

MUTO, TOMIO

ITEM 1 What Are Minor War Criminals Doing? - Magazine: Shinso (Monthly)
- April Issue. Translator: K. Shinoda. (FST)

Summary:

A correspondent of the Soviet Newspaper IZVESTIA, commenting in a Japanese newspaper on the purge of reactionary elements in JAPAN, wrote: "No matter how many times the cards are shuffled, they are still the same cards. And this is what is called the democratization of JAPAN." We illustrated his point by citing an instance where the mayor of a certain city was purged, only to be succeeded by a man who had been his close collaborator.

It is more than a year since we accepted the Potsdam declaration and yet we find similar instances in many quarters. Purgees must live, and in order to live, many of them have chosen occupations totally different from those they previously followed.

KASHIWABARA, Hyotaro, typifies this group. He was promoted from a divisional chief of the Ministry of Railroads to an investigator on the Planning Board, won the approval of the President of the Board, SUZUKI Teishi, and was appointed Managing Director of the Industrial Patriotic Association, in which position he proved himself highly capable as an organizer of wartime economy. This same person is now the head of a private company which is blackmarketing foodstuffs, and is rumored, to have become a bonanza. On the other hand, ex-General OGISU, notorious for his defeat at NOMONHAN, is keeping a general store at TOKYO DOGENZAKA. Another individual who was the chief of the secret service division in the Kanagawa prefectural police lives at MIURAMISAKI, and is earning a meager living by making salt from sea water.

Home Ministry Purgees Practice Law

When the secret service went out of existence on 4 Oct 45, YAMAZAKI, Home Minister at that time, and all officials connected with that service, including policemen, totalling nearly 5,000, were purged and officially expelled from public offices on 4 Jan 46. The total number of purgees in the Home Ministry under Clause G of the purge directive was 5,300. What are they doing now?

Of former officials of the lower HANNIN grade, 80 percent are said to be in non-public employment. However, the higher officials cannot find positions easily. Many of those formerly belonging to the Home Ministry are now practicing law. Ex-vice Minister, BAN, Chiaki, heads this group, with ISHII, Masaichi, NAKAMURA, Keinoshin, and FURUI, Yoshimi, etc among the number. BAN, Nobuya and MIYOSHI, Shigeo, ex-Chiefs of the Metropolitan Police, are now advisers to a private company, which employed them on the recommendation of some high quarters. The Ex-Governor of GUMMA Ken, TAKAHASHI, Toshio, has also been recommended and obtained a seat on the board of directors of the Kashima Building Company. These recommendations are questionable, but I will not touch further upon them.

Most of the purged judges and public procurators are now practicing lawyers. They include former Chief justice of the Osaka Court of Appeals, MIYAKE, Shotaro, ex-Public Procurator of the Supreme Court, IKEDA, Katsu; former Chief Public Procurator of the Tokyo Court of Appeals, KUROKAWA, Wataru; former Chief Public Procurator of the Osaka Court of Appeals, KANAZAWA, Jiro; former Chief Public Procurator of the Fukuoka Court of Appeals, MORIYAMA, Takeichiro;

ITEM 1 (Continued)

ex-Public Procurator of the Nagoya Court of Appeals, MASAKI, Ryo, etc. Ex-Member of the Privy Council, SENJI, Arakuma and OKOSHI, Kaneji, who is in charge of general affairs of the Japanese lawyers working at the International War Tribunal at Ichigaya are also in this group. OKOSHI was on the staff of the Kwantung Japanese Army and was transferred to the Burma Theater during the war. When the war ended, he was a major general.

Newspaper Harbors ex-Propagandist

Among the translators at the International Military Tribunal is MUTO, Tomio, ex-Chief of the First Division of the former Information Bureau. He was once a judge and later had charge of propaganda in the Manchoukuo Government. Under the patronage of HOSHINO, Naoki, when the latter became chief cabinet secretary in the Tojo Cabinet, MUTO was appointed to the Information Bureau. There he assumed despotic control of the press and did everything possible to fan the war spirit of the nation. Nothing was heard of him after the end of the war until quite recently, when by the favor of KAGAWA, Toyohiko, he became managing director of a Christian newspaper which is under the general editorship of KAGAWA. His salary from the newspapers is probably not sufficient to live on, since he is working at the International Tribunal as already mentioned.

I question the honesty of a newspaper, even though it be Christian which employs a person who did so much for wartime propaganda. However, this may reveal the real state of democratized JAPAN. It is not right that people who were so active in prosecuting the war should be working for organs of public opinion such as newspapers. Yet we find many who hold important newspaper positions. For instance, the Director of the SANIN NICHINICHI SHIMBUN, TAKAHASHI, Danzaburo, the Director of the KANAGAWA MINSEI Shimbun, ANDO, Satoru, the Director of "Sunday", YAMANASHI and HORIUCHI, Kazuo were purgees who were members of the Diet and of the Imperial Rule Association. The Director of the TOKYO TIMES, OKAMURA, Niichi, was the Managing Director of the Nippon Press Association, an official organ of the Government Intelligence Bureau. I think that these are matters which must be called to the attention of the people.

Translated by
Chieko Swanaga

MUTO TOMIO

DATE OF BIRTH: 20 Feb, 1904

DOMICILE: Shizuoka Prefecture

SOCIAL STATUS: a Commoner

1926, Dec 21 Passed Higher Examination, Faculty of
Law Examination.

1927 Mar. Graduated from Law Faculty, Law-Depart-
ment, Tokyo Imperial University.

1927 Apr. 22 Appointed probationary judicial officer
(Judicial Ministry)

Ordered to carry out duties as required in
Yokohama Local Court and its Public
Prosecutor's Office also in Yokohama
District Court and its Public Prosecutor's
Office.

Granted an annual salary of ¥ 1000.00
(Judicial Ministry)

- 1927 June 3 Appointed Deputy Procurator, Yokohama District Court. (Judicial Ministry)
- 1928 Dec. 4 Appointed Judge
 Received 7th Rank of Higher Civil Service (Cabinet)
 Appointed ~~Deputy~~ Reserve Judge.
 Ordered to be on duties in Yokohama District Court and Yokohama Local Court. (Judicial Ministry)
 Received 12th grade salary (Judicial Ministry)
 (Judicial Ministry)
- 1928 Dec. 28 Connected with the Junior Grade of the 7th Court Rank.
- 1929 Aug. 1 Appointed Judge of Yokohama District Court, and additionally that of Yokohama Local Court (Judicial Ministry)
 Received 10th grade salary (Judicial Ministry)
 (Judicial Ministry)
 Appointed Judge of Tokyo District Court

and additionalary that of Tokyo Local Court
(Judicial Ministry)

1930 July 11: Received 6th Rank of Higher Civil Service
(Cabinet)

1930 July 15: Invested with the Senior Grade of the 7th
Court Rank

1930 Dec. 26 Received 9th grade salary. (Judicial Ministry)

1932 Apr. 11 Appointed Judge of Nagano District Court
and additionalary that of Nagano Local Court
Received 8th grade salary. (Judicial Ministry)

1932 July 30 Received 5th Rank of Higher Civil Service
(Cabinet)

1932 Aug. 15 Invested with the Junior Grade of the 6th
Court Rank

1933 Apr. 5 Appointed Judge of Tokyo District Court and

additionalary that of Tokyo Local Court.
(Judicial Ministry)

1934, Apr. 2 Received 7th grade salary (Judicial Ministry)
" " Ordered to retire (Judicial Ministry)

(KANG TE 6th year)

1939, Apr. 17 Appointed administrative official of
Section of Justice (Judicial Ministry)
Received 5th Rank of office on
recommendation (Sen-nin Kan)
(Judicial Ministry)

~~T.N. 職 三 不 understood~~

Received 10th grade salary (C 3 Salary)
Ordered to work at the Criminal Section,
(Chief of the First Department)

1937 July 1 Appointed secretary of Judicial Section.
Received 3rd Rank of office on
recommendation (Sen-nin Kan)
Received 6th grade salary

1933 Mar. 29 Appointed council of the Bureau of

5

Legislation.

" Nov. 8 : Appointed council of executive office of the State Department.

Ordered to work at the Bureau of Legislation.

1935 Mar. 1 Received 2nd Rank of office on recommendation (Sen-nin Kan)

July 1 Appointed council of executive office (Revision ~~of~~ official organization)

Sept 1 Received 3rd grade salary

1936 Mar. 31 Ordered to take ^{up duties} ~~business~~ at the Intelligence Section of Executive Office

1936, Mar 31 Ordered, as an additional post, to take up ^{duties} ~~business~~ at the Bureau of Legislation, Executive Office.

Oct 1 Civil Official Regulations took effect.

Received 1st Rank of office on recommen-
dation

1937. Mar. 21 Appointed Chief of Intelligence section,
Executive Office.

Received 2nd Rank of specially designated
duties (Kan-min Kan)

1939, Mar. 1 Received 5th grade salary

1941. Mar. 1 Received 4th grade salary

" Apr. 30 Resigned from ~~the~~ duties

1943 May 1. Appointed an official of the Information
Bureau

Received 2nd Rank of Higher Civil Service
(Cabinet)

Appointed Chief of the First Section,
the Information Bureau (Cabinet)

1943 May 15 Invested with the Senior Grade of the

5th Court Rank.

1943 June 15 Appointed a government delegate at the 82nd Session of the Imperial Diet. (Cabinet)

1943 Sep. 2 Appointed member of the Special Investigation Committee of Copper Collected (Cabinet)

1943 Oct 25 Appointed a government delegate at the 83rd Session of the Imperial Diet.

" Dec. 24 Appointed a government delegate at the 84th Imperial Diet. (Cabinet)

1944 Jan. 10 Appointed a councillor of the General Headquarters of the Aerial Defence Bureau. (Cabinet)

1944 Feb 7 Asked to be a member of the Influenza Prevention Committee. (Welfare Ministry)

1944 June 10 Asked to be a non-regular member of

8

the Conference about ~~the~~ war-time
food. (Agriculture and Commerce)
Ministry

1944 Sep 6 Appointed a government delegate at the
85th session of the Imperial Diet. (Cabinet)

1944 Sep 15 Appointed acting director of the News-
paper section, the 1st section, the
Information Bureau. (Cabinet)

1944 Nov 8 Attached to Investigation Room of
Secretariat of President of the Information
Bureau. (Cabinet)

1944 Dec 1 Appointed a councillor of Joint
Planning Board. (Cabinet)

1944 Dec 11 Relieved from ~~my~~ duty as member of
Control Committee of Newspapers and magazines.

1944 Dec 24 Appointed a government delegate at the
86th session of the Imperial Diet. (Cabinet)

1945, June 30. Relieved from ~~the~~ office ^{at} ~~by~~ his ^{own} request.
(Cabinet)

FILE SECTION

TG/EPM/JGL/bd

IPS, GHQ, SCAP

G-2

28 April 1947

1. The following listed names are additional witnesses for the Defense Section, International Military Tribunal for the Far East:

MUTO, Tomio
OKUMURA, Shinji
TANAKA, Shizuka
KOSHI, Saburo
HATARO, Konichi
OTSUKA, Ruzo

2. It is requested that this list be screened through your files in an effort to make available to this office any information which may be useful in determining the credibility of the indicated witnesses.

----- T.G. -----
Ex.O.

Report by: H.SHIMOJIMA

23 April 1947

MEMORANDUM FOR THE FILE:

SUBJECT: MUTO, Tomio

There is no information concerning subject in IPS
Case Files.

Report by: H. Shingima

21 April 47

Memo for the file

Subject: MUTO, TOMIO

There is no information concerning
Subject in IPS case file.

5 May 1947

MEMORANDUM FOR: Mr. Sutton

FROM : EDWARD P. MONAGHAN, Chief, Investigative Division, IPS
SUBJECT : Defense Witness

1. Please find attached hereto list of material available on the following witness and/or witnesses.

DEFENDANT - General Witness
Testified 21 April

WITNESS

MUTO, Tomio

LIST OF MATERIAL AVAILABLE

Info from G-2

2. Please acknowledge receipt of this memorandum by initialling and returning attached carbon copy to this office, Room 300.

Incl
(Described above)

E P M
EDWARD P. MONAGHAN

CONFIDENTIAL

GENERAL HEADQUARTERS
FAR EAST COMMAND
Military Intelligence Section, General Staff

General Activities
APO 500
2 May 1947

SUMMARY OF INFORMATION:

SUBJECT: MUTO, Tomio

Date of Birth: 20 February 1904
Place of Birth: Shizuoka Prefecture
Present Address: 154, 3-chome, Okusawa-cho, Tamagawa, Setagaya-ku, Tokyo
Marital Status: Married, one son
Education: 1927 Law graduate, Tokyo Imperial University
Foreign Travel: Germany, Italy, Spain

Career:

Apr 1927 Passed State Higher Civil Service Examination.
1927 - 1934 Served on Yokohama District Court. Judge of district and local courts in Tokyo, Yokohama, Nagano.
1934 Appointed Chief, First Section of the Criminal Bureau, Manchurian Department of Justice. Appointed Councillor of the Legislative Bureau, Manchurian Department of Justice. Appointed Secretary, Manchurian Department of Justice. Appointed Commissioner, of Manchurian Department of Justice.
Mar 1938 Appointed Secretary of the Information and Publicity Division.
Mar 1939 Appointed Chief of the Publicity Department of the Concordia Society (KYOWA KAI). Appointed Director of the Information and Publicity Bureau, Manchurian State Council.

CONFIDENTIAL

Incl #1

CONFIDENTIAL

1940 Appointed Director of the Information Bureau of the General Affairs Department, Manchurian State Council.

1 Jul 1943 Appointed Chief of the Planning Section of the First Section, Cabinet Board of Information.

1944 Appointed to the Deliberative Council of the Presidential Secretariat, Cabinet Board of Information.

Nov 1944 Appointed Secretary-General of the Deliberative Council.

Oct 1945 Organized and headed the Japanese-American Conversation Institute, Tokyo.

Jan 1946 Became automatically eligible for purge under the 4 January 1946 Directive, and resigned as head of the Japanese-American Conversation Institute.

Remarks:

1. MUTO's wartime service as Director and Councillor of the Great Japan Public Opinion Patriotic Society (DAI NIPPON GENRON HOKOKU KAI) made him automatically eligible under the 4 January 1946 Purge Directive.
2. Contributed an article, "The Son of Manchuria's Premier CHO" to the monthly publication "SHIWA KODO."

CONFIDENTIAL

24 April 1947

MEMORANDUM FOR: Mr. David N. Sutton

FROM : EDWARD P. MONAGHAN, Acting Chief
Investigative Division, IPS

SUBJECT : Defense Witness

1. Please find attached hereto list of material available on the following witness and/or witnesses.

DEFENDANT

No record of subpoena

Testified 21 April

WITNESS

MUTO, Tomio

LIST OF MATERIAL AVAILABLE

Memo for file

2. Please acknowledge receipt of this memorandum by initialling and returning attached carbon copy to this office, Room 300.

Incl
(Described above)

E. P. M.
EDWARD P. MONAGHAN

Report by: H.SHIMOJIMA

23 April 1947

MEMORANDUM FOR THE FILE:

SUBJECT: MUTO, Tomio

There is no information concerning subject in IPS
Case Files.

29 April 1947

MEMORANDUM FOR: Mr. Sutton

FROM : EDWARD P. MONAGHAN, Acting Chief
Investigative Division, IPS

SUBJECT : Defense Witness

1. Please find attached hereto list of material available on the following witness and/or witnesses.

DEFENDANT - General

WITNESS

MUTO, Tomio

LIST OF MATERIAL AVAILABLE

Curriculum Vitae

2. Please acknowledge receipt of this memorandum by initialling and returning attached carbon copy to this office, Room 300.

E P M
EDWARD P. MONAGHAN

Incl
(Described above)

CURRICULUM VITAE

Personal history of MUTO Tomio

- Date of Birth: 20 Feb. 1904
- Domicile: Shizuoka Prefecture
- Social Status: A Commoner
- 1926, Dec. 21 Passed Higher Examination, Faculty of Law Examination.
- 1927, Mar. Graduated from Law Faculty, Law Department, Tokyo Imperial University.
- 1927, Apr. 22 Appointed probationary judicial officer.
(Judicial Ministry)
- Ordered to carry out duties as required in Yokohama Local Court and its Public Procurator's Office also in Yokohama District Court and its Public Procurator's Office.
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(Judicial Ministry)
- 1928, Dec. 4 Appointed Judge.
Received 7th Rank of Higher Civil Service.
(Cabinet)
- Appointed Deputy Judge.
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(KANG TE 6th year)

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- " Nov. 8 Appointed council of executive office of the State Department.
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- 1935 Mar. 1 Received 2nd Rank of office on recommendation.
(Sen-nin Kan)
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(Revision of official organization)
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of Copper Collected. (Cabinet)

- 1943 Oct. 25 Appointed a government delegate at the 83rd Session of the Imperial Diet.
- " Dec. 24 Appointed a government delegate at the 84th Imperial Diet. (Cabinet)
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- 1944 Sept. 6 Appointed a government delegate at the 85th Session of the Imperial Diet. (Cabinet)
- 1944 Sept. 15 Appointed acting director of the Newspaper Section, the 1st section, the Information Bureau. (Cabinet)
- 1944 Nov. 8 Attached to Investigation Room of Secretariat of President of the Information Bureau. (Cabinet)
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DIRECT EXAMINATION OF MUTO, TOMIO,
by Mr. Williams.

- 20377 * The witness stated that he lived in Tokyo. He identified exhibit No. 2466 as his affidavit, and stated it was true and correct.
- 20386 * The affidavit stated that the witness graduated from Tokyo Imperial University in 1927, and became a judge in 1929, where he remained * until 1934.
- 20387 In April, 1934, he resigned and became an official of Manchukuo, serving as Chief of the First Section of the Criminal Affairs Bureau of the Judicial Department until March, 1935. In 1935 he became Councilor of the Bureau of Legislation, which was changed into the Legislative Bureau of the General Affairs Board, where he served as councilor until April 1938. At that time he became a councilor of the Information Bureau of the General Affairs Board, becoming a director in March, 1939. In May, 1943, he returned to Japan.
- 20388 * Independence of judiciary was necessary in Manchukuo to prevent corruption. The separation from administration in prefectures, improvement and independence of the courts had to be achieved. Excellent officers had to be sent, and this created the need for training judicial officers. The work had to be by Chinese-Manchukuoan officers because of the language problem. In improving the judiciary, Chinese-Manchukuoan officers were to take the initiative with the aid of Japanese-Manchukuoans.
- 20389 * It was decided in 1934 to establish the Jurisprudence School. Students swarmed to be admitted. Some 200 students of excellent ability were admitted after strict examination. These men, graduating each year, entered the courts and public procurator's offices and improved the organization.
- 20390 * The witness frequently attended Cabinet councils and the conference of the Privy Councillors as councilor of the Legislative Bureau. The Premier and his Cabinet were statesmen with great influence over the people. In case of important bills, especially those connected with land and native capital, furious discussion took place in the council and sometimes the original bill fell through. For example, a bill for Uncultivated Land Expropriation was compelled to be withdrawn because of strong dissentment.

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20391 It had been decided that only uncultivated land should be purchased for Japanese settlers. However, in some cases cultivated lands had inseparable relation with uncultivated ones, and the bill contained a proviso that in such a case * even cultivated land could be bought. The bill was withdrawn due to dissension.

20392 The conference of Privy Councillors during his time consisted of seven councillors of Manchurian line and three Japanese, with a decision made by majority. In this conference, Manchurians actively set forth their opinions, and it was sometimes difficult to get a bill through the council. For example, the bill against parricide provided that a person should be condemned to death or life imprisonment, but the Privy Council wanted the death penalty only, especially those councillors who were old line Ching dynasty men. * The matter was finally compromised in a conference in the Emperor's presence, to allow life imprisonment only under special circumstances.

While he was Director of the Information Bureau, the Mongolian Mausoleum was founded. It was announced on July 15, 1940. On July 13, this outline for the announcement was indicated to the witness, as a resolution of the Cabinet. The purport of the resolution was that the Emperor's friendly relations with the Japanese Imperial Household was increased and he had decided to dedicate the Kenkoku-Shimmyo to the ancestor of the Imperial Household, which he and his descendants were to worship.

20393 The people were not to be coerced into worship, * but were not to be prevented from doing so. It also announced that the Kenkoku was not in conflict with any existing religion. As Director of the Information Bureau, the witness not only made the announcement but carried out subsequent information policies. After the Kenkoku was founded, local authorities repeatedly cried for establishment of detached shrines. This was not consented to, since it was felt that detached shrines would give an impression of urging worship on the people. The Kenkoku was quite different from religion, having nothing to do with individual life. Manchukuo, from her foundation, let any religion take its own course.

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20394

The witness was a Christian, an elder * of the Japan Christian Church, Hsin-king during his entire period of service. He often occupied the pulpit during the pastor's absence. His position in the church never interfered with his official position. After the Kenkoku was founded, he often visited the Manchurian church, including the Swedish Presbyterian Church, where he delivered a sermon on the 60th anniversary of the church in the autumn of 1941, on the spirit of Christianity and the spirit of the foundation of Manchukuo.

20395

Originally the duties of Director of the Information Bureau should have been performed by a Chinese-Manchukuoan official, but there was some * inconvenience to those from the practical point of view. These were relations with the Information Division of the Kwantung Army and Information Section of SMR. The Kwantung Army had the Information Division for the purpose of transacting military information with which the government information had something to do, and the connection and adjustment were of great importance. The SMR carried on overseas propaganda and general propaganda, as well as railway service information, and the government had to keep in touch with it.

The Director of the Information Bureau therefore took charge of connecting and negotiating with the Kwantung Army, SMR, etc. The domestic information and propaganda of Manchukuo was left in the hands of the Chinese-Manchukuoans.

20396

On his staff was a man of ability named Chuang Kaiyung, who framed the information policies, drafted the * government statements, prepared originals of the Premier's talks, and consulted with the Premier. There were younger officials who carried out domestic propaganda, and no one but Chinese could make propaganda for the natives. The witness was a robot, rather than something important.

There was no discrimination between Chinese and Japanese officials in transacting business. Each official, after talking and consulting frankly, decided on any plan and put it into practice. The language was Chinese or Japanese, according to the case, and sometimes both.

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20397 They had no feeling of any discrimination.
*It was almost the same, although in different degrees, with other government offices, especially in the local government offices. The Japanese and Manchurians became so completely fused that it was hard to distinguish between them.

20398 * When Manchukuo was founded, Japanese government officials at the age of 30 became citizens of Manchukuo. The witness was one of them. The vision of establishing an ideal state and realizing a Utopia stirred the youthful blood, and the founding of Manchukuo was a materialization of that.

On July 7, 1937, when the China Incident broke out, the Manchukuoan officials were afraid that it would become a great obstacle to constructing Manchukuo and hinder them from realizing their ideal.

THERE WAS NO CROSS-EXAMINATION OF THE WITNESS.

20400 Exhibit No. 2467, excerpt entitled "Outline
of Government", from Fundamental Principles of
20404 Administration, promulgated in 1934, stated * that certain taxes had been reduced, exempted, or revised, in accordance with the policy to revise and abolish certain taxes and to unify and adjust tax rates and to lighten and equalize the tax burden. The reduced burden in terms of money has reached 23,768,000 yen. The taxes reduced were business taxes in Mukden, cigarette excise in Jehol, the poppy cultivation tax in Jehol. Taxes abolished were those of double taxation on livestock breeding, certification fee, transit and surtax from the cargo and livestock tax, * and the miscellaneous monthly tobacco tax in Harbin. There is also a reduction of the grain market and measurement tax in Kirin. There have been exemptions of family tax on salt and other things, and of land tax and arrears in Jehol. As in China, the price of salt is the highest in the world, and oppresses the people. Salt prices in Mukden and Heilungkiang are different, it being a matter of urgency to reduce the burden and equalize distribution. Measures were taken to reduce the salt gabelle rate by 30 mo per tang on March 1, 1934, and to effect a general reduction of prices.

1. I, MUTO, Tomio, live at No. 157, 3-Chome, Tamagawa-Okuzawa-machi, Setagaya-ku, Tokyo Metropolis.

2. I was graduated from the Law Department of the Tokyo Imperial University in the 2nd year of Showa (1927). I served as Probationary Judge at Yokohama and, in the 4th year of Showa (1929), was appointed Judge. After that, I was appointed Judge of the Tokyo District Court. I was in my office at the Tokyo District Court until the 9th year of Showa (1934), except when I was in Nagano where I served for a while. In April 1934, I resigned my post and became an official of the Manchoukuo Government. I served as Chief of the First Section of the Criminal Affairs Bureau of the Judicial Department until March 1935. In 1935, I was transferred to Councillor of the Bureau of Legislation of the Government. The Bureau of Legislation was changed afterwards, by the reform of government organization, into the Legislative Bureau of the General Affairs Board where I was in service as councillor until April of the 13th year of Showa (1938). In April of the 13th year of Showa (1938), I was transferred to Councillor of the Information Bureau of the General Affairs Board. In March of the 14th year of Showa (1939), I was appointed the Director of the Information Bureau and I served until April of the 18th year of Showa (1943). In May of the 18th year of Showa (1943), I returned to Japan to be appointed Chief of the First Division of the Information Bureau of the Japanese Government. I held that post until November of the 19th year of Showa (1944) when I was appointed Councillor of the CHOKUNIN rank attached to the Investigation Section of the same bureau. I retired from office on the last day of June of the 20th year of Showa (1945).

3. One of the basic policies of the Judicial Department in Manchoukuo at the time when I arrived at my post was, first of all, to improve judicial system. As to judicature, the general opinion was as follows:

Prior to and at the time of the foundation of Manchoukuo, the judgement of the courts was under the influence of bribery. One who offered more bribe than the other won the case after all. So long as bribery continues, any case was carried from the lower instance to the higher instance and again sent back to the lower instance to repeat the same proceeding. The people thought that anyone who bribed more than the other party would win the case after all when the latter became out of money. I once talked with Mr. FURUTA, Masatake, the head of the General Affairs Bureau of the Judicial Department at the time of my arrival at my post, about whether bribery was really controlling the judgement of the Court. He said, "Although Manchurian people say that the judgement of the courts are controlled by bribery, no one has grasped the kernel of the question. I am not yet assured of it." Soon afterwards, however, a certain murder case occurred at Fuhsun with the examination of which I was concerned. The case was that a tailor struck his apprentice to death and threw his corpse into the well, destroying evidence of crime. After the examination, it proved that money given and taken concerning this case amounted to as much as some ¥2,000. I could get positive evidence that the money was delivered to public procurators, clerks and coroners.

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This fact convinced me of the judgement being influenced by bribery. It was the first task for the Government to make judicature thus poisoned by bribery fair and just.

3. (a) The second task was to consolidate legislation. There existed the codes formerly made by the Chinese Government which were, nevertheless, all but formal and were not practicable. Furthermore, since Manchoukuo had customs and manners peculiar to her, a new code which accords with this state of affairs had to be made. Accordingly, it was decided to enact the civil code, the penal code, the commercial code, the code of civil procedure, the code of criminal procedure and other attached laws, etc.

4. The third was to reorganize the courts. The organization of the courts had many defects as well. There existed organs called 'courts' with modern forms in such large cities as Hsinking, Mukden, Kirin, Harbin, etc., where accusation system of procedure was in practice in the criminal action; and in civil cases, modern legal proceedings were pursued. But in most prefectures, administration and judicature were mixed together and governors, as the supreme judges in the prefectures, gave judgements. There were supporters called 'Cheng-shen-yuan' who assisted prefectural governors. Accordingly, administration and judicature confounded and administration meddled in trials. If anyone has interest in connection with the governor, he can sway the court judgement. A judicial organ of such a kind was called a 'prefectural office transacting the business of judicature', in a sense of the prefectural governor passing judgement. There existed another kind of 'prefectural office transacting the business of judicature'. In a judicial office judicature was separated to some extent from administration, and yet the prefectural governor was concerned in the proceedings. These offices numbered six or seven throughout the country. The above-mentioned explanation concerns the first instance of the civil or criminal case. The second or third instance was under the jurisdiction of the district court or the higher court in large cities or the Supreme Court respectively. To reorganize the courts in such chaotic conditions was one of the basic works. As for prisons, there existed institutions which had the appearance of a modern prison in the large cities where the courts were located. The accommodations, however, were extremely poor just like jails in old days. Prisons of prefectures were in appalling conditions, for instance, prison cells were jammed with prisoners leaving no room for lying. The conditions were so bad that they, answering the question how to lie at night, said that they laid themselves alternating their heads and legs, as they could not place their heads in a row. Any sort of exercise was not permitted to take. There was no light at night. They were packed like sardines. It was generally thought that, once a man was put into such a prison, there was no telling whether he could return alive. To improve prisons was one of the basic works.

5. Independence of judicature was necessary, in the first place, for preventing judicature from corruption as mentioned above. For this purpose, separating of judicature from administration in prefectures, improvement and independence of the courts had to be achieved. And at the same time, excellent judicial officers had to be sent to each judicial organ. Such conditions created a necessity for training judicial officers. As the people speak Chinese, judicial work had to be done by Chinese-Manchoukuan officers. Only such officers could administer justice fairly. In improving and managing judicial organizations, Chinese-Manchoukuan officers were to take the initiative with collaboration of Japanese-Manchoukuan officers. Accordingly, the Judicial Department decided, in the 1st year of Kotoku (1934), upon establishing the Jurisprudence School of the Judicial Department where training for fresh judges and public procurators was started. Applying for admission to the school, excellent students swarmed. The number of the applicants was fifty times as many as that of the admitted. Some 200 students who had the makings as good as those of Japanese university undergraduates were admitted into the school after a strict examination.

They were judicial officers in embryo of Manchuria. Such men, graduating every year from the school, entered the courts and the public procurators' offices and caused the judicial organization to be improved.

6. As to the consolidation of the codes, the Judicial Department first drew up the drafts, carried them to the Bureau of Legislation. After that the drafts went through due formalities and thus the laws were enacted. These codes were completed before the abolition of extraterritoriality in the 4th year of Kotoku (1937). I, as a Councillor of the Bureau of Legislation and of the Legislative Bureau, successively, made technical examination into every draft of proposed laws.

7. As to the reorganization of the court, modern systems of the courts and the public procurators' offices were almost completed prior to the abolition of extraterritoriality in the 4th year of Kotoku (1937). Until that time, the Supreme Court, the higher courts, the district courts, the local courts and the public procurators' offices corresponding to these courts were nearly completed. Those, the completion of which delayed for the budgetary and other reasons, were also accomplished by the 6th year of Kotoku (1939) and thus the judicial system of Manchoukuo was changed and the modern organization of the courts and the public procurators' offices came into existence. At the same time, such talent as mentioned above graduated from the Jurisprudence School of the Judicial Department and entered the courts and the public procurators' offices. As a consequence, justice came to be administered fairly for the first time in Manchuria.

8. Steady reforms were also carried out on the prison system after the foundation of Manchoukuo. Improvements were made on the prisons situated at such large cities as Hsinking, Mukden, Harbin, etc. and other places. In Hsinking, for instance, completion of an ideal prison raised a discussion among the people of knowledge. When the living condition of the Shantung coolies was compared with that of prisoners in newly-built prisons, the latter was far better. So good were the new prisons that there was apprehension that they might serve as a stimulus to a criminal act. However, since the Government has built a prison, a prisoner must live there a life worthy of a human being even if the living condition in the prison was better than that of coolies; and this was the very manifestation of the spirit of founding Manchukuo. This was the conclusion which they arrived at.

9. As to the bar system too, there existed the Chinese system of 'Risshi' (lawyer) prior to the foundation of Manchoukuo, which was, however, an imperfect one. But 'Risshi Ho' (the Bar Law) was enacted in 1935, elevating the status of lawyers.

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I frequently attended the Cabinet councils and the conference of the Privy Councillors in the capacity of Councillor of the Legislative Bureau. I was on duty under the Chang Ching-hui Cabinet. The Premier and his Cabinet colleagues of the time were statesmen who had great influence over the Manchurian land and people. So that, in case that any bill or important policy, especially, those connected with land, cereals and native capital, was introduced in the Cabinet Council, furious discussions took place and sometimes the original bill fell through due to objection of these ministers. During my term of office as the Director of the Information Bureau, for instance, a bill for the Uncultivated Land Expropriation Law, which had been submitted to the Cabinet council, was finally compelled to be withdrawn owing to strong dissenting atmosphere in the council. It had been decided upon that uncultivated land alone should be purchased for the Japanese settlers. Practically, however, there was a case in which cultivated lands had inseparable relation with uncultivated ones (for example, a small cultivated area surrounded by wide uncultivated tracts of land). The said bill contained a proviso to the effect that, in such a case, even cultivated land could be bought. The bill, proposed by the Minister of Agriculture and Forestry, was withdrawn due to dissention of the Cabinet council.

When I was in office as Councillor of the Legislative Bureau, the conference of the Privy Councillors consisted of seven councillors of Manchurian line and three councillors of Japanese line, Tsan Shih-yi taking the chair. A decision was made by majority of votes. As to this conference too, opinions

were set forth actively by Manchurians as to a bill of importance. Sometimes it was difficult to get a government bill through the council. As far as I can remember, a question of punishing parricide was at issue on the occasion of enacting the penal code. The original bill which had passed through the Cabinet council provided that parricide should be condemned to death or life imprisonment. But in the conference of Privy State Councillors, it was strongly insisted that it should be punishable by death alone. Especially, the most persistent were those Councillors who were surviving retainers of the Ching dynasty, for instance, Hu Chih-yuan, Tseng Wen and Chen Jui-lin, etc. According to the Manchurian Councillors' view it was against morality to condemn any murderer of his parent to life imprisonment. Finally, it was settled, after the discussion in a conference in the Emperor's presence, that parricide, only when the motive deserved compassion, might be condemned to life imprisonment.

While I was in office as Director of the Information Bureau 'Kenkoku-Shimmyō' (the State Founding Divine Mausoleum) was founded. The announcement of founding "Kenkoku-Shimmyō" was made on July 15 of the 15th year of Showa (1940). On July 13, an outline for the announcement was indicated to me as a resolution of the Cabinet council. I and my staff made arrangements for announcing it according to this resolution. Its purport was as follows:

"A. The Emperor's friendly relation with the Japanese Imperial Household has been enhanced and his spirit became one with that of the Japanese Emperor. As a result, he has come to dedicate 'Kenkoku-Shimmyō' to the ancestor of the Imperial

Japanese Household. The Emperor and his descendants are to worship it.

B. The people shall not be coerced into worshipping 'Kenkoku-Shimmyō'. However, when the Emperor worships it and his virtue pervades the people, any of the people are not prevented from worshipping it if he would do so.

C. 'Kenkoku-Shimmyō' is, accordingly, not in conflict with any existing religion at all.

D. The announcement shall be made according to the above principles."

In line with the aforementioned principles, I, as the Director of the Information Bureau, not only made the announcement but also carried out subsequent policies of information.

After 'Kenkoku-Shimmyō' was founded, the local authorities of various Provinces, Prefectures, etc. raised repeated cries for establishing its detached shrines. The central authorities however, did not consent to them. It was because of the view that the establishment of detached shrines was unadvisable as it would give an impression of urging the worship of the shrine on the people. Such being the case, 'Kenkoku-Shimmyō' was quite different from what is called a religion. It had nothing to do with the peoples' individual life. Manchukuo, from the outset of her foundation, let any religion take its own course.

I, being a Christian, had been an elder of the Japan Christian Church, located at Chūō-dōri (Central Avenue) Hsin-king, from right after the arrival at my post in Manchukuo up to the time of returning to Japan. Even while I was in office

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as the Director of the Information Bureau, I often occupied the pulpit during the pastor's absence. That I was an elder of the church did never interfere with my post of an official of the government. After 'Kenkoku-Shimmyō' was founded, I often visited as ever the Manchurians' church. There was a church at Wu-malu, Hsinking, established by the Swedish Presbyterian Church, which I visited and delivered a sermon. I was asked by Mr. Wang Hsing-shan, elder of that church, to preach in the memorial service of the 60th anniversary of the establishment of the church. It was in the autumn of 1941. I made a sermon on the spirit of Christianity and the spirit of the foundation of Manchukuo to pastors of the Presbyterian Churches who had gathered from every part of the country. Also, when I made an official trip to Tunghua, I, at the request of the pastors and elders of the Tunghua Christian Church who called on me, visited the church late at night and preached before the congregation of some 100 Christians, on the subject of "You are the light of the world", telling them that the Christians in Manchukuo are the light of the world. On the occasion of my transference to Japan, the Hsinking Manchurian Church held a farewell party for me, attended by elders and other interested persons, including Rev. Pastor Hu Cheng-Kuo. As mentioned above, the establishment of 'Kenkoku-Shimmyō' exerted no pressure upon religions.

Originally, the duties of Director of the Information Bureau should have been performed by any Chinese-Manchukuoan official. Although a Manchurian was to occupy that post, there were somethings inconvenient for him from the practical point of view in Manchukuo. These were the relations with Information

Division of Kwantung Army as well as with the Information Section of S.M.R. Co. The Kwantung Army had the Information Division for the purpose of transacting military information with which the government information had something to do. Accordingly, the connection and adjustment between the army's information and that of the government were of great importance. As to S.M.R., there was also the Information Section which, with Dairen as its centre, carried on oversea propaganda and other general propaganda of Manchuria, besides information regarding railway service. So that the government had as well to keep in touch with the Information Section of S.M.R. Co.

Such being the case, the Director of the Information Bureau took charge of connecting and negotiating with the outside, such as the Kwantung Army, S.M.R., etc. As to the domestic information and propaganda of Manchukuo, I left them in the hands of Chinese-Manchukuoan

I had, as one of my staff, a man of ability, named Chuang Kai-yung who was the head councillor. He framed the information policies, drafted the Government statements, prepared the original forms of the Premier's talk and thus settled everything consulting with the Premier. Besides, there were under him those younger set of excellent Chinese-Manchukuoan officials, for instance, Lin Sheng-yuan, Su Cheng-hsin, who directed and carried out domestic propaganda. No one but Chinese-Manchukuoan officials could make propaganda toward 40,000,000 Manchurian natives. In the propaganda toward the people in general, Chinese-Manchukuoan councillors and secretaries played the most active part; I, Director of the Information Bureau, being a robot rather than otherwise.

So far as I was concerned, there was no discrimination between Chinese and Japanese Manchukuoan officials in transacting business. A way of settling and carrying out the information policies was that every official, after talking and consulting frankly with one another, decided on any plan and put it into practice. The languages used in such a case were Chinese or Japanese as the case might be and sometimes a medley of both languages was used in talking, discussing and disputing. We became so united into one that we, in doing daily work, were not conscious of any discrimination between the Chinese and Japanese. When a visitor from Japan happened to call on me while we were in a meeting and after seeing the scene, asked by me, "Among those who were engaged in arguments here, can you distinguish between a Japanese and a Manchurian?" he was sure to answer, saying, "Everyone looks a Japanese and looks a Chinese at the same time. I don't know what's what."

It was almost the same, though in different degree, with other government offices as with here and especially in the local government offices. The Japanese and Manchurians became so completely fused together that it was hard to distinguish between them.

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Such being the case, it is said that, after the termination of hostilities, the Chinese who were formerly Manchukuoan officials looked after the Japanese very kindly. As for ex-councillor Chuang Kai-yung, for example, he remained at the Information Bureau to the end, took care of Japanese-Manchukuoans, even preparing meals for them together with his wife, and when the Nationalists army entered Changchun, finished handing over, representing the Information Bureau, the business to the representatives of the Chinese Government. Afterwards he helped the Japanese implicitly and explicitly and did great service to them up to the day when the 8th Route Army entered the city. These things are what I heard from the people who returned from Manchuria last year.

There are many stories that the Japanese who were later on repatriated from Manchuria had been helped by the Chinese-Manchukuoans. These stories are very touching.

13. Now, let me refer to the purpose of establishing the Manchurian Heavy Industry Company. I remember it was in the autumn of the 17th year of Showa (1942) that I met President AYUKAWA, Gisuke, of that Company and dining with him, listened to his reminiscences about it in a room of the Yamato Hotel, Hsinking. It was on the very day of his resignation from the presidency of the Company. His story continued as long as for three hours without being interrupted by any visitor. The details of his story were as follows:

14. "The land of Manchuria resembles that of America. The reason why the Japanese industry has not made a progress is that the Japanese have too skillful hands and manage to do anything with their fingers, which hindered the development of engineering industry. We can not get out of handicraft so long as we imitate the Japanese industry. We must, introducing American machinery and technique, build up here at one stroke an industry in larger

scale than in Japan. It is possible that a highly developed engineering industry may grow in Manchuria. I would like to create the second America in a bit smaller scale, tying up with U.S.A. at any cost. Manchuria has electric power besides iron, coal, non-ferrous metals, etc. If dams are constructed on the Sungari and Yalu Rivers, they will produce very abundant and cheap hydro-electricity, supplying abundant electric power at low charges, developing resources and turning Manchuria into a great industrial nation in such a short time as ten years.

With this dream, I decided to come over to Manchuria. And I was of the opinion that, for the sake of introducing American capital and technique, we had to have U.S.A. create a credit for us and that we would give the underground resources of Manchuria to U.S.A. as the security for this credit.

I set about introducing the capital. My move, however, came to the knowledge of some Rightists and ultra-nationalistic diplomats. With HONDA, Kumataro, for instance, as a leader, they talked over their reaction against my plan at the Seiyoken Restaurant at Ueno. They made a fuss about it, crying, "This is the second Harriman Affair. Ayukawa is selling Manchuria to U.S.A." As the news about this appeared in the newspapers, things began to go wrong. Simultaneously the China Incident broke out and the Panay Incident occurred. Little did I dream of the outbreak of the Great East Asiatic War. Thus, I met with unexpected earthly faults one after another.

I, entirely depending upon introduction of the American capital, thought of establishing the Manchurian Heavy Industry Company and set about introducing the Nissan into Manchuria.

When I started this campaign, it won fair popularity in U.S.A. and at that time, many business men of various commercial firms in U.S.A. thronged to me to negotiate for selling their machinery and technique. From among them, even swindlers made

their appearance. As the situations at home and abroad were growing worse, I prepared for going over to U.S.A. But circumstances prevented me from doing so. Should I have made bold to go over to America at that time, the situation would have been altered and consequently that of the world might have been changed.

That I got a moment behind the time disabled me to materialize my dream. When I failed in introducing the American capital and technique, the Manchurian Heavy Industry Company had no significance to me. Though I made my entry into the Company as the President, as circumstances drove me there, I had already lost my vision and could not realize my aspiration.

Being desirous of retrieving somehow the general situation by introducing German machinery, I went over to Germany. However, the Russo-German War suspended the Siberian route, baffling my plan again. In spite of my title of President of the Company, I could not, up to present, realize what I had dreamed." This was Mr. Ayukawa's reminiscence.

15. At the time when the state of Manchoukuo was founded, Japanese Government officials at the age of 30 or so, resigning their post and becoming citizens of Manchoukuo, left for their new post one after another as Manchoukuoan officials. I was one of them. It was because something attracted them that these young men thus streamed there.

A vision of establishing an ideal state and of realizing an Utopia stirred the youthful blood. The foundation of Manchoukuo was the materialization of such an ideal. Therein existed morality and light. It was based on 'Humanism'.

On July 7 in 1937 when the China Incident broke out, the Manchoukuoan officials cried, "Hang it!" They were afraid that the China Incident would become a great obstacle to the

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construction of Manchoukuo and hinder them from realizing their ideal. "Hang it!" meant ~~this~~.

/s/ MUTO, Tomio

Subscribed and Sworn to before me this 3rd day of April 1947,
at Tokyo, Japan.

/s/ BERNARD A. HARGADON
1st Lt., Inf.
Administrative Officer
Defense Division

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GENERAL HEADQUARTERS
FAR EAST COMMAND
Military Intelligence Section, General Staff

General Activities
APO 500
2 May 1947

SUMMARY OF INFORMATION:

SUBJECT: MUTO, Tomio

Date of Birth: 20 February 1904

Place of Birth: Shizuoka Prefecture

Present Address: 154, 3-chome, Okusawa-cho, Tamagawa, Setagaya-ku, Tokyo

Marital Status: Married, one son

Education: 1927 Law graduate, Tokyo Imperial University

Foreign Travel: Germany, Italy, Spain

Career:

Apr 1927 Passed State Higher Civil Service Examination.

1927 - 1934 Served on Yokohama District Court. Judge of district and local courts in Tokyo, Yokohama, Nagano.

1934 Appointed Chief, First Section of the Criminal Bureau, Manchurian Department of Justice. Appointed Councillor of the Legislative Bureau, Manchurian Department of Justice. Appointed Secretary, Manchurian Department of Justice. Appointed Commissioner, of Manchurian Department of Justice.

Mar 1938 Appointed Secretary of the Information and Publicity Division.

Mar 1939 Appointed Chief of the Publicity Department of the Concordia Society (KYOWA KAI). Appointed Director of the Information and Publicity Bureau, Manchurian State Council.

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1940 Appointed Director of the Information Bureau of the General Affairs Department, Manchurian State Council.

1 Jul 1943 Appointed Chief of the Planning Section of the First Section, Cabinet Board of Information.

1944 Appointed to the Deliberative Council of the Presidential Secretariat, Cabinet Board of Information.

Nov 1944 Appointed Secretary-General of the Deliberative Council.

Oct 1945 Organized and headed the Japanese-American Conversation Institute, Tokyo.

Jan 1946 Became automatically eligible for purge under the 4 January 1946 Directive, and resigned as head of the Japanese-American Conversation Institute.

Remarks:

1. MUTO's wartime service as Director and Councillor of the Great Japan Public Opinion Patriotic Society (DAI NIPPON GENRON HOKOKU KAI) made him automatically eligible under the 4 January 1946 Purge Directive.
2. Contributed an article, "The Son of Manchuria's Premier CHO" to the monthly publication "SHIWA KODO."

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