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CONTROL OF ULTRANATIONALISTS

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CONTROL OF ULTRANATIONALISTS

INTRODUCTORY STATEMENT

The removal of active exponents of militarism and undemocratic elements from important positions in the public life of Japan was completed, essentially, by May 10, 1948. As General Whitney pointed out, however,^{*/} the purge was a continuing program for which the Japanese Government would be held responsible.

The two and one-half year period covered by this review (October 1, 1948 - April 12, 1951) was a period of ensuring that undemocratic elements did not return to power. There were three distinct aspects of the program: observation of purgees to prohibit their return to positions of public leadership; investigation of organizations and dissolution of remaining ultranationalist societies to block resumption of undemocratic activities; and exclusion and removal of undemocratic leftist leaders and dissolution of undemocratic leftist organizations.

In the following review, events typical of the period are described generally in chronological order to demonstrate the fact that while there were three different aspects, all three were overlapping and related, and all were embodied in one program.

As the Section assigned staff responsibility for all matters relating to the removal and exclusion of Japanese personnel from national and local elective and appointive posts and influential political and economic positions,^{**/} Government Section continued surveillance of the Japanese agencies concerned. Reports of observations of Purgees and investigations of organizations conducted by the Special Investigating Bureau of the Attorney

^{*/} See Political Reorientation of Japan: September 1945 to September 1948. Report of Government Section, Supreme Commander for the Allied Powers. 2 Vols., quarto. Washington: Government Printing Office: 1949. pp.44

^{**/} See Ibid., pp. 796-798

General's Office;^{*}/ results of screening of applicants for public office by the Inspection Section of the Prime Minister's Office;^{**}/ and recommendations of the Public Office Qualification Appeal Board were studied. Advice was offered, and in a few cases, instructions were issued to keep the Japanese Government's policy and practices in line with the Directives forwarded to SCAP by the Department of the Army.^{***}/

On November 4th, 1948, the Director-General of the Cabinet Secretariat urged General Whitney to exclude local branches of the Foodstuff Distribution Public Corporation (SHOKURYO HAIKYU) from the list of public offices. He explained that most of the employees were experienced men and were needed to carry on the business efficiently. A government-owned food distributing organization, the Kodan's central office and prefectural branches had been recognized as public posts since the purge began. Exclusion of its branch offices was not consistent with either the intent or the letter of SCAPIN 550.^{****}/

That the Government requested the positions be excluded was not especially significant in itself. The fact that this was followed by other requests for modification of the purge, and had been preceded by many other such requests--and sometimes by actual acts which through design or chance tended to circumvent the spirit of the program--was important.

Such attempts to qualify and failures to comply with the provisions of the purge began soon after SCAPINS 548 and 550 were issued on January 4, 1946. Each drew a swift corrective action from either the Supreme Commander himself or from Government Section. Two instances appeared as

^{*}/ For duties of SIB, see Ibid., p. 81

^{**}/ Beginning May 11, 1948, the Inspection Section assisted the Prime Minister in the routine check of eligibility of applicants and nominees for public positions.

^{***}/ See Ibid., for a discussion of the Directives to SCAP, pp. 10-14.

^{****}/ For an analysis of SCAPIN 550, see Ibid., pp. 11-16.

early as May 1946: one, when thirty members were appointed to the House of Peers without having been screened, and SCAP nullified the appointments within a matter of days;^{*/} another, when the Japanese Government failed to purge HATOYAMA Ichiro, and SCAP ordered his designation.

HATOYAMA had been Chief Secretary of the Tanaka Cabinet from 1927 to 1929. As such, he shared responsibility for the formulation and promulgation without Diet approval of amendments to the so called Peace Preservation Law which made that law the government's chief legal instrument for the suppression of freedom of speech and freedom of assembly, and made possible the denunciation, terrorization, and seizure, and imprisonment of tens of thousands of adherents to minority doctrines advocating political, economic and social reform, thereby preventing the development of effective opposition to the Japanese militaristic regime. Because of this responsibility and for other reasons, SCAP declared, "The Japanese Government having failed to act on its own responsibility, the Supreme Commander for the Allied Powers has determined the facts relative to HATOYAMA's eligibility and finds that he is an undesirable person within the meaning of paragraphs 1 and 3 of Category "G", Appendix "A", SCAPIN 550."

Accordingly, SCAP ordered, "In view of these and other considerations not herein recited, the Imperial Japanese Government is directed to bar Ichiro Hatoyama from membership in the Diet and to exclude him from government service pursuant to SCAPIN 550." This was one of the first "Memorandum Cases". There was a final total of 73 such cases.

Two more incidents appeared in June 1947. The first, when the Prime Minister began a campaign designed to ease the BUTOKU KAI purge and General Whitney exacted personal assurances that the program would be accomplished within the letter and the spirit of SCAPIN 550. The second, when it was discovered that purge KABAYAMA Aisuke had not been removed from office.

^{*/} See Ibid., p. 25

^{**}/ For details of this campaign, see Ibid., pp. 67-72

in spite of the fact that GHQ had specifically ordered his removal by a memorandum to the Central Liaison Office ten months previously, and General Whitney directed the Japanese Government to take immediate action, causing KABAYAMA to be purged on June 14, 1947.

Through ignorance of the law or by design, many purgees violated the provisions of Imperial Ordinance No. 1 of 1947, and many organizations acted contrary to the provisions of Imperial Ordinance No. 101 of 1946. Enforcement agencies were hampered by the lack of experienced personnel.

In addition: Japanese Screening personnel and Government Section reviewers sometimes varied in their decisions on particular cases because of the translation of entries in the questionnaires; new offices were created from time to time, which made the list of public offices in the ordinance incomplete; and observation of the activities of 200,000 purgees--for some of whom there were no addresses--was such a large operation as to be almost impossible.

By late 1947, members of Government Section had realized that there must be established a separate Japanese Government Agency--staffed by a sufficient number of trained employees and backed by not only Imperial Ordinance No. 1, but also by a clearly stated and enforceable ordinance implementing SCAPIN 548--to ensure compliance with the purge requirements.

Some corrective action was taken during 1947 by the Japanese Government, but guidance of the program was still required during 1948. For instance, during 1947:

It was specifically provided, from the beginning, that where the English and the Japanese version of answers to questionnaires varied, the English version would prevail. To reduce the chance of discrepancies between the two, questions in Kanji were rephrased to call for more specific and concrete information.

Imperial Ordinance No. 101 of 1946 was amended in an effort to clarify its provisions.*/

*/ See pp. 20-22

Ordinances were promulgated which were intended to facilitate control of purgees. Such included the one which authorized the Prime Minister to ask persons filling out questionnaires to explain facts and to present material for examination in case of need; and the one which, to facilitate the observation of movements of purgees, required each purgee to register his address and occupation with the mayor's office.

As new public offices were established, the list in Appendix II of the ordinance implementing SCAPIN 550 was amended as promptly as possible. Additions included: International Electric and Communications Company, Ltd.; Japan Cable and Telephone Construction Company, Ltd.; Nippon Ocean Dragnet Marine Product Association; positions in the district, city, town and village Chiefs of Police, Chiefs of Education, and Chiefs of Fire Brigades, as well as commissioners of commissions and committees established by law; positions in the Reconstruction Finance Bank; offices of Federations of Agricultural Cooperative Associations and in the Fishing Industry Cooperative; and offices in the Land Improvement District or League of Land Improvement Districts.

Announcements were released to the press, and the amendments were made to the ordinances to clarify certain provisions i.e., the Government issued a press statement to the effect that purgees who remained as the behind the scene brains or leaders of political parties, or continued to engage in political activities were not complying with the ordinances;^{2/} the Chief of the Special Investigation Bureau clarified the limitations on purgees in the Public Information field. He declared that purgees could not criticize the political, economic, social or cultural policy of the Government; could not contribute writings for the organ newspapers or magazines of political parties or other political organizations; could not write editorials for newspapers; and could not write recommendations for candidates at the time of elections; and Cabinet Order No. 288 of 1947

^{2/} Asahi Shimbun, Tokyo, February 23, 1947

explained that purgees were prohibited from "Frequenting the place of the last position which was designated as public office under the provisions of Article 11 that he occupied subsequent to July 7, 1937; from which he retired or which he forfeited; or the offices of the government entity, company or other organization in which he held a position that caused his designation."

Finally, competent enforcement agencies were set up. Law No. 193 of 1947 authorized the establishment of the Special Examining Bureau on February 15, 1948 and charged it with "Matters concerning the prohibition from formation and the dissolution of organizations of any type, in accordance with the provisions of the Imperial Ordinance No. 101 of 1946and matters concerning the investigation of activity, etc. of persons who have been designated as falling under the provisions of the Memorandum in accordance with the provisions of the Imperial Ordinance No. 1 of 1947".

During 1948; On February 4, 1948, General Whitney found it necessary to advise the Chief Justice:

"This will confirm our conversation of even date wherein I pointed out that removal of undesirable persons from public service is required by Directive of the Supreme Commander of January 4, 1946, that the machinery and procedures for its implementation have been established with the approval of the Supreme Commander; that the Prime Minister is directly responsible to the Supreme Commander for all action taken pursuant thereto; that the Supreme Commander, while leaving these matters general to the governmental process, reserves his inherent authority to intervene in any stage of any proceeding thereunder; and that as a consequence the Japanese courts are without jurisdiction over any removal or exclusion proceedings in implementation of the aforesaid Directive."

Also during 1948, in line with General Whitney's statement that the Allied Powers would continue to hold the Japanese Government responsible

for carrying out the provisions of the purge.^{*/} Government Section held a conference (March 25) with the Japanese officials concerned with the program. During that session, it was pointed out that although all policy groups engaged in the administration of the purge would cease to exist after May 10th, 1948, the Government should make provision for screening questionnaires of all new applicants for public service posts, and undesirable organizations should still be added to those listed under SCAPIN 548.

The dissolution of those policy groups was the basis for many mistaken rumors which began to circulate among the Japanese people. One rumor held that important purgees were exempted from the injunctions contained in the purge ordinance. Another, that purgees--if they were important enough--could engage in politics despite the fact that their action violated the purge ordinance. A third, that the purge was over, and that the ordinance could be violated with impunity.

These rumors gained veracity from the fact that prosecution of violation cases was slow, and that the various agencies of the government were not cooperating in the enforcement of the ordinance. Typical of this lack of cooperation was the condition which came to light on May 5, 1948. In order to ascertain that the requirements of Paragraph 13 of WEC 017/21** had been effected, Government Section asked for a statement from the Government that all ex-career officers had been removed from public office. On May 5th, a Japanese official reported that the Government could not truthfully make such a statement as there were actually some such persons in unofficial positions in the government service. He said that theretofore they had not been regarded as occupying public posts and that they had not been the subject of investigation. Another official admitted that

^{*/} See Introductory Statement

^{**/} See pp.

there was "considerable obstruction on the part of the Government" in regard to the removal of these officers.

Moving to counteract the rumors, and to effect cooperation between the agencies, Government Section called a conference of all personnel concerned on May 27, 1948. Present were the Attorney General, Representatives of the Cabinet and of the Central Liaison Office, officials of the Special Investigation Bureau and of the Screening Committee and of the Appeal Board. The rumors were discussed, then the officials were advised that the Japanese Government should give priority to enforcement of purge injunctions and that in the expeditious handling of such cases, the Government would be showing its faith in its acceptance of the Potsdam Declaration and SCAP's Directives. As a result, all present pledged wholehearted cooperation, and--in June 1948--the Supreme Court drafted a rule designed to speed the trial of persons violating the provisions of Imperial Ordinance No. 1 of 1947. "The Court shall conduct the trial of these cases prior to all other cases, regardless of order of the cases," proposed the Court. "In the Court of First Instance or the Court of "Koso" Appeal, the date of the first session of public trial, shall be appointed at the time within ten days of the day of instituting a public action or receipt of a record of proceedings transferred."

In 1948 also, one of the principal problems in the enforcement of SCAPIN 548 was solved with GHQ guidance. That was the problem of handling the impounded property of dissolved organizations. SCAPIN 1868--issued March 1, 1948 instructed the Government that all funds accruing through the sale of this property would be credited to the Japanese Government's foreign trade yen account and utilized for the implementation of the import-export program.*/

Cabinet Order No. 238 of August 19, 1948--the implementing Ordinance--incorporated these provisions of Imperial Ordinance No. 101 which were

*/ See Ibid., pp. 77-79

concerned with the custody of the property, and set down specific provisions for the custody and disposition of such property. To enforce this Cabinet Order, the Attorney General's Office Ordinance No. 55 (August 31, 1948) provided that the Attorney General should serve a writ of delivery to persons holding such property, and that holders of property should deliver said property to the prefectural governor. It also provided for methods of accounting for property so delivered. Later, in October, another ordinance set up a sales commission to dispose of this property, and outlined terms and conditions for sales. In 1948, too, the one thing which more than any other imperiled the purge program occurred on February 26, that part of the Prime Minister's office which housed the Public Office Qualification Examination Committee was destroyed by fire. A terrific wind had whipped up the flame. The city water supply had failed. Except for 500 questionnaires which were out of the files pending action by the Committee, all papers in the secretariat burned. Only the fact that Government Section had required previously that duplicate questionnaires of Diet members, Governors, and other more important personages (totalling 32,000) and duplicate master cards of those screened in prefectural committees be turned in to GEM prevented the record of all work of the Central Committee from going up in flames. After the Central Committee's files had been replaced, Government Section required the Japanese Government to prepare a "fire plan" to insure that there would be no future "acts of God" to delay the program.

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CONTROL OF ULTRANATIONALISTS DURING PERIOD OCTOBER 1, 1948 THROUGH
DECEMBER 30, 1950

1. Local Offices of Food Distribution Kodan included in list of
Public Offices (November 13, 1948)

On November 13, 1948, Government Section rejected the request that positions in the local offices of the Food Distribution Kodan be excluded from the list of public offices just as all attempts to modify or circumvent the purge directives were rejected.

From the beginning of the program, it was held that the provisions of SCAPIN 550 could not be changed. It was maintained that SCAPIN 550 had been written in accordance with the directives forwarded by the Department of the Army to SCAP, and that any change in SCAPIN 550 would result in non-compliance with those directives. In this attitude, Government Section had the backing of both General MacArthur*/ and the Department of the Army, as well as of the Far Eastern Commission.**/

*/ See General MacArthur's statement of Purge policy (June 5, 1950)

**/ The Far Eastern Commission's BASIC POST-SURRENDER POLICY FOR JAPAN was issued subsequent to the Joint Chiefs of Staff's BASIC DIRECTIVE FOR POST-SURRENDER MILITARY GOVERNMENT IN JAPAN PROPER discussed in The Political Reorientation of Japan: September 1945 to September 1948. Dated 20 June 1947, the FEC Document set forth requirements for the purge in general terms. Later, SCAPIN 550 was read into the FEC Minutes, and subsequent directives which implied approval of provisions of SCAPIN 550 included Serial No. 97, FEC 017/21 and FEC 045/6.

The Basic Directive contained the instruction: "High officials of the Japanese Imperial General Headquarters and General Staff, other high military and naval officials of the Japanese Government, leaders of ultra-nationalist and militarist organizations and other important exponents of militarism and aggression will be taken into custody and held for future disposition. Persons who have been active exponents of militarism and militant nationalism will be removed and excluded from public office and from any other position of public or substantial private responsibility. Ultra-nationalistic or militaristic social, political, professional and commercial societies and institutions will be dissolved and prohibited.

"The restoration, even in a disguised form of any anti-democratic and militaristic activity shall be prevented, particularly on the part of former Japanese career military and naval officers, gendarmerie, and former members of dissolved militaristic, ultra-nationalistic and other anti-democratic organizations."

Paragraph 13, Serial No. 97 provided: "No member should hold office in a (Farmer's) cooperative if... he is subject to the purge directive of January 4, 1946 or subject to subsequent purge directives by the Supreme Commander for the Allied Powers."

When a purgee took his case over the heads of the Japanese Government and of the Supreme Commander by appealing directly to the Secretary of the Army, his letter was returned without consideration. Wrote the Department of the Army to the purgee:

"The Potsdam Declaration requires the removal from the Japanese body politic those who deceived and misled Japan into Totalitarianism at home and military aggression abroad. General MacArthur as Supreme Commander for the Allied Powers is vested with the sole executive authority for the enforcement of the Potsdam Declaration.

Paragraph 11, FEC 017/21 required, "All military and para-military organizations in Japan, including ex-officers' organizations, together with their affiliates and the clubs which were used for making propaganda for militarism and ultra-nationalism should be dissolved and their revival or establishment in any form, including a disguised form, should be prohibited. The application of this paragraph should extend also to various associations created under the guise of production associations, such as cooperative societies for joint cultivation of land, for fishing, and others, which are composed wholly or substantially of ex-officers of the Army and Navy and Gendarmerie and headed by their former military commanders. This paragraph should apply also to any other associations composed wholly or substantially of ex-officers of the Japanese Army and Navy and Gendarmerie, ostensibly created for legitimate purposes, but which are, in reality, disguised forms of military or para-military organizations, or which have some other disguised subversive purpose."

Paragraph 13, FEC 017/21 stated, "For the purpose of prevention of the revival of Japanese militarism persons who have at one time fallen within any of the following categories should not be nominated or employed in the Government service, public office, or educational institutions except as they may be necessary in performing duties essential to the demobilization of repatriated military and naval personnel.

- a. Generals, admirals, and all other senior officers and all career officers of the Army, Navy and Gendarmerie;
- b. Other officers of the Army, Navy and Gendarmerie, including members of the reserve, if their employment would harm the cause of peace and security; and
- c. Officials of ex-officers; and other military and para-military associations and of bodies closely associated with the Armed Forces.

"The Supreme Commander for the Allied Powers may authorize the nomination or employment of a person coming within categories a and c if his record shows that he has been an opponent of Japanese expansionism and totalitarianism."

Paragraph 12, FEC 045/6 read: "No person who is subject to the purge directive of 4 January 1946, or to subsequent purge directives, should be allowed to hold office in a trade union."

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"Through the proper agency of General Headquarters you were determined to have been an active exponent of militaristic nationalism and as such barred from public service. Such action is final and conclusive and is not subject to review by any agency of the Japanese Government under the Japanese Constitution or any Japanese law or ordinance since the power and authority of the Supreme Commander over the Government and people of Japan is plenary."

Attempts to modify and circumvent the purge as well as other problems concerned with the program appeared to Government Section in many forms.

In one case in January 1949, the Japanese Government suggested and later took direct action of its own to ensure strict adherence with the letter of the Purge Directive. Writing to General Whitney on January 1st, the Prime Minister proposed to purge MATSUMOTO Jiichiro, the Vice-President of the House of Councillors. As a recommended candidate in the 1942 election, MATSUMOTO should have been automatically purged in 1947 but was exempted because of the eminent role he had played as leader of the Suikai Movement for the emancipation of the ostracized class.

"Now," wrote the Prime Minister, "it has been discovered Mr. Matsumoto had been always an influential member of the Daiwa Hokoku Kai, which, as you know, was designated in August last as an ultra-nationalistic organization falling under the Purge Directive. Attorney General Ueda is of the opinion--and I agree with him--that in the face of this new development Mr. Matsumoto has to be purged with the rest of the officials of that Organization."

As General Whitney neither approved nor disapproved the suggestion, the Prime Minister, acting upon his own responsibility, designated MATSUMOTO a purgee on 25 January 1949--the second day following his re-election to the House of Councillors.

That was neither the first nor the last time, the Government used its own initiative to implement the Purge, but it is interesting to

note that MATSUMOTO was instrumental in carrying out one of the Government's first acts on its own responsibility. In 1947, the Social Democrat was the Government Party. MATSUMOTO, backed by his "outcasts" society, said to number 4,000,000 voters, was an influential member. During September 1947, the Government proposed to purge those members of the Imperial Family who came under the provisions of Imperial Ordinance No. 1 of 1947. All to be purged were Imperial Princes who had held career commissions in the Army and Navy, and the Government proposed to act as soon as those persons assumed the status of ordinary citizens. Fifty-one persons from eleven family groups relinquished their Imperial rank on October 14th and on the 15th of October 1947, eleven former princes were provisionally designated purgees. As Vice President of the House of Councillors, and as a member of the Imperial Household Council, MATSUMOTO recommended publically that the "retirement allowance" granted the purged members of the families be turned over to the National Treasury.

Apparently, there was no political connection between these steps by the two succeeding parties, but MATSUMOTO's purge later proved embarrassing to the Liberal Party.*/

2. Second Appeal Board Established (February 8, 1949)

In another case in January 1949, the Japanese Press carried the following article:

"Premier YOSHIDA disclosed yesterday that the Government was contemplating a large-scale clearance of purgees in political, financial and local government circles, especially those who had been purged simply because they held posts of town and village chiefs during the war. The disclosure was made in a press interview on a train carrying the Premier from OKAYAMA to KOCHI during an election campaign.

"He further revealed that the Government has organized a screening appeal commission. BABA Tsunego, FURUSHIMA Kazuo and

*/ See p. _____

ITAKURA Takuzo have been chosen to nominate a chairman for the commission, the Premier said. 'The Government wants to release immediately from purge those who held the posts of village and town chiefs during the war and who are capable of contributing to the sound, healthy growth of local government,' the Premier said. The Government will at the same time consider the release of persons in political circles who have been purged because of nominal involvement in purge clauses, it was said.

"He further added, 'If and when foreign trade among private traders is boosted, the services of men who enjoy the confidence of foreigners will be required. From this viewpoint, too, it will be necessary to release purgees in financial circles. Generally speaking, when the time comes a sort of amnesty may be expected,' the Premier concluded.*/

Shortly thereafter (February 2, 1949), the Prime Minister urged the Supreme Commander to approve the appointment of two purgees to Cabinet posts.

"I am encountering great difficulties in finding suitable persons for the economic posts in the new cabinet (Minister of Finance and President of Economic Stabilization Board) because the field of choice is extremely limited owing to the purge of so many men of ability and experience.

"There are two men I have in mind--namely, Mr. Ritoku Obama, former owner and editor-in-chief of an economic journal, and Mr. Seijiro Yanagita, once Director and chief of Foreign Exchange Department of the Bank of Japan.

"These men were placed on the purge list automatically as influential members of established institutions. But they are both liberals to the core, and free from any zaibatsu connections. Their records are clean and clear. I should like very much to have them released by the Prime Minister to be indispensable for the economic reconstruction of Japan. I am inclined to believe that it would not prove too embarrassing to you if they are now exempted from the application of the Purge Directive of 1945.

"I enclose herewith brief personal histories of these men, and earnestly hope that my request will be granted."

General MacArthur's reply was brief and pointed. On February 4, 1949, he wrote:

*/ Mainichi Shimbun, January 11, 1949

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"It would not be within the proper scope of my authority to sanction purges for Cabinet Office without concurrence of the Far Eastern Commission which it would be quite impossible to secure."

However, SCAP did approve Cabinet Order No. 39. This Cabinet Order, promulgated February 8, 1949, outlined the procedure for a purge to submit application for special remission if he deemed his designation involved gross injustice. It also established an appeal board to examine the petitions received and to make recommendations to the Prime Minister on individual cases. SCAP approved the measure, not because he agreed with the Prime Minister that the purge should be modified, but because it had always been his desire that the purge be administered equitably and justly.

General Whitney emphasized this point when, on March 11, 1949, he conferred with the members of the newly formed Appeal Board. He told the members that the Purge Directive was issued to the Japanese Government, not as a punitive measure, but in an earnest effort to improve political, social, and economic conditions for the Japanese people by providing an opportunity for new and democratic leadership. Emphatically, he declared that in spite of rumors and counter rumors, there was no alteration of purge policy by the Far East Commission either at hand or contemplated. In referring to the work before the Board, he advised strict adherence to the terms of the purge ordinances and cautioned against attempts which would be made by selfish interests to bring special benefits to individuals in spite of provisions of the Directive to the contrary. He reminded the Commission that the Supreme Commander's desire for justice in administration of the purge, as in all other matters, would ensure equity for all persons. He added that if any instances of gross injustices or erroneous designations existed, and he assumed that there might be some such cases, then the Board should by all means remedy such inequalities in accordance with

procedures made precedent by earlier appeal bodies. The full text of his statement was reported to SCAP who expressed his personal gratification that the matter had been disposed of in that exact manner.

With that confirmation of policy, Government Section continued to advise the Japanese that the provisions of SCAPIN 550 would not be modified. The same month, March 14, 1949, during a conference with Justices of the Supreme Court, a representative of Government Section pointed out that it was the established policy of GHQ to let the Japanese authorities carry out their own governmental affairs with a minimum of interference by the Occupation. Even when objectives of the Occupation were involved, he said the Japanese authorities were used to execute SCAP policies. All three branches of the Government had performed their duties in that respect with gratifying ability and energy. This was, generally speaking, true of the way the courts had helped to enforce the Purge Directive and the Imperial Ordinance which implemented it. SCAP could have entrusted this task to Occupation courts, explained the Government Section representative, but in consistency with the policy and in the interest of the prestige of the Japanese judiciary, it appeared preferable to rely on the domestic Courts. The representative concluded that the courts, in rendering judgment in purge cases, had not only to apply the Japanese law, but also the SCAP Directive which was implemented by the law.

3. Dissolution of FUJITA GUMI (March 10, 1949)

On March 10, 1949, the Japanese Government dissolved the FUJITA-GUMI under the provisions of Imperial Ordinance No. 101.*/ The Attorney-General's Office took the action after the Special Investigation Bureau reported that the organization was engaged in terroristic activities.

*/ For a discussion of the Provisions of Imperial Ordinance No. 101 of 1947, see Political Reorientation of Japan: September 1945 to September 1948. p. 76.

The FUJITA-GUMI was a notorious gang of professional gamblers. Headed by FUJITA Uichiro, former right-hand man of SEKINE Ken, its members had figured in numerous robbery, assault, and intimidation cases. SEKINE was the former "boss" of one of the most powerful underworld organizations in Japan. Composed of thirteen major leaders, twenty-three minor leaders and many lesser followers, this gang terrorized all of the downtown Tokyo district prior to the conviction of SEKINE by an occupation court on November 28, 1948 for illegal possession of weapons. FUJITA had rebuilt his racketeer ring from the remnants of this former group.

The FUJITA-GUMI was the 168th organization dissolved pursuant to the provisions of Imperial Ordinance No. 101. It was also one of the last dissolved under that ordinance, as Imperial Ordinance No. 101 of 1946 was superseded by Cabinet Order No. 64--the Organizations Control Order--on April 4, 1949.

The dissolution of FUJITA-GUMI was timely, and adequately handled by the Japanese Government. But such had not always been the case as pointed out previously. Administration and enforcement of Imperial Ordinance 101 had been difficult from the beginning. Many of the difficulties stemmed from the fact that the Ordinance did not retain the carefully thought-out and precise wording which characterized SCAPIN 548. One of the basic causes was an apparent lack of understanding of some of the clauses of the Ordinance by the Japanese officials.^{2/} Others were:

1. Provisions of the Ordinance were framed vaguely, and written in such difficult style that they were not easily understood by the Japanese to whom they applied.

2. The authority for an appropriate agency to make investigations into the matters concerned was not clearly stated in the Ordinance.

^{2/} For an example of this misunderstanding, see "Application to Labor Unions Clarified" in Ibid., pp. 77.

Limitations on the extent and type of investigations which might be made were not set down.^{2/}

3. Except that organizations falling within the purview of the Ordinance were required to register a general statement of purpose, no method of recording the detailed "planks in the platform" of the groups was prescribed. The general report turned out, invariably, to be a flowery, fence-straddling statement couched in noble phrases.

4. The Ordinance failed to specify which person within an organization was responsible for registering, and it was vague as to when the organization should be registered. "Principal members of the organization", stated Article 5, "shall file in advance the declaration of matters mentioned in the following heads..." The provision was vague in that it raised among other questions: Who was a principal member and how could an organization have principal members before it was established? In consequence, some organizations existed for months without registering. When questioned, anyone individual was able to say the function of registering was the duty of another individual and no business of his own. Enforcement agencies could never put their finger on the responsible person.

5. Finally, the Ordinance had no teeth. Statements of penalties for violation were meaningless. To convict anyone or any group for even the most flagrant violation of the Ordinance was almost impossible.

Considering these difficulties, it was apparent that the program was not functioning as it should, although FUJITA GUMI was the 168th organization to be dissolved. In addition, many organizations remained to be dissolved; new organizations of undesirable character were being formed; and stricter observation of existing "moderate" organizations was becoming necessary. A member of Government Section's staff reported: "In view of the present status of the enforcement of the provisions of

^{2/} For an instance where the police made unauthorized investigations, see "Police Enforcement Powers Defined", *Ibid.*, p. 77.

SCAPIN 548 and its implementing ordinances, it is considered imperative that measures be taken to assure that the Japanese Government will take positive and continuing action in compliance with the subject directive."

4. Promulgation of the "Organizations Control Order" (April 4, 1949)

Cabinet Order No. 64 was promulgated on April 4, 1949. A revision of Imperial Ordinance No. 101 of 1949, it was written during the course of a series of conferences between Government Section and the Japanese Government officials. It embodied the provisions of the former Ordinance which implemented SCAPIN 548, the amendments to that ordinance, and the recommendations and suggestions of agencies concerned. It was the result of three years' experience in executing and enforcing those requirements of the Far Eastern Commission and of the Joint Chiefs of Staff which directed the dissolution of undemocratic societies.

The requirements of the Joint Chiefs of Staff were discussed in detail on page 73 of the Political Reorientation of Japan: September 1945 to September 1948. The requirements of the Far Eastern Commission are outlined in footnote on pages 12 and 13 of this review. Six major measures had amended the provisions of Imperial Ordinance No. 101. The first two were intended to help clarify a few of the more ambiguous phrases of the original ordinance. The third required that existing organizations which proposed or supported candidates for public office, which attempted to influence the policy of government, or which discussed the relations between Japan and foreign powers should register the name of the organization, its purpose, the address of its principal officers, and other information as required by Imperial Ordinance No. 101 within three days.

The fourth amendment, promulgated upon the dissolution of the Home Ministry, made the Attorney-General the cabinet minister responsible for administration of the program. The fifth amendment provided for a penalty of ten years imprisonment with hard labor, or in cases where there were extenuating circumstances, a fine not exceeding seventy-five

thousand yen for any person who organized such a society as was prohibited by the Ordinance. The same penalty was provided for any person who failed to file a registration or filed a false registration. The same penalty was provided, also, for any person who neglected to file or filed a false notification regarding property of a dissolved organization.

The last amendment provided that founders, officers, and other influential members on all levels--including village and town levels--of dissolved organizations should be removed and excluded from public office as in the case of a person falling under Imperial Ordinance No. 1 of 1947.

These amendments, together with the problems discussed on pages _____ and _____ were taken into consideration when Cabinet Order No. 64 was written. As stated by the Attorney General on April 4, 1949:

"The Cabinet Order called 'the Organizations Control Order' which clarified Imperial Ordinance No. 101 came into force as from today.

"This Cabinet Order is based on the orders issued in accordance with the acceptance of the Potsdam Declaration and According to the Memorandum (SCAPIN 548) dated January 4, 1946. It has been rewritten to clarify its purport more perfectly so as to express it in easier style for understanding by changing its name and correcting the defects of it all along the line. No important change has been made. Only the foregoing Ordinance has been more clearly stated. The main points of the revision are:

- "1. The authority of the Attorney-General to make investigations into matters concerning the observance of this Cabinet Order has been clearly stated in this Order and the details of his authority have been specified.
- "2. The new Order has provided that when any organization that is under the duty of filing declarations has published any organ paper or magazine, it must submit several copies thereof to the government.

- "3. The person responsible for filing declarations has been fixed in the present Order to be the representative or the superintendent of the organization.
- "4. The new Order has omitted provisions relating to the taking over and custody of the properties of dissolved organizations. Such provisions in the Ordinance are unnecessary as they are set down in the 'Cabinet Order Concerning the Custody and Disposition of the Properties of Dissolved Organizations (Cabinet Order No. 238 of 1948).'"

5. Campaign to Modify the Purge (June 1949)

During Mid-1949, newspapers, political parties and the Diet discussed and questioned the program. The Tokyo Shimbun stated in an editorial:

"Needless to say, politicians and militarists who instigated the war should be purged. If any of them are still in public service, they should be re-screened and purged. If, however, those who were reluctant to cooperate with the military but did so by mistake or by malicious intrigue were purged, they should be released from the purge to work for the reconstruction of Japan. Premier YOSHIDA is reported to have said that he would endeavor to release KAWAKAMI Jotaro, KONO Mitsu, MIWA Junc and others from the purge in order to help the Socialist Party grow as a sound Opposition party."

The anti-coalition Democratic Party, at its national convention during June of 1949, voted to launch a campaign to have purged financial and local community leaders reinstated and made eligible for public office "in the interest of reconstruction of Japan."

The Cabinet Committee of the Diet, querying Attorney-General Ueda asked, first how the work of the Second Appeal Board progressed, and then: "Is it not possible to release from the frame work of purge designation those purgees who have been so designated on slight grounds?"

Even as late as May 1950, it was discovered that in a few cases, the Japanese Government had procrastinated in carrying out the purge program and had thereby failed to fulfil the requirements of SCAPIN 550.

One case was in the Ministry of International Trade and Industry. Four hundred officials were found employed there who had not been screened. They were all "second class" officials--equivalent in rank of U. S. Government employees drawing \$10,000 a year. The government explained that they had been "day laborers", who during the press of the reorganization^{*/} had been employed regularly without prior screening.

"Day Laborers" was another case. The Japanese meaning of the word translated as "day laborer" included persons who were hired by the various ministries, without regard to the Law for Fixed Number of Personnel^{*/}, and paid out of funds appropriated for special projects within the ministries. They were hired from day to day as funds were available. Investigation revealed that there were 623,296 such "day laborers", nearly 7,000 of whom were employed more than nine out of ten working days a year and made more than ¥5,000 a month. On screening, one hundred and thirty-nine of the seven thousand were found to be purgees.

In adhering to the policy that the provisions of SCAPIN 550 should be strictly complied with, Government Section required that the 400 officials in the Ministry of International Trade and Industry be screened, and instructed the Japanese Government to remove from office those 139 "day laborers" who fell under the provisions of SCAPIN 550. The most recent statement of this policy of strict adherence to the provisions of SCAPIN 550 was given verbally to General Whitney by General MacArthur on June 5, 1950. The Supreme Commander affirmed the following principles:

1. No change in SCAPIN 550 was contemplated and there would be no relaxation in the application of that directive.

^{*/} For a detailed discussion of the administrative re-organization of the government and the Law for Fixed Number of Personnel, See _____.

2. No change in the Japanese implementating ordinances would be permitted.
3. The Japanese Government would not be permitted to make interpretations of either the SCAPIN or the ordinances which would act to change their intent by administrative fiat.
4. All actions of the Japanese Government Agencies on Purge matters would be reviewed by Government Section.

6. Reorganization of SIB (June 1, 1949)

Cases of attempts to modify or circumvent the program were the exception, however. Generally, the Government worked sincerely at the problems involved, solving each to the best of its ability as it appeared. One instance of this sort came up in June of 1949. When the Administrative Organs of the Government were reorganized on June 1st, the Establishment Law of the Attorney General's Office was rewritten to conform with the requirements of the National Government Organization Law. Taking advantage of this revision, the Attorney General changed subdivisions of the Special Investigation Bureau for more efficient operation. This change established four sections within the bureau. The first was the administrative section. The second was the office concerned with enforcement of SCAPIN 550. The third and fourth were the enforcement agencies for SCAPIN 548.

According to Paragraph 3, of Article 11 of the Ordinance: "The Second Section shall take charge of the affairs concerning registration and investigation of activities of persons who have been designated as falling under the provisions of the Memorandum in accordance with the provisions of the Imperial Ordinance concerning the Exclusion, Retirement, Resignation, etc. in respect to Public Offices."

According to Paragraph 4 of Article 11 of the Ordinance: "The Third Section shall take charge of the following affairs: (1) Matters concerning the registration of organizations of any type in accordance with the provisions of the Organizations Control Order. (2) Matters concerning the prohibition from formation and dissolution of militaristic, ultra-nationalistic and terroristic organizations in accordance with the provisions of the Organizations Control Order, and the investigation relating to those Organizations, etc."

According to Paragraph 5 of Article 11 of the Ordinance: "The Fourth Section shall take charge of the affairs concerning the prohibition from formation and dissolution of organizations of any type which do not fall under the jurisdiction of the Third Section, in accordance with the provisions of the Organizations Control Order, and investigation relating to those organizations, etc."

7. Conviction of KONO Ichiro (June 13, 1949)

The Second Section investigated all cases where it was alleged that a purgee had violated the provisions of Imperial Ordinance No. 1. Whenever sufficient evidence was uncovered to warrant prosecution, the Second Section referred the case to the Public Procurator, who secured an indictment and handled the prosecution during the trial. Such a case was that of KONO Ichiro.

KONO Ichiro was one of the most well known purgees to be tried in Japanese Courts on a charge of violation of the provisions of the Purge Ordinance. Before his designation in August 1946, he had been a member of the House of Representatives for many years. He was a member of the staff of the Tokyo Asahi Newspaper, President of the Chuto Livestock Association, Member of the Lumber Control Committee, Member of the Agriculture and Forestry, and founding member of the Central Provision Group. His activities were considered so notorious

that GHQ ordered his purge--a "Memorandum Case". On May 10, 1948, he was indicted in the Tokyo District Court for engaging in political activities subsequent to his purge designation. Facts uncovered by the Special Investigation Bureau and brought out during the trial and during the appeals established that KONO had furnished campaign funds during the General Elections of April 1947 to three different candidates for the House of Representatives. Amounts of 20,000 were delivered to each--a violation of Imperial Ordinance No. 1. On June 13, 1949, the Supreme Court affirmed the finding of Guilty of the lower courts, and sentenced KONO to four months' imprisonment.

8. Investigation of CHOSEISASHIN DOMEI (September 1948)

The Third and Fourth Sections of the Special Investigation Bureau investigated all cases where it was alleged that organizations existed in violation of the Organizations Control Law. Each investigation was designed to determine (1) whether or not an organization was engaged in such activities that it should register as required by Articles six and seven of Cabinet Order No. 64, and (2) whether or not an organization was engaged in such ultra-nationalistic, terroristic or other undemocratic activities in violation of the Ordinance that it should be dissolved. The following cases were typical of those investigated.

The CHOSEISASHIN DOMEI (Town Administrative Reform League) was organized September 1, 1949 at Tsugawa-shi, Niigata Prefecture. Its stated purpose was to further the democratization of the town administration. Its principal officers were made up of ex-enlisted personnel

of the Japanese army who belonged to the Socialist and Communist parties. A complaint was received from the pro-mayor group in the village that the organization had failed to register pursuant to Articles 6 and 7 of the Organizations Control Law within the prescribed three days' limit. The Special Investigation Bureau made an investigation which revealed that the CHOSEISASHIN DOMEI had registered on September 28th, but had dissolved itself on October 15th. Failure to register within three days after formation was a violation of the Ordinance. The investigation also revealed, however, that in this case the pro-mayor group was attempting to use Cabinet Order No. 54 as a weapon to settle party differences. Inasmuch as Government Section never permitted either the Purge Ordinance nor the Organization Control Order to be used by one faction of any political party to combat another, the Special Investigation Bureau dropped the case against the accused and admonished the complainant instead.

On September 12, 1949, AKAHATA--the organ paper of the Japan Communist Party--carried an article alleging that the Fire Departments, KITATACHIBANA and SHIROSATOI Villages of Guma Prefecture had engaged in militaristic exercises. The allegation claimed that the exercises were aimed specifically at the Communist Party. The Hokumo Area Committee of the party filed a complaint. The Special Investigation Bureau's investigation disclosed that the exercises were sponsored by the police department and were designed to prepare for emergencies during times of crime and rioting as specified under the Police Organization Law. The reason for the use of the Fire Department was to prevent violent mob actions in those areas where the police officers had left their regular posts to converge on the scene of rioting. The Special Investigation Bureau's opinion was that the Fire Department's actions were normal activities, carried on by public servants to ensure public tranquility; that the Fire Departments were cooperating with the police in cases of emergency, to guard vital installations, protect the

citizenry and control the traffic; that all actions conformed with police law and none violated the directive which prohibited militaristic activities. There was no evidence which confirmed the complaint and the case was closed without further action.

The RYUMON SHA (Dragon Gate Society) was a juridical foundation dedicated to memory of SHIBUSAWA Seinen, a 19th century sage, who advocated "economics combined with morality". The origin of the Society dated back to 1895 when persons who studied under the sage began gathering to discuss his teaching. One group founded a chapter--the Dragon Gate Society--in 1947. Members were persons from banks, business companies and other organizations interested in perpetuating SHIBUSAWA's principles. When the Special Investigation Bureau was informed that three purgees--FUGIWARA Gingiro, KATA Seishin, and AKASHI Teruo--held top positions in the organization an investigation into its activities was instigated. This investigation revealed activities of the Society included holding lecture meetings and distributing the organ magazine, RYMON ZASCHI. It revealed that FUGIWARA and KATA were advisors, that AKASHI was Chief Director, and that there were many other purgees within the organization. The investigation failed, however, to uncover any evidence that the Society was engaged in secret political activities. As a result, the Attorney General's Office requested the purgees to resign from key positions, and to ensure complete compliance with the provisions of the SCAPIN, prohibited publication of the organ magazine until all purgees had resigned.

The HAKRYU SHA (The White Dragon Society) was organized in Nagahama City, Shiga Prefecture on January 25, 1949 by UEDA Tokuya. UEDA had twenty-five followers. He set up his own police system in Nagahama City and through violence, threat and intimidation, held an iron-grasp on the town's people and city officials. The existence of his group was an obstacle to the democratization and reconstruction of Japan, decided the Attorney General. The Society was dissolved

pursuant to Article 4 of the Organization Control Order.

9. Dissolution of CHOPEN (September 8, 1949)

Another, and more significant case, investigated by the Special Investigation Bureau was that of the League of Koreans residing in Japan. This case was significant in that it was the first important action taken against Leftists and Communist doctriated organizations. As expounded by International Communism's lesser prophets, Marx-Leninism demanded that the communist employ every means to disrupt society in prelude to revolution. Legal or illegal method alike was acceptable. Local circumstance and the inclination of native leaders were the only factors in determining party tactics. Such instances, in Japan, of the tactics of arousing social unrest and public hysteria, included the following:

At the Itabashi Japanese Government Supply Depot on 21 January 1946, IWATA Eiichi had incited, organized and led 2,000 of Tokyo's people to raid and seizure by force of certain foodstuff within the depot.

On 7 April 1946, TOKUDA, NOZAKA, KASUGA Shoichi and ITO Kenichi*/ forced their way into the Prime Minister's official residence at the head of a mob, breaking gates, doors and windows. On 12 May 1948, IWATA and TOKUDA tried the feelings of the people on the Emperor System, exhorting a mob in the Imperial Plaza that the Imperial family was living in luxury while the people starved. They found supporters and, leading them, pressed past guards to the palace environs. +

In addition, Communists among the Koreans perpetrated many acts of violence generally directed against non-communist Koreans. The communist-dominated League of Koreans in Japan planned to destroy the more moderate Korean Republic Association of Japan. On 31 July 1949, League members attacked during a ceremony at the Utsunomiya Branch of the Association, destroying property and injuring several people. On

*/ For a discussion of Japan Communist Party leaders, see p._____

15 August 1949, the League interfered with an Association-sponsored parade at Onoda City (Yamaguchi Prefecture) and in the ensuing brawl 43 persons were injured.

In many of their activities, Korean Communists were the tool of the Japan Communist Party. The Occupation found an oppressed and dissident Korean element in Japan. Repatriation was offered but those disinclined to follow the Rhee Government remained in Japan. Within this community, extremists organized the League of Koreans Residing in Japan whose members were controlled by determined and lawless elements demanding special privilege for all Koreans. Domination of the organization was seized with the aid of Communist Party scheming by KIN Tenkai, Chief of the handful of Koreans admitted by party leaders to their highest councils.

Though the founding purpose of the League of Koreans was to "realize the unity of Korean people, promote the welfare and culture of Korea, and set up a democratic Korean government", it soon became apparent that the organization was completely responsive to communist dictate. To carry out the will of the party, it furnished action corps of young men with whose violence the Communist Party threatened the Japanese community.

In dissolving CHOREN--the leftist League of Koreans--, the Japanese Government acted on its own initiative. On September 8, 1949, the Attorney General gave this notice: "The following organizations shall be designated in accordance with the provisions of Article 4 of the Organization Control Order (Cabinet Order No. 64 of April 4, 1949): ZAI NIPPON CHOSENJIN REMMEI (League of Koreans in Japan), (including Central General Headquarters and all District Conferences Headquarters and Branches of the Metropolis, Hokkaido, and Prefectures, and all other lower organizations) SAI NIPPON CHOSEN MINSHU SEINEN DOMEI (Korean Democratic Young Men's League in Japan), (including Central General Headquarters,

Headquarters and Branches of the Metropolis, Hokkaido and Prefectures and all other lower organizations) SAI NIPPON DAI KAN MINKOKU KYORYUMIN DAN MIYAGIKEN HONBU (Miyagi Prefectural Headquarters of Resident Community of Great Korean Republic in Japan), (including Branches and all other lower organizations) DAI KAN MINKOKU SEINEN DOMEI SHIOGAMA HONBU (Shiogama Headquarters of Great Korean Republic National Construction Young Men's League), (including all lower organizations)The following designation shall be made according to the provisions of Article 11 and Article 12 of the Organizations Control Order as having been excluded from public service corresponding to those fallen under the Memorandum (SCAFIE 550) in accordance with the provisions of the Imperial Ordinance concerning removal and exclusion from public service (Imperial Ordinance No. 1 of 1947):....(Names of 36 leaders listed)²

10. General Whitney's Warning against Anti-Occupation Activities (February 24, 1950)

When the leftists threat spread, however, guidance and even direct action by General MacArthur and General Whitney was required.

Throughout the period covered by this review, AKAHATA--the organ paper of the Japan Communist Party--criticized existing Japanese Governments. Columns were daily crammed with incitement to class warfare, shaped facts, and misrepresentations of the most dishonest character. When SCAP in July 1948 addressed the Prime Minister a letter relating to legislation governing the conduct of government employees, AKAHATA twisted the context of the letter to the advantage of the communist propaganda line. In like manner, whenever opportunity presented, AKAHATA warped the news to suit the party's propaganda interests.

The paper did not directly attack the Occupation, however, until the Cominform criticism of January 1950.²/ Following that criticism, however, SHIGA--who was fanatic enough to sacrifice the AKAHATA at the

²/ See p.

bidding of International Communism--began publication of a long series of dishonest and vicious attacks upon America and the Occupation.

Even on the floor of the Diet, Communist representatives distorted and perverted facts to arouse the Japanese people to revolt against its government and to attack the Occupation. As an example, in February 1950, SUNAMA Ichiro remarked, "It seems that the United States Army is holding military maneuvers throughout ten towns and villages in Shizuoka Prefecture, around Gotemba. As a result, a wide area has been placed off limits to the Japanese, thus preventing farmers in the area from cultivating their farms. Moreover, local residents were rounded up to watch the roads and suspend traffic. Even though this kept them from their normal occupations, they were given no compensation. Furthermore, some Japanese were run over by automobiles, houses were damaged, and women were kidnapped."

On February 24, 1950, General Whitney summoned member SUNAMA to GHQ and through him warned the Communist Party in substance, the following words:

"I have summoned you to give you warning, and through you to warn your associates in the Communist Party that lying statements concerning the Occupation will not be tolerated. Your statement was in direct violation of a long-standing Occupation directive with which you and your fellow party members are fully familiar. Its obvious purpose is to use the legislative forum as an instrument of propaganda directed against the Occupation. The AKAHATA, newspaper of the Communist Party, likewise is moving steadily toward that line beyond which it cannot go without similarly violating the Occupation directive.

"You, your leaders, and hundreds of your fellows were released from prison where you had long been incarcerated by the Civil Liberties Directive issued by the Supreme Commander immediately following the surrender. Since then, the Supreme Commander has fed you, clothed you and your families and protected your right to organize as a lawful political party in Japan. He has literally saved Japan from the brink of impending disaster. Have you no intelligence or gratitude? How do you justify that recently a tendency has been noted on the part of you and some of your associates to avail yourselves of your liberty in licentious disregard of the very purposes for which protection in the exercise of liberty is extended by the Supreme Commander?

"My purpose is to warn you and through you the members of your party that any further statements of this kind, either

on the floor of the Diet, in your newspapers, or any place in Japan, defaming and criticizing the Occupation will be cause for your immediate arrest. If your newspapers transgress the bounds of free expression which have been established by the Occupation, they will be closed, and if misconduct by its members or party policy dictated by its leaders is such that the Communist Party under reasonable interpretation becomes a threat to the legitimate political purposes of a free society, the protection of the Supreme Commander will be withdrawn.

"Inform your fellows that by their conduct, or their misconduct, they themselves will prescribe the duration of their party as a political influence in Japan.

"There exists today peace and tranquility in Japan. This responds to the fact that the great majority of the Japanese people are peacefully inclined, law-abiding citizens. The Supreme Commander will not permit any group in Japan, whatever its name or political affiliation, to incite violence and disrespect for Occupation directives or Japanese law. As long as the Occupation lasts, he will exact obedience to his orders and respect for the processes of representative government in all political activity. Be yourself warned and caution your fellows."

11. Undemocratic Leftists' Activity (May 1950)

Although the communists did not generally instigate violent action against members of the Occupation, two notable instances did occur.

Early in May 1950, Dr. Kells, CIA&E educator, was "boomed" by communists in student groups at schools in Sendai and Sapporo. There was no violence and this incident took importance only from the publicity it received. During the course of a communist-sponsored rally in the Imperial Plaza, 30 May 1950, Occupation Force personnel were attacked by eight young communists when they intervened to quiet a disturbance involving members of the mob and a Japanese policeman.

Sometimes the party turned to illegal pursuits when in desperate financial straits. There were at least two provable instances of illegal fund raising activity; one involved santonia valued at ¥700,000 unlawfully imported in 1949 by Tottori communists; the second, heroin valued at ¥1,800,000 seized by police from Kyushu communists in September 1950.

At Fukuoka during the first ten days of May 1949, communists lead a protest against the discharge of unreliable Fukuoka Western Railway Company employees and public disturbances occurred including seizure by a mob of the railroad company's offices.

A month later the Japan Steel Company at Hiroshima announced discharge of 600 employees. Local communist organizations supported the disgruntled workers and instigated forceable action of such unruly character that police intervention was required.

In Taira (Fukushima Prefecture), on 30 June 1949, after police ordered removal of a communist signboard which interfered with traffic, the communists and leftist Koreans seized the police station, hoisted a red flag, and for four hours refused eviction. Simultaneously, communist-led mobs engaged in disorderly demonstration at the Fukushima Assembly, the Koriyama (Fukushima Prefecture) Police Station and the Hirota Iron Works of the Tokyo Steel Company, Ltd.

Such activities were not only inimical to the interests of the Occupation but were a malignant threat to the existing democratic government which had been established by and was responsive to the freely expressed will of the Japanese people. Such activities were responsible for General MacArthur's Constitution Day address warning the Japanese people against the dangers of Communism, and for the SCAP letters of June and July 1950. By such activities, the leftists minority group attempted by use of all the tools of the former extreme rightists minority group to gain a totalitarian grip on the Japanese Nation. Their activities violated the letter of SCAPIN 33 (the Press Code) and SCAPIN 548, as well as the spirit of SCAPIN 550.*/

*/ "News must adhere strictly to the truth. Nothing shall be printed which might, directly or by inference, disturb the public tranquility. There shall be no false or destructive criticism of the Allied Powers. There shall be no destructive criticism of the Allied Forces of Occupation and nothing which might invite mistrust or resentment of those troops"--SCAPIN 33.

12. General MacArthur's Constitution Day Statement (May 3, 1950)

On the third anniversary of the Japanese Constitution (May 3, 1950).

General MacArthur warned the public against the dangers of the undemo-
cratic leftist groups. He stated:

8/ "Today marks another anniversary of the birth of New Japan. On this day three years ago, groping for the way to regeneration through the human and material wreckage of war's aftermath, the Japanese people firmly turned their backs upon a tradition founded upon myth and legend which had brought them to national disaster, and set a course instead along the enlightened road of truth and realism. In so doing they dedicated themselves to those immutable concepts of ethics and morality evolved through the ages by men who have sought the spiritual and material fruits of human freedom.

"During the years which have since passed they have demonstrated a marked ability to live and advance within the framework of these great constitutional precepts. Their political progress under the established norms of representative democracy, their economic progress under the broad pattern of free private competitive enterprise, and their social progress through the ruin and despair of war's end, to the peace, serenity and hope which now prevails throughout the land, have provided a bright overtone to an otherwise distraught and confused post-war world.

"The checks and balances established to safeguard against abuse of the powers conferred by the Constitution have firmly served their purpose during this period of political reorientation and democratic

"You will prohibit the formation of any...group whose purpose... is...: Resistance or opposition to the Occupation Forces... or... alteration of policy by assassination or other terroristic programs, or encouragement or justification of a tradition favoring such methods."--SCAFIN 548.

"...the Imperial Japanese Government is hereby ordered to remove from public office and exclude from government service all persons who have been:...Influential members of any... terroristic, or secret patriotic society...."--SCAFIN 550.

growth, and issues of interpretation and application have found their peaceful solution in the forum of public debate or under the established judicial process, rather than in the crucible of social violence. Above all, there has been an increasingly healthy awareness and acceptance of that individual political responsibility which exists where sovereignty rests with the people. In this, indeed, lies best assurance for Japan's continued advance as an exponent and practitioner of representative democracy. And as Japan goes, so in due time may go all of Asia. For men will come to see in Japan's bill of rights and resulting social progress the antidote to many of Asia's basic ills. If Japan proceeds firmly and wisely upon the course now set, its way may well become the Asian way, leading to the ultimate goal of all men -- individual liberty and personal dignity -- and history may finally point to the Japanese Constitution as the Magna Charta of Free Asia.

"While the checks and balances against abuse of the powers of government are thus demonstratively adequate, in Japan as elsewhere there exist only broad and undefinitive constitutional safeguards against abuse of those personal liberties conferred by the bill of rights. And in Japan as elsewhere this vulnerable point in freedom's armor is under constant pressure by a small minority which through the perversive use of liberty and privilege seeks to encompass freedom's destruction. This type of minority pressure is not unknown to Japan and its people; are therefore forewarned of the dreadful consequences possible therefrom. For in Japan's very recent past an even smaller minority -- than the militarists and their collaborators -- coerced the Japanese people into a war leading to inevitable and, indeed, foreseeable disaster. Now as they still grope to regain their equilibrium following that disastrous experience, this other minority, taking advantage of still unreplenished war-born impoverishment, seeks to lull their intuitive sense of caution into an even greater disaster -- this time without even the pretense of

service to legitimate national ends, but under foreign dictation to establish a domestic basis favorable to the ultimate subjugation of Japan to the political control of others.

"Established in the immediate post-war era as a political party under constitutional protection and dedicated to the advance of certain political, economic and social theories, the Japan Communist Party proceeded initially in moderation and thereby enlisted some public support. In its endeavor to press this advantage, however, it went the way of all Communist movements, becoming increasingly intemperate in political and social activity, and in due course aroused a popular revulsion which in turn relegated the party into virtual political eclipse. More latterly its shattered remnant, in frustration born of this failure, has cast off the mantle of pretended legitimacy and assumed instead the role of an avowed satellite of an inter-national predatory force and a Japanese pawn of alien power policy, imperialistic purpose and subversive propaganda. That it has done so at once brings into question its right to the further benefits and protection of the country and laws it would subvert and raises doubt as to whether it should longer be regarded as a constitutionally recognized political movement. Such doubt should, of course, be resolved calmly, justly and dispassionately with the same consideration and safeguards extended to any anti-social force in a peaceful and law abiding community. The saying that to be forewarned is to be forearmed is particularly appropriate to this issue. For in the development of its counterparts abroad there is provided the opportunity clearly to observe the underlying objectives of this movement and the end to which it inevitably has led where it successfully has gained control over the sovereign power. Thus while here, as in the other democracies of the world, it professes championship of the workers' rights in order to enlist support within labor's ranks, events abroad demonstrate that the worker loses all rights under Communist

political rule; where here as elsewhere it poses as an ardent advocate of freedom of speech and peaceful assembly, of freedom to worship in accordance with conscience, and of the other freedoms which flow from the universally recognized fundamental human rights, events irrefutably disclose the complete suppression of all freedom with the ascendancy of Communist political power. Indeed, history offers no slightest evidence of increase in social stability, preservation of social justice or continuation of social progress in the spiritual vacuum which lies in the wake of Communism's advance. Any thought that Japanese Communism might preserve a more moderate domestic course than characterizes the movement abroad was thoroughly disabused by its open submission to external control, its embarkation upon the spread of false, malicious and inflammatory propaganda intended to mislead and coerce the public mind, and its public adoption of objectives both anti-Japanese and inimical to Japan's public interest. Experience, the great teacher, indeed points to no greater hypocrisy than the perorations of those who thus align themselves with this form of international political perfidy, social deception, and territorial fraud and seek an alliance of expediency with the fundamental human rights, giving lip service to their preservation solely to provide a screen of respectable plausibility to mask a sinister subversive design to destroy liberty as the obstacle to personal power. The tragedy is that in every community it gains some converts among those citizens inherently law-abiding but mentally abnormal, frustrated, gullible or uninformed, and becomes because of this facade of respectability a seemingly responsible movement to which lawless elements may rally in order to fully exploit the vulnerable points inherent in democratic freedom.

"There is involved no question of the privilege extended to all free people constitutionally to advocate evolutionary change, for Communism now makes but a shallow pretense of seeking such an objective.

Its tactics are almost entirely confined to such as are conducive to arousing social unrest and public hysteria as the means toward establishing a more favorable base for ascendancy to political power. Its pressure is by no means localized to within national or regional borders, as through a high degree of centrally controlled direction and coordination of policy and tactic at the international level, it is able at will, from the principal capitals within the Communist orbit, to bring to bear upon individual areas of freedom the full power of its subversive attack. It employs this coordinated force with ruthlessness and cunning and seeks to reduce the spirituality which bulwarks modern civilization by exploiting weaknesses in detail as they appear. The problem thus rapidly confronting Japan, as other countries throughout the world, is how locally to deal with this anti-social force in order to prevent, without impairment of the legitimate exercise of personal liberty, such an abuse of freedom as to imperil the national welfare. Thus far, here as elsewhere, reliance has been placed in the counter pressure of an aroused public opinion finding its expression at the ballot box where people of right have the opportunity to pass upon the responsibility of all aspirants for elective leadership. While this safeguard serves to arrest the danger of the emergence through constitutional means of a lawless and irresponsible leadership, it less adequately protects against the danger that the abusive use of freedom may create conditions of unrest and lawlessness favorable to the emergency of just such a leadership through intimidation and force.

"The issue is therefore clear and unequivocal -- how far may the fundamental human rights be exercised unabridged without becoming the instrument of their own destruction? It is an issue which confronts all free peoples, forewarned that others have lost their liberties because blindly following an ideal, they have failed to see the dangers inherent in reality. While it is the universal desire of all free men to preserve

unabridged the exercise of their personal liberties, there is thus an issue projected into every law abiding society which may not be ignored without hazarding the survival of liberty itself. I have the utmost faith that should coming events prestage the need for definitive action here to preserve the public welfare against the destructive potential of this form of insidious attack, the Japanese people will proceed with wisdom, serenity and justice, without failing the integrity of their Constitution."

13. The SCAP Letters (June - July 1950)

Inasmuch as the Japan Communist Party continued the tactics against which General Whitney had warned Diet member Sunama, and against the dangers of which General MacArthur had warned the Japanese public, the Supreme Commander took direct, positive action to check the lawlessness, the terrorism, and the undemocratic program of the Japan Communist Party. He acted only after the Japanese Government hesitated to move. One observer stated that the Japanese Government was aware that the Communist activities were in violation of the several SCAP directives and were endangering the existing democratic government of Japan, but was reluctant to proceed against the party. Reluctance of the Japanese officials to act was not due to sympathy with the party, this observer declared. Their reluctance was due to the fact that they suspected one of the Allied Powers favored that party, and they believed their government was not in a position to antagonize a part of the Occupation.

Whether or not that was the true explanation of Japan's failure to take action, it remained for General MacArthur on June 6, 1950 to address the following letter to the Prime Minister:

"It has been a fundamental purpose of the Occupation to assist the Japanese people to meet their commitments under the Potsdam Declaration, foremost of which requires the establishment of Japan of a new order of peace, security and justice upon which may firmly stand a peacefully inclined and responsible government. To such end the

Japanese Government is specifically enjoined in the Potsdam Declaration to 'remove all obstacles to the strengthening of democratic tendencies among the Japanese people.'

"In the implementation of this requirement, carried forward as one of the basic objectives of Allied policy as determined and prescribed by the Far Eastern Commission, the structure of the Japanese Government has been redesigned, its laws and institutions where undemocratic have been revised, and those persons whose public record gives warning that their continued influence would be inimical to democratic growth have been removed and excluded from Japan's public affairs.

"The guiding philosophy of this phase of the Occupation has been protective, not punitive. Its purpose and effect has been to provide assurance that the aims of Allied policy in the democratization of Japan would not be thwarted by the influence and pressure of anti-democratic elements. The area of its application for the most part has embraced those persons who because of position and influence bear responsibility for Japan's totalitarian policies which led to adventure in conquest and exploitation. Recently, however, a new and no less sinister groupment has injected itself into the Japanese political scene which has sought through perversion of truth and incitation to mass violence to transform this peaceful and tranquil land into an arena of disorder and strife as the means of stemming Japan's notable progress along the road of representative democracy and to subvert the rapidly growing democratic tendencies among the Japanese people.

"Acting in common accord, they have hurled defiance at constituted authority, shown contempt for the processes of law and order, and contrived by false and inflammatory statements and other subversive means to arouse through resulting public confusion that degree of social unrest which would set the stage for the eventual overthrow of constitutional government in Japan by force. Their coercive methods bear striking parallel to those by which the Japanese people, and their aims, if achieved, would surely lead Japan to an even worse disaster. To permit this incitation to lawlessness to continue unchecked, however embryonic it may at present appear, would be to risk ultimate suppression of Japan's democratic institutions in direct negation of the purpose and intent of Allied policy pronouncements, forfeiture of her chance for political independence, and destruction of the Japanese race.

"Accordingly, I direct that your government take the necessary administrative measures to remove and exclude the following named persons, constituting the full membership of the Central Committee of the Japan Communist Party, from public service, and render them subject to the prohibitions, restrictions and liabilities of my directives of January 4, 1946, (SCAPINS 548 and 550) and their implementing ordinances:

HAKAMADA Santomi
ITO Kenichi

HASEGAWA Hiroshi
ITO Ritsu

KANEYAMA Kozo
KASUGA Shoichi
KONO Yojiro
KURAHARA Koreto
MATSUMOTO Saneki
NOSAKA Ryu
SATO Satoji
SHIGA Yoshio
TAKAKURA Teru
TOKUDA Kyuichi

KANIYAMA Shigeo
KASUGA Shojiro
KISHIMOTO Shigeo
MATSUMOTO Kazumi
MIYAMOTO Kenji
NOSAKA Sanzo
SHIDA Shigeo
SHIRAKAWA Seiichi
TAKENAKA Taunesaburo
TOSAKA Hiroshi

Sincerely yours,
(sgd.) Douglas MacArthur

The next day -- June 7, 1950--General MacArthur directed the Japanese Government to purge the responsible editorial staff of the AKAHATA. His letter read:

"To the end that representative democracy in Japan might have the opportunity to thrive in the free atmosphere of full knowledge and public discussion, it has been one of the most fundamental of Allied policies governing the Occupation to encourage and assist the development of a truly free and responsible press. In the furtherance of this purpose, censorship was progressively lifted until finally terminated two years ago and the press left free to publish on its own responsibility, subject only to a code embodying a statement of principles and ethics patterned after the Canons of Journalism of the American Society of Newspaper Editors, supplemented by minimum restrictions essential to the safeguard of military security.

"The Japanese press has in general responded admirably to this challenge and developed a degree of responsibility, which has evoked most favorable comment from many visiting journalists from abroad. The glaring exception is the Communist organ AKAHATA. This journal has for some time assumed the role of mouthpiece for the most violent of lawless elements within the Communist Party and as such has defiled its news columns and editorial page with licentious, false, inflammatory and seditious appeals to irresponsible sentiment in the effort to provoke defiance of constituted authority, disrupt the progress of economic revival and create social unrest and mass violence. All this calls for prompt corrective action to safeguard the public peace.

"One course such corrective action might take would be to close the journal and destroy for all time its propaganda making power and constant incitation to violence and revolution; another the re-institution of a pre-censorship over all material it proposes to print. Both courses, however, are repugnant to me as violative of the broad philosophy which has guided the development of press freedom in Japan and should be imposed only if other measures prove ineffective.

"As an alternative method of correction, I therefore direct that your government take the necessary administrative measures to incorporate within my letter to you of

6 June 1950 the following named additional persons, sharing responsibility for the policies governing the content of this journal:

"AIKAWA Haruki	MORIYA Tenro	SUGAMA Shosaku
ANEBA Saburo	NISHIZAWA Tomio	TAKAHASHI Katsuyuki
AOYAMA Toshio	OKAMOTO Tadashi	TAKKI Takeo
KAWAMURA Tatsuo	SAKANO Yoshiro	TAKEMOTO Kenzo
KIKUNAMI Katsumi	SHIMADA Koichi	UCHINO Soji"
MIYAMOTO Taro	SUITA Hideo	

That warning was not sufficient; scurrilous material continued to be published and on June 26th, 1950, SCAP gave final warning by directing suspension of the publication of AKAHATA for a period of thirty days. He said:

"In my letter to you of June 7th I directed that certain persons therein listed as sharing responsibility for the editorial policies of the communist organ AKAHATA be, for the reasons stated, rendered subject to the prohibitions, restrictions and liabilities of my directives of January 4, 1946 and their implementing ordinances. I took this action in the hope that through the new leadership thereby induced the paper might be reoriented toward a course of relative moderation, with due regard for the truth and avoidance of inflammatory appeals to lawlessness and violence. Examination of the paper during the period intervening discloses, however, that such hope has not materialized.

"In its latest issues, moreover, by its perversion of the truth in discussing the Korean situation, the paper gives evidence of the fact that it is not the legitimate organ of a Japanese political party but rather an instrument of foreign subversion used to disseminate among the people of Japan, and in this case particularly its large Korean minority, malicious, false and inflammatory propaganda aimed at subverting the public mind to the prejudice of the public peace and welfare. Seditious acts of this nature may not be tolerated in a peaceful and democratic society.

"Accordingly, I direct that your government take the necessary measures to cause publication of AKAHATA to be suspended for a period of thirty days, after which its right to continued existence will depend upon its ability to attain a position of responsibility within the ranks of Japan's free and responsible press."

The final warning was of no avail. The Japan Communist Party attempted to thwart SCAP's purpose by setting up successors to AKAHATA and continued their program of publishing false and misleading propaganda. General MacArthur found it necessary to direct the Japanese Government to suppress all communist newspapers and all offending communist publications of whatsoever nature. He informed the Prime Minister

on July 18, 1950:

"Since my letter to you of June 26th designed to curb the dissemination of false, inflammatory and subversive Communist propaganda, the international forces with which the Japan Communist Party is publicly affiliated have assumed an even more sinister threat to the preservation of peace and supremacy of the rule of law in democratic society, giving clear warning to free peoples everywhere of their purpose by violence to suppress freedom. In these circumstances, it becomes obvious that the free and unrestricted use of the media of public information for the dissemination of propaganda to such end by a minority so dedicated in Japan would be a travesty upon the concept of press freedom, to be permitted only at hazard to the vast proportion of the free Japanese press faithful to its public responsibility, and jeopardy to the general welfare.

"In the great struggle which is now engaging the forces of the free world all segments must accept and faithfully fulfill their share of the attendant responsibility. That share as to none is greater than such as falls upon the media of public information. For there rests the full responsibility of insuring dissemination of the truth, and based upon the truth the development of an informed and enlightened public opinion. History records no instance where a free press failed in the discharge of this responsibility without inviting its own doom.

"I am not concerned over any destructive influence Communist propaganda may have upon the great mass of Japan's responsible citizenry, for it has already given ample evidence of its devotion to the cause of right and justice and its ability to penetrate the mask of Communist hypocrisy. But passing events warn of distinct danger in the use by Communism of the media of public information to propagate its tenets of subversion and violence as a means of inciting the irresponsible and lawless minority elements of society to oppose law, disturb order, and subvert the general welfare. Therefore, so long as Communism in Japan continues in the abuse of freedom of expression through incitation to such lawlessness, its free use of the media of public information must be denied in the public interest.

"Accordingly, I direct that your government vigorously continue the measures being taken in the implementation of my aforesaid letter, and maintain indefinitely the suspensions heretofore imposed upon publication of Akahata and its successors and affiliates employed in the dissemination in Japan of inflammatory Communist propaganda."

14. Public Reaction to SCAP's Letters (June 1950)

General MacArthur's action in purging the membership of the Communist Party's Central Committee and the editorial staff of the party organ, AKAHATA was generally hailed throughout Japan. Secretary-

General SAFO Eisaku of the Liberal Party on 6 June expressed his party's whole-hearted support of SCAP's purge action, and declared that the step had been expected.

The Social Democratic Party following a meeting of its Central Executive Committee on 6 June issued a statement declaring that the Government's "provocative" attitude had been responsible for the Communist Party's resort to terroristic activities, the end result of which was General MacArthur's directive calling for the purge of Communist leaders. The Social Democratic statement continued, however, that the Cominform Journal's "criticism" of the Japan Communist Party in January had aggravated the party's tendency toward terroristic activities.

Secretary-General Saburo Chiba of the People's Democratic Party in a statement on 6 June blamed "maladministration" in the Yoshida Government as having been responsible for the growth of Communistic influence in Japan. He called upon the Government to clarify for the public the reasons for the purge in order that they might not gain the impression that Japan was returning to fascism.

The Nippon Times editorial of 9 June on "The AKAHATA Purge" read:

"The responsible editors of the Communist official organ, Akahata, have long been asking for trouble. They got it Wednesday when General MacArthur, quickly following up the purge of 24 Central Committee members, disqualified from public affairs 17 leading editors of the Akahata.

"Freedom of the press is one of the bulwarks of democracy, and this freedom has been scrupulously respected in this country. But freedom does not mean license; it does not mean the complete abandonment of democratic responsibilities.

"The authorities have been leaning over backwards to maintain a tolerant view of this journal which has, in the words of General MacArthur, been defiling 'its news columns and editorial page with licentious, false, inflammatory and seditious appeals to irresponsible sentiment in the effort to provoke defiance of constituted authority, disrupt the progress of economic revival and create social unrest and mass violence.'

"However, there are limits to tolerance and they have just about been reached."

15. Implementation of the SCAP Letters (June-December 1950)

Following receipt of the SCAP letters, the Government announced on June 6 and 7, that the entire membership of the Communist Party's Central Committee and the 17 designated editors of the party organ AKAHATA (Red Flag) had been notified of their removal from public life in accordance with the SCAP directives.

The Tokyo District Court on 30 June rejected a Communist Party appeal for a court injunction revoking the purge designations levelled by the Government against the 41 party leaders designated in the SCAP letters. The party appeal which was filed by IWATA Eiichi, a party spokesman, on 16 June also asked for a provisional court order to restore the status of the purged leaders pending a court decision. IWATA stated that the basis for the suit was alleged violation of the guarantees of basic rights defined by the Potsdam Declaration and the National Constitution. The Tokyo District Court's rejection was based on lack of jurisdiction in the case.

The Attorney General in a meeting with reporters on the same date asserted that the Communist appeal had been "out of the question". He said, "The Government action does not mean a violation of the Japanese Constitution as asserted in the Communist's challenge...

SCAP orders always take precedence over the Constitution of Japan, a nation under Occupation by the Allied Powers."

AKAHATA was notified of its suspension for thirty days when ten officials of the Attorney General's Office, accompanied by two companies of police, called upon the Communist Party headquarters at Yoyogi, Tokyo, on the morning of June 27. Following a reading of the SCAP letter to the Prime Minister, the officials sealed the publication's rotary press, type, newsprint rolls and editorial room, and seized unshipped copies of the newspaper dated for June 27. By evening, the National Rural Police headquarters was able to report that 99,700 copies of the AKAHATA had been seized by police authorities in the nation's provincial districts while the Tokyo Metropolitan Police Board announced the seizure of 35,067 copies of the Communist publication.

The Government went even further. Acting in accordance with the purport of General MacArthur's letter of June 26, the Attorney General's Office on June 28 ordered a thirty-day suspension, retroactive to June 26, of publication for 22 journals published by Communist Party ward committees in the Tokyo Metropolitan area. Agents of the Attorney General's Office together with Metropolitan Police officials raided the offices of the ward committees, seizing all copies of newspapers found and sealing printing machines. In a similar action, personnel of the Attorney General's Office and the Osaka Metropolitan Police on the same date conducted a raid on the offices of the Communist Party's Osaka Prefectural Committee and ordered a thirty-day suspension of all party publications in that area.

By July 1, the Attorney General's Office was able to report that 67 newspapers, excluding the AKAHATA, published by the Communist Party throughout the nation, including 23 in the Tokyo Metropolitan area, had been banned for a thirty-day period. The announcement stated that the action had been completed during the three-day period from 28 to 30 June. Among the organs designated were the Hokai Shimpo, published

by the Communist Party's Hokkaido District Committee; the Hokkyu Mimpo, of the North Kyushu District Committee; the Keiwa No Hata (Banner of Peace) issued by the Kanagawa Prefectural Committee; and the Kyoto No Hata (Banner of Kyoto) of the Kyoto Prefectural Committee.

In an earlier action, the Government on June 9 banned further publication of all books written by TOKUDA Kyuichi, NOSAKA Sanzo and other purged Communist Party leaders. It was revealed, however, that sale of books by the authors concerned, already on display, would be permitted.

In still another action, the Government on June 28 announced the purge of TANIGUCHI Zentaro, Communist Party Representative from Kyoto, for having criticized during a press interview on the previous day the ban imposed against the AKAHATA. TANIGUCHI had denounced the ban as a violation of the Potsdam Declaration. The Government construed the statement as having constituted "action detrimental to the Occupation," a violation of Imperial Ordinance No. 1, and, in the opinion of Chief Cabinet Secretary OKAZAKI Katsuo, an attempt to create social unrest.

The Government action against Communist organs and sympathetic publications was carried out in what could be considered three more or less distinct phases. Following the ban imposed on the AKAHATA by the Government on June 27, the first phase of operations against Communist publications began on June 28 and extended until July 3. During this period bans were imposed on 109 publications, excluding the AKAHATA. According to the Special Investigation Bureau report of August 1, this figure included 28 publications in the Tokyo Metropolitan area and 81 papers in local areas. The second phase preceded the SCAP letter of July 18 by beginning on July 17 and extending to July 21. This five-day phase resulted in 622 papers being barred from publication. The third phase incorporated the provisions and spirit of the July 18 letter. This third phase included the remainder of July and from all indications would continue indefinitely. As of January 1, 1951, this third phase

directed primarily at Communist committee and cell papers had added 743 publications to the government's ban list, thereby raising the total to 1,472.

Taking the lead from General MacArthur's letters, the Government began on its own initiative, to dissolve leftist organizations when there was positive proof of undemocratic activities. On July 21, 1950, the Government announced the dissolution of the Tokyo Metropolis Shinjuku Ward Committee of the Japan Communist Party, saying:

"About March 20, 1950, a constituent member of this Committee disobeyed an official order to deliver up the Daite Hall as a property of the "League of Koreans in Japan," a dissolved organization--and did violence to and inflicted injuries upon officials and police members; hereby interfering with those persons in exercising their official duties.

"On May 17 in the same year, the members and constituent members of this Committee did violence to tax collection officials who were attaching properties at Totsuka-machi, Shinjuku Ward for arrears of income-tax; hereby interfering with those persons in the execution of their official business.

"This cell unit made destructive criticisms against the Occupation Forces, in the party organ paper INSATSUKO (Press-man), during May and June, 1950. Thus, this cell unit indicated opposition and antagonism against the Occupation Forces."

Also, on July 21, 1950, the government announced the dissolution of DAINIPPON INSATSU SAIEO (Greater Japan Printing Cell) of the Japan Communist Party. The Attorney General explained: "Members of the Cell acted against the Occupation Forces by making word and deed intended to disturb the work which was ordered by SCAP."

"When this Committee carried out struggles together with other Communist members, its officers and constituent members committed acts of violence, injury and interference with the execution of

official duty in obstructing and checking public officers in exercising important business such as tax collection and taking over properties."

"Therefore", said the Attorney General, "they are deemed to be anti-democratic organizations which are against the welfare of the public. Their activity falls under the first part of Item 1 of Article 2 of the Organizations Control Order or Article 7 of the same Order. Hence, we have ordered them to be dissolved in accordance with Article 4 of the Order."

On August 25, 1950, the Toho Cinema Studio Cell of the Japan Communist Party was dissolved, and on August 30, 1950, Japan's largest labor union--ZENKOKU RODO KUMIAI TENRAKU KYOGIKAI--was dissolved. The Government released the following explanation of the union's dissolution:

"The stated organization was formed on 10 May 1947 with the National Congress of Industrial Organizations (Sambetsu), Japan Federation of Labor Unions (Sodomei) and about 30 other labor groups as member organizations. Afterward, with the withdrawal of Rightist labor unions from its membership, this labor organization gradually declined. However, since April 1950 the All Japan Labor Unions Liaison Council has been carrying on strenuous activities as a federate organization of Leftist labor unions virtually taking the place of the National Congress of Industrial Organizations. The total membership numbers about 1,060,000."

"The All Japan Labor Unions Liaison Council since early June of this year has repeatedly opposed and resisted the Occupation by publishing anti-Occupation statements and accounts in its 'Worker's Newspaper' (Rodo Shinbun) and in the 'Zenroren News'. Among these statements and accounts were included such expressions as: 'Frightened at the concerted struggles of the workers and people all over the world against the reactionary forces here and abroad, striving to tide over their crisis by resorting to war; the Imperialists and their 'watch dogs' have given battle to the stronghold of peace'; and 'the

Imperialists who have started operations directly leading to war, are so fearful of reportings of truth that they are already carrying out frantic oppression of speech.'"

"Furthermore," continued the Government's press release with reference to the Matsuura Mine labor dispute, "The labor organization in question approved and encouraged the anti-Occupation terrorist methods by publishing such accounts as: 'The mine workers and their families are bravely resisting the police force which is being reinforced and dispatched there'; and "The struggles have now assumed the nature of a heroic struggle of all the people against the traitorous reactionaries who do not mind sacrificing the Japanese people in order to make Japan a colony for foreign nations and allow foreign Imperialists and monopolistic capitalists to make profits'."

16. The "Red Purge" (July 28, 1950)

A program of labor rationalization was undertaken by Japanese industrial firms during the autumn of 1950. Undoubtedly, the program drew encouragement from the warm response of Japanese public opinion and drew inspiration from SCAP's letters. Eleven thousand Communists were dismissed from posts in mining, shipbuilding, spinning, motion picture, newspaper, electrical, banking and other firms. The dismissals were not predicated solely on ideological belief or party affiliation, but were made after analysis of misconduct and on-the-job risk; neglect of duty, obstruction of business, betrayal of official information, tendency to sabotage, and acts prejudicial to the integrity of government and public welfare. All those effected were protected by sound labor procedures, including appeal to the courts. This program was popularly termed "The Red Purge".

Recognizing that the Communists in public information organs had slanted the news through control of various sensitive positions, heads of the great information media companies of Japan met in Tokyo

to determine proper response to SCAP's letter of 18 July 1950. At this meeting, the executives decided to act independently and on their own responsibility to sever from employment all communists and fellow travelers who worked to thwart accurate presentation of the news.

Major Japanese newspapers and the Japan Broadcasting Corporation in a concerted action on July 28 announced a sweeping dismissal of such Communist Party members and fellow travelers from their payrolls.

Kiyoshi Iwamoto, news editor of the Kyodo News Agency, in explaining the press purge stated that the move had been made "in the spirit and intention" of General MacArthur's letters to Prime Minister Shigeru Yoshida during the months of June and July. Iwamoto specifically cited the SCAP letter of July 18th in which General MacArthur said, ". . . passing events warn of distinct danger in the use by Communism of the media of public information to propagate its tenets of subversion and violence as a means of inciting the irresponsible and lawless minority elements of society to oppose law, disturb order, and subvert the general welfare."

Attorney General Takeo Ohashi in answering interpellations posed by Goro Hani, Dai Ichi Club, during the House of Councillors' plenary session of July 30 denied that the Government had any part in the dismissals announced by the newspaper concerns and the Japan Broadcasting Corporation. Hani had asked: "Why must brilliant reporters who have never violated the Press Code be dismissed just because they are Communists? . . . Isn't it undemocratic to allow them no legal recourse? . . . Was the dismissal of the reporters by order of the Government or by the free will of the newspapers themselves? . . ." In reply, Attorney General Ohashi stated in substance that the reporters had been dismissed voluntarily by the management of the newspapers themselves and that the Government had not participated. Therefore, he stated, that all matters connected with the purge should be solved by the parties concerned, and that in arriving at a solution, they should have all

the rights stipulated by law. He specifically stated that if any infringements of labor contracts were uncovered, the discharged could take legal action for settlement.

In fact, the first discharges moved immediately to protest in court actions. The courts received the cases and heard them. The first decision announced (a pattern for subsequent decisions) was that of the Fukuoka District Court in the case of certain dismissed persons vs the Western Office of the ASAHI SHIMBUN, handed down September 9, 1950. The appellants protested that the action of the ASAHI in dismissing communists was unconstitutional and in violation of the Labor Standards Law. The judgment of the court was:

"The people in general have already deemed that there is a danger that the Communist Party may proceed in organized activity with the objective of violent revolution. This fact is also known from General MacArthur's letters and messages. If these activities are unchecked a state of disturbance and anarchy and rule by force will be brought about; fundamental human rights will be trampled, and the Constitution become as a sheet of waste paper. The aim of Democracy under the new Constitution is emancipation of the individual from feudal and totalitarian oppressions and his utmost protection to enjoy fundamental rights and liberties. The objective of the Japan Communist Party is the bondage of class dictatorial power. The party's method of realization of this objective is disturbance of order and domination by violence. The Constitution guarantees freedom of thought, conscience, speech and association but it does not guarantee against frustration of these freedoms by subversive activity. Further, the guarantee of fundamental rights by the Constitution does not give the right--even in order to realize a certain ideal--to ignore the basic human rights of others.*** Rights and liberties which our Constitution intends to guarantee have their own limits in the public welfare.*** Each individual is a unit in social life of the community and it cannot be considered proper exercise of right and freedom to abuse the exercise of guaranteed liberties beyond the limits which are inherent in these liberties."

"To be a member of the Japan Communist Party or a fellow sympathizer thereof is not only to be true to the creed of communism but to take action at any time, in obedience to the party's directives, as a member of a defiant organization which with destructive motive attacks the Constitution and all other laws and ordinances. Therefore, it is not contrary to the Constitution that a private organization producing an important publication eliminated members of the Japan Communist Party or its sympathizers in order to protect the press from the danger as mentioned

above; such action was necessary measure of protection against the threat of disturbance and destruction of the strong organization of the Japan Communist Party;--not a discrimination against the profession or creed."

The so called "Red Purge", begun by the Public Information Media firms, spread through firms in almost all major industries. A tabulation of those discharged follows:

<u>Industries</u>	<u>Dismissed</u>
Coal Mining	1924
Mining (Other than coal)	219
Chemical Industry	1432
Private Railway	519
Express Company	516
Metal Industry	2164
Electrical Industry	2137
Printing Industry	160
Oil Industry	91
Spinning and Textile Industry	83
Paper Pulp Industry	110
Banking Firms	27
Insurance Industry	10
Radio Stations	121
News Agencies	50
Newspaper Offices	519
Film Companies	122
National Railway	467
Government and Public Works	699
TOTAL	11,442

17. Expansion of the Special Investigation Bureau (August 18, 1950)

Carrying out SCAP's instructions of June and July 1950, proved to be a large operation. When it became apparent that an even stronger organization than existed was required to enforce SCAPINS 550, 548 and the

recent letters, the Law for Fixed Number of Personnel in the Administrative Organizations (Law No. 126 of 1949) was amended so that 1,145 employees were assigned to the Special Investigation Bureau. This amendment (Cabinet Order No. 263, 1950) authorized three deputy directors of the bureau and in consequence Attorney General's Office Ordinance No. 1 of 1949 was amended also.

The amending ordinance (Attorney General's Office Ordinance No. 103, August 18, 1950) began: "Article 11 of the Ordinance (Attorney General's Office Ordinance 101 of 1949) shall be amended as follows: Article 11. There shall be in the Special Investigation Bureau, General Affairs Section, Liaison Section, First Surveillance Section, Second Surveillance Section, Third Surveillance Section, First Investigation Section, Second Investigation Section, and Third Investigation Section."

The former section charged with ensuring compliance with the provisions of SCAPIN 550 was expanded to a Department and included the First, Second and Third Observation Sections. The First Section was charged with registering purgees. The Second, with observation of movements of those purged under SCAPIN 550 to ascertain whether or not they were complying with its provisions. The Third, with the observation of those purged under SCAPIN 548 to ascertain whether or not they were complying with the provisions of the purge directive.

The First, Second and Third Investigation Sections were the offices concerned with enforcement of SCAPIN 548. These three sections--which comprised the Investigation Department--were placed under the immediate authority of one of the Deputy Directors, who was assigned full time to the job of observing organizations to ensure their compliance with the provisions of Cabinet Order No. 64.

The First Investigation Section was charged with the registration of organizations as provided for in the Organizations Control Order.

The Second Investigation Section was charged with the "affairs concerning the prohibition from formation and dissolution of organiza-

tions in accordance with the provisions of the Organizations Control Order, and the investigation relating to those Organizations..."

The Third Investigation Section was charged with the actual work of ensuring compliance with the SCAP letters of June and July 1950. It had 118 employees and was divided into six-sub-sections. It was reorganized from the former Fourth Section. As stated in the Ordinance, this Third Investigation Section "shall take charge of the affairs concerning the prohibition from formation and dissolution of organization of any type which do not fall under the jurisdiction of the Second Investigation Section, in accordance with the provisions of the Organizations Control Order, and investigations relating to those organizations, etc."

Another Attorney-General's Office Ordinance provided that officials of the Central Office should be dispatched to the nine regions of Japan for liaison and coordination purposes with the prefectural governors.

Articles 8 and 10 of Cabinet Order No. 64 had set forth the responsibilities of the governors of the Metropolis, Hokkaido and each prefecture with respect to enforcement of SCAPIN 548. Such responsibilities included the collection of registrations, and the making of investigations to ascertain whether or not the provisions of Cabinet Order No. 64 were being observed. Imperial Ordinance No. 1 of 1947 also allotted duties to the Governors including screening and observation of purgees. To fulfil these duties, each Governor had appointed persons from his staff to handle such matters. Officials of the Central Office of the Special Investigation Bureau were given no authority over the employees appointed by the Governors. Their function consisted in advising, coordinating, exchanging information and aiding the prefectural people.

By this latest reorganization, the one thousand one hundred and forty-five employees authorized Special Investigation Bureau were allocated to sections and dispatched to regions as follows:

Director	1
Deputy Directors	3
General Affairs Section	71
Liaison Section	65
First Observation Section	31
Second Observation Section	55
Third Observation Section	94
First Investigation Section	37
Second Investigation Section	87
Third Investigation Section	118
Hokkaido Region	63
Tohoku Region	64
Shin-etsu Region	50
Kanto Region	80
Tokai Region	50
Kinki Region	80
Chugoku Region	66
Shikoku Region	47
Kyushu Region	75
Reserve	8
TOTAL	1,145

18. Recommendations of the Second Appeal Board (October 13, 1950)

That there would be inequalities in administration of the purge program was obvious from the beginning. Until May 10, 1948, there was a Screening Committee in each of the 46 prefectures and one in each of the 118 cities over 50,000 population, besides the Central Screening Committee at Tokyo. After May 10, 1948, there were 47 other Screening Agencies. Questionnaires of over one and a half million persons were examined. Eight hundred and twenty officials assisted by thousands of assistants conducted the screening. In a program of that size, it was

inevitable there would be at least a few cases of gross injustice. That there were so few--less than one percent of those screened--was remarkable.

Thirty-two thousand eighty-nine applications for special remission were received by the Second Appeal Board.*/ Despite the press statement of the Prime Minister's that "a sort of amnesty may be expected",**/ each case was considered on an individual basis. Each was examined to determine whether or not the appellant had been purged with gross injustice with regard to the provisions of Imperial Ordinance No. 1 of 1947. A suspected war criminal who had been arrested and designated a purgee was recommended for reinstatement when it was learned that he had been found not guilty by the War Tribunal. A reserve officer who had been purged erroneously as a regular officer, a medical officer who had retired before 1920; a soldier who had been appointed to the military police to assist the Occupation after the termination of the war and who had been purged erroneously as a Kempei Tai, were recommended. A former branch chief of IRAA, who had been appointed to the post during an absence from his home village and who had been released from the position before his return, was recommended. These were typical of the cases which the Appeal Board deemed involved gross injustice. The Board recommended that 10,091 of the applicants be reinstated. The Prime Minister concurred in all recommendations and forwarded the cases to General MacArthur for approval--with one exception. On October 13, 1950, SCAP approved every case which was forwarded to him.

The one exception--the one recommendation of the Appeal Board which the Prime Minister could not approve because he had, personally, designated the appellant--was Matsumoto Jiichiro.

*/ See p. 14

**/ See p. 15

CONCLUSION

1. Control of Undemocratic Leftists Organizations (April 12, 1951)

As a result of the Purge ordered by the SCAP letters of 6 and 7 June 1950, seven communists lost seats in the House of Representatives. As a sequel to the four SCAP letters of June and July 1950, eleven thousand Communists lost jobs in private industry. As a consequence of all the events described in the preceding sections, 40,000 persons publicly withdrew their membership from the Communist Party.

By April 12, 1951, the threat of the Communist Party in Japan had apparently been neutralized. For three months there had been no known important instances of terroristic, anti-Occupation, or undemocratic activity. All branches of the Government together with industry were united behind SCAP's leadership in the program of defeating the latest threat to the democracy of Japan.

By General MacArthur's letters, the Central Committee of the Party was removed at a stroke; the Political Bureau and Secretariat of the Central Committee lost all principal members; and the Control Committee was deprived of the services of MIYAMOTO Kenji.

According to party regulation, a new Central Committee could be selected only by a General Party Conference. To April 12, 1951, no such conference had met, and the Party was under the direction of a Provisional Central Guidance Bureau established by the Control Committee.

As of that date, also, the Party had remaining only four seats in the House of Councillors and twenty-five in the House of Representatives, and registered party membership had fallen to 59,909 from the all time high of 108,692 during February 1950. According to the registrations filed pursuant to the provisions of Cabinet Order No. 64 and Imperial Ordinance No. 101, the total number of cells and the total number of members by month from January 1, 1950 until April 1, 1951 were as follows:

<u>Date</u>	<u>Number of Cells</u>	<u>Number of Members Registered</u>
January 1, 1950	4231	93,935
February 1, 1950	5149	106,639
March 1, 1950	5973	108,693
April 1, 1950	6317	98,500
May 1, 1950	6600	99,274
June 1, 1950	6745	99,317
July 1, 1950	6819	98,435
August 1, 1950	6793	92,375
September 1, 1950	6730	85,148
October 1, 1950	6587	79,263
November 1, 1950	6443	72,378
December 1, 1950	6338	70,431
January 1, 1951	6285	69,098
February 1, 1951	6147	65,024
March 1, 1951	6074	63,378
April 1, 1951	5942	60,942

2. Control of Ultrationalistic Organizations (January 1, 1951)

As previously explained, the duties of the Special Investigation Bureau of the Attorney General's Office included registering organizations engaged in political activities, observing the activities of those organizations to ensure compliance with the provisions of SCAPIN 548 and with the Directives of the Far Eastern Commission and of the Joint Chiefs of Staff, and dissolving such organizations as proved to be militaristic, ultrationalistic, secret, terroristic, or in any way undemocratic.

A total of sixty terroristic societies had been dissolved by April 12, 1951. One hundred and six-three ultra-nationalistic organizations had been dissolved by that date, as had six undemocratic leftist organizations. The total number of all three classifications dissolved was two hundred and twenty-nine.

Of the total 229, one hundred and twenty-eight had been dissolved by the former Home Ministry. Twenty-eight had been dissolved by the Prime Minister's office during the interim following the abolishment of the Home Ministry and preceding the establishment of the Special Investigation Bureau in the Attorney General's Office. The other seventy-three were dissolved by the Attorney General. Fifty-two of the total were dissolved pursuant to the provisions of Cabinet Order No. 64 of 1949; the rest under the former Imperial Ordinance No. 101 of 1946. Sixty-six of the organizations were dissolved during the period covered by this review (October 1, 1948 - April 12, 1951).

After its establishment, and up to April 12, 1951, the Special Investigation Bureau investigated 4100 cases in enforcing SCAPIN 548. Typical of these were the cases of The Dragon Gate Society, The White Dragon Society, KITATACHIBAWA Fire Department, The Town Administrative Reform League, and CHOREN.^{2/}

Of political parties registered by the Special Investigation Bureau, there were in existence on April 12, 1951, seventeen thousand, seven hundred and fifteen parties, branches and affiliates with a total membership of eleven million, five hundred and ten thousand, seven hundred and seventy persons. These were by party, as follows:

	<u>Number of Branches and Affiliates</u>	<u>Number of Members</u>
Liberal	1,008	83,201
Democrat	349	22,581
Social Democrat	1,777	97,114
Communist	5,911	59,909
Minor	<u>8,670</u>	<u>11,247,955</u>
	17,715	11,510,770

3. Control of Purgees (January 1, 1951)

By April 1, 1951, a total of two million, forty-eight thousand, three hundred and forty-seven Japanese leaders and officials had been screened as required by SCAPIN 550. Two hundred eight thousand and sixty had been removed or excluded from public office. Fifteen thousand and ten had

^{2/} For details of cases, see pp. 27-32

been depurged as being erroneously designated. One hundred ninety, three thousand and fifty remained purged. A general summary of purge statistics, by category was as follows:^{2/}

<u>Category</u>	<u>Total Screened</u>	<u>4 January 1946-31 March 1951</u>		
		<u>Purge (Removed, Excluded, P.D.)^{**/}</u>	<u>Reinstated</u>	<u>Remaining Purged</u>
A	43	1,703	5	1,698
B	6,323	118,945	7,822	111,123
C	26	3,092	116	2,976
D	83	33,656	2,310	31,346
E	53	435	125	310
F	0	43	12	31
G	7,127	49,897	4,614	45,283
SCAPIN 548	0	289	6	283
<u>Grand Total</u>	<u>13,655</u>	<u>208,060</u>	<u>15,010</u>	<u>193,050</u>

Those reinstated included one hundred and forty-eight purges who were reinstated as a result of recommendations of the First Appeal Board; one thousand ninety-five who were administratively reinstated by the Prime Minister during the period between the two appeal boards; and ten thousand and ninety who were reinstated on recommendation of the Second Appeal Board. In addition, on October 30, 1950, the Japanese Government proposed, and SCAP approved, the reinstatement of 3,250 young ex-officers of the army and navy, none of whom had had any connection with the military service prior to December 8, 1941 and none of whom could be held responsible for leading the Japanese people into World War II.

With this alleviation of inequalities in administration, the Purge had apparently become a settled matter. Militarists and Ultranationalists had been removed from positions of influence in public affairs. Laws and

^{2/} For an explanation of Purge Categories, see Ibid. pp. 484-485

^{**/} For a discussion of Provisional Designation, see Ibid. pp. 43-45.

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Ordinances providing effective means of controlling the actions of purgees had been passed. Executive administrative agencies which were competent to cope with the problem of excluding those persons from reassuming public leadership had been established. The Courts were aware of their role and their responsibility in the program.*/ The purpose of the purge--the removal of those undesirables who had misled the Japanese people into embarking on an aggressive war for world conquest in order to clear the field for leaders chosen by, and responsive to, and freely expressed will of the people--had not only been accomplished but all branches of the Government were mobilized to ensure that the Government would remain free of those undesirable persons so long as the purge directive remained in force.

*/ On February 2nd, 1950, the Supreme Court rendered a judgment with unanimous opinion ruling that Courts were without jurisdiction in deliberating into the decision of an organ effecting the purge of an individual required by SCAPIN 550. Supreme Court Justice Mano wrote a supplementary opinion in substance as follows:

"For the enforcement of the Purge Ordinance, the Central Public Service Screening Committee was established and upon its report, the Prime Minister designates those persons falling under the Memorandum. It is true that the Purge Ordinance is an Imperial Ordinance, a national law, and the Prime Minister is an organ, an office, provided for in the Constitution. But in connection with the Purge, the Prime Minister's act is not an executive act within the jurisdiction of the Constitution. If it were, such decision of the Prime Minister would be subject to deliberation of the Cabinet. In the Purge question, the executive acts of the Prime Minister are extra-constitutional. The Prime Minister is directly responsible to SCAP, his superior authority, alone, for his act. Consequently, he is not responsible to the Diet for such act as he would be in the usual exercise of an executive power. Likewise, it should be concluded that as to the effect of the Prime Minister's act of designation of certain persons for the Purge, the Courts, acting within the domain of the Constitution, have no competence to review such acts of the Prime Minister...."