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that they should consist of a cross section of the community, including PTA's, Business Men's Associations, Factory Owners, Police, Welfare, Unions, School Teachers (apart from PTA's) Adult Athletic Organizations, Artists, Musicians, and other influential citizens.

6. The program of recognizing the "Best Deed of the Month" performed by the children in each school was entered into in detail. It was further explained that this program would be expanded into the "Best Deed of the Year" for the entire area. It was suggested that special committees be chosen each month to act as judges of the "deeds" as submitted. The above program met with high favor and representatives present expressed themselves from the floor.

7. Mr. Nakatsumi, president of the "Kaisatsu Kyoryoku-kai" (Police Co-operative Society) endorsed the program as set forth by the undersigned and pledged his support. Many other representatives expressed their willingness to co-operate and would enlist membership in their respective fields. The president of the "Bohan Kyo-kai"stated that organization would underwrite the entire project.

8. The following list represents, in part, the organizations, societies, groups, etc., taking part in the meeting:

Kaisatsu Kyoryoku-kai (Police Co-operative Society)

Primary Schools (9 in all)

Chief of Kindergartens

Middle Schools (4 in all)

Youth Associations (Boys - 2 organizations)
" " (Girls - 2 organizations)

Children's Association

Labor Unions (2)

PTA

Ward Office (7 officials)

Factory Owners (2)

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Bohan Kyo-kai (Crime Prevention Association) -
2 representatives

Tokyo Docky and Co. (Collector of Donations)

Baseball Teams (Managers)

Music Teachers - Vocal and Instrumental

Dancing Teachers

Artists

Writers (also newspaper men) It was requested that no newspaper publicity be given the activities until the organization was actually under way.

In addition to the above, there were business men, prominent citizens, juvenile police officers, and several policewomen.

9. It was advised that the youth organizations be grouped within specified age brackets. Those six years of age and under would constitute the "Kindergarten Society." The next bracket would include those of seven and eight years of age. The third division would embrace the ages of nine, ten and 11 years. Children of twelve, thirteen and fourteen years of age would constitute another body. Young people of fifteen, sixteen, and seventeen years of age would be grouped in another bracket, while the "senior" group would include all those eighteen, nineteen, and twenty years of age. Children would move progressively upward as their respective ages reclassified them.

10. It was explained that the "Youth Organization Committee" would consist of divisional groups corresponding to the school areas in order that the relationship of adult to child might be "personalized" as much as possible. A wide membership of the adult organization was advised in order that the work might be divided and rotated as well as to provide a greater source of funds and general community spirit.

11. The teachers and police were asked to play a major role in the task that lay ahead since they were particularly concerned, in a professional way, with the habits and behavior of young people. Likewise they were supported by the community financially and insofar as the time factor was

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concerned, they were in the most favorable position to direct the activities.

12. In bringing the conference to a close, the undersigned offered to assist in any way possible at any time. It was suggested that the work get under way and after thirty days, meet again and weigh the results obtained. Obstacles and unforeseen circumstances would be considered at that time. (This gathering will take place the first week in January, 1948.)

E. M. ARENSCHIELD
Captain, CMP

Declassified E.O. 12065 Section 3/402/ NNDG NO. 775009

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Civil Intelligence Section, G-2
PUBLIC SAFETY DIVISION

APO 500
20 September 1947

OFFICE MEMORANDUM
NUMBER.....3

JAPANESE CIVIL POLICE REORGANIZATION

Reference: (1) C-in-C Ltr to Japanese Prime Minister, 16 Sep 47.
(2) Joint G-2 - GS Memo to C-in-C, 18 Sep 47
(3) PSD Police Reorganization Plan.
(4) Charts: Organizational Structure, Communications, Control, Coordination and Liaison

1. In consonance with the C-in-C's decision in the overall reorganization of the Japanese Police Force, ref. 1, above, the following is an immediate action requirement:

a. MISSION

Reorganization of the Japanese Civil Police in accordance with the principles enunciated in the above references.

b. TASK DISTRIBUTION

(1) Joint Task - PSD - GS: Outline the framework of necessary legislation for the Japanese Government:

Assignment of Task

(a) National Police Act.
(b) Municipal Police Act.
(c) National Criminal Identification and Information Act.
(d) Fresh Pursuit Act (extending the jurisdictional authority of local police in certain instances).
(e) Fire Legislation.

(2) Public Safety Division Task

Orig. Orient BEHQ

(a) Orient the Japanese at ministry and lower national levels as to the type of police structure and method of operation.
(b) Technical advice to GS on police legislation. P.S.
(c) Technical advice to Japanese in writing legislation.
(d) Provide a phase plan of procedure in decentralizing 2010 cities and towns.

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(e) Maintain control of the decreasing national force to accomplish complete decentralization within 90 days following passage of enabling legislation.

(f) Surveillance of complete operation.

(g) Rearrange the NRP structural organization in accordance with reference, maintain control and communication, locate NRP offices in important towns and cities for administrative purposes.

(3) Japanese Task

(a) Write the legislation required to create municipal and NRP forces.

(b) Prepare necessary warning orders and instruction for lower echelons to implement decentralization.

(c) Issue the necessary orders to effect decentralization in accordance with phase instructions issued by Public Safety Division.

2. PSD Control

a. Operational control - Major Smith.

b. Coordinator - Lt. Colonel Battey.

c. Police responsibility and task accomplishment - Mr. Eaton.

d. Legislation - Mr. Moeller.

e. Fire representation - Mr. Angell.

H. E. PULLIAM
Colonel, GSC
Chief, Public Safety Division

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(a) Write the legislation required to create municipal and NRP forces.
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(e) Maintain control of the decreasing national force to accomplish complete decentralization within 90 days following passage of enabling legislation.
(f) Surveillance of complete operation.
(g) Rearrange the NRP structural organization in accordance with references, maintain control and communications, locate NRP offices in important towns and cities for administrative purposes.

(3) Japanese Task

(a) Write the legislation required to create municipal and NRP forces.
(b) Prepare necessary warning orders and instructions for lower echelons to implement decentralization.
(c) Issue the necessary orders to effect decentralization in accordance with instructions phase issued by Public Safety Division.

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(c) Technical advice to Japanese in writing legislation.
(d) Provide a phase plan of procedure in decentralizing 2010 cities and towns.

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(OM 3)

(e) Maintain control of the decreasing national force to accomplish complete decentralization within 90 days following passage of enabling legislation.
(f) Surveillance of complete operation.
(g) Rearrange the NEP structural organization in accordance with references, maintain control and communications, locate NEP offices in important towns and cities for administrative purposes.

(3) Japanese Task

(a) Write the legislation required to create municipal and NEP forces.
(b) Prepare necessary warning orders and instructions for lower echelons to implement decentralization.
(c) Issue the necessary orders to effect decentralization in accordance with instructions phase issued by Public Safety Division.

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(a) Write the legislation required to create municipal and NRP forces.
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H. E. FULLIAM
Colonel, GSC
Chief, Public Safety Division

Declassified E.O. 12065 Section 3/402/ NNDG NO. 775009

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Tokyo, Japan.

September 16, 1947.

Dear Mr. Prime Minister:

I have given careful consideration to your letter of September 3rd and to the plan for the reorganization of the police system submitted therewith. I fully understand your difficulty in reaching an acceptable compromise between the two divergent schools of thought of which you speak -- a compromise which will prove adequately affective to meet the requisites for the preservation of law and order within Japan, and yet at the same time not impinge upon the ideal of human liberty to which the people of Japan are now committed, nor upon that fundamental principle indispensible to a democratic society so aptly stated in the Preamble of the Constitution of Japan, "Government is a sacred trust of the people, the authority for which is derived from the people, and the benefits of which are enjoyed by the people."

I am in full accord with the proposition that the realities of the situation require the maintenance of a national rural police unit to maintain law and order in the rural areas and available to the National Government to meet emergency conditions with which police forces available to the several local governments may be unable adequately to cope, and your suggested increase in the overall authorized police strength to 125,000 men, to provide for such a national rural police meets with my full approval. I am not in accord, however, with the idea of, nor the necessity for, delaying the decentralization of the police power now existing, as I feel that the preservation of that power in its present centralized form is wholly incompatible with the spirit and intent of the new Constitution and inimical to democratic growth.

It has been a dominant characteristic of modern totalitarian dictatorships, as it was in Japan's feudalistic past, to establish and maintain a strongly centralized police bureaucracy headed by a chief executive officer beyond the reach of popular control. Indeed, the strongest weapon of the military clieque in Japan in the decade prior to the war was the absolute authority exercised by the national government over the thought

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It is in recognition of this condition that the police system must be so reorganized as to provide what you so clearly describe in your letter as a "fundamental remedy of the misuse of the police by the state power as in the past." In the achievement of this objective, the potentiality of a police state inherent in centralized control must scrupulously be avoided. It should never again be possible for anti-democratic elements, either of the extreme right or the extreme left, to enmesh the freedom of the people in a web of police terrorism.

This basic objective can best be accomplished by the thorough decentralization of the police system in accordance with the principle of local autonomy embodied in the Constitution. Each city and town should be responsible for the preservation of law and order within its boundaries through its own local police system independent of the central government and headed by a police chief to be appointed and removable by a commission composed of three civilian members appointed by the Mayor of the city or town with the consent of the local assembly and holding office for a fixed term of years. At the prefectural level there should also be a corresponding commission similarly appointed which will exercise operational control over the national rural police operating within the boundaries of that prefecture, reserving to the national government administrative authority over such national rural police wherever stationed.

Such a reformation of the Japanese police system would be in consonance with the general pattern of the reorganization of the Japanese governmental structure, integrating police officials and services as agencies of the people at the appropriate levels of government. Action toward such end should proceed immediately upon enactment of the appropriate statute.

The national government should allocate the necessary funds until such time as local financing is possible. So long as it is necessary for the national government to make allocations of funds, the strength of the police in the various localities should remain fixed at the present number, but after provisions have been made for the localities to assume the financial burden, the responsibility for determining the necessary numbers within their respective borders should belong to the cities and towns, in accordance with local requirements.

The necessary legislation should, of course, be enacted at the present session of the Diet. If vigorously prosecuted, I believe that completion of the plan may be accomplished within a period of ninety days thereafter.

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As to an appropriate organization on the national level, I believe that there should be created directly under the authority of the Cabinet a Public Safety Commission composed of five members who have not been career officials, either in the police or the civil service. Such commission should be appointed by the Prime Minister, with the consent of the Diet, and should hold office for a fixed term of years.

To prevent the resurgence in disguised form of a centrally controlled national police net work no channel of command should exist between the national rural police unit and the local police forces, but technical channels of communication should, of course, be permitted in the interest of overall efficiency and to facilitate a relationship of mutual assistance, liaison and coordination. The intervention by the national government into control over prefectural or local police affairs should temporarily be provided for, however, in the event of a national emergency when, upon the recommendation of the National Public Safety Commission, the Prime Minister might assume operational control over prefectural units of the national rural police force, subject to ratification by the Diet within twenty days. In this way the authority of the prefectural governor may be protected against arbitrary police interference by the national government, at the same time affording adequate safeguard for the national interest.

In the past, one of the ill conceived aspects of the Japanese police system was the exercise by police officials of numerous administrative functions not related to the task of investigation and apprehension of criminals or the preservation of public order. All such functions should be exercised by non-police representatives of the particular ministry having responsibility for such matters, and wherever proper should be decentralized to local public entities in accordance with the provisions of the Constitution conferring upon such entities "the right to manage their property, affairs and administration."

Closely related to the law enforcement process is, as you have specifically pointed out in your letter, the subject of reform in the judicial administrative system. Under the Constitution of Japan, the Supreme Court is now vested with the administration of judicial affairs and the rule making power. With the establishment of an independent judiciary, the Ministry of Justice no longer is responsible for the determination of rules of procedure and of practice, the internal discipline of the courts, or other attributes of the judicial process. Moreover, with the diminution of the role of the procurators in the administration of justice and their subordination to the rule-making power of the Supreme Court, the basic attributes of the procuratorial system under the Ministry of Justice have been radically revised.

On the other hand, to the Cabinet, as the executive branch of the government, is expressly delegated the responsibility for executing the provisions of the Constitution and of the laws enacted by the National Diet.

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as well as for determining questions of amnesty, commutation of punishment, and restoration of rights. To reflect adequately this constitutional separation of powers, it would seem desirable that the Ministry of Justice, within which authority over adjudicative functions has been traditionally intermingled with executive power, be replaced by an Attorney General, sitting in the Cabinet as a Minister of State and serving as the chief legal adviser to the executive branch of the government.

To administer the laws effectively requires the closest coordination between police officials charged with the apprehension of offenders against the national laws, and public attorneys charged with the prosecution thereof. The establishment of an Attorney General's Office with the responsibility of conducting all litigation, criminal and civil, in which the government has a direct interest, and of furnishing all legal advice to the Prime Minister and other Ministers of State in the discharge of their duties, would I believe provide a mechanism for such close coordination, facilitate the faithful execution of the laws, and support the independence of the judiciary as the bulwark of the liberties of the people. Consistent with this concept of an Attorney General, the present Legislative Bureau of the Cabinet can be dispensed with in the interest of governmental efficiency and economy.

Within the framework of the plan outlined in your letter, modified in the manner I have indicated, I feel confident that a law enforcement system may be evolved in Japan which will satisfy all requirements of public safety, which will provide for the definitive separation of the administrative from the judicial process, and which at the same time will comply meticulously with the underlying principles of the Constitution. In this connection it should be borne in mind that, in the final analysis, police power in the preservation of law and order in a democratic society does not attain its maximum strength through oppressive controls imposed upon the people from above, but rather does it find infinitely greater strength in the relationship of a servant of, and answerable directly to, the people. Thereby, and thereby alone, may it encourage respect for the people's laws through confidence and paternalistic pride in the police as the law enforcement agency of the people themselves.

I am hopeful that the legislation necessary to give effect to these programs in the reorganization of government can be completed in time for consideration at the current session of the National Diet. To such and do not hesitate to call upon this headquarters for any assistance which you believe would be helpful.

Sincerely yours,

DOUGLAS MacARTHUR.

The Prime Minister

Tokyo, Japan.

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I am in full accord with the proposition that the realities of the situation require the maintenance of a national rural police unit to maintain law and order in the rural areas and available to the National Government to meet emergency conditions with which police forces available to the several local governments may be unable adequately to cope, and your suggested increase in the overall authorized police strength to 125,000 men, to provide for such a national rural police meets with my full approval. I am not in accord, however, with the idea of, nor the necessity for, delaying the decentralization of the police power now existing, as I feel that the preservation of that power in its present centralized form is wholly incompatible with the spirit and intent of the new Constitution and inimical to democratic growth.

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It is in recognition of this condition that the police system must be so reorganized as to provide what you so clearly describe in your letter as a "fundamental remedy of the misuse of the police by the state power as in the past." In the achievement of this objective, the potentiality of a police state inherent in centralized control must scrupulously be avoided. It should never again be possible for anti-democratic elements, either of the extreme right or the extreme left, to enmesh the freedom of the people in a web of police terrorism.

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Such a reformation of the Japanese police system would be in consonance with the general pattern of the reorganization of the Japanese governmental structure, integrating police officials and services as agencies of the people at the appropriate levels of government. Action toward such end should proceed immediately upon enactment of the appropriate statute.

The national government should allocate the necessary funds until such time as local financing is possible. So long as it is necessary for the national government to make allocations of funds, the strength of the police in the various localities should remain fixed at the present number, but after provisions have been made for the localities to assume the financial burden, the responsibility for determining the necessary numbers within their respective borders should belong to the cities and towns, in accordance with local requirements.

The necessary legislation should, of course, be enacted at the present session of the Diet. If vigorously prosecuted, I believe that completion of the plan may be accomplished within a period of ninety days thereafter.

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As to an appropriate organization on the national level, I believe that there should be created directly under the authority of the Cabinet a Public Safety Commission composed of five members who have not been career officials, either in the police or the civil service. Such commission should be appointed by the Prime Minister, with the consent of the Diet, and should hold office for a fixed term of years.

To prevent the resurgence in disguised form of a centrally controlled national police net work no channel of command should exist between the national rural police unit and the local police forces, but technical channels of communication should, of course, be permitted in the interest of overall efficiency and to facilitate a relationship of mutual assistance, liaison and coordination. The intervention by the national government into control over prefectural or local police affairs should temporarily be provided for, however, in the event of a national emergency when, upon the recommendation of the National Public Safety Commission, the Prime Minister might assume operational control over prefectural units of the national rural police force, subject to ratification by the Diet within twenty days. In this way the authority of the prefectural governor may be protected against arbitrary police interference by the national government, at the same time affording adequate safeguard for the national interest.

In the past, one of the ill conceived aspects of the Japanese police system was the exercise by police officials of numerous administrative functions not related to the task of investigation and apprehension of criminals or the preservation of public order. All such functions should be exercised by non-police representatives of the particular ministry having responsibility for such matters, and wherever proper should be decentralized to local public entities in accordance with the provisions of the Constitution conferring upon such entities "the right to manage their property, affairs and administration."

Closely related to the law enforcement process is, as you have specifically pointed out in your letter, the subject of reform in the judicial administrative system. Under the Constitution of Japan, the Supreme Court is now vested with the administration of judicial affairs and the rule making power. With the establishment of an independent judiciary, the Ministry of Justice no longer is responsible for the determination of rules of procedure and of practice, the internal discipline of the courts, or other attributes of the judicial process. Moreover, with the diminution of the role of the procurators in the administration of justice and their subordination to the rule-making power of the Supreme Court, the basic attributes of the procuratorial system under the Ministry of Justice have been radically revised.

On the other hand, to the Cabinet, as the executive branch of the government, is expressly delegated the responsibility for executing the provisions of the Constitution and of the laws enacted by the National Diet.

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as well as for determining questions of amnesty, commutation of punishment, and restoration of rights. To reflect adequately this constitutional separation of powers, it would seem desirable that the Ministry of Justice, within which authority over adjudicative functions has been traditionally intermingled with executive power, be replaced by an Attorney General, sitting in the Cabinet as a Minister of State and serving as the chief legal adviser to the executive branch of the government.

To administer the laws effectively requires the closest coordination between police officials charged with the apprehension of offenders against the national laws, and public attorneys charged with the prosecution thereof. The establishment of an Attorney General's Office with the responsibility of conducting all litigation, criminal and civil, in which the government has a direct interest, and of furnishing all legal advice to the Prime Minister and other Ministers of State in the discharge of their duties, would I believe provide a mechanism for such close coordination, facilitate the faithful execution of the laws, and support the independence of the judiciary as the bulwark of the liberties of the people. Consistent with this concept of an Attorney General, the present Legislative Bureau of the Cabinet can be dispensed with in the interest of governmental efficiency and economy.

Within the framework of the plan outlined in your letter, modified in the manner I have indicated, I feel confident that a law enforcement system may be evolved in Japan which will satisfy all requirements of public safety, which will provide for the definitive separation of the administrative from the judicial process, and which at the same time will comply meticulously with the underlying principles of the Constitution. In this connection it should be borne in mind that, in the final analysis, police power in the preservation of law and order in a democratic society does not attain its maximum strength through oppressive controls imposed upon the people from above, but rather does it find infinitely greater strength in the relationship of a servant of, and answerable directly to, the people. Thereby, and thereby alone, may it encourage respect for the people's laws through confidence and paternalistic pride in the police as the law enforcement agency of the people themselves.

I am hopeful that the legislation necessary to give effect to these programs in the reorganization of government can be completed in time for consideration at the current session of the National Diet. To such end do not hesitate to call upon this headquarters for any assistance which you believe would be helpful.

Sincerely yours,

DOUGLAS MacARTHUR.

The Prime Minister

Tokyo, Japan.

Declassified E.O. 12065 Section 3/402/ NNDG NO. 775009

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Tokyo, Japan.

September 16, 1947.

Dear Mr. Prime Minister:

I have given careful consideration to your letter of September 3rd and to the plan for the reorganization of the police system submitted therewith. I fully understand your difficulty in reaching an acceptable compromise between the two divergent schools of thought of which you speak -- a compromise which will prove adequately effective to meet the requisites for the preservation of law and order within Japan, and yet at the same time not impinge upon the ideal of human liberty to which the people of Japan are now committed, nor upon that fundamental principle indispensible to a democratic society so aptly stated in the Preamble of the Constitution of Japan, "Government is a sacred trust of the people, the authority for which is derived from the people, and the benefits of which are enjoyed by the people."

I am in full accord with the proposition that the realities of the situation require the maintenance of a national rural police unit to maintain law and order in the rural areas and available to the National Government to meet emergency conditions with which police forces available to the several local governments may be unable adequately to cope, and your suggested increase in the overall authorized police strength to 125,000 men, to provide for such a national rural police meets with my full approval. I am not in accord, however, with the idea of, nor the necessity for, delaying the decentralization of the police power now existing, as I feel that the preservation of that power in its present centralized form is wholly incompatible with the spirit and intent of the new Constitution and inimical to democratic growth.

It has been a dominant characteristic of modern totalitarian dictatorships, as it was in Japan's feudalistic past, to establish and maintain a strongly centralized police bureaucracy headed by a chief executive officer beyond the reach of popular control. Indeed, the strongest weapon of the military clique in Japan in the decade prior to the war was the absolute authority exercised by the national government over the thought

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police and the Kempei Tai, extending down to prefectural levels of government. Through these media, the military were enabled to spread a network of political espionage, suppress freedom of speech, of assembly and even of thought, and by means of tyrannical oppression to degrade the dignity of the individual. Japan was thus in the fullest sense a police state.

It is in recognition of this condition that the police system must be so reorganized as to provide what you so clearly describe in your letter as a "fundamental remedy of the misuse of the police by the state power as in the past." In the achievement of this objective, the potentiality of a police state inherent in centralized control must scrupulously be avoided. It should never again be possible for anti-democratic elements, either of the extreme right or the extreme left, to enmesh the freedom of the people in a web of police terrorism.

This basic objective can best be accomplished by the thorough decentralization of the police system in accordance with the principle of local autonomy embodied in the Constitution. Each city and town should be responsible for the preservation of law and order within its boundaries through its own local police system independent of the central government and headed by a police chief to be appointed and removable by a commission composed of three civilian members appointed by the mayor of the city or town with the consent of the local assembly and holding office for a fixed term of years. At the prefectural level there should also be a corresponding commission similarly appointed which will exercise operational control over the national rural police operating within the boundaries of that prefecture, reserving to the national government administrative authority over such national rural police wherever stationed.

Such a reformation of the Japanese police system would be in consonance with the general pattern of the reorganization of the Japanese governmental structure, integrating police officials and services as agencies of the people at the appropriate levels of government. Action toward such end should proceed immediately upon enactment of the appropriate statute.

The national government should allocate the necessary funds until such time as local financing is possible. So long as it is necessary for the national government to make allocations of funds, the strength of the police in the various localities should remain fixed at the present number, but after provisions have been made for the localities to assume the financial burden, the responsibility for determining the necessary numbers within their respective borders should belong to the cities and towns, in accordance with local requirements.

The necessary legislation should, of course, be enacted at the present session of the Diet. If vigorously prosecuted, I believe that completion of the plan may be accomplished within a period of ninety days thereafter.

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To prevent the resurgence in disguised form of a centrally controlled national police network no channel of command should exist between the national rural police unit and the local police forces, but technical channels of communication should, of course, be permitted in the interest of overall efficiency and to facilitate a relationship of mutual assistance, liaison and coordination. The intervention by the national government into control over prefectural or local police affairs should temporarily be provided for, however, in the event of a national emergency when, upon the recommendation of the National Public Safety Commission, the Prime Minister might assume operational control over prefectural units of the national rural police force, subject to ratification by the Diet within twenty days. In this way the authority of the prefectural governor may be protected against arbitrary police interference by the national government, at the same time affording adequate safeguard for the national interest.

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COPY

as well as for determining questions of amnesty, commutation of punishment, and restoration of rights. To reflect adequately this constitutional separation of powers, it would seem desirable that the Ministry of Justice, within which authority over adjudicative functions has been traditionally intermingled with executive power, be replaced by an Attorney General, sitting in the Cabinet as a Minister of State and serving as the chief legal adviser to the executive branch of the government.

To administer the laws effectively requires the closest coordination between police officials charged with the apprehension of offenders against the national laws, and public attorneys charged with the prosecution thereof. The establishment of an Attorney General's Office with the responsibility of conducting all litigation, criminal and civil, in which the government has a direct interest, and of furnishing all legal advice to the Prime Minister and other Ministers of State in the discharge of their duties, would I believe provide a mechanism for such close coordination, facilitate the faithful execution of the laws, and support the independence of the judiciary as the bulwark of the liberties of the people. Consistent with this concept of an Attorney General, the present Legislative Bureau of the Cabinet can be dispensed with in the interest of governmental efficiency and economy.

Within the framework of the plan outlined in your letter, modified in the manner I have indicated, I feel confident that a law enforcement system may be evolved in Japan which will satisfy all requirements of public safety, which will provide for the definitive separation of the administrative from the judicial process, and which at the same time will comply meticulously with the underlying principles of the Constitution. In this connection it should be borne in mind that, in the final analysis, police power in the preservation of law and order in a democratic society does not attain its maximum strength through oppressive controls imposed upon the people from above, but rather does it find infinitely greater strength in the relationship of a servant of, and answerable directly to, the people. Thereby, and thereby alone, may it encourage respect for the people's laws through confidence and paternalistic pride in the police as the law enforcement agency of the people themselves.

I am hopeful that the legislation necessary to give effect to these programs in the reorganization of government can be completed in time for consideration at the current session of the National Diet. To such end do not hesitate to call upon this headquarters for any assistance which you believe would be helpful.

Sincerely yours,

DOUGLAS MacARTHUR.

The Prime Minister,

Tokyo, Japan.

Declassified E.O. 12065 Section 3/402/ NNDG NO. 775009

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Civil Intelligence Section, G-2
Public Safety Division

APO 500
12 September 1947

MEMORANDUM FOR RECORD

SUBJECT: Report of a conference between Government Section and Public Safety Division, CIS/G-2, re: Japanese Civil Police Forces.

PRESENT: Brigadier General Courtney Whitney, Chief, Government Section.
Colonel Howard E. Pulliam, GSC, Chief, Public Safety Division.
Lt. Colonel Carl Darnell, Jr., Executive Officer.
Mr. Charles Kades, Executive Assistant, Government Section.
Major Wallace H. Smith, Cav Armd, Ass't Chief, Public Safety Division.
Mr. C. G. Tilton, Chief, Local Government Branch, Government Section.
Mr. Frank Rizzo, Special Assistant, Government Section.

1. In compliance with the desires of the Supreme Commander, and in consonance with an agreement between General Willoughby and General Whitney concerning a proposed reply to a letter from the Japanese Premier to the Supreme Commander subject, "Reform of the Japanese Police Forces", a conference was had at 1100 hours, 12 September 1947, to resolve points of difference developed in an exchange of check notes between sections.

2. The results of the conference, together with the points of conflict are as follows:

Point of Conflict No. 1:

Government Section proposed no national police and a breakdown to prefectural and important city level at option of prefectural assemblies.

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Subj: "Report of a conference between GS and PSD re: Japanese Civil Police Forces", dtd 12 Sep 47.

Public Safety Division held to the point of a National Rural Police force.

Result: Government Section conceded to a National Rural Force. No centralized prefectural force.

Point of Conflict No. 2:

Public Safety Division proposed a Ministry of Public Safety.

Government Section opposed the idea of a Ministry on the ground of prestige, little war department and the danger of changing political party influence in the cabinet for power.

Result: Compromised on a Public Safety Commission, 3 members, non-career worthy persons, with staggered terms of four years, directly under the Prime Minister.

Point of Conflict No. 3:

Government Section opposed the idea of local assemblies in cities making the decision as to whether they should operate independent police forces.

Public Safety Division contended this would be the most democratic method of decentralization, leaving the issue at the will of the people.

Result: Agreed on immediate decentralization to all cities of 50,000 or more population, and as rapidly as implementation

Declassified E.O. 12065 Section 3/402/ NNDG NO. 775009

can be effected and maintain integrity of the forces.

Point of Conflict No. 4:

Government Section strongly insisted upon decentralization to towns below the 50,000 population on the ground that they wish to remove centralized governmental influence from the people to as low a level as is consistent and practicable.

Public Safety Division was opposed to such action and stated that they would require time in which to consider the entire matter technically, in order to determine how far decentralization could be carried and preserve the National Rural Police on an effective basis.

Result: Government Section appreciated the police technicalities involved and spheres of activity necessary for a National Rural Force and agreed that the matter be taken under advisement until Monday, 15 September 1947, at which time this point would be discussed and a probable compromise reached.

Following agreement on the latter issue, PSD and GS will jointly prepare the proposed reply of the C-in-C to the Prime Minister's letter.

H. E. PULLIAM
Colonel, GSC
Chief, Public Safety Division

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"Police Reform"
24 Aug 47
#3839

completed

Declassified E.O. 12065 Section 3/402/ NNDG NO. 775009

SECRET

File

G-2, GHQ
INTER - OFFICE MEMORANDUM

(For use within G-2 only)

CIS/PSD/HEP/sm

File No: **Subject:** Police Plan C in C Order **Date:** 10 SEP 1947

FROM: CIS	**TO:** G-2	**PHONE:** 26-5915 **NAME:** Col Pulliam	**Comment Number**

1. Gen Whitney's phone call was explained in detail by Col Bratton on Monday, 8 Sep 47.

2. Revision of the PSD Police Reorganization Plan is re-submitted as directed.

1 Incl
PSD Police Reorganization Plan
in Duplicate.

fr. R.S.B.

11 Sept 47.

1. Gen. W — suggested holding revised PSD plan pending ~~action by~~ G-S on proposed draft of letter, C in C to Prime Minister.
2. It is then proposed to deliver plans and allied papers to C in C. (?) HEP

DECLASSIFIED
DOD Dir. 5200.9, Sept. 27, 1958
NMW by DB date 4/9/64

SECRET

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G-2, GHQ
INTER - OFFICE MEMORANDUM

(For use within G-2 only)

ACTION

File No.: Subject: Date: CAW/3280/mvb 7 September 1947

FROM: Gen Willoughby

TO: Police Plan Conference NAME:

Col Bratton - Action
Col Myers - Info, Col Pulliam-F.U. & Coordinate Action

Comment Number 1.

1. I am not clear what Gen Whitney's phone call yesterday purported. Conference? Unilateral papers? Separate papers? We have only one week, to comply with C in C's order for a joint principle plan.

2. You had better study the details of the Susuki plan: It will appear in the Gov Sect paper, and be prepared to counter the arguments, if any. (Maybe you want to accept it.)

3. Also take your present police plan with some of its technical charts (but not all of its arguments and appendices) and boil it down as "Technical Appendix to Basic PSD Recommendations". Your ideas.

4. Be prepared to present this, in conjunction with Col Bratton, to me, for joint action, at Noon Tuesday. - Advise me re Par 1, Monday.

5. For your info I propose to present your revised study of the Kades-Sususki manipulation to Gen Whitney. I may call on you for further substantiation.

6. In retrospect, I see this business, as follows:
   a - We delayed too long in filing a concrete Police Plan.
   b - Govt Section stepped in via Kades-Susuki.
   c - Protest by PSD via Jap Govt brought on alleged conflict between PSD and Gov Section.
   d - Govt Section will attempt to keep whip-hand, in any event.
   e - Prepare for Gov Sect to attempt to enforce their paper.
   f - Paper that goes up to C in C last chance to present PSD Plan.
   g - Hence this paper must contain some technical data, preferably.
      (1) Draft reply to Prime Minister embodying Principles.
      (2) Appendix to reply to Prime Minister to contain enough of PSD Charts, etc., to make it a real technical plan, which the Govt Sect can not match (unless they crib the copy furnished by us yesterday).
      (3) This will contain the salient features of PSD Plan.
      (4) Stress PSD Plan American Expert views.
      (5) Insert provision for continued technical supervision PSD.

C.A.W.

Col Pulliam-F.U.& Coordinate Action. Col Myers-Info.

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E.O. 12065, Sec. 3-402
NND 775009
By MMille NARS, Date 10-30-79

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
AND
UNITED STATES ARMY FORCES, PACIFIC

ROUTING SLIP

FROM: G-1 DATE: _____ 1947

TO:

Commander-in-Chief		Ordnance	
Aide-de-Camp	✓	Prov Marshal	
Chief of Staff		Pub Relations	
Deputy C of S AFPAC		Quartermaster	
Deputy C of S SCAP		Signal	
Secy, General Staff		Sp Services	
G-1		Transp	
G-2			
G-3		Civ Comm	
G-4		Civ I&E	
Adjutant General		Civ Int	
Antiaircraft		Civ Prop Cust	
Cent Purch		Civ Transp	
Chaplain		Diplomatic	
Chemical		E&S	
Civ Personnel		Gen Acct'g	
Engineer		Gen Proc	
Fiscal		Government	
Hq Comdt		Int'l Pros	
I&E		Legal	
Inspector General		Nat Resources	
Judge Advocate		Public H&W	
Medical		Stat & Rpts	

FOR:

Approval		Note and Return	
Comment or Concurrence		Dist'n Desired	
Information		Signature	
Initials		Dispatch	
Issuance of Orders		Attachment of Reference	
Necessary Action		File	

C A Willoughby

831/5

AFPAC AGO Form No. (14) (1 Jan 47)

Declassified E.O. 12065 Section 3/402/ NNDG NO. 775009

27400

GENERAL HEADQUARTERS

~~UNITED STATES ARMY FORCES, PACIFIC~~

FAR EAST COMMAND

CHECK SHEET

(Do not remove from attached sheets)

File No: Subject: Reorganization of Japanese Police

Note No.	From: DC/S To: C/S Date: 3 Sept 47
1.	1. Herewith is the G-2 study of the reorganization of the Japanese Police which you directed this office (General Peabody) to send you without further study. 2. For your information General Whitney informed General Peabody over the telephone this morning that the C-in-C recently (about 25 Aug) requested the Japanese Government, through the Prime Minister, to submit to the C-in-C the Japanese Government's plan for reorganization of the Police Force. This is confirmed by General Willoughby. aff A. P. F. 1 cy G-2 NOTED. WRH BY C/S

AFPAC AGO Form No. 37

Declassified E.O. 12065 Section 3/402/ NNDG NO. 775009

Reorganization of Japanese Police

DC/S C/S 3 Sept 47

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2. For your information General Whitney informed General Peabody over the telephone this morning that the C-in-C recently (about 25 Aug) requested the Japanese Government, through the Prime Minister, to submit to the C-in-C the Japanese Government's plan for reorganization of the Police Force. This is confirmed by General Willoughby.

- A. P. F. - - - - - - - -

Declassified E.O. 12065 Section 3/402/ NNDG NO. 775009

G-2, GHQ
INTER-OFFICE MEMORANDUM

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(For use within G-2 only)

CAW/wmt 3844

File No: **Subject:** Police Reorganization Plan **Date:** 25 Aug 1947

FROM: G-2 CAW

TO:
Col Bratton Action
Col Duff Follow-up
Col Myers Info

PHONE:
NAME:

ACTION

Comment Number 1

1. This is a very important paper and it contains a very considerable amount of pertinent information. However, on going over it, I find a great number of inconsistencies that would have jeopardized its success in being routed upstairs. I would like to go on record that the type of editorial analysis that I have made should have been made by you, assuming that Col Pulliam failed to note the deficiencies himself. There were a number of very serious deficiencies: To begin with I made a total of eleven (11) inserts-comments some of them of extreme significance, such as the analysis of TAB "C". Equally fatal would have been inclosure 1 to TAB "D", which places Director General under the Home Ministry even though it should have been known, had you followed the evolution of Japanese government, that the Home Ministry is practically abolished. All the charts of TAB "D" must be adjusted especially to show relations to the Prefectural Government with particular reference to the Governor. The fold-out map at the end of TAB "D" will hardly encourage anyone to even look at it. We have standard outline maps.

2. It also seems to me that there is no reason to put in the whole of checknote exchanges of TABS "N, O. & P;" It merely adds to the "bulk" of this paper? Concurrences will show at the front by appropriate initials. How you have arrived at the concurrence is of considerable interest if an argument begins, but not to discourage the readers upstairs with too bulky a document.

3. On the other hand, your present "briefs" to all your TABS E, F, G, H, I, J, K, L, and M, are very good, and might conceivably be used instead of the detailed full text. In fact this present paper could with effectiveness be divided into two (2) smaller folders in which the first (1) one contains the essential arguments as briefed; the second (2) one, the full texts. Experiment along these lines. Send me a second copy of this report (which I returned to you yesterday) so that I can attempt to make such a division.

4. Please try to eliminate the nonconcurrence of the ESS which would strengthen your general recommendation with then only one (1) section nonconcurring in that case. I have checked the ESS comments and think that they are trivial. ESS comments, however, points to a basic defect, namely, that you still have a national central police with a director practically autonomous except through the Prime Minister. I believe that the nonconcurrence of this paper lies in the elimination of authority of prefectural governors. I have warned you that in my conversation with the

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G-2, GHQ
INTER - OFFICE MEMORANDUM

(For use within G-2 only)

CAW/wmt 3844

File No: **Subject:** Police Reorganization Plan **Date:** 25 Aug 1947

FROM: G-2 CAW

TO: **PHONE:**

Col Bratton	Action	**NAME:**
Col Duff	Follow-up	
Col Myers	Info	

ACTION

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G-2, GHQ
INTER - OFFICE MEMORANDUM

(For use within G-2 only)

CAW/wmt/3844

File No: **Subject:** Police Reorganization Plan **Date:**

FROM: **TO:** **PHONE:** **NAME:**

Comment Number	
1 (cont'd)	C-in-C that he is committed to a prefectural police. You are committed entirely to a metropolitan police, i.e., cities of 50,000, or over, are autonomous. This scheme, in my opinion, could well function within the Prefecture in that the Prefecture could assume some supervision over the Metropolitan units (standardization of equipment for example?). Or that all prefectural governors obtain authority over the rural prefectural police. That is the reason why I personally inserted in my edit of your SCAPIN the important sub-paragraph 4-c and d, by inserting the word "governor". In other words the prefectural divisions report to the governor and/or the regional director, or some such scheme. Finally you must everywhere stress that this is the Oleander-Valentine Plan, i.e., a plan by nationally recognized police authorities, who were imported for the express purpose of producing such a plan. Therefore you must modestly eliminate reference to the PSD Plan but rather speak of it as the "Oleander-Valentine Plan" whenever that is possible. That is good psychology. Anything else will create opposition. Finally as stated I have told you that this plan must come from the Japanese Government if you wish to win. It will be defeated if it comes exclusively from you. Incl: Police Reorganization Plan Ebm for C.A.W.

Declassified E.O. 12065 Section 3/402/ NNDG NO. 775009

2590

MEMO FOR RECORD

SUBJECT:

G-2 ACTION

ACTION COMPLETED

DATE

INITIALS

SUSPENSE DATE

3844

DRAFT

DRAFT

HRP-wmt
APO 500
7 Sept 1947

MEMO FOR RECORD:

SUBJECT : Conference, Police Reorganization Plan, 1300 hours, 5 Sept 47, Proposed by Japanese Government to C-in-C.

1. A conference was called by Colonel Wheeler at 1300 hours, 5 Sept 47, in General MacArthur's office.

Present: General MacArthur
General Willoughby
General Whitney
Colonel Bratton
Colonel Pullian

2. General MacArthur outlined in some detail, the broader aspects of the overall Japanese problems of government and the general responsibilities of PSD, G-2 Government Section, in the Japanese public safety - governmental field. General MacArthur stated that he had a letter and proposed police reorganization plan submitted to him by the Prime Minister Japanese Government, at his request. This action was taken on his part because he wanted their views on the structure of the police force since the Japanese Government, would not have an Army or Navy. Also to receive an indication of their thinking on the subject and to show a willingness on the part of SCAP for their participation in the only law enforcement agency available to the Government when occupation troops are withdrawn.

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DRAFT

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DRAFT (Contd)

General Willoughby outlined clearly and at some length the activities of PSD in the police field; of the eminent police experts Valentine-Olander and other police specialists the Supreme Commander requested for study and recommendations on the Japanese Police problems; of other police specialists who have been constantly studing, instructing, educating and initiating democratic reforms among the forces throughout Japan and why the views of all these specialists should be given due consideration in the reorganisation of the Japanese police structure, the only law enforcement agency available in Japan. General MacArthur stated that he was aware of the fact that Japan did and would not have an Army-Navy-Air Force; of the magnificent job PSD has done and is doing in the police field, that no one knows better than I do how well PSD has performed their mission because I have my own source of finding out. He stated further that there was no question as to G-2 PSD authority in the police field or the reorganization of the police forces and other special and technical details concerning police. That the GS contribution was entirely legislative in nature with the broad overall view in government, but there are coordinating aspect that shouod be considered which is primarily the purpose of this meeting.

General Willoughby then proposed that at all meetings involving police matters of specific concern to both G-2 and GS; that no meeting be called without complete representations of G-2 PSD, GS and the Japanese.

To this comment General MacArthur emphasized and reiterated the point

how well PSD has performed their mission because I have my own source of finding out. He stated further that there was no question as to G-2 PSD authority in the police field or the reorganization of the police forces and other special and technical details concerning police. That the GS contribution was entirely legislative in nature with the broad overall view in government, but there are coordinating aspect that shouod be considered which is primarily the purpose of this meeting.

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To this comment General MacArthur emphasized and reiterated the point that he did not want to tie the hands of (Col Pulliam) in the mission he had to perform. That he desired that (Col Pulliam) be free to operate as he has in the past and as he deems desireable and appropriate in the performance of the important task confronting him.

General MacArthur ask if all present had read the proposed plan. All answered in the affirmative.

General MacArthur-remarked what do you think of it?

Colonel Pulliam stated--General, I recommend that we adopt the plan proposed by the Japanese Government with one exception--that the national police force be not placed under the Ministry of Justice--preferably under the P/M, or a new ministry created, Ministry of Public Safety.

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DRAFT (Contd)

In event neither of the above are considered, then in any ministry except the M/J. The reason: It would place in the hands of the M/J an excessive concentration of power over the people, to the extent of arrest, investigation, trial, conviction, sentence and confinement. General MacArthur agreed that such was equal to reign of Louis XIV. Too much power over the people in the hands of one minister. General Willoughby proposed agreement and decide the issue now. The C-in-C preferred that the proposal be gone over by G-2 and GS sections. The C-in-C stated that since the Japanese Government proposes 125000 strength for police that our talk (General Willoughby and C-in-C on 31 Aug) where I suggested 200,000 be held in abeyance that we can increase the strength later.

General Whitney stated that there would be little left in the M/J after reorganization and thought the police would be placed thereunder.

General Whitney stated that he thought PSD wanted an independent national police headquarters etc.--that there was not time element for decentralization etc.

Col Pullian--we prefer control of the national police under the P/M or a Ministry of Public Safety to be created that would have only police matters and a Fire Defense Board, similar to our Board of Fire Insurance Underwriters in Washington D.C.

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That PSD plan sets 1 July 48 as the target date for complete decentralization--that PSD is ready immediately to start decentralization and a pilot plant in Chiba Prefecture on the structure of the National Force.

General Whitney referred to finances, taxation and payment of the police by local public bodies. The C-in-C stated that he could see little or no difference in the general views of both G-2 PSD and GS at the moment. General Willoughby suggested that the issue be settled now. General Willoughby suggested to General Whitney that a conference on this subject follow immediately. General Whitney declined an immediately, after C-in-C conference. Gen Willoughby suggested that he (Gen Willoughby) call Gen Whitney later in the afternoon on a date. General Whitney sated no I will call you.

HEP

END

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
CIVIL INTELLIGENCE SECTION, G-2
PUBLIC SAFETY DIVISION

7 September 1947

MEMORANDUM FOR THE RECORD:

Subject: Analysis of the Prime Minister, Japanese Government's, Police Reorganization Proposal to The Supreme Commander

1. The following comments are made in connection with the Subject plan submitted to the Supreme Commander for the Allied Powers:

a. Par 3, sub-par 2

THIS IS THE GOVERNMENT SECTION'S GS PROPOSAL with little if any modification, and therefore should be the line of departure for an offensive action to secure its adoption. Here are some of its salient weaknesses:

(1) Breaks the national police into prefectural units and provides nothing adequate in the way of decentralization.
(2) Sets up 47 little countries complete with power implements to be used to further their own selfish local and political interests.
(3) Emasculates the central government police power and paves the way for revolution.
(4) Lays the ground for a combination of governors to seize the national power through withholding police support in a vital national issue.
(5) Creates a police structure which could not render timely aid to central governments most elementary internal security needs.
(6) Assumes that local elected governors will
(a) Appreciate and understand national viewpoints.
(b) Rise above selfish political and local interests.
(7) Denies police to all local autonomous bodies except the six special cities of Tokyo, Yokohama, Osaka, Kyoto, Nagoya, Kobe.

b. Par 3, sub-par 3

This is the conservative plan which Mr. Hitotsumatsu voiced in conference at Public Safety Division. It provides the status quo less decentralization to 13 cities of over 200,000. IT HAS ONE GOOD FEATURE WHICH SHOULD BE TRANSFERRED TO THE ADOPTED PLAN, viz:

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(1) Quote - the national police * * * may direct city police in case of guard and protection of the objects of national importance and certain national offenses - Unquote

It is believed this is the plan the Japanese would choose if they were completely free to decide.

c. Par 6, sub-pars 1, 2, and 3 respectively.

This is our plan, but has developed four possibilities subordinate to the central scheme. Comment.

(1) Quote * * * concentrate the national police in the metropolis or several localities * * * Unquote This is out because it conflicts with the Basic Post Surrender Policy prohibition against a gendarmerie or mobile force.

(2) Concerning local police, GOVERNMENT SECTION MAY PRESS FOR Quote * * * two possible ways of establishing the local police * * * either in each prefecture or in each municipality as a unit. Decentralization to prefectural units breaks the national internal security power implement and provides nothing in the way of decentralized local forces.

(3) Sub-paragraph 3 states in part, "national police shall be distributed throughout the country and shall have jurisdiction over the rural districts * * *." IT SHOULD BE MADE CLEAR TO THE JAPANESE that the national police power and jurisdiction must include cities and that the law must so state. Exercise of this power must be restrained by law to the following two exceptions:

(a) When assistance is requested by competent local authority.

(b) When pursuing investigations within the areas of municipalities having to do with law and order and the suppression and detection of crime and apprehension of criminals originating in or affecting the situation in areas under the immediate control of national police.

d. Par 7, sub-par 2

Sub-paragraph 2 states in part, "There shall be established the national police with the maximum strength of 30,000 uniformed police." STRONGLY URGE THAT this provision be amended as follows:

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(1) There shall be established the national police with a strength of 30,000 or not more than 40% of the total police for Japan, either of which is greater.

Since the Japanese proposal lacks a time element, it is necessary to establish a table of phasing approximately as follows:

Decentralization Phase Table

Phase	Population Criteria Cities Affected	Date	Limitations on Police Increase
I	*Over 200,000	Immediate	125,000
II	*Over 150,000	June 1948	130,000
III	**Over 100,000	June 1949	150,000
IV	**Over 50,000	June 1950	200,000

* Mandatory
** City option. Increase in strength of the total number of police in Japan over the 130,000 authorized after June 1948 to be proportionately determined upon the number of cities electing to operate their own police force. This figure would be determined by dividing the authorized increment of increase by the number of cities which would have the option right.

e. Par 8, sub-par 2

A new Ministry of Public Safety should be created to concern itself solely with the National Rural Police and National Fire Defense Board with special machinery for national disasters. Minister to be without portfolio in order to restrain him from becoming a dominant figure in the cabinet. Placing the police directly under the Prime Minister is not vague, as they assert, but appears to be either contrary to their concept of government or is a device of the Justice Minister to gain some argument for control. Proposing a separate ministry will be in consonance with what has come from the preliminary peace conference discussions and will take the police from outside the sphere of control exercised by any other one ministry.

2. From the above analysis G-2 PSD recommends:

a. Give the national police the authority to direct city police in the case of guard and protection of objects of national importance, certain national offenses, and any situation involving national disaster.

b. Place no limitations on national police power when:

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(1) Assistance is requested by competent local authority.
(2) When pursuing investigations having to do with specified national crimes or when such investigations have to do with law and order and the suppression and detection of crime and apprehension of criminals whose operations originate in or materially affect the situation in areas under the immediate control of the national police.

c. The strength of the national police be 30,000 uniformed police and not more than 40% of the total police for Japan, either of which is greater.

d. Set up the phasing of decentralization and corresponding increase in strength formula.

e. Authorize the establishment of a new Ministry of Public Safety concerned solely with the National Rural Police and National Fire Defense Board with special machinery for national disasters headed by a Minister without portfolio.

H. E. PULLIAM,
Colonel, GSC,
Chief, Public Safety Division.

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COPY

PREMIER'S OFFICE

Tokyo, September 3, 1947.

Dear General of the Army,

In accordance with your suggestion made during our conversation on 26 August, 1947, I have the honor to submit in writing the basic reform plan of the Japanese Government on the police system as herein enclosed.

I should be very grateful if you would be kind enough to give your consideration to the plan and advise me of your comments and instructions thereon. I shall be ready to come to receive your instructions any time at your convenience.

Very sincerely yours,

/s/ Tetsu Katayama

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PREMIER'S OFFICE

1. Ever since the formation of the present Cabinet, the Government has been giving a careful study to the police system in order to reform it in consonance with the new situation created by the enforcement of the new constitution, and, as a result of such study, it has recently arrived at a tentative conclusion on the basic principles which will govern the reform. In view of its political significance and bearings on the public peace or military implications, the Prime Minister of Japan wishes to hereby submit the Government reform plan informally and directly to the Supreme Commander for the Allied Powers, with a view to seeking first of all his high opinions on the matter so that the Government may materialise its study in accordance with his directions and recommendations.

2. In the course of its study on the problem in question, the Government has given a thought to the memorandum of the Japanese Government dated 28 February 1947 and the informal suggestions advanced by the sections concerned of the General Headquarters. The Government, however, has strived for the formulation of a reform plan of its own from an independent standpoint, without any of the above restrictions and based on the needs of true democratization of Japan and the necessity to ensure the domestic public peace.

3. Prior to arriving at the present plan, the Government established a special committee within the Cabinet to study the

problem,

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problem, in which two fundamentally conflicting proposals were brought forth.

One of the two aims primarily at the perfection of local self-government and the fundamental remedy of the misuse of the police by the state power as in the past. It is a progressive plan whereby all the uniformed police will be transferred to the six large municipalities and prefectures, leaving to the central government only certain synthetic and technical functions (police schools, finger prints bureau, scientific criminal investigations, police radio communications, special detective corps, etc.) and, only in case of emergency, may the Prime Minister exercise control over the local police within the limitations of law.

The other purports to conserve the national police to a large extent and to place the metropolitan police under the national police, while establishing the police of a local public entity only in cities of over 200,000 population. According to this plan, the national police is not only by far the larger in number but also may direct city police in case of guard and protection of the objects of national importance and certain national offenses. This may be called a conservative plan.

4. Considering that perfection of local self-government is a prerequisite for the democratization of Japan, it is clear that from the political standpoint the decentralization of power is also desirable in the field of the police. Accordingly, the police power should be in principle entrusted with a local

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public entity by rectifying the present system whereby the central government has jurisdiction over personnel as well as organization and operation of the police, while an elected governor is made responsible, within a very limited scope, only to the police administration in the area of his jurisdiction.

On the other hand, however, in view of the fact that the maintenance of the public order in Japan without armed forces is solely dependent on the police force, and that we cannot expect and depend upon the situation of complete occupation by the Allied Forces, especially when we think of a long future, it is deemed too hazardous for the central government to deprive itself of all its own resources to maintain the public safety.

5. After a careful study, therefor, the Government proposes to take the middle course between the above two extreme plans and to pursue a policy allowing the co-existence of both the national and local public entity police. Although delegation of the police power to the local public entities inevitably lacks completeness under this plan, it is our belief that we may improve and eliminate, even under the system of a national police, the situation in which the Japanese police in the past was used as an instrument of the suppression of human rights and the totalitarianism, by a vigorous enforcement of administrative supervision by the Diet, reform in the judicial administrative system, improvement of the police system, discipline and betterment of qualities of police personnel, and the like.

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6. There shall be established the national police with the maximum strength of 30,000 uniformed police. There are two conceivable ways of disposition of the national police, one of which is to concentrate the national police in the metropolis or several localities, and the other is to distribute it throughout the rural districts outside the jurisdiction of the local (city) police as will be stated presently.

On the other hand, there are two possible ways of establishing the local police. It may be established either in each prefecture or in each municipality as a unit, and either one has its advantages and disadvantages.

We should like to adopt here a scheme under which the national police shall be distributed throughout the country and shall have jurisdiction over the rural districts, while the local police shall be established in municipalities.

7. In separating the national police and the local police, a good result cannot be expected by effecting the separation at once in view of the present financial status of local public entities, and, therefore, the transition from the present system to the organization under consideration should be gradually undertaken. We deem it proper to establish the city police in the first instance in large municipalities, say, several cities of over 200,000 population, which are ready financially and otherwise.

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The national police shall gradually be decreased to the total of 30,000 as stated in the above while the local (city) police shall gradually be expanded to include cities of over 50,000 population.

8. The national police shall have the Public Safety Board as the central headquarters and shall be authorized to establish its local headquarters in approximately eight places throughout the country. The Public Safety Board may either be established within the Prime Minister's Office or be placed under the jurisdiction of the Justice Ministry. While there is an opinion which favors the former in order to keep the police free from abuses of extreme party politics and to forestall its emergence as an influential political force in the central government, others maintain that if the national police is to be established it is not appropriate to place the Public Safety Board vaguely under the Prime Minister's Office without making any Cabinet Minister responsible who is in turn responsible to the Diet, since it might result in the preservation of bureaucratic forces.

In the last analysis, it is deemed proper to place the national police under the jurisdiction of a responsible Cabinet Minister other than the Prime Minister.

9. As for the size and equipments of the police, it is our belief that in consideration of the future status of the occupation by the Allied Forces, the police force will have to be sufficient in size and adequate in capacity to maintain the domestic public order on its own resources.

For

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For the immediate future, we hope that consideration be given to increase the total number of police to 125,000, including 30,000 to be retained as the national police as stated in the above.

10. The present plan is concerned with the general police. In addition to this, however, it is needless to say that there are to be economic inspectors, railway patrol guards, customs inspectors and sea control (coast guard) agency as special police organizations under the direct jurisdiction of the central government. Especially on the last agency, it is our sincere hope that consideration be given so that it may be strengthened in near future to maintain appropriate number of vessels and personnel sufficient to cope with its task of maintaining, in complement with the police on land, the public safety on the sea around Japan which is without armed forces.

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One of the two aims primarily at the perfection of local self-government and the fundamental remedy of the misuse of the police by the state power as in the past. It is a progressive plan whereby all the uniformed police will be transferred to the six large municipalities and prefectures, leaving to the central government only certain synthetic and technical functions (police schools, finger prints bureau, scientific criminal investigations, police radio communications, special detective corps, etc.) and, only in case of emergency, may the Prime Minister exercise control over the local police within the limitations of law.

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The national police shall gradually be decreased to the total of 30,000 as stated in the above while the local (city) police shall gradually be expanded to include cities of over 50,000 population.

8. The national police shall have the Public Safety Board as the central headquarters and shall be authorized to establish its local headquarters in approximately eight places throughout the country. The Public Safety Board may either be established within the Prime Minister's Office or be placed under the jurisdiction of the Justice Ministry. While there is an opinion which favors the former in order to keep the police free from abuses of extreme party politics and to forestall its emergence as an influential political force in the central government, others maintain that if the national police is to be established it is not appropriate to place the Public Safety Board vaguely under the Prime Minister's Office without making any Cabinet Minister responsible who is in turn responsible to the Diet, since it might result in the preservation of bureaucratic forces.

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For the immediate future, we hope that consideration be given to increase the total number of police to 125,000, including 30,000 to be retained as the national police as stated in the above.

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Plan for Re-organization of Police

(I) There shall be established an independent city police in a city of the population of above 200,000.

A city police shall perform the police business (including so-called judicial police) within the jurisdiction of the city.

(II) The district outside the jurisdiction of a city police shall come under the jurisdiction of the national police.

As for the national police, the whole country shall be divided into nine districts (Hokkaido, Tohoku, Kanto, Hokuriku, Chubu, Kinki, Chugoku, Shikoku, Kyushu) under the head office, and a local office shall be established in each district and shall exercise jurisdiction over the said district.

(III) Considering the speciality of the capital of the country, there shall be established the Metropolitan Police Board which is organ of national police in Tokyo Metropolis notwithstanding (1).

(IV) City police and national police shall be in the relation of mutual help. But concerning the following business, national police itself may also perform it even in the jurisdiction of city police and direct the latter, if necessary.

(1) Guard and defence of object which is important nationally, such as the Imperial Family, high ranking officials of the central government, foreign envoys, national assembly, central government offices, foreign diplomatic establishments, etc.

(2) Business which needs action which covers wide area going over the area of urban prefectures (fu), prefectures (ken) or cities, such as moving patrol by railway, control on waters, etc.

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(3) Prevention and arrest concerning those to be prescribed respectively by laws, out of the offences against the state and foreign countries (those against the internal safety, the external safety and national intercourse, unlawful assembly, etc.), the cases on which our country is under obligation to foreign countries (those concerning war criminals, control of narcotics, political offenders who have fled, etc.) and those offences which especially require the strictness and unification in the execution of police for carrying out of national policy (for instance, election, control of economic offence, etc.)

(Note)

Local offices of national police or their branches shall respectively be established in suitable cities all over the country and make co-operations, assistances and connections among the city polices (in the district concerned) and between city police and national police; at the same time, they shall maintain and manage the facilities for police communications, criminal indentification, culture of the officials, etc. for the convenience of the police in that district.

(V) In case of natural disaster or other emergencies and if it is needed especially, the mayor of a city where city police is established, may request the national police for its moving for assistance.

(VI) In case of emergency, according to the declaration of the state of emergency by the Cabinet, national police shall have also the charge of the preservation of peace in the jurisdiction of city police. In this case, city police shall come under the

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direction of national police.

(VII) The head office of national police shall be established in the Public Safety Board (Kōan Chō) which belongs directly to the Cabinet. (Besides the said office, in the Public Safety Board there shall be established Fire Bureau (Shōbō Kyoku), Investigation Bureau as well as central establishment for police communications, scientific study of crime, culture of the officials, etc., and Sections and Bureaus for facilities of city police which are in charge of the enactment of standard laws concerning its uniform, service, jurisdiction, etc., the mutual aid of the staff, the use of influence for getting necessary material, etc.)

(Note)

The number of police officers at present minus the number which goes to city police is national police officers.

If the increase of 30,000 is approved, those are distributed properly between national police and city police.

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The List of Cities in the Whole Country

Classification / Do, fu, ken	Six major cities	Cities of the population of above 200,000	Cities of the population of above 100,000	Cities of the population of above 50,000	Cities of the population of under 50,000	Totals
Hokkaido		Sapporo	Otaru, Hakodate	Asahigawa, Muroran, Yubari, Kushiro	Obihiro, Iwamizawa, Kitami, Abashiri	
The Metropolitan Police Board	Tokyo			Hachioji	Tachikawa	
Kyoto	Kyoto			Maizuru	Fukuchiyama	
Osaka	Osaka		Sakai, Fuse	Kishiwada, Suita, Toyonaka	Moriguchi, Kaizuka, Ikeda, Takatsuki, Izumiotsu	
Kanagawa	Yokohama	Yokosuka, Kawasaki		Fujisawa, Kamakura, Odawara	Hiratsuka	
Hyogo	Kobe		Amagasaki, Himeji	Akashi, Nishinomiya	Itami, Ashiya, Aioi, Sumoto	
Nagasaki			Nagasaki, Saseho	Isahaya, Omura	Shimabara	
		3	8	16	17	49

Niigata			Niigata		Nagaoka, Mihara, Kashiwazaki, Takata, Shibata	
Saitama			Kawaguchi	Urawa, Omiya, Kumagai	Kawagoe	
Gunma				Maibashi, Takasaki, Kiryuu	Isezaki	
Chiba			Chiba	Ichikawa, Funabashi, Choshi	Matsudo, Tateyama, Kisarazu	
Ibaraki				Mito	Hidachi, Tsuchiura	
Tochigi				Utsunomiya, Sano	Tochigi, Ashikaga	
Nara				Nara		
Mie				Tsu, Yokkaichi, Ujiyamada, Suzuka	Matsuzaka, Ueno, Kuwana	
Aichi	Nagoya		Toyohashi	Toyokawa, Handa, Ichinomiya, Okazaki	Kasugai, Seto, Tsushima	
Shizuoka			Shizuoka, Hamamatsu	Numazu, Shimizu	Mishima, Fujimiya, Atami	
	1		6	23	23	

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Yamanashi				Kofu		
Shiga				Otsu	Hikone, Nagahama	
Gifu			Gifu	Ogaki	Takayama, Tajimi	
Nagano				Nagano, Matsumoto	Ueda, Suwa, Iida, Okaya	
Miyagi		Sendai			Shiogama, Ishinomaki	
Fukushima				Koriyama, Wakamatsu, Fukushima	Taira	
Iwate				Morioka	Kamaishi, Miyako	
Aomori				Aomori, Hirosaki, Hachinoe		
Yamagata				Yamagata, Yonezawa,	Sakata, Tsuruoka	
Akita			Akita		Noshiro	
Fukui				Fukui	Tsuruga	

1 2 15 17 35

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Ishikawa		Kanazawa		Komatsu	Nanao	
Toyama			Toyama, Takaoka			
Tottori				Tottori, Yonago		
Shimane				Matsue	Izumo, Hamada	
Okayama			Okayama		Kurashiki, Tsuyama, Tamano	
Hiroshima			Hiroshima, Kure	Onomichi, Fukuyama	Mihara	
Yamaguchi			Shimonoseki	Yamaguchi, Ube, Bofu, Tokuyama, Iwakuni	Hikaru, Shimomatsu, Onoda, Hagi	
Wakayama			Wakayama		Shingu, Tanabe, Kainan	
Tokushima				Tokushima	Naruto	
Kagawa				Takamatsu	Marugame, Sakade	

1 7 13 17

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Note: 1. The number of police officers for six major cities is 24,913, that for cities of the population of above 200,000 is 27,883, and that for cities of the population of above 100,000 is 35,120.

2. The population is in accordance with the investigation of population as of April 26, 1946.

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Ehime			Matsuyama		Niihama, Saijyo, Imaharu, Yawatahama, Uwajima	
Kochi			Kochi			
Fukuoka		Fukuoka	Yawata, Omuda, Kokura, Moji	Wakamatsu, Tobata, Kurume, Tagawa	Iizuka, Naokata	
Oita				Oita, Beppu	Nakatsu, Nitta, Saeki	
Saga				Saga	Karatsu	
Kumamoto		Kumamoto			Arao, Yashiro, Hitoyoshi	
Miyazaki				Miyazaki, Miyakonojo, Nobeoka		
Kagoshima			Kagoshima	Kaya	Sendai	
Total	6	7	30	78	89	209 310

2 7 11 15

Note: 1. The number of police officers for six

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DRAFT

September 1947

Dear Mr. Prime Minister:

I have given careful consideration to your letter of September 3rd and to the plan for the reorganization of the police system submitted therewith. I fully understand your difficulty in reaching an acceptable compromise between the two divergent schools of thought of which you speak -- a compromise which will prove adequately effective to meet the requisites for the preservation of law and order within Japan, and yet at the same time not impinge upon the ideal of human liberty to which the people of Japan are now committed, nor upon that fundamental principle indispensible to a democratic society so aptly stated in the Preamble to the Constitution of Japan, "Government is a sacred trust of the people, the authority for which is derived from the people, and the benefits of which are enjoyed by the people."

I am in full accord with the proposition that the realities of the situation require the maintenance of a (DELETE - constabulary) SUBSTITUTE national police force available to the (DELETE - National) SUBSTITUTE Japanese Government to meet emergency con-

order within Japan, and yet at the same time not impinge upon the ideal of human liberty to which the people of Japan are now committed, nor upon that fundamental principle indispensible to a democratic society so aptly stated in the Preamble to the Constitution of Japan, "Government is a sacred trust of the people, the authority for which is derived from the people, and the benefits of which are enjoyed by the people."

I am in full accord with the proposition that the realities of the situation require the maintenance of a (DELETE - constabulary) SUBSTITUTE national police force available to the (DELETE - National) SUBSTITUTE Japanese Government to meet emergency conditions with which police forces available to the several local governments may be unable adequately to cope, ADD = and provide police protection to the rural areas. (DELETE - and) Your suggested increase in the over-all authorized police strength (DELETE - of 30,000) ADD = to 125,000 men, to provide for such a (DELETE - constabulary) ADD = national police force meets with my full approval. I am not in accord, however, with the idea of nor the necessity for delaying the decentralization of the police power now existing ADD to the extent outlined in your letter, as I feel that the preservation of that power in its present centralized form is wholly incompatible with the spirit and intent of the new constitution and inimical to democratic growth.

DRAFT

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It has been a dominant characteristic of modern totalitarian dictatorships, as it was in Japan's feudalistic past, to establish and maintain a strongly centralized police bureaucracy headed by a chief executive officer beyond the reach of popular control. Indeed, the strongest weapon of the military clique in Japan in the decade prior to the war was the absolute authority exercised by the National Government over the ADD = thought police and the Kempei Tai, extending down to the (DELETE - smallest political sub-division) SUBSTITUTE = prefectural levels of government. (DELETE - By single concentrated controls exercised directly under the Home Ministry and the Chief of the Metropolitan Police.) ADD = By controls initially exercised directly under the Justice Ministry and the Chief of the Kempei Tai/ and subsequently extended to the civil police. the military were enabled to spread a network of political espionage, suppress freedom of speech, of assembly, and even of thought, and by means of tyrannical oppression to degrade the dignity of the individual. Japan was thus in the fullest sense a police state.

It is in recognition of this condition that the police system must be so reorganized as to provide what you so clearly describe in your letter as a "fundamental remedy of the misuse of the police by the state power as in the past". In the achievement of this objective, the potentiality of a police state inherent in ADD =

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and the Chief of the Metropolitan Police.) ADD = By centrals initially exercised directly under the Justice Ministry and the Chief of the Kempei Tai and subsequently extended to the civil police, the military were enabled to spread a network of political espionage, suppress freedom of speech, of assembly, and even of thought, and by means of tyrannical oppression to degrade the dignity of the individual. Japan was thus in the fullest sense a police state.

It is in recognition of this condition that the police system must be so reorganized as to provide what you so clearly describe in your letter as a "fundamental remedy of the misuse of the police by the state power as in the past". In the achievement of this objective, the potentiality of a police state inherent in ADD = completely centralized control must scrupulously be avoided. It should never again be possible for anti-democratic elements, either of the extreme right or the extreme left, to enmesh the freedoms of the people in a web of police terrorism.

This basic objective can best be accomplished, in my opinion, by (DELETE - the immediate decentralization of the police system in accordance with the principle of local autonomy embodied in the Constitution.) SUBSTITUTE - "a rigorous enforcement of administrative supervision by the Diet", as you suggest, and a complete revision of the Criminal Code and the Code of Criminal Procedure

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emphasizing clear cut definition of what constitutes a crime and all provisions prescribing the manner in which powers of police shall be exercised. Each (DELETE - prefecture, as well as important metropolitan area,) SUBSTITUTE - city of 50,000 or more population, should be responsible for the preservation of law and order within its boundaries through its own local police system, independent of the central government ADD - except as provided therefore by law in emergency situations and headed by a commissioner to be appointed, and removable, by the chief elected executive official thereof. (DELETE - Thereafter, further) Decentralization of police power down [illegible] to the lower echelons of (DELETE - prefectural) SUBSTITUTE - municipal government should be effected in accordance with the will of the (DELETE - prefectural) SUBSTITUTE - municipal citizenry as expressed through its elected assembly. (DELETE - Such a reformation of the Japanese police system would be in consonance with the general pattern of reorganization of the Japanese governmental structure, integrating police officials and services, as agencies of the people, at the appropriate levels of government.) For this purpose the National Government should allocate ADD - a proportionate share of the necessary funds, ADD - until such time as municipalities are capable of supporting independent public safety forces.

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In order to bring about immediate decentralization of police in urban areas a municipal police law should be enacted at the earliest date, providing for consideration of the subject of independent police by the assemblies of local autonomous bodies at once, in all cities in which the population is 50,000 or more, and providing in detail the powers, responsibilities and jurisdiction of such forces as may be thereunder created.

(DELETE - I am in full agreement with your view that the proposed Public Safety Board, as the agency responsible for all police matters on the national level of government, should be under the jurisdiction of a state minister other than the Prime Minister. I do not believe, moreover, that it should be brought under the

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jurisdiction of the Justice Ministry as has been suggested, as to do so would create an undue concentration of the law enforcement process in a single agency of government. To prevent the resurgence in disguised form of a centrally controlled national police network, no channel of command normally should exist from the Public Safety Board, or other national agency, to the prefectural or metropolitan police, although technical channels of communication in the interest of over-all efficiency should of course be permitted. The intervention of the Public Safety Board into the control over prefectural or metropolitan police forces should temporarily be provided for, however, in the event a national emergency declared by resolution of the Diet renders such action indispensible to the public interest.)

SUBSTITUTE - In view of the extreme importance of the national police as a force for local assistance and maintaining internal security, the devastating character of natural disaster, together with the tremendous annual losses in life and property by fire, in Japan, it is my opinion that a Ministry of Public Safety should be created in the Japanese Government. This Ministry should concern itself solely with the operation of the National police and a National Fire Defense Board which should have channels of command with local agencies of a similar character, in consonance with a

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however, in the event a national emergency declared by resolution of the Diet renders such action indispensible to the public interest.)

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In the past, one of the ill conceived aspects of the Japanese police system was the exercise by police officials of numerous administrative functions not related to the task of investigation and

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apprehension of criminals or the preservation of public order. All such functions should be exercised by non-police representatives of the particular ministry having responsibility for such matters, and wherever proper should be decentralized to local public entities in accordance with the provisions of the Constitution conferring upon such entities "the right to manage their property, affairs, and administration."

Closely related to the law enforcement process is, as you have specifically pointed out in your letter, the subject of reform in the judicial administrative system. Under the Constitution of Japan, the Supreme Court is now vested with the administration of judicial affairs and the rule making power. With the establishment of an independent judiciary, the Ministry of Justice no longer is responsible for the determination of rules of procedure and of practice, the internal discipline of the courts, or other attributes of the judicial process. Moreover, with the diminution of the role of the procurators in the administration of justice and their subordination to the rule-making power of the Supreme Court, the basic attributes of the procuratorial system under the Ministry of Justice have been radically revised.

On the other hand, to the Cabinet, as the executive branch of

Japan, the Supreme Court is now vested with the administration of judicial affairs and the rule making power. With the establishment of an independent judiciary, the Ministry of Justice no longer is responsible for the determination of rules of procedure and of practice, the internal discipline of the courts, or other attributes of the judicial process. Moreover, with the diminution of the role of the procurators in the administration of justice and their subordination to the rule-making power of the Supreme Court, the basic attributes of the procuratorial system under the Ministry of Justice have been radically revised.

On the other hand, to the Cabinet, as the executive branch of the government, is expressly delegated the responsibility for executing the provisions of the Constitution and of the laws enacted by the National Diet, as well as for determing questions of amnesty, commutation of punishment, and restoration of rights. To reflect adequately this constitutional separation of powers, it would seem desirable that the Ministry of Justice, within which authority over adjudicative functions has been traditionally intermingled with executive power, be replaced by an Attorney General, sitting in the Cabinet as a Minister of State and serving as the chief legal adviser to the executive branch of the government.

To administer the laws effectively requires the closest coordination between police officials charged with the apprehension of offenders against the national laws, and public attorneys charged with the

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prosecution thereof. The establishment of an Attorney General's Office with the responsibility of conducting all litigation, criminal and civil, in which the government has a direct interest, and of furnishing all legal advice to the Prime Minister and other Ministers of State in the discharge of their duties, would I believe provide a mechanism for such close coordination, facilitate the faithful execution of the laws, and support the independence of the judiciary as the bulwark of the liberties of the people. Consistent with this concept of an Attorney General, the present Legislative Bureau of the Cabinet can be dispensed with in the interest of governmental efficiency and economy.

Within the framework of the plan outlined in your letter, modified in the manner I have indicated, I feel confident that a law enforcement system may be evolved in Japan which will satisfy all requirements of public safety, which will provide for the definitive separation of the administrative from the judicial process, and which at the same time will comply meticulously with the underlying principles of the Constitution. In this connection it should be borne in mind that, in the final analysis, police power in the preservation of law and order in a democratic society does not attain its maximum strength through oppressive controls imposed

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Within the framework of the plan outlined in your letter, modified in the manner I have indicated, I feel confident that a law enforcement system may be evolved in Japan which will satisfy all requirements of public safety, which will provide for the definitive separation of the administrative from the judicial process, and which at the same time will comply meticulously with the underlying principles of the Constitution. In this connection it should be borne in mind that, in the final analysis, police power in the preservation of law and order in a democratic society does not attain its maximum strength through oppressive controls imposed upon the people from above, but rather does it find infinitely greater strength in the relationship of a servant of, and answerable directly to, the people. Thereby, and thereby alone, may it encourage respect for the people's laws through confidence and paternalistic pride in the police as the law enforcing agency of the people themselves.

I am hopeful that the legislation necessary to give effect to these programs in the reorganization of government ADD = and the police reform can be completed in time for consideration at the current session of the National Diet. To such end do not hesitate to call upon the (DELETE - appropriate agencies of this headquarters

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for any assistance which you believe would be helpful) ADD = Public Safety Division, CIS, G-2 for technical advice and assistance concerning police matters and the Government Section regarding legislation and governmental reform.

Sincerely yours,

DOUGLAS MacARTHUR

The Prime Minister,
Tokyo, Japan.

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The Prime Minister,
Tokyo, Japan.

Declassified E.O. 12065 Section 3/402/ NNDG NO. 775009

1950

CONFIDENTIAL

Memo from Col Pulliam on "Democratic Stable Government and Internal Security Power Implements"

CIS/PSD/HEP/sm
30 Aug 1947

CIS G-2 26-5915
Col Pulliam

1. It is believed that paragraphs 12 and 13 added to original paper definitely ties this paper to police reorganization and current problems. 3

2. Suggest your signature block on the paper and that it be forwarded direct to C-in-C and C of S with information copies only to interested SCAP staff sections. Reasons:

a. Two schools of thought exist in regard to police power upon which a decision should be made. The C-in-C can make that decision.

b. GS would only delay the paper if circulated for reasons of self interest.

2 Incl
1. Memo: Democratic Stable Govt & Internal Security Power Implements (Unclassified).
2. Brief of Incl 1 (Unclassified).

R.S.B.

PSD FILE CIS/PSD/HEP/sm HEP

DECLASSIFIED
DOD Dir. 5200.9, Sept. 27, 1958
NMW by NNG date 6/9/64

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CONFIDENTIAL

Declassified E.O. 12065 Section 3/402/ NNDG NO. 775009

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Civil Intelligence Section, G-2
Public Safety Division

APO 500
5 August 1947

MEMORANDUM:

SUBJECT : Democratic Stable Government and Internal Security Power Implements

1. The purpose of this paper is to point out to proponents of complete decentralization of government the impracticability of universal application of such a principle. Also, that full consideration should be given all factors to include the years of recorded historical precedent in states government before final judgement is made to deny Japan the proper internal security power implements.

2. The post war surrender policies adopted by the Far Eastern Commission state in part as follows:

a. "Japan is not to have any army, navy, airforce, secret police organization, gendarmarie, or any civil aviation, but may have adequate civilian police forces".

b. "The judicial, legal and police system shall be reformed as soon as practicable to conform to the policies adopted by the FEC, and it shall be the duty of all judicial, legal and police officers to protect individual liberties and civil rights".

c. "According to the judgement and discretion of the Supreme Commander the Japanese Government may be permitted to exercise the normal powers of government in matters of domestic administration".

3. Government Means Power

a. The basic functions of government are simple in essence and are characterized in most states in a three

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3. Government Means Power

a. The basic functions of government are simple in essence and are characterized in most states in a three compartmented structure as LEGISLATIVE, JUDICIAL and EXECUTIVE. These expressions broadly define the powers which people in modern democratic states have found it expedient to delegate to government, for the purpose of relieving the people of those responsibilities which must be provided for, in order that individuals may pursue their normal vocations without undue fear of oppression or violation of individual rights and liberties.

b. In order to establish and perpetuate representative government, it is necessary that the form of government, laws and activities by which the people are governed, be determined and crystalized in a basic document usually termed a Constitution. Implementation of the basic principles thus established come under periodic scrutiny by elected representatives of the people. These activities are known generally by the term "politics". All forms of government involve politics. The words GOVERNMENT and POLITICS are inseparable, and by the same token, the words GOVERNMENT, POLITICS and POWER bear great analogy each to the other.

Encl 1

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Encl 1

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Memo, subj: "Democratic Stable Gov't & Internal Security Power Implements", dtd 5 Aug 47.

c. States and governments exist to exert power for the maintenance of order, the administration of justice, the defense of the community against aggression and the government against violent usurpation of its delegated power.

d. In theory, democratic governments always use delegated power solely for the best interests of the governed. One of the major premises in a syllogistic attack on Communism is that the communist state does not use power for the best interests of the governed. The democratic concept of good in government can only mean good for individual liberty and happiness. The communistic concept of good in government means only good for the state. But that power, be it little or great is always in government and will be used toward some end, be it good, bad, or indifferent. In every state the government is strong or weak. In the world at large there are Major Powers and Minor Powers. In each state and in the world at large is a stable balance of power or an unstable balance of power or no balance of power at all. But there is always power. POWER NEVER VANISHES. IF A STATE DOES NOT CHOOSE TO RETAIN OR WIELD THIS POWER, SOME FACTION OR GROUP WILL.

4. Forces of Democracy

a. Modern economic life involves group struggle in any sovereign state. Sharecroppers against landowners, farmers against milk distributors, industrial unions against trade unions, labor unions against employers, industrial corporations among themselves and in recent years, unions against government. Such strife is one of the basic aspects of life and an element of all relations between individuals, groups and states. A world without struggle or a country without struggle would be a world or a country in which life had ceased to exist. An orderly world or an orderly state is not a world or state in which there is no conflict, but one in which strife and struggle are led into political and legal channels and away from the clash of arms. In effect, transferred from the battlefield or labor front to the council chamber and the courtroom.

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4. Forces of Democracy

a. Modern economic life involves group struggle in any sovereign state. Sharecroppers against landowners, farmers against milk distributors, industrial unions against trade unions, labor unions against employers, industrial corporations among themselves and in recent years, unions against government. Such strife is one of the basic aspects of life and an element of all relations between individuals, groups and states. A world without struggle or a country without struggle would be a world or a country in which life had ceased to exist. An orderly world or an orderly state is not a world or state in which there is no conflict, but one in which strife and struggle are led into political and legal channels and away from the clash of arms. In effect, transferred from the battlefield or labor front to the council chamber and the courtroom.

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b. Groups which operate within the state must conduct their external policy within the limits of the permissible methods. IN THEORY THE STATE RESERVES TO ITSELF THE LEGAL MONOPOLY OF PHYSICAL FORCE, and only those forms of coercion which are free from physical violence are permitted internal opposing groups. When we accept the theory that physical violence among opposing democratic forces within the state is to be prohibited, we admit the necessity for a preponderance of power in the state government. Such preponderance of power among nations is THE BALANCE OF POWER. The treaty of Westphalia, 1648, which brought to a close the Thirty Years War, defined this as the modern state system, based upon the Balance of Power concept between nations. It was not a new concept. Hammurabi was fully aware of these potentialities within and without the state when he established the Babylonian Empire. That there must be a balance of power within the state is basic. That the government should wield the balance of power within a democratic state is irrefragable.

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Memo, subj: "Democratic Stable Gov't & Internal Security Power Implements", dtd 5 Aug 47.

c. A government with delegated powers presupposes a MEANS OF ENFORCING THIS POWER to express the will of the people as conceived by the Legislative Body, interpreted by the Judicial Body, and enforced by the Chief Executive.

5. Balance of Power Within the State

a. The delegation of power to the state requires checks and balance against abuse. Democratic peoples have been so reluctant to delegate the NECESSARY POWER IMPLEMENTS to their government that they have been frequently very vulnerable from within and from without. In the case of the First French Republic the people emasculated the police power of their government to such an extent that they destroyed it. In the case of the United States, the first Washington Administration was hailed by many world powers as evidence of the republic's forthcoming failure. The first Federal administration actually demonstrated the necessity for power and implements of power in the central government.

b. The mandate of power delegated to government by the people of a state, or to the international state by sovereign nations, is useless if no device is created to assist the Executive Group to enforce the will of the people or the will of the nations. This implement of government is POLICE POWER. History does not reflect that any government has endured without police power consisting of forces organized and available for use under the chief executive. As surely as WAR lurks in the background of the international scene, Revolution lurks in the background of the domestic scene. There are few European or Asiatic countries where, at some time during the past thirty years, potential revolution has not been an important factor in politics.

6. Historical Examples of Power Implements and Their Employment in Government

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6. Historical Examples of Power Implements and Their Employment in Government

a. History is replete with examples of failure and success in national and international scenes which were dependent upon the recognization and enlightened employment of power implements within states and between nations. Analysis of the success of the weak states of the Tigris-Euphrates Valley, who preserved themselves through centuries by recognizing and implementing the principle of power and power implements in government. The failure of the Delian and Peloponnesian Leagues to recognize this principle in dealing with the menace of Macedonia caused Carthage, Egypt and Macedonia to fall to Rome. Genghis Kahn in China; the initial success of Caesar Borgia against the Italian States; the dominant position of the House of Hapsburg under Charles V; Napoleon, Kaiser Wilhelm II, Lenin, Mussolini and Hitler in their march to power, all furnish enlightening evidence of the importance of adhering to sound established principles history has recorded through centuries of experience.

b. The classical story of all time, and one that has had far reaching effects upon the history of peace

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among nations, is that of the League of Nations. Conceived by idealists who closed their minds to the realities of the practical world in which they lived. The effort pursued a course which historical experience indicated was foredoomed to failure. Had the idealists been not so overmuch given to mawkish sentimentality over the individual rights of man, a basic error of the French philosophers, or had they been more lucid of the practical considerations in a world of eternal conflict, they could have created an enduring edifice for world peace. At the time of creating the League of Nations and during its early history when it was still expected that the new organization may develop into an important agency of international government, there were many struggles for control between the large and the small powers and competition between individual states for seats in the council and on the important committees. It appeared for a while as if the struggle for power on the battlefield might in fact, be transformed into a struggle for power in the council room. When it became clear, however, that the council room was merely a place for deliberation and the League only a forum for debate, interest began to deteriorate. IT WAS FUTILE TO TRY TO CONTROL A GOVERNMENT THAT HAD NO IMPLEMENT OF POWER.

7. Power Implement for the United Nations

a. General Marshall, Secretary of State for the United States, is striving to save the United Nations from the ignominous fate of the League of Nations by providing A WORLD POLICE FORCE under the direct control of the United Nations Security Council. Soviet Russia seeks to prevent the organization of such a formidable implement of power. Such a course would interfere with the communist tactics of infiltrate, alienate, divide and conquer procedure. They prefer such implements of power to remain under control of the local autonomous nations where this power cannot be employed without time consuming maneuver.

b. The communist saboteurs in the United Nations

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b. The communist saboteurs in the United Nations are employing the same technique which they have evolved for procedure within a sovereign state. In the former as in the latter they disrupt the central government coordinating unit and deny, destroy or wrest from it the police power. A government thus weakened finds itself unable to prevent the usurpation of its authority and power by these organized militant minorities and are surprised and appalled through the ruthless methods in which even the most primitive virtues are entirely absent.

8. Power Devices Within Democracies

a. The essential difference between the international community and the national community as conditioning environments for group behavior, is the absence in the former of a governmental organization capable of preserving order and enforcing law.

b. The power implements of a democratic state are essentially the same as those within any state. The chief executive in a democratic state cannot employ the

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major implements of power in war without consent of the legislative branch. Major implements of national power are Army, Navy and Militia. Minor implements of power, employed constantly for internal security and the maintenance of law and order, consists of the civil police forces of all echelons of government. The trend in the U.S., brought about by necessity for additional Federal police, has made increases so enormous that it has been thought expedient to refrain from disclosing the actual number.

c. Recourse to power implements by the Federal Government in United States has occurred more and more frequently within the past decade. This is due to the opposition forces flowering into full strength in an adult republic. Labor unions and every other group within the democratic state devote themselves not merely to the pursuit of their objectives but also the constant improvement of their strength. Should any of the groups become so preponderantly strong that they could successfully oppose the will of the people expressed through the government, they would thereby gain the balance of power and become, in fact if not in word, the government.

9. <u>An Example of Power Group Defiance of Government</u>

a. In the United States the labor unions have become predominately stronger under the pro-labor policies of the Roosevelt Administration. Members of the Comintern, recognizing in the mushroom growth of the Congress of Industrial Organizations, a device which could be used to overturn the balance of power within the state, infiltrated the organization in force. The result, the forces which were carefully built up during the years of World War II, has been open defiance of the central government. The Federal Government, finding its laws inadequate to fully maintain the balance of power, passed the Taft-Hartley Labor Law designed to curb and control generally the power of labor unions by increasing its own power of maneuver. Should the unions succeed in defying the central govern-

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10. Basic Premises Deduced from Human Conduct Patterns Considered

a. The following premises deduced from study, research and analysis of the historical record of government and people, appear to be basic in concept, pertinent and applicable in regard to the weight that should be given internal security implements in formulating a stable democratic government:

(1) Government is power designed to regulate the affairs of human conduct.

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(2) The balance of power concept has been the recognized working hypothesis upon which the relations within the state and between major powers has been conducted since the Treaty of Westphalia, 1648.

(3) The principle failure of the balance of power concept has been due to the fluctuating strength of nations involved (productivity and armed potential) which overturned the existing balance.

(4) That the balance of power concept is applicable and practical to peaceful control of opposing forces within a democratic state.

(5) That the balance of power within the state is constant since it rests in the government and is not dependent upon a system of bi-lateral or uni-lateral treaties.

(6) A Democratic Government is the controlled essence of delegated regulatory power stemming from the people. If the government is to endure it must hold the balance of power sufficiently implemented to enforce the will of the people regardless of the desires of any minority group or combination of groups within the state, which represent less than a majority of the adult franchised citizens of the state.

b. Conclusion:

THE BALANCE OF POWER WITHIN A STATE IS PROPERLY VESTED IN THE GOVERNMENT WHICH CANNOT ENDURE WITHOUT INTERNAL SECURITY POWER IMPLEMENTS.

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11. Japanese Government

a. The above conclusion is basic in principle and applicable in the formulation of a stable government and the democratization of Japan. It is obvious from the adopted policies of FEC that there is no intent to limit the initiative of the Supreme Commander for the Allied Powers in determining the civilian police forces adequate for a democratic Japan.

b. Plans for reorganization of the Japanese police force have been developed on the presumption that it is the intent of the Supreme Commander for the Allied Powers to establish enduring democratic government in Japan. These plans steadfastly hold to the basic needs for adequate law enforcement, a stable government and an implement for internal security.

c. Recommendations

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(1) THAT THE APPLICABILITY OF THE BALANCE OF POWER CONCEPT TO THE DEMOCRATIC STATE STRUCTURE OF JAPAN BE RECOGNIZED AND APPLIED.

(2) THAT THE DEMOCRATIC STATE GOVERNMENT OF JAPAN BE PROVIDED WITH AN ADEQUATE INTERNAL SECURITY POWER IMPLEMENT.

12. The above analysis has a direct bearing upon the composition of future Japanese police forces. Therefore, it is of vital importance that this analysis be considered and given due weight before decision is announced as to whether or not basic principles incorporated in PSD Police Reorganization Plan will be followed. The situation has developed two schools of thought, viz:

a. Decentralization of the police to prefectural level is a necessary adjunct to democratization of Japan. The central government cannot be permitted to have direct control over the civil police forces; that all law enforcement controls, both local and national, should be delegated to prefecture and below in consonance with Japanese law concerning Local Autonomy (Diet Law No. 67, 17 April 47).

b. Decentralization of the police force should be accomplished through severance of municipal forces from the national force. That the residue of the national force plus a reasonable increase, should constitute a National Rural Force under control of the Prime Minister. That the national government must have an internal security power implement if the nation is to endure.

13. This paper explains fully the concept upon which the PSD, CIS, G-2, Police Reorganization Plan has been developed.

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