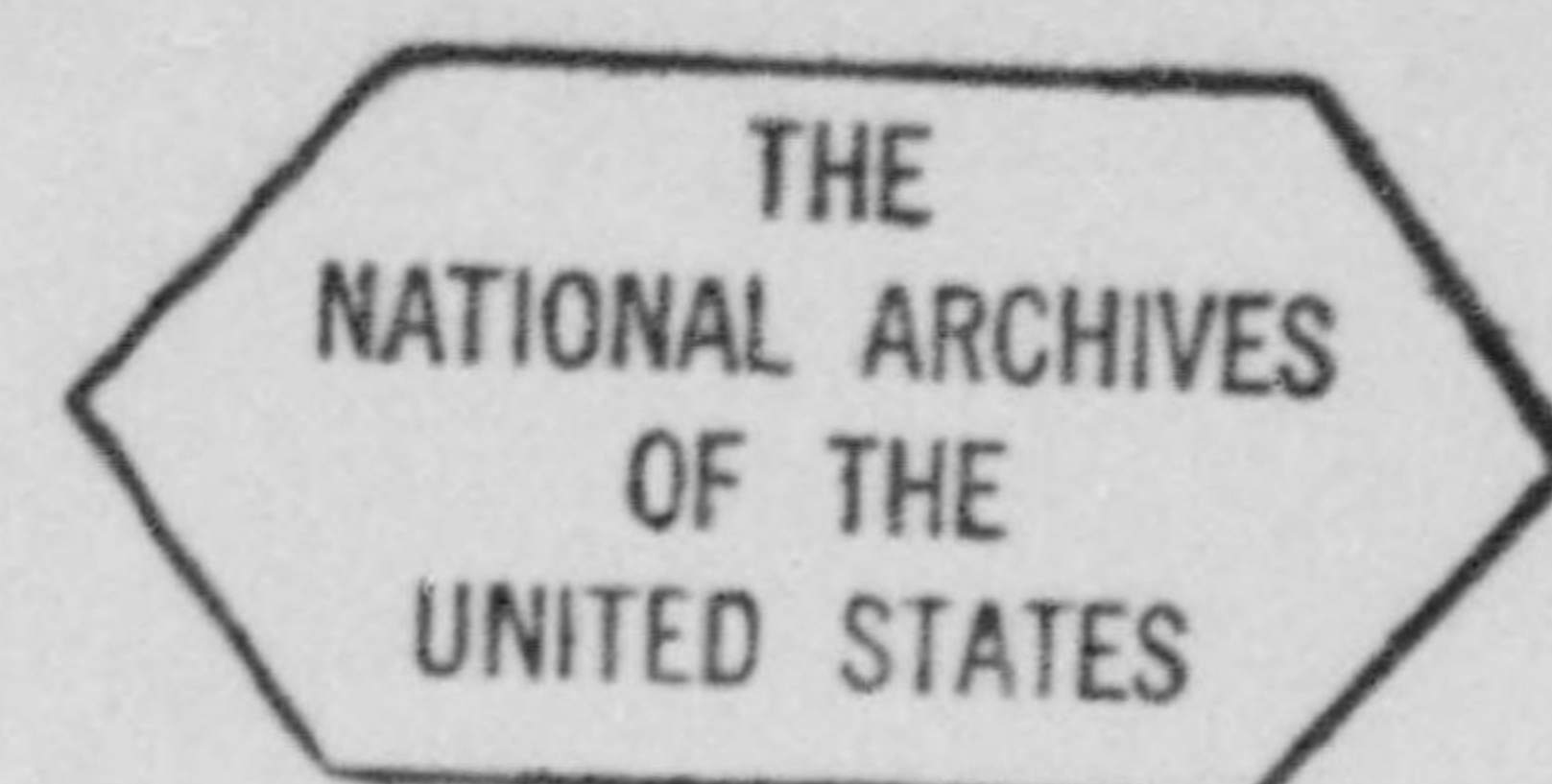


GHQ/SCAP Records(RG 331)
Description of contents



- (1) Box no. 2034
- (2) Folder title/number: (16)
House of Councillors' Election - 4 June 1950
Election Law Violations
- (3) Date: Feb. 1950 - Aug. 1950

(4) Subject:

Classification	Type of record
331	e, s

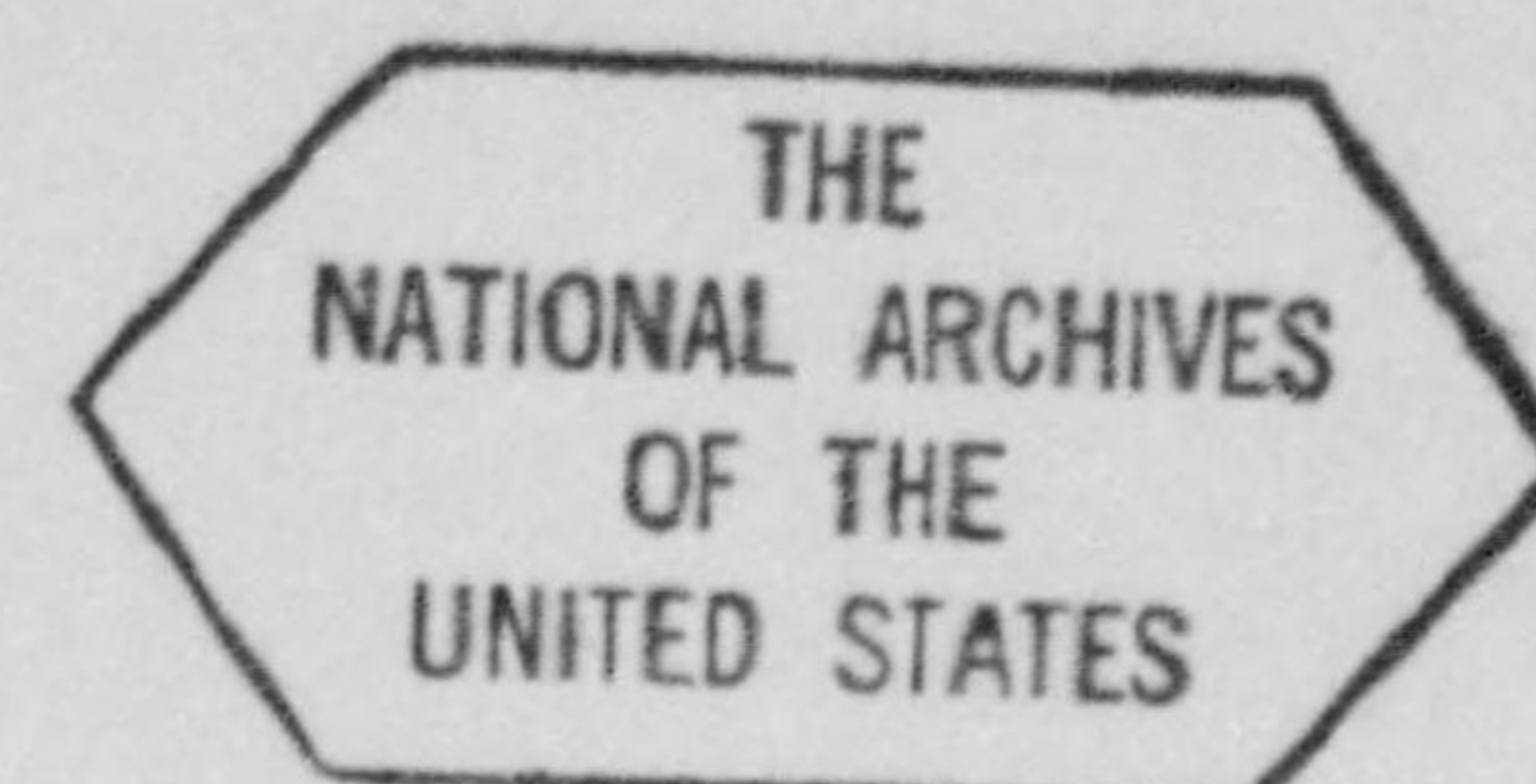
(5) Item description and comment:

With a List of Papers

(6) Reproduction: Yes No

(7) Film no. _____ Sheet no. _____

GHQ/SCAP Records(RG 331)
Description of contents



- (1) Box no. 2034
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House of Councillors' Election - 4 June 1950
Election Law Violations
- (3) Date: Feb. 1950 - Aug. 1950

(4) Subject:

Classification	Type of record
331	e, s

(5) Item description and comment:

With a List of Papers

(6) Reproduction: Yes No

(7) Film no.

Sheet no.

NO.	FROM	DATE	TO	SYNOPSIS
17		10 Jun 50		Report on Case of Violation of Public Offices Election Law
18		4 Jul 50		Report on Cases of Violation of Public Offices Election Law
19	Joseph	2 Aug 50	Napier	Final Report of Election Law Violations
20	Joseph	13 Oct 50	M/R	Disposition of Alleged Election Law Violation Cases ('50 H.C. Election)

NO.	FROM	DATE	TO	SYNOPSIS
1	Joseph	16 Feb 50	Napier	Arrest of Alleged Violators of Election Laws
2	Joseph	28 Feb 50	Rizzo	Alleged Election Law Violations in Kyoto (Conference Notes)
3	Joseph	1 Mar 50	M/R	Summary of Proceedings in Regard to Prosecution of Election Law Violators in Kyoto (Conference Notes)
4	Joseph	6 Mar 50	Rizzo	HOSOKAWA Kaoru, Kyoto Branch Chief of Democratic Party to be Indicted for Election Law Violations
5	Joseph	8 Mar 50	M/R	Procurators Pass Judgment on HOSOKAWA
6	Joseph	16 May 50	M/R	Alleged Election Law Violations, House of Councillors' Election Campaign
7	Joseph	19 May 50	Hauge	Disposition of Cases Involving Election Law Violations
8		23 May 50		Suspected Violation of Election Law in Area of Osaka Prefectural Headquarters, NRP
9	NRP Hqs	25 May 50		Survey re Election Violation of H.C. Election
10	KYODO	26 May 50		43 Election Law Violators in Metropolis, Police Reveal
11	KYODO	28 May 50		Election Violation Cases Reach 34
12	Sakakibara	4 Jun 50	General MacArthur	Re candidacy for Diet
13	KYODO	5 Jun 50		Labor Farmer Rep. Arrested for Violating Election Law
14	JIJI PRESS	5 Jun 50		Election Law Violations Suspected
15	KYODO	6 Jun 50		16 More Arrested for Election Violation
16	KYODO	6 Jun 50		Councillor-Elect Ishimura Suspected of Vote Buying

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section
Public Administration Division

13 October 1950

MEMORANDUM FOR THE RECORD

SUBJECT: Disposition of Alleged Election Law Violation Cases ('50 H.C. Election)

According to data supplied Government Section by the Attorney General's Office on this date, disposition of alleged election Law violation cases resulting from the 4 June 1950 House of Councillors election was as follows:

1. Of the 17,796 persons originally accused of election law violation 17,109 were formally investigated.
2. As of 31 August more than half the cases had been dropped for lack of sufficient evidence while 5,352 persons were still under investigation by the Attorney General's Office.
3. Legal action had been completed on 1,109 individuals of whom 1,055 were fined, 42 sentenced to penal servitude, and 12 given lesser terms of imprisonment. One defendant had died as of the above date, and cases involving 1,685 others were still pending.


A. A. J.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section
Public Administration Division

Major Napier
John Russo
FR
noted

2 August 1950

MEMORANDUM FOR: Major Napier

SUBJECT: Final Report of Election Law Violations

1. According to a report submitted Government Section on 1 August by the National Election Administration Commission, the number of cases of election law violations occurring during the 4 June House of Councillors General Election numbered 12,131 and involved 17,796 individuals. Compared with the 1,895 cases reported after the 1949 House of Representatives election, 2,997 after the five general elections of April 1947, and the 2,632 cases reported in the 1946 House of Representatives election, it is seen that the number of violations recorded by the Japanese Rural Police in the recent election totalled more than four times the number reported upon in any previous election conducted since the beginning of the Occupation.

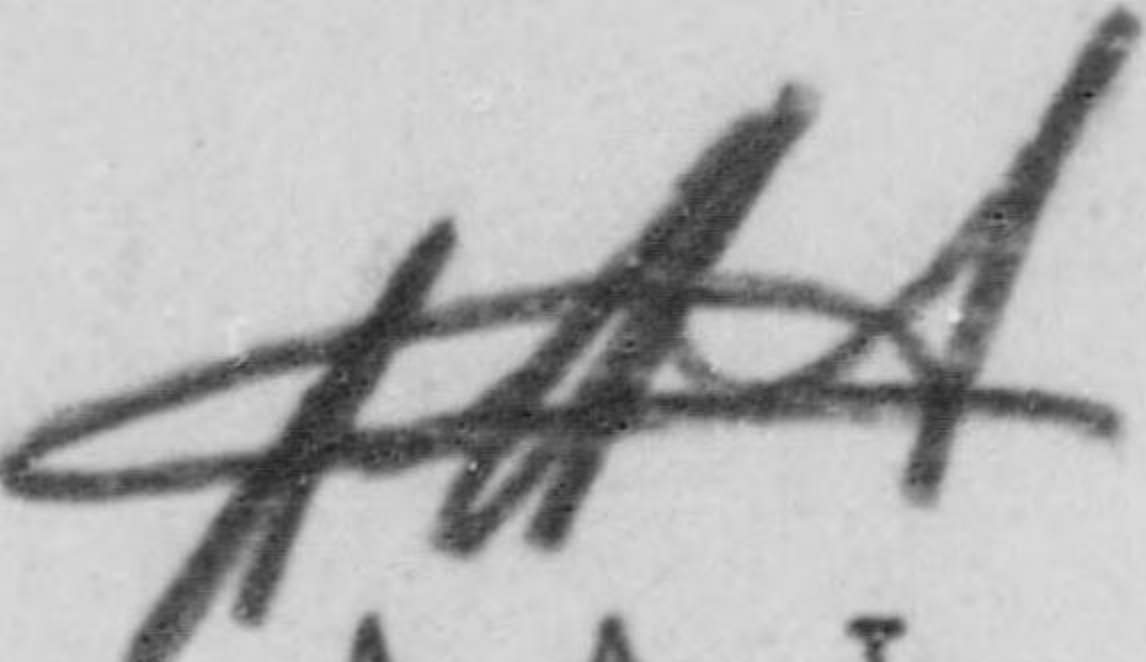
2. Fundamentally, this excessive number of violations of the election laws is the end result of intensive electioneering under overly restrictive provisions of those laws. In addition, the laxity in prosecuting election law violators in the past has apparently taken the teeth out of the punitive provisions of those laws.

3. Listed according to the Article of the Public Office Election Law violated, the number of cases and individuals involved in each are as follows:

<u>Article and Description</u>	<u>Number of Cases</u>	<u>Individuals</u>
221: Bribery and persuasion with interests	2,316	5,488
225: Interference with freedom of voting	78	105
227: Infringement on secrecy of voting	76	78
229: Seditious acts against administrative organs	7	7
231: Carrying weapons in polling places	2	2
235: Publication of false matters	5	6
236: Fraudulent registration, declaration, etc.	19	29
234: Incitement to election crimes	19	139
239, Para.1: Use of educator's position to influence	71	75
239, Para.2: Campaigning prior to legal date	158	184
239, Para.3: House to house campaigning	2,566	3,122
240: Exceeding number of election offices	50	54
241: Campaigning by certain public officials	52	63
243, Para.1: Serving of food or drink	154	224
243, Para.2: Illegal use of autos, loudspeakers, etc.	185	294
243, Para.3-7: Illegal distr. of posters & literature	5,962	7,403
243, Para.8-10: Violation of speech meetings, etc.	57	78
245: Salutary acts after election day	46	54
246: Collection and disbursement of campaign funds	96	142
247: Obligations to submit reports	2	3
248: Restrictions on contributions	4	4
Misc:	206	242
<i>(19)</i> Total	12,131	17,796

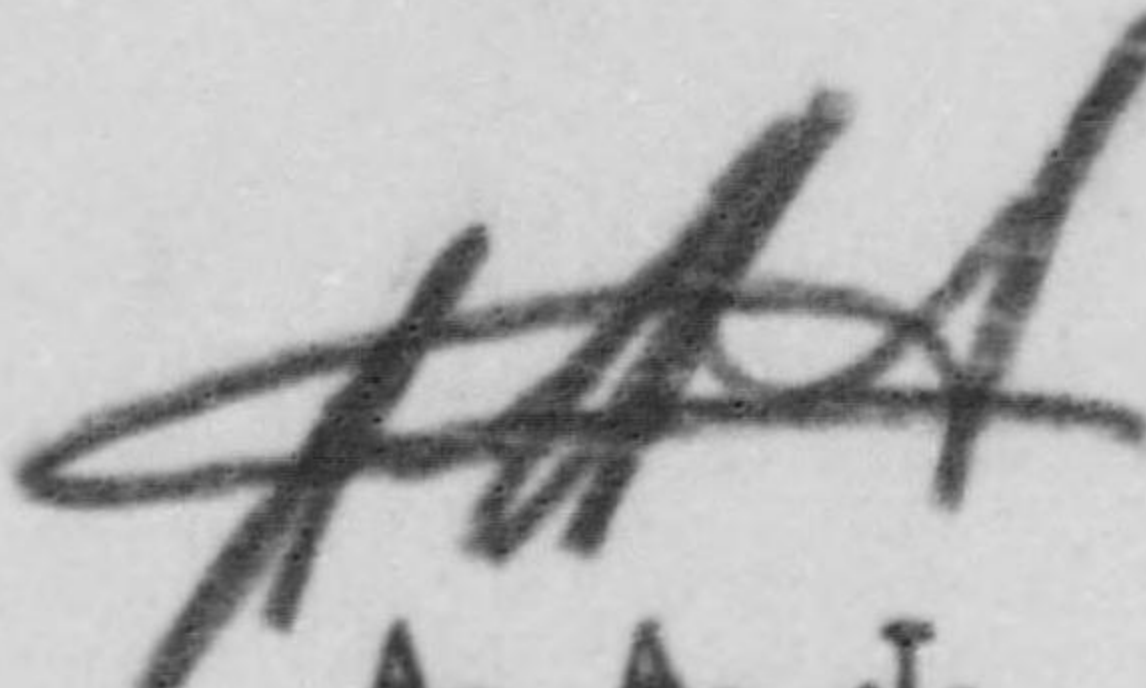
4. Prefectures reporting the greatest number of violations were:

<u>Prefecture</u>	<u>Number of Cases</u>	<u>Individuals Involved</u>
Tokyo	1,192	2,024
Nagano	830	1,036
Hokkaido	731	792
Gumma	624	795
Chiba	540	868
Ibaragi	473	785
Hiroshima	441	513


A. A. J.

4. Prefectures reporting the greatest number of violations were:

<u>Prefecture</u>	<u>Number of Cases</u>	<u>Individuals Involved</u>
Tokyo	1,192	2,024
Nagano	830	1,036
Hokkaido	731	792
Gumma	624	795
Chiba	540	868
Ibaragi	473	785
Hiroshima	441	513


A. A. J.

A-Number of cases
B-Number of peoples who violated the law

Report on the Cases of Vi

Title of Articles Violated	Bribery		Persuasion with Interests		Obstruction to Freedom of Election		Sedition		Carrying Abuse of of Weapons Authority			
	A	B	A	B	A	B	A	B	A	B		
Hokkaido	5	7	4	3	2	2						
Aomori	2	19			1	2						
Iwate	97	89	4	13								
Miyagi	53	53			2	1						
Akita	66	63	3	3	2	3						
Yamagata	78	227			1	1						
Fukushima	12	35										
Ibaragi	121	392	3	5								
Tochigi	19	46										
Gunma	36	131	3	10	1	1						
Saitama	26	140										
Chiba	34	94	8	11								
Tokyo	373	951	14	23	14	24						
Kanagawa	17	77	2	3	2	2						
Niigata	112	122	3	5	1	2	1	1				
Toyama	23	185	4	9	3	4						
Ishikawa	6	43	5	13								
Fukui	5	99			1	2						
Yamanashi	13	108			1	4						
Nagano	563	763	1	1								
Gifu	3	3	1	8	2	2						
Shizuoka	47	88										
Aichi	46	50	8	9	3	4						
Mie	2	87										
Shiga	2	9										
Kyoto	3	15	1	1	4	8						
Osaka	3	51			7	9						
Hyogo	8	54			11	14						
Nara	8	17										
Wakayama	15	50			2	2	5	5	2	2		
Tottori	10	72	1	1	4	4						
Shimane	20	35	2	8	3	3						
Okayama	5	19			1	1						
Hiroshima	110	112	4	4	1	1						
Yamaguchi	36	20			1	1						
Tokushima	24	38										
Kagawa	73	76	1	1	2	2						
Ehime	2	18			2	2						
Kochi	-	-	6	7								
Fukuoka	22	627			1	1						
Saga	4	18	1	1								
Nagasaki	2	2	2	2	1	1						
Kumamoto	-	-			1	1						
Oita	6	8										
Miyazaki	52	151	1	1	1	1						
Kagoshima	70	82					1	1				
Total	2234	5346	82	142	78	105	7	7	2	2	-	-

olation of the Public Offices Election Law.

As of July 4, 1950.

Infringement upon the Secrecy of Voting		House to House Visits		Preelection Campaigns		Election Campaign by Sepecificed Public Officials, etc.		Taking Advantage of Educational Positions	
A	B	A	B	A	B	A	B	A	B
		95	99	3	4	1	1	7	7
		10	10					1	1
		54	63	6	5	2	2	12	11
		62	32						
		21	24	1	1				
		40	46	3	3	2	2		
		17	18	9	9			6	6
		116	146			3	2		
		106	111	4	4	1	1		
63	62	159	178	1	1			1	1
		35	45	2	2				
		80	112	3	4	1	1		
		368	440	50	61	7	8		
		53	70	2	2				
		84	108	9	10	2	2	1	1
1	2	94	97					1	1
		38	58			1	2		
		14	27	2	4			1	1
		22	38	1	1			1	1
		92	92	7	8	6	6		
		24	29	1	1	1	3		
		40	65	5	5	1	1		
		118	138	4	6	1	1	5	8
		9	80	1	1	1	2		
		13	13	1	2	1	1		
12	14	66	72	4	4	2	2		
		56	72	1	1	3	5		
		39	63			2	5	6	6
		29	48					4	3
		65	72	2	5	1	1	14	14
		37	64						
		63	70	2	4	1	1	1	1
		72	82	1	1				
		31	37			1	1		
		23	30	4	4	1	1		
		51	57	2	2	2	2	1	1
		26	28					2	2
		19	21	1	1				
		11	13	2	2	3	2	3	6
		53	61			1	1		
		33	38	1	1				
		17	22	4	4	1	1	2	2
		19	19	5	5	1	4	1	1
		47	60	2	3	2	2	1	1
		45	54	12	13				
76	78	2566	3122	158	184	52	63	71	75

Demenstrative Acts		Incitement of Election Campaign		Publication of False Matters		Frandulent Registration etc.		Negligence of witness' Duty		Violatio cerning on Offic
A	B	A	B	A	B	A	B	A	B	A
2	2									3
										1
										1
										1
										3
5	48			1	1					2
2	21									
				1	1	5	6			1
										1
										3
				1	1	1	1			6
				1	2					
1	18									2
						3	4			1
						2	5			
2	18									1
										7
1	10									4
										2
										1
				1	1					2
						2	2			4
						1	2			
						4	4			1
1	1									1
5	21									
										1
										1
19	139	-	-	5	6	19	29	-	-	50

n Con- Electi- es etc.	Serving Foods and Drinks		Violation Concerning Automobiles, Loudspeakers etc.			Violation Con- cerning Litera- ture & Drawings		Violation Concerni- ng Speech & Speech Meeting	
	B	A	B	A	B	A	B	A	B
3	13	5	24		46	542	577	15	21
1	3	3	3		5	41	49		
1			5		8	186	164	1	1
1			2		2	112	75		
1			6		8	61	63	2	3
3	2	2	4		5	211	205		
	1	7	3		3	45	44	2	3
4			4		6	223	232		
	3	3	3		7	197	226	2	2
	2	2	6		7	350	381		
	3	28	1		3	165	172	1	1
1	26	28	4		8	393	590	3	3
1	3	6	7		7	312	450	1	1
4	17	24	4		4	126	157		
6	1	1	1		1	322	426		
			1		2	79	100	1	1
	2	4	1		5	34	63		
	1	3	6		1	14	40	1	2
3	13	14	4		7	52	116		
	1	1	4		5	130	131	1	1
1			4		4	39	55	1	1
	2	2	1		2	149	208	1	1
						207	242		
						20	102		
1	1	1				69	84	1	1
7	27	33	1		1	85	102	3	8
4	1	7	23		45	225	306	3	5
			9		15	118	183		
2	8	12	8		10	35	61		
1	1	1	8		2	57	83	5	7
	5	11	1		12	70	108		
2	1	1				69	78	1	1
4	5	6	4		9	117	164	3	4
			3		4	264	308	5	5
			2		2	39	99		
1	2	2	2		2	99	95		
1	2	2	18		19	30	38		
	1	1	4		4	31	39		
			1		1	84	90		
1			7		15	140	168		
	1	1	2		2	67	94	2	2
			3		4	31	43		
1	1	2	1		1	90	92		
	4	10	2		2	12	16		
						129	186	1	1
						91	98	1	3
54	154	224	185		294	5962	7403	57	78

Salutary Acts after Day of Election		Violation Concerning Incomes & Payments		Violation of Obligation to Submit Reports		Violations Concerning Contributions		Others
A	B	A	B	A	B	A	B	A
8	8	6	6			1	1	
11	10	1	2					
		3	6	1	1			5
		1	1					3
1	1							7
1	1	1	3					10
		3	3					12
1	2	7	10	1	2			4
1	2	4	7					2
		4	5			1	1	11
								1
4	4	4	5					1
1	1							3
		2	2					2
								8
1	1	1	1					1
2	4							2
4	4	1	1			1	1	5
4	4	1	1					1
		2	5					1
		6	8					1
		3	6			1	1	3
		11	17					6
1	1							1
3	7	1	3					1
		1	1					6
								54
1	1	2	2					2
1	1	1	1					
		20	36					1
								1
1	2							1
		10	10					12
								1
								36
46	54	96	142	2	3	4	4	206

Total							
I	A	B					
	> 731	792	Katthand				
	58	86					
	383	372					
	232	164					
	163	169					
	348	501					
5	100	130					
2	> 473	785	Ibaragi				
13	348	464					
	> 624	795	Kumano				
	234	367					
16	> 540	868	Chiba				
20	1192	2024	Sogyo				
31	217	328					
31	> 567	723	Utsunomiya				
11	231	429					
11	89	192					
11	47	188					
11	98	279					
3	830	1036	Nagano				
2	81	128					
10	256	385					
	396	462					
1	36	278					
2	92	115					
5	178	224					
1	373	568					
1	207	362					
1	80	145					
3	195	276					
8	135	268					
1	180	242					
2	205	278					
14	> 441	513					
54	163	216					
3	188	205					
	159	173					
	62	88					
1	113	124					
1	250	931	Fukushima				
1	112	158					
	62	80					
15	132	141					
1	19	25					
36	285	456					
	226	263					
242	12131	17796					

A - Number of cases
 B - Number of peoples who violated the law

Report on the Cases of Violation of the Public

Intelligence w/ freedom
violated against adm. + gov.
affiliated in Party
used

Articles violated	Bribery		Persuasion with Interests		225		229		231		226		227		House	House	239
	A	B	A	B	A	B	A	B	A	B	A	B	A	B	Visit		
Hokkaido	3	3	1	1	3	3									37	38	
Aomori	19	19													1	1	
Iwate	1	20	2	2											26	31	
Miyagi															2	2	
Akita	17	17	3	3	1	1									11	11	1
Yamagata	23	89	1	1	1	1									9	12	4
Fukushima	21	24	1	3											31	37	
Ibaragi	5	8	1	1											90	92	
Tochigi	35	35													106	111	4
Gunma	36	100	2	5	1	1									200	208	
Saitama	8	61			2	3									16	23	
Chiba	20	68	3	5											44	59	
Tokyo	144	369	6	11	7	12									163	195	31
Kanagawa	6	48			3	3							4	3	23	22	1
Niigata	61	61	1	1	1	2	1	1							44	47	3
Toyama	12	40	3	8	3	4									58	74	1
Ishikawa	1	12	1	1											13	31	
Fukui	4	62													17	43	2
Yamanashi	13	108			1	4									20	34	1
Nagano	247	264													49	47	7
Gifu	2	2			2	2									21	26	1
Shizuoka	40	53													17	22	
Aichi	10	25	8	9	3	4									101	133	4
Mie	1	26													5	11	
Shiga	9	9													18	12	1
Kyoto	1	12	1	1	4	8									62	68	4
Osaka															5	5	1
Hyogo	3	26			4	4									25	36	
Nara	6	17													29	48	
Wakayama	6	14			1	1	3	3							54	57	1
Tottori	9	71	1	1	4	4									36	62	
Shimane	12	23	1	2	3	3									56	63	1
Okayama	4	16			1	1									47	49	1
Hiroshima	27	29	2	2	1	1									9	11	
Yamaguchi	1	1			1	1									5	6	3
Tokushima	2	7	1	1											13	14	2
Kagawa	33	33	1	1	1	1											
Ehime	5	5			1	1									14	15	1
Kochi					1	2									1	1	2
Fukuoka	8	63			1	1									26	34	
Saga	4	18													11	13	1
Nagasaki					1	1									5	6	2
Kumamoto															10	10	
Oita	1	3															
Miyazaki	55	101	1	1	1	1									33	54	1
Kagoshima	36	38			1	1									12	21	8

Total 951 2,000 41 60 54 71 4 4 4 3 1,575 1,895 89 11

on my 8
the office.

of auto, land, etc.

Part. on parties, etc.

visit of rector, on
Spent meetings

Saturday aft. after election
246

visit of my. amc. contrib.
& dist. of election
of funds.

visit of obligation to submit
reports

visit of rector, on contribution

As of June 10

224		243(2)		243(3-7)		243(8-10)		245		246		247		248		Others		Total	
A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B
		5	13	245	262	3	3	4	4							2	1	305	330
4	4	4	4	1	1													29	29
		4	6	45	44			1	1									81	106
				8	6													10	8
		2	2	13	13													48	48
		2	3	56	77					1	1							101	208
1	1	1	1	37	101	1	1			4	4					4	22	102	177
		2	3	150	78													3	4
		2	5	169	189					1	1							7	11
3	3	4	5	387	343													4	6
2	2	1	1	78	94													4	6
		1	5	127	186													1	1
10	10	3	3	139	208	4	4											3	6
1	1			53	51													4	4
6	8	1	1	80	130					4	6							1	1
				33	44					2	6							2	2
		1	5	18	36													2	2
2	4	1	1	9	22	4	15			1	1							1	1
1	3	6	7	51	115													1	1
2	2			34	38			1	1									1	1
1	1	3	3	31	44	1	1											1	1
		1	1	53	69													4	4
1	1			198	259					3	3	1	1					3	6
				5	10													1	1
1	1			71	71	1	1	1	1	1	1							1	1
1	1	1	1	75	90	3	8											5	5
				18	42													1	2
		6	6	38	24	1	2	1	1									1	1
				22	34													3	3
5	6	5	7	36	44	3	5											1	1
1	1	1	2	65	98													3	3
2	8	1	11	56	65									1	1			4	4
1	1			76	92	2	3			3	3							1	1
				112	129													2	3
				7	8					1	5							4	12
1	2	2	2	17	17													4	12
		1	2	5	6													19	23
		2	2	21	22													39	46
				21	24					1	1							41	43
		2	10	50	67													45	47
		1	1	25	39					11	21							31	36
				11	17													1	1
				59	62			1	2									1	1
				2	2													18	18
1	2			113	159	1	1			4	4							3	5
				7	17	1	1											12	34
																		65	65

(17)

47 62 66 113 2,927 3,549 25 45 9 10 37 57 1 1 1 1 97 159 6,025 8,369

File

-28-

No. 16

COUNCILLOR-ELECT ISHIMURA
SUSPECTED OF VOTE-BUYING

(Evening Edition)

Kyodo

YOKOHAMA, June 6--Three persons were arrested today by the Kanagawa Prefectural Headquarters of the National Rural Police on suspicion of vote-buying involving Kosaku Ishimura a successful candidate of the Upper House election.

The 59-year-old Liberal candidate has allegedly spent roughly ¥500,000 for vote-buying during the election campaign.

The arrested are Katsutaro Yonezawa and Toshio Yoshida, both employed at Ishikawa's Sanmiso Hotel, and Itsushi Iwata, head of the Hakone Hot Spring Associations.

Police charged them ^{with} having entertained some 1,000 persons working in the entire Hakone spas in the beginning of May at the Sanmiso Hotel.

more

16

-29-

Ishimura 2

Meanwhile, the Aiko District police arrested two more fire-men on the same day on suspicion of having entertained their colleagues with the money given by Ishikawa.

---000---

yamagata/yn

No.18

16 MORE ARRESTED
FOR ELECTION VIOLATION (Noon Edition)

Kyodo

TOKYO, June 6---Sixteen persons additional were arrested by the Metropolitan Police yesterday on charges of election law violation.

This brought the total arrested on suspicion of election infringement to 161 as of noon today.

Out of the sixteen arrested yesterday seven were suspected of vote-buging and nine of giving entertainment to win votes.

---000---

tanaka/hs

AFTERNOON

-7-

ELECTION LAW
VIOLATION SUSPECTED

JIJI PRESS

TOKYO, June 5—Fifteen candidates were under suspicion as of noon Monday of having violated the Election Law in the Upper House elections throughout the land, according to official reports received by the Supreme Public Prosecutor's Office from election management committees.

The 15 candidates allegedly violated the Law in a total of 78 cases including bribery.

The names of the suspected lawbreakers were given as follows:

National Electoral District

Kenzo Horiki (Independent new) 14 cases
Toyotaro Suzuki (Liberal new) 7 cases
Toshichiyo Iwamoto (Liberal new) 5 cases
Kenjiro Izumi (Independent new) 4 cases
Tomozo Ogawa (Pro-American Brotherhood) 3 cases

-more-

EVENING

-8-

Tamotsu Akiba (Independent new) 3 cases
Yasumaro Shimojo (Ryokufukai new) 3 cases
Eizaburo Saito (Liberal new) 3 cases
Noboru Matsumoto (Liberal new) 3 cases
Shinkichi Katayanagi (Ryokufukai new) 2 cases
Torao Horibe (Independent new) 2 cases
Shigetomo Saito (Liberal new) 1 case
Kiyoshi Ito (Liberal new) 1 case

Local Electoral Areas

Mitsuzo Yanagimoto (Liberal new) 24 cases
Heiichi Toyama (Liberal new) 3 cases

.....

m/cs

No.5

-9-

LABOR-FARMER REP. ARRESTED
FOR VIOLATING ELECTION LAW

(Noon Edition)

Kyodo

MITO, June 5---Hisao Ishino, a Lower House member of the Labor-Farmer Party from Ibaragi Prefecture, was arrested this morning on suspicion of having violated the Election Law.

Ishino is charged with having committed illegal actions while campaigning in support of his party candidate Tsuneco Ikeda, who ran from Ibaragi Prefecture.

kobayashi/hs

---ooo---

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
MILITARY INTELLIGENCE SECTION, GENERAL STAFF
ALLIED TRANSLATOR AND INTERPRETER SECTION

NOTE: Translation directed by Commander-in-Chief

Received ATIS: 8 Jun 50

DIGEST OF LETTER

TO: General MacARTHUR

FROM: (No name)
(No address)

DATE: 4 Jun 50

The writer states that Mr. SAKAKIBARA, Gan (さかき原 かん), Socialist candidate for the House of Councillors from the national district, is his teacher. Expressing the opinion that SAKAKIBARA is a fine scholar and a most suitable candidate for the Diet, he requests that General MacARTHUR urge at least five of his friends to vote for him. The writer also gives a brief personal history of SAKAKIBARA.



郵便はがき

送
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ATIS
Letters to Service

8-JUN 1960
59474

今
一
冊
皇
後

4代
田
区
大
一
生
命
ビル

謹啓 愈々御清榮の御事と存じます。
さて此度の参議院戦に社会黨公認として「全國區」で立
候補された **さかき原 がん** 先生は私の
恩師であります。学識経験あり、公正でまじめな學者
であるばかりでなく、熱心な社会運動者です。参議院
議員として最適の方であると信じて疑いません。どう
ぞ皆さまの御知合の方々の間から確實に五名以上、
さかき原 がん 先生の支持票を得てい
ただき度く、日頃の御交誼に信頼し心から御願ひ申上
げます。
まずは右御願ひまで

敬具

さかき原 がん

略

歴

神戸高商、東京商大卒業
獨英留學二年、南米視察
福島高商教授十五年
現在青山學院大學教授
日本協同組合同盟中央委
員、福島縣生活協同組合
連合会長
福島縣教育復興會議議長
全日本社会主義キリスト
者前線同盟委員長
日本キリスト教團社会部
委員

主なる著書

キリスト教社会経済倫理
キリスト教カマルキシズ
ムか
教会と共産黨
農家経済と農業協同組合

KYODO (Sunday Edition) 28 May 1950

ELECTION VIOLATION CASES REACH 34

TOKYO, May 28 -- The "Election Law" violation cases in areas under the jurisdiction of the Metropolitan Police were reported to have reached 34 as of yesterday.

Of the total, 21 cases were referred to the procuratorial authorities.

KYODO (Morning Edition) 26 May 1950

43 Election Law Violators in Metropolis, Police Reveal

TOKYO, 26 May -- With the election campaign for the Upper House in full swing, an interim report by the Metropolitan Police Board revealed that a total of 43 violators of the Election Law had been taken into custody throughout the Metropolis as of yesterday.

The above election law infringements are comprised of 25 cases of buying votes and giving entertainments, four cases of house-to-house visits, and 14 cases of sending banned campaign literature.

The report added that there had been no candidate or election office chief who was arrested on a charge of violating the election law.

Survey concerning Election Violation of Electi

Pre fe ctu re	Sapporo					Sendai					Tokyo	Niigata	
	Sa pporo	As ahikawa	Kushiro	Kitami	Hakodate	Miy agi	Fu kushima	Iwate	Aomori	Yamaga ta			Akita
Bribe ry												12	
Pe rsuasie n with In t e r e s t												31	
Ob s traction to Fre e d o m									2			1	1
House-to-House Visits			1				9	1				1	2
Period of Electio n Campaign			1				9	2				33	
Ele ction Campaign of the specified Pu blic Of f icial Demonstrative Acts.												35	
Serving Foods and Drinks													1
Utiliza tion of Automobiles etc.										2			2
Violati o n of Literature		2				1	2	1	1			18	28
Violation of Speech		3				1	2	1	1			18	34
Other s										8			
										3			
Total		3				1	11	2	11	2		64	30
		4				1	8	3	8	2		85	38

Remarks, Crimes of Violence, Sedition, etc., Carrying
of Voting, taking Advantage of Educational Position
Fraudulent Registration, Negligence of Witness
Violation of Restrictions on Deeds of Great
Violation of Obligation to submit Reports, and

Election of H.C.(arrest)

as of May 25

Tokyo										Osaka									
Tokyo	Niigata	Kanagawa	Saitama	Chiba	Ibaragi	Tochigi	Shizuoka	Yamanashi	Nagano	Osaka	Kyoto	Hyogo	Nara	Shiga	Wakayama	Aichi	Mie	Gifu	Fukui
12				1				1						3					
31				13				19						3					
		1			1														
1	1			1							1								
1	2			1							2								
33				93		25		3			22	3	9	1	26	2	1		1
35				85		29		5			26	3	10	1	28	2	6		1
	1			1		2													1
	2			1		2													2
						1													
						1													
						15													
															2				
															3				
															2				
					1			1							2				
18	28	1		57	1	3	20	8	11	8	16	1		15	6	19	1		1
18	34	1		70	3	6	25	11	1	11	19	3		16	8	27	1		1
64	30	2		152	3	4	51	13	1	9	42	4	9	19	36	21	2		2
85	38	5		157	21	7	75	36	1	12	53	6	10	20	41	29	7		2

rying of Weapons, Abuse of Authority, Infringement upon the Secrecy
 positions, Incitement of Election Crimes, Publication of Fales Matter,
 n ess ' Duty, Violation of Restrictions concerning Elections Offices,
 are e ting, Violation of Regulations concerning Incomes and Pay ments,
 s, and Violation of Restrictions on Contributions are none .

Research Section, N.R.P. Hq.

Is hikawa	Hir o shim a									Fu kuoka					Total		
	Toyama	Hiroshima	Tottori	Shimane	Okayama	Yamaguchi	Kagawa	Eh ime	Tokushima	Kochi	Fukuoka	Saga	Nagas aki	Kumamoto		Oita	Miyazaki
	1		3												1		22
	7		10												2		90
				1	2	1											2
			1	2	1												5
1	2		5	29	2												10
2	2		9	29	3							1			1		14
					1							1			1		271
					1							1			1		290
					1												6
																	8
																	1
																	1
																	1
																	15
																	2
			1														3
			1														7
1		3	19	6	7					2		2		2			11
2		3	21	6	8					2		2		4			253
																	311
																	2
			1														5
			4														13
																	12
2	3	3	30	37	11												
4	9	3	46	37	13					2		3		4			590
										2		3		12			765

Remarks, The upper number in each column indicates number of case and the lower number indicates number of person.

rec'd May 1950
23 May

Estimated,

Number of suspected conducts of violation of the Election Law in The area of Osaka Prefctural Headquarter NRP

Violation of Art. I42 and I43 (Distribution and display of literature and drawings)
I33 cases

Violation of Art. I33 (House to house visits)
27 cases

Violation of Art. I29 (The period of election campain)
23 cases

Violation of Art. 22I (Bribery and persuasion with interests)
28 cases

Others

8 cases

includes,

Toyama
Ishikawa
Fukui
Kyoto
Osaka
Nara
Shiga

Wakayama
Hyogo

(8)

I. Tottori Prefecture

Mr. MITANI Takeji (Age 64) a hotel manager at Yoshioka-Mura, Kidaka-Gun, Tottori Pref. visited MORITA Nobu(f) and two other persons on between 5th and 7th of May who live at Higashi Shinaharu-Cho, Tottori City and handed over several name cards of a candidate who has more than 20 titles of official posts besides the title of chief of Minato-Ku Assembly, Tokyo-To and at the same time 3 to 22 pieces of documents which described personal history of the candidate. Besides, he is suspected to bribe them with drinks and foods. Mr. MITANI was arrested I P.M. 7th May. The name of candidate is Mr. TOKUYASU Jitsuzo from Tottori Pref. constituency and his party is Liberal.

*violation of Art. 143 and Art. 138
Public Office Election Law.*

2. Wakayama Prefecture

Mr. Fujita Shoichi (age 31) Nagata-Mura
Mr. Ogasawara Osamu (age 20) Ikeda-Mura } Naga-Gun,
Wakayama Pref. and 5 others got drunk and drove a car (Mr. Ogasawara operated without license) and clashed against the railing of road. ^(at about 10 p.m. 9th May) As the result of investigation made by Wakayama Pref. headquarters of NRP, it was made clear that they received the offering of foods and drinks from Mr. SHIMA Masahito, the candidate from national constituency (Ind) They are now investigated .

violation of Art. 221 of the PO Election Law

3. Toyama Prefecture

It was made clear that Mr. SUMIYA Kanji, one of the members of election campaign for Mr. MATSUMOTO Noboru, a candidate from national constituency received cash amounted to 10000 yen from Mr. Fushiki who is also one of the members for the same candidate and spent half amount for the campaign. Mr. SUMIYA, and Mr. FUSHIKI was arrested on 10 May and are now under investigation of police.

violation of Art. 221. of Election Law.

4. Nara Prefecture

It was found that Mr. MATSUSHITA Sakazo who lives at Sanjo Harumichi-Mura, Soegami-Gun, Nara Pref. and who was working for election campaign for Mr. HORIUCHI Kanjo, a candidate from national constituency (L) conducted house to house visits (number of houses he visited is about 15) and distributed the name cards of the said candidate asking for the voting for Mr. HORIUCHI. He was arrested 14 May.

violation of Art. 738 of Election Law.

5. Hyogo Pref.

Disturbances of Election Campaign conducted by personnel of Occupation Forces.

At 10.30 7th May, in front of the Office of Nippon Communist Party Hyogo Prefectural Committee situated at 2-25 Sannomiya-Cho, Ikuta-Ku, Hyogo Prefe., when several members of election campaign were making sign-board which described the slogan of communist party saying "We hope Occupation Forces withdraw from Japan immediately After the Over-all Peace Treaty is concluded", one G I (white colored) with Japanese girl happened to pass by the street, saw this sign-board and trampled down under foot and destroyed it.

20 minutes after similar conduct was done by another G I (white colored) against the notice board showing that Mr. TANAKA Matsujiro stood as a communist candidate from Hyogo P.C in front of the same office. When M P arrived the office, he had already disappeared.

6.

IWATE PREFECTURE

a. NAME OF CANDIDATE AND SUSPECT.:

MIZOGUCHI Saburo

(Ryoku) (President of the Land Reform Press)
(National Constituency)

b. Violation of Art. 148 of the Election Law.
(Freedom of News, Comment, etc. of
Newspapers and Magazines).

Mr. Mizoguchi sent 5000 copies (Ordinary circulation is 150 copies) of the Land Reform Press which was published on 21st April and mentioned his own personal career etc. to the Iwate Prefecture Agricultural Association. He wanted to sell them through The Association.

7.

GUMMA PREFECTURE

a. NAME OF CANDIDATE :

IKEDA Jyukichi (Liberal, National Constituency)

b. NAME OF SUSPECT

KIHARA Tomizo
(Barber, Director of Gumma Prefectural
Barbers' Union)

c. Violation of Article 142 of the Election Law.
(Distribution of Literature and Drawings)

d. On the 6th May, Mr. Kihara was asked by Mr. Ikeda to distribute 1500 name cards, so Mr. Kihara, taking advantage of meeting of barbers' union, distributed them to each chief of branch union in proportion to its members. He was requested voluntary appearance on 15th May by police authority.

8. SHIMANE PREFECTURE

- a. NAME OF CANDIDATE :
KODAKI Akira (L) (Prefectural Constituency)
- b. NAME OF SUSPECT :
KASUGA Tame (F) Hikawa-Gun, Shimane Pref.
- c. Violation of Art. 138 of the Election Law.
(House to House Visit)

Having been asked by chief of Federation of Hikawa-Gun Women's Association to inform the members that Mrs Kodaki and the said chief would come to the village where Kasuga lived in order to hold a speech meeting, she visited 10 staff member's houses at once to tell them that information on 8th May. These ten members also visited 700 houses. Kasuga was arrested and is now investigated by Hikawa District Police.

9. FUKUSHIMA PREFECTURE

- a. NAME OF CANDIDATE :
WATANABE Moritaka (L) from National Constituency
- b. NAME OF SUSPECT : TANAKA Tama (age 57, female) #1 mistress
Nakama-cho, Fukushima City.
- c. Violation of Art. 138 of the Election Law.
It was discovered that Tanaka visited Mr.

Shishido and 3 others who lived Kuwaori-cho, Date-Gun, Fukushima Pref. and gave them the candidate's namecards and requested them to vote for Mr. Watanabe on the 8th of May.

~~Shishido and 3 others who lived Kuwaori-cho, Date-Gun, Fukushima Pref. and gave them the candidate's namecards and requested them to vote for Mr. Watanabe on the 8th of May.~~

10.

FUKUSHIMA PREFECTURE

a. NAME OF CANDIDATE :

WATANABE Moritaka

b. NAME OF SUSPECT : OHOKA Tsune (age 45 femal) at
Kami-Machi, Fukushima City. *#2 mistress*

c. Violation of Art. 138 of the Election Law.

Ohoka visited Yamakawa Chiyos and 4 others who lived
Nishi-Machi, Kuwaori-Gun, Date-Gun, Fukushima Pref.
and handed over to them the Candidate's namecards
and 11 pamphlet with his photograph which described
his personal career.

~~_____~~

2

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section
Public Administration Division

19 May 1950

MEMORANDUM FOR: Mr. Hauge

SUBJECT: Disposition of Cases Involving Election Law Violations

Information concerning alleged violations of election laws was submitted to Government Section by the National Election Administration Commission on 16 May. (Inclosure 1).

The Election Commission was subsequently directed to furnish information regarding the disposal of these six cases and, in general, action normally taken by the Public Procurator's Office and the Japanese Rural Police in like cases.

On 18 May, ASAHI Kuniō of the Election Commission informed Captain Joseph that none of the persons involved in the above cases has been detained. Decisions on which shall or shall not be prosecuted will be made "probably within a month" and "at the discretion of the Public Procurator's Office concerned." In general, persons alleged to have violated election laws are arrested, charged with the specific violation, and released to await the decision of the Public Procurator as to whether the case will be prosecuted or not, ASAHI stated.

A. A. J.

(1)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section
Public Administration Division

16 May 1950

MEMORANDUM FOR THE RECORD

SUBJECT: Alleged Election Law Violations, House of Councillors'
Election Campaign.

The following 6 cases of alleged election law violations were reported to the National Election Administration Commission by the Headquarters of the National Rural Police. This information (minus identification of persons involved) was released to the press after being reported to Government Section for information.

1. Hyogo Prefecture. TAGUCHI Taeko (Fem), campaigning for FUJINAMI Ichiji (Ryokufukai candidate from national constituency) distributed 30 name cards to 4 houses, solicited votes for FUJINAMI. Arrested 1500 hours, 8 May.

Violation of Article 146, Public Office Election Law.

2. Ibaragi Prefecture. HATAGAYA Senjiro, member of the House of Representatives, was arrested at 1300 hours, 13 May, by Mito District Police, Ibaragi Prefecture. On 10 May, HATAGAYA attended inauguration meeting for the Komma River Restoration Works held at Kotsuru Theater, Kawane-mura, Higashi-Ibaragi-gun, Ibaragi-ken, where he stated that the people should, out of gratitude, vote for IWASAWA Tadayasu, former Vice-Minister of Construction, who had approved 2 applications for restoration of Komma River land. (Out of 130 applications submitted to the Construction Ministry last year, 13 were approved -- 2 of which were for Komma River projects.)

Violation of Article 221, Public Office Election Law.

(IWASAWA is a Liberal Party candidate from national constituency.)

3. Tottori Prefecture. MURAKAMI Yoshio, age 52, Chief, Documents Section, Tottori Prison, was arrested on 13 May. With other section chiefs, MURAKAMI distributed 80 posters for TERAMITSU Oshu, Independent candidate from the national constituency.

Violation of Article 102, National Public Service Law.

4. Osaka. FUKUI Yoshiyo (Fem), age 69, distributed name cards of IZUMIYAMA Sanroku (Liberal Party candidate from national constituency) in front of Ikeda Station, Hankyu Electric Railway Company, Osaka. Arrested 1100 hours, 12 May.

Violation of Article 146, Public Office Election Law.

(6)

5. Toyama Prefecture. A brief case containing 800 name cards for TANIMOTO Toshichiyo (Liberal Party candidate from national constituency) belonging to CHOKEI Choichi, age 33, confectioner, Takaoka City, Toyama Prefecture, was recovered by Takaoka City Police who summoned CHOKEI the following day. As a result of questioning, CHOKEI confessed that he himself had canvassed 42 houses soliciting votes for TANIMOTO.

Violation of Articles 138 and 146, Public Office Election Law.

6. Hyogo Prefecture. HAYASHI Masamoto, campaigning for ONO Yoshio, Independent candidate from national constituency whose election campaign office is located at the home of SAKAE Yoshisuke, Shinoyama Town, Taki-gun, visited 6 houses in the neighborhood including the house of TOYAMA Shige. HAYASHI gave TOYAMA 3 cases of Japanese cigarettes for each house and also distributed name cards of ONO.

Violation of Article 221, Public Office Election Law.

A. A. J.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section
Public Administration Division

8 March 1950

MEMORANDUM FOR THE RECORD

SUBJECT: Procurators Pass Judgment on HOSOKAWA

In response to the post-election clamor in Kyoto over scandalous election law violations, it has been decided by the Local Public Procurator in conjunction with the Supreme Procurator-General that HOSOKAWA Kaoru shall be offered as a sacrifice to appease the anger of certain factions and to further assure the public that the Local Procurators are truly guardians of the democratic principles of free and just elections.

HOSOKAWA, a member of the Kyoto Prefectural Assembly, was appointed campaign manager for WATSUJI Haruki, Democratic candidate in the Kyoto mayoralty race held on 8 February. WATSUJI was backed by KIMURA Jyun and INOUE Seiichi, prefectural governor and vice-governor respectively, and though unsuccessful, succeeded in garnering sufficient votes to assure TAKAYAMA Gizo, Social Democrat, a victory over his Liberal-supported opponent, TABATA Banmon.

Hardly had the name of the winning candidate been announced before the Kyoto Procurator's Office was besieged with demands that numerous individuals be indicted for alleged violations of election laws.

To avoid criticism, the procurator was faced with the necessity of taking such action as is expected of a guardian of the law. But, because the cases were so numerous and the toes of influential parties protruded so far, it was advisable to tread with the greatest of ease. The local procurator, therefore, petitioned the Supreme Procurator-General for advice. In a conference in Tokyo on 4 March it was decided that HOSOKAWA Kaoru be offered "as an example" to all violators, according to Procurator KAMIYA who conferred with Captain Joseph of Government Section on Monday.

HOSOKAWA will be specifically charged with having collected and disbursed some ¥1,140,000 in campaign contributions in support of WATSUJI Haruki without reporting such collection and disbursement to the Election Commission as required by law. An indictment will be made public shortly.

The interesting background of HOSOKAWA's case is apparently being neglected. The fact exists that the money received by HOSOKAWA had been initially solicited and collected by Governor KIMURA, Vice-Governor INOUE, and the Governor's secretary OGAWA. None of these reported their collections as required by law, but instead turned it over to HOSOKAWA, WATSUJI, or the wife of WATSUJI. The amount given directly to WATSUJI and his wife was immediately turned over to HOSOKAWA, but here again no report was made as required by law. Of the total of ¥1,140,000, ¥760,000 went directly to HOSOKAWA, ¥230,000 to WATSUJI, and the remaining ¥100,000 to WATSUJI's wife.

On 2 March, KIMURA tendered his resignation as prefectural governor accepting moral responsibility and making a public apology for the Kyoto fiasco. The resignation of INOUE followed shortly. This "self-chastisement" on the part of KIMURA and INOUE is apparently deemed by the Procurator-General to have wiped their slates clean. Public sympathy in Kyoto for WATSUJI makes an indictment against him "inadvisable."

And so the Procurator's Office has passed judgment. HOSOKAWA will be indicted and "justice" will be done. (Note: Conviction of the alleged crime can result in a 3-year jail sentence, a fine of ¥50,000, or both.) KAMIYA stated that HOSOKAWA "will probably be sentenced to one year's imprisonment."

If the indictment and subsequent conviction of HOSOKAWA should, as an example of swift justice, serve as a deterrent to potential election law violators and thereby reduce the number of such violations, in future elections, then his conviction is warranted. But if his sacrifice is to be made on the altar of machine-politics and for the advantage of political "ward-healers" -- and such seems to be indicated -- his conviction will besmirch the goal of free and just elections in Japan. All evidence seems to uphold the latter.

In giving credence to this contention it must be pointed out that the Kyoto City government and the prefectural government of Kyoto have long been at odds politically. Ex-Governor KIMURA was, admittedly, attempting to introduce a bit of harmony into the picture by backing WATSUJI, a man more to his liking. WATSUJI was defeated, however, and the Kyoto Assembly -- liberally filled with Liberals -- set out immediately to "get" KIMURA and his faction for splitting the vote and defeating their candidate, TABATA. Control of the Kyoto City police was theirs; all efforts of that police force were guided immediately in the direction of the KIMURA-INOUE faction.

Results of their one-sided investigation were soon evident. The Chief of the Special Procurement Board in Kyoto, MIURA, was alleged to have personally contributed ¥30,000 to the WATSUJI cause and solicited an additional ¥100,000 in his support. Another government official, Chief of the Land Transportation Office in the city, IKEDA, was alleged to have collected ¥100,000 from the president of a taxi company to swell WATSUJI's coffers -- at the suggestion of ex-Governor KIMURA. According to KAMIYA, both of these cases will be referred to the proper administrative heads for disciplinary action prior to any indictment.

In brief, many unsavory actions on the part of the WATSUJI faction were uncovered -- but surely no more than would have been uncovered had the investigation been directed to the coign of other candidates. It is indicated by the fifteen or twenty cases of illegal posting of campaign literature by all parties that an impartial focussing of attention in all directions would have involved others than WATSUJI's group. Action against those 33 or more persons involved in these cases is still "pending" -- as is the indictment of mayor-elect TAKAYAMA for alleged campaigning prior to the legal date for such activity.

The Procurator's Office, in its usurped role of a court of justice, has apparently decided who shall and who shall not be prosecuted; the Kyoto police force is even more apparently following orders as to whom it shall or shall not investigate.

Government Section will be continuously informed of further democratic action taken in regard to the prosecution of election law violators in Kyoto.

A. A. J.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section
Public Administration Division

6 March 1950

MEMORANDUM FOR: Mr. Rizzo

SUBJECT: HOSOKAWA Kaoru, Kyoto Branch Chief of Democratic Party
to be Indicted for Election Law Violation

1. According to State Procurator KAMIYA of the Attorney General's Office the indictment of HOSOKAWA Kaoru, Branch Chief of the Democratic Party in Kyoto Prefecture and Prefectural Assembly member, is imminent. HOSOKAWA is specifically alleged to have failed to report his collection and disbursement of ¥1,140,000 in support of WATSUJI Haruki, unsuccessful Democrat-backed candidate in the Kyoto mayoralty race on 8 February.

2. Facts related to the case are, according to KAMIYA, as follows:

- a. Governmental organs of Kyoto City and Kyoto Prefecture have long been at odds because of political differences. The support of TABATA Banmon, as agreed upon by the Democratic Liberal Party, was not suitable to KIMURA Jyun and INOUE Seichi, Independent Governor and Vice-Governor respectively. They chose WATSUJI Haruki, a political novice popular with the Kyoto public, to represent their faction and proceeded to solicit funds for his campaign.
- b. HOSOKAWA Kaoru, Branch Chief of the Democratic Party, was appointed campaign manager and a certain OGAWA was made treasurer. (Campaign contributions and expenditures should, therefore, have been reported by OGAWA, but as it turned out, certain contributions were not collected by him nor reported to him.)
- c. To further WATSUJI's campaign, Governor KIMURA, in conjunction with Vice-Governor INOUE and the Governor's secretary, OGAWA Mitsuzu, solicited and collected ¥1,140,000.
- d. Of the above amount, ¥760,000 was turned over to HOSOKAWA, the campaign manager; ¥280,000 was given directly to WATSUJI; and the remaining ¥100,000 to WATSUJI's wife. The sums going directly to WATSUJI and his wife were immediately turned over to HOSOKAWA who made no effort to report on any part of the total of ¥1,140,000 collected or on particulars of its disbursement.
- e. On 4 March, the Kyoto City Procurator conferred with the Procurator-General in Tokyo and a decision to indict HOSOKAWA was made. The indictment will be made public shortly.

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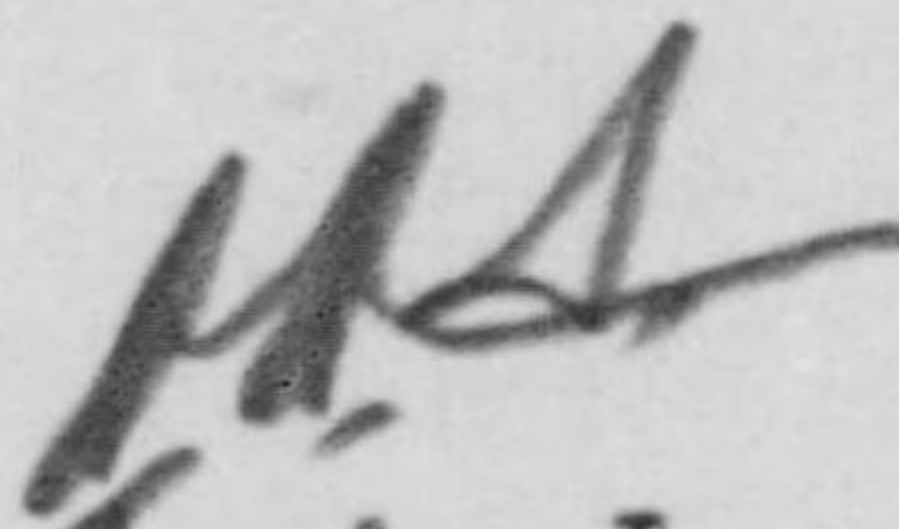
3. Both Governor KIMURA and Vice-Governor INOUE have lately resigned their posts, accepting "moral responsibility" for the Kyoto fiasco and publicly apologizing for their part in it. No indictments against them or the Governor's secretary are contemplated.

Because of WATSUJI's political inexperience and sympathy shown him by the Kyoto public, no indictment will be returned against him or his wife.

4. In addition to the above case, an indictment against a certain MIURA, Chief of the Special Procurement Board in Kyoto, is contemplated. MIURA is alleged to have personally donated ¥30,000 and solicited an additional ¥100,000 in the support of WATSUJI.

Another government official, a certain IKEDA, Chief of the Land Transportation Office in Kyoto, is alleged to have collected ¥100,000 in campaign contributions for WATSUJI from the president of a taxi cab company in Kyoto on the suggestion of Governor KIMURA.

The above two cases will be referred to heads of the agencies concerned for administrative action against the offenders prior to any indictment, according to KAMIYA.


A. A. J.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section
Public Administration Division

1 March 1950

MEMORANDUM FOR THE RECORD

SUBJECT: Summary of Proceedings in Regard to Prosecution of election
Law Violators in Kyoto (Conference Notes)

1. The Kyoto mayoralty contest held on 8 February was marked by the most intensive campaigning seen in any local election during the past 12 months. Competition was keen between the three rival candidates and in view of the numerous restrictions placed on candidates and their campaign practices under existing election laws it could well be foreseen that in the heat of such a contest the candidates themselves or their supporters should step over the bounds of legality to further their cause.

2. Hardly had the name of the winning candidate been announced before the Kyoto Procurator's Office was besieged with demands that numerous individuals be indicted for violations of election laws.

The indictment of the successful candidate, TAKAYAMA Gizo, was demanded for his alleged announcement of his candidacy prior to the announcement of the election by the local commission; a certain OGAWA, secretary to the prefectural governor, was arrested shortly thereafter in connection with his failure to report contributions totalling over ¥2,000,000 collected by him for the support of WATSUJI Haruki. The above matters are still under investigation.

3. At 1000 hours on 28 February, State Procurator KAMIYA of the Attorney General's Office called on Captain Joseph of Government Section. Mr. Aka of Government Section acted as interpreter.

4. KAMIYA pointed out that between 15 and 20 cases of election law violations in addition to those outlined above have been uncovered. These cases involve approximately 33 individuals as of 16 February and it is expected that more will be involved before the investigation is completed. These violations are centered around the posting of campaign posters and literature over and above the number permitted under existing election laws. Cases were noted in which excesses ranged from 300 to 7,000 over the 1,000 posters authorized each candidate in Kyoto. Violations as to the size of posters used were also discovered in conjunction with these cases.

5. The Kyoto Procurator's Office was therefore faced with the problem of prosecuting some 33 or more individuals. No doubt exists as far as the Procurator's Office is concerned as to the illegality of the cases under existing laws. However, in view of suggested leniency made by the Chief of Government Section during the House of Representatives' campaigning in January 1949, KAMIYA wanted GHQ's policy to be clearly delineated or re-defined.

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6. Facts of the cases reported upon by KAMIYA are as follows:

- a. Election posters were literally plastered over all Kyoto.
- b. Illegal posting was noted in behalf of all three candidates.
- c. Complaints were made by the Kyoto City Police and individual supporters and not by the candidates themselves.
- d. Cases number between 15 and 20 with over 33 persons involved.
- e. No evidence that the candidates themselves were responsible has been uncovered, but the Procurator's Office has proof that numerous supporters were guilty.
- f. No indictments have as yet been made, but proof of illegal activities exists.
- g. The Kyoto Procurator's Offices is of the opinion that indictments must be made to avert the criticism of those making the accusations. In short, it is not a question of legality but only of GHQ's policy in light of its past stand.
- h. The above cases involve all parties. (A student, and a member of the Communist Party, as well as the All Kyoto Democratic Front, are included.)

7. After conferring with Mr. Rizzo, Captain Joseph informed KAMIYA that Government Section would make no statement at this time but that an answer would be forthcoming shortly. But it was emphatically pointed out to KAMIYA that Government Section in no sense intended to act as a wedge between the existing election laws and the duties and responsibilities of the Procurator's Office.

KAMIYA was requested to continue his investigation and to keep Government Section continuously informed of new developments. The conference adjourned at 1145 hours.

8. After conferring with General Whitney, Chief of Government Section, Mr. Rizzo summoned IKUTA Wahei, Chairman, Special Committee for Revision of Election Laws (H. R.). IKUTA was accompanied by IRIE T., Chief, Legislative Committee (H. R.), and TERAMITSU T., Divisional Director, Legislative Bureau, (H. C.). MIURA Y., Chief of the Legislative Bureau (H. R.), SUZUKI N. and MONOBE K. also attended. Interpretation was excellently accomplished by OKAWA Yoshio of the House of Representatives' Liaison Section. Mr. Rizzo, Deputy Chief of Government Section, Mr. Hauge, Chief, Public Affairs Division, and Captain Joseph represented Government Section.

9. The conference opened at 1500 hours with a brief discussion of pending legislation on election law revisions after which Mr. Rizzo brought the matters outlined in paragraphs 1 through 7, above, to the attention of the delegation.

It was pointed out by Mr. Rizzo that the stand taken by Government Section during the campaigning prior to the House of Representatives' general election in January 1949 was required because of circumstances which at that time would have tended to make that election a farce had not Government Section intervened and suggested leniency in the prosecution of innumerable cases of minor infringements of election laws. This intervention could not, however, be taken as a precedent in deciding on action to be taken by the Procurator's Office in the present case because no relationship exists between the circumstances under which that election and the recent Kyoto mayoralty contest were conducted.

10. The delegation was asked by Mr. Rizzo what action on the part of the Procurator's Office they deemed should be taken -- would the Diet stand behind the existing election laws and demand prosecution of their violation?

IKUTA replied at great length in pointing out that in regard to those violators whose illegal actions were committed with criminal intent the Procurator was bound to demand an indictment against them; but where the violation was unintentionally committed, or committed under mitigating circumstances, the case should be considered by the Procurator in light of Constitutional guarantees before an indictment was made.

In principle, IKUTA stated, Japanese laws have always been interpreted in the strictest sense and Japanese have traditionally sought to find ways to evade the law.

The character of existing election laws is definitely restrictive, according to IKUTA, but he hoped that amendments as presently drafted will alleviate a great many of these restrictions and thereby reduce the number of violations.

11. IKUTA was then asked by Mr. Rizzo if it was his contention that the Procurator's decision should be predicated on the intent of the alleged violator. The fundamental guarantees of the Constitution are in no way related to intent, lack of intent, or ignorance of the law, said Mr. Rizzo. Obviously, if an existing law is found to infringe on fundamental rights granted the electorate under the Constitution, a decision must be made -- but in a court and not by a local procurator.

In replying, IKUTA stated that a procurator, "guided by his conscience," should determine the degree of intent involved.

Mr. Rizzo agreed that such action was logical in the matter of minor infringements. Was it then IKUTA's belief that minor cases be ignored and the "big ones" prosecuted? Was the local Procurator, then, to decide on the harshness of the law?

The opinion that the Procurator "must use discretion" was repeated by IKUTA in answer to the above.

12. Summarily, Mr. Rizzo asked the delegation if his answer to the Procurator's Office should be, "to proceed with the investigation and prosecution of those numerous cases in the same manner in which they proceeded against the violator of any law for such is the will of the Diet."

13. A lengthy (15 minutes) and somewhat heated discussion between members of the delegation resulted from the above question. Their reply, voiced by IKUTA, is summarized below:

- a. In the opinion of the committee the Procurator concerned has a certain degree of power to determine intent on the part of the violator.
- b. The basic principle governing the Procurator's decision should be to handle each case with the greatest degree of leniency possible in keeping with established procedures.
- c. The Procurator should always consider a law in the light of the spirit of the Constitution.
- d. Final decisions as to the constitutionality of any law must be decided in established courts.

14. "It is your intention then to instruct the Procurator to enforce the existing election laws, using discretion, in the same manner as he enforces all laws. Is that correct?" queried Mr. Rizzo.

The delegation replied in the affirmative.

15. Mr. Rizzo then informed IKUTA and the delegation that Government Section would pass on to the Procurator their decision and that the Diet should be prepared to respond to any public reaction growing out of the prosecution of those numerous cases.

16. IKUTA, in conclusion, stated that he as well as many Diet members were cognizant of the fact that existing election laws had many shortcomings and that it was his fervent hope that reforms might be made in the near future to correct such inequities and bring about the assurance of free and just elections in Japan.

The conference ended at 1735 hours.

17. On 1 March, Mr. Rizzo instructed Captain Joseph to summon KAMIYA of the Attorney General's Office and inform him of the Diet's concurrence with the following:

- a. Existing election laws must be enforced in the same spirit and fashion as any law is enforced by the public Procurator.
- b. If, as a result of the prosecution of election law violators in Kyoto, there should arise a public clamor, the Diet will be prepared to accept it.

- c. If by any chance it is found existing election laws infringe on constitutional rights, the cases shall be decided in courts and not by Public Procurators.
- d. If existing election laws are unjust, now is the time to find out. As long as the Diet stands behind those laws, the Public Procurators have no alternative but to enforce them using the same "reasonable discretion" exercised by them in the enforcement of any law.

18. At Captain Joseph's request, KAMIYA appeared at 1000 hours and the above information was given to him. In conclusion, it was reiterated that Government Section would not stand as a wedge between provisions of the law and the obligation of the Procurator's Office to enforce that law.

KAMIYA expressed appreciation for this statement of Government Section policy and added that it is in accord with his belief that a Public Procurator had no alternative but to enforce all laws as written.

The conference adjourned at 1030 hours.

A. A. J.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section
Public Administration Division

28 February 1950

MEMORANDUM FOR: Mr. Rizzo

SUBJECT: Alleged Election Law Violations in Kyoto (Conference Notes)

The following information in regard to election law violations is presented for your information:

1. The Kyoto mayoralty contest held on 8 February was marked by the most intensive campaigning seen in any local election during the past 12 months. Competition was keen between the three rival candidates and in view of the numerous restrictions placed on candidates and their campaign practices under existing election laws it could well be foreseen that in the heat of such a contest the candidates themselves or their supporters should step over the bounds of legality to further their cause.

2. Hardly had the name of the winning candidate been announced before the Kyoto Procurator's Office was besieged with demands that numerous individuals be indicted for violations of election laws.

The indictment of the successful candidate, TAKAYAMA Gizo, was demanded for his alleged announcement of his candidacy prior to the announcement of the election by the local commission. A certain OGAWA, secretary to the prefectural governor, was arrested shortly thereafter in connection with his failure to report contributions collected by him in the support of WATSUJI Haruki. The above matters are still under investigation.

3. At 1000 hours on this date, State Procurator KAMIYA of the Attorney General's Office called on Captain Joseph of Government Section. Mr. Aka of Government Section acted as interpreter.

4. KAMIYA pointed out that between 15 and 20 cases of election law violations in addition to those outlined above have been uncovered. These cases involve approximately 33 individuals as of 16 February and it is expected that more will be involved before the investigation is completed. These violations are centered around the posting of campaign posters and literature over and above the number permitted under existing election laws. Cases were noted in which excesses ranged from 300 to 7,000 over the 1,000 posters authorized each candidate in Kyoto. Violations as to the size of posters used were also noted.

5. The Kyoto Procurator's Office is therefore faced with the problem of prosecuting some 33 or more individuals. No doubt exists of the illegality of the cases under existing laws. However, in view of suggested leniency made by the Chief of Government Section during the House of Representatives' campaigning in January 1949, KAMIYA wanted GHQ's policy to be clearly delineated or re-defined.

6. Facts of the cases reported upon by KAMIYA are as follows:

- a. Election posters were literally plastered all over Kyoto.
- b. No evidence that the candidates themselves were responsible has been uncovered, but the Procurator's Office has proof that numerous supporters were guilty.
- c. Illegal posting was noted in behalf of all three candidates.
- d. The Kyoto Procurator's Office is of the opinion that indictments must be made to avert the criticism of those making the accusations. In short, it is not a question of legality but only of GHQ's policy in light of its past stand.
- e. Complaints were made by the Kyoto City Police and individual supporters and not by the candidates themselves.
- f. No indictments have as yet been made but proof of illegal activities exists.
- g. Cases number between 15 and 20 with over 33 persons involved.
- h. The above cases involve all parties. A member of the Communist Party and the All Kyoto Democratic Front are also involved.

7. After conferring with Mr. Rizzo, Captain Joseph informed KAMIYA that Government Section would make no statement at this time but that an answer would be given him in the near future.

KAMIYA was requested to continue the investigation and to keep Government Section informed of all new developments. The conference adjourned at 1145 hours.

A. A. J.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section
Public Administration Division

MR. ~~Porter~~ ^{FR}
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16 February 1950

MEMORANDUM FOR: Major Napier

SUBJECT: Arrest of Alleged Violator of Election Laws

Mr. Porter of Civil Affairs called at 1500 hours to report that the secretary of KIMURA Jyun, Governor of Kyoto Prefecture, had been arrested on Tuesday, 14 February, for his part in alleged election law violations. Specifically, he is alleged to have collected 200,000 yen in political contributions on the basis of a letter, purported to have been signed by the governor, advocating support of WATSUJI Haruki, the Democrat-supported Independent candidate in the Kyoto mayoralty election on 8 February.

No report of the collection of this money was made to the Election Commission.

Details are lacking; however, a representative of Civil Affairs is being sent to Kyoto and a full report is expected tomorrow.

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