE: 26 August 1946

1. For file as directed in paragraph 3 above.
2. Separate action has been taken by this Section to release Lt. Toshio Nakanishi, as directed in paragraph 2 above.

Incls: n/c

----- E.M.A. -----



CONFIDENTIAL

Alleged Theft of Personal Articles from Home of General Homma

G-1

G-2

15 August 1946

- 1. By direction of the Chief of Staff, 2nd Lt. Toshio Nakanishi, O-203085, 441st CIC Detachment, GHQ AFPAC, APO 500, Tokyo, will be retained in this theater until his release is authorized by the Office of the Chief of Staff, GHQ SCAP.

----- E.M.A. -----

CONFIDENTIAL



CONFIDENTIAL

Alleged Theft of Personal Articles from Home of General Homma.

C/S

G-1

14 August 1946

10

1. Lieutenant Nakanishi will be retained in this theater as a material witness until his release is authorized by this office.

2. These papers will be referred to the Judge Advocate, GHQ, for expression of opinion as to adequacy of evidence which could be produced in this case to warrant trial by General Courts Martial of Lieutenant Nakanishi.

Incls: n/c

----- P. J. M. -----

11.

FROM: G-1

TO: JA GHQ

DATE: 15 August 1946

1. For compliance with paragraph 2, checknote No. 10 above and return of file through G-1.

2. Separate action has been taken by this Section, to comply with paragraph 1, checknote No. 10.

Incl: n/c

----- E.M.A. -----

CONFIDENTIAL



Alleged Theft of Personal Articles from Home of  
General Homma

G-1

SGS

9 August 1946

9. In view of the flagrant violation of the authorized procedure in the search of General Homma's premises by certain members of the 48th CIC; the magnitude of the alleged robbery; and the prominence of the deceased owner, it is strongly recommended:

1. That copies of the report be furnished the War Department with request that:

a. If any of the personnel referred to in paragraph 35 of the report are still in the service they be returned to the theater for further investigation.

b. Personnel already discharged be brought under the surveillance of the Department of Justice and that a copy of the report be furnished this Department in order that it may have factual data as to the articles allegedly stolen.

2. That a copy of the investigation be returned to the IG with the view of obtaining more conclusive evidence of the fact that certain properties listed in Exhibit A-1 of the report were actually taken from the residence of General Homma, and that in this connection the IG consult the Theater Judge Advocate as to the additional evidence required in this regard.

Incls: n/c

----- E.M.A. -----



FROM: CPM

TO: SGS  
THRU: G-2, G-1

DATE 23 July 1946

- 5. Approve IG's recommendation, however, suggest that a duplicate copy of this report be submitted to Provost Marshal, 8th Army, for further investigation by expert CID personnel in order that the case can be kept alive and responsible persons can be ascertained.

----- Wm. G. P. -----

6.

G-2

THRU: SGS  
G-1

29 July 1946

- 1. All events transpired prior to the time that CIC came under operational control of G-2.
- 2. All military personnel involved, except one CIC Lieutenant have returned to the United States.
- 3. The I.G.D. conclusions, in basic letter--recommendation are concurred in (Sec. VI pp 9).

----- C.A.W. -----

7

FROM: G-1

TO: SGS

DATE: 31 July 1946

- 1. Concur in the recommendations of the IG as contained in Section VI basic report dated 18 July 1946.

----- E.M.A. -----



Alleged Theft of Personal Articles from Home of  
General Homma

G-1

Theater JA

3 August 1946

7. 1. It is requested that the attached Report of Investigation re Alleged Theft of Personal Property from the home of General Homma be further reviewed and opinions submitted through G-1 on the following questions:

a. In the event of separation from the service, are the former members of the 48th CIC Unit mentioned in the report subject to trial by courts martial; if not, what other course of action may be followed in bringing them to trial.

b. Is the evidence contained in the report considered sufficient to reasonably assure a conviction; if not, what additional evidence should be gathered in Japan and the United States in order to reasonably assure conviction.

Incls: n/c

----- E.N.A. -----



31 July 1946

MEMORANDUM FOR: Major General E. M. Almond

SUBJECT : Recruitment by War Crimes Branch, CAD

The following are specific instances in connection with the recruitment and obtaining of witnesses for IPS that have caused embarrassment to the Theater. Indications are that members of the War Crimes Branch, CAD (particularly Lt. Col. Swearingen) have been the chief offenders.

Case 1: Commitments were made for employing defense attorneys in excess of authorized requisitions and it was only through constant surveillance of telecons that an excess number was not hired.

Case 2: Wm. A. Austin was employed as Defense Attorney, rating P-6, and upon arriving in the Theater it was discovered that he had no legal schooling or experience and had never been admitted to the bar. This man was earlier considered by War Crimes Branch for position as PRO with IPS. However, the C-in-C disapproved setting up such a position and War Crimes informed him by telecon. It appears that his final employment was based upon his PRO qualifications but he was hired as defense attorney. It may be added that we finally succeeded in placing him on another job in the Theater and thereby allayed his contention that he had gotten a raw deal and his threats to inform certain news commentators.

Case 3: Rev. McGee of Yale, witness for IPS, states that he was assured by Lt. Col. Swearingen in telephone conversation to Yale and later in the War Department that the Army would place its air facilities at his disposal to make a personal business trip to China and return. In fact, he states that his decision to come to Japan was based primarily on these assurances.

Case 4: In telecon 17 July 46, IPS was informed that a Chief for the Defense Panel (Mr. George A. Kelly of Detroit) was leaving for Washington the following day for interview for this position. This caused quite some consternation here in view of the previous Defense Attorneys' problems and resulted in a personal message from the C-in-C being dispatched to Washington requesting that further recruiting measures for Defense Attorneys cease.

R.R.C.



Request for Permission for Mother Fitzgerald  
to travel through Japan from Shanghai to  
the United States.

2

FROM G-1

TO: G-2 .

Date: 30 July 1946

1. To be returned to UKLM per telephone conversation Col Coursey  
(G-1) and Mr. Merland of UKLM, 28 July 1946.

1 Incl:  
n/c

----- E.M.A. -----



Commendation for Mr. R. M. Mendenhall

House Committee  
Dai Iti Hotel

Headquarters Commandant

30 July 1946

1. On behalf of the House Committee of the Dai Iti Hotel, I wish to commend to you the abilities and capabilities of Mr. R. M. Mendenhall, Custodian of the Dai Iti Hotel. The efficiency with which he managed the opening of the roof garden at the Dai Iti Hotel on Saturday, 27 July 46 constituted an example of his excellent work as custodian of the billet. In spite of adverse weather, shortage of labor and materials and inadequate cooperation and assistance, the roof garden at the Dai Iti Hotel was opened and promises to be one of the better recreation facilities in Tokyo. The House Committee wishes to commend Mr. Mendenhall not only for this accomplishment but for his general efficiency.

----- Paul S. Cullen -----  
 Lt. Col., F.A.  
 Chairman, House Committee



Visit of Labor Survey Group

G-1

C/S

24 July 1946

3.
  1. By radio WCL 28492/19 July 1946 Washington has requested clearance for a World Federation of Trade Unions Group to visit Japan.
  2.
    - a. This matter was referred to Economic and Scientific Section who gave its comments in check note #2 above.
    - b. G-1 does not wholly concur with Economic and Scientific Section in the action proposed. It is agreed that it would be inadvisable to grant clearance to an organization which represents only CIO. It is not believed advisable, however, to extend an invitation to the AF of L or other labor groups to send similar missions to Japan.
  3. It is recommended that a substitute radio (Tab #3) as proposed by G-1 be approved for signature and dispatch. Chief, ESS, concurs

----- E.M.A. -----

See ourad C-63679



Visit of Labor Survey Mission to Japan and Korea.

C/S

G-1

30 July 1946

After obtaining views of Chief of E&S Section and if you likewise concur, dispatch the following to War Department.

"I have no objection to the proposed visit of the Labor Survey Mission to Japan and Korea as outlined in your General Hodge, the local commander in Korea, states, 'Do not concur in visit to Korea of WFTC Group. However, if political aspects leave no alternative, no further objection will be <sup>inter</sup>posed.'"

----- P. J. M. -----

See <sup>our</sup> Mad C-63679



Rehabilitation of Catholic Church in Japan  
Aide memoire from Bishops O'Hara and Ready

G-1

C/S

26 July 1946

1. The Problem

Roman Catholic Bishops O'Hara and Ready have presented the Supreme Commander with an aide memoire containing five (5) suggestions as to how the Army can facilitate the work of missionaries in Japan. (Tab #1).

Facts:

Radio (CAX 66466/29 Dec 45) to Joint Chiefs of Staff stated policy on return of missionaries to Japan. Former missionaries would be allowed to return to the maximum extent practicable, but such missionaries were not to become a burden on the occupation forces.

At the present time there are less than a hundred operating missionaries living in Japan. To date 143 have been cleared to re-enter Japan as operating missionaries.

Discussion:

Suggestion No. 1. That mail service via approved channels should be extended to all missionaries. (Tab #1)

All aid to civilians and governmental agencies has been either sharply curtailed or removed as of 1 July 1946. General WD policy in authorizing provision to civilians, other governmental agencies and foreign nationals, of supplies and services such as transportation, communications, etc. in overseas theaters, has been that such provision would not require retention of military personnel or facilities beyond point of military necessity or incurrence of expense to WD.

It is believed extending APO privileges to missionaries will place an additional burden on military personnel and, as such, violate intentions of WD policy to remove all aid to civilians and foreign nationals.

15 August 1946 is tentative date set for reopening limited postal communications between Japan and other nations. Since limited postal service will soon be available to missionaries in Japan, extension of APO service is not deemed advisable.



Rehabilitation of Catholic Church in Japan  
Aide memoire from Bishops O'Hara and Ready

G-1

C/S

26 July 1946

(Continued)

Suggestion No. 2. That new missionary personnel be admitted to Japan.  
(Tab #1)

Present policy is to grant clearance for re-admission of former missionaries. Until such persons return to Japan it is not believed advisable to admit new personnel or to modify existing policy. Economic conditions do not warrant untrained and inexperienced missionaries entering Japan at this time. Furthermore, there is a large number of independent missionaries with prior service who, because of lack of representation, have been unable to return under our policy. Consideration should be given to permit return of all with prior service before any new missionaries are admitted.

Suggestion No. 3. That missionaries who are subjects of countries considered to be enemy nations be given a permanent travelling permit to facilitate execution of their spiritual work. (Tab #1)

Nationals of countries with which the U. S. has been at war are forbidden to travel outside the boundaries of the prefecture in which each is domiciled. It is believed this directive should not be changed to ~~exclude~~ <sup>except</sup> missionaries until such time as repatriation of enemy nationals has been finally determined. However, some sort of travelling permit could be granted by CIC to those missionaries who have been cleared of suspicion and will be allowed to remain in Japan. Such a travelling permit would allow these enemy national missionaries to travel outside their prefecture of domicile and would grant them the privilege of buying railway tickets ahead of Japanese. It would not allow these missionaries to ride in military railway coaches.

Suggestion No. 4. That surplus army construction material be made available for purchase by religious institutions. (Tab #1)

There is actually a shortage of construction material at present. In this connection, the Foreign Liquidation Commission has a representative (Lt. A. P. Diehl) in Yokohama who states that both Catholic and Protestant missionaries are in contact with him and will have an opportunity to bid for any materials that may be declared surplus.

Suggestion No. 5. Bishops O'Hara and Ready commend the Committee for the Rehabilitation of the Catholic Church in Japan to the Supreme Commander's continued consideration. (Tab #1)



Rehabilitation of Catholic Church in Japan  
Aide memoire from Bishops O'Hara and Ready

G-1

O/S

26 July 1946

(Continued)

GHQ, SCAP has been dealing with the Apostolic Delegate to Japan and his Liaison Officer, Rev. Bruno Bitter. In March, Rev. Bitter was informed that no recognition would be given to any specific religious committee or to any particular activity. Rev. Bitter was told there was no objection to committees organized to engage in such activities as are normal to religious organizations.

Conclusions:

It is concluded that in general the requests of Bishops O'Hara and Ready should not be favorably considered. This condition is temporary and should be explained to the Apostolic Delegate in this light in order that the information can be transmitted to Bishops O'Hara and Ready.

Recommendations:

It is recommended that the enclosed letter be dispatched to the Apostolic Delegate. (Tab #2) and that letter to CG, Eighth Army (Tab #3) be approved for dispatch.

Tab #1: Aide Memoire fr Bishops O'Hara and Ready.

Tab #2: Proposed ltr to Archbishop Marella

Tab #3: Ltr to CG, Eighth Army

----- E.M.A. -----



ACCOMPLISHMENTS OF PLANS AND POLICY SECTION (G-1) DURING PAST YEAR

26 July 46

1. Recovered Personnel Program

The recovery, processing and evacuation of Allied Prisoners of War and Civilian Internees by the Sixth and Eighth Army in Japan and by the XXIV Corps in Korea, ably assisted by the U. S. Navy, is considered an outstanding feat of the occupation. Utilizing 70 Recovery Teams consisting of U. S. Army and allied military personnel, a total of 34,120 persons were evacuated to Manila P.I. for further repatriation or shipped directly to the United States. Actual recovery work commenced about 5 September 1945, and by 29 October 1945 the task was virtually completed as 33,274 persons were recovered. See attached list for breakdown by military, civilian and nationality.

2. Missionaries

One of the far reaching accomplishments of the Occupation has been to assist in the rehabilitation of the Christian Church in Japan by the establishment of a policy permitting the return of missionaries to Japan. In order that returning missionaries will not be a burden to the Occupation Force, it is required that they give assurances of adequate food, clothing and shelter based on church resources in Japan to the Occupying Force prior to their entry. Denominations who have not had representatives in Japan capable of giving these assurances have been allowed to send representatives to Japan under Army sponsorship, in order that necessary assurances may be given. The responsible heads of the Catholic Church remained in Japan throughout the war and started giving assurances immediately upon announcement of the policy. To date representatives of 34 Protestant denominations have had representatives in Japan. This program has resulted in the clearance of 143 operating missionaries to date with many more expected to follow.

----- R.R.C. -----



**CONFIDENTIAL**

**BASIC:** Ltr fr AG-WD, dtd 3 Jul 46 with 1 Incl 'Staff Study', to SCAP, subj: "Clarification of Legal Status of United States Nationals in Occupied Areas."

AG O14.13 (3 Jul 46) GA

1st Ind.

GENERAL HEADQUARTERS, SUPREME COMMANDER FOR THE ALLIED POWERS, APO 500  
23 August 1946

**TO :** Adjutant General, War Department, Washington 25, D.C.

1. Views requested in paragraph 5 basic communication were submitted by radio CX 64319. As indicated in part three of reference radio, inclosed herewith is copy of Staff Study on which theater views were based.

FOR THE SUPREME COMMANDER:

1 Incl:

- 1 - WD Staff Study w/d Theater Staff Study with Tabs A to I added

*Mailed 1320 Aug 24*



26 July 1946

MEMORANDUM FOR: Lt. Col. M. F. Gilchrist, Jr.

SUBJECT : Clarification of Legal Status of U. S. Nationals in Occupied Areas

Herewith is War Department letter and Staff Study which were dispatched safehand to CG, XXIV Corps on 19 July 46 and which you apparently have not received. In accordance with our telephone conversation this date, request you have the interested Sections study and if practicable give us General Hodge's views on the matter by phone before noon Monday, 29 July.

I am indeed sorry of the non-receipt by you and the resulting rush in the matter. However, I plan to present our study and recommendations to the Chief of Staff Monday afternoon and will appreciate your assistance in giving us your views by that date.

Sincerely yours,

## 3 Incls:

1. Ltr fr WD dtd 3 Jul 46
2. Cpy Staff Study fr WD
3. Cpy Rad CX 63225/19 Jul 46

owad

CX 64319

146-147



MEMORANDUM FOR MAJOR GENERAL E. M. ALMOND

26 July 1946

1. A conference was held at 0900 hours 26 July 1946 among representatives of the Theater Judge Advocate, Chief Provost Marshal, Legal, Government and Diplomatic Sections, Judge Advocate of Eighth Army and G-1 on the subject "Clarification of Legal Status of United States Nationals in Occupied Areas", to determine a recommended reply to the War Department on the attached letter and staff study.

2. It was agreed that the following recommendations be made:

a. No action is necessary on the criminal aspect, inasmuch as there is sufficient law and system of courts operating under existing directives to exercise full jurisdiction in all criminal matters.

b. That the substantive Japanese law be adopted in civil matters to extend over all cases in which United States citizens accompanying the Armed Forces are a party.

c. That no new judicial system except an appellate court be established but that both criminal and civil law be administered within the framework of present occupation courts.

d. That one appellate tribunal be established for the Occupied territory.

3. The Judge Advocate of Eighth Army stated that legal action envisaged within these recommendations could be successfully administered by Eighth Army.

4. The Legal Section, Theater Judge Advocate and P & P Div G-1 are preparing a staff study and recommended reply to the War Department based on discussions and decisions of the conference. This study will be submitted prior to 1200 hours, Monday, 29 July 1946.

----- R.R.C. -----

om'd  
CX 64319/19 Aug



Clarification of Legal Status of U.S. Nationals in Occupied Areas.

D C/S

G-1

17 July 1946

1. Prepare draft of reply to basic letter.
2. Should be co-ordinated with JA Diplomatic Section, Govt. Section, CPM and subordinate commands such as WESPAC, XXIV Corps and Eighth Army.

----- P. W. C. -----

2. FROM: G-1 TO: C/S DATE: 9 August 1946

1. In coordination with agencies listed in paragraph 2 above and under supervision of G-1, the JA and Legal Sections have prepared the enclosed staff study.

2. Recommend:

- a. Approval of Tab I to the attached study.
- b. Dispatch of a copy of the attached study to War Department by first indorsement to Tab A.
- c. Return to G-1 for necessary action.

Incl:  
As indicated

----- E.M.A. -----

omid. cx 64319 / 19 Aug

C/S (FILE COPY)



To Col. Culbertson

Clarification of Legal Status of United States Nationals in Occupied Areas

G-1

19 July 1946

JA  
Dipl Sect  
Govt Sect  
Legal Sect  
CPM

1. Enclosed herewith is copy of letter from Adjutant General, War Department, together with Staff Study, subject as above. In order to effect coordination as directed by Chief of Staff in preparing a reply to the War Department, it is requested that your Section be represented at a conference in Room 543, Dai Ichi Building, 1400 hours on 22 July 1946.

3 Incls: As above

----- E.M.A. -----

Please return to G-1-(P+P)



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AGAO-S-WDSCA 014 (19 Jun 46)

3 July 1946

SUBJECT: Clarification of Legal Status of United States Nationals in Occupied Areas.

TO : Supreme Commander for Allied Powers, Tokyo, Japan; Commanding General, Office Military Government, U. S., Berlin, Germany.

1. Interested War Department agencies have expressed concern over the legal position of dependents of members of the military forces present in occupied areas and an examination of the question has resulted in the preparation of the inclosed Staff Study.

2. It is probable that the existence of communities of United States citizens, many of whom have no military status, will give rise to a large number of legal problems arising out of their relationships and transactions not only with others of the same class but also with the local population. At the present time, it appears that no overall system has been established for the adjudication of such disputes as may arise, nor for the transaction of such non-litigious business as may require disposition.

3. The inclosed study recommends the establishment of civil courts within the system of Military Government Courts. The study further considers the substantive law which might be applied by such courts, pointing out the possibility of either adopting a typical U. S. code such as the Code of the District of Columbia or applying the indigenous law of the occupied territory. The advantages and disadvantages of each course of action are discussed.

4. While it would be desirable to establish a uniform policy for all theaters, it is recognized that conditions vary to such an extent between the European and Pacific Theaters that it may not be practicable to do so. Therefore, the recommendations in this study regarding the application of substantive law have been prepared in the alternative.

5. Your views on the suggested plan are desired at an early date. As there are numerous dependents already present in the various theaters, it is necessary that an overall policy be established with the least practicable delay.

BY ORDER OF THE SECRETARY OF WAR:

s/ Edward F. Witsell

EDWARD F. WITSELL  
Major General  
The Adjutant General

1 Incl.  
Staff Study

C O N F I D E N T I A L

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STAFF STUDY

CONFIDENTIAL

SUBJECT: Clarification of Legal Status of Dependents and other United States Nationals in Occupied Areas

THE PROBLEM

1. To establish a War Department policy, for occupied areas, which will clarify the legal status of dependents of military personnel and other United States nationals present within the occupied zones of Germany, Italy, Austria, Japan and Korea.
2. At the present time in all overseas theaters, military personnel and those civilians who are serving with or accompanying the Army, e.g. civilian employees of the Army, subcontractors, etc., are subject to military law, under the provisions of Article of War No. 2. When charged with an offense such persons are subject to trial by courts-martial and the punitive Articles of War apply. The law of the United States as enunciated by the United States Supreme Court in *Coleman vs Tennessee* (97 U.S. 509) clearly exempts them from any criminal liability under the laws of the occupied territories. While this doctrine does not have universal acceptance by all legal authorities as International Law, it suffices for our present purposes. There is no doubt but that the Articles of War constitute the only criminal law applicable to persons serving in or with the Army overseas.
3. Other United States civilians, including dependents of military personnel and civilian employees, businessmen and merchant seamen, who are not directly connected with military operations, are not subject to the Articles of War. In the absence of contrary provisions persons in this class are now subject to the substantive criminal law of the occupied country as it has been modified or amended by Military Government legislation. All of these people are exempt from the jurisdiction of the indigenous courts, because of Military Government legislation, and when charged with crime are triable before Military Government Courts.



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4. With regard to their civil status and liability for torts and contract obligations, the position of United States nationals who are subject to military law is in some doubt. The opinions of the Supreme Court in *Dow vs Johnson* (100 US 158) and in *Coleman vs Tennessee*, supra, contain language which might be taken to imply that such persons are not subject to either the civil or criminal laws of an enemy country under any circumstances. However, the first of these cases, *Dow vs Johnson*, deals with an act of war, and the second with a criminal charge (murder). These opinions are not considered binding authority on the question of which law is applicable when a dispute arises regarding civil liability resulting from an act of a purely private and personal nature. During military operations, our practice with respect to claims arising out of torts committed by military personnel (processing of all claims as claims against the United States) made consideration of this question unnecessary. It is believed that if the rule established by the cases above cited were to be extended to the field of civil law, the doctrine would not receive general acceptance as sound International Law, and would in all probability prove excessively inconvenient, as is pointed out below.

5. On the other hand, United States nationals in occupied areas who do not come within the definition of "persons subject to military law" are under the traditional doctrine of Conflicts of Law, subject to the substantive civil law of the occupied territories, as amended by Military Government.

6. In the European Theater, the courts of the occupied countries, have been prohibited from exercising either civil or criminal jurisdiction over United States and other United Nations nationals. In Germany criminal charges made against such civilians, whether they are subject to military law or not are triable before Military Government Courts; only military personnel are in fact tried by courts-martial. In Germany a special Military Government Court to try civil claims arising out of accidents caused by automobiles owned or

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operated by United States nationals has recently been established, but no details regarding its jurisdiction or procedure are known here. In Japan the Japanese courts are prohibited from exercising criminal jurisdiction over United Nations nationals. To a limited extent these courts are allowed civil jurisdiction over those persons who are not attached to or accompanying the armed forces. Their judgments are subject to review including revision of the judgment, by the Supreme Commander.

7. The Military Governor in Germany has on two occasions issued legislation specifically applicable to United States or United Nations nationals as a class. Such legislative acts relate to the subjects of marriage and motor vehicle regulation. (Letter AG 451 GAP-AGO, subject Vehicle and Traffic Code, Headquarters, USFET, 27 April 1946; Letter AG 291.1 GAP-AGP, Subject, Procedure to Facilitate the Marriage of Certain Persons in Germany, Headquarters, USFET, October 1945). It is noteworthy that this legislation has taken the form of directives issued to military organizations by Theater Headquarters instead of Military Government legislation. The reason for this probably is that, in the belief that the subject matter primarily concerned persons associated with the Army, it was considered appropriate to publish it as a military directive instead of as general legislation. However, in the case of the marriage directive the effect is to declare that the German marriage law as modified in certain particulars applies to all military and United States civilian personnel and to all United Nations nationals in Germany. In the second instance, the Vehicle and Traffic Code adopts for the government of United States and United Nations nationals only so much of the German law as establishes the rules of the road. A new system for the registration and licensing of vehicles owned by such persons has been created by it on their behalf.

#### DISCUSSION

8. There can be no question but that over a period of years the presence of a community of American nationals, partly military and partly civilian in

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occupied areas will give rise to a wide variety of legal problems. Questions of status such as marriage, divorce, legitimacy of children and adoption are bound to arise. Torts such as will result in rights of action for assault, alienation of affections, trespass and conversion, to name a few will require disposition. Actions in contract and for equitable relief can also be expected. Such disputes will not only involve issues between members of the community of United States nationals but also will involve other United Nations nationals and members of the local population.

9. Probably, at least in Germany and Japan, the Commanding General has practically sovereign power as the result of unconditional surrender. As Military Governor of an occupied zone he has power to promulgate new codes of law, and by appropriate legislative action, adopt a new code, such as that of the District of Columbia, making it applicable to United States and United Nations nationals as a class in both civil and criminal cases. Such a course offers both advantages and disadvantages.

10. The advantages to be gained by establishing the Code of the District of Columbia as the law applicable to United States nationals overseas are that it is an American code, and therefore is generally familiar both to those who would enforce it and those who would be governed by it. The fundamental legal concepts of rights and duties based upon the English common law, as enacted by Congress, are consistent with our customs and practices. The Articles of War, at the present time, include by reference the penal sections of this code. If applied to United States nationals in all occupied areas it would assure their uniform treatment in all overseas theaters. In the Pacific Theater it might also be desirable from the standpoint of prestige, as in the Far East, the concept of extra-territorial rights has been traditionally associated with the exercise of superior power.

11. The disadvantages of following such a course are many. Particularly

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in Europe where policy requires that equality of treatment be afforded all United Nations nationals, the argument that a Common Law code would be familiar to those subjected to it would apply only to United Kingdom and United States nationals. The establishment of a dual legal system would lead to confusion and difficulty in cases where a United States citizen had occasion to deal with individuals or organizations of other nationalities. The establishment of one law for the conqueror and another for the conquered would tend to discredit our pronouncements that we desire to demonstrate democratic principles. In Germany it might lead to emulation in other zones, thereby creating complete legal chaos, the raising of further barriers to interzonal commerce and the encouragement of economic penetration by other powers in the zones assigned to them. It would probably lead to considerable embarrassment in the Control Council. Another factor is that the validity of such legislation might be questioned by our courts and those of other nations under general principles of Private International Law thus making it impossible to predict whether judgments in which a United States national had an interest could be enforced in this or any other country. As a body of substantive law, the German civil and related codes do no violence to our concepts of justice and for the most part do not differ widely from Anglo-Saxon law as far as the end result is concerned. The adoption of indigenous substantive law would accord with the spirit of Article 43 of the Hague Regulations.

12. Should it be argued that the doctrine of *Dow vs Johnson*, supra, creates a doubt as to the propriety of a declaration making the substantive law of the occupied territory applicable to members of our forces, it is pointed out that such a declaration would in effect establish such codes as regulations made by the Commanding General and they would become part of the military law applicable to his command.

13. As far as criminal law is concerned it would appear as a matter of principle that those civilians who are subject to military law are necessarily in a different position from those who are not. In other words, if Military



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Government Courts try a civilian employee of the Army the punitive Articles of War must be applied, whereas when a visiting businessman is tried the provisions of the German criminal code and Military Government enactments apply.

14. After the execution of the Agreement Modifying the Armistice Regime with Italy and the coming into force of the new Civil Affairs Agreement between the United States and Italy, the Italian Government will have almost complete sovereignty. However, jurisdiction of our forces, and of their dependents, will be reserved to the Commanding General of the United States forces for that area. The considerations stated above will affect their position with equal force. The position of United States nationals in Austria is likewise similar to those in Germany.

#### CONCLUSIONS

15. While the Theater Commanders have the power to do so, action has not as yet been taken to remove existing doubts regarding the law governing the civil liabilities of members of our forces in occupied territory. United States nationals who are not subject to military law are now probably governed by the law of the occupied area as amended or modified by Military Government enactments, with respect to their civil and criminal liabilities. It is desirable that action be taken to make known publicly and generally the civil law to which all United States nationals are subject in occupied areas.

16. This law should be either the civil law of the territory in question or the Code of the District of Columbia. In Germany, at least, the law selected should be the German civil law. In the Pacific Theater the balance of convenience would appear to be in favor of the United States code. In any event United States nationals and other United Nations nationals should not be subject to the jurisdiction of the indigenous courts and the present policy of placing them under the sole jurisdiction of courts-martial and Military Government courts for all purposes should be continued.

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17. No question arises as to the adjective or procedural law applicable to the trial of actions involving United States nationals as such law is always established by the law of the forum i.e. the rules of the Military Government courts already established.

RECOMMENDATIONS

18. It is recommended that an appropriate War Department statement of policy be issued to the effect that the civil liabilities of all United States and United Nations Nationals in the occupied territories be determined according to either a. the Code of the District of Columbia; or b. according to the substantive civil law now in force in the occupied zone with such modifications and amendments as have heretofore been or hereafter may be made by Military Government legislation. The policy declaration should further provide that United States civilians who are subject to the Articles of War within the definition of Article No. 2 thereof, are subject to no other criminal law than the punitive Articles of War. That all other United States and United Nations Nationals present in occupied territories are subject to the substantive provisions of the indigenous criminal codes or to the Code of the District of Columbia, as amended and modified by Military Government Law.

19. It is further recommended that Military Government Courts be established with jurisdiction to try and determine all suits of a civil nature to which any United Nations National or United States National may be party. The rules of procedure of such courts should be substantially those established for the District Courts of the United States, and one appellate tribunal in each territory should be created for the purpose of dealing with appeals from the judgment of the trial courts. In Germany it is suggested that one such Military Government Civil Court be established for each of the Laender with its seat at one of the Landgerichte in the area. Appropriate provision should be made in the Rules of Procedure adopted for such courts to provide for the use of the office of the

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Landgerichte at which they sit as the office of the clerk of the court for the purpose of docketing and filing their proceedings and judgments. The appropriate officers of the Landgerichte should also be authorized to certify and exemplify copies of the proceedings and judgments of such Military Government Civil Courts.

20. The regulations governing such courts should provide that no action or proceedings be brought by anyone against an officer or enlisted man of our forces, or against any United States civilian employed by Military Government or by the Army in any capacity, without the permission of the Theater Commander or of such officer or officers as may be empowered to act for him in the premises.

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Location and Status of Yoshitaro Fujikawa

G-1

G-2

26 July 1946

- 1. 1. JCS has requested comments on entry into Japan of destitute wife of subject national, whose address is Nippon, Hassoden, K. K. 37 Motomachi, 2 Chome, Hongo-ku, Tokyo.
- 2. Request verification of location of subject national and information as to whether he is able to maintain livelihood for himself and his wife.

----- E.M.A. -----

From: G-2

To: G-1

Date: 31 July 1946

- (2) 1. Yoshitaro Fujikawa, an engineer, is employed by Nippon Hassoden K.K., 37 Motomachi 2 Chome, Hongo-ku, Tokyo. He is concurrently also an official of sonin rank of the Electric Power Bureau of the Ministry of Commerce and Industry, which supervises the Nippon Hassoden K.K.
- 2. He lives at 329 Tsurumicho, Tsurumi-ku, Yokohama.
- 3. He is able to maintain livelihood for himself and his wife.
- 4. Above information has been provided by Central Liaison Office and by Fujikawa himself.

-----C.A.N.-----

See onward

C-63894 / 5 Aug

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TC/ws

Clearance for Mrs. R. Bush.

IPS, GHQ, SCAP

G-1

24 July 1946

- 1. Attached hereto is a memorandum from the British Division, signed by Mr. A. S. Comyns Carr, Associate Prosecutor for the British Division of the International Prosecution Section, requesting the clearance of Mrs. R. Bush into Japan from Great Britain.

1 Inc.  
 (Described above)

----- T. G. -----

2. FROM: G-1 TO: I G-2 Date: 26 July 1946

- 1. Attached correspondence forwarded as a matter of primary interest to your Section.

1 Incl:  
 n/s

----- E.M.A. -----



File No. AG 463.7 (24 Jul 46) GD

Service Contract with Japan Oil Storage Co.

FROM: G-4

TO: G-1

Date: 24 Jul 46

1. Inclosed herewith is copy of letter contract which has been executed in Washington between the Japan Oil Storage Company and the United States Army, under which said company will receive, store, and distribute military petroleum products within the occupied areas.

2. Also inclosed herewith is copy of the proposed definitive contract to be negotiated between the Eighth Army and the Japan Oil Storage Company.

3. Request comments be submitted on any subject contained in this contract but particularly on those subjects which pertain to your activities.

2 Incls:

Incl 1 - Letter Contract

Incl 2 - Draft of Definitive Contract

----- H.E.E. -----

2.

FROM: G-1

TO: G-4

Date: 26 July 1946

1. Concur in Articles III and VIII of the proposed contract which are considered of special interest to this Section.

----- E.M.A. -----



**Thievery at Dai Iti Hotel**

**House Committee  
Dai Iti Hotel**

**Hdq. Comdt.**

**25 July 1946**

1. Thievery from vehicles parked around the Dai Iti Hotel has shown a marked increase during the past several weeks. Items are being stolen not only from and out of government vehicles, which might more properly be parked in supervised motor pools, but are also being stolen from privately owned cars to which the protection of a motor pool is denied. For example: On the night of 22-23 July a privately owned vehicle of Colonel G. H. Forst was completely stripped of all removable items. The situation is rapidly growing intolerable. Judging from items which are missing, the Dai Iti Hotel parking lot is a fair game for both American and Japanese thieves.

2. It is recommended that an American guard or a thoroughly reliable Japanese guard be placed on duty to walk post in the parking lot of the Dai Iti Hotel between the hours of 2000 and 0800 hours each night.

----- Paul S. Cullen, -----  
 Lt. Col., F. A.  
 Chairman, House Committee



G-1

O of C-in-C

25 July 1946

1. Information on file with 441st Counter Intelligence Corps Detachment indicates that subject German national was a member of the Nazi Party and a Gestapo Official.

2. SCAP Letter, file AG 230 (27 Nov 45)CIS, subject: "Security Clearance and Employment Restrictions of Civilian Personnel", dated 27 November 1945, prohibits employment of former members of the Nazi Party.

3. Since subject national is not employable by occupation forces, recommend no further action be taken in this case.

1 Incl: Ltr fr A. F. Deringer

-----E.M.A.-----



Security Clearance of Certain Siamese  
Nationals.

G-1

G-2 (CIS)

24 July 1946

Attached as inclosure 1 is a list of Siamese Nationals who  
have applied to remain in Japan. Security clearance is requested.

1 Incl: As indicated

-----E.M.A.-----



## Request for Clearance of Alien to Return to Japan.

2. FROM: G-1 TO: G-2 DATE: 24 July 1946

1. Clearance for Mrs. Remedios and child to return to Japan is not favorably considered. It is not believed that economic conditions within Japan at the present time are such as to permit the return of aliens having homes in Japan.

2. The only exception to policy of allowing civilians to return to Japan, other than those lending direct assistance to the occupation, has been that of permitting former missionaries to reenter Japan. And the basis upon which return of missionaries is justified is that they, as individuals, are indirectly assisting in carrying out the long-range purposes of the occupation.

3. It is assumed that Mr. Remedios' livelihood in Japan is dependent upon his employment by the U. S. Army. As yet, business men such as a representative of Cooper, Findley, Ltd. are not allowed to be in Japan. If Mr. Remedios were to lose his employment with the U. S. Army, he would be dependent solely upon the



Request for Clearance of Alien to Return to Japan

G-1

G-2

24 July 1946

(Continued)

income he may have saved and has available here in Japan. Mr. Remedios has no right by virtue of his current position with the U. S. Army to have his dependents returned to Japan. The only dependents allowed to enter Japan at the present time are wives and children of military personnel and allied personnel directly connected with the occupation forces and who have established the necessary priority.

3 Incls: n/c

----- E.M.A. -----



**Correspondence fr Japanese**

4. FROM: G-1 TO: Legal Section Date: 24 July 1946

1. The attached letters are forwarded as a matter pertaining to your Section.

2. Request that necessary action be taken.

4 Incls:  
n/c

----- E.M.A. -----



Temporary Duty Involving Air Travel

CIE

G-1 (Concurrence)  
G-4 (Air Priority)  
AG (Publication of Orders)

22 July 1946

1. Request concurrence and issuance of invitational travel orders, on a revenue basis, for Reverend Horace G. Watts, Canadian Citizen, for air travel to the United States, on or about 24 July 1946.

2. Reverend Watts has completed his mission in Japan, and desires to return to Canada to report his findings.

3. Reverend Watts is a representative of the Church of England in Canada.

1 - Incl.  
Incl. No. 1 - TPA Form 1 (in dupl.)

-D.R.N.-

2.

FROM: G-1

TO: ~~CIE~~ <sup>AG</sup>

DATE: 24 July 1946

1. Request for air travel not favorably considered.

Reference: Sec III, WD Circular #37, 6 February 1946.

2. Invitational travel orders not necessary as basis for Rev. Watts to arrange his return passage by water.

*For issuance of orders -*

-E.M.A.-



Commendation for Japanese Citizens of Sashikiji Village, O-Shima Island

G-2

G-4

18 July 1946

- 1. 1. G-1 does not wholly concur in the proposed action. It is believed that a commendation for the villagers involved is highly desirable. In the matter of reimbursement for foodstuffs and gasoline, it is believed that any such reimbursement should be made directly from United States sources in order to strengthen the gesture of gratitude, or that no gesture at all should be made. To suggest or require the Japanese Government to make such a gesture on our behalf not only weakens but actually nullifies any beneficial results that might accrue even though the supplies furnished by the Imperial Japanese Government might originate from United States sources.
- 2. It is recommended:
  - a. That a letter of commendation be sent to the villagers concerned.
  - b. That reimbursement to villagers be furnished from United States sources or no action whatsoever be taken in connection with such reimbursement.

----- E.M.A. -----

See ltr to Jap govt -

L-86 - Correspondence



FOREIGN NATIONALS IN JAPAN

(as of 11 July 1946)

NATION	INFORMATION SECURED FROM					NO.
	Dipl Sect	Brit. Emb.	Swed. Leg.	For. Sec CIS	OTHER	
<b>I UNITED NATIONS</b>						
Australia		X				1
Belgium				X		21
Bolivia			X			0
Brazil	X					10
Canada		X				45
Chile	X					0
China					Off DCS	14,605
Columbia	X					0
Costa Rica	X					0
Cuba	X					4
Czechoslovakia					Survey by IJG	18
Denmark			X			9
Dominican Republic	X					0
Ecuador	X					0
Egypt					Swiss Rep.	6
Ethiopia				X		0
France					French Rep.	383
United Kingdom		X				70
Greece			X			12
Guatemala	X					1
Haiti	X					0
Honduras	X					0
Iceland				X		0
India		X				4
Iran (Persia)	X					4
Iraq					Swiss Rep	14
Lebanon	X					4
Siberia				X		0
Luxembourg			X			0
Mexico			X			6
Netherlands					Neth. ( Rep. (	48 Nationals 134 Subjects
New Zealand		X				1
Nicaragua	X					0
Norway			X			4
Panama	X					1
Paraguay	X					0
Peru	X					2
Philippines	X					25
Poland				X		25

(continued)



- 3 -

FOREIGN NATIONALS IN JAPAN

(Continued)

NATION	INFORMATION SECURED FROM					No.
	Dipl. Sect.	Brit. Emb.	Swed. Leg.	For. Sec. CIS	Other	
Salvador	X					0
Saudi Arabia	X					4
Syria	X					0
Turkey			X			1
Union South Africa		X				0
U.S.S.R.	X					5
U.S.A.	X					10 Caucasian 15,000 Jap claimants
Uruguay	X					0
Venezuela	X					0
Yugoslavia				X		0
						<u>15,343</u>
						134
						<u>15,000</u>
<u>SUB-TOTAL:</u>						30,477

NEUTRAL NATIONS

Afghanistan				X		7
Ireland (Eire)				X		16
Portugal				X		74
Spain					Span. Rep.	103
						30
Sweden			X			
Switzerland					Swiss Rep.	95
<u>SUB-TOTAL:</u>						324

ENEMY NATIONS

Bulgaria			X			0
Germany					Survey by IJG	2,543
Hungary					Survey by IJG	42
Rumania			X			<u>3</u>
<u>SUB-TOTAL:</u>						2,588



**NATIONS WHOSE STATUS HAS CHANGED  
AS A RESULT OF THE WAR**

<u>NATION</u>	<u>REPRESENTED BY:</u>					<u>NO.</u>
	Dipl Sect	Brit. Emb.	Swed. Leg.	For. Sect CIS	Other	
Argentina			X			4
Finland			X			2
Italy					Survey by IJG	337
Siam	X					<u>100</u>
<u>SUB-TOTAL:</u>	-----					443
<u>GRAND TOTAL:</u>	-----					33,832
<u>CHINESE</u>	-----					<u>14,605</u>
<u>TOTAL LESS CHINESE</u>	-----					19,227
<u>JAP U.S. CLAIMANTS</u>	-----					<u>15,000</u>
<u>TOTAL LESS CHINESE AND JAP U.S. CLAIMANTS</u>	-----					4,227

OTHERS

<u>NATION</u>	<u>INFORMATION SECURED FROM:</u>					<u>NO.</u>
	Dipl Sect	Brit. Emb.	Swed. Leg.	For. Sect CIS	Other	
Burma				X		8
Estonia				X		9
French Indo China				X		30
Latvia				X		4
Lithuania				X		1
Vatican				X		2
White Russians				X		500
Stateless				X		163



JCS Military Permit of Charles S. Reifsnider

G-1

AG

24 July 1946

1. Request JCS military permit of Charles S. Reifsnider be returned by letter of transmittal to the Joint Chiefs of Staff.

1 Incl:  
JCS Military Permit #12364-Reifsnider

----- H.M.A. -----