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THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

DEPARTMENT OF STATE JUN 9 1945

DIVISION OF COMMERCIAL POLICY MAY 14 1945 DEPARTMENT OF STATE

AMERICAN LEGATION

Bern, April 26, 1945.

Unrestricted.

No. 11588.

Subject: Economic Press - Japan.

Via airmail pouch.

COMMODITIES DIVISION JUN 19 1945

OFFICE OF EUROPEAN AFFAIRS DEPARTMENT OF STATE MAY 5 1945

DIVISION OF EUROPEAN AFFAIRS MAY 7 1945

RECEIVED DIVISION OF CENTRAL SERVICES

1945 MAY 3 PM 2 58

WAR AREAS ECONOMIC DIVISION

WAR AREAS ECONOMIC DIVISION JUN 5 1945 DEPARTMENT OF STATE

894.504/4-2045

The American Minister in Bern has the honor to report the following information obtained from the press in regard to economic conditions in Japan.

Nachrichten fuer Aussenhandel, Berlin, 20th March. Mg. Tokyo. According to the "Toyo Keizai", the employment situation in 1944 was characterized by the organized employment of students and school pupils. On 18th January, the restriction of the employment of students to four months annually was revoked so that students and pupils may now be mobilized for the entire year. Previous to that date, school pupils could be mobilized only from the third class in high school upward, whereas now the first and second high school classes and the seventh and eighth years of elementary schools are included in the mobilization. Millions of additional workers were obtained through the change-over from temporary to permanent employment. Even these mobilization measures, however, did not completely cover the demand for labor and in November 1944, the mobilization was extended to include pupils in evening schools. By a decree published in August, the regulations on the employment of female labor were tightened; the changing of places of work was made more difficult; the Women's Labor Corps was strengthened and changed from a private to a public organization so that refusal to work is now punishable; and provision was made for the transfer of incompletely occupied workers to other places of work, for example, from offices to armament plants. From 1st February 1945, the mobilization of

women

DCR - EC

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NOTE SENT TO DCR/O

Note to 894.60

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women was extended to include unmarried women, married women whose husbands are not living in the household and childless women up to 40 years of age.

Nachrichten fuer Aussenhandel, Berlin, 1st February. According to the "Oriental Economist", large industrial firms and mines in northern China are encountering increasing difficulties in obtaining adequate labor. The supply of labor from other districts has also considerably decreased in Manchukuo. According to figures released by the Industrial Labor Association, the number of workers who migrated from northern China to Manchukuo amounted to 370,000 in the first half of 1944 as compared to almost 750,000 in the first half of 1943. The number of Chinese workers sent to Manchukuo in 1944 was 40 percent below schedule. In addition to this very considerable quantitative decrease, a decrease in the quality of the exported labor was also observed.

Nachrichten fuer Aussenhandel, Berlin, 1st February. Following the announcement by Shanghai officials of forthcoming important decisions with regard to the distribution of electricity and fuels to industries, it is expected that industrial activity will soon revive. As a result of the interruption of the distribution of electricity, industry in Shanghai has been very considerably handicapped and numerous factories have been closed. This development had a very disadvantageous effect on the general industrial situation and led to a general increase in prices of manufactures. The new distribution of electricity to industry will be made according to the importance of the plants whereby the most favored industries and their monthly collective allotments are as follows: 800 plants of the textile industry 1 million kilowatt hours, 300 plants of the chemical industry 600,000 kilowatt hours, 200 plants of the food industry 320,000 kilowatt hours, 1,100 plants of the machine industry 300,000 kilowatt hours, ice factories 12,000 kilowatt hours and other industrial firms 12,000 to 20,000 kilowatt hours. A total of 2.4 million kilowatt hours of electricity is to be distributed to 2,700 registered factories.

Original and hectograph to the Department.
One copy to Embassy, London.

JR

File No. 850.

HL/JFR/ja

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : ILH - Mr. Mulliken

DATE: July 14, 1945

FROM : ILH - Mr. Sullivan

SUBJECT: Labor Policy of Military Government in Japan

*File
DC/R:HW
6-16-48*

A preliminary draft of CAD 222a, entitled Japan: Economic Policies During Military Occupation, contained the following section under the heading "Labor".

With a view to encouraging the development of democratic procedures and institutions in Japan, any laws or regulations which hinder the revival and growth of a free labor movement should be abrogated. Laws or regulations which have the effect of depressing wages to an artificially low level, and which might tend to give Japan an unfair competitive advantage in world markets, should also be abrogated. Existing controls and legislation regarding employment exchanges, social security benefits, and other social services should be maintained in so far as practicable.

The military occupation authorities should encourage the development of a democratic labor movement. Positive action might take the form of recognizing the rights of labor groups to organize and bargain collectively and of utilizing the services of labor organizations in so far as possible in problems of labor recruitment and administration.

Mr. Willcox did not agree with certain implications of the section, and at a conference on May 22 attended by Messrs. Haley, Willcox, Plank and myself, it was rewritten to read as follows:

With a view to encouraging the development of democratic procedures and institutions in Japan, any laws or regulations which hinder the revival and growth of a free labor movement should be abrogated, and recognition should be given to the right of labor to organize and to bargain collectively. Existing practices, controls and legislation regarding employment exchanges, social security benefits, and other social services should be maintained in so far as practicable.

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CS/A

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A suggested wording of a clause in the SWNCC paper recommending the utilization of labor organizations by Military Government officers is as follows:

Where conditions warrant Military Government should give positive encouragement to labor organizations by utilizing their services in problems of labor recruitment and administration.

This sentence might be added on to Section IV Recommendations, either as part of B2a (page 17 of preliminary draft), or at the very end under B4c (page 21). Another possible location would be to place it under "Basic Policy," A2 (page 14), but this might give it more emphasis than is wise, and it would have to be repeated under B, Recommendations.

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MEMORANDUM

*File
DC/R:HW
6-18-48*

July 26, 1945

JAPAN

THE CIVILIAN VOLUNTEER COMBAT CORPS AS AN INSTRUMENT
OF LABOR CONTROL

Summary

Labor difficulties seem to be a major preoccupation of the Japanese Government today. It may not be going too far to state that war weariness, hunger and a lethargy induced by a growing conviction of impending defeat on the part of many of the workers of Japan seems to have seriously retarded production and the speed of repair of factories damaged by bombings and shellings. Patriotic propaganda and new organizational methods are now being developed on a large scale in the struggle to maintain morale and production. The "Civilian Volunteer Combat Corps" appears to be the technique that will be used more and more in this battle on the home front because of the larger degree of control that can be exercised over members of these units than over members of the less formally organized "Civilian Volunteer Corps."

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JAPANTHE CIVILIAN VOLUNTEER COMBAT CORPS AS AN INSTRUMENT
OF LABOR CONTROL.

Recent broadcasts from Japan have shed further light on the specific purposes to which the "Combat" sections of the recently organized Civilian Volunteer Corps are to be put. In an earlier report it was stated that labor mobilization appeared to be the chief objective of this move. 1/ Nothing that has appeared since then would seem to call for a change in the earlier interpretation, in spite of the constant repetition of the combat potentialities of the organization. In fact the units currently being organized within the Civilian Volunteer Corps, which are designated "Civilian (or People's) Volunteer Combat Corps," are clearly designed to be militarily controlled shock-workers organizations in those branches of economic activity considered to be most vital and at the same time most severely threatened by our air and naval offensive.

The Combat Corps were formally sanctioned on June 22 under the "Volunteer Military Service Law" which was passed "in order to be able to call the members of the Civilian Volunteer Corps to the colors and make them soldiers." 2/ In explaining the purpose of the new law it was stated the former conscription law was unsatisfactory as it had "the drawback of depriving the very young, the women, and those people who have already been exempted from compulsory military service, of the privilege of participating in the glorious duties of the decisive war on the Imperial Land." 3/ Males between the ages of 60 and 15 and females from 40 down to 17 years were declared eligible for service in these "combat" units, thus narrowing somewhat the age limits that had been set for members of the Civilian Volunteer Corps which were from 65 to 15 for men and 45 to 15 for women. 4/ While much stress was laid upon the term "combat" in the earlier broadcasts, and the public was told that the combination of soldier-worker was traditional in Japan, again and again emphasis was laid upon the primary

importance

- 1/ Recent Steps in Labor Mobilization in Japan, June 7, 1945.
- 2/ F.C.C. Daily Reports, July 6, 1945.
- 3/ Ibid.
- 4/ F.C.C. Daily Report, June 22, 1945.

- 3 -

importance of the productive function, and prospective members of the combat corps were told they must remain at their jobs until the enemy reached the very doors of their factories or shops, unless ordered to leave. If the enemy arrived they were to battle to save their places of work, and their duty then was "not to be taken alive or to die dishonorably." ^{5/} Other factors that indicated a lack of serious military intent, in contrast to the steps taken in Germany in organizing the Volkssturm, were seen in the admitted lack of intent to provide uniforms or weapons for combat corps members, at least in the near future, as well as in the apparent unwillingness to sacrifice vital working time for the purpose of furnishing military training for the members of the corps.

The details made available in connection with the recently announced formation of the first "combat corps" now makes it possible to state more confidently than previously that labor mobilization in the most strategic industries under semi-military discipline is the special purpose of this move. This first unit, still in process of organization, is the Railway Civilian Volunteer Combat Corps. Some of the announced details of its structure are as follows: (1) The Commander will be under the control of the Chief of the Army General Staff, ^{6/} hence full military control seems assured. (2) Not only are the employees of the State and private railways affected, but also those concerned with railway vehicle manufacturing companies, railway engineering companies, rail control associations, etc. ^{7/} (3) "The work of the members of the corps will consist of their usual daily duties, although there may develop a situation where they will have to engage in actual fighting." ^{8/} (4) Members of the corps may continue to live at home and will be paid the same salary as heretofore, but "by being mobilized . . . officials and employees of the State Railways . . . become members of the Imperial Army and thus it is expected that an adjustment and improvement of transportation will be effected. ^{9/}

Discipline,

- ^{5/} F.C.C. Daily Report, June 25, 1945.
- ^{6/} F.C.C. Daily Report, July 7, 1945.
- ^{7/} Ibid
- ^{8/} Ibid
- ^{9/} Ibid

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Discipline, an earlier report stated, will be of a military nature but not as severe as in the case of the regular army since punishment will not be determined by army court martial, "but will be handled leniently." 10/

Evidence that aircraft product workers will also soon be formed into "combat units" is found in a Tokyo Mainichi editorial of July 16, which expressed the "full support of the Nation" for the Government's aircraft production policy as explained by Lt. General Ando, Director of the Air Army Bureau of the Munitions Industry. The paper attached special significance to Ando's words that "those directly affiliated with the work of aircraft production should be organized as a combat unit of the Civilian Volunteer Corps, namely, the soldiers of His Imperial Majesty the Emperor." The Mainichi urged the Government to take this step "in order to assure maximum efficiency in the work of the munitions aircraft production." 11/ Another field in which a "combat corps" may soon be organized is that of road transportation. The army has taken charge of what they call "land express transportation" and has set up a "Land Express Administration" under the direction of Lt. General Masao Yoshizumi. All automobiles, trucks, horse, ox and hand carts have been placed under the control of this new agency, and the director has intimated his desire to set up a "combat corps" in this line of effort. 12/

Some speculation seems warranted upon how enthusiastically the people of Japan have received these mobilization edicts. Complaints regarding labor absenteeism and the unauthorized evacuation of what is called the "essential wartime personnel" from the bombed cities have been filtering through for some time now. Domei recently quoted Navy Vice Minister Takeo Tada as having stated in a speech to employees of the Navy Ministry that the Government was encountering "both wilful neglect of duty and resentment." 13/ Premier Suzuki also is reported by Domei as having made a tour of Japanese aircraft factories "to encourage the workers." 14/ Other statements by high Government officials dwell constantly and heavily on the importance of everyone

doing

- 10/ F.C.C. Daily Report, June 13, 1945.
- 11/ F.C.C. Daily Report, July 16, 1945.
- 12/ F.C.C. Daily Report, July 19, 1945.
- 13/ New York Times, July 23, 1945.
- 14/ Ibid.

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doing his duty, labor limitations being stressed as the bottleneck in the problems of transportation and production. 15/ Such statements undoubtedly oversimplify the production problem of war-ravaged and blockaded Japan today, but need not be entirely disregarded on that account. An editorial in the July 23 Tokyo Asahi "sharply admonished" the Japanese Government to take steps at once to provide improved facilities for war production work, and to establish better conditions for the workers. 16/ Moreover, we find the Government being publicly urged to take more drastic steps in mobilization. The Mainichi editorial is one example of this. A long article by Iichiro Tokutomi, dean of Japanese journalists and an aggressive Nationalist, entitled "The Way to Victory in the Homeland Battle" which was transmitted by Domei in Romaji to G.E.A. on July 12 and 13 is another. This article called for all munitions factories to be commanded by the Army, with workers regarded as working soldiers. In fact Tokutomi advocated turning all affairs relating to agriculture, commerce and industry into the hands of the army. 17/ In view of all existing circumstances one cannot but believe that such promptings are inspired by the extreme nationalistic government and army clique, and that they are either paving the way for further controls or are in the nature of trial balloons for testing public reaction.

- 15/ See articles by Transportation Minister Kohiyama and Lt. Gen. Masso Yoshizumi in FCC, Daily Report, July 19, 1945.
16/ New York Times, July 24, 1945.
17/ F.C.C. Daily Report, July 12-13, 1945.

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MEMORANDUMFile
DC/R:hw
6-18-48

August 9, 1945

JAPAN: CURRENT EMERGENCY LABOR CONTROL MEASURES

On the morning of July 27 Tokyo broadcast a general statement to the effect that a readjustment of enterprises was necessary in order to cope with the problems of the expected invasion of Japan, and that as a result of studies by various Ministries, certain measures affecting the utilization of labor would speedily materialize. ^{1/} Since that time a number of significant developments affecting manpower and labor have been reported, the outstanding ones of which are enumerated below.

1. Conscription and Control of the Skilled Labor

The Munitions and Welfare Ministries have announced a new scheme through which the more highly skilled workers will be controlled. This plan calls for the organization of "Technicians Task Units" which will be under the orders of the industrial "Control Associations" and other control groups. Individuals who have had any technical experience may be conscripted into these units and transferred from factory to factory or one locality to another as necessity determines. Details of the law make it quite clear that this is a move in the direction of ensuring continuing control over laborers whose homes or work places have been destroyed in order to prevent either their disappearance or any appreciable lapse of time before reassignment to other enterprises. In order to implement this the control bodies rather than the individual factories are made responsible for the allowances and housing of the members of the units. ^{2/} This move, it might be noted, constitutes a second major step along this line, the first having been the promulgation on May 26 of the "Law Pertaining to Acutely Vital Affairs of War Time Essential Personnel", ^{3/} under which all factory workers whose shops were destroyed were compelled under penalties to register with the authorities for job reassignment.

2. Marine

- ^{1/} FCC Daily Report: July 28, 1945.
^{2/} Ibid
^{3/} See comments by writer entitled "Recent Steps in Labor Mobilization in Japan", June 7, 1945.

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2. Marine Combat Corps

A Shipping Volunteer Combat Corps, attached to the Navy, and embracing all of the nation's seamen has been organized. The unit of organization is the crew of each ship, and each unit will be designated by the name of the ship. The object, as given by Domei, "is to give the status and honor of volunteer soldiers (sic) to men in the maritime service". ^{4/} Another object may be discerned from portions of a radio speech made by Director Hoshina of the Naval Affairs Bureau of the Navy Ministry, in which he stated "If there should be any act unbecoming a Japanese seaman, such as refusal to board ships or a walk-out from ships, such seamen will be strictly punished under military regulations". ^{5/} It is worth recalling that the Seamens Union prior to 1939 was one of the most powerful unions in Japan, embracing over 90% of all seafarers. Group resistance could be developed here more easily than in any other section of Japanese labor.

3. Decentralization of Labor Controls

The Welfare Ministry, in keeping with the overall government policy of decentralization of functions, has decided upon a wholesale transfer of its official powers to various regional authorities. The transfer at this time affects 115 separate functions, including the powers based on the National Labor Mobilization Act and other laws pertaining to labor service. This move, it is stated, "means that a mobile distribution of labor may be expected, as well as a promotion of policies to cope with actual conditions in each district". ^{6/} A detailed list of the functions to be transferred are included.

4. Railway Combat Corps Inaugural

The Railway Combat Corps, the first combat unit organized under the Volunteer Military Service Law, held an inaugural ceremony at the grounds in front of the Imperial Palace on August first. Director General

Horiki

- ^{4/} FCC Daily Report: August 2, 1945
- ^{5/} Ibid
- ^{6/} FCC Daily Report: July 30, 1945

- 3 -

Horiki of the General Railway Bureau, who is commander of the Corps, read a proclamation in which the importance of the functions of the Corps and the fact that the members were bound by strict military discipline were stressed. 7/

Conclusion

The amount of time given by the Tokyo radio to problems concerning labor continues to be a surprise. Complaints regarding the attitude of labor and of the lack of efficiency of the government's labor controls are constantly being voiced. A recent Yomiuri-Hochi editorial perhaps sums up the attitude of many of these complaints when it says: "As the key of all war effort, labor and its proper distribution comes first in order for the administration to tackle." 8/ The real explanation of this "labor problem" is undoubtedly the great damage that our forces have wrought, damage that has materially reduced the output of munitions and war supplies, and the tasks involved in clearing, reconstructing and industry dispersal are so great that a real shortage of manpower is being felt. Further complicating and confusing the situation is the fact that in the areas of greatest destruction many of the more skilled are either not employed or are performing unskilled tasks. In order to try to solve this problem labor conscription and regimentation schemes of various kinds are being worked out. It is probable that before long all Japanese workers will be carrying out their duties under some form of military control and subject to direct and immediate military discipline.

7/ FCC Daily Report: August 2, 1945.

8/ FCC Daily Report: August 1, 1945.

ILH:PBSullivan:md
8/9/45

FOREIGN ECONOMIC ADMINISTRATION
~~BOARD OF ECONOMIC WARFARE~~

MEMORANDUM

TO: ~~E. B. Lyon~~
Foreign Activity Correlation
State Department

FROM: Constance G. Gaynor, Chief,
Project Control Staff

DATE: OCT 17 1945

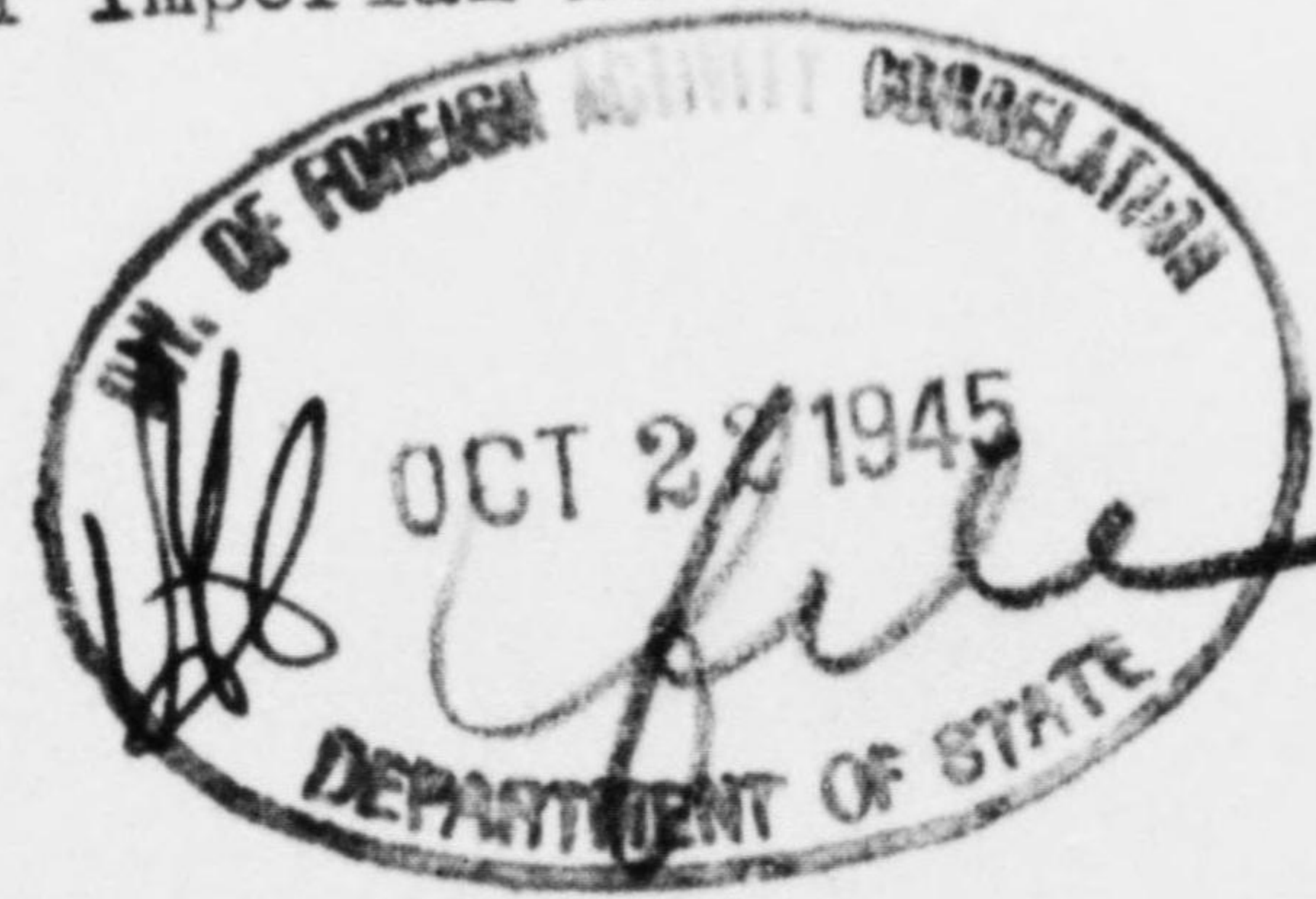
~~SECRET~~

Attached for your use are copies of the two following FEA Reports:

- LM-2: Working Conditions in Japan Other Than Wages and Hours.
- EA-17: Administration of the Property of Imperial Household in Japan.

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FEB 21 1946

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LM-2
CONFIDENTIAL
Copy No. 286

FOREIGN ECONOMIC ADMINISTRATION
Enemy Branch

WORKING CONDITIONS OTHER THAN
WAGES AND HOURS IN JAPAN

Special attention is called to the fact that this document was substantially completed prior to the surrender of Japan. Persons using this document are cautioned that its recommendations were written prior to the acceptance of the Potsdam Declaration and the Instrument of Surrender. All recommendations must, accordingly, be critically examined in the light of current U.S. policy.

Report is filed in storage file,

September 1945

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INTRODUCTION

This report describes prewar and wartime working conditions in Japanese industry, and makes recommendations for action by Military Government with respect to working conditions in Japan during occupation.

For the purposes of this report, "working conditions" has been taken to mean safety, hygiene, and industrial discipline. Wages and hours are not discussed.

Three main segments of Japanese industry are covered in this report:

- A. Factories (with or without attached dormitories);
- B. Mines;
- C. Merchant marine.

In commerce, transport, government, and the service occupations, working conditions were largely unregulated before the war, and there is little information available which would be helpful to Military Government. These industries are therefore covered only indirectly, as, for example, in the discussion of special legislation for the protection of women and children.

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CHAPTER I

SUMMARY AND RECOMMENDATIONS

A. Conditions Expected to Confront Military Government

Even before the war, working conditions in Japanese industry and commerce were inferior to those in most western countries, although they were in general better than those in China and some parts of the East. The mining and cannery industries were among the worst with respect to standards of hygiene and safety, but in nearly every industry conditions in certain establishments fell below minimum standards. Working conditions also varied by group, with imported Korean laborers usually most disadvantaged. In the case of women and children, working conditions were of special importance because of the prevalence of the dormitory system, under which most of the time of the laborer, both during and after working hours, was spent in the compound. Conditions in the dormitories, while often representing an improvement over the intense poverty of the household which had been compelled to indenture its daughters to the factory, did not provide an adequate standard of living. This was also true of the large number of household enterprises in which women, children, and old people were employed for long hours at low wages, and which were usually exempt from any legal controls.

Legislation for the protection of the worker existed in detailed form, but standards were generally low, coverage was restricted, factory inspection was inadequate, and many loopholes, ambiguities and exceptions vitiated the laws and their enforcement. In the absence of economic pressures for improvement, half-hearted efforts at enforcement by the government were not likely to meet with much success. Enforcement of the legislation in question was under the jurisdiction of the Bureau of Social Affairs and the Mines Inspection Bureau, both in the Department of Home Affairs (Department of the Interior). ^{1/} These agencies were not adequately staffed, and many violations went unreported. Furthermore, in order to prosecute an employer for violation of the law, representatives of these bureaus had to work through the local police, and the enforcement machinery frequently broke down at this level.

^{1/} In 1938, the Mines Inspection Bureau was transferred to the Department of Welfare, and relevant functions of the Bureau of Social Affairs were taken over by the Bureau of Labor in the Department of Welfare.

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For a variety of reasons, employees were able to contribute little to the enforcement of legal requirements for safety and hygiene, and virtually nothing to the promotion of higher legal standards. Fear of losing employment was a constant deterrent to independent action on the part of Japanese workers until well into the 1930s, but economic pressure was probably less important than other forms of social and political control. Religion, education, and the press systematically indoctrinated the Japanese worker with anti-democratic ideas, and taught him to regard military aggression as the only means of bettering his economic situation. Employee activities were closely supervised to insure their following the official ideological patterns, and this supervision was of course facilitated by the dormitory system. In addition, an intensive police campaign was carried on during the 1930s to break up any labor unions or other organizations unwilling to hew to the official line on social and political problems. ^{1/} By such means independent thought and action were stifled, and the acceptance of unnecessarily low standards of safety, hygiene, and comfort perpetuated.

The prevalence of undesirable working conditions in prewar Japan was thus due in part to the inadequate character of the existing legislation and of its enforcement by the government, and in part to the measures taken to prevent effective action on the part of Japanese workers for the improvement of these conditions.

As a result of the war, the working conditions of the Japanese laborer deteriorated considerably. A good deal of the protective legislation was suspended or abrogated, and the factory and mine inspection staff reduced in numbers. In the intense drive for production at all costs, safety devices were neglected, and even the pre-war hygiene standards were not maintained. Where food or living quarters were supplied by the workers themselves, the decline in quality of some wartime goods and the unavailability of others adversely affected the standard of living, and this was equally true of conditions in lunchrooms and dormitories provided by management. The small shops, which were not covered by the factory legislation continued to have the worst working conditions, and when the large war plants are shut down at the end of hostilities, are likely to employ a proportionately larger number of the industrial labor force than before the war. Women were absorbed in increasing numbers into heavy industries unsuited for them and often without the proper safeguards. There was a sharp increase in the number of the most poorly treated group of all, the imported Korean workers. In addition, the extensive air-raid and bombardment damage inflicted on factories and workers' dormitories and barracks, brought discomfort, disorganization, and danger. By the close of the war, the Japanese laborer was probably working under worse conditions than for many decades.

^{1/} See Civil Affairs Guide, Trade Unions and Collective Bargaining in Japan.

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To bring about acceptance of such working conditions, the Japanese government utilized both persuasive and coercive measures. Persuasive measures included an intensification of propaganda in press and radio, supplemented by a morale-building program of entertainments, pilgrimages, and other group activities. The principal coercive measures taken were passage of the Factory and Workshop Supervision Act and drastic revision of the Peace Preservation Act. The Factory and Workshop Supervision Act was passed in 1944 and reflected the failure of persuasive measures to secure the desired degree of cooperation from the working population. By establishing a rigid system of in-plant discipline, this act virtually put industrial workers under martial law. The system was used in mines as well as in all "vital" factories. The Peace Preservation Act, which had long been used as a basis for police raids on meetings of labor unions and other non-conformist organizations, and to justify seizing and holding the leaders of such organizations, was amended in 1941 to permit the application of the death penalty to anyone belonging to any organization which advocated a "change in the national polity"--a phrase which covered every aspect of national political and economic life. Lengthening of the workday and increased use of dormitories, by simplifying the regimentation of employees, made both persuasive and coercive measures more effective than they would otherwise have been.

The effect of Japan's defeat on employment may cause further deterioration in working conditions, because the individual employee has been rendered helpless by government measures, and employers may be expected to take full advantage of this helplessness. The Japanese worker may be understandably restive if further deterioration occurs.

B. Concern of Military Government with Working Conditions

In the early period of occupation, Military Government will, in general, not concern itself with the working conditions of the Japanese laborer, with two exceptions. In cases where Military Government hires Japanese labor directly or where it operates industrial establishments directly, e.g., government railways, tobacco curing, it will be necessary for Military Government to fix the working conditions of its employees. Secondly, it will be a responsibility of Military Government immediately to wipe out any government regulations which perpetuate a system of industrial discipline contrary to democratic practice or preventing the growth of democratic ideas and organizations.

As the occupation continues, Military Government will be concerned to see that the operation of industries essential to military operations and security not be interrupted and that labor disputes in general be kept to a minimum. In view of the expected

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mass unemployment and the consequently weak bargaining position of labor, it is not expected that many disputes or strikes will occur as a result of poor working conditions. However, where stoppages occur or are likely to occur as a result of intolerable conditions, Military Government will be compelled to concern itself with working conditions of laborers under private employers.

From the long-run point of view, Military Government will be desirous of enlisting the support and cooperation of the laboring population. Any gestures made or measures taken by Military Government towards the improvement of working conditions, or at least the reestablishment of pre-war conditions, will probably be helpful in inducing labor support and convincing the Japanese public that cooperation with Military Government is desirable.

Finally, to a small extent it may be possible to help alleviate the mass unemployment which will occur by means of regulations restricting employment of women and children, and distributing the available jobs as far as possible among the heads of families.

C. Recommended Program for Military Government

In general, it will be desirable to utilize as much as possible of the existing Japanese legislation which has been suspended and former Japanese legislation which may have been abrogated. Conversely, in the case of industrial discipline particularly, it will be possible to achieve Military Government objectives by the repeal of repressive legislation on the books.

While little can be done to alleviate some of the most basic economic problems of the occupation period, advantage should be taken of whatever opportunities may be available to educate the Japanese worker and direct his hostility away from the Military Government and against those Japanese who are responsible for his misery. By providing protection from some of the major hazards of industrial employment, and by opening the door to collective bargaining for decent working conditions, the occupation authorities can cause some Japanese workers to ask themselves who was really responsible for their previous situation.

The program which it is recommended that Military Government follow with respect to working conditions other than wages and hours may be summarized as follows:

1. It is recommended that pre-war (in general, 1937) legal standards of safety and hygiene be re-established and that certain slight but significant changes be made in the pre-war legislation to facil-

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itate worker-enforcement of legal standards. It should be noted that the workers who will be most affected by a return to pre-war standards will be those in the larger, more efficient industrial establishments, whose cooperation will be of maximum value to the occupation authorities in increasing production and alleviating shortages of goods.

2. The inadequacies of pre-war legislation will limit the effectiveness of the step just recommended, especially since many new handicraft establishments will probably emerge, which because of their small size will be exempt from the law. It may therefore be asked whether the legislation ought not be revised to extend its application to cover these new small enterprises.

It is recommended that no such extension of coverage be attempted. In the first place, many of the small establishments will be so poor that compliance with the law might put them out of business. Secondly, finding a sufficient number of trustworthy inspectors to enforce the law in these enterprises, and handling the flood of prosecutions which would be necessary, would constitute a serious and probably insoluble problem for Military Government.

3. Since the pre-war legislation was inadequate not only in coverage but also with respect to the standards it set, it may be considered desirable to modify the law to raise these standards and put teeth in the law generally. It is recommended, however, that such changes be kept to a minimum.

In general, exact specifications for such items as safety equipment, kitchen and lunchroom sanitation, or the amount and kind of bedding or washing equipment, cannot be drawn up except on the basis of a field survey which would take into account local conditions. It is therefore recommended that no immediate effort be made to write more specific requirements concerning such matters into the law. In practice, definite standards can be developed in individual plants through collective bargaining.^{1/} Such joint agreements will tend to represent the attainable standard for the enterprise at the time in question.

In several important respects, however, the pre-war legislation can be altered to improve working conditions without complicating administration. The Industrial Workers Minimum Age Act can be altered to forbid the employment of any person under 14, and the Ordinance for the Administration of the Factory Act can be amended to require equal protection for all workers, whether or not classified as apprentices by their employer. These steps, if taken together, will eliminate a whole area of substandard employment, and greatly simplify administration of the laws governing working conditions.

^{1/} See Civil Affairs Guide. Trade Unions and Collective Bargaining in Japan

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4. To facilitate specific application and enforcement of standards through worker-management negotiation, the immediate abrogation of the Factory and Workshop Supervision Act is recommended. ^{1/} In addition, it is recommended that a section be added to the Factory Act, the Regulations for the Employment and Relief of Miners, and the Act respecting Seamen, to the effect that no employee may be dismissed or otherwise penalized because of membership in a trade union or other organization having as its aim the improvement of working conditions. This provision should be included in copies of these acts, to be posted in a conspicuous place on the work premises.

5. Because of the housing shortage which will probably exist at the time of occupation, it will probably be necessary to continue the use of dormitories for some time. However, where alternative arrangements are possible, the use of dormitories ought to be discouraged. Furthermore, it is recommended that the Regulations for Dormitories Attached to Factories be amended to provide that the employee must have free access to his living quarters at any reasonable hour, but may not be required to spend any time on the industrial premises outside of working hours. (To make possible the enforcement of any desirable curfew, the determination of the reasonableness of the hour ought to be under the jurisdiction of the Military Government.) An amendment to the same act stipulating that the free circulation of written and printed material and the free use of radio-receiving facilities must be permitted in housing on industrial premises is also recommended, to counteract the effect of wartime propaganda and indoctrination.

6. Since before the war the prefectural governor was given broad powers by most of the basic legislation governing working conditions other than wages and hours, it is recommended that an order be issued by the military authorities stating that with respect to the legislation in question the powers of the prefectural governor will be exercised by the Civil Affairs Officer in charge of each prefecture.

7. It is further recommended that the war measure placing welfare matters in vital factories and mines under the jurisdiction of the Munitions Ministry be cancelled, and full jurisdiction over these matters restored to the Bureau of Labor and the Mines Inspection Bureau in the Department of Welfare. In order to expedite administration and prevent misuse of police power, the role of the police in the inspectorate ought to be **eliminated** as soon as possible, and these functions carried out by the appropriate government bureau.

^{1/} See Civil Affairs Guide, Trade Unions and Collective Bargaining in Japan.

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8. Since full cooperation of the Japanese population can be secured only by encouraging them to reject the anti-democratic principles of Japanese militarism it is strongly recommended that the so-called Peace Preservation Act be immediately abrogated. Such action, together with those recommended above and in the guide: Trade Unions and Collective Bargaining in Japan, will aid in equipping the Japanese worker to think for himself, reject his military overlords, and cooperate with the occupation authorities in bringing Japan into line with the democratic world with respect to freedom to work for better working and living conditions.

CHAPTER II

GENERAL INDUSTRIAL HYGIENE AND SAFETY PROTECTION

Working conditions in Japanese industry vary widely depending upon the industry and plant involved. Before the war, the cheap labor policy applied to the wages of Japanese workers and the relative weakness of the trade union movement were instrumental in keeping working conditions in the factories and mines on a generally lower level than in Western countries, although above the extremely poor conditions prevalent in China and India.

A. Factories and Factory Dormitories1. General Description

For the purposes of this report, Japanese factories can be classified in four different ways:

a. By size -- as large-, medium-, or small-scale. According to the most widely-used definition, a large-scale Japanese factory is one with 100 or more workers, a medium-scale factory has 50-99 workers, and a small-scale factory less than 50 workers. A factory with less than 30 workers is considered a workshop, and a workshop with less than 10 workers is a small workshop. In 1930, 59 percent of all so-called factory employment was in such small workshops, and 53 percent was in shops with less than five workers. Working conditions in shops with less than 10 workers were not subject to any legal regulations, and not all factories with 10 or more workers were regulated.

b. According to the presence or absence of a dormitory for the workers. Questions of working conditions in general, and of safety and hygiene in particular, are probably most important in the factories and mines which maintain the dormitory system. In 1925 about 650,000 workers (of whom 530,000 were women) lived in dormitories on factory premises. Standards of safety and hygiene here apply not only to actual conditions of work, but also to quantity and quality of food, clothing, medical care, bathing facilities, and living quarters. The textile industry, which accounted for the bulk of the dormitory system in the past, shrank considerably in the course of the war, but to house the increase in Korean contract laborers, barracks were set up in steel mills, arsenals, mines, and numerous other industrial establishments. With the termination of hostilities, the textile industry will again become the principal practitioner of the dormitory system. While some of the dormitories appear to have been quite pleasant places, clean and airy, others were not well kept. Too many girls were crowded into one room for

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sleeping quarters, with the day and night shift sharing the same bedding and with poor food and careless sanitation. Food in all factories was badly balanced, and a large number of the occupants were very undernourished.

C. As a household or non-household enterprise. A very large number of small shops are domestic workshops, operated in private homes, and employing chiefly members of the same family. Most domestic workshops employ less than five persons. Many such household enterprises are not included in the factory statistics at all, because they are operated only part-time. Obviously, most of these enterprises are subject to no regulation concerning working conditions.

d. By industry. Even before the war, many workers in factories with 10 or more workers did not benefit from safety and hygiene legislation, because certain industries and occupations were exempt.

2. Prewar Protection

a. Legislation. The regulations governing safety and hygiene in factories and dormitories attached to factories were embodied in the Factory Act and four pieces of supplementary legislation: the Ordinance for the Administration of the Factory Act, the Regulations for the Administration of the Factory Act, the Regulations concerning Accident Prevention and Hygiene, and the Regulations for Dormitories Attached to Factories. ^{1/}

The Factory Act, the basic act regulating working conditions in manufacturing establishments, covered all plants with 10 or more employees and/or those where the work was of a dangerous nature or injurious to health. Exempted were establishments subject to the Mining Act, and factories manufacturing articles made chiefly of straw, paper, or woodshavings, those processing food, and those manufacturing toys; but none except the first-named was exempt if the motive power for the factory was supplied by a steam, oil, or gas engine, steam or water turbine, Pelton wheel, or electric motor. Factories covered because of the dangerous or injurious nature of their work were those carrying on any of the hazardous processes specified in the Factory Act and the Regulations for the Administration of the Factory Act, the specified processes generally involving the generation of dangerous fumes or gases, the production of large amounts of dust, the handling of poisonous or explosive substances, or the subjection of workers to dangerously high temperatures.

^{1/} Unless otherwise noted, a reference in this Guide to any Japanese law or decree is to be understood as applying to the text as amended up to 1937. (After 1937 legal standards were lowered to meet war emergency conditions.)

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From the way the law was phrased, it appears that the exemptions listed above took priority over the coverage implied in the listing of hazardous processes, in cases where the applicability of the act was in question. Certain provisions of the Factory Act having reference to restrictions on hours and authorization for inspection applied to factories, not otherwise included, employing motive power and engaged in weaving and doubling.

Dormitories housing less than 10 workers were exempt from most of the regulations governing factory workers' accommodations.

Insofar as it dealt with safety and hygiene, this body of legislation attempted to ensure:

a. Protection from the general hazards involved in having a number of persons working or living together under one roof.

Under this heading may be classified the regulations governing lighting, ventilation, the provision and maintenance of messrooms, cloakrooms, washrooms, and toilets, the prevention of obstructions on staircases and at exits, and the ban on the employment of persons with diseases or disabilities likely to prove a hazard to themselves or their fellow employees. For dormitories, the amount of floor-space to be allowed for each bed was specified, and buildings used as dormitories were not permitted to exceed two stories in height.

In most cases, however, the legislation was merely qualitative in the standards it established. For example, "adequate" washing facilities had to be provided if workers ate a meal at a factory, and the "necessary articles" had to be furnished in the washrooms. Similarly, in regard to lighting and ventilation, the prefectural governor might order such changes as he "deemed necessary". However, persons afflicted with the contagious, infectious, or otherwise dangerous illnesses listed in the Regulations for the Administration of the Factory Act were categorically prohibited from employment in messrooms, kitchens, and dormitories, in addition to the general ban on their employment.

b. Protection from hazards arising from the nature of the work carried on.

Under this heading can be grouped the provisions covering mechanical, chemical, and other hazards associated with the processes listed as dangerous or injurious to health. Mechanical hazards were dealt with in the legislation under discussion by a number of regulations requiring the fencing or covering of moving parts, the provision of special apparatus to prevent strain on the part of the worker, equipment to stop transmission machinery in case of accident and the requirement that a warning be given before starting it again, and the designing of specified parts of machinery so that they could

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be opened only when the machines were at a standstill. Fences or covers for hoist openings, vats, or stairways were to be provided "where possible" and ladders used in work were to be fitted to prevent slipping or overturning.

Chemical hazards were recognized as requiring the use of "protective devices" but these were not specified by law. The prefectural governor might order the occupier of the factory to supply drinking water, or even gargling facilities, if he "deemed it necessary". Other dangers, such as those from explosives, oily rags, or other hazards, were dealt with by simple rules for the prevention or minimization of accidents, such as the requirement that special exits and staircases be provided.

The Regulations concerning Accident Prevention and Hygiene specified that where danger of injury existed, first aid equipment was to be supplied and kept in a place known to the workers. If an employee was injured or fell ill in the course of work, the occupier of the factory had to pay the cost of medical attendance, according to the Ordinance for the Administration of the Factory Act. ^{1/}

b. Enforcement.

Three of the five statutes covering safety and hygiene in factories and dormitories contributed, in theory, to the enforcement of the standards they established. Under the Factory Act the administrative authorities were given broad powers for enforcement by Section 13, which provided: "If the administrative authorities hold that a factory, or the premises or equipment thereof, is likely to prove dangerous or detrimental to health, morality, or other public interests, they may instruct the occupier of such a factory, in accordance with regulations to be issued by order, to take such measures as may be necessary to prevent or reduce the dangers in question, and if necessary they may also prohibit entirely or in part the use of the factory, premises, or equipment in question." This section also stated that the administrative authorities might instruct workers or apprentices concerning the measures to be taken by the occupier of the factory, thus creating the possibility of worker-cooperation in enforcement. Furthermore, under Section 14 of the Factory Act, any competent official (properly accredited on specified official forms) might inspect a factory or its annexes, or examine any worker or apprentice suspected of having an infectious disease or one entailing prohibition of employment, and any effort to evade or obstruct inspection carried the penalty of a 500-yen fine.

^{1/} The workmen's compensation and sickness insurance systems covering factory workers are discussed in the Civil Affairs Guide.

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Section 35 of the Regulations concerning Accident Prevention and Hygiene paralleled Section 13 of the Factory Act, but stopped short of authorizing the closing of the factory in whole or part.

c. Reports.

A provision of the Regulations for Dormitories Attached to Factories required the factory owner to report any rules for the management of his dormitory to the prefectural governor, and another provision required him to affix a copy of the Regulations and of his management rules in a conspicuous place.

Monthly reports were required of factories employing 50 or more workers, giving the number and type of casualties occurring in the previous month. In addition, certain types of accidents were to be reported on a prescribed form by all factories covered by the Factory Act. Because of the limited coverage of the act, and the fact that only certain accidents were reported, it is not possible to use the data thus supplied to evaluate either the adequacy of the safety legislation or the level of enforcement.

d. Occurrence of Industrial Accidents.

Reported accidents increased in number between 1930 and 1938 and if the year 1932 is taken as a base, equal to 100, total industrial accidents for the years 1936 and 1937 have the index numbers 238 and 286 while accidents per worker in 1936 and 1937 have the index numbers 154 and 166. Thus while reported accidents nearly trebled in number between 1932 and 1937, the reported accident rate increased 66 percent. ^{1/} For the reasons given above, no one interpretation of this change can be advanced with certainty.

3. Wartime Developments

a. Increase in Industrial Accidents.

In general, wartime working conditions tend to cause an increase in industrial accidents. Longer hours, the use of inexperienced workers, the deterioration of plant and equipment, the introduction of new processes, and the increased handling of dangerous materials all combined to bring about this result.

^{1/} Department of Welfare figures quoted in the Tokyo Gazette, August 1939, p. 20. It is evident that the number of employees covered increased substantially during the period.

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In factories the increase in accidents noted for the period 1930-1937 continued into 1938, when the number of accidents rose to 3.26 times the 1932 figure, the rate rising at the same time to 1.72 times the 1932 rate. Statistics on the change between 1938 and 1940 are not available, but according to a Domei news release, there was a drop of 8 percent in 1941 as compared with 1940 in the total number of industrial accidents. The news agency attributed this drop to the more stringent enforcement of safety measures in factories.

Department of Welfare figures indicate that in 1937 and 1938 middle-sized factories had a rate of absences from occupational injuries nearly twice as high as the rate in large or in small factories. The definitions of size used are not given, but it may be assumed that large factories are those with 100 or more workers, and small factories, those with less than 50. It is possible that part of the reported rise in the period 1932-1938 was due to a greater relative employment in middle-sized factories, with a corresponding decline in employment in small factories.

Some of the reported drop in accidents between 1940 and 1941 might, in turn, have resulted from a greater relative employment in large factories as opposed to middle-sized factories. The steady rationalization of Japanese industry probably involved a progressive increase in the average number of persons employed per factory, and the increase in unit size may have followed this pattern. It should be pointed out that the lower reported rate for small factories may be meaningless as a basis of evaluating safety conditions in 1937, because factories with less than 50 employees were required to report only certain types of accidents. The difference in rate between medium-sized and large-sized factories, on the other hand, probably represents a real difference in safety conditions.

The rise between 1937 and 1938 was accompanied by, and perhaps in part due to, an increase in the proportion of women in the total employment for certain occupations, especially in certain expanding industries such as the machine-tool industry.

b. Deterioration in Hygienic Working Conditions.

Hygiene in factory lunchrooms and dormitories has probably deteriorated as a result of labor shortages and shortages of equipment. Labor shortages were reported to be partly responsible for the abandonment of the school lunch program launched by the Japanese in 1944, and it is probable that maintenance of factory eating and sleeping facilities has also suffered from lack of manpower. The acute shortage of fabrics and all consumer goods must likewise have affected the standards of equipment and cleanliness with respect to bedding, mattresses, uniforms, and other equipment supplied to the worker.

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4. Problems for Military Government

As an important part of the program to gain the cooperation of Japanese workers, it is recommended that the provisions of any laws or decrees nullifying specified provisions of the Factory Act or its supplementary legislation be abrogated, and that the specified provisions of the Factory Act and its supplementary legislation be declared to be in full effect. ^{1/}

After the defeat of Japan, her industry will probably suffer severe dislocations, Aircraft, munitions, and other industries in which a large part of the wartime labor force has been employed, will cease to function, and it will probably be some time before their plant facilities can be converted to peacetime production. In the meantime, it is anticipated that a large number of new enterprises may come into existence, most of these employing only a small number of workers. The trend toward larger units in industry, which has been taking place ever since 1937, will therefore be stopped, and possibly reversed. As a consequence, the number of industrial establishments coming under the Factory Act will probably decrease. Furthermore, the new small factories which will begin operation under post-defeat conditions will probably have the lowest standards with respect to safety and hygiene.

Unfortunately, little can be done on a purely legislative or administrative level about the problem of standards of safety and hygiene in small-scale industry. Many of the inadequacies of the small postwar factories will represent a real lack of capital, and legislating higher standards for these enterprises would be quite unrealistic, even if it were possible to secure the staggeringly large staff required to carry out the necessary inspections, reports, and prosecutions.

Rather than attempting to improve on the inadequate and vague standards established under the Factory Act and supplementary legislation, it is recommended that emphasis be placed on enforcement of Factory Act Standards where they are applicable. At first it will be necessary to rely on purely administrative measures to accomplish this purpose, and it is possible that they may not be completely effective. Later on, when employee-organizations begin to function, enforcement may be expected to improve. Finally, if industry-wide agreements are reached between workers and management, better and more concrete standards may be formulated and proposed for enactment into law. This will probably be the first practicable moment for attempting to improve safety and hygiene conditions in factories with less than 10 workers, and even at that time enforcement cannot be expected to reach a very high level except in those establishments in which employee-organizations play an active part.

^{1/} See appendix for index to provisions of the legislation in question.

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To provide a toehold for employee organizations in their efforts to enforce legal standards, it is recommended that a provision be added to the Factory Act requiring that a copy of the Factory Act and all orders issued thereunder to which an individual factory is subject be kept posted in a place in which they can be easily read by the workers.

The dormitory system has been introduced into many new industries during the war, but in most cases they are industries which will close down with the defeat of Japan. Some of the accommodations provided during the war were of new construction, but many were converted commercial properties, made available by the close-up of non-essential enterprises. The bulk of those belonging to plants which may be expected to continue operation after defeat are probably structures which date back into the twenties or thirties. To these will be added whatever accommodations are provided for workers in the new small-scale enterprises expected to come into existence. Because of the limitations of capital in such enterprises, such accommodations will probably not be of high standard.

It is recommended that with respect to dormitory conditions, the same policy be followed as that outlined for safety and hygiene in the factories themselves. It should be pointed out that in both factories and dormitories attached to them the existence of fire hazards is a matter of concern to the occupation authorities not only because of the danger to the workers but because of the danger to the peace and security of the entire area. For that reason, special attention ought to be given to the inspection of factories and dormitories for the elimination of fire hazards. It is recommended that if complete enforcement of the Factory Act and the supplementary legislation covering safety and hygiene in factories proves to be impossible, the Civil Affairs Officer in each prefect concentrate on those provisions covering the elimination of fire hazards, and deputize responsible persons to carry out periodic examinations of all industrial premises (including the dormitories attached thereto) with the object of eliminating fire hazards.

B. Mines

1. General Description

Most Japanese mines are poor from an economic standpoint, and this fact alone might be expected to prevent working conditions from rising to Western standards. In addition, the traditional employment of female as well as male labor in mines and the relative isolation of mining districts have tended to keep working condition standards at a low level. The "company town" is a familiar and depressing sight in Japanese mining districts, and since the war the miserable homes such towns have been supplemented by crowded barracks housing the large influx of Korean workers. Legal protection of safety and hygiene standards in theory extended to all mines, but in practice, even before the war,

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inadequate enforcement, as well as low legal standards, made this protection relatively meaningless.

2. Prewar Protection.

a. Legislation

The basic legislation covering safety and hygiene in mines before the war included the Mining Act, the Detailed Regulations for the Administration of the Mining Act, and the Regulations for the Employment and Relief of Miners. This legislation applied to all mines, but a few of the provisions did not apply to state-owned mines.

The Mining Act contained the basic authority for the protection of life and health in connection with mining, but included few specifications for safeguarding either.^{1/} The Regulations for the Employment and Relief of Miners, in Section 14, prohibited the employment of persons suffering from any of a number of proscribed disorders. (These were identical with those listed in Section 8 of the Regulations for the Administration of the Factory Act.) In case of injury or illness, the holder of the mining right was required under Section 18 to provide medical treatment at his own expense or to bear the expense of any medical attendance required.

b. Administration

Administration of the Mining Act and supplementary legislation was under the jurisdiction of the Mines Inspection Bureau in the Department of Commerce and Industry (formerly the Ministry of Agriculture and Commerce). According to the original 1905 act, if danger was apprehended in any mining operation, or if it was deemed injurious to public welfare, the Minister of Agriculture and Commerce might order the holder of the mining right "to take precautionary measures or to suspend mining operations" and failure to comply with any such order carried a fine of 200 yen. The Chief of the Mines Inspection Bureau could take similar action if "immediate danger" threatened. This may have been altered when the Mining Act was amended, but in any event since the staff of the Mines Inspection Bureau was so limited in size, the chief problem was not one of authority to act, but one of adequate supervision. An observer commented in 1922 that, "As the number of mining concessions is so large, even in coal mining alone, it is almost impossible for this small body of inspectors to supervise all the mines. Those mines employing more than about five hundred workers, and those which are dangerous from the point of view

^{1/} More detailed standards may have been included in later revisions of the Mining Act, none of which were located, or in the Detailed Regulations for the Administration of the Mining Act, no text of which could be located.

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of explosion are visited most frequently, while the smaller ones are visited scarcely once a year." ^{1/}

c. Reports and Industrial Accidents.

Under the authority contained in Section 37 bis of the Detailed Regulations for the Employment and Relief of Miners, the Chief of the Mines Inspection Bureau might order any reports he considered necessary and statistics on accidents in mines gathered under this and previous authorities show a high accident and a high fatality rate in Japanese mines. Since the smaller mines with lower capitalization were subject to the least government supervision (due to the limited inspection staff), the accident rate was probably highest in such mines.

d. Dormitories

Dormitories attached to mines do not appear to have been subject to any government regulation. A variant of the dormitory system was the familiar "company town" where all the houses were owned by the mine owner, who also managed the only available stores. The miserable conditions in these towns reflected the fact that even before the war, and even for Japan, mining was a substandard occupation.

2. Wartime Developments

The war created a crisis in the Japanese mining industry. Experienced miners were drafted, and their places taken by Koreans, women workers, and university students contributing the required two months of labor service. But the Koreans, after fulfilling their contracts, wished to return home, and the women workers and seasonal student help could not take the place of skilled miners. By 1943, the mine operators were demanding a general conscription of mine workers to relieve the acute labor shortage which had developed. To aggravate the situation, there were not enough beams for the pits (due to the lumber shortage), and the resulting hazards increased accidents and decreased the willingness of the miners to do underground work.

It appears, however, that these problems might have been solved in some way if the wages, food rations, and housing facilities for miners had not been so indescribably poor. In 1944 the government began to give official recognition to poor working conditions as the main cause of the labor shortage in mining. Resisting pressure for conscription of coal miners, the Minister of Welfare stated early in 1944: "It is not easy to requisition labor for coal mining. The ease or difficulty of obtaining labor depends upon the welfare facilities and conditions in the various mines, and we are not in a position to

^{1/}

"Labor Conditions in Japanese Coal Mines", International Labor Review, Vol. V, No. 2, February 1922, pp. 251-264.

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requisition labor at present. Next year three million (yen) will be appropriated for the improving of welfare facilities in the coal mines, and together with special food rations for miners, should enable employers to offer better conditions to the miners." ^{1/}

In March 1944 it was announced that physicians would be stationed permanently at all mines under the jurisdiction of the Sendai Mining Supervision Bureau, and in September 1944, as a part of a drive for increased coal production, it was stated that ".... steps will be taken to raise the morale of the coal mine workers, to insure the supply of labor, materials, tools, and transportation power, to construct new and expand present living quarters for laborers, and to strengthen supervision of labor. In addition, the system of commendation of mines and laborers showing excellent results and rendering meritorious services is expected to be expanded."

At least one step in this program was actually carried out--the strengthening of supervision over labor. By September of 1944, 200 mines had been placed under the Factory and Workshop Supervision Act. Under this law, which is fully discussed in Chapter V of this Guide, mine workers were placed under a pseudo-military system which left them no choice but to accept the existing working conditions, however intolerable.

Further evidence that the more benevolent measures were probably not carried out appears in the simultaneous announcement that in spite of previous opposition to conscription of mine labor, workers from factories were being arbitrarily transferred to permanent jobs in mines.

A clue to the level of safety, hygiene, and general welfare in Japanese mines lies in the history of the employment of Korean miners. Before the war these workers made up less than 5 percent of the mining force; by 1944 they constituted 30 to 40 percent. Imported by the Japanese under contract for two years, they have often been kept in virtual concentration camps at the mines. Not allowed to bring their families with them or to mingle with Japanese co-workers, these Korean miners have endured their miserable lot because they have had no choice and because at the end of their service they would have a few thousand yen to take home.

In 1944, most workers who had fulfilled their contracts, and some who had not, wished to return to Korea, and the government became so alarmed that it made relatively great concessions to the Koreans, or at least promised such concessions. Married workers were to be joined by their families, while bachelors might live in the same buildings with Japanese workers, thus, it was announced, considerably bettering themselves from the standpoint of housing. Additional inducements to

^{1/} Broadcast by Tokyo in Japanese, February 3, 1944. Since there were perhaps half a million persons working in coal mines in 1944, three million yen would not go very far towards improving welfare facilities.

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renew contracts were promised, such as gold medals, money allowances, and opportunity for advancement.

It seems clear that such concessions to an oppressed minority, even if only in words and only until new contracts were signed, imply that working conditions in the mining industry were far below the average for Japan--and during the war, the average fell very low.

4. Problems for Military Government.

With the defeat of Japan, the double standard of working conditions in mines (for Koreans as against Japanese workers) may disappear, since Korean workers will probably wish to return to Korea, where economic opportunities may well be superior to those in Japan.

The main concern of Military Government in connection with working conditions in mines will be the problem of securing maximum coal production to supply military needs and civilian requirements. It is very doubtful that even fair production will be forthcoming unless something is done to improve the situation of the miners. In this respect, mining is likely to prove the critical industry in peace as in war, and special measures may be required in order to secure a satisfactory relationship between the mine workers and Military Government, and a resulting adequate output of coal.

Since copies of all the legislation covering safety and hygiene in mines in effect before the war have not been located, the recommendation that pre-war standards be revived must of course be made with reservations. The likelihood is, however, that none of the pre-war statutes went far enough in the direction of adequate standards, and that revival and enforcement of the pre-war laws will not sufficiently improve the working conditions of miners.

If this proves to be the case, special orders covering individual mines or groups of mines will have to be issued. The mines to be covered should be selected on the basis of productivity, and their number will have to be kept within limits so that, if necessary, Military Government can itself carry out the enforcement of the new regulations.

Special measures planned and carried out by Military Government to increase production in coal mines ought to be carefully considered in the light of the ultimate objective: willing cooperation on the part of the Japanese workers. If conditions in mines are bad, production may temporarily be increased by the use of force to coerce the miners, but in the end the cooperation of the miners and of other workers may be permanently lost. It is therefore recommended that an inquiry be made into conditions in Japanese mines (by inspection tours to selected mines), and if it is clear that a revival of pre-war standards will not materially improve them, special orders should

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be prepared immediately to bring conditions in the most important mines up to a reasonably high standard. If necessary, special food rations or other measures may be authorized for miners, and, if substantial numbers of Korean workers remain, special relief measures may be taken in their behalf.

C. Merchant Marine

1. General Description

In peacetime, the most important part of the Japanese merchant marine was probably the vast fleet of small fishing boats which provides Japan with her chief supply of animal protein. However, the majority of these craft were family-owned and operated and were thus maritime household enterprises. The great majority were of such low tonnage that working conditions on board have always been exempt from regulation.

A smaller, but industrially important, part of the Japanese fishing industry were the larger "cannery boats", on which deep-sea fish were caught and packed by hired laborers. These were true sea-going factories, but their working conditions have never been subject to any form of regulation. However, if the vessel was large enough, pre-war legislation sometimes gave some protection to the crew of the vessel, as distinct from the workers who caught and packed fish. In general, working conditions on the "cannery boats" were miserable in the extreme.

Small vessels engaged in coastwise trade or transport, and all vessels operating on inland waterways were likewise exempt from regulation as to working conditions. In peacetime, merchant seamen on the larger sea-going vessels were in a somewhat better bargaining position than many workers on land, because the maritime unions were historically rather strong, and this strength was reflected in fairly good legislation. However, the general disadvantage under which Japanese workers labored extended to the merchant marine, and compared to the men of other merchant navies, Japanese seamen were not well treated.

2. Prewar Protection

a. Legislation. In 1937, earlier legislation regulating conditions of work in the merchant marine was replaced by the Act Respecting Seamen, and in the following year regulations were issued to supplement this act. Act No. 79, Respecting Seamen, dated August 13, 1937, covered working conditions for men employed on:

1. Fishing vessels of 30 or more tons gross tonnage, and
2. All other vessels of 20 or more tons gross tonnage,

provided in all cases that the vessels were not propelled chiefly by oars and/or were not being operated in inland waterways. However, men

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employed by persons other than the shipowner were not covered by the act. This provision exempted from coverage the employees of fishing and canning enterprises operating on the high seas in vessels owned by other concerns, although with respect to the crews operating the vessels this exemption would of course not apply if they were hired by the shipowner.

An important difference between the 1937 act and the previous legislation (which it repealed) was the fact that it did not exempt sailing vessels. In 1940 there were only 4,214 non-sailing vessels in the Japanese merchant marine with a gross tonnage of more than 20 tons, while there were more than 15,000 sailing vessels of such tonnage. While most of the latter were fishing vessels, and would be exempt if of less than 30 tons, the number of sailing vessels covered by the 1937 act must have been considerable, even allowing for those exempt because they were operating in inland waterways.

The Act Respecting Seamen contained only meagre provisions covering safety and hygiene aboard ship. Section 22 provided that a doctor and medical equipment must be furnished for the care of sick persons. Under Section 21 the shipowner had to provide rations according to standards to be set by Imperial Ordinance. An ordinance of the following year gave minute specifications for rations to be provided on vessels of 1,000 or more tons gross tonnage, but on other vessels this schedule did not apply if the quantity of food served was adequate.

3. Wartime Developments

The Japanese merchant fleet, which had been steadily increasing in size from 1937 to 1942, had fallen by the middle of 1943 to an estimated figure 14 percent below that for November 1941. Losses since that date have been on an ever-increasing scale, and in spite of a feverishly accelerated shipbuilding program the Japanese merchant marine will probably continue to shrink until the end of the war.

Since the beginning of war with the United States the Japanese government has adopted various measures to deal with lowered morale among Japanese seamen. While the hazards from torpedoing and bombing have no doubt been most to blame for unrest in the Japanese merchant marine, seamen have probably suffered as well from the general drop in standard of living experienced by wartime Japan. By 1944 counter-measures included a plan for giving merchant seamen the status of government officials, thus placing them on a level with police officers, teachers, and Shinto priests. Steps were also being taken to get authorization for an increase in wages and a service allowance amounting to 100 percent of the regular salary, in addition to the existing risks allowance.

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4. Problems for Military Government

In the early occupation period, the Japanese merchant marine may be placed under the direct control of Military Government. Rail and highway transportation have never been highly developed in Japan, and wartime destruction of railroads, bridges, and other facilities has made transportation by boat, coastwise and on inland waterways, of major importance. However, even with heavy coastwise and inland waterway traffic, the cessation of military shipping and the certain delay in the resumption of any substantial trade will leave Japan with a surplus of merchant vessels, in spite of war losses. The impact of this situation on merchant seamen will be grave, whether or not shipping is under direct military control, because of widespread unemployment, and if there is no military control price-cutting between rival lines for the small volume of commerce will weaken the bargaining position of Japanese seamen, and probably result in further deterioration of working conditions on board ship.

Since legal safeguards were so few and inadequate before the war, the chief source of enforcement of even minimum standards was the pressure of organized workers. It is clear from provisions of the Act Respecting Seamen that this pressure, even as late as 1937, was an actual, or at least potential, force. Because of the meagreness of its provisions for safety and hygiene aboard ship, revival of the 1937 Act Respecting Seamen will not accomplish very much from an administrative standpoint to improve working conditions in the merchant marine. However, by reviving the provisions of this act respecting collective bargaining the first step will be taken in the direction of improvement of conditions by pressure from the workers. In time employee organizations in the merchant marine may formulate more adequate legislation and succeed in having it passed.

It is therefore recommended that any laws or decrees passed since 1937 be declared void insofar as they nullify the provisions of the Act Respecting Seamen, and that this act be declared in full effect.

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CHAPTER III

SPECIAL PROTECTION FOR WOMEN AND CHILDREN

The Factory Act, the Ordinance for the Administration of the Factory Act, and the Regulations for the Administration of the Factory Act all contained provisions designed to offer special protection to women workers in factories. The employment of women in mines was regulated by certain sections of the Regulations for the Employment and Relief of Miners. Aside from this legislation, the employment of women was generally unregulated. For example, women employed as dock workers, streetcar operators, or even waitresses, have never enjoyed any special legal protection.

A. Special Protection for Women1. Pre-war Protection

Under Sections 9 and 10 of the Factory Act and Sections 5, 6, and 7 of the Regulations for the Administration of the Factory Act, women were barred from work of certain specified kinds in covered factories. The prohibited types of work included all jobs involving exposure to excessive amounts of dust, gas, or fumes, or to dangerously high temperatures. Also banned were: the work of cleaning, oiling, or repairing specified dangerous parts of machinery while the machines were in motion; the handling of an electric generator; the feeding of lumber through a sawmill; and any work near unprotected moving wheels, pulleys, belts, or ropes, or on unfenced shafting ways or scaffolding.

Numerous provisions of the legislation in question regulated the number of hours and time of night during which women employed in factories subject to regulation might work. The remaining provisions directly affecting women workers were concerned with maternity. The Regulations for the Administration of the Factory Act stated in section 10 that the Prefectural Governor might at his discretion forbid the employment of women after confinement, for an unspecified period. In addition, Section 9 of the Regulations forbade the employment of women for six weeks after confinement unless at their own request, and at a kind of work a qualified physician declared to be harmless. Section 9 also provided that a woman must be granted four weeks' leave before confinement, if she requested it. Furthermore, under Section 9 bis, a woman worker with a child less than a year old was entitled to two short rest periods a day, of 30 minutes each, during which to nurse her baby.

Coverage by the legislation for the protection of women in factories was similar to that by the legislation for general safety and

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and hygiene in factories (see pp.10-11). The proportion of all women factory workers covered was greater than the proportion of men factory workers, but the almost total absence of union organization among women and their generally weak position made it easy for employers to evade the law when employing women. Under pre-war conditions, the majority of women workers in establishments coming under the Factory Act were young girls recruited from rural areas, working under a contract concluded with their parents, many living in dormitories on the factory premises. Their situation offered so many opportunities for exploitation that it is not remarkable that only a few "model" factories obeyed the letter and spirit of the law respecting working conditions for women.

Under Section 11 bis of the Regulations for the Employment and Relief of Miners as amended to 1928, women might not be employed on underground work in mines after September 1, 1933, except with the permission of the Chief of the Mines Inspection Bureau, in certain mines where most of the coal seams were thin. An Ordinance of June 5, 1933 made this exception specific by stating that with the permission of the Chief of the Mines Inspection Bureau, women might work underground in coal mines where left-over coal was chiefly extracted. Such mines, in which mechanization was extremely difficult, were few in number and most of them were located in Northern Kyushu.

In 1933 the number of women and young persons ^{1/} working underground in mines had been reduced to 6,000. In 1928 this figure had been 40,000. Mechanization of the mines was said to have made this reduction possible. Whether any further reduction was accomplished is uncertain, but it is possible that the number of women working underground in mines increased before the war, for the Ordinance of June 5, 1933 also stated that women might be employed on underground work consisting mainly of picking up fragments of coal. The employment of women underground was prohibited where the temperature was above 35° Centigrade, and a limitation was placed on the hours a woman might work underground if the temperature was above 30° Centigrade. (Section 6 bis of the Regulations for the Employment and Relief of Miners.) Specific hazardous operations prohibited for women, listed in Section 12 of the Regulations, included many covered by the Factory Act, and added a number peculiar to mining, such as uncoupling trucks while in motion, excavation of minerals or shovelling of rock, placing or firing charges, erecting or removing props, handling very hot or molten minerals or slag, working where electrolysis was performed, or feeding furnaces with fuel.

Maternity provisions in Sections 15 and 16 of the Regulations paralleled those for factory workers, except for the stipu-

^{1/} Also covered by the provisions listed.

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lation that nursing periods need not be granted to women employed in underground work if the holder of the mining right, with permission of the Chief of the Mines Inspection Bureau, had made alternate arrangements for feeding the babies of such workers.

2. Wartime Developments

Even before the war, Japanese women were finding employment in increasing numbers in machine tool plants and similar industries. The voluntary invasion by women of occupations formerly closed to them was accelerated after the beginning of the war with the United States (partly as a result of the drastic drop in employment in the textile industry), and as the war progressed it was supplemented by government measures which more or less arbitrarily assigned woman-power to high-priority industries. Finally, in 1944, Imperial Decrees made it illegal for women to be employed in certain "luxury" industries, including the traditional geisha houses and high-class restaurants.

As a result of these voluntary and involuntary shifts, by the end of 1944 women were employed on a considerable scale in aircraft factories, made up a large part of the labor force in the munitions industry, had practically taken over the service industries, including urban transportation, and had completely displaced men as dockworkers.

It is obvious that the employment of women in this wide range of occupations and under wartime conditions could hardly be reconciled with the strict enforcement of the Factory Act. As a matter of fact, Imperial Decrees extending working hours in essential industries to whatever was deemed necessary nullified the rights, previously guaranteed to women, to shorter hours and more desirable shifts. The safety and maternity provisions of the Factory Act and supplementary legislation have not been specifically abrogated, but they have also been nullified by the various ordinances issued under the National Mobilization Law, directing the supply of women workers into some of the very industries and jobs closed to them under the Factory Act, and by the extreme manpower shortage which has tended to restrict leave and holidays to an absolute minimum. The wartime entrance of women into occupations formerly closed to them was extended to the use of women workers as active coal miners. As early as August 1939 an Ordinance of the Department of Welfare authorized the employment of women over 25 years of age as miners until March 31, 1942, provided that permission was secured from the Chief of the Mines Inspection Bureau. A circular accompanying this ordinance instructed the heads of mining inspection offices not to grant permission for the employment of women underground in mines where gas or fumes or other hazards made the work of dangerous nature. The circular also emphasized

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the intention of enforcing all the statutory provisions covering night work, rest periods, etc. However, it is clear from various Japanese publications that these safeguards did not survive the later pressures of the war. Japanese broadcasts cite instances of women miners who set endurance records by working all night even when injured. The only barrier in the way of unlimited use of Japanese women in mines has been the unspeakably bad conditions which have prevented Japanese workers of either sex from entering this field of employment in the numbers needed.

3. Problems for Military Government

The situation of Japanese women workers after the war is in part problematical. In the unavoidable mass unemployment after defeat, they may be turned off in larger numbers than men, and men may be preferred in any hiring. On the other hand, the lower wages they accept may result in the retention of women workers while male workers bear the brunt of unemployment. It is a near-certainty, however, that whether they are employed in large numbers or small, at their new-found skills or at the more traditional occupations, Japanese women will be in a very weak bargaining position, and will not be able to demand or secure adequate protection from either general or specific hazards until there is a substantial improvement in the bargaining power of labor as a whole. Administrative efforts to enforce the inadequate pre-war legislation protecting women, while largely a step in the right direction, will probably not result in any very great improvement over wartime conditions. The real offensive against the improper use of woman labor will have to come from the workers themselves, and it probably will not come for some time.

The recommendations for legislation covering safety and hygiene in factories (see pp.15-16) apply, mutatis mutandis, to the legislation covering the protection of women workers. The inclusion of the provisions affecting women in the copies of relevant legislation to be posted on the work premises will stimulate worker-enforcement of these provisions, and thereby simplify the task of the administrative authorities.

Since the alteration of the 1928 mining legislation in 1933 to provide that women might be employed underground to pick up coal or in mines with thin seams was justified on the basis of a labor shortage which will not exist after the war, it is recommended that the Departmental Ordinance of June 5, 1933 be abrogated. However, since there appear to have been further slight improvements effected by other amendments to the Regulation for the Employment and Relief of Miners made as late as 1936, it is recommended that the legislation be revived as of January 1, 1937 with the exception of the ordinance of June 5, 1933.

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B. Special Protection for Children

1. Pre-war Protection

Legislation for the protection of child workers may be classified under two heads: minimum age legislation and regulations for apprenticeship. ^{1/}

a. Minimum age legislation. Before the war, the minimum age act with the widest application was the Industrial Workers Minimum Age Act of 1923, which embraced nearly all extractive, manufacturing, construction, transportation, and goods handling activities. Undertakings of the federal or local government or those where the employer was a foreign power were covered by this act, but enterprises including only members of the same family were exempt, and industrial schools could be exempted where such action was approved by the administrative authorities.

Under this act the employment of children under 12 was totally forbidden, and that of children 12 to 14 permitted only when they had completed elementary school. The employer or manager of any covered enterprise was required to keep a register listing all workers under 16 years of age, and under Section 4 (similar to Section 14 of the Factory Act) a properly accredited official might inspect the premises of any enterprise covered by the act. The penalties for obstruction or contravention were the same as those under the Factory Act (fines of 500 and 1,000 yen, respectively).

The Factory Act contained no flat minimum age provision, but there were a number of provisions barring children from work at certain hours and certain hazardous operations. Workers under 16 were barred from all the hazardous occupations prohibited for women and certain additional jobs, chiefly those involving the handling of dangerous or poisonous substances, were also closed to them. No special protection of this type was extended to children employed in other enterprises covered by the Industrial Workers Minimum Age Act.

The Regulations for the Employment and Relief of Miners were amended in 1928 to prohibit the employment of persons under 16 at underground work in mines, but as in the case of women, such persons might be employed in mines where most of the coal seams were thin, if the permission of the Chief of the Mines Inspection Bureau was secured. A later amendment (in 1933) permitted the employment of persons under 16 at underground work consisting mainly of picking up fragments of coal. All of the hazardous mining operations prohibited for women workers were also banned for persons under 16, as well as certain additional operations. A provision of the

^{1/} Excluded from consideration in this report are numerous provisions relating to the number of hours and time of day children might work.

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Regulations for the Employment and Relief of Miners required the holder of a mining right to report to the authorities arrangements made for the education of workers who had not completed elementary school, and the holder of a mining right was also required to list all of his employees on a register and for workers under 16 give the elementary school from which the employee graduated, or state that he did not finish school, if that was the case.

Children under 16 might not be employed as seamen on any vessel coming under the jurisdiction of the Act Respecting Seamen of 1937. Persons 15 to 18 could be employed as seamen only upon presentation of a medical certificate stating that they were physically capable of performing the necessary work. In the case of minors, the permission of the parents was required for their employment, but if that consent was secured they were considered adult for the purpose of employment contracts. The employment of persons under 18 as trimmers or stokers was flatly prohibited.

A special Act Concerning the Prevention of Ill-treatment of Children, passed in 1933, gave the prefectural governor discretionary powers for the prohibition of the employment of children under 14 in certain occupations, such as peddling or entertainment, if the children were ill-treated or likely to be ill-treated. Contravention of any order issued under this authority was punishable by a fine of 1,000 yen or one year's imprisonment.

b. Regulations governing apprenticeship. Section 28 through 32 of the Ordinance for the Administration of the Factory Act outlined the conditions under which employees might be classified as apprentices. Persons so classified apparently could be treated differently than other workers in factories covered by the act, but it was stipulated in Section 30 that where apprentices were "minors or females", safeguards to health were to be established "according to the spirit of the Factory Act with reference to workers under 16."

An employer might classify his workers as apprentices if, as stipulated in Section 28, the work was undertaken to impart the knowledge and skill necessary for a particular occupation, training was carried on under the direction and care of a specified person, definite supervision was constantly given in regard to "moral training", and the apprenticeship was conducted according to regulations approved by the prefectural governor. To secure this approval, the occupier of a factory was required, under Section 29, to furnish detailed information concerning the term and articles of apprenticeship, the number and age of apprentices, the qualifications of the trainer and the nature and duration of training, and various other items of information. The prefectural governor was authorized, under Section 31, to order any necessary corrective measures if he considered that the regulations approved by him

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were not being followed, or if he felt that the training purposes of the enterprise were not being carried out.

Furthermore, according to Section 32, if the requirements of Section 28 were not fully satisfied or if the approval of the prefectural governor was cancelled, the provisions of the Factory Act and the Ordinance for the Administration of the Factory Act were to apply, even though the occupier of a factory described his workers as apprentices.

Special note should be taken of the wide discretionary powers of the prefectural governor in connection with apprenticeship. It is clear that he alone had the power to prevent the misuse of apprenticeship as a device for the evasion of the letter and spirit of the minimum age laws and other protective legislation covering children working in factories.

2. Wartime Developments

In the period 1937-1944, legislative measures protecting juvenile workers suffered the same fate as those protecting women workers. That is, they often were not specifically abrogated, but all were nullified or superseded by the various decrees and ordinances issued under the National Mobilization Law. As they affected the protection of child workers, these measures may be classified under two types: those dealing with all young workers, and those exacting labor for part or all of the year from children who would not normally be in the labor force at all.

The Ordinance for Restricting Employment of Young and Juvenile Male and Female Workers, issued in October 1940 was a semi-indirect measure for channeling workers 12 to 30 (in the case of females, 12 to 20) into war industries and away from less essential undertakings. Toward the end of 1943, the employment of men 14 to 40 in a comprehensive list of "light" occupations was forbidden. Early in 1944 restaurants, tea houses, and other places of amusement were closed in large numbers, and the female workers thus released were diverted to more essential enterprises. The effect of these measures has been to direct any boys not yet in uniform away from the lighter occupations, such as the service industries, and into factories, mines, and the merchant marine, where they are exposed to new and probably greater hazards. Girls at the same time have been barred from some of their traditional pursuits and forced into factories and mines as well as into the "light" occupations forbidden to men.

In an effort to increase the labor supply, compulsory labor service has been exacted of many young persons who would normally not be working. This has been a gradual development, beginning in 1938 with the requirement by the Ministry of Education that school children and young students devote five days a year to pro-

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ductive labor, and until the end of 1943 involving not more than 60 days of such labor. However, in 1944 the labor conscription age was lowered first to 13 years and then to 12 $\frac{1}{2}$, and a full year of industrial work was required of all drafted workers. In the course of the year school children 12 years old and over were gradually transferred to full-time workers, either in regular factories or in converted schoolrooms. Indications are that by the end of 1944 only a negligible number of middle schools were operating on an educational basis, and the transformation of elementary schoolrooms to workrooms was a widespread phenomenon. In addition, students in schools which had not been converted to workshops were putting in many hours at work outside of school hours. The development of neighborhood centers for small-scale industrial work depended heavily on the use of children, as well as of married women, and children were also extensively employed in truck-gardening, wood-gathering, and similar work.

Since the child workers were drafted because of the shortage of adult labor, there can be no doubt that they are doing the same jobs as adults. It seems clear, therefore, that many of the provisions of the Factory Act, the Mining Act, and the Act Respecting Seamen have gone by the board under wartime conditions. The suspension of the provisions of the Industrial Workers Minimum Age Act are too obvious to require comment.

3. Problems for Military Government

It is clear that after defeat, Japan will have no labor shortage, but rather a labor surplus. As a consequence, the measures drafting young workers may safely be abrogated. At the same time, the Industrial Workers Minimum Age Act should be declared to be once more in effect. It is recommended, however, that the language of the act be altered to set the minimum age for employment in covered industries at 14, regardless of school completion. This elevation of the minimum age for employment will have the double effect of restricting the labor supply and improving working conditions, since the removal of some of the weaker members of the labor force will place those remaining in a better bargaining position. Raising the minimum age for employment will also provide a foundation for an extension of formal education beyond the minimal six years required.

It is further recommended that the provisions of the Factory Act and the Mining Act prohibiting the employment of persons under 16 at hazardous occupations or under dangerous conditions be revived at the 1937 level. The revival of the Act Respecting Seamen of 1937 and its supplementary legislation of 1938 has been previously recommended, and will restore the slight measure of protection this act afforded to young seamen.

^{1/} By the occidental system of computing ages, some of the nominal 12-year-olds are only 10.

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The Act concerning the Prevention of Ill-treatment of Children probably ought to be revived as a temporary measure, but children under 14 in occupations not covered by the Industrial Workers Minimum Age Act will constitute a problem which in the end can only be solved by prohibiting their employment altogether. The difficulty and the necessity for an on-the-spot knowledge of the employment of such children as the basis for framing an effective law seems to make postponement of this prohibition desirable, at least during the early stages of occupation.

With respect to sections 28-32 of the Ordinance for the Administration of the Factory Act, concerning apprenticeship, it is recommended that sections 28-31 be declared void, and that section 32 be rewritten to provide that "the provisions of the Factory Act and of all orders issued pursuant to Factory Act shall apply at all times, even though the occupier of a factory describes his workers as apprentices". This will at the same time simplify administration of the law and plug up one of the major loopholes in the Factory Act.

It is further recommended that a copy of the Industrial Workers Minimum Age Act be posted on all premises occupied by enterprises subject to the act. Such a recommendation with respect to the Factory Act and its supplementary legislation has already been made, and provisions affecting young workers should be included in the posted copies of this legislation. An identical recommendation applies to the Regulations for the Employment and Relief of Miners. 1/

1/ It is understood that recommendations for posting made in this report apply only to sections of the relevant legislation which are concerned with working conditions other than wages and hours. For index to the provisions of the legislation covering working conditions other than wages and hours, Chapter V (Appendix).

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CHAPTER IV

INDUSTRIAL DISCIPLINE AND THOUGHT CONTROL

Japan is a highly literate country and one in which industrialization has been fairly rapid. The fact that her standards of worker-protection have, in effect, been so low is of course partly due to the circumstance that her industrial history has been so short. However, over and above the economic and cultural lag which might be expected to occur, conscious and systematic controls have been exercised which have prevented or delayed the emergence of a program of real social reform. These measures, as they have affected working conditions, are described here under the general heading, "Industrial Discipline and Thought Control".

A. Prewar History of Industrial Discipline and Thought Control

It was not a mere accident that nearly all of the beneficial legislation listed in earlier chapters of this guide was passed between 1920 and 1929. During that decade, a good deal of critical attention was focused on abuses in the Japanese social system. The impetus for reform came chiefly from trade unions, but the influence of the League of Nations through the International Labor Office acted as a stimulus to Japanese national pride and thus also contributed to progress in social legislation.

After this auspicious beginning, social reform in Japan was slowed and finally halted. The fascist forces which were gaining ascendancy in Japanese national life inaugurated a series of anti-democratic measures which progressively narrowed the opportunity for social progress.

Because of Japan's fairly recent feudal past, many social patterns still existed which could be used to stifle the comparatively weak force of democracy. Among these were the traditions of formalism and authoritarianism in religion, education, and military life, which lent themselves to the prevention of independent and "dangerous" thought on the part of the general population. Control of the social and intellectual life of the people was also facilitated by the dormitory system, which virtually imprisoned many workers. Contacts with the outside world were easily controlled and in the place of social or cultural activities organized by the employees themselves, ritualistic or propagandistic programs were frequently made compulsory for workers during their "free time".

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powerful coercive weapon in the shape of a law which in effect made agitation for reform a criminal offence. Under this law, The Peace Preservation Act (passed in 1925 and amended in 1928), leaders in any activity which was aimed at a "change in the national polity" could be punished by death. Broadly interpreted, this covered any effort to change the status quo in any department of the national life, and extended to efforts to improve working conditions. In practice it was so interpreted, and, backed by government-sanctioned police brutality, it was effectively used against the progressive elements in the trade-union movement.

It should be clearly understood that the prevention of further social reform was not the principal objective of Japan's rulers. It might more properly be said that the measures which prevented reform were an end in themselves, since they accomplished the subjugation of the Japanese people to the will of a small minority. This obliteration of the democratic spirit was the chief aim of the Japanese militarist-imperialist faction. The reckless military adventures on which this group was planning to embark required a docile, unquestioning, even fanatical temper on the part of the general population.

B. Wartime Developments

After the war began, industrial workers were increasingly subjected to a barrage of government propaganda designed to distract their attention from their grievances and paralyze their critical faculties. With longer working hours, a drastic drop in available consumer services, and heavy demands on all workers for "volunteer" activities after working hours, little free time remained for "dangerous" thoughts. Yet in 1941 the Peace Preservation Act was revised to increase its effectiveness as an anti-democratic weapon. As it stood after that revision, it authorized the violation of virtually all civil rights of any individual even suspected of "disloyal" activities, and application of the death penalty was extended to cover not only leaders of "disloyal" activities, but any persons convicted of participation therein.

However, even this drastic exercise of police power evidently was not adequate to cope with problems of absenteeism, low production, and insubordination on the job, because by 1944 the government felt compelled to institute a military system for the control of labor in factories and mines.

The Factory and Workshop Supervision Act was passed in March 1944, and by September of that year applied to all "vital" factories and nearly 200 mines. This act, the most extensive form of industrial discipline ever applied to a civilian population by its own government

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in modern times, was designed to force acceptance of well-nigh intolerable working conditions, and destroyed the last vestige of freedom on the part of the Japanese worker to bargain for any improvement in these conditions. One announced aim of the Act was "the improvement of living conditions". But since Japanese authorities agreed that "this cannot be done hastily without in some cases impeding production efficiency," it was evidently decided to deal with morale problems by coercive rather than ameliorative means.

By this measure, which placed almost unlimited power in the hands of shop foremen, the Japanese worker became virtually subject to martial law while at work. Business management was divorced from plant management where labor control was concerned, so that "leaders in the various stages of work at the factories might have control of labor and not merely give technical guidance". A pseudo-military system under which each worker was given a definite rank with correspondingly clear-cut authority and obligations, carried with it the power to punish subordinates for infractions of rules, inadequate performance, and so on.

In the merchant marine, as has been mentioned on p. 22, the measures adopted to control seamen were partly conciliatory. Nevertheless, the merchant marine had been operating on a semi-military basis before that system was introduced in factories or mines.

C. Problems for Military Government

As wartime developments have shown, at least fifteen years of anti-democratic persuasion and coercion have not succeeded in completely subjugating Japanese workers, for if this subjugation had been achieved the progressively stronger and more violent measures described above would not have been necessary. It can therefore be stated with some confidence that Military Government will find a certain number of Japanese who will be able to think independently to some extent, and act in their own interest, even at the risk of disapproval by the traditional authorities.

To discriminate between those in this group who are mere opportunists and those who are motivated by genuine democratic principles will be a serious problem for Military Government. Spokesmen for various groups of workers, inspection and enforcement officers for the bureau controlling safety and hygiene, and other cooperative Japanese will be acutely needed. But such persons must be genuine democrats, not mere fascist turncoats.

Abrogation of the Factory and Workshop Supervision Act and the Peace Preservation Act is hereby recommended, not only for the numerous more obvious reasons, but because failure to annul these laws would

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complicate the problem of distinguishing opportunists from sincere democrats. Since the very qualities of leadership and sincerity which are most needed would make a worker the target of these laws, failure to abrogate them would drive underground all democrats and democratic ideas, and leave the field clear for opportunists and thinly-disguised fascist propaganda.

If, on the other hand, abrogation of these laws is announced immediately, in each factory and workshop some independent leadership will emerge, and with it the beginnings of active cooperation with occupation authorities. This is the group which will grasp the intention of Military Government in restoring pre-war standards of safety, hygiene, and the protection of women and children, and this is the group from which will come responsible labor spokesmen and trustworthy government inspectors.

Elimination of these two laws will permit the emergence of progressive labor leadership, and worker-enforcement of laws regulating working conditions will be stimulated. However, a further obstacle in the way of improving working conditions in any industrial or commercial enterprise will be the large volume of unemployment and the consequent undermining of the bargaining power of employed workers. If employers are permitted to fire any workers who attempt to improve working conditions, very few employees will make such attempts, and the military government will not reap the benefits of decreased hostility and increased cooperativeness which would accompany widespread employee-action in this field. For this reason, it is recommended that a section be added to the Factory Act, The Regulations for the Employment and Relief of Miners, and the Act Respecting Seamen to provide that no employee may be dismissed or penalized for membership or activity in a trade union or other similar organization for the improvement of working conditions.

Such a provision would be within the authority to regulate hiring and firing contained in the enabling acts covering working conditions in factories, mines, and the merchant marine. For that reason its inclusion would probably be accepted as a natural outgrowth of Japanese law.

While the continued use of dormitories will have many disadvantages from the standpoint of democratic development on the part of the workers, and will consequently tend to keep working conditions in factories using the dormitory system from improving as rapidly as they might, housing shortages will probably make alternative arrangements impossible. To minimize the disadvantages of the system it is recommended that the Regulations for Dormitories Attached to Factories be amended to provide that no employer may require the presence of any

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worker in the living quarters nor in any portion of the industrial premises outside of working hours, and that no employer may prevent access to the living quarters provided for his workers at any reasonable hour (Military Government to determine the "reasonableness" of the hour). Further amendment of the Regulations to provide for the free circulation of written and printed material and the free use of radio facilities in dormitories is also recommended.

Posting of the Regulations for Dormitories attached to Factories and of a copy of the rules for management as filed with the prefectural governor is recommended as a requirement which will speed up employee activity for the protection of workers living in dormitories.

In most of the prewar legislation covering working conditions other than wages and hours, broad discretionary powers are reserved to the prefectural governor. It is therefore recommended that the powers of the prefectural governor be assumed by the Civil Affairs Officer in charge of each prefecture.

Enforcement powers vested in the Munitions Ministry during the war would most logically be returned to the Bureaus from which they were taken. However, the role of the police in enforcement, which in the past frequently led to abuse, ought to be eliminated as soon as possible, and these functions carried out by representatives of the appropriate bureaus, operating through the regular courts.

CHAPTER V

APPENDIX: INDEX TO LEGISLATION GOVERNING WORKING CONDITIONS

This index gives the titles and contents of the laws governing safety, hygiene, and industrial discipline in prewar Japan. It is designed to supplement the description of legal standards given in the text of the report and to provide a key to the body of complementary (and sometimes overlapping) decrees and ordinances.

Where feasible, the subject matter of the various relevant laws has been indexed by individual sections. In the case of some amending ordinances, however, the contents are merely summarized. The index of subject matter is usually accompanied by recommendations for revival or non-revival of the entire law or of specific sections of the law. Because certain relevant laws contain sections dealing with matters outside the scope of this report, such irrelevant sections have been indexed separately wherever possible. In addition to indicating the contents and recommended action for sections of the laws as they were in effect before the war, the index contains a suggested text for several new sections the addition of which is recommended. All recommendations, on both old and new sections, are in accordance with the policy described in the text of the report.

Relevant legislation as amended through 1937 (the last comparatively normal prewar year) has been covered as completely as available sources permit. The Legislative Series, compiled by the International Labour Office, gives a complete English translation of most of the basic legislation for the period 1923-1937. A few ordinances not included in this series were covered in the periodical Industrial and Labour Information, also published by the International Labour Office. A translation of the basic Mining Act (which was passed in 1905 and hence is not included in the Legislative Series) was located in the library of the Department of Labor in Washington, D.C., but later revisions of this act, and certain supplementary ordinances, were not available.

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FACTORY ACT

Name, Effective Date, and Source of Law; Relevance of Sections; Recommendation		Section Number and Subject Matter
	Number	Subject Matter
Factory Act, No. 46 of 28 March 1911, as amended by Act No. 33 of 29 March 1923. Effective 1 July 1926. (ILO Leg. Ser. 1923-Jap. 1)		
Relevant sections, revival recommended:		
	1	Coverage
	9-11	Women and minors, re: work hazards
	12	Maternity (general authority)
	13	Authority to order correction or closeup
	14	Authority to inspect premises
	15	Census office furnish free birth record
	13, 19, 22	Responsibility of managers vs. occupiers; approval of managers
	20	Fine for contravention of Act
	21	Fine for obstructing inspection
	23	Appeal from actions taken under Act
	24	Extension of coverage (revive as amended in 1929 -- see below)
	25	Coverage
Relevant sections, revival not recommended:		
	Suppl'y (4 par.)	Various short-term limitations
Mixed sections, revival not recommended:		
	17	"Matters respecting hiring, firing, supervision of employment agencies, and apprenticeship shall be regulated by Imperial Decree."
Irrelevant sections:		
	3, 4	Hours
	7, 8	Rest days
	15	Compensation for injury
Sections previously repealed:		
	2, 5, 6	Various
New sections recommended:		
	26	"The occupier of every establishment covered by the Factory Act shall keep a copy of this Act posted in a place in which it can easily be read by the employees of the establishment."

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FACTORY ACT
(continued)

Name, Effective Date, and Source of Law; Relevance of Sections; Recommendation	Section Number	Subject Matter
Act No. 21, to amend the Factory Act. Dated 27 March, 1929. Effective date not given in source. (ILO Leg. Ser. 1929-Jan. 1A)	27	"No employee may be dismissed or otherwise penalized because of membership in a trade union or other organization having as its aim the improvement of working conditions."
Relevant sections, revival recommended:	2 par.	Amends Sec. 24 of Factory Act

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ORDINANCE FOR THE ADMINISTRATION OF THE FACTORY ACT

Name, Effective Date, and Source of Law; Relevance of Sections: Recommendations	Section Number and Subject Matter
	Number Subject Matter

Imperial Ordinance No. 153
to amend the Ordinance
for the Administration of
the Factory Act. Dated
5 June 1926.
Effective 1 July 1926.
(ILO Leg.Ser.1926-Jap.1B)^{1/}

Relevant sections, revival
recommended:

1, 2	Types of exempt establishments
3	Types of covered establishments
5	Medical care to be supplied by occupier
18	Authority to order investigation of injury, sickness, or death
21	Register of workers (general order)
27 bis	Two weeks' notice of dismissal
27 ter	Worker's record of employment
32	Apprenticeship. AMEND to read: "The provisions of the Factory Act and of all orders issued under the Factory Act shall apply at all times even though the occupier of the factory describes his workers as apprentices."
33	Fine for contravention of Act
Suppl.4	Education of workers who have not completed elementary school

Mixed sections, revival
recommended:

27quater	Approval of factory rules for hours, wages, subsistence, discipline, and dismissal. AMEND, adding: "A copy of these rules as currently approved shall be posted by the occupier in a place in which it can easily be read by the employees of the establishment"
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Relevant sections, revival
not recommended:

28 - 31	Apprenticeship
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Irrelevant sections:

4, 6-17,	
19, 20, 27	Allowances
22-25	Wages

^{1/} Text given is that of entire Ordinance as amended to date shown.

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ORDINANCE FOR THE ADMINISTRATION OF THE FACTORY ACT

Name, Effective Date, and Source of Law; Relevance of Sections: Recommendations	Section Number	Subject Matter
	Suppl.1	Effective date
	Suppl.2	Allowances
	Suppl.3	Wages
	Suppl.5	Wages
	Suppl.6	Various short-term limitations
<u>Sections previously repealed:</u>		
	26	Education of minors
	34-36	Subject not indicated in source

Imperial Ordinance No. 202,
to amend the Ordinance for
the Administration of the
Factory Act. Dated 25
June 1929.
Effective 1 July 1929,
(ILO Leg. Ser. 1929-10) 1/

Relevant sections, revival
recommended:

None

Irrelevant sections:

9. 27 Allowances (amends former Secs. 9. 27)

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REGULATIONS FOR THE ADMINISTRATION OF THE FACTORY ACT

Name, Effective Date, and Source of Law; Relevance of Sections; Recommendation	Section Number and Subject Matter	
	Number	Subject Matter
Ordinance No. 13 of the Department of the Interior, to amend the Regulations for the Administration of the Factory Act. Dated 7 June 1926. Effective 1 July 1926. (ILO Leg.Ser.1926-Jap.1C) ^{1/}		
Relevant sections, revival recommended:		
	1	Coverage
	5	Types of work under Sec. 9 of Fact Act
	6	Types of work under Sec. 10 of Fact.Act
	7	Types of work under Secs. 10 & 11 of Fact.Act with respect to women over 16
	8	List of diseases precluding employment
	9	Maternity leave
	9 bis	Leave to nurse baby twice daily
	10	General authority to prohibit employment of sick persons
	11	Credentials required for inspection
	14	Calling physician for examination or p.m.
	16-19, 22	Required register of workers
	21-22	Approval of factory manager
	24-26	Reporting of sickness, injury, death
Mixed sections, revival recommended:		
	12	Informing workers of employment rules; posting of hours, rest periods, etc.
Relevant sections, revival not recommended:		
	Suppl. (2 par.)	Various short-term limitations; effective date
Irrelevant sections:		
	2-4	Hours, rest days
	12 bis	Wages
	13, 15	Allowances
	14 bis	Allowances
Sections previously repealed:		
	23	Subject not indicated in source

^{1/} Text given is that of entire Ordinance as amended to date shown

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REGULATIONS FOR THE ADMINISTRATION OF THE FACTORY ACT

(continued)

Name, Effective Date, and Source of Law; Relevance of Sections: Recommendation	Section Number and Subject Matter
	Number Subject Matter
New sections recommended:	
	23 "The occupier of every establishment covered by the Factory Act shall keep a copy of these Regulations posted in a place in which they can easily be read by the employees of the establishment."
Ordinance No. 16 of the Department of the Interior, to amend the Regulations for the Administration of the Factory Act. Dated 27 March 1929. Effective 1 September 1929. (ILO Leg.Ser.1929-Jap.1B)	
Relevant sections, revival recommended:	
	27 (Adds new Sec. 27) Coverage, register
Relevant sections, revival not recommended:	
	Suppl. Effective date; various short-term (2 par.) limitations
Ordinance No. 24 of the Department of the Interior, to amend the Regulations for the Administration of the Factory Act. Dated 24 June 1930. Effective 1 July 1930. (ILO Leg.Ser.1930-Jap.2)	
Irrelevant sections:	
	3 (Amends Sec. 3) Hours

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REGULATIONS CONCERNING ACCIDENT PREVENTION AND HYGIENE

Name, Effective Date, and Source of Law; Relevance of Sections; Recommendation	Section Number and Subject Matter	
	Number	Subject Matter
Ordinance No. 24 of the Department of the Interior; Regulations Concerning Accident Prevention and Hygiene. Dated June 20, 1929. Effective 1 September 1929. (ILO Leg.Ser.1929-Jap.4)		
Relevant sections, revival recommended:		
	1	Coverage (same as Sec. 1 of Fact. Act)
	2-28	Protection from mechanical, chemical and fire hazards
	29	Messrooms, washrooms, drinking water
	30	Sucking thread from shuttle
	31	Lighting and ventilation
	32	Provision of first-aid equipment
	33	Messroom & kitchen sanitation; diseases precluding employment
	34	Cloakrooms, bathrooms
	35	Authority to order correction
	36	Fine for contravention
Relevant sections, revival not recommended:		
	Suppl. (3 par.)	Effective date, various short-term limitations

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REGULATIONS FOR DORMITORIES ATTACHED TO FACTORIES

Name, Effective Date, and Source of Law; Relevance of Sections; Recommendation	Section Number and Subject Matter	
	Number	Subject Matter

Ordinance No. 26 of the Department of the Interior, to issue Regulations for Dormitories Attached to Factories. Dated 6 April 1927.

Effective 1 July 1927.

(ILO Leg. Ser. 1927-Jan. 2)

Relevant sections, revival recommended:

1	Coverage (revive as amended in 1929 -- see below)
2	Separation of dormitories from workshops (specified cases); authority to order correction or close premises
3-20	Protection from mechanical, chemical, fire, and health hazards
21	Approval of rules for management of dorm.
22	Posting of the Regulations for Dormitories Attached to Factories and of rules for management of dormitory
23	Exemptions

Relevant sections, revival not recommended:

Suppl. Effective date, various short-term (3 par.) limitations

Ordinance No. 36 of the Department of the Interior to amend the Regulations for Dormitories Attached to Factories. Dated 23 August 1929.

Effective 1 September 1929.

(ILO Leg. Ser. 1929-Jan. 5)

Relevant sections, revival recommended:

1	(Amends Sec. 1) Coverage
3 <u>bis</u>	(Adds new Sec. 3 <u>bis</u>) Number of staircases for dorms.; exemptions
3 <u>ter</u>	(Adds new Sec. 3 <u>ter</u>) Keeping staircases free of obstruction

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REGULATIONS FOR DORMITORIES ATTACHED TO FACTORIES
(continued)

Name, Effective Date, and Source of Law; Relevance of Sections: Recommendation	Section Number and Subject Matter Number Subject Matter
Relevant sections, revival not recommended:	
	Suppl. Effective date, various short-term (2 par.) limitations
New sections recommended:	
	24 "No employer may require the presence of any worker in the living quarters provided nor in any other portion of the industrial premises outside of working hours, and no employer may prevent access to the living quarters provided for his workers at any reasonable hour. In cases of dispute, such hour shall be determined by the prefectural governor."
	25 "No employer may place any obstacle in the way of the free circulation of written and printed material and the free use of radio receiving facilities among and by workers during the hours they are not actually working."

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MINING ACT

Name, Effective Date, and
Source of Law; Relevance of
Sections; Recommendation

Section Number and Subject Matter
Number Subject Matter

Act No. 45 of 7 March 1905.
(Mining Act.)

Effective 1 July 1905.

(The Mining Law of Japan.

Law No. 45 of the 38th

Year of Meiji (7th March

1905). Translated by J.E.

DeBecker. Yokohama. Print-

ed at the "Japan Mail"

Office. 1905. 24p.) 1/

Relevant and irrelevant sec-
tions, revival recommended 2/

1-70

Coverage (state undertakings are includ-
ed); definitions; procedure for secur-
ing and exercising mining right; employ-
ment of land; places in which mining
may not be carried on; etc.

71

Responsibility of Mines Inspection Bureau
for preservation of peace and protection
of public health and welfare, as related
to mining (general authority)

72,74

Authority to order correction or closeup

73

Approval of mine managers

75

Regulation of hiring and employment
(general authority)

76

Register of workers (general order)

77

Worker's record of employment

78

Wages to be paid in currency at least
once monthly

79

Minimum age, hours of work, employment of
women & children (general authority)

80

Compensation for illness, injury, or death
if not through "gross fault" of worker

81-93

Taxes, petitions, suits, etc.

94-95

Penalty for mining another's mining right

1/ Only amending act to this act located is Mining Act Amendment Act, dated 22
July 1924. (ILO Leg.Ser.1924-Jap.2). The single provision covers allow-
ances only.

2/ Revival of the act in toto is recommended on the assumption that no later
version exists which would be preferable. Irrelevant sections included are
predominantly of a general character.

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MINING ACT
(continued)

Name, Effective Date, and Source of Law; Relevance of Sections; Recommendation	Number	Section Number and Subject Matter
	96-101	Penalties for contravention of specific sections of act
	102-105	Responsibility of agents, minors, etc.
	106	"Provisions of Law No. 52 of 1900 are applicable <u>mutatis mutandis</u> to this law & orders pursuant to it".
	107	Abolishes the <u>Mining Regulations</u>
	108-119	Short-term limitations, overlapping jurisdictions, application <u>ex post facto</u> , etc.

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REGULATIONS FOR THE EMPLOYMENT AND RELIEF OF MINERS

Name, Effective Date, and Source of Law; Relevance of Sections; Recommendations	Section Number and Subject Matter	
	Number	Subject Matter

Ordinance No. 30 of the Department of the Interior, to amend the Regulations for the Employment and Relief of Miners. Dated 1 September 1928. Effective 1 September 1930. (ILO Leg.Ser.1928-Jap.1) ^{1/}

Relevant sections, revival recommended;

3,4	Register of workers; information required
5	Hours on underground work
6 bis	Hours women & minors may work at high temp.
11 bis	Employment of women & minors underground
12,13	Hazardous occupations banned for women & minors; operations banned for minors
14	List of diseases precluding employment
15,16	Maternity leave, nursing leave
18	Provision of medical care
34	Calling physician for examination or p.m.
37	Reporting of labor disputes
37 bis	Other reports (general authority)
38,40	Fine for contravention of certain sections
41	Responsibility of mining agent as against that of holder of mining right
42	Application to state mining work

Mixed sections, revival recommended;

1	Details to be supplied in rules of employment under Sec. 75 of Mining Act (cover hiring, firing, wages, hours, discipline, education, etc.)
---	---

Irrelevant sections;

2	Hours (general authority)
6	Hours for women and minors
7,8,9,10	Shifts and rest periods
7 bis	Method of calculating hours worked
11	Hours (exemptions)
17,19-33,	
34 bis	Allowances

^{1/} Amendments incorporated in text as given in ILO Leg. Series 1926-Jap.2B.

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REGULATIONS FOR THE EMPLOYMENT AND RELIEF OF MINERS
(continued)

Name, Effective Date, and Source of Law; Relevance of Sections; Recommendations	Section Number and Subject Matter
	Number Subject Matter
	35 Hours
	39 Penalty for evasion of relief responsibilities
New sections recommended:	
	43 "No employee may be dismissed or otherwise penalized because of membership in a trade union or other organization having as its aim the improvement of working conditions."
Ordinance No. 16 of the Department of the Interior, respecting exemption from the provisions of 11 bis of the Regulations for the Employment and Relief of Miners. Dated 5 June 1933. Effective 1 September 1933. (ILO Leg.Ser.1933-Jap.1)	
Relevant sections, revocation recommended:	
	None Employment of women and minors permitted on underground work "consisting mainly of gathering up fragments of coal".
Ordinance No. ___ of the Department of the Interior, to amend the Regulations for the Employment and Relief of Miners. Dated 6 July 1936. Effective 1 September 1938. (ILO, Industrial and Labour Information, 12 October 1936. Vol. LX, No. 2, P. 57.)	
Relevant sections, revival recommended:	
	Unknown Hours during which underground work altogether prohibited for women & minors.

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REGULATIONS FOR THE EMPLOYMENT AND RELIEF OF MINERS
(continued)

Name, Effective Date, and Source of Law; Relevance of Sections; Recommendation	Section Number and Subject Matter	
	Number	Subject Matter
Ordinance No. _____ of the Department of Welfare (Ministry of Social Welfare), to amend the Regulations for the Employment and Relief of Miners. Dated 29 August 1939. Effective date not given. (Ibid., 29 January 1940. Vol. LXXIII, No. 5, P. 90.)		
Relevant sections, revocation recommended;	Unknown	Further exemptions to Sec. 11 bis of The Regulations for the Employment and Relief of Miners.

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ACT RESPECTING SEAMEN

Name, Effective Date, and Source of Law; Relevance of Sections; Recommendation	Section Number	Subject Matter
Act No. 79, Respecting Seamen. Dated 13 August 1937. Effective date not given in source. (ILO Leg.Ser.1937-Jap.1)		
Relevant and irrelevant sections, revival recommended ^{1/}		
	1-6	Chapter I - General Provisions
	1	Coverage
	2	Birth records to be furnished free, etc.
	3	Permission of parents for employment of minors as seamen
	4	Minimum age provisions
	5	Medical certificate for minors
	6	Seaman's book
	7-17	Chapter II - The Master of the Vessel
		Includes provisions relating to obligation of master to save personnel in case of danger; burial at sea; reporting of deaths, disappearances, etc.
	18-33	Chapter III - Members of the Crew
	18	Approval required for change in contract
	19	Pay when ill or injured
	20	Wages & allowances (general authority)
	21	Standards for rations (general authority)
	22	Provision of medical services & supplies
	23-28	Conditions under which contract between master and crewman may be terminated (firing, quitting, loss of ship, etc.)
	29	Relief allowances (general authority)
	30	Repatriation at end of service
	31	Employment record to be furnished seaman
	32	Statute of limitations on claims by crewmen against shipowner
	33	Relief allowances (also general)
	34-40	Chapter IV - Discipline
		Penalties master may impose on crew or passengers
	41-48	Chapter V - Miscellaneous Provisions
	41	Conciliation of labor disputes
	42	General authority of the Minister of Communications to request reports, interrogate persons, or punish contravention of Act

^{1/} Because irrelevant sections included here are concerned only with general authority and not with detailed regulations, the revival of the act in toto is recommended. (Note suggested amendment of Section 67.)

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ACT RESPECTING SEAMEN (continued)
ORDINANCES Supplementing the ACT RESPECTING SEAMEN

Name, Effective Date, and Source of Law; Relevance of Sections; Recommendation	Section Number and Subject Matter	
	Number	Subject Matter
	43-45	Responsibility of managers, charterers, consuls, etc.
	46-47	Coverage
	48	Approval of rules for supervision of crew
	49-66	Chapter VI - Penal Provisions
		Penalties for contravention of Act
Suppl.		Additional Provisions
67		Effective date. AMEND to read: "This Act shall take effect immediately."
68		Repeals Act Concerning Minimum Age for Admission of Children to Employment at Sea, also Sec. 575 and Div. 2 of Chap. II of Book V of the Commercial Code
69		Application of Act to events occurring before effective date of Act
	70-71	Various short-term limitations
New sections recommended:		
	72	"No employee may be dismissed or otherwise penalized because of membership in a trade union or other organization having as its aim the improvement of working conditions."

Imperial Ordinance No. 135.
Dated 24 March 1938.
Effective date not given in source.
(ILO, Industrial and Labour Information, 28 November 1938. Vol. LXVIII, No. 9, pp. 295-299)

Unknown sections, revival recommended:

Unknown Unknown. (ILO source summarizes contents.) Together with Ordinance No. 21 of the Minister of Communications (see below), this Ordinance amplifies and supplements the provisions of the Act Respecting Seamen.

1/ Revival of all of the sections of this law is recommended except such as specifically conflict with the policy of Military Government or with recommendations made in this report.

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ORDINANCES Supplementing the ACT RESPECTING SEAMEN (continued)

Name, Effective Date, and Source of Law; Relevance of Sections; Recommendation	Section Number and Subject Matter	Number	Subject Matter
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Ordinance No. 21 of the Minister of Communications. Dated 25 March 1938. Effective date not given in source. (ILO, Ibid.)

Unknown sections, revival recommended: 1/

Unknown Unknown. (ILO source summarizes contents.) Same general subject matter as Imperial Ordinance No. 135 (see above).

1/ Revival of all of the sections of this law is recommended except such as specifically conflict with the policy of Military Government or with recommendations made in this report.

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ACT CONCERNING THE MINIMUM AGE FOR INDUSTRIAL EMPLOYMENT
ACT CONCERNING THE PREVENTION OF THE ILL-TREATMENT OF CHILDREN

Name, Effective Date, and Source of Law; Relevance of Sections; Recommendation	Section Number	Section Number and Subject Matter
Act No. 34 Concerning the Minimum Age for Industrial Employment. Dated 29 March 1923. Effective 1 July 1926. (ILO Leg.Ser.1923-Jap.2)		
Relevant sections, revival recommended:		
	1	Coverage (definition of "industry")
	2	Minimum age provision. AMEND to omit from par. 1 the phrase: "Provided that this rule shall not apply to persons over 12 years of age who have finished the course at an elementary school."
	3	Register of workers (general order)
	4	Authority to inspect premises
	5	Census office must furnish free birth record
	6	Fine for contravention of Act
	7	Fine for obstructing inspection
	8-10	Responsibility of managers
	11	Application to public enterprises
Act No. 40 Concerning the Prevention of the Ill-Treatment of Children. Dated 31 March 1933. Effective 1 October 1933. (ILO Leg.Ser.1933-Jap.3)		
Relevant sections, revival recommended:		
	1	Children defined (as under age 14)
	7	Regulation or prohibition of employment of children mistreated or likely to be mistreated (general authority)
	10	Fine for contravention of Sec. 7
Relevant sections, revival not recommended:		
		Suppl. (1 par.) Effective date
Unknown sections, no recommendation:		
	Unknown	Unknown (ILO source gives contents only of sections cited above)

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ORDINANCE RESPECTING THE MARKING OF WEIGHT ON HEAVY PACKAGES

Name, Effective Date, and Source of Law; Relevance of Sections; Recommendation	Section Number and Subject Matter	
	Number	Subject Matter
Ordinance No. 16 of the De- partment of the Interior, Respecting the Marking of Weight on Heavy Packages. Dated 6 May 1930. Effective 1 July 1930. (ILO Leg.Ser.1930-Jap.1)		
Relevant sections, revival recommended:		
	1	Requirement for marking of weight
	2	Fine for contravention
	3	Responsibility of legal representatives
	4	Responsibility of consignor
Relevant sections, revival not recommended:		
	Suppl.	
	(1 par.)	Effective date

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FOREIGN ECONOMIC ADMINISTRATION
Enemy Branch

ADMINISTRATION OF THE PROPERTY OF IMPERIAL HOUSEHOLD OF JAPAN

Special attention is called to the fact that this document was substantially completed prior to the surrender of Japan. Persons using this document are cautioned that its recommendations were written prior to the acceptance of the Potsdam Declaration and the Instrument of Surrender. All recommendations must, accordingly, be critically examined in the light of current U.S. policy.

September 1945

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INTRODUCTION AND SUMMARY

By virtue of his position as head of the state, the Emperor of Japan has direct control of a large fortune, estimated at over one billion yen and including extensive forest tracts, farm land, commercial securities, government bonds, palaces and their furnishings, bullion, specie and currency. Legally, title to this fortune is vested in the Imperial Household, a highly important government institution consisting of the Emperor and his immediate family and served by a staff of some 3,000 regular civil employees organized as the Imperial Household Department. The general lines of management and administration of the property of the Imperial Household are laid down by law, and specific procedures are promulgated by the Minister of the Imperial Household, who directs the Imperial Household Department. The Imperial Treasury Bureau of the Department has custody over bullion, specie, currency and intangibles; the Imperial Forestry and Estates Bureau manages the forests, farms and stock farms, and other properties are administered by particular bureaus in connection with their court functions.

This immense fortune presents special problems to the Military Government. The convertability of a good part of the properties to cash makes them particularly susceptible to use in financing hostile political and military activities. Stockholdings in certain key corporations and banks, such as the Yokohama Specie Bank and the Japan Mail Steamship Co. may offer opportunities for economic obstruction to the policies of the Military Government authorities. The use of certain of the properties, such as productive forests and farms, may be needed in connection with functional Military Government programs. Moreover, it is quite possible that much of this property may be concealed or transferred clandestinely to others, for the purpose of evading fines, penalties or seizure for ultimate disposition in accordance with policy to be determined later. Finally, much of the property, such as palaces, exhibition halls and estates, will be particularly liable to looting.

To solve these problems, a close control of the crown properties by the Military Government will be necessary. The most effective method of control will be to manage the properties as a unit through the old Imperial Household Department, provided that over-all policy will permit the complete separation of the Department and its officials from the control and influence of the Emperor. The degree of MG supervision will vary with the category of property, and the actual organizational structure available to MG will depend, among other things, on the size of the occupied area and whether the central headquarters of the Department is included in that area. A proposed program, which it is believed will provide the most effective control of the property of the Imperial Household, may be found in detail in Chapter V below. This recommended program may be summarized as follows:

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1. A Crown Property Custodian should be appointed from the staff of Military Government to vest title or assume custodial title to the Imperial Household properties on behalf of Military Government and to take general control of the management, accounting and records thereof. The MG officer placed in charge of the Imperial Household Department might well serve concurrently as Crown Property Custodian.
2. All transfers of title to property prior to vesting of title in or assumption of control by the Crown Property Custodian should be declared invalid if they took effect on or after 7 December 1941, unless they were made to purchase the necessities of life for the Emperor and the Court, to pay the salaries of regular Imperial Household Department employees or to pay for customary property maintenance. After assumption of control, all transfers except for the above purposes should be prevented.
3. A rough inventory of Imperial Household properties as of the date of invasion should be maintained or compiled as soon as possible. As soon as convenient, a detailed inventory should be made.
4. All officials who by their records may be expected to be most loyal to the Imperial Household or hostile to MG should be ruled ineligible to hold positions of authority with respect to Imperial Household properties. It is suggested that those ruled ineligible should include all Japanese who actively participated in a responsible capacity in the formulation or execution of Japanese imperialist policies prior to 7 December 1941 or in the prosecution of the Pacific War since that date and also all personal appointees of the Emperor, i.e. those holding shinnin or chokunin rank.
5. The Civil List should be terminated. The day-to-day living expenses of the Emperor or his immediate family, if in MG custody, should be paid out of governmental revenues. Expenses in connection with crown property maintenance and salaries of the regular employees of the Imperial Household Department should be paid out of the proceeds of the crown properties.
6. Bullion, specie, currency, securities and negotiable instruments should be carefully listed and turned over to the financial section of MG.
7. Management of forests, farms and livestock should be continued, with the customary procedures, in the Imperial Household Forestry and Estates Bureau, in its present form or in some modified form, under the general supervision of the Crown Property Custodian. A regular liaison should be set up with other MG agencies to enlist these properties in any production program deemed essential to military security or the tranquility of the civil population. Where wartime conditions make it impossible for the tenants on Imperial Household farms to pay the customary rent, evictions should not be

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resorted to since they would interfere with food production and would probably contribute to agrarian unrest. Rent receipts above the amount needed for managing the properties should be transferred to the financial section of MG.

8. The palace or estate actually used by the Emperor and his immediate family as living quarters might be safely left to the management of the Emperor. All other palaces, estates, exhibition halls, museums, etc., should be sealed after inventory by the Crown Property Custodian.

9. All transportation facilities should be reported immediately to the Crown Property Custodian who should make them available to the occupying forces.

10. Destruction or removal of accounts and records should be prohibited. With the seizure or sealing of certain categories of property, particularly the confiscation of bullion, specie, currency and realisable securities by MG, the assignment of accounting functions will have to be changed somewhat, but customary accounting procedures should be retained where possible.

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I. LEGAL STATUS OF IMPERIAL HOUSEHOLD PROPERTY

A. Definition of Imperial Household Property

By the term "Imperial Household Property", or as it is frequently referred to in this guide, "crown property", is meant all objects, real and personal, to which the Imperial Family has title and which are under the direct control of the head of the Imperial Family, namely the Emperor. While the Imperial House Law (Koshitsu Tempan Art. 30) defines the Imperial Family to include the Imperial Princes and Princesses as well as the immediate family of the Emperor (i.e., Empress, Empress Dowager, Grand Empress Dowager, the Crown Prince and his brothers and sisters, and the eldest son of the Crown Prince), by law the Imperial Princes are permitted to set up their own houses and their property is outside the direct jurisdiction of the Emperor. Nevertheless, to the extent that the property holdings of these houses (miya), which numbered fourteen in 1943, are considered to be significant in terms of potential control by the Emperor and his Household ministers, they are treated in this Guide. For the most part this Guide is devoted to the property holdings of the immediate Imperial Family.

B. Laws Affecting Imperial Household Property

The property holdings of the Imperial Family are considered to be a direct concern of the state and their legal status and management are defined in four principal laws:

1. Imperial House Law (Koshitsu Tempan) of February 11, 1889, supplemented in 1907 and 1908. Aside from questions of property inheritance, which are identical with the question of succession to the throne, Articles 45-54 deal with Imperial hereditary estates, the expenditures of the Imperial Household, and property litigation. Article 61 authorizes further legislation concerning property and annual expenditures. In very general terms, the Imperial House Law draws the legal distinction between "Hereditary" and "Ordinary" property (q.v. below), establishes the Civil List, provides for accounting of Imperial property and commercial transactions within the Imperial Household Department (Kunai-sho) and determines the legal status of Imperial Household Property vis-a-vis third parties.

2. Imperial Household Property Ordinance (Koshitsu Zaisanrei), Imperial Family Ordinance No. 33, December 24, 1910, amended in 1924, approved pursuant to deliberations of the Imperial Family Council and the Privy Council. This law goes into much greater detail than the Imperial House Law on the same property subjects treated by the latter. In addition it provides for a system of record-keeping, for the establishment of the succession to independent estates or houses (miya) by Imperial Princes, and for the supervision of the financial affairs of the Crown by an Imperial Household Economic Council (Koshitsu Keizai Kaigi).

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3. Imperial Household Accounting Ordinance (Koshitsu Kaikai-rei) Imperial Household Department Ordinance, No. 2, July 10, 1912, amended in 1912, 1919, 1921, 1924, 1928, and 1933. This ordinance sets up the form of the accounts and the budget, establishes procedural rules with regard to income, expenditures, and contracts, and designates responsible officials within the Imperial Household Department.

4. Rules for Application of the Imperial Household Accounting Ordinance (Koshitsu Kaikai-rei Shikko Kisoku), Imperial Household Department Ordinance No. 6, July 10, 1912, amended in 1912, 1914, 1915, 1921, 1922, 1923, 1924, 1928, 1930, 1933, and 1939. This ordinance sets up detailed procedural regulations dealing with investments, bullion, budgets, income and expenditure and contracts.

C. Legal Status of Imperial Household Property with respect to the Japanese Government

It is impossible to define with precision the present Japanese theory concerning the legal relationship between the property of the Imperial Household and the Japanese government without becoming enmeshed in the subtle disputations in which chauvinist exploitation of Shinto has involved Japanese constitution lawyers. However, several general principles are clear in practise:

1. There is a clear distinction between the entire national wealth which is in theory the property of the Emperor as the head of the "national family" and the property of the Imperial Household. There is also a clear legal distinction between the property of the state, which belongs to the Emperor as the personification of the state, and the property of his household.

2. Certain exercises of government functions towards ordinary private property do not apply to the property of the Imperial Household. Crown property cannot be the object of taxation, nor may the right of eminent domain be applied to it for public purposes.

3. The property of the Imperial Household appears to have a legal status beyond that of private property or even beyond privileged private property. Its disposition and management are determined by public laws. The high officials of the Imperial Household department, who direct the management of crown properties, are high government officials chosen as much for their abilities with reference to state policy as to crown property. The administrative employees are regular civil service employees with regular civil service ranks and are paid from the national treasury by the Civil List. Much of the property itself was acquired by donation from the national government or its subdivisions; some of it has been returned subsequently to the government. This flexibility in shifting jurisdiction from the Imperial Household to a cabinet department and back is particularly

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evident in the boundaries of forest areas, where land has been shifted from the Imperial Household Department to the Department of Agriculture and Forestry and vice versa on numerous occasions. In general, it may be said that the Imperial Household holds almost all of its property solely by virtue of the fact that the Emperor is the head of the state (or in current Japanese obfusatory verbiage, is the state) rather than as a purely private family holding, and that by and large of it may be considered in the nature of quasi-public property.

D. Legal Status of Imperial Household Property with Respect to Commercial Transactions

All property of the Imperial Household is divided into two categories, Hereditary and Ordinary, by the Imperial House Law. The legal status of each with respect to commercial transactions is quite different.

1. Hereditary Property (seiden zaisan) consists of real or personal property which has been so designated by Imperial writ (chokusho) with the advice of the Privy Council. It is inalienable. Since it is legally nontransferable, it cannot be made the object of sale, donation or other action involving change of title. Furthermore, it cannot become the object of compulsory legal execution. However, certain rights in rem with respect to real Hereditary Property may be created by the Emperor with the advice of the Privy Council on occasions where such action is essential for the public benefit. In the case of Hereditary Property, moreover, the Real Property Registration Law is inapplicable and is superseded by a public announcement of the Minister of the Imperial Household. Hereditary Property may be transferred to the Ordinary Property category by Imperial writ after consultation with the Privy Council.

2. Ordinary Property (futsu zaisan). Except for Hereditary Property, all crown property, including revenue from Hereditary Property, is "Ordinary" Property and may be bought and sold, or otherwise disposed of in accordance with the provisions of the Civil Code. Litigation with reference to Ordinary Property follows the regular rules laid down by the Civil Code and the Code of Civil Procedure. In such litigation the Imperial Household is represented by the Minister of the Imperial Household or by a bureau or section chief within the Imperial Household Department whom he designates. There are only three major exceptions to the general rule that Ordinary Property has the legal status of private property.

a. Where the Civil Code and the Imperial House Law conflict, as in the questions of inheritance, the latter applies.

b. Crown Ordinary Property is not subject to public taxation.

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c. In the case of forests and estates, the boundary lines are decided in the first instance by the Imperial Household Forestry and Estates Bureau (Koshitsu Rinya-kyoku) of the Imperial Household Department and are considered final if no suit has been brought by adjoining property owners within three months of the official notification of such delineation.

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II. EXTENT AND VALUE OF THE PROPERTY OF THE IMPERIAL HOUSEHOLDA. General

The property of the Imperial Household rivals that of Japan's wealthiest families in value. Its holdings, which include vast tracts of forest land, considerable farm land, commercial securities, government bonds, palaces, residences, estates, hunting and fishing preserves, and museums, are estimated to have been worth in the neighborhood of one billion yen in 1939-40. While its revenues from these properties are difficult to estimate, they are believed to have amounted to at least 30 million yen in 1939, exclusive of the 4.5 million yen allotted annually by the Treasury Department (Okura-sho) for the Civil List. Since its total expenditures amounted to about 20 million yen annually, the Imperial family was financially independent of the Japanese government, and any of its departments or agencies outside of its own Imperial Household Department.

This great wealth, of course, has been translated into economic power, but to a lesser extent than might be expected. Stockholdings of the Imperial Household are extraordinarily heavy in a few of Japan's key business institutions, such as the Bank of Japan, Yokohama Specie Bank, and the Nippon Yusen Kaisha (Japan Mail Steamship Co.) but ownership rights in such semi-public corporations are closely circumscribed by law and elsewhere crown stockholdings are too small to convey economic power. What is more important is that the record of these stockholdings shows a community of financial interest with the "zaibatsu" (big business) combines. In general this community of interest is closest with the older "zaibatsu" combines such as Mitsui and Mitsubishi; in contrast, the Imperial Household appears to have little financial interest in the new "konzerns", such as the Nissan interests. Regional interests are particularly clear in Hokkaido, where most of the crown forests are located and where stocks are held in regional coal mining, paper, railway, banking and development enterprises. Little direct interest is evidenced in the Japanese enterprises of the newly conquered regions, such as Central and North China, and the financial interests of the Imperial Household are proportionately smaller in Manchuria and Korea than in Japan Proper.

In the sections which follow, an attempt is made to list and evaluate the principal categories of Imperial Household property. The sources of information available on this subject outside of Japan are extremely limited and the survey which follows is admittedly incomplete. Nevertheless, on the assumption that a general idea of the range and total value of the crown properties as well as the income therefrom is necessary for intelligent Civil Affairs planning with

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respect to the Imperial Household property, estimates have been made wherever sufficient data have been available. Guidance as to where additional information may be obtained in Japan during the military occupation is given below in Chapter IV Accounting and Records.

B. Crown Forests

1. Extent and Value. So far as is known, the forest areas owned by the Imperial Household constitute the largest single category of crown property. In 1939, the crown forests covered an area of 1,334,000 cho (3,270,000 acres) or 5.5 per cent of all the forests of Japan Proper. Assuming that the unit-area value of the wooded portion (1,195,000 cho) owned by the crown was equal to that owned by the state, or about 303 yen per cho in 1939, the value of the wooded area may be estimated at about 362,000,000 yen. The remainder of the forest tracts, consisting of mountains and deforested plain, would have brought the total 1939 value of the crown forests to about 380,000,000 yen. However, considering that the crown forests are generally of better quality than the national forests, the total value of crown forests is probably somewhat higher.

2. Location. The crown forests are located entirely in central and northern Japan. The Imperial Household owns no forest tracts on the islands of Kyushu or Shikoku, or west of Kyoto prefecture on the island of Honshu. The bulk of the crown forests (901,000 cho or 2,207,000 acres) is situated on the island of Hokkaido, where it accounts for a seventh of all forest land. (See Figure No. I) Extensive forest tracts along the Kiso River in the prefectures of Nagano and Gifu and in the Oi River valley in Shizuoka prefecture are also possessed by the crown. The Kiso forests are particularly valuable; it has been said of them that "the crown forests of Kiso stand first on the list of largest and most valuable forests in Japan." Scattered forest tracts of varying extent are also held in Aomori, Iwate, Fukushima, Tochigi, Gunma, Chiba, Tokyo, Kanagawa, Yamanashi, Aichi, Miye and Nara prefectures. (See Appendix A)

3. Hereditary and Ordinary forests. While a considerable portion of the crown forests has been designated as Hereditary Property and therefore inalienable without the specific consent of the Privy Council, five-sixths of the crown forests have been transferred to the crown in recent times and are listed as Ordinary Property. All of the extensive Hokkaido tracts are ordinary property, having been turned over to the Imperial Household by the Hokkaido government in 1889. More than 2,000,000 cho were originally given to the Imperial Household at this time, but subsequently, tracts were returned to Hokkaido from time to time and are

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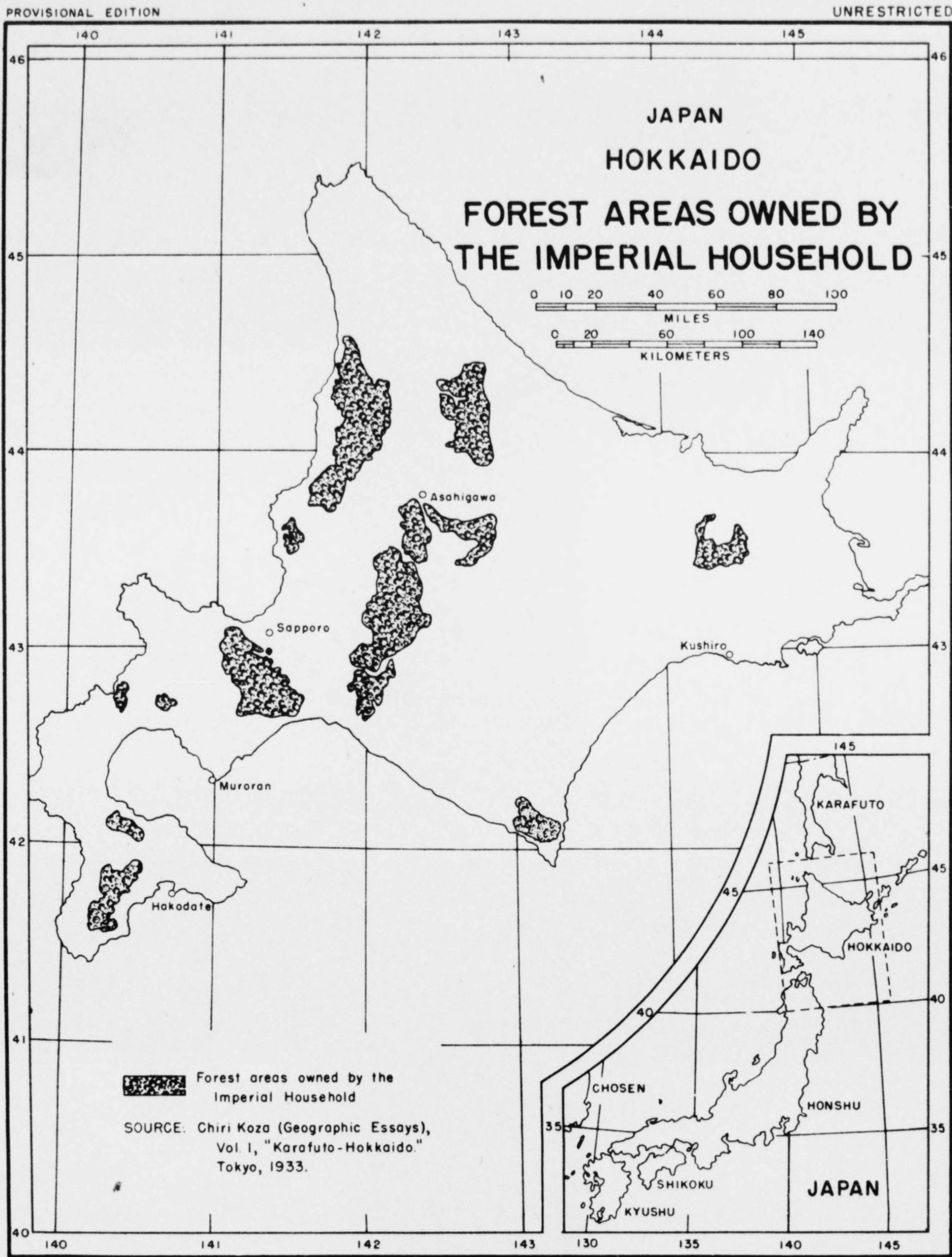


Figure 1.

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now part of private or state forests. The Kiso forests in Central Honshu, on the other hand, are largely Hereditary Property. Prior to the 1867 Restoration they were held by the Owari clan, but were yielded up to the national government in 1868 and were presented to the Imperial Household in 1889. As in the case of the Hokkaido forests, a portion was subsequently returned to the national government to become national forest.

4. Forest production and income. For the most part, the crown forests consist of broad-leafed trees but the lumbering is carried on to a larger extent in the coniferous tracts. In 1939, 1,647,617 cubic meters of timber (of which 942,065 cubic meters was coniferous and 705,552 cubic meters was of the broad-leafed varieties) was produced from the crown forests with a value of 24,105,000 yen (17,554,000 yen coniferous and 6,571,000 yen broad-leafed). (See Appendix B) This return was considerably higher than shown in previous years and is accounted for partly by increased forest exploitation and partly by the higher price of timber.

The net income available to the Imperial Household from its lumbering activities is difficult to estimate. However, a comparison of 1936 and 1939 production figures is instructive. In 1939, sales amounted to 24,000,000 yen as against 10,000,000 yen in 1936, while production showed a much smaller increase to 1,650,000 cubic meters from 1,300,000. If it is assumed that the 1936 operations were profitable, even allowing for the increased cost of greater production, the 1939 net income from forestry operations must have been at least 10,000,000 yen, and was probably somewhat higher. 1/

Forest products other than timber were negligible. The total value of bamboo products was only 1234 yen in 1939, while charcoal and firewood was not even listed in the forestry reports.

5. Property and activities associated with the crown forests. The Imperial Household in 1936 utilized 38,958 cho (about 100,000 acres) of its forest domain for pasturing livestock, consisting of 2,324 horses and 9,661 head of cattle. Annual sales are not precisely known, but are believed to amount to a few hundred thousand yen annually.

In much of the forest area, particularly in the Kiso forests, special narrow gauge railways have been constructed for logging purposes. The total length of these lines in the Kiso valley amounted

1/ In fact, the total costs of production could not have increased in the same proportion as the volume of production because much of the production cost was fixed. The Civil List covers the salaries of the regular employees of the Imperial Forestry and Estates Bureau and most of the equipment used requires no further outlay. Further, the capital equipment necessary, e.g., forestry, railways, tools, etc. is rather constant. It is difficult to see how forestry operating expenses could have amounted to more than a few million yen annually.

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to 76 miles in 1938. Similar lines are believed to have been constructed in Hokkaido. The Imperial Household is also a part owner of several neighboring commercial railways, such as the Rumae Tetsudo KK (Rumae Railway Co.) in Hokkaido and the Oikawa Tetsudo KK (Oikawa Railway Co.) in Shizuoka prefecture.

Because of its forestry holdings, the Imperial Household has also been interested in paper milling and owns considerable shares in the Oji Seishi KK (Oji Paper Manufacturing Co.) which processes almost all Hokkaido lumber used for this purpose.

C. Agricultural Land

1. Extent and Value. At the end of 1938, the Imperial Household owned 39,391 cho (96,500 acres) of agricultural land or 0.65% of all cultivated land in Japan Proper. Unfortunately, very little is known about the grade or type of land. However, using as a basis of calculation the 1939 market prices of ordinary agricultural land, which were 5760 yen per cho for paddy fields and 3430 yen per cho for uplands, the value of crown farm land may be estimated at from 226,900,000 yen (assuming it is completely paddy) to 135,100,000 yen (assuming it is completely upland) or roughly in the neighborhood of 180,000,000 yen (assuming half paddy and half upland). (Buildings, farm implements, livestock and other appurtenances are not included in this estimate.) It may be added that land prices have continued to rise since then and that consequently the crown farm lands are worth considerably more in terms of the 1945 yen. 2/

The extent of present farm holdings is much smaller than formerly. In 1924, the Imperial Household owned 164,259 cho (or 402,435 acres), but disposed of most of this property during 1926-29, presumably in order to make more profitable investments.

2. Location, status and income. Little is available as to the location of the crown farms and nothing is known concerning their number, method of cultivation, crops and so forth. All of the crown farms are "Ordinary Property", and may be sold or otherwise alienated. The only crown farming tracts definitely known are four in number, with a total area of 1758 cho (4307 acres) and were all located in Aichi prefecture in 1935, in Daimine-mura, Kita Shitara-gun.

Exact figures on crown income from farming are unavailable. If the 1939 figures of 381 yen rent per cho on paddy land and 169 yen rent per cho on uplands, which were reported from investigations, are taken as a basis for estimate, crown income from farm land may be

2/ In 1941, prices were 6880 yen per cho for paddy land and 4180 yen per cho for upland. Resultant values of crown farmland would therefore have amounted to from 271,000,000 yen to 165,000,000 yen.

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calculated at from 15,010,000 yen (if all crown farms were paddy) to 6,670,000 yen (if all crown farms were upland), or in the neighborhood of 10,000,000 yen.

D. Securities.

1. Kinds of securities. The securities owned by the Imperial Household fall into three categories: corporate stocks, corporate bonds, and government bonds. Of these, adequate information is available only in the first category. No information is available on corporate bonds except that the Imperial Household holds bonds of the Nippon Yusen Kaisha (Japan Mail Steamship Company). It is known that the Imperial Household owns considerable quantities of municipal and national government bonds; 20,000,000 yen worth of national bonds were bought during the Russo-Japanese war of 1905 and repeated attention is given to the treatment of government bonds in the accounting laws. In addition, the crown is known to own quantities of Tokyo and Osaka municipal securities. The total holdings of government bonds are thought to amount to at least 100,000,000 yen or more and may be several times that figure. 3/

2. Value and Income from Stockholdings. Total crown holdings of commercial stock as compiled from corporation yearbooks, consisted in August 1940 of 1,062,674 shares held in 30 banks and corporations with a combined value of 73,637,238 yen and a combined market value of 160,000,000 yen. (See Table III) The annual income derived from dividends declared on these stocks amounted to about 6½ million yen in 1938 and 1939. (See Table IV)

3. Nature of Imperial Household interest in corporations and banks. The heaviest concentration of crown investment in August 1940 was in banking institutions, with about 119,000,000 yen or three-quarters of all commercial stock held. Shipping companies were next with 16,000,000 yen, then mining with 7,500,000 yen, paper with 4,700,000 yen, railroads with 3,400,000 yen, sugar with 3,200,000 yen, and utilities with 2,500,000 yen. Stock was also held in insurance, trust and colonization companies and in the Imperial Hotel.

An analysis of the investment pattern in August 1940 reveals several interesting facts:

a. The bulk of the investments are in relatively low dividend, safe investments or "sure-things".

3/ If it is assumed that the Imperial Household averaged a surplus of 5,000,000 yen annually for the past twenty years and if it is assumed that the sales of 120,000 cho of farm land in the early twenties brought 200,000,000 yen, then the Imperial Household had 300,000,000 yen available for investment. Since comparatively little investment has been made in corporate stock since 1925, it is quite likely that most of this huge sum has been invested in bonds of various kinds.

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b. Industrial stocks are few and held usually in conjunction with special regional interests. For example, the heavy holdings in paper manufacturing (Oji Seishi KK, to the extent of 4,692,340 yen) and mining (Hokkaido Tanko Kisen KK to the extent of 7,562,198 yen) are reflections of the large forest holdings in Hokkaido, and the desire to develop that region industrially to the benefit of forest exploitation. The Rumae Tetsudo KK (Rumae Railway Co.) in which the Imperial Household holds stock, is likewise a small Hokkaido line near certain crown forests while the Yubari Tetsudo KK (Yubari Railway Co.) lies near coal deposits owned by the Hokkaido Tanko Kisen KK. Similarly, the Oikawa Tetsudo KK (Oikawa Railway Co.) investment of 396,000 yen is relatively insignificant and is explained by the adjacent crown forests in the Oi River basin.

c. While the Imperial Household does hold shares in companies set up to further national foreign policies, these are all older companies operating in regions penetrated or conquered some time ago. The Taiwan Seito KK (Formosa Sugar Co.) in which the crown held 3,215,380 yen worth of stock in August 1940, is financed principally by the Bank of Formosa, in which the Imperial Household also holds shares, and has been subsidized for years by the Formosan Government General to develop a needed supply of sugar and alcohol. The South Manchurian Railway, in which 2,720,625 yen worth of shares are held by the Imperial Household, has been an instrument of Japanese policy for decades. Finally, the Toyo Takushoku KK (Oriental Colonization Co.) whose crown holdings were worth 1,656,250 yen in August 1940, owns and directs in varying degrees a number of relatively "respectable" enterprises such as the Man-mo Geshoku KK (Manchuria-Mongolia Wool Co.), Nichinan Seibun KK (Japan-Manchuria Flour Milling Co.), Manyo Kohatsu KK (South Seas Development Co., which operated sugar plantations, sugar mills, and shipping lines in the former Japanese Mandated Islands), Chosen Tetsudo KK (Korea Railway Co.), Chosen Sekiyu KK (Korea Petroleum Co.), and Nichiro Gyogyo KK (Russo-Japanese Fishing Co.). Into this pattern fit the Imperial holdings in the "colonial" banks, such as the Taiwan Ginko (Bank of Formosa) and Chosen Ginko (Bank of Korea), Chosen Shokusan Ginko (Korea Colonization Bank) and Hokkaido Takushoku Ginko (Hokkaido Colonization Bank).

d. A number of the most important companies in which the Imperial Household had invested heavily are firms which have become deeply involved in the prosecution of the war against the United States and in the exploitation of the conquered Asiatic regions. The Nippon Ginko (Bank of Japan), for example, has become the principal institution whereby funds are channeled for munitions production, while the Yokohama Shokia Ginko (Yokohama Specie Bank) has been responsible for financing much of the "development" of Southeast Asia and has increased the number of its branch offices

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in that area from 10 in 1936 to 53 in 1943. The Nippon Yusen Kaisha (Japan Mail Steamship Co.) and the Osaka Shosen Kaisha (Osaka Commercial Ship Co.) have both participated in the shipping administration of the occupied areas. It is clear that the Imperial Household is at least indirectly engaged, therefore, in financing the Pacific War.

e. Absence of financial interest in certain lines of activity is significant. For example, the Imperial Household holds no financial interest in any of the companies which participated in the new militarist foreign policy prior to Pearl Harbor, such as the Manchuria Heavy Industry Company, the North China Development Company and the Central China Development Company. As of August 1940, it also held no stock in the newly developed war industries such as machinery, light metals, aircraft, synthetic oil, or communication apparatus, nor even in the older war industries such as iron and steel or ship-building. This means that few of the companies in which the Imperial Household held stock will be completely wiped out by the industrial disarmament policies to be applied by Mr.

f. In general, the financial interests of the crown as revealed by its stock-holdings indicate a community of interest with the older zaibatsu (big business) concerns such as the Mitsui, Mitsubishi, Sumitomo trusts and the Tokyo Electric Light Co. Aside from small holdings in the old zaibatsu banks, the crown has a large interest in the Nippon Yusen Kaisha (Japan Mail Steamship Line) which is clearly a Mitsubishi company, ^{4/} and in Oji Seishi KK (Oji Paper Co.) which is a Mitsui firm. ^{5/} No such community of financial interest with the shin zaibatsu (new big business trusts) represented by the Nissan-Hitachi-Manchuria Heavy Industry Corp. combine and formerly headed by Yoshisuke AIKAWA is evident.

4. Economic influence of the Imperial Household through corporate investments. For the most part Imperial Household stock-holdings are scattered through many large enterprises and are acquired as investments rather than for the purpose of enterprise management. In 22 out of the 30 corporations or banks in which the crown holds stock, the number of shares held are less than 5 per cent of the total shares outstanding and in most cases amount to 1 per cent or less. In 4 of the remaining companies the crown owns from 5 to 10 per cent of the shares outstanding and may, therefore, be able to influence company

^{4/} Of the total number of shares, or 2,125,000, the Imperial Household in August 1940 held 161,100; Mitsubishi Goshi Kaisha (Mitsubishi Joint Stock Co.) held 131,375; and Mitsubishi Zosen KK (Mitsubishi Shipbuilding Co.) held 34,874.

^{5/} Of the total number of shares, or 5,999,760, the Imperial Household in August 1940 held 62,068, Mitsui Gomei Kaisha (Mitsui Joint Stock) held 169,840, and Oji Shoken KK (Oji Securities Co.) another Mitsui company, held 320,572.

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policy in particular instances. These companies are: Nippon Yusen KK (Japan Mail Steamship Line), 8 per cent; Yubari Tetsudo KK (Yubari Railroad Co.), 8 per cent; Hokkaido Tanko Kisen KK (Hokkaido Colliery and Steamship Co.), 6 per cent; and Bank of Formosa, 5 per cent. Of the four enterprises in which the Imperial Household holds more than 15 per cent of the outstanding shares, two are insignificant in the national economy and bring little in the way of economic power, namely Oikawa Tetsudo KK (Oikawa Railway Co.), 20 per cent; and the Imperial Hotel, 18 per cent. The Imperial Household participation in the other two, the Bank of Japan and the Yokohama Specie Bank, requires more detailed consideration.

a. Bank of Japan. The Imperial Household through the Haizo-to (Chief of the Imperial Treasury Bureau) 6/ held 140,852 shares, or about 47 per cent of the 300,000 shares authorized in 1940. The next highest stockholder owned only 6,345 shares in August 1940. In 1942, the authorized capitalization was raised to 100,000,000 yen and the old stock exchanged for "investment certificates."

The Bank of Japan is the most powerful financial institution, outside of the government departments, in Japan. In addition to its general central banking functions such as note issue, discount of short-term paper, and purchase and sale of government bonds, by means of which it regulates the circulation of currency and the money market, since 1942 it may undertake directly the financing of industry and the purchase and sale of corporate debentures. 7/ By means of its note issuance power and its fixing of the discount rate, in particular, it can go far towards determining the success or failure of an inflationary or anti-inflationary policy.

Were the Bank of Japan a private institution, the heavy concentration of stock in the Imperial Household would vest in the latter immense economic power. Compared to ordinary corporations, however, the powers of the stockholders in the Bank of Japan are severely limited by law; the Governor, Vice-Governor and Managing Directors are not elected by the stockholders but chosen by the government and are not responsible to them but to the government. Under the present rules as revised in 1942 even the General Meeting of the Stockholders has been discontinued. Since the new investment certificates carry no voting power, and very limited if any power to sue the officers for grave mismanagement of the Bank, the property rights of the Imperial Household imply no economic powers.

6/ The abbreviation for which was mistaken to represent a nominee named "Kura" in the Civil Affairs Handbook, -Japan, -Section 3: Money and Banking pp. 33, 44, 47.

7/ Reference is made to Civil Affairs Handbook, Japan, Section 5: Money and Banking and the Civil Affairs Guide, Control and Use of the Bank of Japan during the Period of Military Government for a detailed discussion of the Bank of Japan.

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b. Yokohama Specie Bank. The crown held, in August 1940, 224,912 or 22 per cent of the 1,000,000 registered shares of the Yokohama Specie Bank. This was by far the largest holding, the next highest amounting to only 22,000 shares. In general, it may be said that the Imperial Household, by virtue of its property rights, can successfully control the General Meeting of the Shareholders of the Yokohama Specie Bank.

The Yokohama Specie Bank is not as powerful an institution as the Bank of Japan, but on the other hand it is not as rigidly controlled by the government. As the official foreign exchange institution, it has been specifically empowered to discount, buy and sell, deal in, and collect payments on foreign and domestic bills of exchange, drafts, promissory notes and other negotiable instruments, and therefore has considerable potential power over the direction and volume of foreign trade in general and specific export and import companies in particular. 8/ Unlike the Bank of Japan, the General Meeting of Shareholders elects the board of directors, which in turn elects the officers of the bank, but the Minister of Finance has to approve the election of the directors. Where the government lays down Bank of Japan policy subject to veto by the shareholders the shareholders, (although indirectly) lay down Yokohama Specie Bank policy subject to veto by the government. It is apparent, then, that by virtue of its property rights if wielded skillfully, the crown has great indirect power over the foreign trade of Japan.

E. Imperial Estates and other real property.

Land other than forests and farm land owned by the Imperial Household totalled 5,263 cho (12,894 acres) at the end of 1938 and was broken down as follows:

	Hereditary Property	Ordinary Property	Total
Palaces and shrines	478 cho	236 cho	714 cho
Building land	37 cho	189 cho	226 cho
Miscellaneous land (including game preserves)	<u>64</u> cho	<u>4,259</u> cho	<u>4,323</u> cho
	579 cho	4,684 cho	5,263 cho

These estates include 18 Hereditary palaces and estates centered in Tokyo, Kyoto and Nara cities and in suburban and rural area in

8/ See Civil Affairs Handbook, Japan, Section 5: Money and Banking pp. 47-52 for further detail.

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Kanagawa, Shizuoka, Nagano, Gifu and Aichi prefectures, as well as ten Ordinary palaces and villas in Tokyo, Kobe, and Numazu (Shizuoka prefecture) cities and in rural sections of Kanagawa, Tochigi and Gumma prefectures. In addition, the Imperial Household owned two fishing and two hunting preserves. 2/

It is almost impossible to evaluate these estates because of their nature. They yield no income and much of their value is intangible, based as it is on sentimental or traditional considerations. Furthermore, there is no way of telling what these estates would bring on the market. In 1935, all crown real estate was valued at 650,000,000 yen, of which it is estimated 160,000,000 yen represented farm land and 180,000,000 yen represented forest land at prevailing price per unit area in that year. Remaining real estate, including house furnishings, national treasures and art work, therefore, was valued at 310,000,000 yen. Assuming a minimal 30 per cent rise in value because of a general rise in the price level between 1935 and 1940, the value of crown real estate other than forests or farms may be calculated at 400,000,000 yen. It must be emphasized, however, that this is a wholly hypothetical figure, and the above property would have no such value except to Japanese under political and institutional conditions similar to those which prevail at present.

F. Bullion, specie, currency, and movable property.

The extent, value and location of bullion, specie and currency is unavailable, and is too fluctuating to be estimated. Since the Bank of Japan is the deposit bank for the Imperial Household Department (Imperial Household Department Proclamation, 31 October 1929) it is believed likely that a part of these properties are kept in the vaults of the Bank of Japan. Determination will await detailed inventory and appraisal of the property of the Imperial Household on the spot.

Movable property is similarly unknown but falls into the following categories:

1. Furnishings of the Imperial palaces, estates and the peers' schools. (See Section E above).
2. Contents of the Imperial museums at Tokyo and Nara (See Section E above).
3. Livestock on the Imperial farms and forests (See Section B above).

2/ See Appendix E for a detailed listing.

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4. Cars, trucks, motorcycles and other vehicles either under the jurisdiction of the Imperial Mews Bureau (Shuma-ryo) or the Imperial Household Forests and Estates Bureau (Koshitsu Rinya-kyoku).

5. Rolling stock of the logging railways in the Imperial forests in Hokkaido and in the Kiso valley. (See Section B above).

G. Income and expenditures.

It has been estimated that the current expenditures of the Imperial Household Department amount to about 20,000,000 yen annually.

Since 1910, the Imperial Household has been allotted 4,500,000 yen annually from the national treasury for the civil list. The latest available information, for the 1944-45 budget, indicates that this sum is being continued. ^{10/} However, it is clear that this sum (amounting to less than one hundredth of one per cent of the total national budget) falls far short of the amounts required for the operation of the imperial menage, and in fact is just about equal to the combined salaries of the regular employees of the Imperial Household Department, which totalled to 4,512,276 yen in 1939-40.

The bulk of Imperial Household income is derived from its property holdings. Any attempt to estimate such income involves much guesswork, but the more reliable items for 1939 are as follows:

Forestry	10,000,000 - 15,000,000 yen
Agricultural land	6,667,000 - 15,000,000 yen
Commercial stocks	6,740,000 yen
<u>Civil list</u>	<u>4,500,000 yen</u>
Total	27,907,000 - 41,240,000 yen

In addition to this are the returns from bond holdings, commercial, municipal, prefectural, and national, which the Imperial Household owns. However large this item may be, and it may be in the neighborhood of 10,000,000 yen, it is clear that the Imperial Household is completely independent of the financial support of the Japanese treasury.

H. Property of the Imperial Princes.

The property holdings of the fourteen Imperial Princes are quite insignificant compared to the vast wealth of the Imperial Household. The only items of interest, aside from their estates and personal

^{10/} See Civil Affairs Handbook, Japan, Section 4: Government Finance

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