ECONOMIC AND SCIENTIFIC SECTION
Industry Division

WSV/LRS/WT/cs
30 April 1948

COPY FOR GOVERNMENT SECTION

MEMO FOR RECORD:

1. Memorandum for the Japanese Government from General Headquarters, Supreme Commander for the Allied Powers, AG 402.5(24 Sep 45)GD (SCAPIN 53), subject: "Materials, Supplies and Equipment Received and to be Received from the Japanese Armed Forces", designates the Home Ministry to receive all implements of war returned and to be returned by the Occupation Forces. These implements are to be destroyed and scrapped except parts usable for civilian relief.

2. Joint Ministerial Ordinance of the Japanese Government dated 31 October 1945 issued by the Director of the Research Bureau of the Ministry of Home Affairs and the Director of the Re-Adjustment Bureau of the Ministry of Commerce and Industry orders the below mentioned firms to form a committee (Arms Disposal Committee) in order to receive all material mentioned in SCAPIN 53 for destruction and disposal.

Nippon Steel and Iron Works	(Nihon Seitetsu K.K.)
Nippon Steel Tube Works	(Nippon Kokan K.K.)
Kobe Steel Works	(Kobe Seiko K.K.)
Furukawa Metal Company	(Furukawa Kinzoku Kogyo K.K.)
Sumitomo Metal Works	(Sumitomo Kinzoku Kogyo K.K.)
(later changed to Fuzo Metal Works)	(Fuzo Kinzoku Kogyo K.K.)

3. The articles of association of the Arms Disposal Committee were published on 31 October 1945. On 16 May 1946 a contract was concluded between the Home Ministry and the Chairman of the Arms Disposal Committee, which stipulated that implements of war returned by the Occupation Forces to the Home Ministry were to be sold to the Arms Disposal Committee without fixing a price. Payment was to be deferred until the implements were scrapped and sold.

4. The Arms Disposal Committee was directly under the supervision of the Japanese Government and was not supervised by Eighth Army. The Committee occasionally submitted reports of its activities to the Eighth Army Military Government Section and to SCAP.

5. The Arms Disposal Committee has frequently been the target of investigation by various committees of the Japanese Diet. Lately, the Hoarded Goods Committee of the Diet has established a sub-committee with the specific object of investigating the actions and personnel of the Arms Disposal Committee, its member firms, and subcontractors. In various instances, the procurators have investigated specif-

ic actions of member firms and subcontractors. It is evident that certain actions of the Arms Disposal Committee, its member firms, and subcontractors call for a thorough investigation. Apart from that, the dissolution of the Committee will have a great effect on the present Hoarded Goods Program. It is therefore necessary to use the greatest discretion in the method of dissolution. In order to safeguard the books and papers of the Arms Disposal Committee, it seems advisable to use the offices of the public procurators. Since the procurators cannot channel the materials at present in the hands of the Arms Disposal Committee into the Japanese economy, these materials will be released from the procurators' offices to the Industrial Recovery Corporation for utilization in the Japanese economy according to established procedure.

6. Memorandum from S. Kimura, Director of First Division, Central Liaison and Coordinating Office to General Headquarters of the Supreme Commander for the Allied Powers, dated 1 March 1948, subject: "Application for Approval on Transfer of Functions from Committee for Disposal of Destroyed Implements of War to Industrial Recovery Corporation", transmitting a letter from G. Mizutani, Minister of Commerce and Industry to Chief, ESS, dated 29 February 1948, (same subject), requests SCAP's approval. In Check Note No.1 from ESS to G-4, 602.1(10 Feb 48)ESS/IN, subject: "Dissolution of Arms Disposal Committee", ESS requested recommendation or comments. In Check Note No.2 from G-4 to ESS dated 13 February 1948, same subject, G-4 approved the request of the Japanese Government.

7. The interests of Korea have been considered.

8. Concurrence:

G-4 E
Legal Section
Government Section
OGA
ESS/R&B

W. Thurman - 26-8485 W. S. V.

COPY FOR GOVERNMENT SECTION

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

SCAPINS

29 April 1948

MEMORANDUM FOR RECORD

SUBJECT:

In conference with Mr. Halff, ESS, a draft SCAPIN A was prepared, directing the Japanese Government to extend SCAP Order No. 118, Second Series 1947 (1 July 1947) for one year from 30 April 1948. This SCAPIN provided for closing of public restaurants. The action was taken in compliance with a check sheet from the Chief of Staff to ESS and Government Section, directing the continuation of the closing of the restaurants. The rough draft of the SCAPIN A was informally approved by Colonel Kades, and the final draft will be presented to this Section before going to the Chief of Staff.

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

The draft SCAPIN was approved by General Whitney on the late afternoon of 29 April 1948 and has been submitted to the Chief of Staff.

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG ( )FSS
(SCAPIN _____-A

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Continued Closure of Non-Essential Restaurants

1. The attention of the Japanese Government is invited to the directive issued on 22 September 1947, SCAPIN 47, in which the Japanese Government was charged with initiating and maintaining a strict rationing program for essential commodities in short supply, to ensure that such commodities are equitably distributed.

2. The attention of the Japanese Government is further invited to the pending expiration on 30 April 1948 of Cabinet Ordinance No. 118, subject: "The Food Dispensing Business Emergency Measure," which was promulgated on 1 July 1947.

3. In consequence of the continuing world food shortages there is an imperative need for Japan to maximum the utilization of indigenous foodstuffs. The closure of non-essential public restaurants proved an effective measure of food conservation.

4. The Japanese Government is therefore directed to take the necessary action to extend the effectiveness of Cabinet Ordnance No. 118 until 30 April 1949.

FOR THE SUPREME COMMANDER:

Concurrence: GS_____

MEMORANDUM FOR CHIEF, SPECIAL PROJECTS DIVISION 28 April 1948

SUBJECT: Record of Telephone Conversation with Mr. Ota

1. Mr. Ota, Chief of the Central Screening Committee Secretariat, called this Division on 28 April. He wished to know whether or not it would be all right to publish the name of KAWAKAMI, Jotaro among those persons passed by the Central Screening Committee.

2. The undersigned asked Major Snow and also Col. Kades, who was present in Special Projects Division at this time, whether or not Mr. Ota's request would be permissable.

3. Major Snow stated that KAWAKAMI's case should be handled in the same manner as all other cases screened by the Central Screening Committee. That inasmuch as the names of all other persons who were passed are published in the Official Gazette, even though they were provisionally designated and thereupon passed on the basis of a letter of exception, he saw no reason to make an exception in KAWAKAMI's case. Colonel Kades concurred in Major Snow's remarks.

4. Mr. Ota was informed of the above by the undersigned and replied that he believed that this was the best course, but that inasmuch as it was such an exceptional case, he wanted to make sure. He was further informed that the above statement did not under any circumstances imply that GHQ would concur in the action taken by the Central Screening Committee. Mr. Ota replied that he fully understood.

Hans Baerwald

HANS BAERWALD
Lt INF
SPECIAL PROJECTS DIVISION

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

15 April 1948

GS FILES

MEMORANDUM FOR THE RECORD

SUBJECT: Control of Importation of Publications into Japan and Publication thereof.

1. The SCAP's controls over commercial transactions of foreigners in Japan derive basically from the necessity to keep such transactions from violating the requirements of specific United States policy directives or otherwise hindering Occupation objectives. In JCS 1380/15 (Paragraph 26) the SCAP was directed to establish controls over all Japanese foreign transactions in order to prevent the exportation of goods severely needed to meet domestic requirements or the importation of goods not needed for the same purpose, and to make the proceeds of exports available in the first instance for the payment of approved imports. Under Paragraph 47 of JCS 1380/15 the SCAP was instructed to institute controls over foreign exchange transactions including those arising out of imports and exports "with the aim of preventing Japan from developing a war potential and of achieving the other objectives set forth in this directive."

2. In May 1946 in the interim United States policy paper on imports and exports (FEC 032/1) the SCAP was instructed to keep all imports and exports under his direct control and administration and informed that it was desireable that there be no direct contact between the Japanese Government or Japanese individuals and other governments or individuals. In August 1947 this language was modified to read "for the present no government or individual will have contact with the Japanese Government or Japanese individuals except as authorized by you."

3. Under these instructions and delegations of authority all transactions involving imports to or exports from Japan or the use of foreign exchange have been subject to SCAP license.

4. In addition to these controls, however, transactions between the Japanese and foreign persons, even though not involving imports or exports or the use of foreign exchange, have been subject to SCAP control. Initially these transactions were made under special arrangements as, for example, when the National City Bank opened its Tokyo Branch. In that case the activities in which the Bank could engage were defined in an exchange of messages between SCAP and Washington. Other banks were permitted to open under the same rules. There were one or two instances of informal licensing by the CI&E of certain persons who entered the Theater under SCAP sponsorship to engage in activities that would further Occupation objectives even though such activities were commercial.

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In this category were the representative of the American motion picture industry and the American periodicals which publish Japanese editions. Eventually, in connection with the application of Northwest Airlines to establish itself in the Theater a form of license was developed by the Economic and Scientific Section which became standard for such commercial enterprises in Japan. This license contains provisions which state the specific activities in which the enterprise may engage in Japan, stipulates that yen income received by the licensee will not be converted into foreign exchange, nor will the licensee press for such conversion until such time as exchange restrictions are lifted, prevents the investment of yen income in properties in Japan and limits the use of such yen to the payment of authorized obligations, etc.

5. Other than the authorities quoted above there is no specific directive to the SCAP setting forth this licensing procedure. There are, however, instructions from Washington received in answer to specific inquiries which furnish authority for the limitations in the standard license described above, particularly in connection with the yen income of licensees.

6. On March 4, 1947, the State, War and Treasury Departments announced that Treasury licenses were no longer necessary in order to do business with Occupied Germany and Japan but that the Commanders of the respective theaters would have responsibility for exercising the controls necessary to prevent undesirable transactions.

7. The control of importation of information media is covered in SCAP Circular Number 12 (5 Dec 46). This circular may be summarized as follows:

a. Purpose. Regulations for the admission and dissemination of mass information media from foreign countries.

b. Commercial Media. Publications, translations and reproduction rights, motion pictures, news and photograph services may be introduced into Japan subject to the following:

(1) License application will be made to GHQ.

(2) GHQ determines whether material is detrimental to the purposes of the Occupation.

(3) Specific categories of commercial media are subject to other special conditions.

c. Non-Commercial Media. May be brought into Japan for dissemination exclusively by GHQ.

8. Appended to Circular 12 is a copy of the license procedure, regulations for reproduction and sale in Japan and regulations for importation of mass media.

9. Licenses are processed by ESS and Legal Section, SCAP. ESS examines the application for compliance with import-export requirements and financial controls. Legal Section passes on form and legality. CI&E has the responsibility for determining the admissibility of the material to be imported or reproduced. Licenses will not be granted for material found objectionable by CI&E.

FRANK RIZZO
Special Advisor

1 Incl:
Pertinent Policy Directives.

PERTINENT POLICY DIRECTIVES

JCS 1380/15

Foreign Economic Transactions

Par. 26. You will establish controls over all Japanese foreign trade in goods and services. Such controls should be so operated as to give effect during the initial period to the following policies:

a. Exports shall not be approved if such goods are severely needed to meet minimum domestic requirements...

d. All proceeds of exports shall be controlled by you and made available in the first place for the payment of approved imports. No person, corporation or organization in Japan shall be permitted to acquire foreign assets of any kind except with your specific approval.

e. Approval should be given only to imports which are clearly in accord with the economic policies elsewhere set down in this Directive.

FEC 032/1 - Policy on Japanese Imports-Exports - Forwarded to SCAP by the U.S. Government and circulated to the FEC on 1 May 1946.

Par. 2. All imports to and exports from Japan will take place initially under your (SCAP) direct control and administration. For the present it is desired that Japanese import and export trade transactions involve no direct contacts between the Japanese Government or Japanese individuals and other Governments or individuals....

FEC 032/27 - Forwarded to the SCAP on 1 August 1947 - Interim U.S. Policy Directive

Par. 2. All imports to and exports from Japan will take place exclusively under your direct control acting in accordance with the policies formulated by the FEC on policies established in accordance with its terms of reference. For the present no government or individual will have contact with the Japanese Government or Japanese individuals except as authorized by you.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

13 April 1948

MEMORANDUM FOR CHIEF, CIVIL SERVICE DIVISION

SUBJECT: Conference between representatives of the Finance Ministry, ESS/LA and Civil Service Division, GS

1. My comments regarding the statements which I overheard concerning the Finance Ministry's plan for adjusting compensation schedules of government employees and employees of government enterprises during the two conferences which I attended yesterday and today, may be summarized as follows:

2. In general the activities of the Finance Ministry officials, particularly those of the Allowance Bureau, are in my opinion completely improper and highly detrimental to the orderly and professional implementation of the National Public Service Law by the National Personnel Commission.

3. Specifically:

a. The assumption of competency by Finance Ministry officials to apply certain standards of the National Public Service Law for the adjustment of existing government compensation schedules is unwarranted.

b. Such activity, concurrent with that of the National Personnel Commission, is highly confusing and detrimental to the National Personnel Commission in that it is establishing precedents of approach and criteria for consideration which are unsound and in some cases highly prejudical to the objectives of the National Public Service Law.

c. It is illogical to assume that lip service to certain standards of the National Public Service Law warrants premature and unsound application of its principles by another agency of the government having no jurisdiction over these matters.

d. <u>If it is necessary</u> to make an interim adjustment of "compensation schedules" applicable to government employees and employees ofgovernment enterprises, such adjustment under current legislation (exclusive of the National Public Service Law) should be made on the basis of the current personnel and compensation systems.

CARLOS P. MARCUM
Chief, Administrative Management Div.

GS File

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COPY

ECONOMIC AND SCIENTIFIC SECTION
Antitrust and Cartels Division

8 April 1948

MEMORANDUM FOR: Mr. C. L. Kades,
Deputy Chief, Government Section

SUBJECT: Application of Fuji Industrial Company for Removal of Ban on Disposal of Materials.

1. Attached is application of Fuji Industrial Co. to the Public Procurator General for removal of ban on disposal of materials held in the company's warehouses.

2. In connection with the recent hoarded goods investigation of the Fuji Industrial Company, the Procurator's office sealed all of their warehouses at certain plants and has forbidden them to dispose of any of the goods held in these warehouses. The Company had received permission for the disposal of some of these goods prior to the investigation and, in some cases, had received down payments. It is understood that the investigation has now been completed. Anything that can be done to speed up the disposal of these goods will be appreciated. The company is willing to cooperate with the Procurator's office and comply with any instructions which the Procurator's office desires.

3. The freeze is causing a great deal of embarrassment to the company and is preventing substantial quantities of goods from flowing into normal channels of distribution.

I. T. BUSH
Deputy Chief
Antitrust and Cartels Division

Incl:
Ltr fm Fuji Indus.
Co., Ltd, 2 Apr 48,
w/incl (Petition)

89-A

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C O P Y

FUJI INDUSTRIAL COMPANY, LIMITED
Industrial Bank Building
Marunouchi, Tokyo

2 April, 1948

TO : Anti-Trust and Cartels Div., ESS, GHQ, SCAP

SUBJECT: Petition for Intercession for Removal of Ban on Disposable Materials.

Sir:

We hereby beg to present a petition to you with regard to the subject matter on which we submitted an application to the Public Procurator-General of the Supreme Public Procurators' Office on 25 March, 1948, as per attached translated copy thereof, and we earnestly sue for your intercession for us so that the ban on the disposable materials be removed as soon as possible out of consideration for our company's straitened circumstances.

Yours respectfully,

Kiyoomi Nomura,
President,
Fuji Industrial Co., Ltd.

(29)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

2 April 1948

MEMORANDUM FOR THE RECORD

SUBJECT: Alleged Conspiracy to Defraud Eizo Ito.

1. The attached papers relate a transaction between the petitioner and one Mizumi, in which ¥200,000 was paid by the petitioner to Mizumi in consideration of a promise to lease a space in a building under construction by Mizumi.

2. Petitioner attempted to withdraw from his bargain, and being refused repayment, brought an unsuccessful action to recover the sum paid.

3. Now he alleges all kinds of fraud and dishonesty including connivance with the Government against Mizumi, and others associated with him and petitions the Supreme Commander for intervention.

4. There is no Courts and Law Division concern with this civil dispute between two Japanese which has already been litigated. There is no reason for SCAP Action.

5. Attachments Documents No. 1 and 2 have not been translated or examined.

W. E. Monagan

W. E. MONAGAN, Jr.
Courts & Law Division

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

1 April 1948

GS FILES

MEMORANDUM FOR RECORD

SUBJECT : Compensation of Judges and Public Procurators.

1. The Japanese Cabinet and the Japanese Supreme Court have submitted drafts of bills for increase in salaries for judges and public procurators to the Government Section requesting permission to introduce these bills in the National Diet, and this Section has informed the Japanese Government that there is no objection to the introduction of the bills as they relate to a matter of internal concern to the Japanese Government.

2. The drafts of the Japanese proposals were arrived at only after exhaustive study over a considerable period of time. An extensive survey was conducted by the Supreme Court by means of questionnaires to determine the actual conditions under which judges have been living. The results of the survey disclosed a deplorable, if not disgraceful, condition, applicable not only to the judges but the procurators as well.

3. Throughout Anglo-Saxon countries the position of a judge is never made comparable to that of an ordinary government official and provision for salaries is never measured by that pattern. In the United States the salaries of judges are purposely put at a very high level in order to insure that the administration of justice will not be impeded by any possibility of temptation or taint of corruption or physical, social or mental discomfort on the part of any individual judge. With the adoption of the new Constitution of Japan, the elevation of the judicial system has been guaranteed and provision is specifically made that judges "shall receive - - - - adequate compensation." It is submitted that this approach is the only logical step in order to assure that "all judges shall be independent in the exercise of their conscience" as laid down by the Constitution.

4. While the same high salary level is not enjoyed by the prosecutor in the United States, a different situation is found in the public procurator of Japan, whose training and operation is on a considerably higher level. The recent splendid activity of the procurators in uncovering hoarded goods amounting to billions of yen is but a small indication of the part they play in the Japanese administration of justice.

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5. The survey of over three hundred judges all over Japan showed that the average judge runs into a monthly excess of expense over income amounting to over five thousand yen, or 148 percent over his original net income. Each questionnaire explained how the judge made up this deficit, that is, by drawing on savings, selling furniture and personal effects, help from relatives, going into debt, and even supplementing the meager income by having to engage in side work. This is a dangerous situation, in that the door is wide open for corruption and fraud on the part of those charged with the functions of the judicial system. In addition, the terrific piling up of work and new cases is driving the personnel to a state of confusion and exhaustion. The only escape is resignation and going into more lucrative activity. Difficulty in attracting competent personnel with necessary qualifications and experience is surpassed only by the difficulty of holding what good men they do have.

6. The very people charged with interpreting and carrying out the law find themselves forced into an impossible position of trying to exist and at the same time indict and pass judgment on violators of the law. Stated in its simplest but strongest language, they are not assured even the minimum of existence, and if some relief is not immediately forthcoming, it means either mass corruption or mass resignation among the judges and procurators.

7. Another survey was conducted by the Supreme Court and Attorney General's Office to point out the extreme lack of official residences for judicial purposes. Only 130 official residences have been provided the judges, while 1638 more must be provided. In the case of procurators, 111 have official residences, 1121 more are required. The foregoing is grossly out of line with the dignity and physical position of the judiciary and considerably less than the housing provided other ministries in the Japanese Government. As a result some members of the judiciary have found it necessary to remain in the court houses and set up dormitory arrangements. As a result of the survey, a three-year building program is being drafted to correct this situation.

8. As the housing problem also aggravates the situation, so does the condition of transportation. In carrying out their duties the judges very often must spend hours travelling between assignments, investigations and hearings, very often on foot. The reason for this terrible condition is that throughout Japan, the government has provided the judiciary with an insignificant 77 automobiles and 12 Dotsus. Even the use of second class accommodations on the trains has been denied judges and procurators, forcing them to ride under terrific crowded conditions. Two of the Supreme Court judges at the present time spend four hours a day riding to and from their homes and walking two hours to reach their station.

9. The proposed draft for Compensation for Judges (Tab A) provides for a monthly salary scale ranging from ¥35,000 for the President of the Supreme Court down to ¥3,000 for the last class of assistant judge, and authorizes the Supreme Court to determine the classification of judges. The reason for the six classes of judges and assistant judges, and the eight classes of summary court judges, is to enable the Supreme Court to make periodical promotions and salary increases as an inducement to attracting good men into the judicial system. The proposed bill contemplates a supplemental monthly budget increase from ¥4,880,010 to ¥18,542,000 or, if all positions are to be filled, to ¥22,299,000 for the judges.

10. The proposed draft for Compensation for Public Procurators (Tab B) provides for a monthly salary scale ranging from ¥32,000 for the Procurator General down to ¥2,500 for the last class of assistant procurator. The determination of classification is left to the Attorney General, the reason therefor being the same as for judges. The proposed bill contemplates a supplemental budget for the year of ¥182,791,200 or an increase of ¥88,833,404 over the proposed ¥2900 rate for ordinary government officials.

11. In the consideration of these problems, which are primarily of internal Japanese concern and not an impact on occupation policy, this Section attempted to co-ordinate with Economic and Scientific Section, in accordance with Paragraph 3 of Staff Memorandum No. 8, 18 February 1948. However, no concurrence on this position has been received from ESS.

ALFRED C. OPPLER,
Chief, Courts and Law Division.

a dossier

30 March 1948

TO: Administrative Division

SUBJECT: Interpretation of Memorandum

Reference Memorandum to Administrative Assistants, subject: "Sick Leave", dated 26 March 1948, Courts and Law Division inquires whether Group Civilian Personnel Regulation #13, GHQ, dated 18 Sep 47, cited in reference Memo, may be interpreted to allow taking compensatory time owing when absence is for medical, dental or optical examinations or treatments, or when incapacited for performance of normal duties.

If such is the case, and the quotation from Regulation No. 13 would so indicate, request that Section Time Keeper, Mrs. Sato, be informed that such period away from duty for medical treatment may be charged against compensatory time due.

A. C. Oppler

A. C. OPPLER, Chief
Courts & Law Division

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

9 March 1948

MEMORANDUM FOR THE RECORD

SUBJECT: Reorganization of the Imperial Household Office.

1. Conferences regarding the above subject were held on 4 and 8 March 1948 with Mr. Shigenobu SHIMA, Secretary of the Prime Minister's Office. Present for Government Section was Mr. Kent.

2. In compliance with a memorandum from the Chief, Government Section, to the Director General of the Cabinet Secretariat, Subject: "Imperial Household Office Law and Cabinet Order Number 5", dated 19 December 1947, Mr. Shima submitted for consideration a reorganization plan for the Imperial Household Office. This plan has been formulated by the Imperial Household Office and the Cabinet, in conjunction, and is acceptable to both. Its most salient features may be summarized as follows.

a. The Office is to be placed "under the general supervision of the Prime Minister in order to remove the special status which it now occupies under the provisions of the Imperial Household Office Law."

b. The current organization, consisting of four boards, three bureaus, and twenty-four sections, is to be reduced to four boards, two bureaus, and eight sections.

c. The present total of 669 first, second, and third class officials is to be decreased to 383. The number of employees of lower rank is to be reduced in the same manner, and in essentially the same proportions.

3. Mr. Shima explained that the government is prepared to effect the contemplated reorganization no later than 1 April 1948, provided Government Section concurs in the proposals submitted.

4. The following documents are attached:

Approved, with reservation it was initial step

Personnel of the Imperial Household Office
Personnel of the Imperial Household Office (as of 1 March)
Plan for the Reorganization of the Imperial Household Office (March 3, 1948)
Tentative Plan of the Reform of the Imperial Household Office (2 February 1948)

PAUL J. KENT
Chief, Imperial Household Branch
National Government Division

hK Ocn 43

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

5 March 1948

MEMORANDUM FOR THE RECORD:

SUBJECT: Inventory of all Critical Material in Japan

In a telephone conversation with Mr. Rosenfelt of ESS, I approved the issuance of a Potsdam Ordinance under SCAPIN 1863 for the purpose of procuring a complete inventory of all critical material in Japan, by the end of this month. The ordinance will be submitted to us for approval as to form prior to its promulgation.

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

NOTED: C.L.K.

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M/R

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

5 March 1948

MEMORANDUM FOR THE RECORD

SUBJECT: Conference with Mr. SHIMA, LCO on 4 March 1948

1. The first draft of a Cabinet Order for the abolition of the Shokutaku system submitted by the Japanese government was disapproved. This draft was vague and full of loop-holes which would generally have circumvented the intent of the order.

2. Mr. SHIMA was instructed to return at 4 p.m. with a draft incorporating instructions previously issued to the government on this subject.

3. At 4 p.m. Mr. SHIMA returned with a draft which was satisfactory with a few minor amendments and one major amendment, which included Kodans in the scope of the Cabinet Order application.

4. This second draft was approved for formal submission with Mr. Kades' concurrence.

CARLOS P. MARCUM
Chief, National Government Division

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MEMORANDUM FOR THE RECORD: 5 March 1948

SUBJECT: Tokyo Trials Research Society

1. The book, "Tojo's Defense Affidavit," was published by Yoyo Sha on 20 January 1948. Tokyo Trials Research Society was shown as editor responsible for the publication. The book consists of the text of the affidavit, photographs of Judge Keenan and the court, and the "Editor's Foreword." The foreword is also credited to the Tokyo Trials Research Society.

2. Mr. Takata, Chief of Book Section of CCD, stated on 24 February 1948 that the book in question was actually compiled by Mr. Okubo, a Jiji Shimpo's reporter at the war crime trial, and that he was responsible for the entire content of the book although it was published in the name of the Tokyo Trials Research Society. It is Takata's stated opinion that the society does not exist.

3. Following this conversation with Mr. Takata, Mr. Okubo of the Jiji Shimpo was contacted. His story for the most part checked with Mr. Takata's statement except that he denied having written the foreword by saying that all he did was "supply materials for the article."

4. On 27 February 1948 Mr. Yoshida, publisher of the Yoyo Sha, reported that the foreword was exactly as written by Mr. Okubo and that no change whatsoever was made by the publisher.

Mr. Yoshida admitted, however, that he was the person responsible for using the name of the Society as responsible for the publication which, he added, was done "chiefly for sales value." He stated that the Society was purely fictitious.

REMARKS:

Mr. Malloy, PPB Censor of CCD, in conference with Major Napier on 26 February 1948 stated that the book was post-censored and it was found that the cover and foreword were in violation of the code governing Japanese publications. He said he had recommended therefore to higher headquarters that the book be "disapproved". He added that this "is the first incident of such violation since the adoption of the post-censorship system" and that he "has no idea as to what would happen."

5 March 1948 Colonel Putnam called Major Napier and stated that the Allied Press was in possession of the subject publication and had been asking questions about the action to be taken. He said that action had been referred to General Willoughby and that "of course such things take a long time" and further that he "doubted that General Willoughby could make decisions on such an important matter without discussion with SCAP".

(JPN)

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

3 March 1946

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting of Allied Council for Japan

COVT SEC

1. According to observers present at the meeting from the opening, the Soviet Representative discussed the fact that a number of the members of the three postwar Cabinets have been found purgeable. (He read the roster.) This observer arrived at this point.

2. The Soviet Representative then approached the current situation and opened up on Ashida, mentioning his connection with the Japan Times. At this point Mr. Sebald declared that such discussion represented unwarranted interference with Japanese internal problems, that the discussion of personalities in the probable future Cabinet should not be taken up by the Council. The Soviet member was declared out of order.

3. The Soviet Representative protested and asked the opinions of the other members as to the right of the Council to engage in free discussion. Both the Chinese and U.K. Representatives, supporting the US stand in reference to the case in point, said nothing about the principle the Soviet member upheld.

4. Twice again the Soviet member asked, demanded the right to complete his statement. Mr. Sebald declined to revise his ruling and declared that the meeting had reached an impasse.

5. With the remark that as Cabinets are made up of people and the subject he wished to comment on was the Cabinet he couldn't place any interpretation on Mr. Sebald's ruling against the discussion of personalities other than that he, the Soviet Representative, was being unwarrantedly denied the right to express his views which is guaranteed by the terms of reference of the Council.

6. The meeting was adjourned at approximately 1100 hours, having been the longest session in several months.

DOUGLAS F. SCOTT
Public Affairs Division

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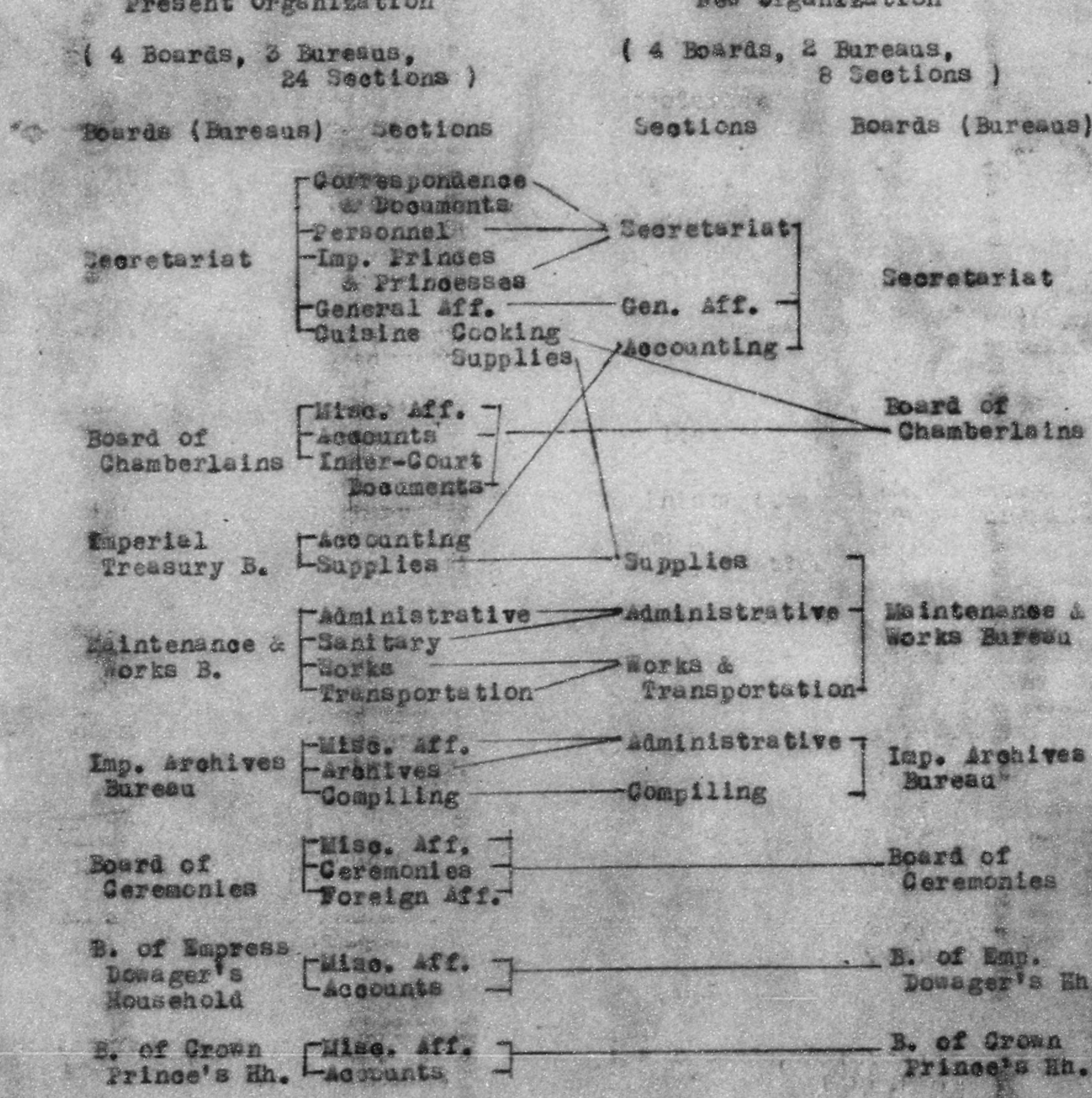
March 3, 1948.

PLAN FOR THE REORGANIZATION OF THE IMPERIAL HOUSEHOLD OFFICE.



Tentative Plan of the Reform of the Imperial Household Office.

Feburary 2, 1948.

1. Reference: Memorandum from the Chief of the Government Section, G.H.Q., SCAP., to the Director General of the Cabinet Secretariat, of December 19, 1947, on the same subject.

2. It seems appropriate to adopt the following two principles as the basis for the reform of the organization and management of the Imperial Household Office:

a) To place the Office under the general supervision of the Prime Minister in order to remove the special status which it now occupies under the provisions of the Imperial Household Office Law and, at the same time, to simplify its organization to as much extent as possible.

b) To appoint to more important posts of the Office persons who entertain the right view on the status of the Emperor under the terms and spirit of the new Constitution, with a view to completely eliminating the old idea which may still remain in a certain portion of the Office personnel.

3. It must be remembered, however, that the following readjustment of organization has already been carried out since the termination of hostilities as a result of the abolishment or the transfer to some other government offices of certain functions.

(Details of these readjustments are shown in Annex A.)

	Inner Offices	Outer Offices	Personnel
Aug. 15, 1945.	12	13	6,211
Dec. 31, 1947.	5	2	1,447

4. Taking the fact mentioned in the preceding paragraph into consideration, a tentative plan of the proposed reform of the organization based on (a) of Paragraph 2 is shown in Annex B.

5. In regard to the reduction in the number of personnel, officials necessary for the maintenance of Imperial mausolea could not be reduced in a drastic way owing to the fact that their localities are scattered all over the country. The number of these officials above the rank of 3rd class, including those who are entrusted with the task of maintenance of other Government properties under the jurisdiction of the Imperial Household Office, amounts to 178, which might well be considered, in a way, a fixed portion of the personnel. It must be noted that this number represents 30% of the whole body of regular officials above the same rank belonging to the Office, the actual number as of December 31, 1947, being 594.

6. Consequently, the application of the principle of 25% reduction of personnel, which has been decided upon to be effected in all Government agencies, will mean a very drastic

measure in the case of the Imperial Household Office, and the said rate will be about the maximum which could be expected if the efficient execution of official business is to be required.

7. It is further suggested that, in view of desirability to have necessary provisions for the installation of various Bureaus in the Imperial Household Office Law itself in stead of revising the relevant part of Cabinet Order No. 5, provisions of the said Law should be amended so that the Office be placed under the general supervision of the Prime Minister.

ENCLOSURES:

Annex A. Details of the readjustments of the Organization of the Imperial Household Office since the Termination of Hostilities.

Annex B. Tentative Plan of the Proposed Reorganization of the Imperial Household Office.

Annex A

DETAILES OF THE READJUSTMENTS OF THE ORGANIZATION OF THE IMPERIAL HOUSEHOLD OFFICE SINCE THE TERMINATION OF HOSTILITIES.

1. In October, 1945, General Affairs Bureau was abolished; both the Bureau of Works and that of Horses were amulgamated in to the Bureau of Maintenance and Works.

2. In November, 1945, both the Board of Court Physicians and that of Empress' Household were merged into the Board of Chamberleins; Office of the Lord Keeper of the Privy Seal was aboloshed; Bureau of Cuisine was made a section in the then Minister's Secretariat.

3. In January, 1946, Board of Prince Li's Household was abolished.

4. In April, 1946, both the Bureau of Imperial Mausolea and the Office of Poetry were abolished and a portion of their business was transferred to the Imperial Archives Bureau ; Board of Rites was merged into the Board of Ceremonies.

5. In July, 1946, Officials of the then Ministry attached to various Imperial Princes were abolished following the SCAP Directive to that effect.

6. In January, 1947, Imperial Palace Police was transfereed to the Metropolitan Police.

7. In March, 1947, both the Peers' School and the Peeress' School were seperated from under the jurisdiction of the Ministry.

8. In April, 1947, Bureau of Imperial Forestry was transferred to other Government ministry following the transfer of Imperial forestries to the State.

9. On May 3, 1947, as a result of the enforcement of the new Constitution, both the Bureau of Peers' Affairs and that of Imperial Household Accounting were abolished; Imperial Museum was made the National Museum; Maintenance Office of "Shosoin" was merged into the Imperial Ardhives Bureau.

Annex B

TENTATIVE PLAN OF THE PROPOSED REORGANIZATION OF THE IMPERIAL HOUSEHOLD OFFICE.

Organization as of 1 March.

1

PERSONNEL OF THE IMPERIAL HOUSEHOLD OFFICE

Grand Steward of the Imperirl Household — 1 (with attestation).

Vice-Grand Steward of the Imperial Household Office — 1.

NAMES OF BUREAUS	NAMES OF SECTION & CONTENT OF THEIR BUSINESS	FIRST CLASS	SECOND CLASS	THIRD CLASS	EMPLOYEES	SHOKUTAKU
Secretariate of the Grand Steward.	<u>Correspondence & Documents Section:</u>		Chief 1. Assistant 1.			
	1. Deliveration & drafting of orders & regulations; matters relating to the Imperial House Conference.		1.	2.	2.	
	2. Investigations & statistics, including the investigations the historical records of the Imperial Household Property and accounts.	Attaché 1.		2.	3.	
	3. Materials to be published in the official gazette; receipt & despatch of official notes & documents.			1.	8.	
	4. Office of the Private secretary to the Grand Steward.		1.	1,	1.	
	5. Office of the Private Secretary to the Vice-Grand Steward.			1.	1.	
	6. Liaison & Co-ordination between the bureaus.		1.	2.	5.	

NAMES OF BUREAUS	NAMES OF SECTIONS & CONTENTS OF THEIR BUSINESS	FIRST CLASS	SECOND CLASS	THIRD CLASS	EMPLOYEES	SHOKUTAKU
	Personnel Section:		Chief 1. Assistant 1.			
	1. Appointment & dismissal of the personnel of the Office.			3.	3.	
	2. Salaries, allowances & compensations for the personnel of the Office.		1.	3.	4.	
	3. Mutual aid association & welfare work for the personnel of the Office.			1.	5.	11.
	4. Imperial Household Hospital.					41.
	General Affairs Section:	Chief 1.	Assistant 1.			
	1. Public information			1.	1.	
	2. Imperial gifts & presents to be made to the Imperial Family.			2.	2.	
	3. Matters relating to voluntary service			2.	2.	
	4. Trips & tours of members of the Imperial Family		2.	4.	3.	

NAMES OF BUREAUS	NAMES OF SECTIONS & CONTENTS OF THEIR BUSINESS	FIRST CLASS.	SECOND CLASS.	THIRD CLASS.	EM-PLOYEES.	SHOKU-TAKU.
	Imperial Princes & Princesses' Affairs Section:	Chief 1.	Assis-tant 1.			
	Affairs relating to the Imperial Princes & Princesses			4.	5.	
	Cuisine Section:		Chief 1.			
	1. Business.		1.			
	a) Purchase, custody & supply of food stuffs.			3.	2.	
	b) Arrangement of tables and service.			3.		
	c) Purchase, custody & supply of table-ware & cooking utensils.			1.	3.	
	2. Cooking.		1.			
	a) Western cooking.			3.	3.	
	b) Japanese cooking.			2.	2.	
	c) Bread, cakes & sweets for the entire members of the Imperial Family.			1.	2.	
	d) Cooking for 3 Imperial daughters' apartment.			2.	2.	

NAMES OF BUREAUS.	NAMES OF SECTIONS & CONTENTS OF THEIR BUSINESS.	FIRST CLASS.	SECOND CLASS.	THIRD CLASS.	EMPLOYEES.	SHOKUTAKU.
	e) Cooking for Prince Masahito's apartment. (REMARKS: In case of court banquets and dinners, all members of the personnel of this section participate.)			1.	2.	
Board of Chamberlains.		Grand Chamberlain 1. (with attestation)				
	1. Private affairs of the Throne.	4.	14.	20.	19.	3.
		Attachés 2.	Attachés 3.			
	2. Medical affairs (of the Emperor & Empress).	Physicians 2.	3.	5.	6.	1.
	3. Lecturing.	Attaché 1.	Attachés 4.			
	4. Escort of the Throne.		1.	20.		

NAMES OF Bureaux.	NAMES OF SECTIONS & CONTENTS OF THEIR SUSINESS.	FIRST CLASS.	SECOND CLASS.	THIRD CLASS.	EM-PLOYEES.	SHOKU-TAKU.
	5. Attached to Prince Masahito.		4. Attaché 1.	3.	3.	1.
	6. Attached to 3 Imperial daughters.	1.	3. Attaché 1.	5.	10.	
	7. Caretakers & servants of inner-court buildings.			2.	25.	
Empress Dowager's Household Office.		Grand Master 1.				
	1. Private affairs of the Empress Dowager.	2. Attaché 1.	8. Attachés 6.	21.	7.	5.
	2. Medical affairs.	1.	2.	3.	1.	
	3. Caretakers & servants of inner-court buildings.			1.	20.	

NAMES OF BUREAUS.	NAMES OF SECTIONS & CONTENTS OF THEIR BUSINESS.	FIRST CLASS.	SECOND CLASS.	THIRD CLASS.	EMPLOYEES.	SHOKUTAKU.
Crown Prince's Household Office.		Grand Master 1.				
	1. Private affairs of the Crown Prince.	1.	4.	12.	6.	2.
			Attaché 1.			
	2. Medical affairs.	Physicians 2.	Physicians 2.	3.	1.	1.
			Attaché 1.			
	3. Tutoring	Attachés 3.	Attachés 4.			1.
	4. Escort of the Crown Prince.			8.		
	5. Caretakers & servants of inner-court building.			1.	9.	1.
Board of the Ceremonies.		Grand Master of the Ceremonies. 1.				

NAMES OF BUREAUS.	NAMES OF SECTIONS & CONTENTS OF THEIR BUSINESS.	FIRST CLASS.	SECOND CLASS.	THIRD CLASS.	EMPLOYEES.	SHOKUTAKU.
	1. Court ceremonies & functions; relations with foreigners & translation; reception & entertainment of foreign guests.	1.	6.	10.	11.	1.
	2. Classical music & dancing.		3.	24.	3.	1.
	3. Game preserves.			8.	14.	10.
Imperial Archives Bureau.		Director 1				
			Section Chiefs 3.			
	1. Custody of books & documents, including the arrangement, investigation & mending of old manuscripts & records		Secretaries 2. Attaché 1.	4.	6.	
	2. Compilation of historical records relating to the ancestors of the Imperial Family.		1.	5.	3.	2.
	3. Matters relating to Imperial mausolea & tombs.		4.	154.	60.	5.
	4. Administration of the Shosoin Treasure-house, including repairs of Imperial relics.		1.	3.	13.	
	5. Caretaker & servant of the office-building.				2.	

NAMES OF BUREAUS.	NAMES OF SECTIONS & CONTENTS OF THEIR SUSINESS.	FIRST CLASS.	SECOND CLASS.	THIRD CLASS.	EM-PLOYEES.	SHOKU-TAKU.
Imperial Treasury Bureau.		Director 1.	Sections Chiefs 2. Assist-ant 1.			
	1. Budget & final reports of the accounts; Imperial Household Economy Council.		1.	6.	2.	
	2. Disbursements (salaries, allowances, supply expenses, etc.).		1.	6.	2.	
	3. Arragement of vouchers & bookkeeping.			4.	1.	
	4. General control of the accounts of articles (planning & keeping ledgers).		1.	4.	4.	
	5. Purchase of required articles.		1.	4.	4.	
	6. Custody & supply of articles.			5.	7.	
	7. Work-houses (printing-house & laundry).				14.	

NAMES OF BUREAUS.	NAMES OF SECTIONS & CONTENTS OF THEIR BUSINESS.	FIRST CLASS.	SECOND CLASS.	THIRD CLASS.	EMPLOYEES.	SHOKUTAKU.
Maintenance & Works Bureau.		Director 1. Section Chiefs 2.	Section Chiefs 2. Assistant 1.			
	1. Administration & custody of buildings & lands.					
	a) Administration.		1.	15.	19.	
	b) Custody.			8.	40.	2.
	2. Construction work.		2.	6.	17.	1.
	3. Engineering work.		1.	3.	5.	
	4. Equipments (water-works machines and electricity).		1.	6.	39.	
	5. Gardening.		1.	3.	9.	
	6. Telephone operators.			1.	12.	
	7. Office-girls.				20.	
	8. Prevention of epidemics			11.	7.	2.

NAMES OF BUREAUS.	NAMES OF SECTIONS & CONTENTS OF THEIR BUSINESS.	FIRST CLASS.	SECOND CLASS.	THIRD CLASS.	EMPLOYEES.	SHOKUTAKU.
	9. Automobiles: a) Drivers.			25.	10.	
	b) Mechanics			5.	14.	1.
	10. Stables: a) Training & feeding of horses.		1.	8.	20.	1.
	b) Carriage-drivers.			1.	4.	
	c) Veterinarians.			1.	2.	
	d) Farriers.			1.	2.	
	11. Farm:		Chief 1.			
	a) Cattles.		1.	6.	67.	1.
	b) Agricultural products.		1.	4.	52.	
Kyoto District Office.		Director 1.	Section Chiefs 2.			
	1. Miscellaneous affairs & accounts.			4.	4.	2.
	2. Custody & maintenance of buildings & lands; gardening.			3.	13.	

NAMES OF BUREAUS.	NAMES OF SECTIONS & CONTENTS OF THEIR BUSINESS.	FIRST CLASS.	SECOND CLASS.	THIRD CLASS.	EMPLOYEES.	SHOKUTAKU.
	3. Caretakers of the Kyoto Palace and Imperial villas.			4.	17.	
	Total of the fixed number of the personnel according to the budget, except the officials appointed with attestation.	32.	120.	501.	687.	96.

1,436.

PERSONNEL OF THE IMPERIAL HOUSEHOLD OFFICE.

Grand Steward of the Imperial Household (1st Class with Attestation).

Vice-Grand Steward of the Imperial Household (1st Class).

SECRETARIATE OF THE GRAND STEWARD.

1st Class 1: The Treasurer of the Imperial Household.

Secretariat
~~PERSONNEL~~ SECTION.

1st Class 1: Chief of Secretariat ~~Personnel~~ Section.

2nd Class 4:

No. 1. Private Secretary to the Grand Steward.

No. 2. To exercise general control over the affairs of the Section as assistant to the Chief.

No. 3. Chief official in charge of affairs relating to correspondence and documents.

No. 4. Chief official in charge of personnel affairs.

3rd Class 16:

No. 1. Clerk to engage in deliberation and drafting of orders and regulations.

No. 2. Clerk to engage in investigation and arrangement of materials for orders and regulations; in affairs relating to the Imperial House Council.

No. 3. Clerk to engage in affairs relating to receipt and despatch of correspondence and documents; materials

SECRETARIATE OF THE GRAND STEWARD (cont'd).

	to be published in official gazette; investigations and statistics.
No. 4.	Assistant to Private Secretary to the Grand Steward.
No. 5.	Ditto.
No. 6.	Private Secretary to Vice-Grand Steward.
No. 7.	Affairs relating to liaison and co-ordination between the bureaux.
No. 8.	Affairs relating to gate-passes and certificates for the personnel of the office; night-duties of the office; cultural education of the ~~ffi~~ personnel of the office.
No. 9.	Affairs relating to appointment and dismissal of the personnel of the office.
No.10.	Affairs relating to qualification, consideration of services of the personnel and disciplinary rules.
No.11.	Affairs relating to salaries, allowances and compensations for the personnel of the office; liaison with the Salary and Allowance Bureau of the Finance Ministry.
No.12.	Affairs relating to pensions and surviving family allowance; preparation for enforcement of Public Servants Law; liaison with the Government Personnel Committee.
No.13.	Affairs relating to Mutual Aid Association and welfare work for the personnel of the office.
No. 14.	Private Secretary to the Treasurer of the Imperial Household.
No.15.- No.16.	To engage in affairs relating to the Imperial Princes and Princesses.

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GENERAL AFFAIRS SECTION.

1st Class 1: Chief of General Affairs Section.

2nd Class 2:

No. 1. To exercise general control over the affairs assigned to 3rd class officials No.1 - No.5 of the section.

No. 2. To exercise general control over the affairs assigned to 3rd class officials No.6 - No.9 of the section.

3rd Class 7:

No. 1. Affairs relating to public information; lending of photographs of the Imperial family and assisting press photographers in taking their pictures.

No. 2. Affairs in connection with the provision of Article II of the Imperial Household Economy Law; handling of gifts to and presents from people.

No. 3. Affairs relating to examination of applications for voluntary services and plans for works.

No. 4. To look after voluntary workers while in the Palace Grounds.

No. 5. Affairs relating to the plans for tours and travels of members of the Imperial family.

No. 6. Affairs of liaison and co-ordination between this office and other ministries including Police Bureau, Transportation Office, and local governments, with whom it is necessary for this office to co-operate in improvement of matters pertaining to the tours and travels, taking into consideration the past experiences.

No. 7. Miscellaneous affairs of the section and affairs relating to audiences and court banquets.

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ACCOUNTING SECTION.

2nd Class 3:

No. 1.	Chief of Accounting Section.
No. 2.	To exercise general control over the affairs of the section, as assistant to the Chief; in charge of affairs of Imperial Household Economy Council.
No. 3.	Chief clerk of the affairs relating to budgets and final statements.

3rd Class 9:

No. 1.	Affairs relating to budgets and final statements of the Privy Purse, Imperial Family subsidies to Princes and the Imperial Palace expenses.
No. 2.	Affairs relating to budgets and final statements of the Imperial Household Office expenses.
No. 3.	Affairs relating to incomes and expenditures.
No. 4.	Affairs relating to salaries, allowances and compensations.
No. 5.	Affairs of issuing checks.
No. 6.	Auditing of accounts.
No. 7.	Investigations, statistics and reports relating to accounts.
No. 8.	Arrangements and filing of vouchers relating to accounts.
No. 9.	Entering in account-books.

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BOARD OF CHAMBERLAINS

Grand Chamberlain (1st class with attestation).

1st Class 4:

No. 1. Vice-Grand Chamberlain (to exercise general control over the affairs of the Board as its Deputy Chief, and particularly to take charge of affairs relating to the Empress's public activities and bringing up the imperial children).

No. 2. Chief Lady-in-Waiting to the Empress.

No. 3. Court Physician (internal treatment).

No. 4. Ditto. (obstetrics and gynoecology).

2nd Class 24:

No. 1. Chamberlain in charge of affairs relating to official papers to be laid before the Emperor, lectures for their Majesties, and keeping records.

No. 2. Chamberlain in charge of the Emperor's library, including the affairs of purchase and custody of books.

No. 3. Chamberlain in charge of Their Majesties' wardrobes & personal properties & Imperial relics.

No. 4. Chamberlain in charge of Court ceremonies and informal audiences.

No. 5. Chamberlain in charge of Court banquets & Imperial tours & travels.

No. 6. Chamberlain in charge of accounting and other miscellaneous affairs.

(3 groups of 2 persons each to take turns for night-duties.)

No. 7-No. 12. Ladies-in-Waiting in charge of all sorts of public and private affairs (3 groups of 2 persons each to take turns for night duties)

No. 13-No.15. Officials in charge of bringing up and education of Prince Masahito (each of three to take turns for night duties)

BOARD OF CHAMBERLAINS (cont'd),

No. 16-No. 18. Officials in charge of bringing up and education of 3 Imperial daughters (each of three to take turns for night duties)

No. 19. Court Physician (internal treatment)

No. 20. Ditto. (surgery)

No. 21. Ditto. (pediatriet for Prince Masahito)

No. 22. Ditto. (pediatriet for 3 Imperial daughters)

No. 23. Official to take custody of privy seals and state seals.

No. 24. Supervisor of the cuisine.

3rd Class 40:

No. 1.& No. 2. Miscellaneous affairs of the Inner-Court.

No. 3 & No. 4. Accounts of the Inner-Court.

No. 5 & No. 6. Custody and arrangement of properties of the Inner-Court.

No. 7. Assistant to the 2nd class official taking custody of Privy seals and State seals.

No. 8. Keeping records for Their Majesties.

No. 9. Private secretary to the Grand Chamberlain.

No. 10. Ditto. to the Vice-Grand Chamberlain

No. 11-No. 16. Assistants to Chamberlains (3 groups of 2 persons each to take turns for night duties)

No. 17-No.22. Assistants to Ladies-in-waiting (3 groups of 2 persons each to take turns for night duties)

No. 23-No. 25. Assistants to 2nd class officials looking after Prince Masahito (each of the three to take ~~p~~ turns for night duties)

No. 26-No.28. Assistants to 2nd class officials looking after 3 Imperial daughters (each of the three to take turns for night duties).

BOARD OF CHAMBERLAINS (cont'd)

No. 29-No. 31. Caretakers of Inner-Court halls and rooms.
(Each of the three to take turns for night duties)

No.32-No. 34. To engage in medical affairs as assistants to Court Physicians.

No. 35-No. 37. In charge of the cuisine for Their Majesties (each of the three to take turns for night duties)

No. 38. In charge of the cuisine for Prince Masahito

No. 39 & No.40. In charge of the cuisine for 3 Imperial daughters

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EMPRESS DOWAGER'S HOUSEHOLD OFFICE

1st Class 3:

No. 1. Grand Master of Empress Dowager's Household (all)
(To exercise general control over affairs of the Household and be responsible for all public activities of the Empress Dowager)

No. 2. Chief Lady-in-Waiting to the Empress Dowager
(Constantly to be in the service of Her Majesty and always in attendance on Her on occasions of Her public appearance; adviser to Her on all matters from a viewpoint of a lady).

No. 3. Court physician to the Empress Dowager.

2nd Class 8:

No. 1. Chief secretary to take charge of affairs of the ~~affairs~~ Household as assistant to the Grand Master.

No.2-No.7. Ladies-in-Waiting
(3 groups of 2 persons each to take turns for night duties)

No. 8. Court physician (Surgery)

3rd Class 17:

EMPRESS DOWAGER'S HOUSEHOLD OFFICE (cont'd)

No. 1. Assistant to No. 1 of 2nd class and to engage in affairs relating to Her Majesty's travel and to gifts to and presents from people.

No. 2. Accounts of the Household.

No. 3. Private secretary to the Grand Master.

No. 4.& No.5. Caretakers of the Omiya Palace.

No. 6-No. 8. In charge of the cuisine
(Each of the three to take turns for night duties).

No. 9. To arrange the table.

No. 10 & No. 11. To engage in medical affairs as assistants to Court physicians
(Each of the three to take turns for night duties).

No. 12-No. 17. Assistants to Ladies-in-Waiting
(3 groups of 2 persons each to take turns for night duties).

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THE CROWN PRINCE'S HOUSEHOLD OFFICE

1st Class 1: Grand Master of the Household.

2nd Class 6:

No. 1 - No. 3.	Chamberlains (Each of the three to take turns for night duties, sometimes 2persons at a time)
No. 4.	Chief secretary in charge of affairs of the Household as assistant to the Grand Master.
No. 5 & No. 6.	Court physicians.

3rd Class 14:

No. 1.	Private Secretary to the Grand Master and in charge of miscellaneous affairs.
No. 2.	Assistant to No.4 official of 2nd class and charge of affairs relating to the Crown Prince's studies.
No. 3.	Accounting of the Household.
No. 4.	Caretaker of the Crown Prince's residence and in charge of affairs relating to the Prince's travels.
No. 5.	Keeping records for the Prince.
No.6 - No.8.	To engage in miscellaneous affairs as assistants to Chamberlains. (Each of the three to take torns for night duties)
No.9 - No.11.	In charge of the cuisine. (Each of the three to take turns for night duties)
No. 12.	To arrange the table.
No.13 & No. 14.	To engage in medical affairs as assistants to physicians.

BOARD OF THE CEREMONIES.

1st Class 1: Grand Master of the Ceremonies.

2nd Class 6:

No. 1. (Master of the Ceremonies)	Chief official in charge of ceremonial affairs of the Court; supervisor of game preserves and music department.	All to participate in the court ceremonies and functions as well as in the receptions & entertainments of foreign guests.
No. 2. (Master of the Ceremonies)	Assistant to No. 1.	
No. 3. (Master of the Ceremonies)	Chief official in charge of affairs relating to protocol and foreign relations; The Emperor's interpreter.	
No. 4. (Master of the Ceremonies)	Assistant to No. 3; chief official in charge of translation; The Emperor's interpreter.	
No. 5.	Chief musician in charge of classical Japanese music and dancing, including conduct and instruction.	
No. 6.	Chief musician in charge of western music, including conduct and instruction.	

3rd Class 35:

No. 1.	Assistant to No.1 Master of the Ceremonies; drafting of plans and programs.	Assistants to Masters of the Ceremonies on occasions of court ceremonies and receptions and
No. 2.	Clerk of miscellaneous affairs.	
No. 3.	Clerk of affairs relating to the Saitama, Chiba and Nagara Preserves.	
No. 4.	To engage in affairs relating to the precedence	

BOARD OF THE CEREMONIES (cont'd).

	at Court and public functions.	) entertainments of foreign guests.
No. 5.	Clerk of affairs relating to music department.	)
No. 6.	Private secretary to the Grand Master of the Ceremonies.	)
No. 7.	Assistant to No.3 Master of the Ceremonies.	)
No. 8.- No. 9.	In charge of translation, interpretation and affairs relating to liaison and co-ordination with Central Liaison Co-ordination Office and Foreign Office.	)
No.10 - No.34.	Court musicians comprising classical music band and dancing troupe.	)
No. 35.	Making and mending of classical instruments for court musicians.	)

IN PROVINCES.
GAME PRESERVES.
3rd Class 7:

No. 1.	Chief keeper of Saitama preserve.	
No. 2.	Chief keeper of Chiba preserve.	
No. 3.	Chief falconer and technical supervisor of hunting.	)
No. 4.- No.5.	Falconers and technically to engage in affairs of Saitama preserve.	) To conduct hunting affairs.
No.6 - No.7.	Falconers and technically to engage in affairs of Chiba preserve.	)

IMPERIAL ARCHIVES BUREAU

1st Class 1: Director of Imperial Archives Bureau. (To exercise general control over all affairs of the Bureau)

ADMINISTRATIVE SECTION

2nd Class 2:

No. 1. Chief of Administrative Section.

No. 2. Expert official in charge of the custody, exhibition, reproduction & publication of old books, documents & manuscripts.

3rd Class 7:

No.1 - No.7. Experts to engage in filing & investigation of old books, documents and manuscripts.

No. 4. Private secretary to the Director.

No. 5. Mending of old documents & manuscripts.

No. 6. Experts to engage in research and investigation of Imperial mausolea and tombs.

No. 7. To engage in planning investigations and liaison regarding the general control over the affairs of Imperial mausolea & tombs.

COMPILING SECTION

2nd Class 2:

No. 1. Chief of Compiling Section.

No. 2. Expert official in charge of affairs of compilation.

3rd Class 3:

No.1 - No.3. Experts to engage in compiling Imperial family & their ancestors' records and in the investigation of cultural history of the Imperial Court.

IMPERIAL ARCHIVES BUREAU (cont'd)

IN PROVINCES
IMPERIAL MANSOLEA & TOMBS

2nd Class 3:

No. 1. Superintendent of Mansolea & tombs in Tama area. (To exercise general control over the affairs of the area and supervise his subordinates).

No. 2. Superintendent of mansolea & tombs in Momoyama area. (To exercise general control over the affairs of the area and supervise his subordinates)

No. 3. Superintendent of mansolea & tombs in Unebi area. (To exercise general control over the affairs of the area and supervise his subordinates)

3rd Class 24:

No.1 - No.24. To take actual custody of Mansolea and tombs.
(7 Keepers in Tama area.)
(10 Keepers in Momoyama area.)
(10 Keepers in Unebi area.)

SHOSOIN TREASUREHOUSE:

2nd Class 1: Chief official to take custody of relics and exercise general control over affairs of the Shosoin.

3rd Class 2:

No. 1. Expert to engage in maintenance, research, investigation, and direction for repairs & restoration of relics.

No. 2. To engage in miscellaneous affairs of the Shosoin.

MAINTENANCE AND WORKS BUREAU.

1st Class 1: Director of Maintenance and Works Bureau.

ADMINISTRATIVE SECTION.

2nd Class 3:

No. 1. Chief of Administrative Section.

No. 2. To exercise general control over affairs of the section as assistant to the Chief.

No. 3. Chief official in charge of prevention of epidemics.

3rd Class 22:

No. 1. Private secretary to the Director; to engage in miscellaneous affairs of the section.

No. 2. In charge of affairs relating to the farm.

No.3 - No.4. In charge of affairs of contract-making for works.

No. 5. Affairs of hiring labourers.

No. 6. Telephone operators.

No. 7. In charge of equipments of electricity, gas and water works.

No.8 - No.9. To take custody of lands and buildings.

No.10 - No.11. Caretakers of the Palace.

No.12. Caretaker of Tokiwamatsu Villa.

No.13. To have control of office-girls and servants.

No.14 - No.16. Caretakers of Akasaka Palace.

No.17 - No.18. Disinfection of the Palace grounds.

No.19 - No.20. Protection of health of the personnel (chiefly against tuberculosis).

MAINTENANCE AND WORKS BUREAU (cont'd).

No.21. Prevention of epidemics for the Omiya Palace.

No.22. Prevention of epidemics for the temporary residence of the Crown Prince.

SUPPLIES SECTION.

2nd Class 2:

No. 1. Chief of Supplies Section.

No. 2. To take charge of affairs relating to plans for required articles and their distributions as assistant to the chief.

3rd Class 13:

No. 1. To engage in affairs relating to prices, standard-measures and other investigations of required articles.

No. 2. To engage in affairs of receipt and distribution of articles and of auditing of the same.

No. 3. To have custody of Inner-Court and Palace articles.

No. 4. To purchase and have custody of various equipments, machines, furniture and consumer goods.

No. 5. To purchase and have custody of materials for maintenance and repairs.

No. 6. To purchase and have custody of coal, charcoal, gasolene and fodders.

No. 7. To have custody of storehouses.

No. 8. To engage in affairs of and to exercise control over the workhouses.

No. 9. To purchase the foodstuff.

No.10 - No.13. Custody and distribution of foodstuff and table arrangements (each of the three to take turns for night-duties).

MAINTENANCE AND WORKS BUREAU (cont'd)

WORKS SECTION

2nd Class 4:

No. 1.	Chief of Works Section.
No.2 & No.3.	Architects
No. 4.	Fugineer.

3rd Class 51:

No.1 - No.3.	Designing and supervision for construction works in the Imperial Palace & Omiya Palace grounds.
No.4 - No.6.	Designing & supervision for construction works in the grounds of the Crown Prince's temporary residence at Koganei and Nasu, Hayama & Numazu Villas, and also at game preserves and farms.
No. 7.	Interior decorations.
No. 8.	Inspection of construction work (Tokyo area)
No. 9.	Inspection of construction work (Provincial area)
No.10 - No. 12.	Civil engineering.
No. 13 - No. 15.	Gardening for the Imperial Palace, Akasaka Palace and other villas.
No.16 & No.17.	Electric work for , others (in Imperial Palace & Akasaka Palace grounds)
No.18 & No 19.	Electric work for light, power and others (in Imperial Palace & Akasaka Palace grounds)
No. 20	Work for gas equipments.
No. 21.	Water-works.
No. 22.	Equipments & machines for heating, pumps & others.
No. 23.	Affairs of motor pool.
No.24 - No.38.	Drivers.

MAINTENANCE AND WORKS BUREAU (Cont'd).

No.39 - No.41. Automobile mechanics.

No.42. Affairs of stables.

No.42 - No.50. Feeding and training of horses.

No.51. Veterinarian.

IN PROVINCES.
FARMS.
2nd Class 2:

No. 1. Chief Keeper of the Farm.

No. 2. Expert of live-stock-raising.

3rd Class 10:

No. 1. Accounting and other miscellaneous affairs.

No. 2. Raising of horses.

No. 3. Raising of cattle.

No. 4. Poultry-farming.

No. 5. Sanitation for live-stock.

No. 6. Growing of vegetables and trees.

No. 7. Growing of feedstuff for live-stock.

No. 8. Direction for manufacturing goods from live-stock.

No. 9. Raising of lambs and pigs.

No.10. Maintenance and repair of farming utensils and machines.

IMPERIAL VILLAS

3rd Class 3:

No. 1. Caretaker of Nasu Villa.

No. 2. Caretaker of Numazu Villa.

No. 3. Caretaker of Hayama Villa.

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KYOTO DISTRICT OFFICE OF IMPERIAL HOUSEHOLD.

2nd Class 2:

No. 1.	Head of the office to exercise general control over the office.
No. 2.	Assistant to the Head.

3rd Class 12:

No. 1.	Miscellaneous affairs of the office.
No. 2.	Accounts.
No. 3.	Maintenance and repairs.
No. 4.	Caretakers of the Kyoto Imperial Palace.
No. 5.	Caretaker of the Kyoto Omiya Palace.
No. 6.	Caretaker of the Katsura Villa.
No. 7.	Caretaker of the Shugakuin Villas.
No. 8. - No.10.	Architecture.
No.11.	Civil engineering.
No.12.	Gardening.

Total Number of the Personnel of the Office

1st Class (with attestation)	2
1st Class	15
2nd Class	74
3rd Class	292
TOTAL	383

Proposed Number

PRESENT NUMBER OF THE PERSONNEL OF THE OFFICE.

- - - - - - - - -

1st Class (with attestation).	.....2.	
1st Class.	.....45.	(including attachés ~~and officials~~ treated as such).
2nd Class.	.....90.	(including attachés ~~and officials~~ treated as such).
3rd Class.	.....532.	(~~including officials treated as such~~).
Total.	...669	

2 March 1948

MEMORANDUM FOR THE RECORD

SUBJECT: Tokyo Trials Research Society

1. The book, "Tojo's Defense Affidavit," was published by Yoyo Sha Publishers on 20 January 1948. Tokyo Trials Research Society was shown as editor responsible for the publication. The book consists of the text of the affidavit, photographs of Judge Keenan and the court, and the "Editor's Foreword." The foreword is also credited to the Tokyo Trials Research Society.

2. Mr. Takata, Chief of Book Section of CCD, stated on 24 February 1948 that the book in question was actually compiled by Mr. Okubo, a Jiji Shimpo's reporter at the war crime trial, and that he was responsible for the entire content of the book although it was published in the name of the Tokyo Trials Research Society. It is Takata's stated opinion that the society does not exist.

3. Following this conversation with Mr. Takata, Mr. Okubo of the Jiji Shimpo was contacted. His story for the most part checked with Mr. Takata's statement except that he denied having written the foreward by saying that all he did was "supply materials for the article."

4. On 27 February 1948 Mr. Yoshida, publisher of the Yoyo Sha, reported that the foreword was exactly as written by Mr. Okubo and that no change whatsoever was made by the publisher.

Mr. Yoshida admitted, however, that he was the person responsible for using the name of the Society as responsible for the publication which, he added, was done "chiefly for sales value." He stated that the Society was purely fictitious.

REMARKS:

Mr. Malloy, PPB Censor of CCD, in conference with Major Napier on 26 February 1948 stated that the book was part censored and it was found that the cover and the foreword were in violation of the code governing Japanese publications. He said he had recommended therefore to higher headquarters that the book be "disapproved". He added that this "is the first incident of such violation since the adoption of the post-censorship system " and that he "has no idea as to what would happen."

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

27 February 1948

MEMORANDUM FOR THE RECORD

SUBJECT: Decentralization of Port Authority Controls

1. Lt. Col. Cornutt, G-4, presented for inspection a staff study containing a proposed SCAPIN and Operational Directive of 8tn Army to the Japanese government outlining the program for decentralizing operations of port authoritiesto the Japanese government.

2. The interests of Government Section concerning decentralization of operations, national and local government representation and protection of private interests are adequately recognized.

3. The operational details are technical and not of concern to this Section.

4. Col. Cornutt was informed that this Section does not give informal concurrences but that from the standpoint of the National Government Division there appeared to be no objection to the proposals.

CARLOS P. MARCUM
Chief, National Government Division

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

27 February 1948

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CARLOS P. MARCUM
Chief, National Government Division

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

27 February 1948

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CARLOS P. MARCUM
Chief, National Government Division

To File

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

27 February 48

MEMORANDUM FOR THE RECORD

SUBJECT: Corrupt Practices Legislation

1. The penal provisions of a proposed Corrupt Practices Act as prepared by the National Election Management Commission were presented to this Headquarters during a conference held here, 27 February 1948. Those attending were:

KOHRI, Yuichi - Chief of the Secretariat
KANAMARU, Saburo - Member of the Secretariat
AVERY, Dixxon - Political Affairs Div., Govt Sec.

2. These provisions are a part of the draft of the Corrupt Practices Bill proposed by the National Election Management Commission.

3. Two other documents were also presented to Government Section in connection with the SUBJECT. One pertains to a "personal opinion" of Dr. MINOBE, T., Chairman of the National Election Management Commission regarding the substance, as he views it, of the first three articles of the proposed Act. The other contains matter relating to amendments of the present Election Laws.

4. During the conference the following subjects were discussed briefly:

a. The Attorney General's office declared, in accordance to existing Japanese statutory laws, the non-existence of legal persons such as "corporations", "firms","partnerships" and the like of them as far as political activity was concerned, but added that a law could be enacted to make such associations culpable in the terms of the Corrupt Practices Act.

The Commission was of the opinion that such associations should be penalized for violations of the provisions of a Corrupt Practices Act.

b. Article No. 19 of the proposed act as submitted by the Commission is being further studied by the Attorney General's office as to its application to existing Japanese conditions.

c. The scope of the present draft is designed to apply to some of the violators, it being the theory of the Commission

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that due to a large number of parties and candidates, as well as groups engaged in political action, the sights of the Act should be lowered to hit a particular target at this time, and at a later date to amend the Act to include a larger target.

d. An inconsistency was demonstrated in the Commission's recommendations relative to a wide range of decision in the instance of determining a violation as intentional or unintentional and a narrower, or confined scope of power in specifically limiting the power of the Court to determine fines and imprisonment as proposed in the amendments to existing Election Laws.

e. The Commission believed the advisability of defining terms, such as "political committee", etc. in a separate chapter so as to avoid lengthy phrases in the body of the Act, but it did not believe that it could be done in view of current Japanese practice of phraseology. The Commission believed it highly desirable to make the law as concise and inclusive as possible in order to permit clarity to all readers.

5. Another conference will be held on this SUBJECT within ten days after the present draft has been studied.

DIXON AVERY
Political Affairs Division

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

26 February 1948

MEMORANDUM FOR THE RECORD

SUBJECT: Abolition of the ~~Shokutaku System~~

1. Mr. MAEDA of the Administrative Research Bureau of the Cabinet was given the following instructions for transmittal to Mr. SHIMA of the Cabinet Secretariat concerning the abolition of the Shokutaku system:

A. Draft a Cabinet Order containing the following provisions:

"1. The Shokutaku system shall be abolished not later than 1 April 1948.

2. No persons shall be appointed, certified, recognized or treated as Shokutaku.

3. All Shokutaku or persons treated as such shall be dismissed immediately or as soon as practicable, but in no event later than 1 April 1948, and shall be so notified in writing.

4. Shokutaku who are now rendering essential services to the government may, upon approval by the Prime Minister's Office, be appointed as temporary, full or part-time government employees under the following conditions:

a. The nature and length of the temporary appointment shall be specified.

b. Appointments shall be formalized in writing and the appointment record shall indicate the title, grade and compensation of the position; the title and grade of the supervising official; the scope of responsibility and authority of the position; and an ennumeration of the duties to be performed.

5. Temporary, full or part-time employees shall not, while in the employ of the government, be compensated for services rendered, from any other source.

6. No temporary, full or part-time employee shall be appointed or compensated except in accordance with the budgetary policy and procedure in effect for the appointment of regular government employees; furthermore such personnel shall be subject to the provisions of the National Public Service Law and the rules and regulations of the National Personnel Commission."

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B. The draft of the Cabinet Order containing the above provisions will be submitted together with the government's report concerning the Shokutaku system which is due 1 March 1948.

2. The government has already submitted a report concerning 1203 employees of business concerns working in government offices as of 15 February 1948, and is now preparing a report covering approximately 20,000 other Shokutaku of the ministries and agencies of the national government in the national and local offices.

3. The government will submit complete reports of all action taken to implement the above instructions.

CARLOS P. MARCUM
Chief, National Government Division

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

24 February 1948

MEMORANDUM FOR THE RECORD

SUBJECT: Association of Election Administration Committees

1. MATSUZAKI, Genshiro and SASAKAWA called at this Headquarters this date and presented the following information re: the matters attended at the meeting of a recently organized regional committee of Election Administration Committeemen.

MATSUZAKI, of Tokyo, is the chairman of this regional committee which is composed of seven members, representing the regional districts of Hokkaido - Tohoku, Kanto - Shinetsu, Tohkai - Hokuriku, Kinki, Chugoku, Shikoku and Kyushu.

2. The meeting was held in Tokyo, 20 February 1948. Its original purpose was to organize the Association in order to maintain liaison between its membership and the National Election Management Commission and to enable officials of the Election Administration Committee to function with greater facility.

3. The subjects discussed at the meeting were:

a. Allocation of funds for expenditures which are to be born by the prefectures.
b. Future conferences and the subjects to be reviewed.
c. The audition of the recommendations of the consultants and advisers of the Association; KOHRI, Yuichi, chief of the Secretariat, and KANAMARU, Saburo, member of the Secretariat, both of the National Election Management Commission, were designated in multilateral actionas consultants. Three clerks were permitted to be employed by the prefectural Election Administration Committee to act as liaison between the regional association and the prefectural election officials.

4. The conference also considered such subjects as these:

a. Organizing election popularization tours throughout the country.
b. Establish an "election popularization week".
c. Public opinion survey on management of elections.
d. Discussion of the violations of the election laws and review of the court decisions regarding the violations.
e. Publication of a "house organ" of the Association.

5. In discussing current election laws, the conference decided the following changes as being desireable:

a. Streamlining the vote counting machinery.

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b. Redivision of ballot counting districts.
c. Recommendation of medium sized election district.
d. Residential qualification for casting of vote - reduce residency period.
e. Removal of restrictions to vote for quasi-incompetents and convicts.
f. Deputizing of right to vote, ballot casting; re House of Representatives which has no provisions for same, contra, local autonomy provides.
g. Special voting procedure to be streamlined.
h. Medical certificate, postage fees too high for absentee voting.
i. Balloting in residences to be abolished.
j. Lengthen seven day period for filing candidacy to ten day period in order to enable election officials more time to actuate legal procedures.

6. Other subjects were discussed at the conference; these will be liberally translated into English and submitted to this Headquarters at an early date.

DIXXON AVERY
Political Affairs Division

1 Encl. Estab. Ass'n of E. A. Committees, dtd. 28 Jan 48

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
GOVERNMENT SECTION

24 February 1948

MEMORANDUM FOR THE RECORD:

SUBJECT: General Conference on Licensing

1. As previously discussed, it was felt desirable to have a general conference for GHQ Sections on the subject of licensing in order to correlate the present activities of several sections in this field. The purpose of the conference was to resolve a general policy to be applied by all sections in their consideration of proposed legislation containing license provisions and to reform present procedures. The first conference was held on 17 February 1948 in order to learn the divergencies of opinion in the several sections and to attempt to gauge the scope of the problem. The following persons were present:

Mr. H. S. Eaton	G-2/Public Safety Division
Lt. Col. R. T. Battey, II	G-2/Public Safety Division
Major M. W. Scothorn	PHW/Veterinary Affairs Division
Mr. N. B. Neff	PHW/Welfare Division
Lt. Col. D. B. Ridgely	PHW/Dental Affairs Division
Miss E. Pickens	PHW/Nursing Affairs Division
Mr. W. L. Speer	PHW/Narcotic Control Branch
Colonel H. G. Johnson	PHW/Medical Service Division
Lt. Col. L. W. Landall	NRS/Plans and Policies Division
Mr. E. F. Stanek	ESS/Industrial Division
Mr. M. E. Nolan	GS/Local Government Division
Captain F. C. Novotny	GS/Courts & Law Division
Mr. W. E. Monagan, Jr.	GS/Courts & Law Division

As a result of the discussion held it was decided to invite, in addition, a representative of ESS/Finance and a representative from CI&E/Education. It is believed that all GHQ Sections having a general responsibility for licensing procedures of any kind will then be represented.

2. Each section present stated its relationship to the licensing field, substantially as follows:

a. Government Section: The principal interest of Government Section in licensing is that due process of law be followed in the issuance, suspension and cancellation of licenses and than an appeal to the courts be explicitly provided. It is a further Government Section interest that licensing procedures be made less complex and less cumbersome and that the requirements of licenses be clearly stated and not left to the discretion of minor officials.

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b. Public Safety Division: Public Safety Division (G-2) has a particular interest in the control by the police of businesses and occupations which present a moral hazard and feel that this should be done under a system of permits which are closely supervised rather than by licenses in all cases. The Public Safety Division is anxious that the police have jurisdiction over such permits and whatever licenses are necessary, but that this jurisdiction extend only to those activities which are an actual police problem. It would be the preference of Public Safety Division that the Public Safety Commissions now established throughout the country on all levels of Government have control of permits and licensing which have a police connection. Public Safety further stressed that enforcement of licensing activities under the jurisdiction of other agencies might be done by the police but that this was a matter of enforcement only and that the licenses would be issued by the competent agency, the police simply being Government agents in apprehending violators of the law.

c. ESS is concerned principally with licensing of engineers and architects and with permits of an economic nature. A further interest of ESS is whether issuance of licenses shall be used as a revenue measure, to a greater or less extent. The present absence of any fee in many cases or ridiculously low fees in others raises the question of obtaining an increased Government revenue from licenses, having in mind, however, that license fees should not be so excessive as to deprive a person of the right to follow his chosen occupation. In the absence of a representative of ESS/Finance, further discussion of license as a source of revenue was postponed.

d. Natural Resources Section is interested in licensing from three standpoints:

(1) As a means of controlling natural resources where necessary.

(2) As a means of establishing standards of performance in production which are considered to be lax at the present time.

(3) As a means of controlling the allocation of materials and supplies.

3. Public Health and Welfare stated that its interest was perhaps broader than that of most sections and that it affected all of the fields mentioned above. The question of overlapping of licenses was discussed. It would appear to Public Health and Welfare that overlapping can not be eliminated because of dual interest in many cases, as in the case of a restaurant which might present both a moral hazard and a health hazard. Public Health and Welfare made a strong statement on the question of whether licenses should be issued on a national or a local level. It was pointed out that in Health matters

national control is necessary to prevent widely varying standards throughout the country. The case of drugs for instance, was cited as one field in which national control is necessary. Further, the licensing of professional people such as doctors and nurses should be on a national level in order to keep standards high. There would be no objection to additional local licenses in any particular line, but this type of regulation would not be aimed at qualifications, but a the proper distribution of professional people, which is now severely out of adjustment.

4. Considerable discussion continued on the question of the level of licensing and whether it should be national or local. It would appear from the discussion that no general rule could be made, and that each license would have to be considered separately, but some licenses would be on both levels. Suggestion was made that in almost all laws that general national standards should be established with local variations allowed, so long as the national standards were in general followed. It would further appear that while a law setting forth the general procedures for obtaining licenses could be followed, that no one law could cover all the aspects of licensing. The system in some states in the United States under which all licenses are issued from one office, was discussed. It was pointed out that the issuing office simply becomes a clerican agency since in each case prior approval from the professional agency must be secured. The advantages of such a system would be principally administrative since fees would be collected in one place and a better accounting could be kept. The actual supervision of the licensee would, however, remain with the interested agency.

5. The meeting was adjourned with the suggestion that all of the conferees consider the material discussed at the preliminary meeting and that a further conference would be held to attempt to arrive at a general policy.

W. E. MONAGAN, Jr.
Courts & Law Division

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

24 February 1948

MEMORANDUM TO: Legislative Division.

SUBJECT: Proposed Cabinet Order Amending Enforcement Regulations of Several Laws.

1. The article of the attached proposed cabinet order amending the enforcement regulations of the Mental Hospital Act is approved. However, those articles of the same order amending the enforcement regulations of the Tuberculosis Prevention Law and the Venereal Diseases law are disapproved.

2. Imperial Ordinance No. 450 (Enforcement Regulations of the Tuberculosis Prevention Law) is highly objectionable from several points of view in that it goes far beyond the law. Article 7 of the ordinance is clearly a matter which should be in the basic law and not a matter to be determined by cabinet order. Governmental Powers Division recommends that the Japanese be required to enact the ordinance into law with the additional provisions sufficient to establish the public control and public accountability necessary to meet the prohibitions of Article 89 of the Constitution. The terms "public bodies and public juridical persons" should be clearly defined in specific regulations as to their public control and public accountability.

3. The Venereal Diseases Prevention Law and Ordinances need complete re-drafting with the ordinances included as a part of the law. Public control and public accountability of the subsidized institutions should also be provided for.

4. The Japanese Government should be further instructed to review Imperial Ordinance No. 421 of 1922 and Imperial Ordinance No. 285 of 1907 which recently have been amended, the ~~administration~~ thereto having been approved by Governmental Powers Division. The review of these ordinances should be from the standpoint of determining whether or not they contain, as Imperial Ordinance No. 450 cited above, matters of substantive law. Complete copies of the two ordinances were not submitted to this section at the time the proposed amendments were submitted. Imperial Ordinance No. 421 and Imperial Ordinance No. 285 deal with enforcement regulations of the Contagious Disease Prevention Law and Leprosy Control Law.

Douglas P. Campbell
Governmental Powers Division

1 Incl
Draft of C.O.

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(4) GS Files

Government Section

21 February 1948

MEMORANDUM FOR THE RECORD, Courts and Law Division

SUBJECT: Inspection of Courts and Law Enforcement Agencies in Aichi Prefecture.

1. ~~Summary~~:

One week was spent in Nagoya City, 3 February to 10 February, principally with agencies of Aichi Prefecture and the High Court for the Tokai Hokuriku region. I conferred with judges of the High Court and the district court, procurators, police, lawyers and prefectural officials. I also visited the Tokai Hokuriku Region Military Government Headquarters, but most of my Military Government contacts were with the Aichi Prefectural Military Government team. Military Government officers made excellent provisions for transportation and billeting and were cordial and co-operative in every way. Mr. Frank Yamamoto, interpreter, of Courts and Law Division who accompanied me was of inestimable value in obtaining information. His presence made our activities independent of assistance from Military Government personnel, and allowed us to make the most of the time at our disposal. His knowledge of the informational objectives of the trip and his familiarity with legal terms and procedures probably could not have been available from the average interpreter who would have been assigned to us.

2. Police Affairs:

a. Comment on the New Police Law. The higher police officials were found to be extremely busy working out the details of the new police re-organization, which was to go into partial effect on Friday, 6 February. Many of the higher officers were to assume new titles and duties during this period and were concerned with the implementation of the law and did not have too much time available for conferences. There are 67 police districts in Aichi Prefecture, Nagoya City being one district, subdivided into 12 police station areas (one of which was visited as a typical example). The new system will add 1998 men to the present total of 4345 for the prefecture by July 1st 1948, making a total of 6313 of all police. Police officials feel that even the higher figure is not enough for a prefecture with a population of 3,120,000.

The principal reaction of police officials to the new system was their fear that at least in the beginning a lack of cooperation between autonomous police and the national rural police might hamper the working

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of the whole system. Under the old system, police could be concentrated in force whenever serious trouble arose, but police officials believe that where a request for assistance in another area is made under the new system that local police will be reluctant to help in problems affecting places other than their own area, feeling that they are not responsible for what happens elsewhere. So far as the individual policeman is concerned, some of them will get promotions but the fear was expressed that a man would lack incentive when he reached the top in his local force, since transfers to better jobs in a national system are no longer available. There was also the statement that some local forces will need financial assistance from the national treasury, and that they might, for lack of funds, become deficient in equipment and training.

However, gratification was expressed that under the new system, police would be free of the burdens of many non-police duties formerly assigned to them and could concentrate on police work exclusively. They feel further that the new system will remove the attitude of fear on the part of the people toward the police and that the people will cooperate because of a better understanding of police problems.

b. Visit to the Nishi police station. In order to observe a typical example, some time was spent at the Nishi Police Station in Nagoya. This is located in an area of the city where a considerable black market exists. There are a total of 165 policemen assigned to this station, including a Chief, Deputy Chief, 9 chiefs of sections and 23 sergeants. The chief problem here also was the working out of the new system which was to be effective on 8 March 1948. The new organization will bring the total strength to 308 men. The Chief of the Nishi Station had comments similar to those expressed by higher officials, but added that he believed that the "boss system" might be more easily able to influence local police. He looked for an increase of crime, and had doubled his patrols during the change-over period. At the present time he had observed that the respect for the police and their effectiveness increased in direct proportion to the number of pistols allowed to his men. (This is the feeling of the Military Government officials, as well). The Chief of the Nishi Station felt that there would be more friendliness on the part of the people "because the spirit of the new act is a closer relationship with the people." He warned, however, that the success of the new system would depend on the cooperation of the police, and especially that of the people themselves. He said that while he was glad the new system relieved the police of non-police functions, that he would continue to "help the people" in non-police matters until the change over became complete.

Most violations handled by the Nishi station were economic crimes and theft. Like many other officials interviewed, the Korean elements were complained of as the most troublesome. Some 30,000 Koreans reside in Nagoya and 30% of all crimes involve Koreans. At the time of the visit to the Nishi Station, two Koreans were being detained, and were the only persons under arrest. Licensing activities in the Nishi Station are discussed under another heading.

3. Licensing procedures; Administrative Law. One of the chief objectives of the trip was to obtain information about licensing procedures from the administrative law aspect as to whether requirements were being followed for notice and hearing. The Construction Office of the Aichi Prefectural Government and a police station were selected as examples. (Inquiry at all of the courts visited revealed no recent cases of appeals in administrative law matters.)

a. The Construction Office of the Prefectural Government was found to be acting in a dual capacity, that of a branch of the National Construction Board and as the Construction Office of the Prefecture, Kenchiku Sho. As a national office, it issues the licenses for building under the temporary Construction Restriction Law and as a prefectural office carries out enforcement of licensing regulations concerning the safety and sanitation of buildings, especially for the erection of public structures. The complete procedure of licensing was followed, picking a case now under consideration. Applications are submitted in accordance with prefectural rules, village and town offices forwarding applications submitted to them, Nagoya city people submitting directly to the prefectural office. Applications are reviewed by no less than six separate sections and then by the Deputy Chief and the Chief, all acting under both the national law and the prefectural ordinances. Matters handled under local law are approved in the name of the Governor and those requiring national approval, are signed in the name of the National Construction Board, under powers delegated by it to the prefectural governor. The majority of the applications are for the construction of dwelling houses and in this case, licenses are usually granted. Only about 20% must be forwarded to Tokyo, these being applications for the construction of buildings other than dwellings. All applications on hand are forwarded on the 10th of the month. It was admitted that the case examined had taken four months to be approved in Tokyo.

Without inquiring as to specific steps so as to forewarn the officials being interviewed, it was disclosed that the denial of a license is usually done in writing. For example, an application to build a theatre will be rejected for the reason that there is a restriction on the number of theatres and the applicant will be so notified. The remedy of an applicant is to the prefectural governor by petition or he may go to a court. Officials could recall no case of an appeal of any kind from their decisions. The reason given is that the applicant knows the reason for the denial in each case.

On the question of the procedure for the suspension or cancellation of a license, officials stated that inspections are made by its staff or by policemen on the neighborhood beat and a warning is usually given informally. The next step is to call the offender to the prefectural office and advise him that the report of the inspector warrants a cancellation of the building permit. If

no satisfactory argument is given by the licensee (officials claimed he was given a chance to argue his case) the order cancelling the license is issued then, based on the inspectors report. If necessary, violations of orders persisted in will be referred to a procurator for trial.

It would appear from the above that a notice and hearing procedure is substantially followed in license matters in Aichi prefecture. It was stated that other prefectural offices which issue licenses do so in accordance with this procedure. The only objections would seem to be the delay and the necessity for eight officials to approve each application. Officials expressed the view that the duality of their function was really unnecessary and that the national system was only a duplication of what they did in former times and that they had to do the work anyway. This expression of opinion was general in the prefectural offices, that the national branch offices are largely unnecessary and should be eliminated.

b. Licenses issued by the police.

1. Information was obtained concerning the issuance of licenses by the police from prefectural police officials and in part at the Nishi Police Station.

To obtain a restaurant license (now limited to tea-shops, etc), the prospective restauranteur would have to obtain a license from the Construction Section (see above) that his building was safe and built in a specific manner in accordance with the blueprint originally submitted and then get another license from the police to operate a restaurant business. (Prior to 21 December 1947 the police also issued a health license for restaurants. This is now a Public Health Function.) There is no fixed period for this license but police call at each restaurant once a month on an average. Sometimes complaint is made upon which action is taken. For example, upon report of the policeman on the beat that a restaurant had opened a sideline of prostitution, cancellation of a license is done by written notification, but the reasons are only given orally. Officials state that an appeal can be taken to a court, but they recall no cases where this has been done. In addition an administrative appeal could be taken by petition to the Chief of Police. It was stated that the violater would be called to the Station if his license was to be suspended and be told the reasons as contained in the investigators report. It was stated that warnings by police are usually sufficient. This would seem to be something less than notice and hearing procedure. Police officials stated that associations of restaurant owners cannot and do not influence the issuance of licenses, but that the police may ask the restaurant association for information concerning the character of an applicant, but would not always be guided by such reccommendations if their own investigation was to be contrary.

2. The Nishi police station issues only licenses to street vendors and second-hand dealers, from its Peace and Order Section. A check on the residence and character of the applicant is made by the local police box and after review by the Peace and Order Section, the Police Chief will issue the license. No reference is made to the street-vendors association, according to the Chief. If a violation occurs the Chief cancels the license. The remedy is to appeal to the courts, but there have been no cases of appeals. Apparently nothing like a notice and hearing procedure is followed in minor licensing. Police officials do not see the need for such elaborate care in these matters, since they state the lack of appeals show that the police only act upon good reasons for cancellation, like conviction of crime.

4. Warrants:

Inquiry was made from the police as to the tsuiho jo type of warrant now in use. Police stated that no difficulty was being had in obtaining warrants in Nagoya, as the court had assigned judges and procurators on a duty roster, one judge and one procurator being available for each 24 hour period. Police stated that they were careful to always furnish sufficient information, as the judges required more than a mere request for a warrant. They did state that in some cases where they would formerly have been able to make an arrest, they were hampered by the warrant system. They gave the case of a stolen bicycle in which they were sure the bicycle was concealed in a house but could not get a warrant because of lack of specific information. In former times, they would have searched the whole neighborhood until they found the bicycle.

Procurators had no complaint about warrants, but did feel that the 24 hour detention rule, had speeded up their work to such an extent that they could not complete the necessary investigations with their limited staff, this complaint being really one of lack of personnel, and is not against the law itself.

5. Nagoya Detention House:

Considerable emphasis has been placed by the Aichi Military Government team on all matters relating to the arrest and detention of suspected criminals. Because of this emphasis, conditions in Nagoya in this respect would seem to be above average, in spite of the lack of facilities and personnel and severe overcrowding.

The Nagoya Detention House, situated a short distance from the Nagoya courthouse, was visited and inspected. Here those suspects awaiting trial and those under detention warrants are detained. A total of 912 men were confined here on the day of our visit, some 709 awaiting trial in the district court and 4 or 5 awaiting an appeal to the High Court. One person has been detained over a year, it was admitted, but

the detention house officials stated that this was "his own fault, since he had taken so many appeals," and was now waiting to hear from the Supreme Court at Tokyo. The original capacity was 380 persons, but now as many as 26 prisoners are found in rooms designed for 10. Eleven persons were waiting for the execution of death sentences. In addition to those awaiting trial, 200 convicts were housed in thedetention house being employed in the construction of a building which had been burned down.

The food situation at the detention house seemed to be adequate. Prisoners are served rice and barley for breakfast, bread and vegetables at noon and rice, barley and vegetables at supper. This fare is supplemented by fish purchased by prisoners with their own money, or sent in by their families. The sick are served soft rice or gruel.

To augment the food supply, a garden of 2000 tsubo of land has just been secured and negotiations are underway for a garden of 5000 tsubos in addition.

A doctor, a dentist and a pharmacist are available and sick prisoners are segregated into wards for respiratory cases and contagious skin diseases. A bath is given in a common bath five days, a separate bath being used by those with skin diseases. No woman detainees are kept at the detention house, but these are housed in the woman's ward at Nagoya prison. When there are more male detainees than can be handled at the detention house, these are also kept in the Nagoya prison. The use of the prison for this purpose is not considered desirable by detention house officials but is a necessary evil.

The governor of the detention house has objected to a plan for setting aside part of the Nagoya prison for detainees. He has secured permission from the District Court to use a temporary building used by the court as a barracks for its employees and not needed any longer. This project has the support of the Bar Association and has been given approval by the Court.

The Governor of the Detention house complained of a shortage of employees which made it impossible for him to comply with the Labor Standards Law. He has been allowed to employ 4 or 5 lately but needs an authorization for 20 more.

The Governor of the Detention house admitted that the procurators were in the habit of coming to the detention house at night to question prisoners in a "questioning room", but said that prisoners were usually summoned by the procurators to their offices during the day.

Most of the prisoners observed seemed to be working on some sort of manufacture of paper novelties. The governor said work was only given to those detainees who requested it to kill time, that necessary manual labor and maintenance was done by the 200 convicts mentioned above, who

also served meals to the detainees in the cell rooms. A special room is provided for the writing of letters under observation of a guard and as the Governor said "for writing petitions to the court." A visitors room is also provided. The amendment to Section 127 of the Prison Law that a prisoner could be alone with his attorney is being followed it is asserted, but with a guard some distance away to prevent escape but not to overhear.

The Nagoya Detention house seems to be well and efficiently managed.

6. Nagoya Prison:

A visit was made to the Nagoya Prison which when fully restored will be the fifth largest prison in Japan. At the present time a total of 1567 persons are confined there, with 467 outside the walls, some at the prison farm, some engaged in repairs to the Nagoya Detention House, and some engaged in labor under contract to a mining company and a manufacturing company. The actual capacity is 949, the average population until recently being 1300. In Aichi prefecture there are also two branch prisons and 16 reformatories in addition to 7 police jails,/in addition to the Nagoya prison farm.

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The food served in the prison was much the same as that in the Nagoya Detention House. The prison farm furnishes 70% of the vegetables required for the prisoners' food. All of the inmates, except 17 female detainees awaiting trial and the sick, are required to work. Newcomers are classified according to occupations and assigned accordingly. Only 9 of the convicts are women, these being housed with the 17 women detainees in a seperate building, actually a temporary hospital ward. Four full time doctors are on the prison staff, with a dentist available three days a week. The prison hospital had been bombed and is now being rebuilt.

Opportunity was had to observe the prison work shops. Two carpenter shops were engaged in manufacturing desks and chairs for the public schools, many of these being required under the 6-6-3 plan, according to prison officials. The manufacture of fishing nets was being undertaken on 20 looms. Some printing of government material, including educational comic books for children, was observed. Prison officials are anxious to increase the production of useful goods for the Japanese economy and to help the prison finances in this way as much as possible. This is also the view of the Senior Military Government Officer of the TOKAI-HOKURIKU region, who would like to see definite encouragement given to the reasonable use of prison labor for the production of critically needed goods. Prisoners work from 8 to 5 under apparently good working conditions. The same reasons for objection to prison labor in America would not seem to exist in Japan, where so many critical items are in short supply and commercial competition does not exist to the same extent.

A visit was made to the execution chamber, an impressive place. Convicts are executed by hanging. No visitors are allowed at any execution, but only the Governor of the Prison, the prison doctor, the Chaplain, a procurator and the executioners are present. A Buddhist Shrine is maintained in a cabinet in the wall for the last obeisance of the condemned prisoner. Executions are kept secret and are carried out upon only five days notice from the Justice Ministry, after the official papers are signed by the Minister of Justice. The hanging is carried out by springing a trap to a pit below, where the prison doctor awaits to pronounce the official death of the convicted man. At the present time five condemned persons are awaiting their last walk to this secluded and unpleasant place of execution.

The usual complaint of lack of personnel was made by prison officials. Overcrowding is due to bomb damage, 70% of the former buildings having been destroyed, with two buildings having been replaced with temporary wooden structures. The prison staff consists of 249 persons with the needed number placed at 264. Prison officials state that resignations are frequent because of the low salaries.

7. Nagoya Bar Association.

Conversations were held with Vice President Yamauchi, Kaahio of the Nagoya Bar Association at the courthouse and with several of the other officers of the Bar Association at the separate meeting. In Aichi Prefecture there are 210 licensed lawyers, 170 of these practising in Nagoya City. By American standards this is a small number for a city of 850,000 people, and Nagoya lawyers say that it is certainly not overcrowding, being a much less number in proportion than Tokyo. Lawyers are busy in Nagoya, earning at least ¥10,000 to ¥20,000 a month, with some doing very poorly and others highly successful, as with any bar group.

Some descriptions of the activities of the Bar Association and its committees organized under the requirements of the Lawyers Law were given. A chief function is the monthly meetings of lawyers, judges and procurators to confer on administrative matters. This meeting does not consider changes in the laws. An important committee is the one which recommends lawyers for procuratorship and judgeships, when there are vacancies. The present situation is that there are several vacancies, but the men recommended by the bar association often refuse to accept appointment because of the low salary, when approached with an offer of appointment. This situation is critical in Nagoya, where there were five or six resignations at the end of the year because of salary. A moderately successful lawyer can make at least three times the salary of a judge or procurator, according to those consulted, although the lawyers (like lawyers everywhere) denied they were making lots of money.

The Bar Association discussed at some length their willingness to furnish free legal services to the poor but admitted that the Nagoya Branch of the Civil Liberties Union was still only in the "planning stage". They said their legal assistance committee had not actually helped many persons lately, but were extremely active in helping soldiers during the war. The reason for present inactivity is that people can now secure public defenders on request to the court, and lawyers appointed in this way receive a small fee from the government. The lawyers also say that many cases are tried without counsel, because the people do not ask for lawyers and procurators and police exercise a "bureaucratic" attitude and do not advise them of their rights. The law is clear, say the lawyers, that everyone is entitled to counsel at any time, but that the procurators do not like to have people advised by lawyers, and do not encourage it. One lawyer said "The actions of the procurators and police remind him of a cat playing with a mouse, the cat being reluctant to release its prey." It was stated that the police do not allow them to get in touch with their families, so that many are questioned without a lawyer present. Another complaint is that the procurators are too busy so they leave the investigations up to the police, who have a tendency to treat even the witnesses in a case like criminals.

In general the lawyers feel that they have benefited by all of the legal reforms since the occupation began, because of a greater consciousness of the people of the role of courts and law in their daily life. During the war they had lost much prestige because they were excluded by the military from all courts-martial. I mentioned that while we were at the courthouse that two groups of school children were visiting the courts with their teachers and commented that this was excellent citizenship training. The lawyers said that not only students, but labor union members and women's associations visit the courts very frequently. The Bar Association said that they had invited the school children by placing announcements in the middle school papers. They were agreed that these visits would help increase the consciousness of law as a protection of individual rights in the people. The lawyers did feel that there are bureaucratic policies in force, although in general educated people and officials have accepted the new Constitution. They all regarded the new Constitution as having definitely improved legal affairs and their own business.

On the question of interference with lawyers, they said there was no supervision of the bar by the procurators but that it seemed to them that the procurators still have more power than the judges. They were opposed to national supervision of the Bar Association, whether by the Justice Ministry or a National Bar Association. As for interference with attorneys work by notaries, they said only one notary office was open in Nagoya, where two man prepared documents. No serious interference with real lawyers work was feared from this activity.

The attorneys believed that a judge or procurator who had resigned should not be allowed to practice law in the same district where he had

held office, because of the possible influence he might have. The time limitation should be at least one or two years, but practice in another location seemed unobjectionable.

The lawyers said they had no concern about the arbitrary exclusion of evidence by judges on the broad ground of immateriality as allowed by Japanese law, whenever a lawyer was present. They feared that where the people were unrepresented, that this was often done. The lawyers were all of the belief that the "accelerated procedure", under which documents are filed and the case is based on the admissions of the defendant when he chooses this method, is plainly unconstitutional, because everyone is entitled to a formal trial.

8. Courts in Nagoya:

a. Facilities. The Nagoya Court House, situated near the Aichi prefectural building, is the center of legal activities for this region of Japan. The Nagoya High Court (kato-saibansho) hears appeals from the prefectures of Aichi, Mie, Tayama, Gifu, Fulsui and Ishikawa. The Nagoya District Court has five branches in Aichi prefecture at Okazaki, Ichinomiya, Haida, Toyohashi and Shinshiro, and has jurisdiction of appeals from the summary courts in the prefecture. There are 19 summary courts in the judicial system of Aichi prefecture under the Nagoya District Court. The Nagoya Court House contains the High Court, the District Court and a Summary Court, together with clerical offices, judges offices and procurators offices for each of these courts. Conciliation cases of the summary and district courts are heard in a frame temporary building in the court house grounds. The building, while old, seems to be adequate for present purposes, but there is presently a shortage of all types of personnel. Full staffing of all offices would create overcrowding. Except the summary court, all the courts and offices named above were visited. It was noted that in a trial observed in one of the District Court rooms that the procurator sat on the bench with the judges, in accordance with the old system. When the question was asked as why the procurator was not in front of the bench with the attorneys as required under the new system, the answer was that some courtrooms have not yet been remodeled. No remodeling appeared to be going on and it would seem that only a chair and desk would be required to make the change.

The judges of the High Court expressed their opinion that all of the procurators should be moved to another building. The reason given was not merely for more room, but because the courts and the procurators should be separated under the new system. The judges said that unless they were physically separated, the people would not believe that there was a real separation. It was stated that in some of the branches of the District court that the separation of offices had been effected and should be done in Nagoya.

b. The High Court A conference was held with almost all of the judges of the High Court present, which is now fully staffed with

17 judges. The age level of the judges is high, as is usual on a higher court. The court as a whole is conscious of the present delay in dispatching its work. Out of a total of 1434 criminal cases on hand and received since the coming into force of the Constitution on May 3, 1947, 469 have been disposed of with 965 pending as of January 1948. Civil cases totalled 169 in this period, 48 disposed of and 121 pending. These figures include trials of first instance and kose and jokoku appeals. One reason for delay is the shortage of clerical personnel. Voluminous records have to be written out by hand and in the Japanese system of trying a case in effect three times, a lot of clerical work is required. The judges showed me the record in one case, which although written on usual Japanese paper, made a pile almost two feet high. At the present time the duties of Chief Clerk at Nagoya High Court are being carried out by a man who has the qualifications of an assistant judge. The judges say that they are taking work home and often study their cases until ten o'clock or midnight.

The judges feel that their salaries are too low for present economic conditions. The average salary of a High Court Judge is ¥4346 per month, after taxes. Salaries vary in accordance with the number of dependents allowances received. Only the Chief Judge is assigned a government residence. Another complaint is that the judges must buy their own books for research which they can ill afford to do. There have been some recent resignations in the judicial system at Nagoya because of salary and as was pointed out almost any lawyer can make three times what a judge makes, from private practice.

In discussing legal matters, the judges feel that a closer approach to the American System of appeals where only error of law are received would be better than the three instance system. They are in favor of the accelerated system of trying cases where the defendant agrees to a trial on the documents submitted. While one judge said he had heard that this had been held unconstitutional informally by the old Supreme Court, but that he and the other judges believed it was constitutional because the defendant had his choice of the accelerated proceding or a formal trial. They propose to use it until told otherwise, because of the large number of cases on hand.

The judges expressed their belief that the courts are not yet held in high enough esteem by the people because they are not as well treated in salary and other matters as they might be. However, they were gratified by the interest shown in the fact that a representative of SCAP was visiting them and inquiring about their problems.

c. Procurators of the High Court and the District Court.
A separate conference was held with the Procurators of the High Court, the Chief Procurator being absent in Tokyo. A serious shortage of procurators exists, only six being assigned to Nagoya out of a needed total of 15.

This causes a great delay in the handling of cases, as the Procurators of the High Court always appear when their cases are tried. This leaves their investigation and preparation to be done after court and in the evenings. As was stated above, the low salaries make it difficult to attract lawyers to these positions from private practice. It is understood that the present shortage is due to transfers made in December.

Much the same personnel situation is found with the District Court procurators, it was learned, with only 20 out of a needed total of 27 being assigned to the district courts. There are only three assistants procurators in the prefecture, whereas 15 are needed. The average salary of a High Court Procurator is ¥589, including family allowances before taxes. Only the Chief Procurator has a government residence, and only one motor vehicle is available for investigation work. The procurators point out that they have to pass difficult examinations but receive the same salaries as other officials, who are appointed "off the street." One of the procurators of the High Court who had 20 years service and was reluctant to resign, pointed out that while salaries and allowances were up 25%, the cost of living was up 65%.

The procurators of both courts feel that the accelerated procedure is constitutional because it is a matter of choice. Without it, they would not keep their heads above water with their present staffs. Some summary courts where this procedure is used principally have to handle as many as 100 cases a day, because of the large number of economic crimes. One prosecutor said he had only received one objection to the accelerated procedure in over 1000 cases he had handled.

Discussing the new laws, the procurators say that the 48 hour detention rule has speeded up their work. They state that they are beginning to use scientific crime detection methods in their cases and would like to see more technical equipment provided. They feel that the new laws have given the public the impression that they must be actually caught in the commission of a crime to be convicted. Also that if they keep their mouths shut for 48 hours, they will get off. This reaction of the procurators is understandable, when the free hand they had under the former system is considered; a person was usually detained until he confessed as a usual thing.

4. <u>The District Court.</u> The District Court of Nagoya has, under the direction of the President Judge, five branch courts and nineteen summary courts throughout Aichi Prefecture. The Chief Judge receives ¥24,000, the other judges receiving various lesser amounts according to the number of dependents for which they receive a family allowance. The District Court has 8 judges but requires 30, has 3 assistant judges and needs 9 to fully staff its branches. The same statement was made here concerning the difficulty of attracting judges from private practice.

The fact that a Judge must serve 10 years before he is permanent was also cited as a deterrent factor, in addition to low salaries and excessive work.

The District Court judges made the suggestion that copies of new laws be printed and distributed more quickly, not only to the Judges, but particularly to the members of the bar, who are trying cases, according to the judges, without knowing what the law is. The Judges themselves are also unaware of new laws.

The judges of the district court are very much in favor of the system of cross examination as in American courts, since under the present system, the case is really tried by the judges who do most of the questioning. The same opinion was expressed concerning the separation of the procurators and the judges in separate buildings. This has been done in some of the branch courts in Aichi prefecture but not in all.

e. Conciliation Cases. The most interesting feature of the District Court was the large number of conciliation cases being handled. The judges said that most of their cases were handled this way. The conciliation cases are heard in a separate building. At the time this was visited, 20 conciliation cases were going on similtaneously in separate cubicles, where the parties and the two conciliators were seated. Only 3 judges were available for the 20 cases and were going from case to case, letting the conciliators take the evidence, the judges only participating in the final decision. Most of the cases, 90%, are landlord and tenant cases, but one divorce case was noted.

A typical case of landlord and tenant was observed. A lease had been given for 10 years on a house in Nagoya to the present tenants, by a family which had removed to another prefecture on account of the bombing. The family which had removed was now being ousted in the other prefecture and wished in turn to oust its tenants and return to Nagoya. Under the law, they could evict the tenants on notice, or at the most in six months. The conciliators took into consideration the housing situation and the hardship to the tenants, and the decision was that the tenants would remain for 10 years, on condition that they paid a large sum in advance rent of ¥10,000. This money would enable the landlord to pay his landlord and prevent eviction in the other province. The settlement seemed to please both sides and was accepted by the Judge.

9. Prefectural Problems:

a. Koreans - The principal difficulties in law enforcement seem to be concerned with the Koreans, some 34,742 of them living in Aichi prefecture. The Koreans early in the occupation convinced the Japanese police that they were immune to law and some traces of this still contributes to police reluctance to arrest them. Undoubtedly, there is intimidation. While we were in Nagoya, the theater swindle case came up, since reported in the newspapers. The Korean Association threatened or bribed a number of theater owners to turn over two weeks receipts, including the amount owed for taxes and then distributed the proceeds to themselves.

Other foreign nationals in Aichi give no trouble, there being 399 Chinese, 228 Formosans and only 58 others, including Argentines and Germans. Thirty percent of the criminal cases in the courts involved Koreans.

10. Agencies of the National Government.

Prefectural officials are quite concerned about the duplication of functions by the branch offices of National Ministries. As officials said "especially functions of the local branches of Commerce and Industry Ministry as well as agriculture and Forestry Ministry are overlapping those of, or could be better taken care of by the prefectural government. This is what is called double administration by which all the citizens of the prefecture are greatly troubled and inconvenienced. The affairs under the jurisdiction of these agencies should be either returned or transferred to the prefectural governor."

11. Tokai Hokuriku Region Military Government Office. A visit was made to the TOKAI-Hokuriku region as a matter of protocol and to explain the purpose of the trip. Two subjects were a matter of concern to that office. One was that at a meeting of prefectural governors of the region, a fear of communist infiltration was voiced by the governors. Trouble on May Day is expected this year. While actual strength of Communist influence in this region is estimated at about 3% of the voting population, infiltration is becoming more evident in many ways.

The other problem concerned a fraud case which had happened in Mie prefecture. The head of the Welfare Bureau of Mie Prefecture, one OTA with two other subordinate officials had falsified records of welfare trials and embezzled large sums by purchasing non-existent blankets. The case was being tried at Mie prefecture at the city of TSU to avoid local pressure. The prosecution had finished its case in February 7th and expected a sentence of 3 years for OTA and 2 years or 1½ years for his accomplices. However, the reluctance to try these officials is being investigated by the Nagoya High Court, as some influence has been brought to bear to delay a prosecution for a long time. Interference by the police is suspected.

W. E. MONAGAN, Jr.
Courts & Law Division

Memo for Record - close-to - Donations (France)

Donations

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

18 February 1948

MEMORANDUM FOR THE RECORD

SUBJECT: Legality of a Japanese Government Gift to Red Cross.

1. Mr. Leonard Appel of Legal Section, in a telephone conversation with me today, asked for information and an informal opinion regarding a problem which he described to me as follows:

> Shortly before the end of the war, the Japanese Government, or some representative thereof, in a written statement to the International Red Cross, stated an intention to assign to the Red Cross "in the name of the Emperor" some two million dollars belonging to the Japanese Government, which was then on deposit in Switzerland. The International Red Cross now seeks to obtain control of these funds. Two contradicting opinions have been rendered by the Legal Adviser of the Department of State, and the matter has been referred to the Far East Commission. In turn, SCAP opinion has been requested.

2. Action on this request appears to have been given to Law Division. Mr. Appel is now studying the question and wishes to discuss with me certain aspects relating to the capacity of a Japanese Government official to make gifts and the formality which must accompany such action.

3. My discussion with Mr. Appel consisted more in the suggestion of pertinent questions than of solutions. This discussion will be resumed when my work schedule permits.

T. L. Blakemore

THOMAS L. BLAKEMORE
Courts and Law Division

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MEMORANDUM FOR THE RECORD:

18 February 1948

SUBJECT: Record of Conference to Discuss Plan for Disposal of Assets of Dissolved Organizations

1. 17 February 1948 General Peabody, Deputy Chief of Staff, GHQ, SCAP, called a conference to receive the comments and concurrences of the following staff sections on above subject. Present were:

O DC/S	General P. E. Peabody
CPC	General P. H. Tansey Mr. F. A. Morrison Mr. W. P. Hirsch Mr. J. Dick
LS	Mr. E. J. Carrington
CIE	Lt. Col. W. W. Abbey
G-4	Col. J. P. Breden
CCA	Maj. J. B. Burkholder Mr. J. R. Allen
NRS	Lt. Col. L. W. Landall Mr. G. I. Purdy
PHW	Lt. Col. B. N. Riordon
GS	Maj. J. P. Napier Lt. H. H. Baerwald
ESS	Lt. Col. D. S. Jennings

2. General Peabody decided that since the plan had not been submitted prior to the conference to any of the interested staff sections, the best procedure to employ was to have the plan read. He requested that if any staff section had comments to make, they be made at this time.

3. Mr. Morrison of CPC prior to the reading of the plan as suggested by General Peabody explained in broad outline the main differences between the previous submitted plan for disposition of assets of dissolved organizations which had been sent around to the above-mentioned staff sections for non-official concurrence and which was accepted by all staff sections concerned except Government Section, and plan 2. Mr. Morrison stated that the main difference came out of Government Section's non-concurrence in the provisions of Plan 1, to turn over all of the assets of the subject dissolved organizations to the Japanese Government for disposition without adequate supervision by CPC. Mr. Morrison stated that Plan 2 provided for CPC surveillance of the disposition of these properties. Major Napier in explanation of Government Section's

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non-concurrence, stated that on the basis of past performance of Japanese Government personnel in the handling of the properties of dissolved organizations, he believed it highly imperative that GHQ, SCAP, supervise the disposition of these properties.

He further stated that if CPC, the organization at present logically charged with responsibility for this phase of the implementation of Occupation Policy did not retain such responsibility, the responsibility would, on the basis of Staff Memo 13 devolve upon Government Section; and that Government Section had neither the personnel with background necessary for this extremely important task of supervision or, in fact, any personnel at all for the job. General Peabody stated that inasmuch as CPC under the present plan would retain responsibility for the supervision of the subject assets he hoped that Government Section would concur in the present plan. Major Napier stated that the main reason for Government Section's non-concurrence was satisfied; however, that, inasmuch as he was not familiar with the provisions of the new plan, he would like to hear it before making further comment. General Peabody agreed and the reading of the plan proceeded.

4. During the reading, the following points were raised:

a. The first objection concerned the date 4 January 1946 in Paragraph 1 of the Subject Plan. Major Napier objected on the basis that this date would put too lenient limitation upon the organizations whose properties would be affected by this plan. He stated that many of the organizations which were listed as dissolved under SCAPIN 548 had been either dissolved prior to 4 January 1946 or at least had disposed of the majority of their assets prior to that date. Both General Peabody and General Tansey conceded that Major Napier had brought up a pertinent point and it was agreed that the date 4 January 1946 be deleted from this paragraph and from any provisisions of the plan of the proposed SCAPIN where it appears. The deletion of this date means that any properties owned at any time by any organization found to fall under the terms of SCAPIN 548 and thereupon listed as dissolved under that SCAPIN can be seized by the government as government property.

b. Major Napier questioned the interpretation that could be given to "dissolved organizations" as mentioned in Paragraph 1 of the plan. He stated that although some 130 of the organizations were at present listed as dissolved under SCAPIN 548, there were at present 500 organizations under study by the Attorney General's Office to determine whether they come within the SCOPE of SCAPIN 548, even though the majority of them had dissolved themselves either before 1946. Mr. Disk of CPC explained that in the actual SCAPIN would be included any organizations either at present listed or to be listed as dissolved under the provisions of SCAPIN 548. Major Napier stated that this was satisfactory.

c. The plan provided that properties of subject organizations will not be sold to their former officers or directors or persons designated as purgees by the Japanese Government. Major Napier stated that he believed that the provision that no purgee could buy the property of any dissolved organizations, was contrary to the established policy. He stated that the Purge was not a punitive, but rather a preventive measure and that he believed the enforcement of this provision in its present form could easily be interpreted as a punitive measure. He thereupon recommended that instead of "per-

sons designated as purgees", the term "influential members of dissolved organizations" be substituted. He also mentioned administrative impracticability of screening all bidders. This recommendation was concurred in by all members present.

5. Paragraph 3E of the plan provided that real properties sold under the provisions of this plan could not be transferred for a period of ten years from the date of sale. Mr. Carrington of Legal Section objected to this provision stating that it would militate against the sale of these properties. Mr. Morrison stated that this provision was included in order that the properties of these organizations not find their way back to the persons from whom they were seized. Mr. Carrington replied that the HCLC which at present is disposing of billions of Yen of assets of Zaibatsu property found that a check on the sale of these properties to individuals was, from a practical standpoint, impossible and that he believed that the same conditions applied to the sale of these subject properties. He therefore recommended that this paragraph be deleted from the plan, and the SCAPIN which would be resulting from this plan. This recommendation was accepted.

JACK P. NAPIER
CHIEF, SPECIAL PROJECTS DIVISION

19 February 1948:

Legal Section wants to substitute 14 August 1945 for 4 January 1946.

This is reasonable, and we have no objection.

JACK P. NAPIER

GOVERNMENT SECTION

16 February 1948

MEMORANDUM FOR THE RECORD

SUBJECT: Procurators' Meeting

1. An informal conference was held in Government Section on 9 February 1948 with an assembly of public procurators to discuss problems with which the prosecution is faced in the application of the new laws, especially the Provisional Code of Criminal Procedure. Present from Courts and Law Division were Messrs. Oppler, Meyers, Appleton, Matsukata and Miss Conners; from Procurators' Offices: Procurators Takeuchi and Hashimoto from the Procurator General's Office, Asst. Chief Procurator Baba and Procurator Idei from the Tokyo District Procurator's Office, Asst. Chief Procurator Nomura and Procurator Seki from the Tokyo High Procurator's Office, Procurator Okazaki from the Tokyo District Procurator's Office, and District Chief Procurator Kusata from Maibashi District Procurator's Office.

2. Mr. Oppler welcomed the group to this informal meeting by stating that this was an opportune moment to discuss the Code of Criminal Procedure, the final revision of which is now being considered. He remarked that although Government Section's interest in the legislation is limited to assuring adequate implementation of the principles of the Constitution and its conformance with the objectives of the occupation, he welcomed the opportunity to listen to the men who were charged with the duty of criminal prosecution and to hear their unofficial recommendations with regard to changes to be made. He suggested that the group discuss questions relating to: (1) The adequacy of a ten day period for bringing public action; (2) The merits of reintroducing the preliminary investigation system abolished by the Provisional Code; (3) Whether release on bail should be left to the discretion of the court or be made mandatory except in the case of capital crimes, and (4) The possibility of a popular check on the activities of the procurators, particularly those who fail to indict an offender, along the lines of the Anglo-Saxon Grand Jury in this connection.

3. Mr. Baba brought up the question of the relationship between police and procurators and declared that hitherto there had been a defect in the procurators' system in that the procurator could not prosecute a political crime, when powerful and wealthy persons were involved. This was particularly true at election time when it was impossible for the procurators to persuade the police to take action against the prevailing party. He feared that this situation might again rise commensurate with the increase in strength of party politics. Although the situation has been improved slightly by the establishment of administrative secretaries in the procurators' offices, he believes that since the procurators have the duty to prosecute a case their

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power to demand police investigation should be increased. He cited Hachioji as an example of a district where, to be sure, cooperation between police and procurators is good, However, since there are 20 police stations and a dispute could easily arise over jurisdiction, it is necessary that procurators be given power to determine jurisdiction and to direct the police in their investigations.

Mr. Oppler answered that although formerly the criminal laws were enforced only against the poor and powerless and not against the righ and powerful, the change in this attitude has become conspicuous with the prosecution of politically powerful and wealthy men for their hoarded goods activities. However, this has nothing to do with the Code of Criminal Procedure itself, but with its actual application. Mr. Oppler pointed out the objections to giving the procurators direct power of command over the police and suggested that the procurator should be empowered to bring a policeman's refusal or hesitation to investigate a matter to the attention of his superior and ask for disciplinary action. However, Mr. Oppler asked, what if the superior defends the inaction of his subordinate and refuses to discipline him. Mr. Baba answered that even then the superior would eventually yield to public opinion.

Mr. Oppler emphasized that in case the police because of corruption or political pressure refuses to investigate, the public procurator could still take over the case himself.

Although the procurators had the power to direct the police under the old system, there was no opportunity to enforce this power since both were under different masters - the police under the Home Ministry and the procurators under the Justice Ministry. Once again they are placed under different masters. The question of how far the power of the procurator to give orders to the police should go, is still to be settled. Apart from the appeal to the policeman's superior, some method of bringing the matter to an impartial forum might be worked out. The procurators should at least be provided with the power to advise and request.

4. In a discussion of the adequacy of the ten day period provided by the Provisional Code of Criminal Procedure to bring public action, it was the unanimous opinion that this period is insufficient and prevents the procurator from properly performing his duties. More time is necessary, especially in bribe cases where the usual procedure is to investigate first the donor and then the receiver of the bribe. The receiver in some cases has been able to escape and destroy evidence while the donor is being investigated, thus making it impossible for the procurator to return an indictment because of insufficient evidence. In answer to a question of Mr. Appleton, Mr. Baba said that it is impossible to conduct simultaneous investigations and apprehend witnesses immediately since a warrant for arrest cannot be obtained without some evidence which is particularly difficult to present in cases of bribery. Even if indictment is returned

a man is usually released on bail which gives him an opportunity to destroy evidence. Mr. Baba suggested that either the law on bail be changed or the ten day period be extended.

Mr. Oppler explained that the ten day limit had been set to prevent a pretraction of trials. Mr. Baba declared that the procurators were also opposed to endless investigation but there was a definite need for something more flexible. Mr. Meyers questioned whether the ten day period should be extended by law or whether the procurator should be allowed to apply to the court and after showing good reason that the investigation should be extended, be allowed not more than ten additional days in which to conduct his investigation. The procurators thought only the court should be permitted to grant an extension and that if reference was made to a judicial officer this term should include only a judge.

Mr. Idei maintained that although there is much to be said in favor of speedy apprehension and indictment from a strictly legal point of view, if one considers the problem from the angle of popular feeling, indictment in Japan is tantamount to being sentenced. It is imperative therefore that the procurator secure sufficient evidence to present to the public. Mr. Oppler countered that he was conscious of the period of transition the Japanese were experiencing, but that it must be made clear in the future that indictment is not synonomous with being sentenced. There need not be an air-tight case before indictment is brought and prima facie evidence which would not prevent further investigation could be presented for indictment. The adoption of this procedure and attitude would make it possible for the procurator to indict without a full investigation and an absolute assurance that he would win his case. There was a general reaction to this statement. Mr. Idei expressed the opinion that such a radical change might result in something quite contrary to a democratic practice. Mr. Takeuchi added that cases most important for the democratization of Japan require more than ten days. Mr. Seki took exception to Mr. Oppler's statement that a man could be investigated after indictment. He maintained that as a public official his main duty is to indict only those he is absolutely certain to be guilty. According to present day practice, investigation on the part of the procurator stops automatically after indictment. If new evidence or a new witness is found the procurator notifies the court which carries out the investigation, without the procurator even questioning the new witness to ascertain his importance to the case. It was thought that the introduction of cross-examination into the court may serve to effect a change in this practice.

5. Reintroduction of preliminary examination: In the discussion relating to the reintroduction of the preliminary examination which was abolished by the Provisional Code of Criminal Procedure, the consensus of opinion was that even if no objections existed with regard to the constitutionality of this system, poor communications and the lack of personnel would make its reintroduction impractical. Mr. Takeuchi suggested that a modification of the old system might be considered. A preliminary examination

might be provided for only after the ten day period had expired. In special cases involving elections and bribes, a magistrate, appointed by the court to continue the investigation after the expiration of the ten day period, would be responsible for returning the indictment. However, there was general disapproval of this suggestion. One objection was that this system resembled that of the ex-military courts martial. There was a preference expressed for allowing the procurator to ask the court for an extension of the ten days period to finish the investigation.

Mr. Oppler declared that during preliminary discussion of the Provisional Code of Criminal Procedure, there had been many high officials from the Justice Ministry, the Supreme Court and University professors, none of whom advocated the retention of the preliminary examination, which resembled all too much an inquisition. At that time, agreement seemed to prevail that this system should be abolished.

Although Mr. Baba questioned the constitutionality of the reintroduction of the preliminary examination, he was of the opinion that some advocates could be found to support this system, stating that at the time of the preliminary conferences it was probably assumed to be unconstitutional, which prevented the representatives from approving it.

6. Since time would not permit further discussion of all questions which Mr. Oppler had suggested, Mr. Oppler requested the procurators to meet together and discuss these matters among themselves. A representative could then report their discussion and conclusions to Government Section. Mr. Oppler assured the group that there was always open house to them and invited them to come and discuss their problems and present their recommendations as to how more efficient criminal procedures could be developed. A copy of Mr. Oppler's introductory statement is attached.

JEANNE D. CONNERS

9 February 1948

Gentlemen:

I am delighted, indeed, to welcome you all and to have the privilege of talking with you. The administration of justice of which the public procurator is such an important part has been subject to revolutionary legal reforms. In the field of criminal procedure, the final revision of the law is still in the stage of consideration. As you know the provisional revision which was enacted into law last spring contained only the most elementary implementation of the new Constitution and its principles for the safeguard of fundamental human rights. The device of provisional laws had been resorted to by the Japanese government as an expedient to cope with a most difficult situation. The new Constitution which was promulgated on 3 November 1946 provided that no law contrary to the constitutional provisions shall have legal force or validity. Thus, the dilemma was either to attempt within 6 months an elaborate revision of the basic Codes - an impossible task - or to have a vacuum which would have brought about something close to legal chaos. I think it was an excellent idea to solve that dilemma by enacting legislation of a temporary character, which was legally to be replaced by a complete revision of the whole body of law. As a matter of course, since a considerable number of codes had to be revised, even this provisional legislation was made under terrific pressure of time. For weeks we had strenuous but very interesting conferences with the outstanding representatives of Japan's legal world. These conferences lasted usually 10 to 12 hours daily.

Undoubtedly, the revision of the Code of Criminal Procedure raised the most important but also complicated problems, inasmuch as criminal

procedure affects more than anything else the civil liberties and very lives of every man and woman. The task was and is to do away with the vicious features of the police state of the past in limiting the interference of the state with the private life of its citizens to a minimum and nevertheless to leave the law enforcement authorities sufficient power to detect, prosecute, and try the criminal promptly and effectively. The provisional revision of the Code, if we take into account the circumstances of its birth was probably the best possible attempt to establish such balance at the time when it was enacted. It has been in force for nine months so that we all may profit from the experience in the meantime. Any legislation has to pass the test of how it works in practice and this is another reason why the device of provisional legislation was a good one.

When the Procurator-General, Mr. Fukui told me that his colleagues were very eager to see me I was delighted with this personal interest. However, a subsequent conversation with another procurator revealed that you look at me as a kind of culprit. He said: "well they all want to talk with you because they believe that you are responsible for the provisional revision of the criminal prosedure and for all their troubles." Gentlemen, here again I realize that the extent of our influence has been greatly maximized and I am not in a position to accept the honor or blame of a father or even midwife of this legislation. Our basic concern in it - and here lies the limitation of our advice and influence - is that the legislation properly implements the principles of the Constitution and is not contrary to the objectives of occupation.

Still I think this is a splendid opportunity for us to listen to the men who are in charge of criminal prosecution, to find out what their experience has been in the application of the new laws and to hear their specific recommendations with regard to changes they wish in the final revision of the Code of Criminal Procedure.

So I might say that today we want to learn from you rather than give you our own ideas. Please express yourself as freely as possible

Without imposing any specific subject, I would suggest that you discuss the following questions;

1) Is the ten daysperiod for bringing public action inadequate and does it prevent the public procurator from properly performing his duties as prosecutor? Why, and what would be the remedy?

2) What is your opinion on the merits of the preliminary investigation which was abolished by the provisional Code? Are you in favor of re-introduction of this system?

3) Should release on bail be left to the discretion of the Court or should the law make release on bail mandatory as a rule with the exception of capital crimes.

4) Do you consider some popular check on the activities of procurators desirable, particularly in cases where the procurator does not indict an offender who ought to be indicted? What would you think of an institution similar to the Anglo-Saxon Grand Jury?

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

16 February 1948

MEMORANDUM FOR THE RECORD:

SUBJECT: Violation of SCAPIN 1033 (Authorized Fishing Area Limits): Vessel "Kosei Maru"

1. On 9 January 1948 the undersigned wasinformed by Mr. Herrington, Chief of NRS/Fisheries Division, that the subject vessel had violated the fishing area limits set by SCAP Directive, by sailing some 2000 miles South of the authorized fishing area. The vessel, a fishing boat of about 150 gross tons, owned by the Kosei Suisan K. K., Kisarazu City, Chiba Prefecture, sailed from the port of Misaki on 12 November 1947. On 16 November 1947, it passed beyond 24° N. Latitude, the limit of the authorized fishing area. On 3 December, the Australian Cruiser "Australia", intercepted and boarded the subject vessel and ordered the vessel to return to the authorized area. The vessel remained in the area from which it had been ordered to leave for approximately 10 days after such order, returning to the authorized area on 23 December 1947. The captain of the vessel, Kakuzo Matsushima, admitted that he knew the limits of the area and that it was forbidden to pass beyond.

2. Mr. Herrington stated that the case had already been referred to the District Procurator's Office in Kisarazu City by the Ministry of Agriculture and Forestry. However, he requested the efforts of Courts and Law Division in insuring that the procurator and the court would be made to realize the seriousness of the offense. Mr. Herrington promised to furnish the undersigned with the time of trial and name of the judge and the procurator. This information was furnished on the 19th of January. Thereupon, on that day, the undersigned discussed the case with Mr. Takeuchi of the Procurator-General's Office, and requested that Mr. Takeuchi inform the district procurator in charge of the case of the importance of the case and the necessity for the procurator demanding a major penalty in view of the adverse effect this violation of the subject directive might have upon a subsequent re-grant of fishing rights to the Japanese. In connection with this, the undersigned procurred from NRS a copy of memorandum from the head of the Australian Mission to the Chief, Diplomatic Section, indicating the reaction of the Australians to this matter. The undersigned gave a copy of this memorandum, together with receipts indicating the source of the memorandum, to Mr. Takeuchi so that it might be used in court.

3. Subsequently, on 21 January 1948, it was necessary for the undersigned to telephone the Chiba Military Government Team and talk with the Adjutant, inasmuch as the case had already been set down for disposal by Summary Procedure. The Procurator had obtained the per-

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