GHQ/SCAP Records(RG 331)
Description of contents

THE NATIONAL ARCHIVES OF THE UNITED STATES

(1) Box no. 2058

(2) Folder title/number : (4)
Pensions and Benefits 500.52

(3) Date : Nov. 1945 - Oct. 1947

(4) Subject :

Classification	Type of record
340	a

(5) Item description and comment :

(6) Reproduction : Yes No

(7) Film no. Sheet no.

DRAFT

MEMORANDUM TO THE CHIEF, GOVERNMENT SECTION

SUBJECT: Lump Sum Payments to Members of Imperial Family

1. The Nippon Times for Tuesday, 30 September 1947, announced that eleven Imperial Family Members "who are designated formally to lose their imperial titles to become commoners" will receive lump sum retirement allowances amounting to a total of approximately 40,000,000 yen. These payments have been calculated on the basis of the Imperial Household Economy Law and the Imperial Household Economy Law Enforcement Act. The latter act which was enacted by the Diet on 18 September of this year, provided for annuity payments to members of the Imperial Family on a 200,000 yen basis. The Imperial Household Economy Law and the subsequent Act were both approved by this Headquarters.

2. JCS 1380/15 provides, among other things, that "43. You will prohibit the payment of: b. All public or private pensions or emoluments or benefits granted or transferred: (2) to any person who has been removed from an office or position in accordance with paragraph 5 or 40 of this directive."

3. In implementation of JCS 1380/15 SCAPIN 338, subject: "Pensions and Benefits" was issued on 24 November 1945. This SCAPIN directed the Imperial Japanese Government to terminate all payments other than those authorized by this Headquarters "of any public or private pensions or other emoluments or benefits of any kind granted or conveyed to any person: c. Who has been removed from any office or position as a result of any order of the Supreme Commander for the Allied Powers."

4. Tab A sets forth the names of the several Imperial Households and the sums to be granted each household under the proposed Japanese plan. Of these eleven households at least heads fall under the purge and will be so designated within the next two weeks.

5. Some time ago ESS Finance recommended to Government Section that the fact that certain members of the Imperial Household who were liable to the purge be taken into consideration in approving retirement or withdrawal allowances. ESS has not changed its position.

6. In giving approval to the Imperial Household Economy Law Enforcement Act, this Section did not raise the question and gave no consideration to the possibility that certain members of the Imperial Family might be liable to the purge. It has at no time approved the proposed payments to the individuals listed although an appropriation to cover limp sum retirement allowances was approved for the supplementary budget in June. It is recommeneded at this time that serious consideration be given to the application of 1380/15 and SCAPIN 338 to this problem and that no retirement allowances to persons designated under the purge be approved, this position being consistent with well established SCAP policy.

1 Incl
Tab A

Alfred R. Hussey, Jr.
Chief, Governmental Powers Division

COMPARISON OF PRESENT HOLDINGS OF THE IMPERIAL PRINCES
& PRINCESSES AND THE ADDITIONAL ALLOWANCES REQUESTED

NAMES OF HOUSEHOLD	PRESENT PROPERTY HOLDINGS	SUM TO BE GRANTED
PRINCE "HIGASHIFUSHIMI" HEAD (WIDOW OF SHINNO PRINCE)	1,070, 402	900,000 YEN
PRINCE "FUSHIMI" HEAD (PRINCE) WIDOW OF PRINCE 2 PRINCESSES	7,701,444	2,520,000 YEN
PRINCE "YAMASHINA" . HEAD (PRINCE)	1,825,991	1,260,000 YEN
PRINCE "KAYA" HEAD (PRINCE) CONSORT 6 PRINCES	1,736,771	6,720,000 YEN
PRINCE "KUNI" HEAD(PRINCE) CONSORT 2 WIDOWS OF PRINCES 3 PRINCES 4 PRINCESSES	3,229,360	6,720,000 YEN
PRINCE "NASHIMOTO" HEAD(PRINCE) CONSORT	4,526,998	1,680,000 YEN
PRINCE "ASAKA" HEAD(PRINCE) 2 PRINCES 2 CONSORTS	5,568,779	4,200,000 YEN
PRINCE "HIGASHIKUNI" HEAD(PRINCE) 3 PRINCES 2 CONSORTS	4,650,550	4,620,000 YEN
PRINCE "KITASHIRAKAWA" HEAD(PRINCE) 2 WIDOWS OF PRINCES 1 PRINCESS	4,606,945	2,520,000 YEN
PRINCE "TAKEDA" HEAD(PRINCE) CONSORT 2 PRINCES 2 PRINCESSES	3,015,260	4,200,000 YEN
PRINCE "KANIN" HEAD(PRINCE) CONSORT WIDOW OF SHINNO PRINCE	3,346,542	2,280,000 YEN
52 PERSONS	41,189,042	37,620,000 YEN

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

10 October 1947

MEMORANDUM FOR THE CHIEF, GOVERNMENT SECTION

SUBJECT: Imperial Princes: Payments to Those who are Purgees

1. The National Diet has appropriated forty-seven million yen for distribution to those members of the Imperial Family who elect to relinquish their royal status. Among the fifty-one members of the Imperial Family who have stated their intention to relinquish their status are twelve princes who were career-commissioned officers of the Japanese Military Establishment. These career militarists will be designated as purgees by the Japanese Government on or about 15 October 1947.

2. The basic Occupation directive (JCS 1380/15) provides as follows: "43. You will prohibit the payment of: b. All public or private pensions or emoluments or benefits granted or transferred: (2) to any person who has been removed from an office or position in accordance with paragraph 5 or 40 of this directive." (Paragraph 5 refers to political purge; Paragraph 40 to Economic Purge.) Pursuant to this directive, SCAPIN 338, subject "Pensions and Benefits," was issued on 24 November 1945 which directed the Japanese Government to terminate the payment other than those authorized by this Headquarters, "of any public or private pensions or other emoluments or benefits of any kind granted or conveyed to any person:...c. Who has been removed from any office or position as a result of any order of the Supreme Commander for the Allied Powers."

3. The Japanese Government proposes that the purged princes be paid on the ground that the funds are not within the terms of the directives but are merely annual allowances for support commuted on a 10 to 15-year basis. As an alternative, the Government proposes to distribute the appropriated funds to members of the Imperial Family who are relinquishing their royal status in such ratio that the entire appropriated fund will be divided among those persons who will not be purgees. Under this proposal some families will receive substantially more money and others will be drastically reduced. Although the entire sum will be distributed only among the non-purgees and other members of the purgee's family, some families in which a member is a purgee will receive more under this distribution (by reason of the size of the family) than the family would have received were there no purgee member. This revised distribution formula is, however, consistent both with the law and the directives.

4. There are five alternatives:

Imperial Princes: Payments to those who are Purgees 10 Oct 47

a. Disregard the fact that there are purgees in the families in making the distribution and approve the original proposal.

b. Disregard the peculiar result that if purgees are excluded their families receive more when the family is large and approve the alternative proposal.

c. Require the government to adhere to the original proposal but eliminate the purgees from the distribution, the surplus being returned to the Treasury.

d. Permit the Government to proceed with the laternative proposal, with the proviso that no families containing a purgee should receive a greater sum than it would have received under the original proposal, the surplus being returned to the Treasury.

e. Hold that the princes who are purgees are not eligible to receive the distribution and disapprove both the original and alternative proposals, requiring the government to submit a plan consistent with the law and the directives but not containing any incongruities.

5. In view of the fact that the distribution formula has been artificially contrived so that families would get certain arbitrary amounts, it is recommended that alternative (e) above be approved.

/s/ CLK
CHAS L KADES
Deputy Chief, Government Section

COPY

10 October 1947

MEMORANDUM FOR : CHIEF, GOVERNMENT SECTION

SUBJECT : Imperial Princes: Pension Payments to those who are Purgees.

1. Among the fifty-one members of the Imperial Family who are to relinquish their royal status are twelve princes who were career-commissioned officers of the Japanese Military Establishment. These career militarists will be designated as purgees by the Japanese Government on or about 15 October 1947.

2. Their right to receive any share of the forty-seven million Yen voted by the Diet for distribution to the members of the Imperial Family who are relinquishing their status is questioned. Reason for the question is contained in:

a. JCS 1380/15 which provides, among other things, that "43. You will prohibit the payment of: b. All public or private pensions or emoluments or benefits granted or transferred: (2) to any person who has been removed from an office or position in accordance with paragraph 5 or 40 of this directive." (Note: Paragraph 5 refers to political purge; Paragraph 40 to Economic Purge.)

b. SCAPIN 338, subject "Pensions and Benefits", issued on 24 November 1945 which directed the Imperial Japanese Government to terminate all payments other than those authorized by this Headquarters "of any public or private pensions or other emoluments or benefits of any kind granted or conveyed to any person: c. Who has been removed from any office or position as a result of any order of the Supreme Commander for the Allied Powers."

3. The Japanese Government recognizes that this question exists and, although recommending that the princes be counted in the payoff, proposes that if such payment to purged princes is not permitted, the Imperial Household Economy Law Enforcement Act permits the distribution of the appropriated funds to members of the Imperial Family who are relinquishing their royal status in such ratio that the entire appropriated fund will be divided among those persons who will not be purgees. Alternate proposals offered provide as follows:

a. Recomputation of the shares to be paid, excluding the purgees, so that the entire sum will be distributed among the non-purgees and the family members of the purgees with the proviso that no family in which a member is a purgee receive more under this distribution (by reason of the size of the family) than the family would have received were there no purgee member. This computation would leave an undistributed sum of about 1,700,000 Yen.

b. The distribution of the money to be made as above but without consideration of the point that no family containing a purgee should receive a greater sum than it would receive were there no purgee in the family.

An additional solution, not however suggested by the Japanese Government, is that distribution of the appropriate amounts be made less the sums now apportioned to purgees and that these sums revert to the National Purse.

FILE UNDER:

Pensions and Benefits

INDEX SHEET

DATE:

9 October 1947

FROM:

TO:

SUBJECT: Memo for PSQD

Memo on the conference between Maj. Napier and Justice Minister Suzuki

(Monetary grants to members of Imperial family)

DOCUMENT FILED UNDER:

CLASSIFIED FILE:

Memo's for Public Service Qualifications Division

File

BASIC: Check Sheet, ESS to GS, 4 February 1947, subject: "Payment of Pensions and Benefits to Persons who Resigned to Evade Designation under the Purge."

to avoid the effect thereof merely by resigning in anticipation of the promulgation of an Ordinance - particularly in view of the fact that the Ordinances in this case were long discussed and actually announced by the Cabinet prior to their formal promulgation.

5. ~~In view of the foregoing,~~ ESS is prepared to recommend to the Imperial Japanese Government that public or private pensions or other emoluments or benefits shall not be paid to any person who on, or at any time subsequent to, 4 January 1946; (a) was designated for removal from public office as an undesirable person; (b) resigned from a public office from which, but for such resignation, said person would have been designated for removal as an undesirable person. In this connection the Imperial Japanese Government will be required to (a) screen persons who resigned from a "screenable" public office on or subsequent to 4 January 1946; (b) recover in full all pensions and benefits already paid to persons who are found to have been ineligible to receive them under this interpretation. It is planned to first ask the Japanese Government to amend their present interpretation of Reference 1b, and if effective action cannot be obtained by that method, then to ask to have necessary legislation enacted to effectuate this policy.

PAD File

6. Concurrence of GS in proposed action is requested.

1 Incl:
Memo, IJG, 20 Jan 47.

- W.F.M.- - ~~Date - 8 March 1947~~

(2) From: Gov. Sect. TO: ESS CW/CIK/CPM/JN/T

1. Reference paragraph 5, Note 1, above.

2. Government Section concurrs in recommendation stated in paragraph 5 above.

1 Incl: n/c - - - - - - - - - - - - - - - - -G.W.- - - - - - - - - - -

Changed by CPM

Concur except as to recovery of pensions already paid

Payment of Pensions and Benefits to Persons who Resigned to Evade Designation under the Purge.

ESS 03 21 February 1947

1. References are:

(1) a. JCS 1380/15, 6 November 1945;

b. Memorandum for the Imperial Japanese Government, AG 260 (24 Nov 45)ESS/FI, (SCAPIN - 338), subject: "Pensions and Benefits";

c. Memorandum for the Imperial Japanese Government, AG 091.1 (4 Jan 46)GS, (SCAPIN - 550), subject: "Removal and Exclusion of Undesirable Personnel from Public Office";

d. Imperial Ordinances Nos. 1, 2, 3, and 4, of 1947, and Cabinet and Home Affairs Ministry Ordinance No. 1 of 1947, all dated 4 January 1947;

e. Attached Memorandum, 20 January 1947, from the Imperial Japanese Government setting forth its interpretation of Reference 1b above as applied to References 1c and 1d above.

2. Pursuant to the provisions of Reference 1a, above, SCAPIN 338 (Reference 1b above) was issued on 24 November 1945 and directed the Imperial Japanese Government "to terminate all payments, except as authorized by this Headquarters, of any public or private pensions or other emoluments or benefits of any kind granted or conferred to any person. .(c) who has been removed from any office or position as a result of any order of the Supreme Commander for the Allied Powers." Thereafter, similar provisions were embodied in References 1c and 1d above.

3. The Imperial Japanese Government was informally requested to furnish ESS with its interpretation of SCAPIN 338, Reference 1b above, particularly as applied by that Government to persons removed pursuant to References 1c and 1d above. ESS was advised that under existing procedure, the prohibition against payment of pensions and benefits was applied to all persons who were actually removed from office or who resigned but were actually subject to removal under an existing ordinance at the time of their resignation. Thus, by resigning prior to the date of actual promulgation of an Ordinance, persons who otherwise would have been removed from office have avoided the effect of Reference 1b above.

4. It is the opinion of ESS that all persons subject to removal from office pursuant to References 1c and 1d above should be denied pensions and benefits under Reference 1b above; and that no one should be allowed

Aide Memoire

Rec'd 7/26/46

In regard to the deprivation from those affected by the Purge Directive of January 4, 1946, of their right to receive public or private pension or other emoluments and benefits, we should like to obtain the understanding of your Headquarters on the following points.

1) In accordance with the provisions of Paragraph 5 of the Purge Directive, any persons who are removed from public offices, as affected by the Purge Directive, shall be deprived of their right to receive any public or private pensions or other emoluments or benefits. As the term "public office" above-referred, has received a clear and unmistakable definition in Paragraph 3 of the Directive, we might be justified by understanding that persons, being removed from offices other than those defined as such in Paragraph 3, shall not be deprived of their right to receive public or private pensions or other emoluments or benefits. As the offices of the members of the House of Peers or the House of Representatives and the mayoralty are not defined as public offices in Paragraph 3 of the Directive, we naturally understand that any persons removed from such offices as affected by the Directive, shall not be deprived of their right to receive public or private pensions, other

emoluments or benefits and we would like to treat the matters relevant to the question in accord with the above-understanding.

2) The aim to deprive those persons as affected by the Directive of their right to receive public or private pensions etc., appears us to be to prevent such persons from retiring with benefits attached thereto. Consequently there is no question as to their disqualifications to benefits such as public or private pensions and other emoluments to which such persons shall be entitled only after their retirement from offices. Those benefits other than those, however, which accrue to them only after their retirement; that is, those pensions etc. which such persons had already procured as right in the past, should not be denied to them in so far as these pensions etc. are not concerned to their retirement. We hope we are right in understanding as such and acting accordingly.

3) The extent of the Purge Directive has been extended so far as to include the officials of Sonin Class. This step of extension has been taken independently and voluntarily by the Japanese Government in accord with the criterion based upon Paragraph G which has taken shape gradually in reference to the removal of such persons as being engaged in such activities as special police or counterthought. In view of the fact that the far majority of those removed

on such grounds as mentioned above, have been poorly paid, the Japanese Government not only deem it quite unhuman to deprive such persons of their right to receive public or private pensions or other emoluments or benefits, but also quite undesirable in so far as to invite the result of doing the things not warranted by the Directive and such step might cause people to entertain unwarranted doubts on the purpose and spirit of the Directive; thus affecting adversely the effective operative process of the Purge Directive as being desired by your authorities.

CW/CLK/CPM/ecm

Pensions for Purged School Teachers.

Govt Sect CI&E 19 Aug 46

(2) 1. Reference your Check Sheet, 26 July 1946, subject as above.

2. Basic directive, SCAPIN 338, prohibits the payment of pensions or benefits to any person who has been removed from any office or position as a result of any order of the Supreme Commander for the Allied Powers.

3. However, this Section has no objection to permitting the Japanese Government to establish machinery to facilitate the orderly presentation of cases deemed to warrant an exception.

4. It is clearly understood that each case will be considered on its individual merits and that no pension or benefit will be paid to any affected individual until formal approval is granted by SCAP.

Incl: n/c

cc: ESS/FI

- C. W. - - - - - -

CPM/dc

FILE UNDER:

Pensions and Benefits

INDEX SHEET

DATE: 5 July 1946

FROM: Mr. Rizzo

TO: GS

SUBJECT: Memo for Record

Payment of Pensions To Purgees

DOCUMENT FILED UNDER: Memo for Record

CLASSIFIED FILE:

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

AG 091.4 (27 Feb 46) PH/GS/GA/GD
(SCAPIN - 775)

APO 500
27 February 1946

MEMORANDUM FOR: IMPERIAL JAPANESE GOVERNMENT

THROUGH : Central Liaison Office, Tokyo.

SUBJECT : Public Assistance.

1. With reference to C.L.O. Memorandum 1484(1.1), dated 31 December 1945, subject: "Relief and Welfare Plans", there is no objection to the Imperial Japanese Government proceeding with the proposed plan altered to conform to the following conditions:

a. The Imperial Japanese Government to establish a single National Governmental agency which through Prefectural and local governmental channels will provide adequate food, clothing, shelter, and medical care equally to all indigent persons without discrimination or preferential treatment.

b. Not later than 30 April 1946 financial support and operational responsibility for this program to be assumed by the Imperial Japanese Government and thereafter not to be rendered or delegated to any private or quasi-official agency.

c. Within the amount necessary to prevent hardship, no limitation to be placed on the amount of relief furnished.

2. The Imperial Japanese Government will submit the following reports to this Headquarters:

a. Copies of all legislation and instructions issued by the Imperial Japanese Government to accomplish the terms of this directive.

b. Commencing with the period March 1946, a monthly report delivered by the 25th day of the following month stating the number of families and individuals granted assistance and the amount of funds expended by Prefecture.

FOR THE SUPREME COMMANDER:

/s/ B. M. FITCH,
/t/ B. M. FITCH,
Brigadier General, AGD,
Adjutant General.

C O P Y

SCAPIN File

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

AG 260 (24 Nov 45)ESS/FI
(SCAPIN - 338)

APO 500
24 November 1945

MEMORANDUM FOR: IMPERIAL JAPANESE GOVERNMENT.

THROUGH : Central Liaison Office, Tokyo.

SUBJECT : Pensions and Benefits.

1. The Imperial Japanese Government is directed to take the necessary steps as rapidly as practicable and in no event later than 1 February 1946 to terminate all payments except as authorized by this Headquarters, of any public or private pensions or other emoluments or benefits of any kind granted or conferred to any person:

a. By reason of military service, including severance or retirement pay or similar bonus or allowance, except compensation for physical disability, limiting the recipients ability to work, at rates which are no higher than the lowest of those for comparable physical disability arising from non-military causes;

b. By reason of membership in or services to any association, society, or other organization dissolved or suspended as a result of any order of the Supreme Commander for the Allied Powers;

c. Who has been removed from any office or position as a result of any order of the Supreme Commander for the Allied Powers;

d. Who has been interned or arrested as a result of any order of the Supreme Commander for the Allied Powers, during the term of internment or arrest, or permanently, in case of subsequent conviction.

2. The restriction in 1-a above shall not apply to current pay, subsistence, travel or other normal allowances accruing prior to discharge from the military service.

3. As rapidly as practicable and in any event by 1 February 1946, all certificates or other documents evidencing any right to, or deferred payment of, any pension or other emolument or benefit

prohibited by this memorandum shall be declared void and any sums set aside or deposited for such payment shall be recovered forthwith by the government.

4. Within 10 days after receipt of this memorandum there shall be submitted to this Headquarters a full report with reference to:

a. Military pensions or other emoluments:

(1) Pensions

(a) Total amount due and payable during the period from August 15, 1945, to November 15, 1945;

(b) Total amount paid in cash during the period from August 15, 1945 to November 15, 1945;

(c) Total amounts represented by certificates or other documents evidencing rights to such payments and the total amounts of any sums set aside or deposited for such payments;

(2) Severance pay and retirement allowances, divided into the same categories as subdivision (1) above;

(3) Allowances, bonuses or benefits of any other nature, divided into the same categories as division a-(1) above;

b. Non-military public or private pensions and other emoluments or benefits prohibited by this memorandum, divided into the same categories as division a-(1) above;

c. Action taken to comply with this memorandum.

5. Six copies of the above report will be furnished to this Headquarters.

6. Any requests for authorizations required by this memorandum will be transmitted in writing through the Ministry of Finance and directed to the Supreme Commander for the Allied Powers.

BASIC: Ltr to IJC, file AG 260 (24 Nov 45)ESS/FI, dtd 24 Nov 45,
sub: "Pensions and Benefits", (Cont'd)

7. Acknowledgment of receipt of this memorandum is directed.

FOR THE SUPREME COMMANDER:

/s/ H. W. ALLEN
/t/ H. W. ALLEN,
Colonel, A.G.D.,
Asst Adjutant General.