

GHQ/SCAP Records(RG 331)
Description of contents



- (1) Box no. 2143
- (2) Folder title/number: (15)
Grants - Pensions - Benefits

(3) Date: Oct. 1945 - July 1951

(4) Subject:

Classification	Type of record
760	c, e

(5) Item description and comment:
Includes Contents List

(6) Reproduction: Yes No

(7) Film no.

Sheet no.

File under no. GRANTS PENSIONS BENEFITS No- III

	FROM	DATE	TO	SYNOPSIS
		<u>1948</u>		
14	GS	13 Jan	PE & W	No Public money or other property shall be expended or appropriated for the use, benefit.
15	Deputy Chief LAA	16 Jul 51	Governor To, Do or Pref	Payment of Retiring Allowance to Those Depurged
16	GS	15 Aug 51	ESS/Fin	Petitions Pertaining to Treatment of Japanese Disabled Veterans

Maj. W. Moragan 258806
Petitions Pertaining to Treatment of
Japanese Disabled Veterans

GS

HSS/Finance

15 August 1951

1. Forwarded is a matter believed pertaining to your section.

Incl.

----- P.R. -----

GS Files
C

TO: GENERAL RIDGWAY

FROM: OTSUKA Mitsuharu
Tochigi Ken, Shimotsuga Gun, Oyama Machi, No 2037

DATE: 28 July 1951

BODY: The writer, stating that he has submitted several petitions concerning the improvement of the treatment of disabled veterans, asks that, if the wrong construction of the SCAP memorandum on the part of the Japanese Government is responsible for the present indifferent treatment, as contended by the Social Democratic Party, the fact be brought to the attention of the Government so that proper steps may be taken to improve the treatment of the disabled veterans.

Enclosed is a copy of a letter from the Social Democratic Party to the writer, which states in substance that the Government has neglected to help the disabled veterans, purposely putting a wrong construction on and making ill use of SCAP memorandum inspite of the party's efforts to increase government aid to the disabled veterans.

TO: GENERAL RIDGWAY

FROM: OTSUKA Mitsuharu
Tochigi Ken, Shimotsuga Gun, Oyama Machi, No 2037

DATE: 28 July 1951

BODY: The writer, stating that he has submitted several petitions concerning the improvement of the treatment of disabled veterans, asks that, if the wrong construction of the SCAP memorandum on the part of the Japanese Government is responsible for the present indifferent treatment, as contended by the Social Democratic Party, the fact be brought to the attention of the Government so that proper steps may be taken to improve the treatment of the disabled veterans.

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File under No. GRANTS, PENSIONS, BENEFITS Page No. 11

	FROM	DATE	TO	SYNOPSIS
		<u>1947</u>		
6	WALTER	1 Feb		Applications of Directive Concerning Pensions and Benefits
7	GS	3 Feb	ESS Finance	Retirement payment to Sato, Former Mayor of Nagoya
8	GS	6 Feb	ESS	Imperial Household Grants
9 9A	GS ESS	6 Feb 21 Feb	ESS ESS	Imperial rince Payment of Pensions and Benefits to Persons who Resigned to Evade Désignation under the Purge
10	GS	13 Mar	ESS	Payment of Pensions and Benefits to Persons who Resigned to Evade Designation under the Purge
11	GS	11 Jun	ESS	Payment of Pensions and Benefits to Persons who Resigned to Evade Designation under the Purge
12	GS	25 July	ESS	Bill Concerning Loans by Deposit Bureau Fund
13	BROWN	22 Nov	C/GS	Bill for Lump Sum Grants to Gov't Employees in Hoppaido

File under No. GRANTS, PENSIONS, BENEFITS Page No. I

	FROM	DATE	TO	SYNOPSIS
1	EMMERSON	<u>1945</u> 15 Oct		TOKUDA, Kyuichi
2		24 Nov		Pensions and Benefits
		<u>1946</u>		
3	RDZZO	8 Feb		Request of Japanese Gov't for Permission to move Pension Records
4	GS	14 Feb	OCCIO	Pensions and Benefits
5	GS	27 Mar	ESS	Pensions and Benefits

Pennis

LAA-B268

July 16, 1951

Information for: Governor of To, Do, Fu or
Prefecture

From : Deputy Chief of Local Autonomy
Agency

Subject : On the Payment of the Retiring
Allowance to Those Depurged

As to the subject, the treatment for the national
public service personnel is decided as prescribed
separately. So, I will inform you such effect.

In cases a question arises on actual treatment,
it is hoped to deal with such a case after communication
with this Agency.

Annex

8

On the Payment of the Retiring
Allowance to Those Depurged

It has been admitted to pay retiring allowances to the former public service personnel who are retracted or cleared the designation as are under the memorandum or unqualified for educational service in accordance with the revised provisions of Article 4-(2) paragraph 1 of the Imperial Ordinance relating to the Exclusion, Retirement, etc. in respect to Public Offices (Imperial Ordinance No. 1 of 1947) (Refer to: Cabinet Order for the Partial Amendment to the Imperial Ordinance relating to the Exclusion, Retirement, etc. in respect to Public Offices (Cabinet Order No. 220, July 18, 1951)) or the revised provisions of Article 4-(3) paragraph 1 of the Cabinet Order concerning the Exclusion, Removal and Reinstatement, etc. of Member of the Educational Service (Cabinet Order No. 62 of 1947) (Refer to: Cabinet Order for the Partial Amendment to the Cabinet Order concerning the Exclusion, Removal and Reinstatement, etc. of Member of the Educational Service (Cabinet Order 224, June 22, 1951)). Such allowances shall be paid in accordance with the following articles:

- (1) An allowance for the former personnel shall be the same amount of the allowance paid to or ought to be paid to ones who had same or similar positions, personal history on public offices, length of continuous service, etc. at the time that former personnel had retired or lost his office;

- (2) An allowance for the personnel shall be paid by the government office in which he had served at the time of his retirement. But, if such government office is out of existence by reorganization of mechanism, etc., it shall be the government office which has taken over the business of such government office;
- (3) An expenditure item of the retiring allowance shall be "Retiring Allowances" (Section of Moku) of "Various Allowances" (Moku);
- (4) As to "Kōdan", "Kōsha", "Kōko" and other agencies related to Government, it shall be dealt with in line with the treatment mentioned above;
- (5) In cases a question arises on computing method of amount of retiring allowance, government office to pay, etc., it shall be enacted after consultation with the Minister of Finance.

FILE UNDER: *Grants, Pensions, Benefits*

I N D E X S H E E T

DATE: *13 Jan '48*

FROM: *gs*

TO: *PH&W*

SUBJECT: *Check Sheet -*

Article 89, Constitution of Japan

*"No public money or other property shall be
expended or appropriated for the use, benefit ..."*

DOCUMENT FILED UNDER:

CLASSIFIED FILE:

Constitution

14

FILE UNDER: 100

I N D E X S H E E T

DATE: 22 Nov 47

FROM: Blum

TO: C/qs

SUBJECT: Memorandum for the Chief, Gov't Section
Re: for Lump Sum Grants to Government
Employees in Mexico

DOCUMENT FILED UNDER:

CLASSIFIED FILE:

Memorandum for C/qs

13

*Grants, Pensions
Benefits (Finance)*

ASER
WEL/ESS/JFR/fma

019(12 Jul 47)ESS/FI

Bill concerning Loans by Deposit
Bureau Fund

ESS/FI

ESS/LE

12 July 1947

(1)

1. Law concerning approval of changes in conditions of loans made
by Deposit Bureau Funds.

2. This law provides for the Minister of Finance to change loan
conditions upon recommendation of Deposit Bureau Funds Committee.
Article 8 Public Finance Law No. 34 now requires such changes to be
according to law. This bill now puts into law what has been discretion-
ary power of Minister of Finance.

3. If Legal Division concurs in above Ordinance, request it be
forwarded to Government Section for their concurrence.

1 Incl
Copy Bill concerning loans by
Deposit Bureau Fund

L. I. L.

CPM/HTS/bp

From: ESS/LE

To: GS

Date: 15 July 1947

(2)

- 1. Reference is Check Note 1, above, and attached file.
- 2. Submitted for concurrence and return to ESS/LE.

1 Incl
n/c

C. P. M.

(3)

From: Government Sect.

To: ESS/LE

Date: 25 July 1947

1. The Government Section believes it desirable to limit the dis-
cretionary powers of the Cabinet in regard to the enforcement of statutes.
It is suggested therefore, that the last provision of this draft be amended
to read as follows: "The date of enforcement of the provisions of this
law shall be prescribed by Cabinet order, in no event, however, to be
later than 30 days after the date of promulgation."

2. Subject to the modification in item 1, Government Section has
no objection to the introduction of this Bill.

1 Incl Withdrawn

G. W.

12

*ACB
HB*

File

Pensions

**GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section**

16 October 1946

MEMO FOR RECORD:

**SUBJECT: Proposed Memorandum To the Imperial Japanese
Government on Pensions and Benefits**

The Proposed memorandum to the Imperial Japanese Government, subject, Pensions and Benefits, establishes the principle in applying SCAPIN 338 that with respect to dissolved economic organizations only those persons occupying positions of important responsibility shall be deprived of pensions or other emoluments. Government Section concurs with this view.

E. HALEY

Noted: CLK

Documents Submitted:

1. Proposed directive
2. ESS memorandum for the record
3. Checksheet ESS/PI to ESS/AC and reply
4. Memorandum for the Imperial Japanese Government to General Headquarters of the Supreme Commander
CLO 3924 (EF)

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

is the nullification of the proposal advanced by ESS in Check Note 1, above.

4. ESS invites attention to the foregoing and requests clarification of the position of GS.

1 Incl: n/d

4

From: Govt Sec

To: ESS

-N. F. B.
CW/CLK/GMM/scm
11 June 1947

1. Reference Note 3 above.

2. The recovery of pensions already paid is considered administratively unfeasible, if not impossible.

3. The qualification referred to in Note 2 above does not nullify the objectives of ESS and GS in the enforcement of SCAPIN 550, inasmuch as adoption of the ESS proposal, modified by GS's recommendation, would result in (a) designation of persons disqualified under provisions of SCAPIN 550, etc., and (b) prevent further payment of pensions to such designees.

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

Govt Sec Files

K

11

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

(1) Cont)

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

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

COL X

6. Concurrence of GS in proposed action is requested.

1 Incl:
Memo, IJG, 20 Jan 47.

-----V.F.M.-----

From: Govt Sec TO: ESS 3 March 47

(2)

Concur, except as to recovery of pensions already paid.

1 Incl: n/s

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

From: ESS To: GS Date: 6 June 1947

(3)

1. References are Check Notes 1 and 2, above.

2. By Check Note 2, above, GS concurs "except as to recovery of pensions already paid."

3. It is submitted that if the position taken by GS is clearly understood, the net effect of the qualification attached to the above reference concurrence

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

(1) Cont)

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

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

COIX

6. Concurrence of GS in proposed action is requested.

1 Incl:
Memo, IJG, 20 Jan 47.

-----W.F.M.-----

From: Govt Sec TO: ESS 3 March 47

(2)

Concur, except as to recovery of pensions already paid.

1 Incl: n/s

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

From: ESS To: GS Date: 6 June 1947

(3)

1. References are Check Notes 1 and 2, above.

2. By Check Note 2, above, GS concurs "except as to recovery of pensions already paid."

3. It is submitted that if the position taken by GS is clearly understood, the net effect of the qualification attached to the above reference concurrence

Handwritten initials and a signature on the right margin, with the word "Circulate" printed vertically below them.

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

(2) From: Gov. Sect.

TGS ESS

CH/CLK/CPM/JN/E
13 Mar

- 1. reference paragraph 5, Note 1, above.
- 2. Government Section concurs in recommendation stated in paragraph 5 above.

1 Incl: n/c

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET

(Do not remove from attached sheets)
Subject: **Payment of Pensions and Benefits to
Persons who Resigned to Evade Designation under the Purge.**

File No.:

Note No.:

From: **ESS**

To: **GS**

Date: **21 February 1947**

1. References are:

- a. JCS 1380/15, 6 November 1945:
- b. Memorandum for the Imperial Japanese Government, AG 260 (24 Nov 45) ESS/PI. (SCAPIN - 338), subject: "Pensions and Benefits";
- c. Memorandum for the Imperial Japanese Government, AG 091.1 (4 Jan 46)GS, SCAPIN -550), subject: "Removal and Exclusion of Undesirable Personnel from Public Office";
- d. Imperial Ordinances Nos. 1, 2, 3, and 4, of 1947, and Cabinet and Home Affairs Ministry Ordinances No. 1 of 1947, all dated 4 January 1947:
- e. Attached Memorandum, 20 January 1947, from the Imperial Japanese Government setting forth its interpretation of Reference lb above as applied to Reference lc and ld above.

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

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

4. It is the opinion of ESS that all persons subject to removal from office pursuant to Reference lc and ld above should be denied pensions and benefits under Reference lb above; and that no one should be allowed to avoid the effect thereof merely resigning in anticipation of the promulgation of an Ordinance - particularly in view of the fact that the Ordinances in this case were long discussed and actually announced by the Cabinet prior to their formal promulgation.

5. In view of the foregoing, ESS is prepared to recommend to the Imperial Japanese Government that public or private pensions or other emoluments or benefits

977

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

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

6. Concurrence of GS in proposed action is requested.

1 Incl:
Memo, IJG, 20 Jan 47.

WCW for

-----W. F. M.-----

From: Govt Sec

TO: ESS

3 March 47

Concur, except as to recovery of pensions already paid.

1 Incl: n/c

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

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

(2) From: Govt Sec

TO: HSS

OW/GLX/EPN/JH/r
3 March 1947

Concur, except as to recovery of pensions already paid.

1 Incl: n/c

----- G. W. -----

On interpretation of Memorandum, dated 24 November, 1945,
subject "Pension and Benefits".

The Memorandum stipulates that there shall be terminated all payments, except as authorized by Your Headquarters, of any public or private pensions or other emoluments or benefits of any kind granted or conferred to any person who has been removed from any office or position as a result of any order of the Supreme Commander for the Allied Powers. We understand that any person who has resigned before the issuance of order does not fall under the provision inasmuch as an application to actual cases should be conditioned on the facts that,

(1) there has been issued an order from the Supreme Commander for the Allied Powers and that

(2) he has been removed from office or position.

As for the "purge" memorandum, we have held the same interpretation. However, those who, after the issuance of the memorandum, resigned on their own request, are to be subject to screening for decision whether "purges" or not though they were never removed from office or position.

The officials in National government, diet members of both Houses and principal public officers in national policy corporation, (Kokusaku-kaisha), "Eidan" and control association (Tosei-kai), all of whom are designated as holders of "public office" in Memorandum, dated 4 January, 1946 shall be subject to screening even when they retired of their own will after 4 January, 1946 while

officials in the local level and holders of principal public office in the organizations under special laws, organizations to be designated by Temporary Supply and Demand Adjustment Law, political parties, information media and influential private companies who are newly added in the revised ordinance be subject to screening even if they retire after 4 January, 1947. And once they fall under the criteria of "purge", they are to be deprived of the right to receive payments of pensions or benefits of any kind whatever.

In conclusion, a person who has been removed from office or position as stated in Memorandum, 24 November 194⁵, we understand, means, in application to purge Memorandum, a person who has been removed by the process mentioned in Art. 5 of the revised ordinance. As a result of our understanding and the stipulationⁱⁿ the ordinance we do not consider a person in purgee category who has resigned on his own request before the promulgation of the ordinance. We may add that a person who on application for a new position, has been excluded from office as a result of screening is not included in the category of persons to be deprived of pensions and benefits.

January 20, 1947.

Examples of Payment Suspension of Retiring Allowance, Pension, etc. to those who were designated as being applicable to the Memorandum and retired accordingly:

Name	Post at the time of Retirement	Total of Salary, Extraordinary Allowance owing to the rise of price of commodities and Family Allowance	Allowance and Pension unable to be paid on account of Designation	
			<u>Retiring Allowance</u>	<u>Pension</u>
INADA Shuichi	Vice Grand Chamberlain	1.641 Yen	320 Yen	2466 Yen
YAMANASHI Katsunoshin	President of the Peers' School	1.607 "	5.821 "	3.920 "

DRAFT CHECK NOTE

1. Reference paragraph 5 a above.
2. Recommend that proposed policy ~~XXXXXXXXXX~~ be revised

as follows:

" Public or private pensions or other emoluments or benefits shall not be paid to any person who on or at any time subsequent to 4 January 1946 was designated as falling under the provisions of SCAPIN 550, as implemented by Japanese Government Ordinances, and removed or barred from any position in the public service as an undesirable person.

3. Imperial Ordinance no. 77 (copy attached) amending Imperial Ordinance No. 1 of 1947 provides the machinery for ~~whereby~~ selective screening of pensionees who resigned from "screenable public office on or subsequent to 4 January 1946."

4. It is considered unfeasible, if not impossible, to attempt the recovery "in full of all pensions and benefits already paid to persons who are found to be ineligible to receive them."

100

Note
No.
1.

23 January

(copy in Purge)

Note
No.
2

From: Govt. Section To: ESS Date: 6 February 1947
Subject: Imperial Princes

CW/FH/CHP/srp

Government Section is of the opinion that SCAP should not authorize the grant of Imperial Household funds to be expended as allowances or separation payments to the eleven Princes and the members of their families who propose to become commoners prior to 3 May 1947. Such action would be contrary to SCAPIN 1298A, 21 May 1946.

As soon as the Princes become commoners they should be treated as any other commoner under the Purge Directive (SCAPIN 550) and the Pension and Benefit Directive (SCAPIN 330).

No Incls./c

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

Handwritten marks and the word "Circulate" written vertically on the right margin.

9

Subject: Imperial Household Grants

NBN/ /mmb

From: PHW

To: ESS

Date: 22 January 1947

2 1. Concurrence is given to paragraph three of your check sheet dated 15 January 1947, file No. 386.7 (2 Jan 47) ESS, subject "Imperial Household Grants."

2. If Imperial Household Grants, as such, are to be considered as public funds, allocation in accordance with the request of the Imperial Household Ministry would be contrary to SCAPIN 775 which forbids lump sum subsidization of private welfare agencies by the government. However, if funds available to the Emperor from the Privy Purse are considered as private funds (i.e. as reimbursement for services rendered to the state), there would be no reason why they might not be disbursed as any other public employee's governmental salary.

2 Incls.
n/c

-----C. F. S.-----

Subject: Imperial Household Grants

CW/FH/CHP/rg

3 FROM: GS

TO: ESS

DATE: 6 Feb. 47

Government Section concurs with PHW'S Note No. 2 and Paragraph 3 of ESS Note No. 1

2 Incls.
n/c

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

44
CIRCULATE
B

8

100
Copy in Purge
(with endorsement)
GS

Retirement payment to Sato, former
mayor of Nagoya.

ESS Finance

3 Feb. 1947

1. Reference telephone conversation 31 Jan between Mr. Middleton, ESS Finance and Major Napier, Government Section, PAD Div. herewith ltr Hq I Corps, APO 301, file AG 014 (BA), dtd 23 Nov 46 subj: "Alleged Gift to Public Official", with 13 endorsements on which Mr. Middleton has accepted action for ESS.

2. It is requested that Government Section be advised of action taken in order that the matter may be made of record in the policy files of Government Section.

Incls:

Ltr Hq I Corps dtd 23 Nov 46
subj "Alleged Gift to Public Official",
with 13 endorsements.

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

MEMORANDUM FOR RECORD:

1. Subject letter which reports the payment of 390,000 yen to Mayor Sato of Nagoya as a retiring allowance and scholarship fund was referred to SCAP by Eighth Army for information as to whether individuals affected by the purge would be permitted to receive public or private pensions or other emoluments.

2. Demand was made upon the Japanese Government thru CLO for immediate investigation of the above allegation and an additional allegation that the Municipal Council of Yokosuka have voted an appropriation of 100,000 yen as an allowance to the Mayor of that city who retired 3 Jan. to avoid being effected by the purge extension.

3. Reply was made by the Japanese Government that these matters had been investigated by the IJG and report made to ESS Finance and that, further, ESS Finance now had two staff members in the field investigating several other such instances.

4. Contact was made with ESS Finance and information was furnished that ESS Finance and ESS Legal were preparing a directive to cover this and similar situations, and that the directive though not yet complete would state among other things that moneys paid as allowances or benefits or by other subterfuges as retirement allowance to officials who had been effected by the purge or who had retired to escape being effected by the purge would be returned. Mr. Middleton of ESS Finance stated

7 

that Col. Kades of Government Section had said that Government Section wanted ESS Finance and ESS Legal to handle all financial matters involved in the purge. Mr. Middleton stated that he and another member of ESS Finance Staff had just returned from a field trip in which they had investigated these matters.

Jack P. Napier

FILE UNDER: PENSIONS

I N D E X S H E E T

DATE: 1 Feb 47

FROM: WALTER TO:

SUBJECT: APPLICATION OF DIRECTIVE CONCERNING PENSIONS & BENEFITS

DOCUMENT FILED UNDER:
MISC. MEMOS

CLASSIFIED FILE:

6

Pensions

PAD FILE

Pensions and Benefits

GS

ESS

27 March 1946

1.

1. The Government Section does not concur in the proposed memorandum to the Imperial Japanese Government because (a) it is inconsistent with the directive of 4 January 1946, subject: "Removal and Exclusion of Undesirable Personnel from Public Office" (SCAFIN 850), and (b) it is inconsistent with the basic occupation directive from the Joint Chiefs of Staff (JCS 1380/15).

2. The purge directive of 4 January 1946 provides in paragraph 5 that: "Persons removed from public office will not be entitled to any public or private benefits or other emoluments or benefits without the consent of this Headquarters." The proposed directive would grant a blanket consent to the payment of pensions to persons barred from government service by reason of services in behalf of any dissolved organizations except ultra-nationalistic, terroristic, or secret patriotic societies. In other words, under the proposed directive persons barred from government service because they fall within Category "C" of Appendix "A" would not be entitled to pensions, but those barred from government service because they fall within Category "D" of Appendix "A" (persons influential in the activities of the Imperial Rule Assistance Association, Imperial Rule Assistance Political Society, and the Political Society of Greater Japan), or because they fall within Category "E" of Appendix "A" (officers of financial development organizations involved in Japanese expansionism) would be entitled to pensions. It is the opinion of this Section that all persons barred from government service under all Categories in Appendix "A" were active exponents of militant nationalism and, except in case of extreme hardship or suffering, should not be paid pensions.

3. Furthermore, paragraph 43 of the basic occupation directive from the Joint Chiefs of Staff to the Supreme Commander for the Allied Powers provides in part as follows:

"You will prohibit the payment of:

" * * * of public or private pensions or other emoluments or benefits granted or conferred:

" * * * to any person who has been removed from an office or position in accordance with paragraphs * * * 40 of this directive".

Paragraph 40 provides in part as follows:

"You will remove and exclude from positions of importance,

5

Check Sheet fr GS to ESS, subj: "Pensions and Benefits", dtd 27 Mar 46.

responsibility or influence in all public or private financial institutions, agencies or organizations all persons who have been active exponents of militant nationalism and aggression * * *. It may be generally assumed, in absence of evidence to the contrary, that any persons who have held key positions in any such institutions, agencies or organizations are active exponents of militant nationalism and aggression."

It would, therefore contravene the policy of the Joint Chiefs of Staff to permit the payment of any pension to any person who has held an influential position in Japanese governmental, economic or financial agencies, whether public or private.

4. Although this Section did not participate in the formulation of the policy concerning pensions and benefits stated in the directive to the Japanese government, dated 24 November 1945 (AG 260), it is believed that that directive in general enunciates the correct policy. If, however, it is desired to modify the directive of 24 November to permit the payment of pensions to persons who are neither (a) excluded from government service under the purge directive of 4 January 1946, nor (b) ineligible for payment of pensions under the policy expressed in JCS directive 1380/15, this Section would interpose no objection to such a modification.

7 Incls:

Tab A, B, C, D, E, F.

Memo for Record.

C. W.

Tab A, CLO No. 726 (2.1), subj: "Pensions and Benefits", dtd 18 Feb 46.

Tab B, Memo for Imperial Jap Govt, subj: "Pensions and Benefits", file AG 260 (24 Nov 45) ESS/FI, dtd 24 Nov 45.

Tab C, Memo for Imperial Jap Govt, subj: "Abolition of Certain Political Parties, Associations, Societies and Other Organizations", file AG 091 (4 Jan 46) GS, dtd 4 Jan 46.

Tab D, Memo for Imperial Jap Govt, subj: "Closing of Colonial and Foreign Banks and Special Wartime Institutions", file AG 091.3 (30 Sep 45) ESS, 30 Sep 45.

Tab E, Memo for Imperial Jap Govt, subj: "Production of Silk", file AG 091.3 (11 Oct 45) ESS, dtd 11 Oct 45.

Tab F, Proposed memo for Imperial Jap Govt, subj: "Pensions and Benefits".

Memo for Record, sgd C.F.T., ESS

C O P Y

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

AG 230.64 ()
(SCAPIN)

) ESS/FI

AFG 500

MEMORANDUM FOR: IMPERIAL JAPANESE GOVERNMENT.

THROUGH : Central Liaison Office, Tokyo.

SUBJECT : Pensions and Benefits.

1. Reference is made to the following:

a. Memorandum, GLO No. 726 (2.1), dated 18 February 1946, subject: "Pensions and Benefits" and the list attached thereto of "associations, societies or other organizations dissolved or suspended."

b. Memorandum General Headquarters, Supreme Commander for the Allied Powers, to the Imperial Japanese Government, file AG 260 (24 Nov 45) ESS/FI, (SCAPIN 338), dated 24 November 1945, subject: "Pensions and Benefits."

2. Of the "associations, societies or other organizations" which are listed in the above reference GLO, all except those included in item 6 under the heading "Enumerated by the Memorandum AG 091 (4 Jan 46) GS" and those included in item 7 under the heading "Enumerated by the Japanese Government on 10 February 1946" should be considered as excluded from the provisions of paragraph 1 b of the above reference Memorandum (SCAPIN 338).

3. This Memorandum shall not be construed as authorizing any action concerning the other "associations, societies or other organizations" listed in reference 1 a above, other than that indicated in paragraph 2 above.

FOR THE SUPREME COMMANDER:

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*Finance
Pensions*

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Pensions and Benefits

OCCIO

ESS

29 Jan 46

1. Reference attached check sheet, above subject, dtd 26 Jan 46, and attached letter to the Commander-in-Chief from the Chief of the Police Affairs Section, Home Ministry, dtd 16 Jan 46.
2. This matter is referred for your consideration, comment, and recommendations as a basis for further action.
3. It is requested that the entire file be returned to this section (Attention: Operations Section) together with your comments and recommendations, as soon as possible.

PA FILE

1 Incl;
 Check sheet as described above w/2 Incls ----- E. R. T.

2 FROM: ESS TO: G.S. DATE: 4 February 1946
 OCCIO (Operations Sec.) WFM/CFT/jrh

1. Dismissed police personnel should not be given a preferred status over discharged Army and Navy personnel in the enforcement of SCAP directive, dated 24 November 1945, subject: "Pensions and Benefits".
2. If exceptions like this are made, it will become increasingly difficult to maintain a consistent and uniform policy with respect to payments to other individuals removed from office and to members of other undesirable organizations which have been abolished.

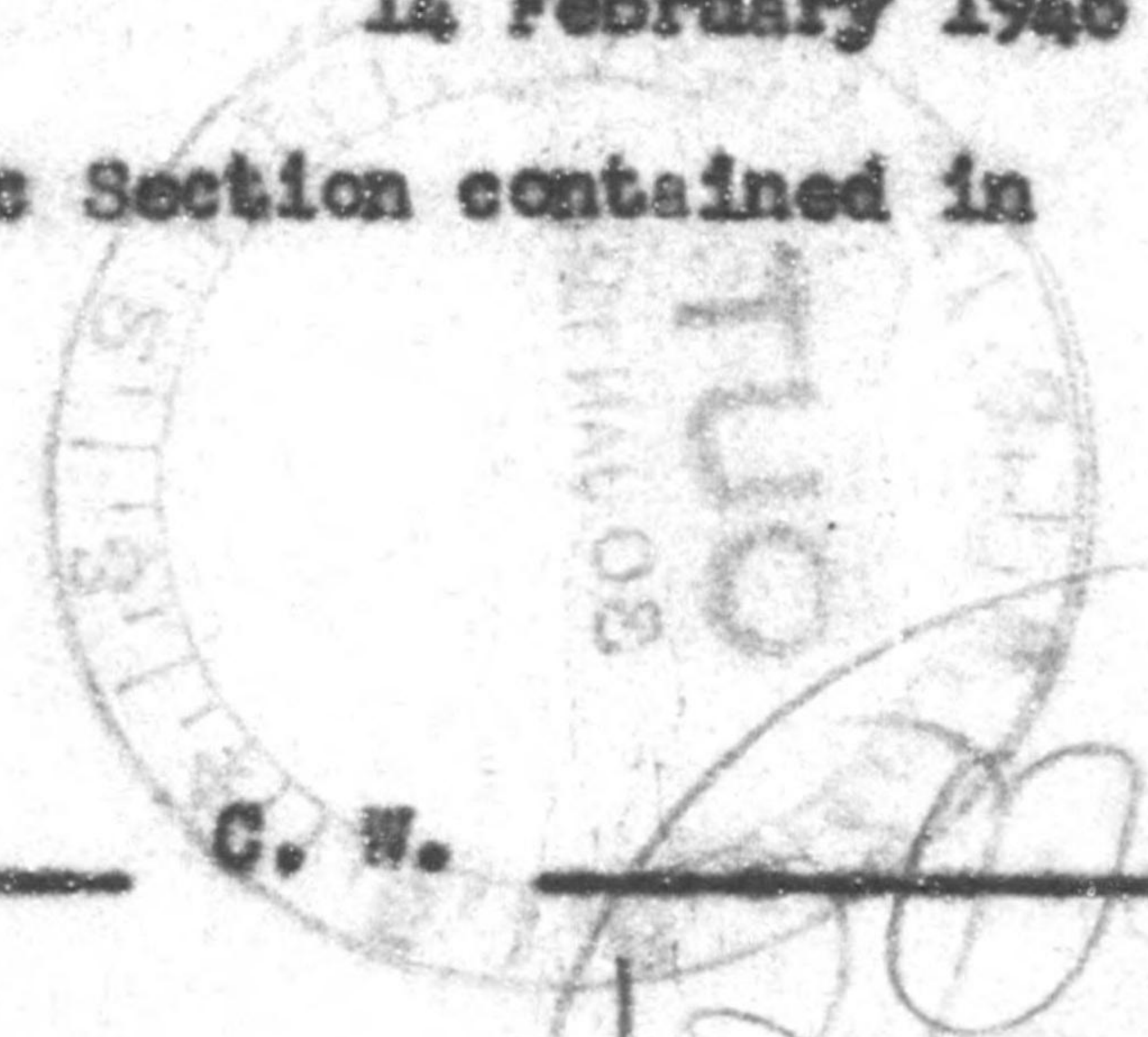
1 Incl;
 No change

W. F. H.

3 Govt. Sect. OCCIO 14 February 1946

Concur in comment by Economic and Scientific Section contained in note No. 2 above.

1 Incl;
 No change



*Capt Puzo says no appeal and necessary
 6 det.*

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Pensions

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

8 February 1946

MEMORANDUM FOR THE RECORD.

SUBJECT: C.L.O. 511 (2.1), Request of Japanese Government for
Permission to Move Pension Records.

1. C.L.O. 511 (2.1) dtd 2 Feb 46 from the Japanese Government requested permission of this Headquarters to move pension records from the Miyanoshita National School in Hakone, where they have been stored since 1944, to the pension office in Odahara, stating that Allied military authorities in the area have refused such permission.

2. Economic and Scientific Section, Financial Division (Capt Middleton and Mr Thomas) on 7 Feb 46 stated that the Japanese should be allowed to move the records in order that they may comply with the directive from this headquarters which ordered discontinuance of military pensions (File AG 260 (24 Nov 45) ESS/PI).

3. Col A. S. Knight, G-2/WDICC, stated on 7 Feb 46 that the Japanese request is in accord with memorandum from this headquarters instructing the Japanese Government to return official records and files to their normal repositories (File AG 314.4 (3 Jan 46)GB).

4. On 7 Feb 46, the above information was transmitted orally to Col W. S. Wood, G-2/WDI. At Col Wood's request, C.L.O. 511 (2.1) was left with him so that he could complete the action by (1) advising G-2 of 8th Army that transfer of the pension records by the Japanese is in accord with the policy of this headquarters, and (2) replying to C.L.O. 511 (2.1).

FRANK RIZZO
Capt., C.M.P.

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

AG 230,64 () ESS/FI
(SCAPIN -)

APO 500

MEMORANDUM FOR: IMPERIAL JAPANESE GOVERNMENT.

THROUGH : Central Liaison Office, Tokyo.

SUBJECT : Pensions and Benefits.

1. Reference is made to the following:

a. Memorandum, CLO No. 726 (2.1), dated 18 February 1946, subject: "Pensions and Benefits" and the list attached thereto of "associations, societies or other organizations dissolved or suspended."

b. Memorandum General Headquarters, Supreme Commander for the Allied Powers, to the Imperial Japanese Government, file AG 260 (24 Nov 45) ESS/FI, (SCAPIN 338) dated 24 Nov '45, subject, "Pensions and Benefits".

2. The following principles will be applied to the "associations, societies or other organizations" which are listed in the reference CLO:

a. Those included in Item 3 under the heading "Enumerated by the Memorandum AG 091.3 (11 Oct 45) ESS", and in Item 5 under the heading "To be dissolved by the Memorandum AG 360 (18 Nov 45) ESS/EP" may be considered as excluded from the provision of paragraph 1-b of the above reference Memorandum (SCAPIN 338).

The two organizations listed in Item 4, under the heading "Enumerated by the Memorandum AG 461 (25 Oct 45) ESS/RP" have not been dissolved or suspended by the mentioned SCAP Memorandum which merely transfers functions previously exercised by them to the Japanese Government.

b. As to the organizations listed in Item 1, under the heading "Enumerated by the Memorandum AG 091.3 (30 Sep 45) ESS" and Item 2, under the heading "Enumerated by Coordination of Financial, Foreign, Home and Judicial Ministries No. 1, 26 Oct 45", no exemptions from the application of paragraph 1-b of the Memorandum of 24 Nov 45 are authorized with regard to any person who at any time between 7 July 1937 and 2 September 1945 has been a Chairman of the Board of Directors, Vice-President, Director (Manager), Advisor or Auditor in any of these organizations.

c. As to the organizations listed in Item 6, under the heading "Enumerated by the Memorandum AG 091 (4 Jan 46) GS" and Item 7, under the heading "Enumerated by the Japanese Government on 10 Feb 46", no exemptions from the application of paragraph 1-b are authorized with regard to any person who has been an "influential member", as defined in Appendix "A" Category "C", numbers 1 to 4 of the SCAP Memorandum of 4 Jan 46, subject: Removal and Exclusion of Undesirable Personnel from Public Office (SCAPIN 550).

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3. Paragraph 1-b of the Memorandum of 24 November 1945 does not prohibit the return to employees of amount actually withheld from wages or salaries for pensions, retirement allowances or other forms of social insurance. No payment not in the way of reimbursement from sums actually withheld or paid in will be authorized.

4. This Memorandum shall not be construed as authorizing any action respecting pensions which have been or will be suspended, revoked, or annulled by SCAP directives for other reasons than those defined by the Memorandum of 24 Nov 45.

5. The Imperial Japanese Government will submit a report on all cases in which exemptions have been granted in connection with this authorization, including a description of the nature of the services done by the favored employees in the dissolved organizations.

FOR THE SUPREME COMMANDER.

FILE UNDER: PENSIONS

I N D E X S H E E T

DATE: 15 Oct 45

FROM: EMMERSON

TO:

SUBJECT: TOKUDA, KYUICHI

DOCUMENT FILED UNDER:

CLASSIFIED FILE:

MISC. MEMOS