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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

File
On
23 October 1946

MEMORANDUM FOR THE RECORD.

SUBJECT: Conference on Taxation and Transfer to State of Imperial Household Properties.

1. Attending the conference were:

Mr. H. C. Hollis, Arts and Monuments Division, CI&E
Mr. P. Hickie, Chief, Forestry Division, NRS
Mr. J. E. Walter, Finance Division, ESS
Mr. T. A. Bisson, Govt Sec
Dr. C. H. Peake, Govt Sec

2. The conference was called to establish a uniform policy in dealing with Imperial Household properties and to coordinate operations in dealing with the Japanese officials. The general problems pertaining to the application of the capital tax levy to the Imperial Household property, followed by the transfer of that property to the control of the government from the Imperial Household Ministry, were discussed. Mr. Hollis pointed out the difficulties connected with the application of the capital tax levy to art objects and monuments of un-economic character, coupled with the problem of handling such objects as will be turned in not only by the Imperial Household Ministry, but also, by the Japanese in general under the Capital Tax Levy Act. It was agreed that he, together with Mr. Walter, would further pursue the problem in order to arrive at the proper procedural methods and to recommend action accordingly.

3. Mr. Hickie pointed out that the forest lands and agricultural lands transferred to the State would be under the control of the Ministry of Agriculture. Agricultural lands, it is assumed, will be made available for purchase by tenants now cultivating such lands under the Land Reform Act. Mr. Hickie felt that the turning over of limited amounts of forest lands to prefectures and municipalities should be dealt with on an individual case basis. He stated that there are only some 40 such cases now pending. He pointed out that the forest lands under the supervision of the Imperial Household Ministry are the best controlled and operated of all the forest lands in Japan and he said that he would try to see that the high standards established by the forestry experts of the Imperial Household Ministry are maintained after transfer to the Forestry Bureau in the Ministry of Agriculture. In order to do this he felt that the personnel in the Imperial Household Ministry concerned with such matters should be moved intact to the Ministry of Agriculture.

4. Mr. Walter presented figures with respect to the effect of the application of the Capital Tax Levy Act to the Imperial Household properties. There will be left to the Imperial Household, after the tax, property amounting to less than ¥300,000,000 out of a total of ¥1,500,000,000. In accordance with the terms of the new constitution this remaining portion

Memo for Record, subj: "Conference on Taxation and Transfer of Imperial Household Property to State", dtd 23 October 1946.

will then pass to the state after the constitution comes into effect.

5. Mr. Walter stated that the Finance Division strongly desires that the Japanese Government apply the tax laws of the state to the private incomes of the Emperor and the members of the Imperial family on the same basis as it is applied to any other Japanese citizen. He was told that this Section concurs in that policy, that the Japanese officials have already been so informed, and that this is the logical and desirable procedure to follow under the new constitution. It is the only assurance that the Emperor will not in the future accumulate a large fortune comparable to the one now under the control of the Imperial Household Ministry.

C. H. Peake

C. H. PEAKE
Governmental Powers Division

WPK
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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED FORCES
Government Section

Political offenses

22 October 1946

MEMORANDUM FOR THE CHIEF, GOVERNMENTAL POWERS DIVISION

SUBJECT: Lese Majesty and Other Political Offenses

1. On 18 October the undersigned met with Mr. Ichiro Takahashi, Chief of the Criminal Affairs Section of the Criminal Affairs Bureau of the Ministry of Justice and was informed about the prospects of the so-called "placard case" concerning lese majesty. After the Ministry of Justice has directed the public procurators not to prosecute offenses against lese majesty unless the act constitutes simultaneously libel or insult according to the general provisions of the Criminal Code, the question has arisen as to how to settle the pending "placard case." Takahashi stated that there were two alternatives: either to direct the prosecution to drop the charges, or to have the case covered by the general amnesty which is to come into force on 1 November. The Ministry of Justice would consider the first alternative inappropriate after the trial has reached the present stage and the prosecution has continuously maintained that the offense went far beyond legitimate political criticism and constituted slander of the Emperor.

The undersigned answered that there would be a third solution which appeared to be most desirable, i.e., that the court renders its verdict before the first of November. Takahashi replied that a decision could not be expected during this month because the defense was doing everything to retard the case by raising new objections which must be examined by the court.

After consulting with Colonel Kades in your absence, the undersigned advised Takahashi that SCAP would, in the first place, welcome a decision of the Court before the first of November. If, however, no verdict could be rendered before that date, the determination as to whether to drop the prosecution or to have the defendant benefit from the general amnesty would be left to the Japanese Government.

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2. Furthermore, inclosures 1 - 3 were submitted to the undersigned.

a. Inclosure 1 supplements the information on all lese majesty cases and states that actually only one individual, Masando Takeno, is serving a penalty at the present time because he committed lese majesty in combination with grave crimes, namely, forgery, repeated theft, and fraud. He is an habitual and rather mean criminal who does not deserve any sympathy. Nevertheless, the Ministry of Justice intends to release him conditionally soon after one-third of his term has expired.

b. Inclosure 2 concerns the disposition of political offenses in general, insofar as they were committed in combination with other crimes. Apart from Takeno, mentioned in (a.), only two individuals, Suzuki and Kawai, are still in penal servitude. In both cases the total penalty imposed for both political and common crimes has been commuted by deducting from it the part due for the political offense. Therefore, they now actually serve penalties for theft, embezzlement, attempted fraud (Suzuki) and for rape (Kawai).

c. Inclosure 3 discusses the effect of the forthcoming amnesty upon the cases listed in Inclosures 1 and 2. Neither Takeno nor Suzuki nor Kawai will benefit from the general or special amnesty.

3. No action on the part of SCAP appears necessary or advisable.

ALFRED C. OPPLER
Chief Legal Officer
Governmental Powers Division

Memo

GENERAL HEADQUARTERS
SUPREME HEADQUARTERS FOR THE ALLIED POWERS
Government Section

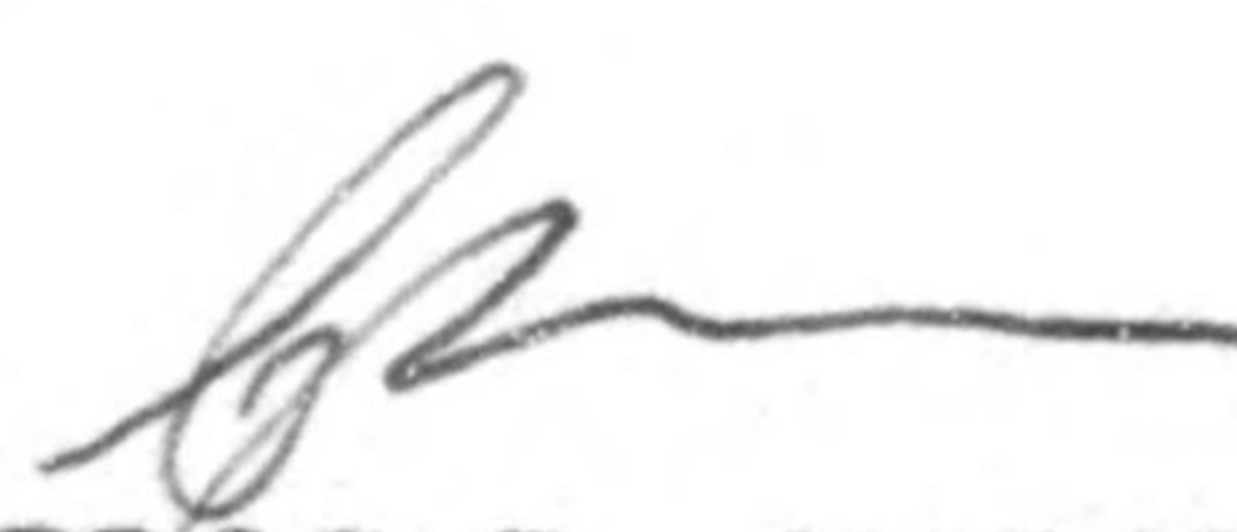
18 October 1946

MEMORANDUM FOR THE RECORD

SUBJECT: Looting of British Property by
Japanese Consul at Tientsin

1. Mr. C. P. Marcum, Chief, Public Administration Division, talked to Lt Col Figgess of U.K. Liaison Mission, this morning (on the telephone) in regard to the Okuma case. Col. Figgess stated that he had sent the SCAP communication concerning Okuma to the British Consul General at Shanghai with the comment that there was no apparent action to be taken against Okuma himself but that the responsibility was to be placed on the Japanese Government.

2. Col. Figgess also stated that he had no objections, and thought it fair that any restrictions now imposed on Mr. Okuma be removed.


CARLOS P. MARCUM
Chief, Public Administration Division

CW/CLK/CPM/ecm

Looting of British Property by
Japanese Consul at Tientsin

Govt Sec

G-2 Foreign Liaison

25 Sept 46

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1. Reference Note 4 above, and attached pertinent correspondence.

2. The gist of the attached note was communicated to Col. J.C. Figgess of the UK Liaison Mission informally in telephone conversation, 9 Sept 46, by Mr. C. P. Marcum, Government Section. Col. Figgess was apparently satisfied with the conclusions, but requested formal notification.

3. It is recommended that the following reply be made to the UK Liaison Mission:

"1. Reference your communication, above subject, 2 July 1946 (7E36/46).

"2. Based upon information submitted by the Japanese Government, it appears that Mr. Okuma, Wateru acquired a piano and a rug belonging to Mr. J. S. Jones, a British subject, for 1500 yen in accordance with the provisions of regulations issued by the Japanese Government concerning disposal of enemy property in wartime.

"3. It would seem therefore that the Japanese Government alone is responsible for the confiscation of Mr. Jones' property and that Mr. Jones has a logical basis for instituting a claim for compensation.

"4. Accordingly, this information is submitted for your consideration in order that any discrepancies with the facts in your possession may be identified, particularly since it is understood that Mr. Okuma has been temporarily classified Secretary of the Foreign Office without post pending further action by this Headquarters.

"5. Any additional comments or recommendations on this matter will be appreciated."

1 Incl: n/c

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

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET

(Do not remove from attached sheets)

File No.: 1012/BNWC.

Subject: LOOTING of BRITISH Property by Japanese Consul
at TIENTSIN

Note No.:

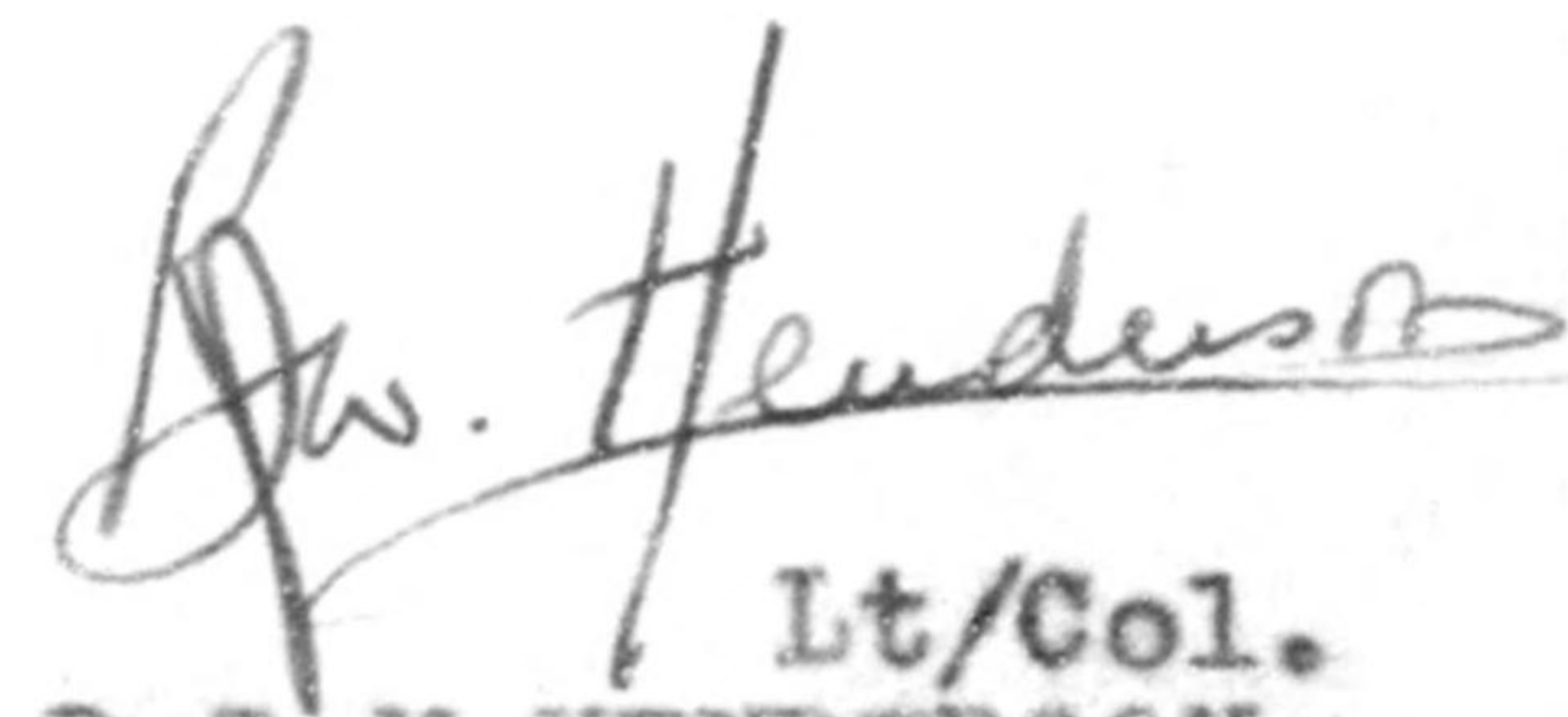
From: British Division To: G-2,
Legal Section.

Date: 31 July 46.

Ref the attached correspondence.

1. After discussion with Lt Col FIGGESS of U.K. Liaison Mission, the author of the basic letter, it is considered that the appropriate action required in this case is to instruct the Japanese Government to dismiss Mr OKUMA from Government service, or, if he is not at present in Government service, to instruct the Japanese Government that they are NOT to employ this man in Government service in the future.

2. Would be grateful if you could arrange to take action accordingly and inform U.K. Liaison Mission in due course of the action taken.



Lt/Col.
R.I.M. HENDERSON.
OC BRITISH M.W.C.L.S.

RIMH/AM.

5.

From: G-2

To: Gov't Section
THRU: CIS

Date: 1 Aug 1946

The attached correspondence is forwarded for any action deemed necessary as per telephone conversation with Mr. Poole, your office.

I Incl: n/c

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

A copy of the telegraphic directive dated June 3rd, 1943 from Minister Shiozawa of the Japanese Embassy Office at Peking to the Japanese Consulates and Consulates General in North China.

Concerning the disposal of properties left by the interned Allied persons, the following principles have been decided, and so you are hereby instructed to act in conformity with them.

1. Immovable Properties.

- a. Immovable properties should be put under care and control of the Embassy Office for the time being.
- b. The Embassy Office is authorized to lease (with appropriate rentals) such properties to either Japanese or Chinese nationals.
- c. Those who rent such properties should pay rentals for the trusteeship of the Embassy Office.

2. Movable Properties.

- a. Movable properties should be disposed of by means of public sale under the supervision of the Embassy Office.
- b. The selling price should be just and reasonable. Money paid by the purchasers should be deposited in a bank for the frozen accounts of the names of property owners respectively.

Tab A

A copy of the telegraphic directive dated September 23rd, 1943 from Minister Shiozawa of the Japanese Embassy Office at Peking to the Japanese Consulates and Consulates General in North China.

Regarding the disposal of the movable properties left by the interned Allied people, the Japanese Government has instructed the Embassy Office to collect and remit the money in pool to the Internment Camp for the benefits of the interned. (Amount of the expenses for the disposal is to be excluded).

Hence the Embassy Office orders hereby that all the money kept in the frozen accounts in the names of the Allied property owners respectively be remitted to the Peking Branch of the Chosen Bank for the special account of "the North China Enemy Properties Disposal Committee". This is to be applied to money which will hereafter be acquired in the same manner.

TAB B

3

Facts about the piano and the rug

August 26th, 1946.

Under the instructions of the Japanese Embassy at Peking, in June, 1943, the Consulate General at Tientsin took a step to dispose of the Allied properties which were left behind in Tientsin by the Allied people when they were sent to Shantung for internment. The intention of the Japanese authorities, it was understood, was to make most of the financial value of such properties for the benefit of the Allied people. The idea was to put such properties on a sale, to get money for them and to use that money for costs of running the Internment Camp in Shantung.

In arranging the sale, the Consulate General called for a few appraisers and let them appraise each article so that the selling prices should be fixed in a reasonable way. It is at this sale that I bought the piano and the rug in question. For the piano I paid about one thousand yen and for the rug about five hundred yen. The payment was made to the Consulate which put whole amount of payment into a special account of the Chosen Bank.

At the sale, while most of the movable properties were collected and put altogether at a selling place, a few other things such as extremely heavy articles, including pianos, were left unmoved just where they existed only for the conveniences' sake. And so I picked up the rug at the selling place, while I acquired the piano as it was in some Mr. Jones' house which I occupied.

In October 1943, when I was transferred to Soochow, I brought there the piano and the rug with me. Due to ever-increasing pressure of hardships on livelihood, however, I was impelled to sell the piano for about four hundred thousand dollars (C.R.B.) at Soochow in May, 1945, and the rug together with a big trunk case for about seven million dollars (C.R.B.) in Shanghai in March, 1946. In so doing I had a firm belief that I had properly acquired an ownership of the properties as I had paid the fixed amount of prices for them at the sale which had been conducted by the Japanese authorities.

Nothing was farther from my mind than that I was going to sell the "stolen" things for profiteering. (In 1945 and 1946, monetary inflation at Soochow and Shanghai was extremely bad with index numbers of all prices climbing higher than ever, such as more than ten or fifteen thousand times as big as in 1943. For instance, in the early part of 1946, a U.S. dollar amounted to more than five hundred thousand dollars (C.R.B.).)

Signed: Wataru Okuma

TAB C

Report of Investigation of Looting of British Property by
Japanese Consul at Tientsin

1. An investigation has been made of the circumstances by which Mr. OKUMA, Wateru, Japanese Consul at Tientsin from 1940 to 1943, apparently acquired a piano and rug from Mr. J. S. Jones, a British subject.
2. The Japanese Government has produced copies of official documents and a signed statement by Mr. Okuma which indicate:
 - a. Property in question was seized by order of the Japanese Government in June 1943 and disposed of by public sale.
 - b. Mr. Okuma acquired the property legitimately for the sum of 1,500 yen.
3. It does not appear, therefore, that Mr. Okuma's conduct in this matter violated any regulations governing disposal of enemy property in war time. These findings, however, in no way affect the possibility of Mr. Jones lodging a claim for compensation against the Japanese Government.

TAB "D"

091

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

16 October 1946

MEMO FOR RECORD:

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

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

E.H.
E. HADLEY

Noted: *ML*
CLK

Recommended
W

Documents Submitted:

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

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

GS File

09/15
14 October 1946

MEMORANDUM FOR THE RECORD

SUBJECT: Complaint of Farmers of Kanagawa Prefecture

1. According to the above request of the Eighth Army, the Ministry of Justice has been directed to carry out a thorough investigation of the case, the result of which is discussed in the memorandum attached as Tab "A".
2. For the reasons outlined in this memorandum, no further action has been considered advisable.

Alfred C. Oppler
ALFRED C. OPPLER
Chief Legal Officer

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GENERAL HEADQUARTERS
SUPERIOR COMMANDER FOR THE ALLIED POWERS
Government Section

8 October 1946

TAB
"A"

MEMORANDUM FOR THE CHIEF, GOVERNMENTAL POWERS DIVISION

SUBJECT: Complaint of Farmers of Kanagawa Prefecture about the Rigidity of Sentences Imposed upon Them by the Local Court in Odawara and about the Interference of the Police with their Right of Free Assembly.

1. The undersigned had a meeting today with K. Osabe, Public Procurator of the Supreme Court, and H. Akiyama, Public Procurator of the Criminal Affairs Bureau, on the subject matter. They reported that out of 1548 offenders, 70 have been prosecuted for violation of the Food Control Law because of the non-delivery of barley. Thirty-eight have been sentenced by the Odawara Local Court to penal servitude ranging from ten months to two years and to fines up to ¥2500. All penal servitude sentences have been suspended. The prosecution was initiated only after the offenders had been ordered three times to deliver the barley. They were very well able to do so since they still had a considerable amount of barley of the old crop available. However, they preferred to sell it on the black market. Some of the defendants have appealed to the higher courts while in other cases the sentences have become final.

2. As to the asserted restriction of freedom of assembly, Osabe reported that, according to a MG regulation, a public meeting must be announced in writing 24 hours in advance of the meeting. The farmer Makabe, spokesman for the applicants, whom Asabe characterizes as a Communist, did not comply with this regulation because he only orally announced the meeting.

3. Interference in the trial on the part of SCAP does not appear advisable, in my opinion. Abrogation or commutation of individual penal sentences by the occupation authorities should be resorted to only in extreme cases. While it must be admitted that the sentences, as far as they consist of penal servitude, are rather rigid, actually these sentences have not been

executed but suspended. On the other hand, severe punishment of farmers who do not comply with the laws which secure the food supply of the population, but sell their products on the black market, cannot possibly be avoided in the present emergency.

4. As to the meeting, it is correct that MG regulations exist according to which public meetings must be announced in writing 24 hours in advance. It might be that the police used this form of requirement to prevent a group of farmers who were suspected of being Communists from holding their meeting. However, I do not believe that a further investigation of the facts would be of any use. The Eighth Army, without giving any comments of its own, has restricted itself to requesting that the petition be transmitted to the Ministry of Justice. If you consider the matter of basic importance, the Eighth Army would have to be informed about the result of our findings and requested to take a position as to the statements made by the Japanese authorities. My suggestion would be to refrain from any further action.

Alfred C. Oppler

ALFRED C. OPPLER
Chief Legal Officer
Governmental Powers Division

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
GOVERNMENT SECTION
Local Government Division

*Local
Govt
Reform*

30 September 1946

MEMORANDUM FOR THE RECORD

SUBJECT: Local Government Reform

IMPORTANCE OF THE REFORM

In its importance Local Government Reform must be placed alongside Constitutional Reform and Land Reform. Just as the new Constitution will take power from the hands of the Emperor and Government and place it in the hands of the People's representatives, just as Land Reform will take the land from landlords and transfer it to the tenants, so will the power in the prefectures, cities, towns, and villages be transferred from the hands of the bureaucrats, appointed by Tokyo, to the hands of persons freely elected by citizens of the local entities.

This reform is an absolute necessity for the creation of a democratic Japan. So long as local governments remain only a shadow of the Ministry of Home Affairs, development of democracy in Japan is impossible. Under the old law all localities had to conform to a certain pattern. This was achieved, first, through direct control of the local governments by the Center and, second, through the appointment to the important positions in the local governments of persons selected almost exclusively from among the graduates of the Law Department, Tokyo Imperial University. The upper layer of the local officials were members of the National Civil Service. As they rose up the official ladder, they were transferred from one locality to another; as a result they had few bonds with the locality in which they served, no love of their prefectures, their eyes being always turned to the highest prizes - service in the ministry itself. The lower personnel of the local governments were not members of the National Civil Service. Excessive in number, underpaid, without proper education, without security, without prospect of advancement and without voice in the government - they were only cogs in the machine. No one who has seen the spacious offices of the senior officials of the prefectural governments and the dingy offices crammed with clerks could fail to notice the difference. The job of the high officials, trained in blind obedience to Tokyo, was to keep the prefectures and municipalities in line with the directives from Tokyo, precluding appearance of any political opposition.

THE MAIN FEATURES OF THE REFORM.

This Reform

(A) places organization and supervision of elections in the hands of Election Administration Committees elected for each echelon of local government by the respective local assemblies;

(B) liberalizes election law provisions;

(C) introduces the principle of election of prefectural governors and

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reaffirms this principle for mayors of cities, towns and villages and chiefs of wards;

(D) strengthens assemblies versus governors and mayors, making the former real legislative bodies rather than rubber stamps;

(E) introduces the principle of remuneration for all work performed for local organs of governments;

(F) diminishes control of the Ministry of Home Affairs over the local governments;

(G) introduces the principles of initiative, referendum and recall.

THE LAWS PERTAINING TO THE REFORM.

The Local Government Reform is embodied in four Bills, namely:

1. The Bill amending the Law for organization of Prefectures (the original law is that of the year 1899, with many later amendments);
2. The Bill amending the Law for organization of Cities (the original Law of 1911 with many later amendments);
3. The Bill amending the Law for organization of Towns and Villages (the original Law of 1911 with many later amendments);
4. The Bill amending the Law concerning the organization of the Metropolis of Tokyo (the original Law is that of 1943).

These Bills were introduced by the Minister of Home Affairs Seiichi Ōmura in the House of Representatives on July 5 and approved by the House on August 31, 1946; introduced in the House of Peers on September 3 and approved by that body on September 20, 1946. Soon (after promulgation by the Emperor which is expected at the beginning of October) these Bills will become Laws and during the next five months elections will be held which will change the local administration in conformity with the new Laws.

From the enumeration given above it is seen that the new Bills are actually only amendments to the old Laws. Further changes will be needed (see below Section H, NECESSITY OF ADDITIONAL PROVISIONS). The reason for this is the fact that the new Constitution will become effective only sometime in 1947, while the need for changes in the structure of local government - under pressure from the population - was so great that the reform could not be postponed any longer.

The four Bills are based on similar principles and are similar in their order and provisions; this permits generalizations in respect to all provisions.

A. ELECTION ADMINISTRATION COMMITTEE

Under the old Laws the elections were organized and supervised by the mayors and governors, with governors supervising the mayors and headmen and the Minister of Home Affairs supervising the governors. The actual work of supervision and

RESTRICTED

organization was usually entrusted by mayors and governors to lesser officials. As the whole system was based on obedience of the lower echelons to the dictates of the upper ones, this kind of supervision was quite natural: through this and similar methods it, the central Government could be assured that the prefectural and municipal assemblies would remain harmless bodies.

The official arguments for the preservation of this system of elections were:

(1) that the election laws were so complicated that only men of proper training and experience could handle the elections. It is quite true that the Japanese Election Laws are very complicated; this means only that there is need of their simplification. Certain measures mentioned below aim at this simplification.

(2) that the governor, as an appointed official, was an impartial person who would prevent abuses by the political parties.

Actually the governor, as an official of the Central Government, has never been a disinterested party. In the past he used to intervene actively in the elections on behalf of parties or groups favored by the Prime Minister. Now, with the restoration of political parties and with an incomparably greater part assigned to them in the political life of the country, the governor will be, as a rule, a party man, very much interested in the outcome of elections. Thus there is a need for a Board which, taken as a whole, would be more impartial in its organization and supervision of elections than the governor or mayors would be.

Under the new Laws the elections will be organized and supervised by the Election Administration Committees (hereafter called EAC) elected by corresponding Assemblies at all levels. Thus there will be an EAC in every village, in every town, in every ward and city, in every prefecture. These Committees will be in charge of all elections, except national, in their respective spheres of action. Here, of course, revision of their powers to include national elections, also seems desirable.

The six members of these Committees (four in wards, cities, towns and villages) will be elected by the corresponding Assemblies for a term of two years, from among persons who have a right to vote (i.e. any person who has a right to vote in his respective locality may be elected to such a Committee). The purpose of election of members by the Assemblies is to avoid too many direct elections.

Method of Election.

A difficult problem arises in connection with the party composition of the Assemblies. If the members of the EAC were elected by a simple majority of the assemblymen, then the dominant party might fill all the vacancies. In order to prevent this, the Law prescribes that every member of the Assembly votes for only one candidate and thus any group numbering one sixth (one-fourth in wards, cities, towns and villages) of the total membership may be able to elect its own representative to the Committee. Reserve members of the Committee are elected in the same way as other members and care will be taken to replace the outgoing members of the Committee from the same group or groups which the outgoing members represented. In this way the minority party and groups can be represented in the EAC. Though this method of election gives some consideration to minority groups, still it appears that an additional provision is needed

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to insure greater impartiality of the EAC, namely a provision that no party shall supply more than half of the members of the EAC.

The Staff

The EAC will have its own clerical staff, selected and appointed by the chairman of the EAC without any interference on the part of mayors or governors.

Meetings

The meetings of the EAC will be called at the demand of any member of the EAC not only by its chairman or several members of the Committee. This provision protects the rights of the minority parties and groups; they will be able to call for a meeting at any time and to demand termination of certain actions and practices.

Prestige.

In order to raise the prestige of the EAC a provision was inserted into the Law providing that it will be the chairman of the EAC who will announce the results of the elections and proclaim the candidates elected. The exceptions to this rule are (a) elections of the members of the prefectural Assemblies, because they are based on gun which have no EAC of their own and (b) of the governors (this provision will be changed in the Bill that is under preparation). The EAC will certify all elections.

Appeals.

Formerly a person dissatisfied with the decision of the presiding officer of the election had to appeal to the mayor, then to the governor and, finally, to the Administrative Court. According to the new Law the complaint has to be filed with the EAC and, in case of dissatisfaction with its decision, with courts.

B. LIBERALIZATION OF THE ELECTION LAW.

1. Citizens

In all Laws the word "subject" will be replaced by "citizen" because it is considered that the use of the word "subject" is inconsistent with the spirit of the new Constitution.

2. Qualifications for voting.

Formerly only males 25 years or older residing in the same locality or prefecture for a minimum of two years could vote at the elections. Now all persons, male and female, who have reached the age of twenty and reside in the same locality for six months or more have right to vote. This means that the number of voters, as compared with 1942, will increase by 130-140 per cent. The qualifications for the candidates for public office are the same for towns, villages, cities and prefectures with one exception: the minimum age for a candidate for governor is 30 and that for mayor and assemblymen 25.

3. One vote per voter.

Under the old Law "persons in special relation to the city" had a right

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to vote even if they had not fulfilled the requirements in respect to residence. This was connected with the specific notion of "citizenship" of a city, town or village in the old Law, a notion dispensed with in the new Laws. Such individuals could vote in more than one locality. Japanese officials claimed that this provision was useful to the bombed-out citizens who temporarily lived in some places outside of the locality of their former residence, but who intend to return later and continue to be interested in the affairs of the original locality.

The new Law provides for one vote per voter. If a bombed-out citizen prefers to vote in the place of his former (and intended) residence, he may do so, but in such a case his name will be stricken off the register of the place of his actual residence.

4. Teachers may be members of the Assemblies.

The old Law provided that the "paid officers, teachers or other officers of a city who are in office may not be councillors of the city at the same time."

It may be proper that administrative officials should be forbidden to be assemblymen at the same time. Yet teachers are not administrative officials, and their abilities can and should be utilized in the Assemblies. Several hundred thousands of the best educated people in the cities, towns and villages should not be deprived of this right. In the new Law the word "teachers" is omitted; thus teachers can be elected to Assemblies without resigning their teaching positions.

5. A Candidate may run in only one district.

Under the old Law a candidate for the Prefectural Assembly (as well as for the Diet) could advance his candidacy in several districts and, in case of election in several of these districts, choose one which he would represent, thus opening at once a vacancy (or even vacancies) in the Assembly.

This provision was advantageous for a candidate as a means of insurance against failure in some district.

But this practice perverted the will of the voters and made necessary either by elections or, under the old Laws, the appointment of a defeated candidate who ran next after the successful one.

The official reasons for this provision were:

(1) the Japanese custom of advancing a candidacy without asking permission of the candidate or even against his expressed wish not to run;

(2) the difficulties of communication with the candidate; the Japanese mail and telegraph are slow!

Under the new Law a candidate can run only in one district of his own choosing. If his candidacy is advanced in several districts, then either he chooses one for which he will run, or the EAC determines the district for him by drawing lots.

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6. Increasing the difficulties of substitution.

Under the old laws if a candidate for the local elections succeeded in getting the prescribed minimum of actual votes (sixteen and two-thirds per cent in the villages, towns and cities and twenty per cent in the prefectures) but failed to be elected because some one else got more votes than he, such a candidate during the first year after elections had a right to become a member of the Assembly under certain conditions, namely: if the successful candidate for some reason ceased to be a member of the Assembly, the candidate who had failed could take his place.

An example: a Liberal received 60 per cent of the vote and was elected to the Assembly; a Communist received 20 per cent of the vote and failed. During the first year of the Assembly the Liberal died; his place was taken by the Communist, even though the latter received only 20 per cent of the total vote and would certainly be rejected by the majority of voters. The official reason for this is the cost and difficulties of frequent by-elections.

In the new Laws the needed minimum for the right to be elected and for the right of the defeated candidate to take the place of an Assembly member who died, resigned, or otherwise left the Assembly, is raised to 25 per cent of the total actual vote, thus making it more difficult for such candidates to become members of the Assembly. Yet the provision remains in the Laws and is responsible for many complications in them, because this right of the unsuccessful candidate is protected in many articles of the Laws.

C. GOVERNORS AND MAYORS.

1. Elections.

The mayors of the Japanese cities, towns, and villages were previously appointed by the Minister of Home Affairs (upon obtaining Imperial sanction for the mayors of the cities) from a number of candidates recommended by the corresponding Assembly. The governors of the prefectures were appointed by the Emperor on recommendation of the Prime Minister.

This made the chief executives of the Local Government subordinate officials of the Minister of Home Affairs, who actually appointed them and could dismiss them.

This state of affairs now comes to an end. Mayors of villages, towns, and cities and governors of prefectures will be elected for a four year term. The minimum age of a candidate for mayoralty is 25 years, and that for governorship is 30. There are no other special limitations on their candidacies.

As the mayors and governors represent their respective communities, it was at first proposed that they be elected by an absolute majority of the voters and if such a majority were not obtained at the first elections that a second, run-off, election be held to choose among the two candidates who received the largest number of votes at the first election.

The Minister of Home Affairs felt that this would lead to too many run-off elections and would make the cost of the election campaigns prohibitive for poor but worthy candidates; so he recommended twenty-five per cent of the total vote as a minimum requirement for a governor (or mayor).

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The final decision of the Diet on the question was a requirement of 37½ per cent of the total vote as a minimum for a governor or mayor. It was felt that with this requirement the number of the run-off elections would be kept at a minimum, while at the same time the governor (or mayor) would be elected by a substantial portion of the voters.

On the recommendation of the Minister of Home Affairs a provision was also inserted providing that if the newly elected governor (or mayor) died or declined office or was otherwise prevented from assuming his post within twenty-five days after the election and there was an unsuccessful candidate who had obtained at least 37½ per cent of the total vote, such a candidate would become the governor (or mayor). The purpose of this provision was to avoid a second election coming on the heels of the first.

In this connection, candidates for governor need not be inhabitants of any particular prefecture; the citizens can elect the best man whom they can find in Japan. But there is no similar provision in respect to the mayors; six months domicile is required of candidates for mayoralty.

According to the new Law the *kuchō*-chiefs of the subdivisions of the large cities - *ku* - (which are often as large as the cities with 100,000 - 200,000 population) will also be elected.

2. The Supervision and Removal of mayors and governors by their "superiors"

Under the old Laws the governor could "cause the officers of a city, town or village...to assist in the administration of, or to execute a portion of such affairs as fall within his power..." (Art. 80 of the Law concerning the Organization of Prefectures); this and similar provisions placed the mayors of the cities under complete control of the governors, while the governors themselves were in a similar relationship to the Minister of Home Affairs. Art. 81 of the same Law gave to the governor the right to remove from office the officers of a prefecture; under the interpretation of the Ministry of Home Affairs, mayors and other municipal officials could thus be removed by the governor. These and other provisions have not been changed in the new Law though, presumably the elected mayor will be in a much stronger position vis-a-vis the governor than the appointed one was. Though the governor, after being elected to office, will be appointed to his office by an Imperial Ordinance and will be a government official and not a public official as all political parties professedly wanted him to be, this state of affairs will continue only until the new Constitution becomes effective.

D. ASSEMBLIES.

1. Sessions.

Under the old Laws the Assemblies were *wenkō* bodies the most important of which were summoned once a year for a session of short duration, twenty to thirty days, depending on the Assembly. They were summoned by the chief executive to listen to his report and, as a rule, to approve his actions. In the interim period a Standing Committee of the Assemblies - the Board of Aldermen (discussed below) - could be convened by the corresponding Chief Executive in prefectures and towns. At the demand of more than one-third of the members of the Assembly the Chief Executive had to call an extraordinary

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meeting of the Assembly, but such sessions were to last more than five days. The sittings of the Assembly could be closed to the public by a simple majority if the executive or members of the Assembly demanded it (no debate was permitted in such a case).

Under the new Laws the Assembly will meet at least six times a year and there is nothing to prevent its being in session the whole year. Provisions with respect to extraordinary meetings remain unchanged. The meetings can be closed to the public only by a two thirds majority; the wishes of the local chief executive play no part in the decision.

2. Powers of the Assemblies.

Resolutions of the Assemblies under the old Laws were binding for the governor (and, correspondingly, mayor), but the chief executive had ample powers to override them.

First, he could come to the conclusion that the resolutions were either ultra vires or contravened Laws and Ordinances, and ask for their reconsideration or annulment. Second, he could come to the conclusion that the resolutions were injurious to public interests and demand their reconsideration or annulment by higher instances; finally, he could come to a conclusion that they were impracticable and appeal to the higher instances for annulment. The Assembly, in its turn, could not stop any act of the chief executive, nor could it oust him, however weighty reasons it might have.

Under the new Laws provisions concerning ultra vires illegal, "injurious to public interests" and "impractical" resolutions have been left intact, but at least the Assembly, in case of a disagreement, can vote non-confidence in the governor (or mayor) by a majority of three-quarters (with minimum two-thirds of the members present) and then for the executive two ways are open:
(1) to resign;
(2) to dissolve the Assembly and, if the new Assembly supports the same decision, to resign.

The vote needed to oust the governor was fixed at three-quarters in order to prevent frequent changes of the executives. However, three-quarters of two-thirds of the total membership means that at a minimum half of the members of the Assembly ($3/4 \times 2/3$) can remove the governor.

3. Appointments of officials.

As a matter of principle, the municipal and prefectural officials are appointed by the corresponding chief executive. Yet in the appointment of the most important officials the Assembly has a voice. The approval of the Assembly is necessary in the appointment by the executive of the following officials:

- a deputy mayor (where applicable)
- inspectors
- a treasurer
- a deputy treasurer (where applicable).

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Other officials, as formerly, are appointed by the executive without reference to the Assembly.

4. The Staff.

Under the old Laws the Assembly had no staff of its own: in that respect it was completely dependent upon the executive, who appointed one clerk "to deal with general affairs" of the Assembly. Under the new Laws "clerks shall be appointed and dismissed by chairmen" of the Assembly, their number being determined by the Assembly.

5. The Board of Aldermen.

Under the old Laws the Board of Aldermen (the Standing Committee of the Assembly) acted in place of the Assembly when the latter was not in Session (and that meant, practically, during eleven months of the year). Its members were elected by the Assembly for two years; its chairman was the chief executive; its sittings were closed to the public; the executive could, in the same way as with the Assembly, cause it to reconsider its decision or ask higher authorities for annulment. Finally, the length of its sessions was determined by the executive.

This institution, naturally, was even more pliable to the wishes of the executive than the Assembly.

The towns and villages had no Boards of Aldermen and because of that their Assemblies were summoned not for one session in the year, but whenever mayors considered it necessary.

Under the new Laws the institution of Boards of Aldermen remains unchanged.

E. Principle of REMUNERATION.

Under the old Laws membership in the Assemblies, the position of watcher at elections and many other offices were honorary positions and because of that were unpaid. As a result, only well-off persons could afford to be elected, especially to such positions as demand such time and effort, as for example, the positions of Aldermen. It is quite natural then that the Aldermen were mostly wealthy landlords or merchants. For many individuals, furthermore, service without remuneration was in effect an additional form of taxation; time spent on behalf of local government was time lost which otherwise might have been put to profit.

Under the new Laws all persons in the service of the community, whether appointed or elected, should be properly paid: they should receive either salaries or - as, for example, the watchers of election - remuneration corresponding to their loss of time by the execution of their duties. This provision would permit poorer members of the society to become members of the Assembly etc.

F. CONTROL BY THE MINISTRY OF HOME AFFAIRS.

As was mentioned above, the elections and the appointments of the local officials do not depend any more on the Minister of Home Affairs. It is true,

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many provisions of the Law, making the Minister the final instance for the revision of the Assembly's decisions and other actions, remain intact; yet it is doubtful that without the right to appoint, promote, or dismiss the officials he can continue to control the local governments as effectively as he did it before, even during the short period that remains until the full revision of the old laws.

G. PRINCIPLES OF INITIATIVE, RECALL AND REFERENDUM.

The principles of initiative, recall and referendum were absolutely foreign to the old laws. Under the new laws Japanese citizens have the following rights in respect to their local governments:

(1) The right to demand the enactment of ordinances or regulations.

One-fiftieth of the voters of a given locality may ask the Assembly through the executive for enactment of some ordinance; in such a case the executive submits the citizens' petition to the Assembly within twenty days with his own recommendations. The representatives of the petitioners may appear in the Assembly to explain the proposals and the Assembly should pass a resolution on the petition.

(2) The right to demand an inspection of city affairs.

This demand should be presented under the joint signatures of at least one-fiftieth of the voters and is realized through the order of the executive to the inspector "to make an examination with respect to the matters" in which these petitioners are interested.

(3) The right to demand (a) the removal of the chief executive; (b) the removal of an assemblyman; (c) that of a member of the EAC; (d) that of an inspector; (e) the dissolution of the assembly.

In all these cases the demand should be presented to the corresponding EAC by not less than one-third of the voters (in case of an assemblyman they should be voters from his district). The EAC arranges for a referendum. If the majority of the voters vote for the removal, then the EAC arranges a new election.

The original intention of the Minister of Home Affairs was to introduce not a referendum, but a petition of citizens to the Minister of Home Affairs who would decide the issue. In this way the Minister planned to retain a substantial portion of his power to control the local governments. As the members of the Diet were against this power of the Minister, the right of petition was transformed into referendum. The original draft of the Bill, prepared by the Ministry of Home Affairs, foresaw a petition of only one-fifth of the voters; this was increased to one-third in order to prevent many referenda by a minority which would keep a constituency in a turmoil.

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H. NECESSITY OF ADDITIONAL PROVISIONS

Above were given the main changes effected through the amendments in the old Laws concerning local government. These changes, undoubtedly, are far reaching and would contribute much to the emergence of responsible democratic self-government in Japan.

This revision of the old Laws, however, was incomplete, because, in the opinion of the Minister of Home Affairs, certain changes could not be made until the new Constitution would come into effect. These additional changes are being prepared by the Ministry. They will include, among other provisions,

- (1) A change in the status of the governor from that of government official to that of a public official;
- (2) Removal of the powers of the Minister of Home Affairs to annul decisions of the Assemblies and, in general, to control the Local Governments.
- (3) Introduction of a principle of judicial decisions and of impeachment procedure. It is expected also that the governors will have the right to remove a mayor for cause after a public hearing with a right of the mayor, removed in this way, to appeal to the proper court.
- (4) Change in number of elections in view of the numerous elections to be held in Japanese cities and villages in the future combining of several elections in the same day will become a necessity. This, however, would necessitate introduction of the printed ballot, because it is difficult for a farmer or a worker to remember the spelling (or even more so the characters) of so many names.
- (5) A reform of the Board of Aldermen and a provision which would permit the assemblies to dispense with this institution: if the Assembly met every month, there would be no need for a Board of Aldermen.
- (6) The right of the chief executive to appeal to higher authorities for the annulment of the Assembly's decisions will be changed to his right to send the Bill back to the Assembly for reconsideration.
- (7) The principle of home rule, or recognition of the right of cities, towns and villages to choose a structure of municipal government for themselves and to embody its principles in their charters.
- (8) Modification of the provision which limits the rights of persons who were imprisoned and served their term.
- (9) Greater authority for the local governments in coming to terms with their neighbors in respect to changes of boundaries, fusion, common enterprises, etc.

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(10) A thorough examination of all existing statutes, ordinances and regulations which have relation to the Local Government, with the purpose of eliminating all provisions contradicting the principles of the new Constitution and the principles embodied in the Law concerning the organization of the Local Governments.

(11) Revision of Laws for such special entities as Hokkaidō, Tōkyōtō, as other major cities.

In addition to these changes in the structure of local government, other reforms are necessary, if local autonomy is actually to be realized. These reforms include among others:

(1) Reform of the police system, which would break control of police by the Central Government and would place it under prefectural governments.

(2) Reform of the educational system, which would place the management of schools under the local bodies.

(3) Reform of the taxation system, which would give local governments larger means to carry out their expanded work.

I. LOCAL AUTONOMY VS. LOCAL INDEPENDENCE.

Fears have been expressed in government circles that the reform of local government will bring chaos and that Japan, as a result of the reform, will be broken into semi-independent states; that the cities will starve, while some prefectures will have a surplus of rice; that the large centers will have good schools and poor villages none, etc., etc.

These fears are groundless:

(1) The Diet remains the supreme legislative body for Japan. Its laws are laws for every citizen of Japan and for every prefecture, city, town, and village. No prefectural or municipal regulation or ordinance can contradict a law passed by the Diet and promulgated by the Government, unless that law is declared unconstitutional by the Supreme Court.

For the time being the Government will try to work through the elected governors and mayors whose duties are not only toward the local population, but who are responsible also to the Central Government. If this scheme is found unworkable, there is nothing in the law that will prevent creation by the Central Government of its own organs for the proper performance of the Central Government functions in prefectures and municipalities, provided that

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these organs do not encroach upon the rights of the local governments.

(2) Economically the country remains united. The prefectures will remain in the same custom boundaries; they cannot prohibit import or export of commodities from their respective areas, if these prohibitions are not in agreement with the policy of the Central Government. The rice of the prefectures with a surplus used to go to the deficit prefectures not because the Ministry of Home Affairs wished so, but because of the economic advantages to the farmers of the surplus region.

(3) Japan of the future will be a Japan of political parties. The governors of prefectures will be, as a rule, members of major parties. There is no reason to expect that the parties will pursue one policy in the Diet and a different one in the prefectures. It is doubtful that even a governor, member of an opposition party, would pursue a policy too divergent from that of the Central Government, unless this policy had a wide popular support.

(4) For the last eighty years the general tendency of the political thinking in Japan has been in terms of a centralized state. The population is trained to obedience, patriotism, uniform action. This kind of thinking will not disappear overnight; it will work as a centripetal force during the crucial years of the reform of local governments. In that connection it is interesting to observe that at the Diet elections of April 10, 1946, local candidates with local platforms were not particularly successful and most of those who were elected have joined some nation-wide party since that time, so that "independent" members now represent less than five per cent of the total Diet membership.

These legal, economic, political, and traditional ties will keep Japanese local bodies in proper bounds. Later on standards and precedents will gradually emerge and the Japanese local government system may become unique in that way, being much more decentralized than the French or former German systems of Local Government, and yet, at the same time, less decentralized than the American system.

A. J. GRAJDAKOV

E. V. E. BEID
Local Government Branch

Noted: CLK

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

30 September 1946

MEMORANDUM FOR RECORD

SUBJECT: Conference with Labor Division, and members of Social Democratic Party relative to establishment of a Labor Ministry.

On 27 September, Miss Ellerman attended a meeting with Mr. Cohen of Labor Division, FSS and four members of the Social Democratic Party, Mrs. Kato, Mrs. Yoneyana, Mrs. Akamatsu, and Mr. Sugimoto. The purpose of the meeting was to discuss the Social Democratic Party's plans for the establishment of a Labor Ministry. Mr. Cohen and Miss Ellerman were told that Party backing for the establishment of a Labor Ministry would be announced at the Party Convention to be held in Tokyo on 28, 29 and 30 September. In addition, the Women's Section of the Party will publicly support the formation of a Women's Bureau, within the Labor Ministry. In earlier meetings held by Commander Hussey, Miss Ellerman, Lt. Weed of CJ&E and members of the Women's Section, the Social Democratic Party representatives were advised that their earlier demand for the creation of a Women's Bureau as an independent Cabinet Board was administratively unsound and unlikely to have SCAP approval. Throughout, Governmental Powers Division's interest in this matter has been one of proper governmental reorganization.

In the course of the Friday meeting, Mr. Cohen and Miss Ellerman made it quite clear that SCAP holds no special brief for a Labor Ministry as a Social Democratic Party project, that SCAP has no intention of giving direct backing to any one Party's plans for the new Ministry; in short, that it is a matter of indifference to SCAP whether a Ministry of Labor is established as the result of a Cabinet proposal or a party sponsored bill. Technical advice, when requested, will be given to both governmental officials and party representatives. Mr. Cohen stated Labor Division's position as follows: that SCAP believes that occupational labor policies and directives can be more effectively carried out if a Labor Ministry, with adequate machinery and administrative and enforcement personnel, is established.

The Social Democratic Party representatives were advised that the two issues, the establishment of a Labor Ministry and a Women's Bureau, must be kept together. It was emphasized that a Women's Bureau can be effective only if it is linked to the broader issue of labor and that demand for its creation must free itself of the stigma of seeming a purely

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feminist movement, supported by the women's bloc in the Diet. The Social Democratic Party representatives agreed, and now plan to introduce a resolution at the Party convention, announcing Party support for the establishment of a Labor Ministry and a Women's Bureau, and recommending that a small drafting committee be appointed by the Convention to undertake the drafting of a concrete Bill to set up the Ministry. In this work, the legislation establishing and defining other governmental agencies will be taken as models. Later conferences will be held with Labor Division for further technical advice.

R. A. ELLERMAN
Governmental Powers Division

Noted: CLK

Anderson

GENERAL HEADQUARTERS
SUPREME COMMAND FOR THE ALLIED POWERS
Government Section

24 September 1945

MEMORANDUM FOR RECORD

SUBJECT: Proposed Memorandum on Children in Need of Care and Protection

On September 17, 1945, Mr. Kussey and Miss Ellerman attended a conference scheduled by Public Health and Welfare Section, and presided over by Brig. General Beiderlinden of the Deputy Chief of Staff's Office. The meeting was called for preliminary consideration of a proposed Memorandum "Children in Need of Care and Protection," drafted by Public Health and Welfare Section as a corrective to the present crisis situation in child welfare.

Brig. General Beiderlinden emphasized that the creation of an adequate program of child care and welfare must be accepted as one of the major objectives of the occupation; any realistic hope for a democratic Japan must be premised upon the generation now growing-up. And, unfortunately their present condition is deplorable. Investigations made by Public Health and Welfare and Public Safety officers reveal the inadequacy of both governmental and private means for the control of the increasingly large numbers of homeless, neglected, and delinquent children wandering around in the cities, and their care in public and private institutions. The Ministry of Welfare is totally without any centralized machinery for handling this problem. Although certain legislation for the protection of minors was passed prior to the war, these laws are inoperative and in actuality there is no real program of child welfare in Japan. Public Health and Welfare Section strongly recommends the creation of a Children's Bureau in the Ministry of Welfare to assume responsibility for improvement of this situation.

The need of a new directive at this time was questioned. Some officers attending, suggested that the establishment of a Children's Bureau properly could be construed as necessary implementation of SCAPIN 775, which ordered the Japanese Government to establish a single national governmental agency, adequate to provide relief and care to all indigent persons, without discrimination. Colonel Weaver stated that infernal measures and encouragement for a children's program had failed to improve the situation. Ministry of Welfare officials themselves, believed that no adequate program can be carried through unless a strong Bureau is established, with sole responsibility for an expanded program. The full pressure of an explicit directive from SCAP is necessary to dislodge sufficient funds from the Ministry of Finance.

Public Health and Welfare Section will redraft the proposed directive. Additional emphasis will be placed upon the relation between the improvement of the conditions of life for children and the accomplishment of the objectives of the occupation. The responsibilities of the new Bureau will be strictly defined and present deficiencies in child welfare activities specified. Provision will be added that the new Bureau is to be staffed by professional and technically trained personnel, rather than old-line bureaucrats. The directive will include

a statement to the effect that a strict accounting system be set up for the control of all public funds used by private institutions in the implementation of the expanded program of child care and welfare.

The new draft will be sent to all Sections concerned for comment or concurrence. It is recommended that Government Section give concurrence if the Memorandum follows the general lines laid down in the preliminary meeting.

R. A. ELLERMAN
Governmental Powers Division

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

24 September 1946

MEMORANDUM FOR THE RECORD

SUBJECT: Lese Majesty Prisoners

Yesterday evening at 7 o'clock Mr. Naito of the Ministry of Justice came to the Dai Iti Hotel and gave Mr. Oppler the following information concerning persons now imprisoned for lese majesty offenses:

WATANABE Kyutaro, at the Gifu Prison, is serving a sentence for fraud, attempted indecent act and lese majesty.

TAKENO Masando is in Yamaguchi prison, having been convicted of lese majesty, forgery of signature, repeated theft and fraud.

Mr. Naito said that he was informed that, other than these two persons in Yamaguchi and Gifu prisons, no one in Japan is now serving a sentence imposed after conviction, either solely for the crime of lese majesty, or for the crime of lese majesty coupled with other offenses. Mr. Naito added that Mr. Oppler's former request for information had been misconstrued by the Ministry of Justice officials as being limited to cases of convictions on lese majesty grounds alone, and for that reason no report was made last week of the two above-described prisoners. He regretted that this mistake had been made.

Mr. Oppler told Mr. Naito that more information undoubtedly would be desired concerning the circumstances of the convictions of these two men.

T. L. BLAKEMORE
Legal Officer

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Giles

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

11 September 1946

MEMORANDUM FOR : Chief Plans and Operations Officer.

SUBJECT : Daily Journal, 11 September 1946.

1. Political Affairs Division received from the Home Ministry a number of reports concerning acts of political officials in the Diet, among them a detailed report of action taken to discipline a police official who, by misinterpreting an order of his superior, had violated a citizen's right not to divulge his private political opinions.
2. Williams discussed with members of the House of Representatives' secretariat the circumstances surrounding the beating of a house guard by a clerk of the Progressive party. It was held that the case itself was actually unimportant, that it had been over-emphasized by newspaper reports.
3. During a conference with Ken Inukai, chairman of the executive committee of the Progressive party, and Ono, political adviser to the Prime Minister, Williams discussed proposed revisions of the Diet law. The chief legislative officer was informed that leaders of the House are planning to write their own Diet law and that they will not accept in toto legislation proposed by the government.
4. Tozumi Yokoo of the Criminal Division of the Metropolitan Police Board was asked the reason for a recent investigation of Kuzuhiro Goh, Liaison Representative of the Commerce and Industry Ministry. Yokoo reported that the investigation was made at the order of the CIC, transmitted via the Home Ministry. It seemed to have been a routine investigation and not a "thought control investigation" as reported by Mr. Goh. These findings were reported to Mr. Goh.
5. Hussey advised the Legal Division of ESS that the Section approves in principle the ESS proposal to inform the Japanese Government informally that steps be taken to prevent public officials at the national level from holding concurrent positions of importance and influence in private business or industrial firms.
6. Oppler and Blakemore conferred with Ministry of Justice and C.L.O. officials to discuss revision of the Penal Code. During the discussion objection was expressed to a proposal that provisions of the Penal Code relating to crimes against the Imperial Household remain substantially unchanged. It was pointed out that changes in the political structure of Japan and in the position of the Emperor make abolition of Articles 73 to 76 of the Penal Code mandatory. Acts of physical violence against the Emperor should in the future be dealt with in the same manner as similar acts of violence against any private citizen. It was further noted that SCAPIN 93

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Memo for Chief Plans & Opns Officer, subj "Daily Report, 11 Sept 1946".

of 4 October 1945 directs the Japanese Government to abrogate all laws which restrict freedom of thought, religion, assembly, including unrestricted discussion of the Emperor and the Imperial Institution. It was suggested therefore that any criticism of the Emperor punishable would conflict with this directive.

7. Twenty-five copies of the proposed new constitution for Japan, 20 in English and 5 in the Japanese language, were dispatched to the Chief of Staff, War Department, Washington. This was the second shipment of these documents. The first was lost in the AG's office.

8. Check Sheet was sent to PH&W requesting speedy conclusion of a CIC investigation of the War Sufferers Relief Society. It is believed that a suspiciously close tie-up exists between officials of the War Sufferers and the Ministry of Welfare. There are also some indications that there has been discrimination in the allocation of funds, that contrary to specific SCAP directives, ex-military personnel have received special consideration.

9. Check Sheet was sent to G-2 requesting available information concerning the Japan Horse Racing Association.

10. Hussey submitted a memorandum to the chief, Government Section, reporting the receipt of complaints that a Home Ministry regulation requires submission of books, newspapers, magazines, drawings, etc., prior to or at the time of publication. It is recommended that the Japanese Government be directed through informal channels to abrogate the regulation and all similar regulations, to report action to SCAP, and to the press.

11. Korean Division conferred with Colonel Nist, G-2, XXIV Corps, on matters of information forwarded from Korea and recent developments in Korean situation. It was suggested that G-2 Summaries and Periodic Reports might be sent by air courier to expedite receipt and use at SCAP. Requested that important occurrences be transmitted here by telephone because of delays in routine radio transmission. Passed to Lt Colonel Roberts, Public Relations Officer, XXIV Corps, results of the conference and requested that he furnish at once copies of articles leading to suspension of three newspapers in Seoul.

12. Fielding and Burness discussed with Mr. Kissinger, Department of Commerce, USAMGIK, the results of his activity while on TDY at SCAP. He has obtained extensive statistical information relative to Korean industry and reporting methods, industrial census, etc. An agreement has been negotiated with U.S. Maritime Commission for ships to haul commercial cargo from Korea. The agreement now awaits approval by USAMGIK.

13. Fielding and Burness talked to Baron Cho, secretary to Prince Ri, on article in Nippon Times indicating that Ri does not intend to return to Korea. Cho said the story was given to paper by Yamashita, Japanese secretary to the prince. Cho was advised to let the matter drop and not to attempt to print refuting statement, since Ri is not wanted in Korea.

Memo for Chief Plans and Opns O, subj: "Daily Report, 11 Sep 1946".

14. Called Korea on:

- a. Proposed request for officer from Property Custody to come to Tokyo.
- b. Transfer of illegal funds from Korea to Japan.
- c. Return of Japanese vessel, Daini Zensho Maru.
- d. Establishment of branch accounting office in Seoul.
- e. National and provincial appropriations for education.
- f. Visit of Suagee to Korea from Washington.

O. I. Hauge

O. I. HAUGE
Chief, Information Officer

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

MEMORANDUM FOR THE RECORD.

SUBJECT: Conference with Sanzo NOSAKA of the Communist Party of Japan, Friday, 6 September 1946 at 1430.

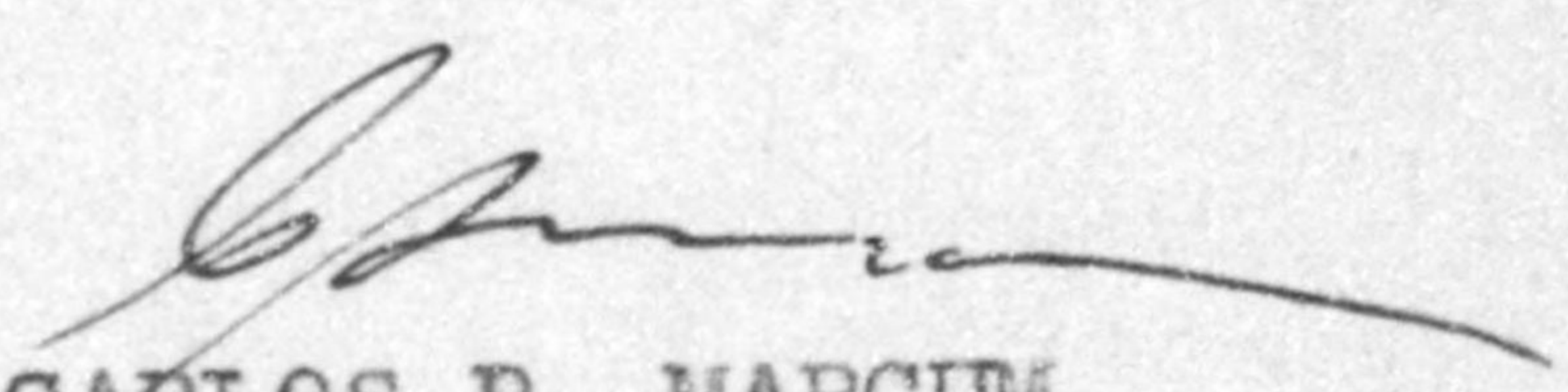
Present: Mr. Marcum
Lt. Gordon

1. This conference was held at Mr. Nosaka's specific request. He is seeking "frank talk" on certain apparent "misunderstandings" which appear to have arisen within GHQ with regard to the policies and activities of the Communist Party.
2. Three particular situations were cited by Nosaka. First, he points out that there have been several cases of Communists being arrested and detained unjustly by CIC people, a notable example being that of NISHIZAWA, Communist, who, while travelling in HOKKAIDO, was arrested by CIC because he was purported to have written certain anti-American letters which afterwards were shown to be forgeries. Secondly, Mr. Nosaka voiced dissatisfaction with the censorship policies being put into effect with respect to AKAHATA and other Communist publications. He points out that an unsatisfactory sentence is frequently the cause for censoring of entire articles. In addition, it is his claim that the policy is not uniform - materials passed in KYOTO are censored in TOKYO, etc. The third item concerns the irregularity of control of political rallies, i.e., police regulations regarding prior notice varying from 48 hours to 5 days.
3. Mr. Nosaka suggests that these policies may well be the result of individual or small unit action rather than of basic SCAP policy, and should like these "difficulties" ironed out. He also suggested that the current Diet feeling is that SCAP's "purge" has come to a standstill, and that SCAP's policies in general, because of the misunderstandings listed above, and because of the YOMIURI strike situation, etc., are now beginning to awaken opposition among the Japanese people, in contrast with their cooperative attitude of several months ago.
4. Mr. Nosaka was assured that consideration would be given to any irregularities contrary to SCAP policy. It was

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also made clear to him that the purge directives are being strictly enforced.

JG/CPM/ecm
9/9/46


CARLOS P. MARCUM
Chief, Public Administration Division

Legal Reforms

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

29 August 1946

MEMORANDUM FOR THE CHIEF PLANS AND OPERATIONS OFFICER

THROUGH: THE CHIEF, GOVERNMENTAL POWERS DIVISION

SUBJECT: SPLIC Control of Legal Reforms

1. The Japanese Liaison Officer of the Cabinet Provisional Legislation Investigating Committee has started and will continue to submit to this Section documents containing legislative reform proposals agreed upon by the Third Division of the Committee. These proposals will cover twenty to thirty Japanese codes and statutes. While providing detailed principles as a basis for the revision, they do not yet represent drafts of bills formulated in legal language.

2. The Committee will have its final plenary meeting on 20 September and will deliberate and vote upon the proposals of the four Divisions. After that time the Cabinet, with the assistance of the Bureau of Legislation, will formulate the drafts to be submitted to the Diet.

3. Under these circumstances, SPLIC cannot concern itself with questions of legal formulation and should not be embroiled too much in detail work, if duplication is to be avoided. Details might be changed again by the Cabinet, which is not bound by the advice of the Committee, and SPLIC will have to check the draft bills in their final form. On the other hand, SPLIC must beware of being taken by surprise and overwhelmed by draft material in a subsequent stage. Furthermore, it appears desirable that the Committee, when deliberating on 20 September, be informed about SCAP's views on the major points.

4. The following procedure is suggested:

a. The meetings and discussions with representatives of the Committee and of Japanese governmental authorities will be continued because they provide SPLIC with information about the reform tendencies and are a preliminary device of making the Japanese acquainted with the point of view of SCAP.

b. SPLIC will refrain from writing comprehensive memoranda on its advisory activities within the Government

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Section. Due to the tremendous amount of material involved and to the lack of time and personnel, this would not be possible. In all routine matters the determination will be left to the member of SPLIC in charge of the subject. Doubtful questions will be submitted to the Division Chief.

c. Only if and insofar as major principles of legislation or important political issues are involved, SPLIC will report, through the Chief Plans and Operations Officer, to the Executive Committee, and request directives as to whether SCAP should insist on certain changes of the reform proposals.

d. Whenever the concurrence of another SCAP Section is needed, SPLIC will contact the staff member in charge of the subject matter and will try to obtain, through him, the official view of that Section. Only if this is not possible, a Check Sheet must be sent to the other Section requesting their comments.

WPA

Alfred C. Oppler

ALFRED C. OPPLER
SPLIC

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

*Public
works
Program*

29 August 1946

MEMORANDUM FOR THE RECORD:

Members of Government Section, Messrs. Hussey, Marcum, Peake, and Miss Ellerman met with Mr. Cohen of Labor Division, ESS, on 26 August, to discuss the regulations proposed for the governance of the new Public Works Program. Although this Public Works Program is not a matter of primary concern to Government Section, this Section is concerned in the program and its administration by the Economic Stabilization Board from the standpoint of general governmental organization.

Within a few days these regulations are to be approved as Cabinet ordinances, pursuant to the establishment of the Economic Stabilization Board. The ESB is to have full responsibility for the over-all coordination of the Public Works Program and full responsibility for all priority rating of the projects to be accepted under the six billion yen appropriation. ESB will receive applications for ESB approval of public works projects not only from the Ministries, but from cities and cooperatives. In giving priority ratings to projects, as far as practicable primary emphasis will be given to those projects that will increase most immediately the production and flow of basic necessities and consumer goods. Upon approval of a project, and certification that necessary funds for the project are available, the Finance Ministry will transfer the amount certified to the Ministry in charge of the approved and priority-rated project. The whole six billion yen appropriation for the financing of the Public Works Program is held in custody by the Finance Ministry.

In an article by article review of the proposed Regulations for Public Works Program, Government Section suggested the following emendations and additions;

Regulation 12.

All supervisors shall be paid fixed salaries plus such bonuses as may be deemed necessary for efficiency. No other compensation will be granted.

This provision was put in as a safeguard against the present practice under which labor bosses withhold or extract rake-offs from laborers' wages. It was suggested that this deterrent be strengthened by the additional provision that detailed pay accounts, in accordance with rigid standards set by ESB, be kept by each Ministry for all projects under its supervision. These accounts should be available for review by ESB at any time.

Regulation 13.

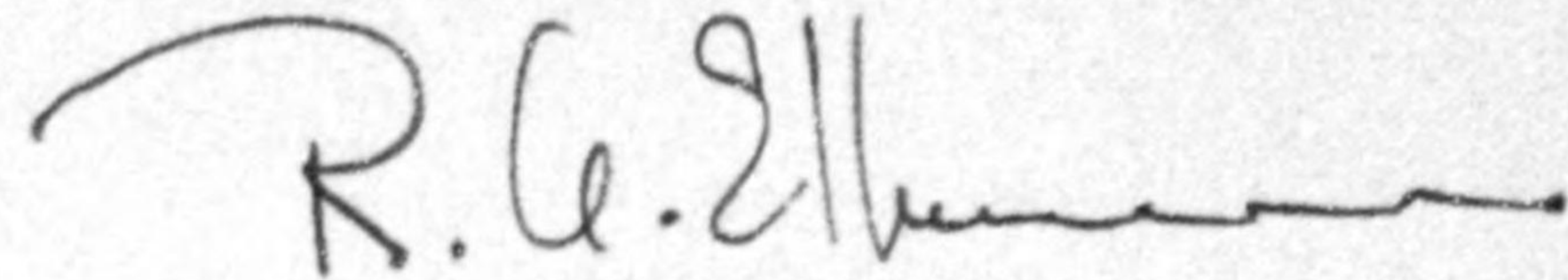
Workers shall receive their wages in full, less deductions required by law, within twenty days after work is completed for a period of work no longer than one month.

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Government Section raised objection to permitting a pay delay of twenty days after the completion of a work period of thirty days. This delay, that might amount to fifty days, was considered a hardship upon workers most of whom will be entirely dependent upon wages. The provision was amended to reduce the permissive pay delay to a total of five days after the completion of a work period of two weeks.

To prevent the intrusion of undesirable personnel, primarily personnel already excluded from public service under the exclusion and removal clauses of SCAPIN 550, into supervisory and technical advisory positions in the public works program, Government Section suggested that an over-all statement be added to provide that no one shall be appointed to a supervisory or influential position in any public works project who is not acceptable for government service under existing Imperial ordinances for the exclusion and removal of undesirable personnel.



R. A. ELLERMAN
Governmental Powers Division

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MK

files

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

20 August 1946

MEMORANDUM FOR: Plans and Operations Officer.

SUBJECT : Daily Journal, 15 August 1946

JH

1. Representatives of the newly organized Investigation Bureau of the Home Ministry were asked by Roest to furnish information concerning the exact nature of 690 technical, educational and cultural organizations reported by the Home Ministry, in addition to 1,099 headquarters and 1,054 branches of political organizations. Information submitted will be used to determine which of these organizations are required to register under the terms of paragraph 6 of SCAPIN 548 (Abolition of Certain Political Parties, Associations, Societies and Other Organizations).

2. Bisson represented Government Section in a conference with the Deputy Chief of Staff during which a statement specifying the sphere of operations of the Labor Division, Economics and Scientific Section, was discussed and recommendations for change made. In its final form the statement will be incorporated as a part of General Order 13, which outlines the functions of the Economic and Scientific Section.

3. During informal technical conferences with representatives of the Japanese Government questions were raised concerning possible future misinterpretations of the following proposed revision of Article 84 of the draft constitution:

"All property now accredited to the Imperial Household shall belong to the State. Allowances and expenses of the Imperial Household, as defined by law, shall be appropriated by the Diet in the annual budget."

It was held by Kades and Hussey that the words "now accredited" might suggest that it would be possible in the future to re-establish the Imperial Household as a vast economic enterprise. The government representatives agreed therefore to delete the underscored portions of the old Article 84 (Article 88 of proposed revision of draft):

"All property of the Imperial Household, other than the hereditary estates, shall belong to the State. The income from all Imperial properties shall be paid into the national treasury, and allowances and expenses of the Imperial Household, as defined by law, shall be appropriated by the Diet in the annual budget."

In addition they agreed to insert the following new Article (No. 101) in the final chapter dealing with supplementary provisions: "All property of the Imperial Household shall belong to the State."

4. Reid and Grajdanzev met with leaders of the Progressive party to discuss proposed revisions of local government administration. Central Liaison Office

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representatives delivered drafts of proposed local government legislation prepared by the Home Ministry and received suggestions for improvement.

5. The Chief Secretary of the House of Representatives was informed that materials prepared especially for Williams, Chief Legislative Officer, are not to be distributed to members of SCAP Special Staff Sections, as had been requested. He was told that distribution channels have been established by the Legislative Officer, who will assume responsibility for such distribution.

6. Williams, Chief Legislative Officer, was given information by courier concerning five proposed amendments to the Tax Bill pending before the Diet. Proposed changes were referred at once to the Finance Division, ESS, approval was given, and transmitted at once to the Diet. The whole process required less than one hour.

7. Check sheet sent to Chief of Staff expressing disapproval of petitions in behalf of retaining Masao Kanai temporarily as governor of Wakayama prefecture. Despite requests by military government company, endorsed by I Corps and Eighth Army, which praised Kanai for his willingness to cooperate, he is specifically affected by one of the mandatory categories of SCAPIN 550 and so exception cannot be granted. Moreover, temporary retention of Kanai, as originally requested, should not be considered since he had already resigned and had been replaced.

8. A Memorandum for the Chief, Government Section, prepared by Esman and Marcum, expresses strong objection to a tentative bill submitted by the Japanese Government which proposes to freeze into law the present civil service system which heretofore has functioned under Imperial Ordinance. To permit the Japanese bureaucracy to force on the Diet a law extorting legislative sanction and public approval for a thoroughly discredited civil service system would be an ill-advised political measure. But, since it is desirable that the Diet act on this subject, even though an adequate civil service reform has not been prepared, the Diet might satisfy its constitutional responsibilities by adopting a law, or preferably a resolution authorizing only provisional continuation of the present civil service rules and practices pending a complete study and preparation of measures providing for the establishment of a democratic civil service system. In this way the constitutional requirements would be met without committing the Diet in any way to the prevailing personnel system, it is stated.

9. Burness delivered General MacArthur's Korean Liberation Day greeting to Mr. Sin, Hong Sik, Chief of Foreign Department, League of Koreans residing in Japan (a leftist organization). Note of action taken forwarded with copy of statement to office of the Chief of Staff.

10. Fielding summarized high points of new over-all directive for Korea (SFE 114/9) just received informally from Washington, and forwarded draft copy of the directive to the Deputy Chief of Staff for his information.

11. Fielding and Burness conferred with Mr. Loren, U.S. Treasury Department Advisor to General Hodge, in Tokyo enroute to Korea, on a proposed new over-all directive for Korea (SFE 114/9). General discussion of SCAP and

USAMGIK policy and plans for Korea and certain budgetary changes and limitations on procurement for Korean civilian supply program.

12. Fielding and Burness interviewed representatives of League of Koreans residing in Japan (leftist group). Declined invitation to appear at a celebration of Korean Liberation sponsored by them. Lack of previous notice, and press of other business, prevented attendance. They were furnished a copy of General MacArthur's statement to the Korean people and informed that the statement might be read at their meeting.

13. Korean Division conferred briefly with Miss Pendleton, G-2. Furnished certain general information on Korean groups in Japan. Referred her to files of USAMGIK Liaison Office for more detailed information to be used in G-2 research.

14. Discussed with Lt. Graham, USAMGIK Liaison Officer, the state of order at Korean meetings celebrating liberation. He observed that good order was generally maintained at both major meetings. Nothing inflammatory by way of speech or action was observed by him at demonstrations of either group.

15. Discussed with Captain Butcher, National Economic Board, USAMGIK, the conclusions and accomplishments of his temporary duty here during which he explored all current aspects of the Korean civilian supply program III. Received from him written report to be handed to Mr. Shoemaker, Chairman NEB, upon arrival here today.

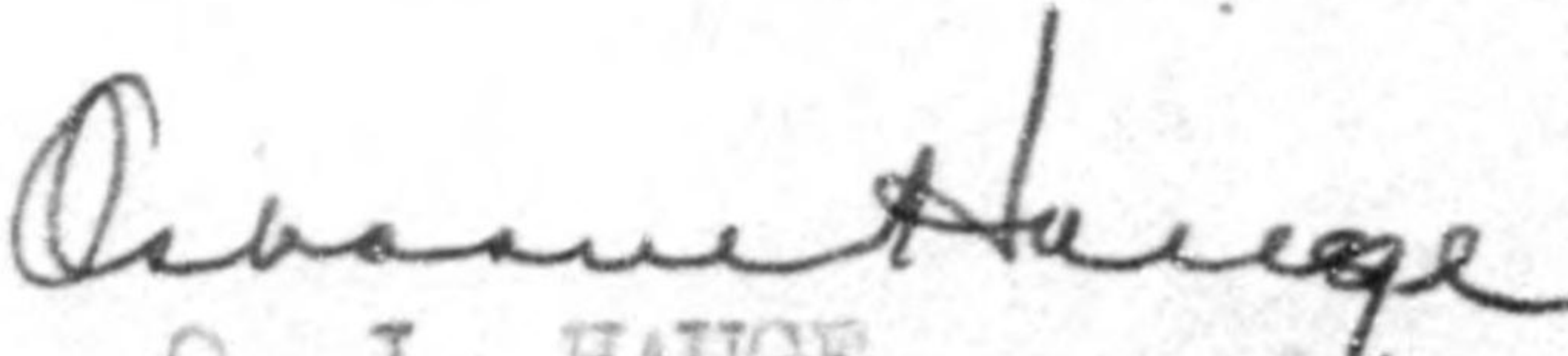
16. Conferred with Colonel Braden, G-4 Plans and Policies, who advised that C/S approval had been obtained for the loan of certain boats to Korean Coast Guard.

17. 90-minute conference with Mr. Loren and Mr. Beplat on financial and economic features of SFE 114/9 and on certain financial data required by ESS from USAMGIK. Following are needed in this connection:

a. Authority to disburse from Korean MG custody accounts to meet expenditures in behalf of Korea in Japan. Fiscal authorities here have advanced over 200,000 yen and want reimbursement.

b. List of illegal transfers of funds from Korea to Japan so that legal transfers may be released. Japanese banks shortly to be completely reorganized, and this information vitally necessary.

c. ESS wants all passbooks, postal savings books, and other financial instruments indicating assets held in Japanese banks by repatriated Japanese.


O. I. HAUGE
Chief Information Officer

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

17 August 1946

MEMORANDUM FOR: Chief Plans and Operations Officer.

SUBJECT : Daily Journal, 14 August 1946.

1. Check Sheet to ESS concurs in proposal to include in proposed extraordinary tax legislation a provision subjecting the Imperial Household property to the capital tax levy in the event that proposed legislation ~~proposal~~ submitted to ESS for review does not apply to the Imperial Household.

But the Section does not consider it advisable to require the Minister of Finance to explain why existing laws have not been amended to repeal the tax exemption of the Imperial Household because a provision in the proposed new constitution vests title to Imperial Household property in the State. It is held unwise at this time to treat such property as private property for normal tax purposes.

2. In response to a request of the Japanese government for permission to establish a Labor Board within the Welfare Ministry, Jiro Shirasu of the Central Liaison Office was informed that labor functions must be divorced from the Welfare Ministry, but whether the government chooses to establish a new ministry or an independent board outside the Welfare Ministry is a matter which it is free to determine -- since it concerns internal government organization. Emphasis, however, was given to the point that any machinery established to administer labor problems must be adequate for carrying out the objectives of SCAP labor policy and that a Labor Ministry seemed structurally sound from this standpoint.

Labor Division of ESS was informed of this action.

OSBORNE HAUGE
Chief Information Officer.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

17 August 1946

MEMORANDUM FOR: Chief Plans and Operations Officer.

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Labor Division of ESS was informed of this action.

OSBORNE HAUGE
Chief Information Officer.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

17 August 1946

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Labor Division of ESS was informed of this action.

OSBORNE HAUGE
Chief Information Officer.

CIRCULATE

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

17 August 1946

MEMORANDUM FOR: Chief Plans and Operations Officer.

SUBJECT : Daily Journal, 14 August 1946.

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Labor Division of ESS was informed of this action.

OSBORNE HAUGE
Chief Information Officer.

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

15 August 1946

MEMORANDUM FOR: Chief Plans and Operations Officer.

SUBJECT : Daily Journal, 13 August 1946.

1. Six-ministry draft ordinance for screening some economic organizations under the terms of SCAPIN 548, paragraph 5, was approved. Jiro Shirasu, vice-president of the Central Liaison Office, was asked by Roest to direct interested ministries to proceed with the screening.

2. During a conference with representatives of the Japanese government, Peake and Bisson emphasized the need for the enactment of safeguards to prevent the cabinet, by its ordinance-making power, from encroaching on the Diet's legislative authority. It was suggested that specific procedural methods for review of the cabinet's administrative acts and ordinances be provided for in the Diet's rules of procedure.

Because of the very extensive power wielded by the cabinet Bureau of Legislation, whose representatives participate directly in the drafting of virtually all legislation -- even in Diet committee rooms, tentative consideration was given to a proposal that the Diet -- if it is to retain full independence -- develop its own technical and drafting service.

3. The director of the 2nd Division of the Provisional Legislative Investigating Committee was advised by Hays, Williams, and Esman that the Section does not object to plan A of three plans (A, B, and C) suggested for determining representation in the House of Councillors. Newspapers, however, have intimated that the government will advocate plan B, which provides for vocational representation.

The division director indicated finally that the committee would propose that the government approve plan A which provides that the House of Councillors be divided into two groups of members (A and B members). It is proposed that A members, comprising half the House, be elected from prefectures, the number from each to be determined by population. B members would be elected from a single national constituency.

The qualifications of electors would be the same as those designated in the law providing for the election of members of the

House of Representatives. Each elector would be entitled to vote for one A and one B member. It is proposed, moreover, that any citizen eligible for election to the House of Representatives be eligible for election to the House of Councillors -- with a single age modification. A candidate for the House of Councillors would have to be 30 years old instead of 25. Under this plan, so called "occupational representation" would be attained by the process of having parties and pressure groups sponsor their own candidates.

During the conference more extensive use of standing committees by the Diet was urged.

4. Oppler continued discussion on family law with representatives of the Justice Ministry. Lt Ethel Weed of CI & E also participated in the informal conversation being held prior to official meeting of Plenary Reform Committee the following day during which Japanese family system was to be discussed.

Particular attention was devoted to those provisions of the new constitution which require a basic change of the family system.

Oppler and Weed were informed that a change of the whole inheritance law is being considered in connection with the reform of the family system. Noteworthy is the fact that a statutory right of succession for the wife -- hitherto lacking in the Civil Code -- will be established.

The abolition and even the reform of the family system would also result in a change of the law regarding illegitimate children.

Another meeting was scheduled for 15 August to receive information concerning results of the plenary session.

5. Major Arthur, Executive Officer, G-2/CIS informed by telephone that Toyohiko Kagawa and Toshie Obama are still under suspicion and barred from taking their seats in the House of Peers in accordance with SCAPIN 846, 27 March 1946, and that it would be desirable to expedite action on their cases.

It was also requested that information submitted by an informant concerning the infiltration of high-ranking Army officers into the Japanese Horse Racing Association be referred to this office for study as a possible indication of systematic efforts on the part of the Japanese government to "take care" of high-ranking military or other personnel disqualified from government service, etc., by SCAPIN 550 or other directives.

6. Fielding and Burness received Mr. Kim, Jung Jun of New Korea Establishment League, who returned to receive reply to invitation for representative of GHQ, SCAP, to appear at meeting celebrating

anniversary of liberation of Korea. Capt Fielding and Capt Burness expressed regret that limitations of time and pressure of other work did not permit General MacArthur to provide personal representative. Mr. Kim was informed that the Supreme Commander was preparing a personal statement to the Korean people which could be read at their meeting.

7. Fielding conferred with Major Silvasy, Chief of Statistics and Reports, Lt Col Otto of C/S office and Col Robison of Govt Sect on reference in press to a statement in the May Summation of Military Government Activities in Korea, objected to by CG USAFIK in TFGCG 460. Statement, inserted in the Summation by S & R Section without the approval of Govt Sect, referred to public opinion survey that indicated "an increasing desire for continuance of American Military Government" on the part of the Korean people. Full explanation was given Col Otto for transmittal to C/S.

8. The following matters were handled in telephone conversations with Korea:

a. Informed them of departure from Tokyo and number of plane carrying Dr. Bunce, Maj. Rizzo, and Capt. Heister.

b. Requested that monthly report for July be forwarded to SCAP at once in order to expedite preparation by Statistics and Reports Section.

c. Reminded Dept of Finance of previous agreement to prepare list of illegal money transfers to Japan for use by ESS. Urged immediate dispatch of the list per prior agreement.

d. Requested early reply to correspondence re S.S. "Ohtori Man III". Were informed that reply had been sent.

e. Passed routine information to and from National Economic Board, USAMGIK.

9. Conferred with Col Britton of G-3, formerly U.S. member of Joint U.S. - Soviet Commission in Korea, regarding current political activities in Korea.

10. Discussed following matters with Lt Graham, USAMGIK Liaison Officer in Tokyo:

a. Progress at Hq Eighth Army on operating plans for transportation of light machinery and business equipment of repatriates to Korea.

b. Status and legality of requisitioning by armed forces or I.J.G. of property belonging to Koreans.

c. Plans made by Korean organizations for celebration of anniversary of liberation, and caution to those groups to avoid violence.

11. Hadley, Bisson and Peake held a conference with representatives of ESS to coordinate procedures for reviewing successor associations to the Tosei Kai. The Japanese Government has been informed by the Anti-Trust and Cartels Division, ESS, and by Government Section that the personnel of the new associations will be subject to the purge in the same manner as the staffs of the former Tosei Kai. Inasmuch as the Japanese Government has been asked to submit this information to Anti-Trust and Cartels, it was suggested that the personnel lists of the new association be made available to Marcum.

12. Check sheets sent to G-2/CIS concur in clearance of 37 Japanese judges and public officials under the terms of SCAPIN 550.

13. Check sheet states that if ESS/FI is satisfied that the Old Great Nobles Fund is actually a private trust fund and, as such, is treated as private property, there is no objection to permitting the current semi-annual distribution of funds to Princes, Marquises, Counts, and Viscounts.

It is recommended that the Government be informed that SCAP permission to make the current allocation of funds must not be construed as absolute recognition by SCAP of the private character of this fund or as in any way prejudicial to eventual disposition of the fund.

It is recommended, moreover, that no further grants of Imperial Household monies be made to Barons since SCAPIN 1298-A of 21 May 1946 restricts the use of Imperial Household Funds to the Emperor's immediate family. To permit the Imperial Household to continue its semi-annual grants to the Barons, one of the classes of nobility farthest removed from the Throne, would involve SCAP in inconsistency, it is stated.

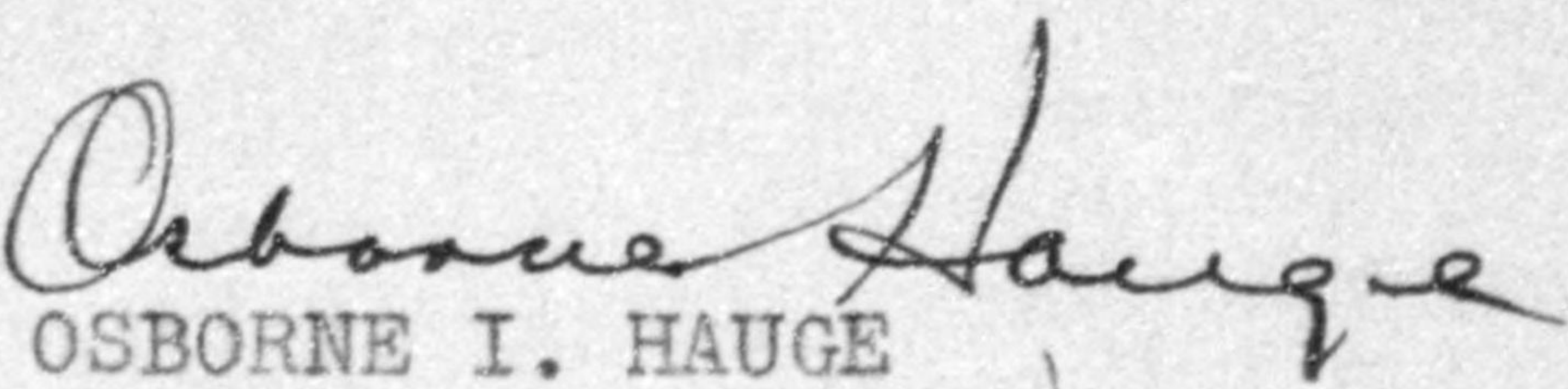
14. Check sheet to ESS Labor Division expresses concurrence with proposed directive relating to the transfer and exclusion of certain personnel from labor administration.

15. Memorandum to the Chief of Staff recommends immediate investigation of Japanese Government's request for permission to exempt approximately 4,000 former Army and Navy officers now employed by the Demobilization Board from the application of SCAPIN 550.

16. Check sheets to G-2/CIS require issuance of directives ordering the removal from government service of three government officials under category G, Appendix A to SCAPIN 550.

17. Petition from member of Eta group for special privilege to compensate for long oppression was forwarded with check sheet,

to CI&E and G-1. Since problem is sociological rather than political, action by CI&E Section is required. It is suggested, however, that Government Section might induce Diet appointment of a committee to study this issue.


OSBORNE I. HAUGE
Chief Information Officer

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

13 August 1946

MEMORANDUM FOR: Chief Plans and Operations Officer.

SUBJECT: Daily Journal, 12 August 1946.

1. During a conference with representatives of the Japanese government information was sought (by Hussey, Peake) concerning the authority to be accorded the cabinet under the terms of the proposed Cabinet Reorganization Bill and details of proposed revisions of the Imperial Household Law. Government officials were informed that the code manual of laws relating to cabinet organization regulations will be closely scrutinized. To protect the Diet against any infringement of its authority by the cabinet it was suggested that the Diet's procedural regulations contain provision for submission to the House of Representatives of all Imperially promulgated cabinet ordinances for approval, rejection, or amendment.

2. Section representatives (Roest, Sirota) discussed with officials of the Home Ministry existing regulations requiring candidates to report their expenditures. Home Ministry No. 11 requires candidates to report weekly both their expenditures and their receipts throughout the election campaign. They said that this Ordinance can be utilized in future elections. Ministry officials were instructed to report all election campaign contributions of ¥1,000 or over made to candidates elected in April 1946. They are required to report the names and addresses of the contributors, the total campaign expenses of each candidate, and the campaign expense ceiling for the district concerned. It is planned to utilize this material in analyzing the influences behind the Diet members.

3. Natural Resources Section advised (by Hussey) of opinion that it would be inadvisable to permit the Japanese to pass a law making it a crime to destroy or to encourage destruction of mulberry trees.

4. Opinion expressed (by Blakemore) during conference with representatives of the Justice Ministry that although Section would not direct inclusion in pending tax legislation of a provision concerning utilization of tax informers, this is a question of primary interest to ESS.

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5. Discussion held (by Tilton, Grajdanzev, Reid) with taxation specialists in the Diet. Particular attention was given to such matters as the principles of taxation and the power of government to levy taxes - as related to proposed reforms of local government administration.

6. In response to a question concerning the right of a Military Government team in Osaka to release four former Japanese soldiers from prison (who had been sentenced by overseas court martial), representatives of the Ministry of Justice were advised (by Oppler & Blakemore) to discuss the matter directly with the Eighth Army.

7. Natural Resources Section was given information (by Williams, Esman) concerning Diet procedures for enacting legislation.

8. Information concerning specific questions relating to Japanese Civil Service given to representatives of Civil Communications Section (by Esman).

9. Tetsu Katayama, member of the House of Representatives and secretary general of the Social Democratic party, was interviewed (by Williams, Esman) to ascertain his views concerning trends of thought in the Diet.

10. Conference held with representative of Civil Information and Education Section (by Oppler) to discuss reform of the Japanese Civil and Criminal Codes as they relate to the family law. The purpose of the meeting was to establish agreement on the general principles which should guide SCAP policy. Representatives of both Sections will submit memoranda concerning conclusions reached.

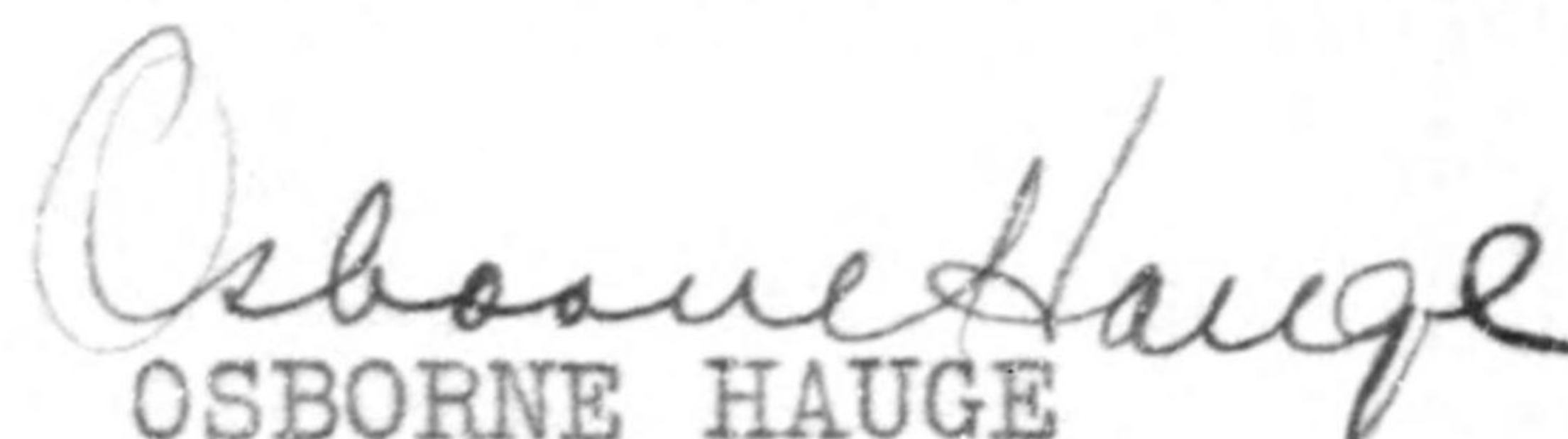
11. In telephone conversation on 1 August with Korea, request was made (by Fielding, Burness) for delivery of missing Korean documents to Statistics and Reports Section. Documents were sent by courier to Government Section and were then forwarded to SRS. Subject topic was a check sheet received 1 August, subject: "Missing Korean Documents."

12. Check sheet sent to ESS/AC (Prepared by Bisson, Hadley) concerning the application of Showa Electric Industry Co., Ltd. (Showa Denko K.K.) for permission to reconstruct factories.

Since increased fertilizer production is a matter of top priority, the Section concurs with memorandum submitted, provided, however, that a paragraph be added stipulating that the Japanese government publish a detailed statement disclosing the full financial and contractual commitments of Sangyo Setsubi Eidan, the scope and character of the Eidan's holdings, etc. It is suggested also that a comprehensive study of this Eidan be undertaken.

13. Check sheet sent to AG (from Korean Division) requesting that all officers signing in from Korea be asked to report to the Korean Division, Government Section.

14. In response to request by Mrs. Kato, Social Democratic member of the House of Representatives, for SCAP's reaction to a proposal that the Social Democratic party present a resolution to the Diet on 15 August (the surrender anniversary) expressing respect for those who died in the war, sympathy for war sufferers, etc., Roest conveyed reply (following conference with General Whitney) suggesting that issuance of any such statement almost certainly would be interpreted outside Japan as an expression of sympathy for past militaristic efforts and therefore "would be premature at this time and harmful rather than helpful in the present delicate international situation."



OSBORNE HAUGE
Chief Information Officer

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

*Jap
monopoly*

13 August 1946

MEMORANDUM FOR THE RECORD

SUBJECT: Report of Meeting Concerning Establishment
of a Committee to Investigate Japanese Monopoly.

1. On 8 August Mr. Bisson and the writer met with Mr. Akimoto of CLO, Prof. Wakimura of Teidai and the HCLC and Mr. Matsudo of the CLO to discuss the establishment of a committee to investigate monopoly in Japan.

2. Mr. Akimoto outlined current Japanese thought on the committee as follows:

a. The suggestion of Diet sponsorship for such a committee has been favorably received.

(1) Prof. Wakimura will speak with Mr. Mosaburo Suzuki, Social Democrat member of the Diet and recognized authority on monopoly problems, with a view to seeing if he would be willing to sponsor a Diet proposal calling for the establishment of such a committee.

b. The committee would consist of some 20 members equally divided between Diet members, officials, business men and academic personnel.

c. The committee would be attached to the ESB and have as its function the establishment of overall economic policy.

3. Mr. Bisson pointed out that while a general policy committee was perhaps needed by the ESB, he thought it unwise to combine an investigation of monopoly practices with a top overall economic committee. He accordingly suggested that a separate committee on monopoly problems be established which would work in close conjunction with the HCLC.

4. It was suggested that this committee might be regarded as having four functions: educative, that is to say, to acquaint the Japanese people at large with the nature of

Economic 39

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CIRCULATE

the monopoly problem; secondly, policy, to recommend measures to the HCLC with respect to the treatment of the deconcentrated units, to determine the need, if any, for a policy of subsidization, to formulate proposals with respect to the future of so-called "national policy" and "special" companies; to evaluate proposals for nationalization of selected industries; thirdly, compilation of background material for anti-trust legislation; and fourthly, background material for securities control measures. It is thought that the staff personnel of the committee might form the nucleus for a permanent anti-trust agency.

5. It was agreed by all that the work of the HCLC should not be in any way delayed by the organization and work of this committee.

6. Mr. Akimoto, Prof. Wakimura and Mr. Matsudo were in general agreement with these suggestions.

7. It was pointed out, however, that these were GS suggestions and that Mr. Henderson, ESS/AC might perhaps have different views.

8. It was agreed that the writer would communicate these points to Mr. Henderson and take up with him the question of how he wished to handle liaison between Mr. Akimoto, himself and the GS.

E. M. HADLEY
Governmental Powers Branch

Noted:

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

9 August 1946

MEMORANDUM FOR THE CHIEF PLANS AND OPERATIONS OFFICER

SUBJECT: Daily Journal. 7H

1. In response to questions asked by Capt. E. R. Donovan of the Educational Division of CI&E, opinion offered that Imperial Rescript Concerning Education issued by the Emperor Meiji would not be affected by Article 94 of the proposed draft constitution. The rescript is frequently used in school ceremonies, but it is clearly undesirable. CI&E had thought that if the rescript were nullified by the terms of the new constitution the Section would be spared the trouble of needling the Education Ministry into ordering its discontinuance. Although the language and text are quite feudal the provisions of the document itself cannot be regarded as a violation of constitutional provisions.

2. Discussions held with representatives of the Japanese Government to consider the possibility of establishing a committee to investigate monopoly problems. The proposal involves the establishment of a committee representative of the Diet, government, business, and academic circles. The selection of committee members, the agency of government to which such a committee might be attached, and the special functions of the committee were discussed.

3. Representatives of the Finance Ministry were informed that Diet members should be entitled to receive pay equal to that of top-ranking government officials. It was tentatively agreed therefore that Diet members would receive slightly more than Vice Ministers. The Finance Ministry had originally proposed to pay legislators the scale paid bureau chiefs.

4. Implementing an approved staff study of 2 July 1946 letters were sent to CG XXIV Corps, subjects: "Allocation of shipping space for Machinery" (7 August 1946), and "Japanese captured or abandoned property" (8 August 1946). The first

~~SECRET~~

letter describes procedure for arranging permission to ship Korean machinery in Japan to Korea, but warns that poor condition of machinery may cause drain on short supplies of spare parts. The second letter requires that authenticated records of payments be submitted to SCAP to support demands for missing items. Reference is also made to procedures relating to crating and insuring equipment.

Osborne Hauge

OSBORNE HAUGE

Chief Information Officer

Supplies

Korea

9 August 1946

MEMORANDUM FOR RECORD:

SUBJECT: Anthracite Coal Production in South Korea

091.33

1. In response to an inquiry by Mr. G. J. Gillson, the following information is furnished regarding anthracite production in South Korea.

2. There are five operating mines at the present time, with the following monthly outputs:

Samchok, Kangwan Do	8,000 metons
*Hwasun, Cholla Namdo	14,000 "
Yunseung, Kyongsang Pukto	2,000 "
Kyongju-Ulsan, Kyongsang Pukto	2,000 "
Tanyoung, Kyongchong Pukto	2,000 metons

(*While 14,000 tons is shown as a monthly average for Hwasun mine, the output is variable, because it is not a continuous vein. At the present time the mine is flooded, and until normal operations are resumed its output will not exceed 5,000 metons monthly.)

3. The maximum monthly output of all mines, now reduced due to inadequate food for miners, flood damage and poor maintenance conditions, is 60,000 metons monthly. The total stockpile is 560,000 metons, made up principally of stocks at the several pitheads. The coal cannot be moved as rapidly as it is mined, due to inadequate transportation.

4. Korean anthracite is a very poor quality coal. It is about 50% dust and of low caloric value. This fact, combined with difficulties of transportation, rule out the possibility of export to Japan. While it can be used in industries equipped with blower type furnaces, its principle value in Korea is in the making of briquettes.

Copies to:

2 - ESS, Export-Import

W.H.F.
WILLIAM H. FIELDING
Capt. Sig. C.

R

W.H.F.

GOVERNMENT SECTION FILE

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

Daily Journal
Chronological

8 August 1946

*Showa
Denko*

MEMORANDUM FOR THE RECORD

SUBJECT: Report of Meeting - Financing Showa Denko
for Increased Fertilizer

6 Aug. Mr. Bisson, Mr. Peake, Major Rizzo, and the writer met with Col. Ruhlen, Finance; Mr. Hoyt and Lt. Inman, Antitrust & Cartels; Major Purl, Industry, to discuss a proposed ESS directive. The directive concerns SCAP clearance of the Japanese Government's scheme of financing reconstruction and reconversion of Showa Denko Corporation for the production of fertilizer.

The proposed SCAP directive would give clearance for the construction of over \$500,000,000 worth of plant and equipment by the Sangyo Setsabi Eidan (Industrial Equipment Management Corp.) with the proviso that title to the properties in question would be vested with the Sangyo Setsabi Eidan pending the establishment of the Reconstruction Finance agency, at which time title would be transferred to said agency.

The GS members took the position that inasmuch as the Eidan was a pernicious instance of Government business collusion which it was generally agreed needed to be abolished, it was inadvisable to give it fresh functions. Accordingly, the GS recommended that the Japanese Government be asked to suggest another scheme. By way of alternative proposals, it was pointed out that it would appear possible to vest title to the reconstructed and reconverted properties in the Monopoly Bureau of the Finance Ministry while supervision of the construction could either be done by the Ministry of Commerce and Industry or through a contracting arrangement with the Showa Denko.

Major Purl agreed to discuss this proposal with interested Commerce and Industry officials.

Eleanor M. Hadley
ELEANOR M. HADLEY
Governmental Powers Branch

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

28 June 1946

PAD FILE

MEMORANDUM FOR THE RECORD:

SUBJECT: Raising of Board of Communications to Status of Ministry.

1. Reference 1, G.L.O. No. 3121(GO), dated 25 June 1946, subject as above. Mr. Shirasu, Vice-President of the Central Liaison Office, was informed that there is no objection to the content of the Imperial ordinances providing for the elevation of the Board of Communications to the status of a ministry.

2. Reference 2, Memorandum for the Record, dated 13 June 1946, subject: "Board of Communications." Reference 2 indicates that the Prime Minister had already been informally advised that there is no objection to this change in the status of the Board.

CYRUS H. PEAKE,
Governmental Powers Branch.

*CLO filed in PS file also draft ordinance
3121(GO)*

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

*P.A. Div.
Circ. file*

MEMORANDUM FOR THE RECORD

SUBJECT: SHINKO CLUB

DATE : 12 June 1946

In an interview at 1600 on June 10, Diet Representative ISHIDA Ichimatsu of the NIPPON SEIRON-TO (Japan Righteousness Party) reported that there are two divisions of the SHINKO CLUB:

- a. the SEISO GIIN KURABU (Young People's Diet Club)
- b. the SHINSEI KURABU (New-Born Club)

a. The SEISO GIIN KURABU is made up of the following Diet members: FUJITA Sakae, HAYAKAWA Takashi, MATSUTANI Tenkoko, HIKITA Toshio, HOSOSEKO Kanemitsu, and the interviewee, ISHIDA Ichimatsu.

b. The SHINSEI KURABU is made up of 18 teachers.

The SEISO GIIN KURABU has been discussing the formation of a new party, a "humanistic" party with the Shinko Club as its center. On the 13th of June at 1 o'clock in the Diet Building, the members of the SEISO GIIN KURABU will present this suggestion at the meeting of the Shinko Club. If the Shinko Club does not agree, the SEISO GIIN KURABU will nevertheless go on agitating for a "humanistic" party.

BEATE SIROTA

Approved: PKR
Noted : CLK

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Reading
GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section
Public Administration Division
Political Parties Branch

*P.A. Div.
Circ. file.*

MEMORANDUM FOR THE RECORD

SUBJECT: DAI TORYO-TO (Presidential Party)
DATE : 10 June 1946
PLACE : Dai Ichi Building
PRESENT: TODANO Naosaburo, founder of the party
Mrs. IGARASHI Nobuko, music teacher, Boys' High School, Sendai
Harry Emerson Wildes, for the Government Section

At their own invitation TODANO and Mrs. ICARASHI called at this Headquarters to present in person to the Commander-in-Chief a program for a new political party designed to revolutionize Japan and to assure eternal peace and prosperity.

The plan consists of having a Diet and a President elected by the people with the President's possessing a veto over legislation, subject to being over-ridden by the Diet.

The Emperor is to remain, as the "source of authority and love", but all other privileged groups are to be excluded. This will enhance the Imperial prestige without allowing him to enter into mundane political activities. "He does not", it was explained, touch Government but he operates upon the President through the force of civilization." He will be regarded as the father of all Japan, and because of the mutual trust between the people and himself all social and economic friction will vanish.

The proposed party, it was declared, represents the desires of 3,000,000 people in the northeastern section of Japan. At a meeting held in Hibiya Hall yesterday morning, an enthusiastic, but unestimated, crowd welcomed the idea.

The party is thoroughly pro-American and will welcome any assistance that may be extended to it. TODANO was grateful for the opportunity to express his platform and thinks the trip from Sendai fully worth-while.

HARRY E. WILDES

Approved: PKR
Noted : CLK

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

8 June 1946

MEMORANDUM FOR THE RECORD.

SUBJECT: Reparations Committee.

1. The first meeting of the Committee on Reparations, Restitutions and Occupational Costs was held on 8 June with the following permanent members present:

Col. H. V. Brown, OGA, Chairman
Col. W. G. Donald, GPA
Comdr. A. F. Ryan, G-4
Lt. Col. D. H. Jennings, ESS
Mr. T. A. Bisson, Govt. Sect.

2. It was noted that the Committee has two primary functions:

a. To define what factors make up occupational costs, restitutions and reparations.

b. To determine what accounts will be maintained in relation to these matters.

3. It was decided that the Committee should first attempt to define the factors entering into occupational costs, and then proceed to consider restitutions and reparations in this order.

At the next meeting, tentatively set for June 14, one representative of Eighth Army, G-4 and one representative of the Procurement Division, Military Government, is being asked to present a 30-minute factual survey of conditions in his field relating to occupational costs.

4. On my request it was agreed that a representative of the Korean Division, Govt. Sect., could be called upon to present that side of the picture at a later stage of the preliminary meetings on costs of occupation.

T. A. BISSON

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Cross to Labor

Col. Kados

Info

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

MEMORANDUM FOR THE RECORD

4 June 1946

Subject: Statement of Colonel Sams on 29 May 1946 concerning SCAP's Labor Policy.

1. Col. Crawford F. Sams, Chief, Public Health & Welfare Section; Mr. T. Cohen, Chief of the Labor Division, ESS; Mr. A. Constantino of the Labor Division, ESS; and Col. Robison, Government Section, attended a meeting called by Col. Sams in his office at 0900, 4 June 1946, to clarify the statement made by Col. Sams concerning the Central Red Cross Hospital on 29 May 1946, following an informal discussion on that date between Col. Sams and Gen. Whitney, Chief, Government Section.

2. A copy of the memorandum for the record of the 29 May meeting (copy attached) was given to Prince Tadatsugu Shimadzu, First Vice-President, Japanese Red Cross Society, who had it reproduced and distributed to various Red Cross Hospitals and officials. Because of its wording and the fact that it was signed by a high official of GHQ, the Labor Division of ESS has received numerous inquiries from various groups and individuals as to its exact meaning, since it could be interpreted as being in conflict with previous directives and information on labor matters emanating from this headquarters.

3. Col. Sams stated that his memorandum was never intended to be released publicly, and that it was a very incomplete and sketchy record of his remarks at the meeting of 29 May which, taken as they were out of context, gave an entirely erroneous impression of what he had said and meant.

4. It was agreed that the following statement, prepared by Gen. Whitney, reflects accurately the position of the Government Section in this matter:

"a. It is considered highly improper for any employee group to demand control of any governmental activity or agency.

"b. It is considered highly improper for any unauthorized group through coercion, threat or intimidation to seize control of the Red Cross or similar organization dedicated to public relief, health and welfare."

Col. Sams stated that his memorandum in essence meant nothing more than this statement, and Mr. Cohen agreed that it is perfectly acceptable to him and is not inconsistent with SCAP policies and directives concerning labor organizations.

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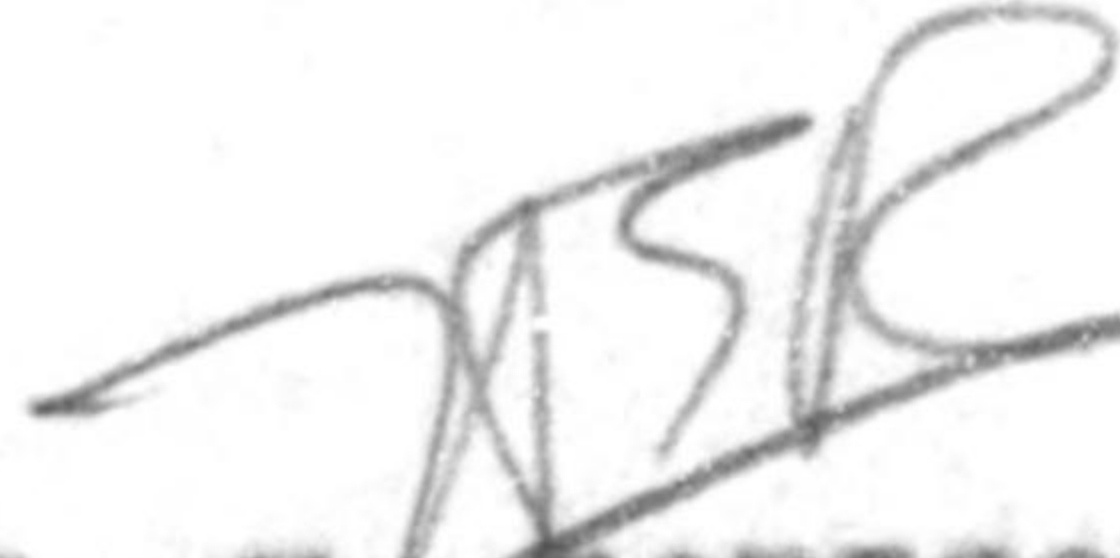
5. It was agreed that it would be desirable to issue an unofficial and informal statement, clarifying and correcting the previous memorandum, which would cover the following points:

a. The previous statement, taken by itself out of context, gives an erroneous impression of SCAP's labor policies. It was never intended to be released, was never authorized to be reproduced, and is in no sense an official SCAP statement of policy. It is merely a summary of notes made by Col. Sams.

b. The position of the Government Section as indicated in Paragraph 4 above should be included in the new statement as a "negative" expression of what various groups cannot do.

c. A statement of what labor organizations are permitted to do will be drafted by Mr. Cohen for inclusion in the new statement.

d. Reproduction and distribution of the new statement will be authorized.


H. E. ROBISON
Colonel, FA
Executive Officer

COPY

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Public Health and Welfare Section

Meeting Concerning
CENTRAL RED CROSS HOSPITAL
29 May 1946

Those present were:

Col. Crawford F. Sams, Chief, Public Health & Welfare Section
Col. J. U. Weaver, Deputy Chief, Public Health & Welfare Section
Major Grace Alt, Chief, Nursing Affairs Division, Public Health & Welfare Section
Mrs. Katherine Sexsmith, American Red Cross Representative, Public Health & Welfare Section
Prince Tadatsugu Shimadzu, First Vice-President, Japanese Red Cross Society

At a prior conference with the Chief of the Government Section (General Whitney) the following statements of policy were concurred in and were transmitted by Col. Sams at this meeting as the policy of SCAP.

1. It is not considered appropriate, desirable, or permissible for any group of individuals, either labor unions or otherwise, to demand control of the activities of any government or private organization.

2. It is not considered appropriate that any professional groups, such as doctors or nurses, shall lower themselves by forming labor unions. They may present their desires through professional associations.

3. I have been informed, from many sources, that the activities of certain organized groups in the Red Cross organization have attempted to control policies in that organization and particularly are disrupting and interfering with the nurses' training program in the Central Red Cross Hospital, and other Red Cross hospitals. It is the desire of the Supreme Commander that there shall be no such activities as will interfere with the activities sponsored by the Public Health and Welfare Section.

4. If such activities continue, the individuals responsible therefor shall be removed as carrying on activities contrary to, and interfering with, the policies of the Occupation Forces.

CRAWFORD F. SAMS,
Col. MC
Chief, Public Health
& Welfare Section.

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*work to
Communications
& Missions*

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

29 May 1946

CIRCULATE

MEMORANDUM FOR THE RECORD.

SUBJECT: Reorganization of Board of Communications.

1. This morning I had a conference with Mr. Whittmore, Deputy Chief of the Civil Communications Section, on the question of whether or not the Board of Communications should be raised to the status of Ministry. I pointed out that the Government Section has always felt that the Board of Communications and Transportation should be taken out of politics and that the best way of doing this appeared to be to set up public authorities. I further stated that we were opposed at this time to the creation of a Ministry of Communications for two reasons: (1) because it might interfere with the long range program of removing Communications and Transportation from politics, and (2) because it did not seem advisable to permit a major governmental change by Imperial rescript or Cabinet ordinance at a time when the Diet is in session.

2. Mr. Whittmore said that he was anxious to have the Board of Communications secure Cabinet representation in order that they would receive fairer treatment in the allocations, etc., but that he agreed fully with the position of the Government Section that Communications should be taken out of politics.

3. It was finally agreed that as a temporary measure the Board of Communications would be placed under the responsibility of a Cabinet Minister without Portfolio and that hearings would be started at an early date between representatives of the Japanese Government, the Civil Communications Section, and the Government Section, looking toward the preparation of legislation necessary to accomplish our long-range objectives.

ALFRED R. BUSSEY, JR.
Commander USNR.

[Handwritten initials]

24 F

Cross to
Purge
-201-

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

27 May 1946

MEMORANDUM FOR RECORD:

SUBJECT: Application to Retain Prince Kuniyuki TOKUGAWA in office as
President of the House of Peers.

1. In CLO No. 1771 (PP) dated 17 April 1946, the Japanese Government requested approval for the retention in office of Prince Kuniyuki TOKUGAWA, President of the House of Peers, who is subject to removal from public office and exclusion from government service as an undesirable person within the meaning of paragraph two of Category B, Appendix "A", SCAPIN 550, in that he was a commissioned officer in the Imperial Japanese Regular Army.
2. The reasons cited to justify TOKUGAWA's retention in office were:
 - a. That he was a commissioned officer for only four years (1910-1913) and on the reserve list thereafter (having resigned in 1936).
 - b. His thirty-three years of service in important positions in the Japan Red Cross Society.
 - c. That he is not, in fact, a militarist.
3. Paragraph 9 of SCAPIN 550, under which the request was made, provides an appeal procedure for the temporary reinstatement or retention of hard-to-replace, essential officials who fall within the removal category, but who are found to be politically acceptable as individuals, in order to avoid a disruption of essential governmental functions. This procedure was not designed for the purpose of granting permanent or indefinite exemptions for the benefit of selected individuals.
4. In order to correct any injustices which might be occasioned through the application of SCAPIN 550, there would be no objection, after the political purge directive has been fully complied with, to considering on their merits petitions for the reinstatement of individuals coming within the categories of Appendix "A" of the directive who had not, in fact, taken part in harmful activities but, on the contrary, had shown themselves openly and unequivocally against militarism, ultra-nationalism, and the policy of aggression.
5. The case for excepting Prince TOKUGAWA from the application of the purge directive falls down on the following grounds.

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MEMO FOR RECORD: (CONTINUED)

a. He does not meet the requirements of paragraph three above in that he is not a hard-to-replace essential official whose retention in office is essential to the carrying on of indispensable activities of the Japanese Government, nor does the application state a definite limited period of time, nor has any effort been made to replace him.

b. He does not come under ^{the} policy stated in paragraph four because he is not a person who has shown himself openly and unequivocally against militarism, ultra-nationalism, and the policy of aggression. His "strenuous" efforts toward the fulfillment of the mission of the Red Cross "according to the spirit of international treaties" do not appear to have been signally successful, witness the treatment accorded Allied POW's and internees in some Japanese camps. His membership in the Asia Development League of Japan, GHQ, IRAA, in view of TOKUGAWA's prominence in Japanese society, makes him an influential supporter of ultra-nationalism and aggression.

6. In the light of the above facts, the exemption of Tokugawa from the application of the directive would be contrary to occupation policy and should not be granted.

7. On 22 May 1946 Mr. Oda of the Central Liaison Office was informed that the application would be denied.

8. References:

a. CLO No. 1771 (PP) 17 Apr 1946, subject: Application for Retention in Office of Prince Kuniyuki TOKUGAWA.

b. Memorandum dated 18 Apr 1946 from Chief of Staff to Mr. Shigeru YOSHIDA, Japanese Minister for Foreign Affairs.

c. Memorandum dated 16 May 1946 from J.W. Masland, Govt Sect., subject: Application for Retention in Office of Prince Kuniyuki TOKUGAWA, President of the House of Peers.

*Noted
mk*

Frank Rizzo
FRANK RIZZO
Maj., CMP

16 May 46

Memorandum

For: Major Rizzo

From: J. W. Masland *JWM*

Subject: Application for Retention in Office of
Prince TOKUGAWA Kuniyuki, President of House of Peers

Facts

1. On 17 April 46 the Japanese Government submitted an application for the retention in office of Prince TOKUGAWA Kuniyuki, President of the House of Peers. This formal application followed verbal request made by Foreign Minister YOSHIDA of Major ~~Major~~ General Chamberlin, Acting Chief of Staff.

2. Prince TOKUGAWA is classified as an undesirable person under SCAPIN 550 (4 January purge directive) by reason of the following:

Infantry Sublieutenant 1910-1913 (placed on Reserve list 1914; resigned 1936)

3. The Japanese Government contends that for 33 years, since retirement from the Army, Prince TOKUGAWA has devoted his life to the work of the Red Cross Society of Japan, successively as Councillor, Vice President and President (latter position since October 1944); that there is nothing in his entire career to mark him as a militarist; that on the contrary he has made strenuous efforts to fulfil the mission of the Red Cross under the International Red Cross Convention and according to the spirit of international treaties.

4. The Japanese Government makes no contention to the effect that the services of Prince TOKUGAWA are essential to the House of Peers.

Career of Prince TOKUGAWA

Prince TOKUGAWA is 60 years of age. He has been prominently associated for many years with numerous charity, relief and social welfare organizations, a position which he has been able to hold as a consequence of his aristocratic inheritance and wealth. He is known as a moderate. He was elevated to the presidency of the House of Peers in October 1944. He has visited Manchuria in connection with relief activities in 1932, 1934 and 1938, on the latter occasion to attend the celebration of the founding of the Manchurian Red Cross. In 1938 he visited China in connection with relief activities. He was a member of the

Cooperative Society of the Asia Development General Headquarters of the IRAA. In June 1945 he received the First Order of Merit as president of the Japan Red Cross.

Recommendation

1. It is recommended that the application of the Japanese Government be denied, for the following reasons:

a. Exceptions to the purge directive should be granted only in cases of clear and absolute necessity. Such necessity has not been demonstrated in this case.

b. Prince TOKUGAWA's record in relief work should not be accepted at face value; it is evident that in this field he lent his name and donated from his wealth rather than take an active part in actual management. Moreover, it should be noted that the Red Cross has been tied in very closely to the Japanese Army throughout its history.

c. As was recommended in the case of Admiral SUZUKI, President of the Privy Council, SCAP should avoid any action which might be interpreted as support of the conservative elements which have dominated Japan throughout its modern history. Prince TOKUGAWA is prominently identified with these elements.

d. Although it does not appear on the record, it would seem that the application for retention of Prince TOKUGAWA was made as an act of friendship by Foreign Minister YOSHIDA. There is no reason why SCAP should support such an act under the circumstances presented.

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

22 May 1946

MEMORANDUM FOR THE CHIEF, PUBLIC ADMINISTRATION DIVISION.

SUBJECT: Nature of the House of Representatives Members' Personal History File (Giin Rireki Gembo).

The nature of the House of Representatives Members' Personal History File was investigated by means of an interview on 22 May with MATSUI Tokuhei, a minor official of the General Affairs Section of the House of Representatives who is in charge of the above file.

It is recommended that the file be accepted as an official record the authenticity of which cannot be successfully challenged. Legal Section (Captain Bassin) advises that the admissibility of the File as evidence before a Military Commission cannot be questioned.

The personal histories of the members are recorded for the first time or are brought up to date immediately after a general election. Members are officially requested to submit such personal histories. A standardized form must be filled out by the candidate himself. The form requires personal data, a complete record of the man's official appointments, awards or punishments, his scholastic training, his business career and any other pertinent information that is not covered by the previous categories.

After the submission of the personal history any official appointments, awards or punishments are recorded by the General Affairs Section without reference to the individuals. But no entry is made unless it has already appeared in the Official Gazette (Kampo). Naturally the individual is also informed of any official act concerning him which is reported in the Kampo.

MATSUI insisted that the Kampo is "absolute", that is, completely accurate, official and, in effect, incapable of being in error. The individual concerned cannot make any changes in his personal history in those items which have been taken from the Kampo.

There is no material in the Personal Histories File which has not come either from the individual himself or from an unimpeachable official source.

John M. Maki
JOHN M. MAKI

Governmental Powers Branch

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W. M. Maki

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[Signature]

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

Scapin
548

17 May 1946

MEMORANDUM FOR CHIEF,
PUBLIC ADMINISTRATION DIVISION

1. Mr. Okada and his assistant, Mr. Ogawa, of the Public Safety Section, Home Ministry, came to discuss the interpretation of Scapin 548. The issue raised was whether the directive gave the Japanese government authority to dissolve organizations other than those referred to in par. 1 and 2, or whether it is merely authorized to "forbid the formation or activity" of those mentioned in par. 5 and those not-complying with par. 6. In the latter case dissolution and seizure of property (this last point ordered by par. 3a) of the "forbidden" organizations would be without legal foundation.
2. Mr. Okada was informed that the Government Section's interpretation was that forbidden organizations should be dissolved whether they belonged to those mentioned under par. 1, 2, 5 or 6.
3. Mr. Okada requested this interpretation in writing. No formal memorandum would be required; a letter which they can file with their Legislative Bureau will be sufficient.

Pieter K. Roest

PIETER K. ROEST
Lt. Col. TC
Chief, Political Parties Branch

*Noted
MK
JR*

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

*Welfare
Ministry
Reorganization*

13 May 1946.

MEMORANDUM FOR THE RECORD

1. At 10:15 Friday morning, Commander Hussey and Miss Ellerman met with Colonel Sams and Colonel Weaver of the Public Health and Welfare Section, and Mr. Stanchfield of the Labor Advisory Committee and Mr. Cohen of the Labor Division, ESS. The meeting was called for final discussion of Public Health and Welfare Section's directive reorganizing the Ministry of Welfare.
2. Mr. Cohen and Mr. Stanchfield asked that issuance of the directive, with its tie-in with the establishment of a Ministry of Labor, be delayed until the present Cabinet crisis is resolved. Labor Division would prefer the Japanese, rather than SCAP, to take the initiative in establishing a Ministry of Labor. This initiative can be expected if the Cabinet is formed by the Social Democrats, since that Party is committed to the creation of a Labor Ministry. On the other hand, if the new Cabinet is formed by the Progressives or Liberals, the Labor Division is prepared to write a directive ordering the Imperial Japanese Government to set-up a Ministry of Labor. In either case, a delay of 30 days or so is involved.
3. In view of the current emergency public health and welfare situation, both Government Section and Public Health and Welfare Section were unwilling to consider any delay in the reorganization of the Ministry of Welfare. It was decided therefore, to recast the directive as a reorganization of the administration of certain health and welfare activities in order to meet effectively the urgent need for more adequate public service in those fields, and to omit any reference to the transfer of Bureaus and functions presently within the Ministry of Welfare into the proposed Ministry of Labor. In the re-writing of the directive a saving clause will be included, stating that "other continuing activities presently within the Ministry of Welfare are unaffected by this Memorandum but may be subject to future consideration." This will leave the way clear for the creation of the Ministry of Labor and its absorption of Bureaus and functions now in the Ministry of Welfare.
4. In the course of the discussion, the basic conception of this directive, as a reorganization of a Ministry, was changed to that of a directive ordering, merely, the reorganization of the administration of certain functions within a Ministry. This transforms the memorandum from a directive involving a substantive ministerial reorganization, and therefore within the province of the Allied Council for consideration and review, into one ordering a procedural or administrative re-allocation of functions.
5. Upon final writing by Public Health and Welfare Section, along the lines agreed upon in the Friday meeting, the directive will be sent directly to the AG, noting concurrence by Government Section and Labor Division, ESS.

247525

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

13 May 1946

MEMORANDUM FOR RECORD.

On 10 March 1946, Colonel Kades pointed out to Messrs Shirasu and Oda of CLO that the employment of former Thought Control police in responsible and "sensitive" positions such as liaison offices in Ken and local governments, while within the letter of SCAPIN 93, AG 091(4 Oct 45)CIS and perhaps of SCAPIN 550, was not within the spirit of either. On 11 March 1946, Mr. Shirasu stated that employment of personnel was in accord with a memorandum dated 10 October 1945 from CIS in response to questions raised in a Japanese Pro Memoria on SCAPIN 93. However, since the CIS memorandum stated (para. 1) that, "Officials who have been removed from positions of responsibility in one Department will not be transferred to positions of responsibility in another," the statements made by Colonel Kades on 10 March 1946 did not require amending or withdrawing the CIS memorandum of 10 Oct 45. On 11 May 1946, the Home Ministry sent telegrams (attachments 1 and 2) to all Ken governors requesting dismissal from responsible positions of all officials previously dismissed from positions under the Home and Justice ministries under SCAPIN 93.

P.A.D. File

Frank Rizzo
FRANK RIZZO
Major, CMP

Attchs:

- 1 - Home Ministries 2 telegrams of 11 May 46.
- 2 - 4 Oct 45 Memo from CIS to IJG.
- 3 - IJG Pro Memoria re: SCAPIN 93.
- 4 - Gov Sec Ck Sht 26 Apr 46: Revision of SCAPIN 93 (not sent).
- 5 - Memo for record to Item 4.

NOTED: CIA

MLC

~~FILE~~

24A

(2)

TO: Prefectural Governors

FROM: Chief of Personnel Section, Home Ministry

The following alterations shall be made in the previous telegram on the subject of the prohibition of participation in liaison business with the Occupation Force by persons connected with special higher police.

In cases those persons connected with special higher police who were dismissed under the Memorandum of October 4, 1945 have been given a responsible position in governmental or municipal offices (position to give decision in formulating policies or in enforcing the laws and regulations relative to the public welfare) or have been engaged in liaison business with the Occupation Force, you are requested to effect the immediate dismissal of such persons or transfer of them to other job and to make report on the name of persons affected and also the names of their new and old positions to the Home Ministry not later than May 14th.

(1)

TO: Prefectural Governors

FROM: Chief of Personnel Section, Home Ministry

It has been decided upon that those special higher police officials who were dismissed under the Memorandum of October 4 shall not be allowed to work for liaison office with the Occupation Force and for other liaison business.

In cases the aforementioned dismissed persons have been given jobs mentioned above, you are requested to effect the immediate transfer of such persons to other job and to make report on the result of such a measure, specifying the names of persons affected, to the Home Ministry not later than May 14th.

Pro Memoria

concerning

The Memorandum of the Supreme Commander for the Allied Powers

on

Removal of Restrictions on Liberties

dated

4 October 1945

1. May it be understood that the officials who shall have been removed can be reappointed to positions outside the jurisdiction of the Ministry of Home Affairs or of the Ministry of Justice.
2. Among the officials who are now connected with police affairs (including the special higher police) there are not a few to whom police service does not mean their specialty. They have held positions in various other branches of the Government. There seems to be, therefore, no objection, in allowing them to assume such positions as have no relations with police, even if these positions are under the Ministry of Home Affairs or the Ministry of Justice.
3. May it be understood that "positions under the Ministry of Home Affairs, the Ministry of Justice" does not include positions which have no relations with police affairs, such as positions concerning civil engineering, welfare, etc. under the Prefectural Government or positions under the Civil Division of the Judicial Court and its Branches. This understanding seems to be warranted particularly in the case of the Prefectural Government, which is a unified local administration organ subject to the direction and supervision of not only the Ministry of Home Affairs, but of all the Ministers of the Government.

4. With regard to the removal from office and employment of the entire personnel of the Special Higher Police, attention is invited to the fact that policemen (including Police Sergeants) are poorly paid minor officials with no discretionary power, who are only assigned to routine duties by order of their superiors, and who possess no independent and authoritative position for examination and execution of law. It is requested, in the light of these facts, that they be exempted from removal.
5. "Protection and Surveillance" does not mean detention. On the contrary, it is for the purpose of giving advice and assistance regarding employment and other matters to those who have served their terms for thought offence. It is requested that the minor officials connected with "Protection and Surveillance" be exempted from removal.
6. The position of the Chief of Protection and Surveillance Station is sometimes held concurrently by the Public Prosecutor. In such cases, is it required to remove him from his position as Public Prosecutor?
7. Utmost efforts are being exerted to submit the required report not later than 15 October. It is requested, however, that the fact be taken into consideration that the dislocation of transportation and communications may possibly cause delays in submitting certain parts of the report.
8. Consequences of a wholesale dismissal of High Police Officials.
9. Cases of those convicted of both political and criminal offenses.

OFFICE OF THE SUPREME COMMANDER
FOR THE ALLIED POWER

AG 091 (4 Oct 45) CIS

10 October 1945

SCAPIN 115

MEMORANDUM FOR: IMPERIAL JAPANESE GOVERNMENT
THROUGH : Central Liaison Office, Tokyo
SUBJECT : Answer to Pro Memoria concerning the Memorandum of the Supreme Commander for the Allied Powers on Removal of Restriction on Liberties dated 4 October 1945.

1. Officials who have been removed from position of responsibility in one Department will not be transferred to positions of responsibility in another. Within the term "officials" as used herein are included Prefectural Police Chiefs and Section Chiefs and ranking assistants in the Special Higher Police. No dismissed personnel including minor officials of Special Higher Police referred to in paragraph 4 below will be placed in the Ministry of Education. If personnel is reemployed by other department such information will be furnished this Headquarters.
2. Officials connected now with police affairs will not be permitted to hold positions in either the Ministry of Home Affairs or in the Ministry of Justice.
3. "Positions under the Ministry of Home Affairs, the Ministry of Justice" includes all position under those Ministries except for such minor positions in the Prefectural Government which are responsible in policy matters for other Ministries.
4. The entire personnel of the Special Higher Police will be dismissed and in no case be reemployed in any position of power or responsibility over the people.
5. All personnel connected with "Protection and Surveillance" will be dismissed.
6. If the Chief of a Protection and Surveillance Station holds concurrently the office of Public Prosecutor, he will be removed from both positions.
7. An initial report will be furnished October 15th, containing such information as you have ready. Another report containing the balance of the required information will be submitted on October 22nd.
8. Police officials will not be retained longer than the time necessary to accomplish the provisions of the October 4th Memorandum.
9. You will inform this Headquarters by October 20th of the full details of the case of any individual who is held for both a criminal and political offense. Pending decision by this Head-

quarters, individuals may be retained in custody.

FOR THE SUPREME COMMANDER:

H.W.ALLEN,
Colonel, A. G. D.,
Asst Adjutant General.

CONFIDENTIAL

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET

(Do not remove from attached sheets)

File No.:

Subject: Revision of SCAPIN 93 (4 Oct 45).

Note
No.

From: GS

To: OCCIO

Date: 26 April 1946

1.

1. Reference is made to the following:

a. Ltr, Hq 11th Airborne Div Artillery, dated 31 Jan 46, subject: "Dismissal of Former Thought Control Personnel in Yamagata Prefecture."

b. 8th Ind, GHQ, SCAP, 19th April 1946, to CG, 8th Army, file AG 091 (Japan) (31 Jan 46) CIS.

2. Reference 1b above, prepared by the Counter Intelligence Section, disapproved the recommendation made in basic communication, namely, that certain prefectural and local officials in Yamagata Prefecture who were formerly members of the Thought Control Police (Tokka-Ka) be dismissed under SCAPIN 93 (4 Oct 45), subject: "Removal of Restrictions on Political, Civilian and Religious Liberties."

3. Since the action taken in reference 1b above was consistent with the provisions of SCAPIN 93, and with the Supreme Commander's policy of not taking direct action in purge matters unless the Japanese government's actions prove unsatisfactory, the Government Section concurred in the action. Nevertheless, it is believed that this action will result in the retention in positions strategically located to obstruct the attainment of occupation objectives of certain persons who by training and background are bound to be hostile to those objectives. It is true that some of these persons may be purged by the Japanese government itself under the provisions of SCAPIN 550 (4 Jan 46), subject: "Removal and Exclusion of Undesirable Personnel from Public Office", but it is believed that only a few of such persons are removable under that directive.

4. A considerable number of the persons in question are in various local liaison offices. Since these offices are an important link in the mechanism whereby the Supreme Commander exercises control over the Japanese government, persons who serve in these offices should be those least likely to obstruct or delay the fulfillment of instructions from the Supreme Commander or his authorized representatives. Former members of the Thought Control Police cannot be considered to fall within this class.

5. Fifteen of the forty-five persons in question are now in various local police departments. Police duties in the prefectures and local governments are such as to facilitate or retard the development of democratic tendencies among the Japanese people. Former members of the Thought Control Police, by the very nature of their training, background and previous functions must be deemed unsatisfactory for such duties.

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Check Sheet, subj: Revision of SCAPIN 93 (4 Oct 45), fr GS to OCCIO, 26 Apr 46.

6. In view of the foregoing it is suggested that SCAPIN 93 be amended to provide:

a. That all persons now excluded from positions under the Ministry of Home Affairs, the Ministry of Justice, or any police organization in Japan under paragraph 1 e of the directive also be excluded from positions in any Japanese liaison office.

b. That this exclusion cover all persons who at any time since the beginning of the "China Incident" were members of police organizations banned by SCAPIN directives.

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

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

26 April 1946

MEMORANDUM FOR THE RECORD:

SUBJECT : Dismissal of Former Thought Control Personnel
in Yamagata Prefecture.

1. Basic communication, Ltr, Hq 11th Airborne Div Artillery, dated 31 Jan 46, subject as above, names 45 prefectural and local officials in Yamagata Ken who were formerly members of the Thought Control Police (Tokka-Ka) and recommends that they be dismissed under SCAPIN 93 (4 Oct 45), subject: "Removal of Restrictions on Political, Civilian and Religious Liberties."

a. Paragraph 3 of basic communications lists 30 persons who were members of the Tokka-Ka on 4 October 1945 and who now occupy positions in the following offices:

(1) Yamagata City Liaison Office	10
(2) Tsuruoka Liaison Office	4
(3) Sakata Liaison Office	5
(4) Shinjo Liaison Office	1
(5) Tateoka Liaison Office	2
(6) Yonezawa Liaison Office	2
(7) Amarume Prefecture Food Dept.	1
(8) Kaminoyama Prefecture Comm. Dept.	1
(9) Tsuruoka Government	2
(10) Yamagata Prefectural Government	2

b. Paragraph 4 of basic communication lists fifteen persons who were members of Tokka-Ka at various times prior to 4 October 1945 who now occupy positions in various local police departments:

(1) Yamagata Police Dept.	8
(2) Tateoka Police Dept.	2
(3) Shinjo Police Dept.	1
(4) Sagae Police Dept.	1
(5) Yonezawa Police Dept.	1
(6) Ooguni Police Dept.	1
(7) Amarume Police Dept.	1

2. a. The 5th Ind., Hq 86th Military Government, Hq and Hq Co., dated 14 March 1946, expresses the opinion that persons listed in basic communication are subject to removal under paragraph 1 E of SCAPIN 93 but states, "Recommendation for dismissal is not urged at this time as required

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Memo for the Record, subj: "Dismissal of Former Thought Control Personnel in Yamagata Prefecture", dated 26 Apr 1946.

cooperation is being given this command, except for Takeda, Ichiro, Chief of Yamagata Liaison Office" . . . who . . . "has not cooperated as he should" . . . and . . . "has falsely presented issues concerning commercial, industrial, and supply matters."

b. The 6th Ind, Hq 9th Corps, 27 March 1946, recommends dismissal of all personnel listed in paragraphs 3 and 4 of basic communication.

c. The 7th Ind, Hq 8th Army, 10 April 1946, approves recommendation of 9th Corps except as to the persons named in paragraph 4 of basic communication because these people were not members of Tokka-Ka on 4 October 1945.

d. The 8th Ind, GHQ, SCAP, 19th April 1946 (prepared by CIS) disapproves any dismissals. This action by CIS is based on the following grounds:

- (1) The 30 persons named in paragraph 3 of basic communication do not now occupy positions under the Ministry of Home Affairs, the Ministry of Justice, or in any police organization and, therefore, are not barred from their present positions by paragraph I E of SCAPIN 93. Only two of those listed may be affected but this is not clear from the information at hand.
- (2) The 15 persons listed in paragraph 4 of basic communication were not members of Tokka-Ka on 4 October 1945 and, therefore, are not barred by SCAPIN 93 from present positions in local police departments.
- (3) In due course all persons in both paragraph 3 and paragraph 4 will be removed by the Japanese government if they fall within the categories described in Appendix "A" of SCAPIN 550 (the purge directive).
- (4) Screening by the Japanese government of persons in government service is expected to be completed sometime in June; direct action by SCAP should be resorted to only if the Japanese government fails to perform its duty satisfactorily or "in cases of dire necessity."

3. Under SCAPIN 93 and present policies of the Supreme Commander the position taken by CIS is unavoidable and the Government Section, therefore, has concurred in the action.

4. Notwithstanding this concurrence, it is believed that SCAP's action in this case will result in the retention of undesirable personnel in positions from which they can obstruct or delay the accomplishment of occupation policies. Some of these persons, it is true, may be removed

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Memo for the Record, subj: "Dismissal of Former Thought Control Personnel in Yamagata Prefecture," dated 26 Apr 1946.

and excluded from government service under SCAPIN 550 but even under the amplified provisions of Category "G" of Appendix "A" of that directive it is doubtful whether more than a few will be affected. SCAPIN 550 aims at removing and excluding from public service those who may be defined as active exponents of militarism and aggression. It is not designed to exclude from critical positions in the Japanese government those who by training, background or temperament are unfit to perform the duties of those positions in a manner consistent with the objectives of the occupation.

5. The various Japanese liaison offices constitute a strategic link in the chain of SCAP's control of the Japanese government. Officials in these offices are more immediately important to SCAP than those who occupy positions under the Ministries of Justice and Home Affairs. Therefore, positions in the Japanese central, prefectural and local liaison offices should be added to the categories of government employment from which members of the Tokka-Ka are barred under paragraph I E of SCAPIN 93. Further, the prohibition should not be confined to those who were members on 4 October 1945 but should extend to all persons who were members at any time from 1937 on.

6. The presence of 15 members of the Tokka-Ka on local police forces is an anomaly made possible by the fact that they were not members on 4 October 1945, the date on which SCAPIN 93 was issued. The nature of police duties is such that men with Thought Control or Thought Prosecution in their training or background should automatically be disqualified from performing such duties without regard to whether they happened to be in such Thought Control organizations on 4 October 1945.

7. Recommendation: that the inclosed Check Sheet for the OCCIO be dispatched.

Frank Rizzo
FRANK RIZZO
Major, CMP

1 Incl:
Check Sheet for OCCIO.

CONFIDENTIAL

Local Admin

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

13 May 1946

MEMORANDUM FOR THE CHIEF, GOVERNMENTAL POWERS BRANCH.

SUBJECT: Comment on Memorandum Concerning Revision of Laws and Ordinances on Local Administration.

This memorandum raises a basic general question, perhaps because it is the first to come to hand dealing with the subject of the re-drafting of basic national law. That question is: Are the Japanese officials responsible for the submission of such drafts merely changing the content by altering words or are they making their revisions on the basis of careful studies of the problems involved?

If the former is true, serious consideration should be given either to directing the Japanese government to proceed with less haste in the drafting of the revisions of important laws or to directing the Japanese government to make quite clear to all concerned that the laws now being revised in accordance with the new *draft* Constitution are provisional.

Hasty revision of laws may result in the following: (1) the appearance of imposing them on the people by an authoritarian central government; (2) the creation of new machinery for administration on both the central and local levels which may prove to be even more unwieldy and inefficient than the present system; (3) the use, by those who wish to see a minimum of democratic change in Japan, of the "new" laws to argue that they represent a maximum of change in the direction of decentralization, thus impeding the rate of change; (4) too wide a gap between the letter of the law and the traditional Japanese ways of administration with a consequent development of contempt toward the "new democracy"; and (5) the possible imposition on the Japanese people of new and unreasonable tax burdens. It should be repeated that the above applies not only to the memorandum under discussion but also to the whole problem of revision of basic national laws.

It should be pointed out that the above arguments would not apply to a law as basic as the Constitution which establishes the general and in some cases specific principles on which government

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is to function. The laws based on the constitution do, however, deal with the actual operations of the government and consequently create problems as far as the citizen is concerned.

To return to the specific case under discussion, it would be much easier to comment constructively on the proposed changes in the Japanese law if the memorandum were accompanied by a statement from the Japanese authorities regarding the principles and the assumptions (both political and administrative) on which they were basing their proposed changes and any studies concerning the possible effects on the Japanese public of these or other possible changes in local administration. Such studies would deal with such problems as the increased (or decreased) cost of local government to the citizen, the anticipated increase (or decrease) in the number of local officials required under the proposed change, the manner in which certain public utilities, e.g., water power, are to be managed in the future.

It is safe to assume that such studies have not been made. If they have not been they should be, not only because of their intrinsic value but also because they would force the officials involved to take a view of their work different from that held hitherto. It might be added that such studies when made public would be a valuable contribution to the civic education of the Japanese people as a whole.

On the basis of the content of the memorandum under discussion it can be assumed that the Japanese authorities concerned with the drafting of the revisions were anxious to complete the revisions as rapidly as possible while at the same time making as few changes as possible in the old system. It may also be assumed that they are hopeful that a lack of public interest will insure the new basic law against too many changes in the future.

Although the argument that approval of any of the proposed laws by the Diet is equivalent to approval by the people as a whole and hence is an expression of the will of the people is a valid one, it is also true that the more solid information there is available and the more informed public discussion there is the greater is the possibility that sound laws will be approved.

It is strongly recommended that all steps be taken to insure that both officials and the general public regard the revision of any basic laws in accordance with the new draft Constitution as being only provisional in order to continue to keep the issues open so as to insure a maximum of study and public discussion.

The above would not apply to cases in which the officials concerned presented convincing documentary evidence that the proposed changes were more than mere revisions on paper.

While it is realized that haste is desirable in achieving the objectives of the occupation, it is also apparent that the occupation has now reached a stage in which ill-considered haste may result in an eventual failure to achieve fully and permanently such objectives.

JM
JOHN M. MAKI
Governmental Powers Branch

NOTED: CLK

Col Marcus

SECRET

For Official United States Personnel Only

GENERAL HEADQUARTERS
UNITED STATES ARMY FORCES, PACIFIC
Office of the Chief of Counter-Intelligence

APO 500
7 May 1946

MEMO FOR: Colonel Hoover

SUBJECT: Outline of China Mission Activities
16 April through 2 May 1946

I. General

1. Lt. Cols. Clarence H. Coleman and Carlos P. Marcus arrived in Shanghai approximately 1630 16 April 1946.

The morning after arrival, Cols. Coleman and Marcus reported to Col. Yeaten - Assistant Chief of Staff, Col. LaVelle - Deputy Chief of Staff, and Major Sullivan - Chief of Counter Intelligence, G-2, Headquarters, U.S. Forces in China, explained the mission and made arrangements for the inspection and collection of desired intelligence materials.

2. Col. Coleman then contacted the Judge Advocate General and concluded arrangements for the return of "Pick" Hovens from Shanghai to Tokyo.

3. Col. Marcus contacted the Strategic Services Unit and discussed the mission with Messrs. Smith and Crawford who are responsible for intelligence activities at the theater level and made arrangements for the collection of pertinent intelligence materials concerning Japanese or related to the Japanese problem.

4. Contacted Capt. Henri De Balthier Clairborne, 7th Fleet Intelligence Officer, and inspected the F-2 policy and dissemination file. However, since all intelligence materials considered pertinent to the Japanese situation had been disseminated to COMNAVJAP, this Headquarters (Capt. Stone), no arrangements were made to collect any copies. However, Capt. Clairborne was requested to expand the subject matter in his dissemination to this Headquarters in order to include any intelligence material of general interest concerning intelligence activities and political developments in China which affect or might possibly affect Japan.

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5. By 23 April complete arrangements had been made with G-2 and SSU to obtain all immediately available and pertinent intelligence materials, including a complete summary report of the intelligence situation in the China Theater--from SSU on 30 April and from G-2 approximately 5 May.

6. Pending the extraction of desired reports from G-2 and SSU files and the completion and duplication of summary reports referred to above, Cols. Coleman and Marcus obtained permission from the Deputy Chief of Staff, G-2, to visit Peiping for the purpose of contacting the SSU detachment stationed there with reference to Tokuma Kikan activities in that area. Upon return to Shanghai on 1 May, all immediately available materials were collected from G-2 and SSU and final arrangements made for the transmission of the complete summary reports from G-2 and SSU to this office.

7. The detailed list of contacts established and the assemblage of the materials obtained from the China Theater will be completed upon arrival of the remaining materials from SSU and G-2.

II. General Comments and Recommendations

1. G-2 referred to two uncoordinated visits by CIS and CIC personnel; namely:

a. Lt. Milligan who, according to Major Sullivan, Chief of Counter-Intelligence, failed to check with G-2 until six weeks after his arrival, and

b. Lt. Landau of the 53rd CIC Area who arrived in the Theater by water merely on verbal orders of his detachment commander on a repatriation matter. (See page 5.) *

Recommendation: Officially instruct all CIS and CIC personnel to report to appropriate authorities upon arrival in any area not under AFPAC jurisdiction and require prior clearance with appropriate authorities before departure.

2. The Assistant Chief of Staff, G-2, Col. Yeaton, indicated that the originally scheduled inactivation of the China Theater was purely nominal and merely a consolidation and re-organization, and that no important functions were being eliminated or key personnel released other than on routine demobilization.

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3. G-2, through Major Sullivan, and SSU, through Messrs. Smith and Crawford, indicated a desire for close coordination in the interchange of intelligence materials.

Recommendation: Headquarters, U.S. Forces in China be requested to send one or two competent representatives from G-2 and SSU to this Headquarters on TDY for approximately two weeks for the purpose of assisting the Counter-Intelligence Section, G-2, this Headquarters, in evaluating information developed by this Headquarters on Japanese personalities who have operated in China during the period covered by the 4 January Furge Directive, etc. (1951--)

(Note: The Counter-Intelligence Section, G-2, Headquarters, U.S. Forces in China, is operating on a shoestring. There are only 27 men in the organization, none of whom are considered top-flight material.

SSU has 5 field detachments and is in a better position than G-2 to collect and process intelligence data. However, it should be noted that SSU investigative techniques and standards are quite often a variance with those normally used and accepted by CIC and CIS in AFPAC. For example, many SSU reports lack continuity and consistency, and contain over-generalized and highly arbitrary and damaging allegations which are completely unsubstantiated by documentary proof or even indicate the source or nature of the specific details upon which the observations and conclusions are based. It is perhaps true that SSU may have documentary or other proof but the recipient of the report does not have access to same and therefore SSU reports must be accepted as leads and possible trends only. Furthermore, SSU's direct line to Washington, has in the past and can now and in the future result in the formulation of policy by Washington, the practicability or soundness of which is open to question.)

4. Col. R. C. Whitman, Chief of Repatriation, G-3, Headquarters, U.S. Forces in China, submitted his policy file for inspection with particular reference to the handling of Japanese military and technical personnel, and submitted a summary as of 2 May 46 indicating that only 473,764 Japanese remain in China proper--369,801 military and 103,963 civilian. This does not include figures of Japanese in Manchuria, of which there are an estimated 1,300,000. He also indicated that a statement of policy had been submitted to the Chinese Government to the effect that eventually all Japanese would be repatriated to Japan. The only exception at present to the above policy is that authority ^{was} granted to the Chinese authorities in Formosa to retain 5,600 technicians and 22,400 members of their families until June 1947.

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Recommendation: That this Headquarters indicate its interest in the rigid application of the above policy as the retention of Japanese personalities in China constitutes a definite security hazard inasmuch as these Japanese personalities have been and probably still are being exploited by the Chinese National Government as well as being indoctrinated and exploited by the Chinese Communists and the USSR.

5. Generally speaking, U.S. Forces in China have been and continue to be seriously handicapped in carrying out their functions due to corruption and inefficiency in the Chinese Government. Furthermore it appears from comments made by various sources that the China Theater received and continues to receive second-rate personnel. Most of the competent observers who were contacted on this mission saw no hope for immediate compromise and eventual prevention of full scale civil war in China in view of the pernicious corruption and inefficiency of the Chungking Government and the basic incompatibility of the Kuomintang and Chinese Communist policies and programs. The situation is further complicated by the mutual distrust between the two factions which is intensified in the case of the Yenan Communists by the fact that they are indivisibly associated with Soviet Communist ideology and methodology, and suspected of political collusion with the USSR; and in the case of the Kuomintang, by its past and current record of violent anti-Communist activity.

6. General MacArthur's statements to the Allied Council concerning the advisory and consultive powers of the Council and the activities of the Japanese Government concerning the implementation of the Purge Directive, drew unsolicited praise from the Army, Navy, and civilian personnel contacted; the general tenor of which was to the effect that this Headquarters was the only place in the world today where a firm, logical, and sound position was being taken in respect to dealing with USSR.

III. Specific Recommendations

1. That upon receipt of the reports from G-2 and SSU, U.S. Forces in China, all accumulated material be assembled and assigned to the most competent available officer in this office for the purpose of organizing such material in a manner which will facilitate reference and further analysis by experts on the various types of intelligence information contained therein and to supervise the development and follow-through of recommendations for necessary action.

2. ^{That} Close liaison between U.S. Forces in China and this Headquarters be established and maintained by means of:

- a. Permanent resident liaison officers in each Headquarters.
- b. Interchange of specialist personnel by two to four weeks TDY whenever pertinent and practicable.

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Note: This action is considered the minimum step justified in view of the well organized totalitarian forces which are operating in the continent of Asia and the large supply of multi-lingual personnel from practically all racial stocks which are available for exploitation by and as intelligence agents.

3. That a staff study be initiated immediately for the purpose of defining the intelligence situation and potentialities in the Far East, including Japan, and developing effective and coordinated machinery to deal with the problem. At present it can be unequivocally stated that the intelligence machinery on the continent of Asia is inadequate from the standpoint of personnel, both quantitatively and qualitatively, and from the operating standpoint by the lack of definitive policy, sound and flexible program planning and efficient administrative procedure to insure the expeditious interchange and coordination of intelligence information.

* Page 2

However, it should be noted that his sincerity and competence elicited favorable comment and resulted in adjusting certain defective procedures in the handling of repatriation records, etc.

CARLOS P. MARCUM
Lt. Colonel, AUS
Chief, Plans and Policies Branch

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*cross to
Pub. Health +
Welfare*

*Welfare
Ministry
Reorganization*

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

2 May 1946

MEMORANDUM FOR RECORD.

1. At 10:00 Wednesday, 1st May, Commander Hussey and Miss Ellerman met with Colonel Sams and Colonel Weaver of the Public Health and Welfare Section. The meeting was called for informal discussion of Public Health and Welfare Section's proposed directive, reorganizing of the Ministry of Welfare.

2. Colonel Sams proposed that this directive be issued concurrently with a directive establishing a Ministry of Labor. The latter directive is now in preparation in Labor Division, ESS. Certain bureaus and functions, presently in the Ministry of Welfare are to be transferred into the new Ministry of Labor. These will include the Labor Administrative Bureau, the Labor Bureau, functions relating to vocational guidance and unemployment insurance. All other social insurance, health insurance, accident insurance, and the like, will remain under the Ministry of Welfare.

3. Colonel Sams outlined the proposed reorganization of public health work. At present no regular prefectural offices, strictly responsible for public health activities, exist. Responsibility for health and sanitation matters is diversely scattered amongst the various prefectural units (education, police, etc.) and hence no effective program of sanitary or epidemic control can be effected. Under Public Health and Welfare Section's proposed reorganization, a Health Bureau will be set up in each prefecture, and will be given responsibility for all public health and sanitation activities in that prefecture. On the national level the Ministry will continue to exercise supervision, but for all essential operating purposes the prefectural Health Office will be an autonomous unit with full authority over local health services and medication, epidemic control and sanitation. Ultimately certain quasi-public national corporations that are both inefficient and reactionary, i.e., the Medical Control Corporation and the Medical Treatment Corporation, will be eliminated from prefectural operations. Much the same set-up is planned for the decentralization of relief

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