DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

GHQ/SCAP Records (RG 331, National Archives and Records Service)

Description of contents

(1) Box no. 3030

(2) Folder title/number: (26)
091.1: Japanese Government

(3) Date: Oct. 1950

(4) Subject:

Classification	Type of record
324	a, 1

(5) Item description and comment:

(6) Reproduction: Yes No

(7) Film no. Sheet no.

(Compiled by *National Diet Library*)

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

CROSS REFERENCE
SHEET

FILE UNDER: 091.1

DATE: 11 October 1950

FROM: K B Bush Brigadier General USA

TO:

SUBJECT: Packing & Restitution of Machinery & Equipment Removed from China.

REFERENCES:

DOCUMENT FILED UNDER: 386.6

SIGNATURE: _____ FILED BY _____

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

CROSS REFERENCE SHEET

FILE UNDER: 091.1

DATE: 10 October 1950

FROM: K.B. Bush Brigadier General U.S.A.

TO: Information Regarding the Sunken Chinese Vessel SS "Cheng Lee" (Japanese Name "Shoei Go")

SUBJECT:

REFERENCES:

DOCUMENT FILED UNDER: 560

SIGNATURE: _____ FILED BY _____

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

CROSS REFERENCE SHEET

FILE UNDER: 0941

DATE: 9 October 1950

FROM: K.B. Bush Brigadier General U.S.A.

TO:

SUBJECT: Sale & Resale of Privately Owned Vehicles

REFERENCES:

DOCUMENT FILED UNDER: 451

SIGNATURE: _____ FILED BY _____

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

CROSS REFERENCE SHEET

FILE UNDER: 091.1

DATE: 9 October 1950

FROM: K.B. Bush Brigadier General

TO:

SUBJECT: Release of Silver Bar Contraband

REFERENCES:

DOCUMENT FILED UNDER: 410.2

SIGNATURE: _____ FILED BY _____

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

CROSS REFERENCE
SHEET

FILE UNDER: 091

DATE: 9 October 1950

FROM: KB Bush Brigadier General USA.

TO:

SUBJECT: Property registered in the name of the "Zaidan Hojin Doctor Baker"

REFERENCES:

DOCUMENT FILED UNDER: 602

SIGNATURE: _____ FILED BY _____

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

CROSS REFERENCE SHEET

FILE UNDER: 0911

DATE: 9 October 1950

FROM: K B Bust, Brigadier General U.S.A.

TO:

SUBJECT: Radio Communications for the Japanese Walking Fleet

REFERENCES:

DOCUMENT FILED UNDER: 3/1,23

SIGNATURE: _____ FILED BY _____

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

CROSS REFERENCE
SHEET

FILE UNDER: 0911

DATE: 9 october 1950

FROM: K B Bush Brigadier General USA.

TO:

SUBJECT: Restitution of Antimony to the Government of the Republic of China

REFERENCES:

DOCUMENT FILED UNDER: 4102

SIGNATURE: _____ FILED BY _____

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

CROSS REFERENCE
SHEET

FILE UNDER: 091.1

DATE: 6 October 1950

FROM: K B Bush Brigadier General U.S.A.

TO:

SUBJECT: Blocked Account of Kusumi Seishi

REFERENCES:

DOCUMENT FILED UNDER: 122.2

SIGNATURE: _____ FILED BY _____

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

091.1

091.1

None reported.

5. INSTANCES OF VIOLATIONS OF THE INJUNCTIONS CONTAINED IN THE PURGE DIRECTIVES:

None reported.

6. NON-COMPLIANCE BY THE JAPANESE GOVERNMENT WITH THE REQUIREMENTS OF DIRECTIVES OF THE SUPREME COMMANDER FOR THE ALLIED POWERS:

None reported.

7. ELECTIONS:

This subject is generally covered in special reports of election for House of Councillors.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 75015

091.1

Scapin file

[redacted]

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

18 October 1950

AG 015(6 Oct 50)LS-L
SCAPIN 2127

MEMORANDUM FOR : JAPANESE GOVERNMENT

SUBJECT: Exercise of Civil and Criminal Jurisdiction

1. Criminal Jurisdiction over Persons in Japan. Japanese courts will henceforth exercise criminal jurisdiction over all nationals of members of the United Nations, (hereinafter referred to as United Nations nationals), in Japan except for the following, designated as occupation personnel:

a. Members of the armed forces of any member of the United Nations;

b. United Nations nationals officially attached to or accompanying and in the service of the occupation forces;

c. United Nations nationals on official business in Japan;

d. Members of the immediate families and dependents accompanying the above.

2. Arrest. a. All persons in Japan not within the category of occupation personnel as designated in paragraph 1 (hereinafter referred to as non-Occupation personnel) are subject to arrest by the Japanese law-enforcement authorities.

b. Occupation personnel shall be subject to arrest by the Japanese law-enforcement authorities only if both of the following circumstances exist at the same time:

MEMORANDUM FOR : JAPANESE GOVERNMENT

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b. United Nations nationals officially attached to or accompanying and in the service of the occupation forces;

c. United Nations nationals on official business in Japan;

d. Members of the immediate families and dependents accompanying the above.

2. Arrest. a. All persons in Japan not within the category of occupation personnel as designated in pargrabh 1 (hereinafter referred to as non-Occupation personnel) are subject to arrest by the Japanese law-enforcement authorities.

b. Occupation personnel shall be subject to arrest by the Japanese law-enforcement authorities only if both of the following circumstances exist at the same time:

(1) Where occupation police are not physically present to perform the arrest, and,

(2) Where the offense or threatened offense involves bodily harm or serious damage to property.

c. Occupation personnel arrested by the Japanese police under the circumstances set forth in paragraph 2 b. shall be turned over immediately to the nearest occupation authorities.

3. Pre-Trial Confinement. a. When any United Nations national is confined to prison, is awaiting trial, or is otherwise detained in custody by Japanese authorities, the Japanese Government will:

(1) Forward to the Supreme Commander for the Allied Powers immediately a brief statement of the

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 115013

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 15013

circumstances involved for transmission to the Head of the Mission charged with the protection of the interests of said national;

(2) Give written advice to the United Nations national concerned, in a language he understands, of his right to inform the Mission charged with the protection of his interests of the circumstances of his detention. Said United Nations national will be given reasonable facilities to communicate with the interested Mission. Any such communication will be forwarded without delay;

(3) Upon due presentation of credentials, permit a representative of the Mission charged with the protection of the said United Nations national's interest, to visit without delay, to confer privately with, and to arrange legal representation for, the United Nations national concerned.

b. Nothing contained in this paragraph shall be construed to delay the orderly progress of the proceedings against the person detained, nor shall noncompliance therewith be deemed to affect the jurisdiction of the court.

4. ~~Post-Trial~~ Post Trial Confinement. a. Where a United Nations national has been convicted by a Japanese court and is serving a sentence of imprisonment, a representative of the Mission charged with the protection of his interests, upon due presentation of credentials, will be permitted to visit said United Nations national in prison, upon notice, that need not exceed twenty-four hours, to the official in charge of the institution having custody of such national. There will be no limit to the number of such visits within reasonable hours and said representative will be allowed to converse privately with the United Nations national concerned.

b. Subject to the appropriate prison or institutional regulations, said representative may transmit written communications between the prisoner and other persons.

of the interests of said national;

(2) Give written advice to the United Nations national concerned, in a language he understands, of his right to inform the Mission charged with the protection of his interests of the circumstances of his detention. Said United Nations national will be given reasonable facilities to communicate with the interested Mission. Any such communication will be forwarded without delay;

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b. Subject to the appropriate prison or institutional regulations, said representative may transmit written communications between the prisoner and other persons.

c. Any person heretofore or hereinafter sentenced to imprisonment by a military occupation court will be received for confinement by the Japanese authorities upon direction of the occupation court appointing authority exercising jurisdiction over the prisoner. Except on expiration of sentence, no prisoner will be released without approval of the said occupation authority.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 150113

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 115013

5. Sentences. a. Any sentence imposed by a Japanese court on a United Nations national will be reported immediately to this headquarters for transmission to the Head of the Mission concerned, said report will include a brief statement of the circumstances involved.

b. A sentence to death or life imprisonment imposed on a United Nations national by a Japanese court shall not be carried into execution until the same shall have been confirmed by the Supreme Commander for the Allied Powers. A complete and final record of such case shall be submitted to this headquarters for review and appropriate action.

6. Exclusive Occupation Court Offenses. a. It shall be unlawful for any person in Japan to:

(1) Commit an act prejudicial to the security of the occupation forces or occupation personnel;

(2) Kill or assault occupation personnel;

(3) Interfere with or hinder the arrest of any person sought, or assist in, or further the escape of any person detained by the occupation forces, or by others pursuant to the direction of the Supreme Commander for the Allied Powers, or his authorized subordinates;

(4) Interfere with, refuse information required by, make any false or misleading statement orally or in writing to, or defraud in any manner, any of the occupation personnel in a matter of official concern.

(5) Commit an act in behalf or in support of any organization dissolved or declared illegal by ~~the~~ the Supreme Commander for the Allied Powers;

(6) Conspire to commit any of the foregoing offenses

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(5) Commit an act in behalf or in support of any organization dissolved or declared illegal by ~~the~~ the Supreme Commander for the Allied Powers;

(6) Conspire to commit any of the foregoing offenses or commit any act which aids or abets the commission of such offenses.

b. Japanese courts will exercise no criminal jurisdiction over the offenses ~~enumerated in~~ enumerated in paragraph 6 a.

c. It shall be unlawful for any person in Japan to commit any act prejudicial to the objectives of the occupation. Japanese courts will continue to exercise criminal jurisdiction over such acts in so far as they ~~constitutions of Japanese law~~ constitute violations of Japanese law.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 115013

7. Jurisdiction over Vessels. Japanese courts and government agencies may exercise jurisdiction over vessels within its territorial waters if, in the case in which the vessel is involved, said courts and agencies would be authorized to exercise jurisdiction over both the owner and the charterer or other authorized user or possessor of the vessel, and, also, would be authorized to exercise jurisdiction over the particular criminal or civil proceeding involving the vessel.

8. Civil Jurisdiction. Japanese courts will exercise no civil jurisdiction of any sort with respect to any case in which any of the parties is a person within the category designated as occupation personnel in paragraph 1.

9. Review of Decisions. All decisions of the Japanese courts with respect to United Nations nationals, may be reviewed by the Supreme Commander for the Allied Powers or his designated representatives, who may take such steps further action as is considered necessary in respect thereto.

10. Protection of United Nationals' Rights. The Supreme Commander for the Allied Powers, or his designated representatives, will take such steps as are deemed necessary to insure that the rights of the United Nations nationals subject to Japanese jurisdiction are protected.

11. Military Occupation Courts. a. Military occupation courts may assume criminal jurisdiction, as authorized by the Supreme Commander for Allied Powers, over any or all no occupation personnel in Japan for any and all offenses committed by them.

b. Military occupation courts are authorized to impose sentences which may include death, imprisonment, or revocation of privileges or licenses.

c. Any case pending in a military occupation court, which has been referred for trial, will be concluded by said court in accordance with the rules and regulations in effect at the time such case was first referred.

12. Expedite Trials. The Japanese Government is directed to take immediate action to expedite the trial of criminal and civil cases.

13. Definition. The term "United Nations national" as used herein includes, wherever applicable, organizations and corporations of present or future members of the United Nations as well as natural persons.

14. Dissemination. The Japanese people and all other persons concerned in Japan will be informed of this directive.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 1/50/3

7. Jurisdiction over Vessels. [illegible] may exercise jurisdiction over vessels within its territorial waters if, in the case in which the vessel is involved, said courts and agencies would be authorized to exercise jurisdiction over both the owner and the charterer or other authorized user or possessor of the vessel, and, also, would be authorized to exercise jurisdiction over the particular criminal or civil proceeding involving the vessel.

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 15013

15. Prior Actions. Nothing contained herein shall be construed to invalidate or otherwise affect any action, pending or concluded, taken pursuant to any law, directive, order, or regulation hereby superseded.

16. Liaison. Direct communication between Legal Section, General Headquarters, Supreme Commander for the Allied Powers, and Japanese Government agencies concerned, is authorized on matters within the scope of this memorandum.

17. Supersession. a. This memorandum shall supersede the following:

(1) SCAPIN 756, 19 Feb 46, subject: Exercise of Criminal Jurisdiction;

(2) SCAPIN 777, 26 Feb 46, subject: Exercise of Civil Jurisdiction;

(3) SCAPIN 853, 25 Mar 46, subject: Exercise of Criminal Jurisdiction;

(4) SCAPIN 1218, 18 Sep 46, subject: Amendment of Memorandums on Civil and Criminal Jurisdiction;

(5) SCAPIN 1740, 27 Jun 47, subject: Amendment to Exercise of Criminal Jurisdiction, paragraph 1;

(6) SCAPIN 1758, 5 Aug 47, subject: Exercise of Jurisdiction over Vessels;

(7) SCAPIN 1921, 17 Jul 48, subject: Exercise of Criminal Jurisdiction;

(8) SCAPIN 1937, 9 Oct 48, subject: Amendment to Exercise of Criminal Jurisdiction;

(9) SCAPIN 1941, 9 Nov 48, subject: Exercise of Criminal Jurisdiction.

b. Any provision of law or regulation in conflict with the contents of this memorandum is hereby superseded, or shall be deemed amended to conform hereto.

[illegible] effective 1 November 1950.

Headquarters, Dep[illegible] Government agencies concerned, is authorized on matters within the scope of this memorandum.

17. Supersession. a. This memorandum shall supersede the following:

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(6) SCAPIN 1758, 5 Aug 47, subject: Exercise of Jurisdiction over Vessels;

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b. Any provision of law or regulation in conflict with the contents of this memorandum is hereby superseded, or shall be deemed amended to conform hereto.

18. Effective Date. This memorandum is effective 1 November 1950.

FOR THE SUPREME COMMANDER:

K. B. BUSH
Brigadier General, USA
Adjutant General

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 115013

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

連合國最高司令官総司令部
米陸軍第五百郵便局
一九五〇年十月十八日

（廣島地方裁判所調査室假訳）

副官部〇一五（一九五〇年一〇月六日）法務局立法司法課

最高司令官覚書第二一二七号

覚書宛先　日本國政府

主　題　民事及び刑事裁判权の行使

一、日本に在る者に対する刑事裁判权。

日本国裁判所は爾今次に占領軍要員として指定されている者を除き日本に

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

在る國際連合(加盟)國の凡ての国民(爾今国連加盟国人と略称する)に対して刑事裁判权を行使する。

a. 国際連合加盟国の軍人

b 占領軍に公式に附属し、又は随伴して(占領軍の)役務に従事する国連加盟国人

c 日本に在って公務に従事する国連加盟国人

d 以上の者に随伴する親族家族及び被扶養者

逮捕

a 第一項に於て占領軍要員として指定された者の範疇に属しない凡ての者(爾今非占領軍要員と称する)は日本の法律実施官憲に於て逮捕するものとする。

b. 次に掲げる二つの事情が同時に存在する場合に限り占領軍要員は日

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

本の法律実施官憲に於て逮捕するものとする。

(1) 逮捕のために占領軍警察官が現場に居合せない場合

(2) 身体を傷害し若しくは財産に対する重大な損害を加える犯罪を犯し又は犯さんとする虞ある場合

c、第二項bに定める事情の下に於て日本警察官に依り逮捕せられた占領軍要員はこれを直ちに最寄り占領軍当局に引渡すこと。

3、審理前の拘禁

a、日連加盟国人が刑務所に拘禁せられ審判を待ち若しくは其他日本官憲に依り拘禁せられた場合には日本国政府は次の措置をとること。

(1) その者の利益保護の任務を有する使節団の長に傳達するため、当該事情の概略を記載した書面を直ちに連合国最高司令官に提出すること。

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

b

(2) その口連加盟国人に対しては自己の利益を保護する任務を有する使節団に対し勾留の事態を通知する権利が有る旨を本人の理解し得る口語で記した書面を以て告げること。当該口連加盟国人に対しては関係使節団と通信する為適切な通信手段を提供すること。斯の種通信は遅滞なく送達されなければならない。

(3) 当該口連加盟国人の利益保護の任務を有する使節団の代表者が信任状を適正に提出した場合は当該口連加盟国人を遅滞なく訪問し立会人なくして面接し且つその者の為に法律上の代表者を準備してやることを許さなければならない。

本項に已会された事項は凡て身柄を拘禁された者の利益に反して秩序ある手続の進行を遅らせるものと解釈してはならず又本項の定めるところに返背したるの故を以て裁判所の管轄に影響を及ぼすものと考えられることはない。

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

4

審判後の拘禁

a 日連加盟員人が日本員裁判所に依り有罪とせられ、自由刑の執行を受けつゝある場合にはその者の利益保護の任務を有する使節団の代表者は信任状を適正に提出することに依り、当該員連加盟員人を拘禁する施設の管理官に対し二十四時間以上以前たるを要しない事前通告をなした上、右受刑者を訪問することを許される。斯る訪問は合理的な（面接）時間の範囲内であればその回数に制限なく且つ当該代表者は関係員連加盟員人と立会人なくして面接することが許される。

b 当該代表者はその刑務所その他の施設の規則の定めるところに従いその受刑者と他の者との間の通信文書を取次ぐことが出来る。

c 従来若くは爾今占領軍裁判所に於て自由刑の宣告を受けた者はその受

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

刑者に対し裁判权を行使する占領軍裁判所の任命权者の指示する所に従い日本官憲が之を拘禁するものとする。刑期満了の場合を除き前記占領軍官憲の同意なくして右受刑者を釈放することを得ない。

5 刑

a 日本□裁判所が□連加盟□人に科した刑は関係使節団の長に傳達するため直に当司令部にこれを報告すること。この報告には事案の概要を併せてなすを要する。

b 日本□裁判所が□連加盟□人に科した死刑又は無期の懲役若くは禁錮の刑は連合軍最高司令官の承認を受ける迄これを執行してはならない。斯種事件の完全且つ最終の記録は再審を受け及び相当な処置をとる為に当司令部に提出するを要する。

6. 占領軍裁判所の専属管轄に属する罪

a. 日本に在る者の次に掲げる行為は違法である。

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

(1) 占領軍又は占領軍要員の安全に対し有害な行為

(2) 占領軍要員を殺害する行為又はこれ等の者に対する暴行行為

(3) 占領軍又は連合□最高司令官若くは权限あるその部下の指示に従う者によって捜索されている人の逮捕を妨げ又は拘禁されている人の逃走を容易ならしめる行為

(4) 占領軍要員の职務に関してこれ等の者に妨害を加えこれ等の者の要求する情報の提供を拒絶しこれ等の者に対し口頭若くは文書で虚偽の若くは誤解を招くような申述をし又は方法の如何を問はずこれ等の者を欺罔する行為

(5) 連合□最高司令官によって又はその命令に基いて解散され又は非合法と宣言された団体の為にし又はこれを支援する行為

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

(6) 右に掲げる各犯罪について共謀し又は教唆し若しくは幇助する行為

b 日本国裁判所は第六項aに掲げる犯罪について刑事裁判权を行使してはならない。

c 日本に在る如何なる者も占領目的に有害な行為を為すことは違法とせられる。斯る行為が日本の法律に違反する限りこれに対し日本国裁判所は従前通り刑事裁判权を行使するものとする。

船舶に対する裁判权

日本国裁判所及び政府諸機関は船舶の関係する事件に於て当該船舶の所有者及傭船者またはその他の正当な使用者或は占有者の双方に対して司法权の行使を認可せられている場合並に当該船舶の関係する特殊の刑事及び民事訴訟に対して司法权を行使することが認可されている場合にはその領海内にある船舶に対して裁判权を行使することが出来る。

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

8. 民事裁判権

第一項に於て占領軍要員として指定せられた者の範疇に入る者が当事者である如き事件に関しては、日本国裁判所は如何なる種類の民事裁判権をも行使してはならない。

9. 裁判の再審

連合國最高司令官又は権限あるその部下は國連加盟國人に関する日本國裁判所の如何なる裁判をも再審することあるべく、更に其の者に関して必要とされる措置をとることがある。

10. 國連加盟國人の権利保護

連合國最高司令官又はその指定代表者は日本の司法権に服する國連加盟國人の権利保護を保障するために必要と思料されるものとする。

11. 軍事占領裁判所

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

a. 軍事占領裁判所は連合國最高司令官が認めた權限に從って、日本に在るあらゆる非占領軍要員に対してその犯した如何なる犯罪についても、裁判權を行使することが出来る。

b. 軍事占領裁判所は死刑、自由刑、又は特權若しくは免許の取消の刑を科する權限を認められる。

c. 軍事占領裁判所に審判を請求し、係屬中の事件は起訴時に効力を有していた規定の定めるところに從い、当該裁判所が之を完結する。

13. 審理促進

日本國政府に対し、刑事及び民事事件の審理を促進する措置を速かにとることを指令する。

12. 定義

此処に使用せられた「國連加盟國人」"United Nations nationals"の語は適用可能な限り自然人のみならず現在又は將来の國際連合

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

加盟國の組織及び団体を含包するものとする。

14. 周知。

本指令は日本國民及び日本にある他の凡ての関係ある者にこれを周知せしめなければならない。

15. 覚書発出前の訴訟。

此の覚書に規定することは今回廃止せられた法律、指令、命令若くは規則に基いて既に提起せられた訴訟につき、それが係属中たると完結したとを問はずこれを無効とし若くは其の他何等かの影響を及ぼすものと解釈してはならない。

16. 連絡。

此の覚書に規定する範囲内の事項に関しては連合國最高司令官總司令部法務局と日本國政府の関係当局との間に於て直接所要の連絡をとることを

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

許可する。

経過的措置

a 此の覚書は以下掲げるものに代わるものとする。

(1) 一九四六年二月十九日附覚書第七五六号、主題「刑事裁判権の行使」

(2) 一九四六年二月二十六日覚書第七七七号、主題「民事裁判権の行使」

(3) 一九四六年三月二十五日覚書第八五三号、主題「刑事裁判権の行使」

(4) 一九四六年九月十九日覚書第一、二一八号、主題「民事及び刑事裁判権に関する覚書の修正」

(5) 一九四七年六月二十七日覚書第一、七四〇号主題「刑事裁判権の行使第一項に対する修正」

(6) 一九四七年八月五日覚書第一、七五八号、主題「船舶に対する裁判権の行使」

(7) 一九四八年七月十七日覚書第一、九二一号、主題「刑事裁判権の行使」

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

(8) 一九四八年十月九日覚書第一九三七号、主題「刑事裁判権の行使に対する修正」

(9) 一九四八年十一月九日覚書第一九四一号、主題「刑事裁判権の行使」

b. 本覚書の内容に抵触する法令の條項は此処に廃止せられ若くはこれに一致するよう改正せられたものと看做す。

施行期日

本覚書は一九五〇年十一月一日より施行する。

最高司令官に代り

高級副官準将

ケー・ビー・ブッシュ

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 75013

file

[redacted]

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

18 October 1950

AG 015(6 Oct 50)LS-1
SCAPIN 2127

MEMORAUDUM FOR : JAPANESE GOVERNMENT

SUBJECT: Exercise of Civil and Criminal Jurisdiction

1. Criminal Jurisdiction over Persons in Japan. Japanese courts will henceforth exercise criminal jurisdiction over all nationals of members of the United Nations, (hereinafter referred to as United Nations nationals), in Japan except for the following, designated as occupation personnel:

a. Members of the armed forces of any member of the United Nations;

b. United Nations nationals officially attached to or accompanying and in the service of the occupation forces;

c. United Nations nationals on official business in Japan;

d. Members of the immediate families and dependents accompanying the above.

2. Arrest. a. All persons in Japan not within the category of occupation personnel as designated in paragraph 1 (hereinafter referred to as non-Occupation personnel) are subject to arrest by the Japanese law-enforcement authorities.

b. Occupation personnel shall be subject to arrest by the Japanese law-enforcement authorities only if both of the following

MEMORANDUM FOR : JAPANESE GOVERNMENT

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b. United Nations nationals officially attached to or accompanying and in the service of the occupation forces;

c. United Nations nationals on official business in Japan;

d. Members of the immediate families and dependents accompanying the above.

2. Arrest. a. All persons in Japan not within the category of occupation personnel as designated in paragraph 1 (hereinafter referred to as non-Occupation personnel) are subject to arrest by the Japanese law-enforcement authorities.

b. Occupation personnel shall be subject to arrest by the Japanese law-enforcement authorities only if both of the following circumstances exist at the same time:

(1) Where occupation police are not physically present to perform the arrest, and,

(2) Where the offense or threatened offense involves bodily harm or serious damage to property.

c. Occupation personnel arrested by the Japanese police under the circumstances set forth in paragraph 2 b. shall be turned over immediately to the nearest occupation authorities.

3. Pre-Trial Confinement. a. When any United Nations national is confined to prison, is awaiting trial, or is otherwise detained in custody by Japanese authorities, the Japanese Government will:

(1) Forward to the Supreme Commander for the Allied Powers immediately a brief statement of the

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 1505 3

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 15013

circumstances involved for transmission to the Head of the Mission charged with the protection of the interests of said national;

(2) Give written advice to the United Nations national concerned, in a language he understands, of his right to inform the Mission charged with the protection of his interests of the circumstances of his detention. Said United Nations national will be given reasonable facilities to communicate with the interested Mission. Any such communication will be forwarded without delay;

(3) Upon due presentation of credentials, permit a representative of the Mission charged with the protection of the said United Nations national's interest, to visit without delay, to confer privately with, and to arrange legal representation for, the United Nations national concerned.

b. Nothing contained in this paragraph shall be construed to delay the orderly progress of the proceedings against the person detained, nor shall noncompliance therewith be deemed to affect the jurisdiction of the court.

4. Post Trial ~~Post-Trial~~ Confinement. a. Where a United Nations national has been convicted by a Japanese court and is serving a sentence of imprisonment, a representative of the Mission charged with the protection of his interests, upon due presentation of credentials, will be permitted to visit said United Nations national in prison, upon notice, that need not exceed twenty-four hours, to the official in charge of the institution having custody of such national. There will be no limit to the number of such visits within reasonable hours and said representative will be allowed to converse privately with the United Nations national concerned.

b. Subject to the appropriate prison or institutional regulations, said representative may transmit written communications between the prisoner and other persons.

(2) Give written advice to the United Nations national concerned, in a language he understands, of his right to inform the Mission charged with the protection of his interests of the circumstances of his detention. Said United Nations national will be given reasonable facilities to communicate with the interested Mission. Any such communication will be forwarded without delay;

(3) Upon due presentation of credentials, permit a representative of the Mission charged with the protection of the said United Nations national's interest, to visit without delay, to confer privately with, and to arrange legal representation for, the United Nations national concerned.

b. Nothing contained in this paragraph shall be construed to delay the orderly progress of the proceedings against the person detained, nor shall noncompliance therewith be deemed to affect the jurisdiction of the court.

4. ~~Pretrial~~ Post Trial Confinement. a. Where a United Nations national has been convicted by a Japanese court and is serving a sentence of imprisonment, a representative of the Mission charged with the protection of his interests, upon due presentation of credentials, will be permitted to visit said United Nations national in prison, upon notice, that need not exceed twenty-four hours, to the official in charge of the institution having custody of such national. There will be no limit to the number of such visits within reasonable hours and said representative will be allowed to converse privately with the United Nations national concerned.

b. Subject to the appropriate prison or institutional regulations, said representative may transmit written communications between the prisoner and other persons.

c. Any person heretofore or hereinafter sentenced to imprisonment by a military occupation court will be received for confinement by the Japanese authorities upon direction of the occupation court appointing authority exercising jurisdiction over the prisoner. Except on expiration of sentence, no prisoner will be released without approval of the said occupation authority.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 150 13

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 115013

5. Sentences. a. Any sentence imposed by a Japanese court on a United Nations national will be reported immediately to this headquarters for transmission to the Head of the Mission concerned, said report will include a brief statement of the circumstances involved.

b. A sentence to death or life imprisonment imposed on a United Nations national by a Japanese court shall not be carried into execution until the same shall have been confirmed by the Supreme Commander for the Allied Powers. A complete and final record of such case shall be submitted to this headquarters for review and appropriate action.

6. Exclusive Occupation Court Offenses. a. It shall be unlawful for any person in Japan to:

(1) Commit an act prejudicial to the security of the occupation forces or occupation personnel;

(2) Kill or assault occupation personnel;

(3) Interfere with or hinder the arrest of any person sought, or assist in, or further the escape of any person detained by the occupation forces, or by others pursuant to the direction of the Supreme Commander for the Allied Powers, or his authorized subordinates;

(4) Interfere with, refuse information required by, make any false or misleading statement orally or in writing to, or defraud in any manner, any of the occupation personnel in a matter of official concern.

(5) Commit an act in behalf or in support of any organization dissolved or declared illegal by the the Supreme Commander for the Allied Powers;

(6) Conspire to commit any of the foregoing offenses [illegible] abets the commission

involved.

b. A sentence to death or life imprisonment imposed on a United Nations national by a Japanese court shall not be carried into execution until the same shall have been confirmed by the Supreme Commander for the Allied Powers. A complete and final record of such case shall be submitted to this headquarters for review and appropriate action.

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(4) Interfere with, refuse information required by, make any false or misleading statement orally or in writing to, or defraud in any manner, any of the occupation personnel in a matter of official concern.

(5) Commit an act in behalf or in support of any organization dissolved or declared illegal by ~~the~~ the Supreme Commander for the Allied Powers;

(6) Conspire to commit any of the foregoing offenses or commit any act which aids or abets the commission of such offenses.

b. Japanese courts will exercise no criminal jurisdiction over the offenses ~~enumerated in~~ enumerated in paragraph 6 a.

c. It shall be unlawful for any person in Japan to commit any act prejudicial to the objectives of the occupation. Japanese courts will continue to exercise criminal jurisdiction over such acts in so far as they ~~constitute violations of Japanese law.~~ constitute violations of Japanese law.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175015

7. Jurisdiction over Vessels. Japanese courts and government agencies may exercise jurisdiction over vessels within its territorial waters if, in the case in which the vessel is involved, said courts and agencies would be authorized to exercise jurisdiction over both the owner and the charterer or other authorized user or possessor of the vessel, and, also, would be authorized to exercise jurisdiction over the particular criminal or civil proceeding involving the vessel.

8. Civil Jurisdiction. Japanese courts will exercise no civil jurisdiction of any sort with respect to any case in which any of the parties is a person within the category designated as occupation personnel in paragraph 1.

9. Review of Decisions. All decisions of the Japanese courts with respect to United Nations nationals, may be reviewed by the Supreme Commander for the Allied Powers or his designated representatives, who may take ~~such~~ such steps further action as is considered necessary in respect thereto.

10. Protection of United Nationals' Rights. The Supreme Commander for the Allied Powers, or his designated representatives, will take such steps as are deemed necessary to insure that the rights of the United Nations nationals subject to Japanese jurisdiction are ~~protected.~~ protected

11. Military Occupation Courts. a. Military occupation courts may assume criminal jurisdiction, as authorized by the Supreme Commander for Allied Powers, over any or all no occupation personnel in Japan for any and all offenses committed by them.

b. Military occupation courts are authorized to impose sentences which may include death, imprisonment, or revocation of privileges or licenses.

c. Any case pending in a military occupation court, which has been referred for trial, will be concluded by said court in accordance with the rules and regulations in effect at the time such case was first referred.

12. Expedite Trials. The Japanese Government is directed to take immediate action to expedite the trial of criminal and civil cases.

13. Definition. The term "United Nations national" as used herein includes, wherever applicable, organizations and corporations of present or future members of the United Nations as well as natural persons.

[illegible] The Japanese people and all other persons concerned

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13. Definition. The term "United Nations national" as used herein includes, wherever applicable, organizations and corporations of present or future members of the United Nations as well as natural persons.

14. Dissemination. The Japanese people and all other persons concerned in Japan shall be informed of this directive.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 1/5013

15. Prior Actions. Nothing contained herein shall be construed to invalidate or otherwise affect any action, pending or concluded, taken pursuant to any law, directive, order, or regulation hereby superseded.

16. Liaison. Direct communication between Legal Section, General Headquarters, Supreme Commander for the Allied Powers, and Japanese Government agencies concerned, is authorized on matters within the scope of this memorandum.

17. Supersession. a. This memorandum shall supersede the following:

(1) SCAPIN 758, 19 Feb 46, subject: Exercise of Criminal Jurisdiction;

(2) SCAPIN 777, 26 Feb 46, subject: Exercise of Civil Jurisdiction;

(3) SCAPIN 853, 25 Mar 46, subject: Exercise of Criminal Jurisdiction;

(4) SCAPIN 1218, 10 Sep 46, subject: Amendment of Memorandums on Civil and Criminal Jurisdiction;

(5) SCAPIN 1740, 27 Jun 47, subject: Amendment to Exercise of Criminal Jurisdiction, paragraph 1;

(6) SCAPIN 1758, 5 Aug 47, subject: Exercise of Jurisdiction over Vessels;

(7) SCAPIN 1921, 17 Jul 48, subject: Exercise of Criminal Jurisdiction;

(8) SCAPIN 1937, 9 Oct 48, subject: Amendment to Exercise of Criminal Jurisdiction;

(9) SCAPIN 1941, 8 Nov 48, subject: Exercise of Criminal Jurisdiction.

b. Any provision of law or regulation in conflict with the contents of this memorandum is hereby superseded, or shall be deemed amended to conform hereto.

18. Effective Date. This memorandum is effective 1 November 1950.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175015

16. [illegible] Headquarters, Supreme Commander for the Allied Powers, Government agencies concerned, is authorized on matters within the scope of this memorandum.

17. Supersession. a. This memorandum shall supersede the following:

(1) SCAPIN 756, 19 Feb 46, subject: Exercise of Criminal Jurisdiction;

(2) SCAPIN 777, 26 Feb 46, subject: Exercise of Civil Jurisdiction;

(3) SCAPIN 853, 25 Mar 46, subject: Exercise of Criminal Jurisdiction;

(4) SCAPIN 1218, 10 Sep 46, subject: Amendment of Memorandums on Civil and Criminal Jurisdiction;

(5) SCAPIN 1740, 27 Jun 47, subject: Amendment to Exercise of Criminal Jurisdiction, paragraph 1;

(6) SCAPIN 1758, 5 Aug 47, subject: Exercise of Jurisdiction over Vessels;

(7) SCAPIN 1921, 17 Jul 48, subject: Exercise of Criminal Jurisdiction;

(8) SCAPIN 1937, 9 Oct 48, subject: Amendment to Exercise of Criminal Jurisdiction;

(9) SCAPIN 1941, 9 Nov 48, subject: Exercise of Criminal Jurisdiction.

b. Any provision of law or regulation in conflict with the contents of this memorandum is hereby superseded, or shall be deemed amended to conform hereto.

18. Effective Date. This memorandum is effective 1 November 1950.

FOR THE SUPREME COMMANDER:

K. B. BUSH
Brigadier General, USA
Adjutant General

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 115013

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

（廣島地方裁判所調査室假訳）

連合國最高司令官総司令部

米陸軍第五百郵便局

一九五〇年十月十八日

副官部の一五（一九五〇年一〇月六日）法務局立法司法課

最高司令官覚書第二一二七号

覚書宛先　日本國政府

主　題　民事及び刑事裁判权の行使

一、日本に在る者に対する刑事裁判权。

日本国裁判所は爾今次に占領軍要員として指定されている者を除き日本に

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

2

逮捕

在る國際連合(加盟)國の凡ての臣民(爾今臣連加盟臣人と略称する)に対して刑事裁判权を行使する。

a、臣際連合加盟臣の軍人

b 占領軍に公式に附属し、又は随伴して(占領軍の)役務に従事する臣連加盟臣人

c 日本に在って公務に従事する臣連加盟臣人

d 以上の者に随伴する親族家族及び被扶養者

第一項に於て占領軍要員として指定された者の範疇に属しない凡ての者(爾今非占領軍要員と称する)は日本の法律実施官憲に於て逮捕するものとする。

次に掲げる二つの事情が同時に存在する場合に限り占領軍要員は臣

a

b

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

本の法律実施官憲に於て逮捕するものとする。

(1) 逮捕のために占領軍警察官が現場に居合せない場合

(2) 身体を傷害し若しくは財産に対する重大な損害を加えんとする犯罪を犯し又は犯さんとする虞ある場合

C 第二項bに定める事情の下に於て日本警察官に依り逮捕せられた占領軍要員はこれを直ちに最寄り占領軍当局に引渡すこと。

3、審理前の拘禁

a、国連加盟国人が刑務所に拘禁せられ審判を待ち若しくは其他日本官憲に依り拘禁せられた場合には日本国政府は次の措置をとること。

(1) その者の利益保護の任務を有する使節団の長に傳達するため、当該事情の概略を記載した書面を直ちに連合国最高司令官に提出すること。

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

(2) その口連加盟口人に対しては自己の利益を保護する任務を有する使節団に対し勾留の事態を通知する権利が有る旨を本人の理解し得る口語で記した書面を以て告げること。当該口連加盟口人に対しては関係使節団と通信する為適切な通信手段を提供すること。斯の種通信は遅滞なく送達されなければならない。

(3) 当該口連加盟口人の利益保護の任務を有する使節団の代表者が信任状を適正に提出した場合は当該口連加盟口人を遅滞なく訪問し立会人なくして面接し且つその者の為に法律上の代表者を準備してやることを許さなければならない。

b、本項に包含された事項は凡て身柄を拘禁された者の利益に反して秩序ある手続の進行を遅らせるものと解釈してはならず又本項の定めるところに返背したるの故を以て裁判所の管轄に影響を及ぼすものと考えられることはない。

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

十 審判後の拘禁

a 日連加盟日人が日本日裁判所に依り有罪とせられ、自由刑の執行を受けつゝある場合にはその者の利益保護の任務を有する使節団の代表者は信任状を適正に提出することに依り、当該日連加盟日人を拘禁する施設の管理官に対し二十四時間以上以前たるを要しない事前通告をなした上、右受刑者を訪問することを許される。斯る訪問は合理的な（面接）時間の範囲内であればその回数に制限なく且つ当該代表者は関係日連加盟日人と立会人なくして面接することが許される。

b. 当該代表者はその刑務所その他の施設の規則の定めるところに従いその受刑者と他の者との間の通信文書を取次ぐことが出来る。

c. 従来若くは爾今占領軍裁判所に於て自由刑の宣告を受けた者はその受

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

刑者に対し裁判权を行使する占領軍裁判所の任命权者の指示する所に従い日本官憲が之を拘禁するものとする。刑期満了の場合を除き前記占領軍官憲の同意なくして右受刑者を釈放することを得ない。

刑

a 日本□裁判所が□連加盟□人に科した刑は関係使節団の長に傳達するため直に当司令部にこれを報告すること。この報告には事案の概要を併せてなすを要する。

b 日本□裁判所が□連加盟□人に科した死刑又は無期の懲役若くは禁錮の刑は連合軍最高司令官の承認を受ける迄これを執行してはならない。斯種事件の完全且つ最終の記録は再審を受け及び相当な処置をとる為に当司令部に提出するを要する。

占領軍裁判所の專属管轄に属する罪

a. 日本に在る者の次に掲げる行為は逸法である。

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

(1) 占領軍又は占領軍要員の安全に対し有害な行為

(2) 占領軍要員を殺害する行為又はこれ等の者に対する暴行行為

(3) 占領軍又は連合□最高司令官若くは权限あるその部下の指示に従う者によって捜索されている人の逮捕を妨げ又は拘禁されている人の逃走を容易ならしめる行為

(4) 占領軍要員の職務に関してこれ等の者に妨害を加えこれ等の者の要求する情報の提供を拒絶しこれ等の者に対し口頭若くは文書で虚偽の若くは誤解を招くような申述をし又は方法の如何を問はずこれ等の者を欺罔する行為

(5) 連合□最高司令官によって又はその命令に基いて解散され又は非合法と宣言された団体の為にし又はこれを支援する行為

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

(6) 右に掲げる各犯罪について共謀し又は教唆し若しくは幇助する行為

b 日本国裁判所は第六項aに掲げる犯罪について刑事裁判权を行使してはならない。

c 日本に在る如何なる者も占領目的に有害な行為を為すことは逮捕せられる。斯る行為が日本の法律に違反する限りこれに対し日本国裁判所は従前通り刑事裁判权を行使するものとする。

7 船舶に対する裁判权

日本国裁判所及び政府諸機関は船舶の関係する事件に於て当該船舶の所有者及傭船者またはその他の正当な使用者或は占有者の双方に対して司法权の行使を認可せられている場合並に当該船舶の関係する特殊の刑事及び民事訴訟に対して司法权を行使することが認可されている場合にはその領海内にある船舶に対して裁判权を行使することが出来る。

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

8. 民事裁判権

第一項に於て占領軍要員として指定せられた者の範疇に入る者が当事者である如き事件に関しては、日本国裁判所は如何なる種類の民事裁判権をも行使してはならない。

9. 裁判の再審

連合國最高司令官又は権限あるその部下は國連加盟國人に関する日本國裁判所の如何なる裁判をも再審することあるべく、更に其の者に関して必要とされる措置をとることがある。

10. 國連加盟國人の権利保護

連合國最高司令官又はその指定代表者は日本の司法権に服する國連加盟國人の権利保護を保障するために必要と思料[redacted]される手段をとるものとする。

11. 軍事占領裁判所

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

a. 軍事占領裁判所は連合國最高司令官が認めた權限に從つて、日本に在るあらゆる非占領軍要員に対してその犯した如何なる犯罪についても、裁判權を行使することが出来る。

b. 軍事占領裁判所は死刑、自由刑、又は特權若しくは免許の取消の刑を科する權限を認められる。

c. 軍事占領裁判所に審判を請求し、係屬中の事件は起訴時に効力を有していた規定の定めるところに從い、当該裁判所が之を完結する。

13. 審理促進

日本國政府に対し、刑事及び民事事件の審理を促進する措置を速かにとることを指令する。

12. 定義

此処に使用せられた「國連加盟國人」"United Nations nationals"の語は適用可能な限り自然人のみならず現在又は將来の國際連合

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

加盟國の組織及び団体を含包するものとする。

14. 周知。

本指令は日本國民及び日本にある他の凡ての関係ある者にこれを周知せしめなければならない。

15. 覚書発出前の訴訟。

此の覚書に規定することは今回廃止せられた法律、指令、命令若くは規則に基いて既に提起せられた訴訟につき、それが係属中たると完結したとを問はずこれを無効とし若くは其の他何等かの影響を及ぼすものと解釈してはならない。

16. 連絡。

此の覚書に規定する範囲内の事項に関しては連合國最高司令官總司令部法務局と日本國政府の関係当局との間に於て直接所要の連絡をとることを

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

許可する。

17. 経過的措置

a 此の覚書は以下掲げるものに代わるものとする。

(1) 一九四六年二月十九日附覚書第七五六号、主題「刑事裁判権の行使」

(2) 一九四六年二月二十六日覚書第七七七号、主題「民事裁判権の行使」

(3) 一九四六年三月二十五日覚書第八五三号、主題「刑事裁判権の行使」

(4) 一九四六年九月十九日覚書第一、二一八号、主題「民事及び刑事裁判権に関する覚書の修正」

(5) 一九四七年六月二十七日覚書第一、七四〇号主題「刑事裁判権の行使第一項に対する修正」

(6) 一九四七年八月五日覚書第一、七五八号、主題「船舶に対する裁判権の行使」

(7) 一九四八年七月十七日覚書第一、九二一号、主題「刑事裁判権の行使」

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

(8) 一九四八年十月九日覚書第一九三七号、主題「刑事裁判権の行使に対する修正」

(9) 一九四八年十一月九日覚書第一九四一号 主題「刑事裁判権の行使」

b. 本覚書の内容に抵触する法令の條項は此処に廃止せられ若くはこれに一致するよう改正せられたものと看做す。

18 施行期日

本覚書は一九五〇年十一月一日より施行する。

最高司令官に代り

高級副官準将

ケー・ビー・ブッシュ

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

CROSS REFERENCE
SHEET

FILE UNDER: 091.1

DATE: 6 May 1950

FROM: Scap

TO: Japanese Government

SUBJECT:

Sale & Resale of Privately Owned Automobiles

REFERENCES:

DOCUMENT FILED UNDER: 451

SIGNATURE: _____ FILED BY _____

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

Legal & Gov't Officer
Chugoku Civil Affairs Region
APO 248

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

DB-

091.1

APO 500
Diplomatic Section

DS/CKH/GW/jcg

08070

S 350
AG 091(23 Jan 50)DS

20 February 1950

MEMORANDUM FOR: Japanese Ministry of Foreign Affairs

SUBJECT : Use of Term Han Kook for Korea

1. Reference is made to the Ministry of Foreign Affairs memorandum of 23 January 1950 (FOM No. 122(C11) on subject of use of name Han Kook for Korea.

2. The Japanese Government is informed that the Supreme Commander for the Allied Powers will recognise the use of the terms Han Kook (韓國) and Tai Han Min Kook (大韓民國) for Korea and the Republic of Korea and Han Kook In (韓國人) and Tai Han Min Kook In (大韓民國人) for Koreans.

Cloyce K. Huston
Acting Chief
Diplomatic Section

Copies to:
C-in-C
C/S
CAS, LS, GS
Embassy, Seoul

M/R: Approved by Chief of Staff on 18 Feb 50.

GW 26-8471

Called Mr. Yoshioka of the Shigaku Liaison office 3 March 1950.

S.G.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

091.1

HEADQUARTERS
CHUGOKU CIVIL AFFAIRS REGION
APO 248 (Kure, Honshu)

07157

24 January 1950

SUBJECT: Critique of Shimane Plan

TO : Chief
Chugoku Civil Affairs Region

The Shimane Short-Range Plan, written in an accurate and palatable manner, is an excellent means of describing to the people of the Ken what their Ken government is doing for the people. The plan should excite the citizenry's interest and arouse its support. Heretofore the work of Ken governments was not sufficiently known to the citizens. Today's elected officials must become cognizant of the well-tested truism that to accomplish something you must take the people into your confidence.

In all governmental planning first priority must of necessity be given to the budget. Especially is this true of Japanese local governments which are fighting for their survival. Considering the large proportion of time spent by the Ken-Cho and Ken Assembly in budget preparation the finance section (page 2) of the SPG Administrative Plan for the Fist Half of 1950 should outline the problems and accomplishments of the first half of the 1949 - 50 fiscal year and what may be expected during the first half of the 1950 - 51 fiscal year. It should be at once a report, an estimate, and a proposal. (If not included in the Plan's finance section, the public's attention should be drawn to the fact that presently - unavailable information may be obtained from a reading of forthcoming, semi-annual reports on Ken financial conditions, as required by Art. 244 of the Local Autonomy Law). As a report it must set forth clearly existing financial conditions, financial operations in the past, and all other data needed in prder tp arrove at an intelligent financial and work program fro the future. As an estimate it should reveal the income to be anticipated under existing provisions of law, and expenditures in pursuance of existing authorizations. As a proposal it should make known the recommendations of the chief executive as to what provision should be made for future expenditure needs and the manner in which those needs should be met.

The new Constitution has laid the path open for the Japanese people to have democracy and freedom. The spirit and modus operandi of the governmental machinery should, therefore, have a

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

democratic foundation. A democratic foundation. A democracy depends upon an educated electorate exercising independence of judgement. Shimane-ken is to be congratulated on the high percentage of the electorate voting in national elections. Generally, however, in Chugoku Region there is a lack of knowledge among the voters of the issue of local elections. In village and town elections either ultra-conservative single candidates are running without opposition for office or Communist candidates are elected because voters succumb to their vociferous promise of cures for all ills. With the withdrawal of Civil Affairs Teams from the prefectures the Japanese people are given more responsibilities in the conduct of their own affairs. Inteligent Japanese are the first to point out that although the frame-work of democracy has been laid down it will take more time to inchlcate sufficiently the real spirit of democracy upon the Japanese. In light of the last two sentences it behooves the Shimane Ken Government to give greater thought to education of the public in the principles of democracy. Its plan for the First Half of 1950 is woefully lacking in mention of specific measures to make democracy grow. Furthermore, to aid the work of the police and court measures should be taken to teach the duties as well as rights of citizens under a democracy.

The fusion of certain of the local public bodies in Shimane Ken (page 1 of plan) appear desirable. Of course, the majority will of each of the community assembly involved must be obtained to effect the amalgamations in the proper spirit of local self-government. The plan therefore, should describe to the people the economic, financial and geographical advantages of adoption of fusion idea.

The Publi Works and Construction sections of the Shimane Plan (page 7 and 8) should furnish a brief over-all explanation of the reasons for selecting the improvements consuming the major portion of the allotments of funds for the two programs- "For useful public works wisely financed". Thereupon can be listed specific items of the program as now appear in the Plan. Furthermore, recording of a "shelf" of planned construction projects capable of being awarded when economic conditions permit such action stabilize construction activity and is of interest to the public. In the evaluation of operations and work practices could be included projects to take up the unemployment slack.

Except for a brief mention of fusion of local autonomous bodies, the Shimane program neglects the subject of prefecture-wide community planning and zoning. It is recognized that city planning (Toshi Keikaku) is of the utmost importance for good city administration. This Headquarters has learned from various city officials in Chugoku Region that there are organizations known as Prefectural City Planning Committees which apparently work with the Public Works Department of the Ken government. Such agencies are desrable since joint of cooperative action (while respecting the individuality of each community) can produce the most effective sequence of projects based upon the social, economic and physical needs of the people living in the

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

SUBJECT: Critique of Shimane Plan (Cont'd)

ken, deter,omed bu business, social, and population conditions and trends. The Shimane Program report should serve to inform the taxpayer at least briefly what is envisaged in the matter of public improvements which will make Shimane a better place for him and his children.

Arnold Van Benschoten,
Chief, Legal-Government Section.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

091.1

07151

HEADQUARTERS
CHUGOKU CIVIL AFFAIRS REGION
APO 248 (Kure, Honshu)

24 January 1950

SUBJECT: Critique of Shimane Plan

TO : Chief
Chugoku Civil Affairs Region

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In all governmental planning first priority must of necessity be given to the budget. Especially is this true of Japanese local governments which are fighting for their survival. Considering the large proportion of time spent by the Ken-Cho and Ken Assembly in budget preparation the finance section (page 2) of the SPG Administrative Plan for the Fist Half of 1950 should outline the problems and accomplishments of the first half of the 1949 - 50 fiscal year and what may be expected during the first half of the 1950 - 51 fiscal year. It should be at once a report, an estimate, and a proposal. (If not included in the Plan's finance section, the public's attention should be drawn to the fact that

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

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The new Constitution has laid the path open for the Japanese people to have democracy and freedom. The spirit and modus operandi of the governmental machinery should, therefore, have a democratic foundation. A democracy depends upon an educated electorate exercising independence of judgement. Shimane-ken is to be congratulated on the high percentage of the electorate voting in national elections. Generally, however, in Chugoku Region there is a lack of knowledge among the voters of the issue of local elections. In village and town elections either ultra-conservative single candidates are running without opposition for office or Communist candidates are elected because voters succumb to their vociferous promise of cures for all ills. With the withdrawal of Civil Affairs Teams from the prefectures the Japanese people are given more responsibilities in the conduct of their own affairs.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

SUBJECT: Critique of Shimane Plan (Cont'd)

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

SUBJECT: Critique of Shimane Plan (Cont'd)

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Arnold Van Benschoten,
Chief, Legal-Government Section.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 175013

286

HEADQUARTERS
CHUGOKU CIVIL AFFAIRS REGION
APO 248 (Kure, Honshu)

MEMORANDUM FOR: Section Chiefs 17 January 1950

SUBJECT : Shimane Short-Range Plan

1. Reference: Shimane Short-Range Plan

2. At my request, the Governor of Shimane submitted a short-range plan of operation for his prefecture. This plan, as you well know, is inadequate and was submitted only to satisfy Civil Affairs requirements.

3. It is my intention now to have each one of our sections in this headquarters study the plan, criticize it in detail and prepare a written critique for the Governor with appropriate suggestions and recommendations. In order that this headquarters may prepare a uniform and coordinated critique for the benefit of the Shimane Governor, I have asked the Chief of the Public Welfare Section to study the welfare section of the Shimane Plan and prepare a written critism of that section. It is, therefore, suggested that the inclosed copy of the Public Welfare critism be used by you as a model in preparing your criticism of the Shimane Plan.

4. It is further the intention of this headquarters to consolidate the section criticisms of the Shimane Plan into a critique letter which will be sent to the Governor of Shimane with instructions for the Governor to re-work his plan in the light of your criticisms and suggestions. The Governor will then be asked to submit a revised plan to this headquarters and if it is found satisfactory, it will be distributed to the other prefectures to serve as model for their short-range plans.

5. It is desired that your written criticisms and suggestions be submitted to me by not later than noon, 25 January 1950.

1 Incl:
Pub Welfare Criticism

FRANK KOWALSKI, JR.
Colonel, Inf.
Chief