The testimony signed by Nakagawa and Sugimoto reads: "While he (NISHIMURA, Keizo) was the managing director of the above-mentioned company (Furukawa Denki Kogyo K.K.), he devoted himself to the technical improvement and researches as the chief of Metal and Technical Department, and after he was succeeded by another as the Department chief, he became the head of the field office for the construction of the company's Hiratsuka Plant in the suburb of Hiratuska-shi, Kanagawa-ken, devoting his whole time to the new task. Later he assumed the post of the president of Furukawa Chuzo K.K. (Furukawa Metal-Casting Company), of which he had been a technical leader, and thus rendered his services to an enterprise not belonging to the Furukawa Denki Kogyo K.K." The testimony of Kimura, referred to above, states: "(b) Managing Director. As mentioned above, the managing directors were in strictly co-equal status. Those who attended office daily were either the chiefs of Departments or the chiefs of the company's plants. They were charged with the responsibilities only in reference to such partial matters as were in their own respective jurisdiction, and were vested with no higher authority than a high salaried employee. For instance, the chief of the Metal and Technical Department was charged only with technical matters, and even when he was a managing director, personnel affairs would be referred by the chief of the General Affairs Department direct to the president or the vice-president without consulting him. Matters relating to accounts and business affairs were handled likewise. (c) Supplementary Report Relative to Mr. Keizo Nishimura. In the case of Keizo Nishimura,..... (omitted)...

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he lived in Nikko during 1942 and 1943, and was solely engaged in the technical guidance at the Nikko Denki Seidosho (Nikko Electric Copper Refinery) and in the designing of new plants at Oyama-cho, Tochigi-ken, and at Hiratsuka-shi, Kanagawa-ken, the establishment of which was then under contemplation. In January, 1944, he moved to Hiratsuka-shi and since then devoted himself to the construction of the new plant." Further reference may be made to the "List of Officials of the Company as of January 1, 1943 and January 1, 1945," and the comparative table showing the number of important matters of the company which were deliberated upon during the appellant's term of office as a managing director, and the number of the decisions in which he participated, attached to the above-mentioned testimony. Besides, the testimony of KAKIZAWA, Atsutaro, the mayor of Hiratsuka-shi, dated July 15, 1947, reads in part: "My acquaintance with Mr. Keizo Nishimura, the president of the Furukawa Denki Kogyo K.K. dated from the autumn of 1943, when he began to make frequent visits to Hiratsuka-shi, Kanagawa-ken, charged with the work of establishing the Hiratsuka Plant of the Furukawa Denki Kogyo K.K. Since the beginning of 1944 he was absorbed in the establishment of the new plant, having taken up his residence in Hiratsuka-shi, so that the opportunities to get in touch with him increased suddenly..... (omitted).... We were neighbors, separated only by a single fence, therefore I am well acquainted with his daily life.

It is described that "Mr. Nishimura was, as stated above, a managing director of the Furukawa Electric Industry Company, Ltd., but as a matter of fact he had to consult with the company's

head office and obtain the approval of the president concerning business matters of the company and so even with the matters, be they important or not, pertaining to the construction of the company's Hiratsuka Factory which was in his charge." "As stated in the petition, much more so with the general and fundamental affairs of the company and Mr. Nishimura had entirely no power in these matters, his managing directorship having been only nominal," according to Mr. Kakizawa.

This may be further proved by the statement made in the testimony dated July 4, 1947 by Mr. Shinichi Kanaya, Managing Director of the Kanaya Hotel, Nikko. He therein states:

"He has been a friend of mine of long standing since the days he lived in Nikko-machi as a member of staff of the Nikko Electric Copper Smelting Works of the Furukawa Electric Industry Company, Ltd. which was situated at Nikko-machi, Kami Toga Gun, Tochigi Prefecture. As he stayed at the Kanaya Hotel which I managed, I had frequent chances of talking with him during the two years since the beginning of 1942 when he was charged with the duty of guiding in technique at the said smelting works subsequent to his return in the previous year from a trip to Europe. (syncopation)

"Mr. Keizo Nishimura was appointed in December, 1942 a managing director of the Furukawa Electric Industry Company, Ltd., but this promotion brought no change to his daily life and same as before, he did nothing but go to work at the said factory every day, leaving the hotel at a regular time. This state of affairs

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gave us a rather strange feeling and we even sympathized with him because his directorship seemed to be too nominal a position."

Judging from the above facts recognized by this Committee, it is proper to consider that though he was nominally in the position of a managing director of the Furukawa Electric Industry Company, Ltd., between December, 1942 and September, 1945, the petitioner was in no case actually conferred the power which should be, according to the generally accepted idea, incidental to the managing directorship. Accordingly, it is right to interprete that he does not come under the category of the managing director under Paragraph 6 of "the Interpretation of Category G."

Under these circumstances this Committee has reached the aforementioned decision inasmuch as the prime minister was unjustified to designate him as person falling under the SCAP Memorandum under the interpretation that he comes under the category of the managing director under Paragraph 6 of "the Interpretation of Category G" and that he consequently comes under Cabinet Order of 1947 and also Item 3 of Paragraph 7 of Table I attached to Home Ministry Ordinance No. 1.

Public Office Qualification Appeal Board

~~Koshoku Soshin~~
~~Hatsu No.59~~

REPORT ON EXAMINATION

On 8 August, 1947, the Public Office Qualification Appeal Board held its 43rd meeting, and following a careful examination of the appeal filed by (Mr.) Tadao Yamakawa, a decision as follows was unanimously carried by the 7 members of the Board who were present at the meeting stated above.

Decision

The notification issued by the Prime Minister under date of 8.August, 1946, designating Tadao Yamakawa as a purgee as prescribed in the memorandum issued from the General Headquarters of the Supreme Commander for the Allied Powers under date of 4 January, 1946, and addressed to the Japanese Government should be rescinded.

Reason

On account of the fact that the appellant Tadao Yamakawa had been appointed professor of the Navy in April, 1917, being conferred the Second rank of the higher civil service, and remained in said office until April, 1920, the Prime Minister recognized him as a person falling under sub-item 8 of item 2 of Annex No. 1 to the joint ordinance of the Cabinet and the Home Ministry for 1946, and as prescribed in Article 1 of the Imperial Ordinance No. 109 of the same year, designated the appellant as a purgee as prescribed by the GHQ Memorandum. The appellant, however, found the designation unacceptable and has filed the present appeal with this Board.

The assertion of the appellant may be summarized as follows:

(1) The sub-item 8 of item 2 of Annex No. 1 as stated above reads "All civil officials (lines following omitted) of Chokunin and

higher rank attached to the Navy Ministry (lines following omitted)". The words "Navy Ministry" herein should be interpreted as words indicating Navy Ministry proper, instead of all organizations belonging to the Imperial Navy. This is a natural conclusion judging from the established usage of terms and technics for use in laws and regulations. It was as professor at the Naval College that the appellant was assigned to the Imperial Navy in the capacity of a Chokunin rank official. He was outside of the Navy Ministry Proper. Therefore, he does not fall under the provisions stated above. (2) Ever since he resigned his post in the Imperial Navy in April, 1920, he has had nothing whatsoever to do with the Imperial forces. The appellant, however, is designated as a purgee only because he was assigned to the Imperial Navy as many as 27 years ago in the capacity of a Chokunin rank professor. This is not only unfair in contrast with the categories of purges applied to the Government officials in general and people outside the Government, but also unjustifiable from the logical point of view. (3) Since 1927, when the appellant quit his office in the Government, he has been assigned to the Kokusai Remmei Kyokai (League of Nations Society) as managing director and vice-president, and, throughout his long service with said society, has done his very best to explain the true circumstances of international relations to our people and thoroughly awaken them to the necessity of international cooperation.

Now, it goes without saying that the provisions of sub-item 8 of item 2 of No.1 of the Annex as stated above constitute one of the criterions for designating purgees in accordance with the

memorandum from the Headquarters of the Supreme Commander for the Allied Powers. In order that the words "Navy Ministry" in the said provisions may be interpreted as words indicating Navy Ministry proper only, there must be some reasons for drawing a clear line of demarcation between the civil officials of Chokunin and higher rank, including those who were in any official posts usually occupied by civil officials of Chokunin and higher rank, who were assigned to the Navy Ministry Proper, and those who belonged to various naval organizations outside of the Naval Ministry Proper, thereby justifying the banishment of the former, but qualifying the latter for any public offices. In view of the spirit by which the present purge is to be effected, we can not recognize the existence of any such reasons. Therefore, we deem it right that the words "Navy Ministry" should be interpreted as words indicating not only the Navy Ministry Proper, but also all organizations of the Imperial Navy. The provisions stated above, however, constitute one of the criterions by which some persons are disqualified for public offices. Therefore, where the person in view, though once attached to the Navy as a Chokunin rank civil official, had had nothing to do with the important duties of the navy, and moreover it was many years ago that he was in the said post, it is quite proper that the person shall be exempted from the application of the criterion. This must be especially the case with the appellant, because ever since he resigned his official post as stated above, he has had nothing to do with the Imperial forces, has never had his hand in any work which may justify his designation as a purgee. On the contrary,

DECLASSIFIED AND E.O. 11652 SEC. 5(E) AND 5(B) OR (E) NNDG # 795 012

the appellant has since rather upheld his opinion as against "the authority and influence of those who have deceived and misled the people of Japan into embarking on world conquest" as stated in the GHQ memorandum.

His relations with the Navy Ministry dates back to October, 1916, when he was assigned to the said Ministry as a Chokunin rank civil official in addition to his office proper. In April, 1917, he became a full time Chokunin official of the Navy Ministry, which post he retained until April, 1920, when he severed his relations with the Navy. The above is true to the fact as mentioned in the personal history of the appellant which has been furnished by the appellant himself. His relations with the Navy are now a matter from 27 to 32 years old. It is also mentioned in his personal history that his duties in the Navy in the capacity of a Chokunin rank civil official was to take charge of the chair of international public law which, in the absence of any evidence to the contrary, may be admitted to be true to the fact. Consequently, it may be acknowledted that the appellant was not required to take part in the council of the Navy, his duties therein being entirely of subsidiary nature. According to the personal history submitted by the appellant as stated above, he does not fall under any other items disqualifying him for any public offices as enumerated in the GHQ memorandum. Furthermore, the appellant has been assigned to the Kokusai Remmei Kyokai (or the League of Nations' Society) ever since its establishment in April, 1920, in the capacity of Managing Director. In 1927, he was elected Vice-President of the

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said society, in which post he remained up to 1941. This is mentioned in his personal history and may be admitted to be true to the fact. That the object of the said society was to enable our people at large to grasp the international situation in its real aspect and awaken them to the necessity of international cooperation is a matter of great significance to this Appeal Board. Judging from various matters mentioned above, it may be acknowledged that for many years in the past, the appellant has firmly upheld himself as against ultra-nationalism, always exercising efforts to lead our people along a peaceful path in a spirit of international cooperation. All things considered, we deem it fair to judge that the appellant does not fall under the criterion as specified in sub-item 8 of item 2 of No.1 of the Annex referred to above. Consequently, this Appeal Board has arrived at a conclusion that the Prime Minister was mistaken when he designated the appellant as a purgee as prescribed in the GHQ memorandum based on his understanding that he was falling under the criterion as stated above. Hence the decision has been made as given at the beginning.

The Public Office Qualification Board.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (C) NNDG # 775 072

Public Office Qualication Appeal Board

Examination Report No.57

Examination Report

The Public Office Qualification Appeal Board held its forty-fifth meeting, with its six members present, on 15 August 1947 and, having examined the appeal of NISHIMURA, Keizo, appellant, unanimously decided as follows.

Decision

The designation of NISHIMURA, Keizo, as coming under the SCAP Memorandum to the Japanese Government dated 4 January 1946 made by the Prime Minister under date of 6 June 1947 in accordance with the provisions of Article 4 of Imperial Ordinance No. 1 of 1947 should be rescinded.

Reasons

The Prime Minister designated NISHIMURA, Keizo, appellant, as coming under the SCAP Memorandum on the grounds that the fact that the appellant held the office of managing director of the Furukawa Electric Industry Company Limited (Furukawa Denki Kogyo Kabushiki Kaisha) from December 1942 to September 1945 makes him subject to the application of No.3 of No.7 of Appendix No.1 of Government Ordinance: Ministry of Home Affairs Ordinance No.1 of 1947. The appellant objected to the designation and filed the present appeal, demanding its rescission.

The.

DECLASSIFIED E.O. 11652 SEC. 5(E) AND 5(D) OR (E) NNDG # 773 072

The gist of the contention of the appellant is as follows:

(1) The right to represent the Furukawa Electric Industry Company Limited pertained to the President and the Vice President (or the special managing directors), but not to any of the managing directors or other directors, as provided for in the articles of incorporation then effective. Especially during the war time, affairs of the company needed prompt disposal and were decided exclusively by the directors who had the right to represent the company.

(2) In the Furukawa Electric Industry Company Limited, "managing director" was merely a title given to directors who had been promoted from among employes and served for long years, and their functions did not differ in any way from those of ordinary directors.

(3) At that time the board of directors of the company met once in two or three months. However, the meeting was held only for the purpose of keeping the formality of affairs of the company and hearing post facto reports on those affairs which had already been decided upon by the President and the Vice President.

(4) During the war time there were three or four managing directors in the company and they had the assigment as directors of departments or chiefs of plants; they were responsible only for matters specially assigned to them; they had neither over-all

or

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 793 072

or comprehensive responsibility nor controlling authority.

(5) From prior to the appellant's assumption of office as a director in December 1937, he had been in charge only of technical matters as director of the metal technique department; he made a trip in the United States from October 1939 to March 1940 and in Europe from October of the same year to December 1941; after he returned to Japan, he lived in Nikko Town, Tochigi Prefecture from the beginning of 1942; he was in charge of only technical guidance at the Nikko Electric Copper Refinery Works (Nikko Denki Seido Sho) owned by the Furukawa Electric Industry Company Limited and the planning of the construction of new works which the company was contemplating to build at Oyama Town, Tochigi Prefecture and at Hiratsuka City, Kanagawa Prefecture; from January 1944 he moved to Hiratsuka City and took charge of the construction of the new works.

In the meantime he was in office as a managing director from December 1942 and it was while he lived in Nikko and Hiratsuka. During his tenure of office as a managing director, important affairs of the company referred to deliberation numbered in total 2013, whereas the affairs in which he took part numbered no more than 68 and they all concerned technique or construction which were in his direct charge.

Therefore, the appellart, who was nominally a managing director of the company, was given no functions which are understood by prevailing common sense as pertaining to the office of managing director; hence he was not the managing director as stipulated

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775 072

pulated in No.6 of the Standards for Examination and Judgment under Section G; accordingly he should not be designated as coming under the Memorandum.

The appeal was examined accordingly. No6 of the Standards for Examination and Judgment under Section G lists as persons to be designated as coming under the Memorandum the President and Vice President of the board of directors, the President and Vice President, the special managing directors and managing directors, who are understood by prevailing common sense as having ex officio the authority to participate in such important matters as decision and execution covering the whole extent of the operation of a company, and those who, without assuming the posts of such officials, virtually possessed the same authority or influence as such officials. The listing is interpreted to mean that any person who, ex officio or otherwise and directly or indirectly, wielded the authority as above-mentioned in connection with the operation of a company should be designated as coming under Section G of the Memorandum.

On the other hand, the listing should properly be interpreted that a person who was nominally one of such officials of a company as are listed in No.6 of the Standards for Examination and Judgment under Section G but in practice had no such authority as is understood by prevailing common sense as pertaining to that office, and therefore did not wield such authority, on account of special conditions in the company does not come under the

above-mentioned

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDG # 775 072

above-mentioned standards in the light of the spirit of purge. The idea that form and substance should be distinguished and that judgment should be given in accordance with substance is proper being in conformity with the purport of the Remarks of No.7 "Other militairsts and ultra-nationalists" of Appendix No.1 which stipulate "Designation as coming under this section should be made after individual examination and the standards therefore should be generally as follows," indicating that whether or not a particular person comes under the standards should be decided by examining his special circumstances.

The fact that (1) the right to represent the Furukawa Electric Industry Company Limited pertained exclusively to the President and the Vice President (or the special managing directors), but not to managing directors and other directors; (2) "managing director" of the company was merely a title given to directors who had been promoted from among the employes and served for long years and their functions did not differ in any way from those of ordinary directors; (3) the board of directors of the company was a meeting only for the purpose of hearing post facto reports for formality's sake can be sufficiently established by the following entries:

The entry in the testimony jointly signed by NAKAGAWA, Suekichi, former Director and President of the Furukawa Electric Industry Company Limited and SUGIMOTO, Isuzu, former Director and Vice President of the same company, dated 22 March 1947, "Mr. NISHIMURA, Keizo, Director and President of the Furukawa Electric

Industry

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 795 072

Industry Company Limited, held the office of managing director of the same company since December 1942; however, as shown by the articles of incorporation of the company in the appendix, the managing director of the company had no right to represent the company and, being war time, affairs of the company were promptly disposed of exclusively by the directors who had the right to represent the company, while other directors merely heard post facto reports at the meeting of directors held once in a month or three; his was not an office generally understood by the title "managing director"; especially in that company it was customary to recommend as directors those employes who had rendered distinguished services and give them in due order the title of managing director."

The entry, an excerpt of the articles of incorporation then effective, in the appendix to the above-cited testimony, "The President shall represent the company, become chairman of the board of directors and supervise all affairs of the company. The special managing director (subsequently the Vice President) shall represent the company, assist the President and dispose of affairs of the company, and act for the President when he is prevented from discharging his functions."

The entry in the explanation of KIMURA, Kisaburo, former Director of the General Affairs Department of the Furukawa Electric Industry Company Limited, dated April 1947, "2. Operation at that time: (a) The President and Vice President: They had, needless to say, the right to represent the company, and all affairs

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were decided by those two; (b) Managing Directors and Directors: There was no authority specifically provided for as pertaining to the managing directors or directors; the difference between them was only that the title of managing director was given to directors who had been selected from among the employes and served for long years; the managing directors were the same as ordinary directors in function: (c) Board of Directors: The board of directors was an organ only for the purpose of keeping the formality of the operation of affairs of the company; as stated above, all affairs were decided by the President and Vice President, and the board of directors which met once in two or three months merely heard post facto reports on those affairs."

(4) During the war, the Furukawa Denki Kogyo K.K. had three or four managing directors (Jomu). But they assumed the posts of the chiefs of departments and plants, and were only charged with responsibilities for partial affairs, and were not vested with comprehensive responsibility for the management of the whole company, nor with controlling powers.

(5) The appellant was appointed the director of the company in December, 1937. He had been the chief of Metal and Technical Department and been chiefly engaged in technical matters. Even after assumption of the post of directorship, his main activities continued to be confined to the works of technical guidance and construction, so that he has not participated in the general affairs of the company's management. This fact may be sufficiently testified by the statements already referred to above.

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The testimony signed by Nakagawa and Sugimoto reads: "While he (NISHIMURA, Keizo) was the managing director of the above-mentioned company (Furukawa Denki Kogyo K.K.), he devoted himself to the technical improvement and researches as the chief of Metal and Technical Department, and after he was succeeded by another as the Department chief, he became the head of the field office for the construction of the company's Hiratsuka Plant in the suburb of Hiratuska-shi, Kanagawa-ken, devoting his whole time to the new task. Later he assumed the post of the president of Furukawa Chuzo K.K. (Furukawa Metal-Casting Company), of which he had been a technical leader, and thus rendered his services to an enterprise not belonging to the Furukawa Denki Kogyo K.K." The testimony of Kimura, referred to above, states: "(b) Managing Director. As mentioned above, the managing directors were in strictly co-equal status. Those who attended office daily were either the chiefs of Departments or the chiefs of the company's plants. They were charged with the responsibilities only in reference to such partial matters as were in their own respective jurisdiction, and were vested with no higher authority than a high salaried employee. For instance, the chief of the Metal and Technical Department was charged only with technical matters, and even when he was a managing director, personnel affairs would be referred by the chief of the General Affairs Department direct to the president or the vice-president without consulting him. Matters relating to accounts and business affairs were handled likewise. (c) Supplementary Report Relative to Mr. Keizo Nishimura. In the case of Keizo Nishimura,.... (omitted)...

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It is described that "Mr. Nishimura was, as stated above, a managing director of the Furukawa Electric Industry Company, Ltd., but as a matter of fact he had to consult with the company's head

head office and obtain the approval of the president concerning business matters of the company and so even with the matters, be they important or not, pertaining to the construction of the company's Hiratsuka Factory which was in his charge." "As stated in the petition, much more so with the general and fundamental affairs of the company and Mr. Nishimura had entirely no power in these matters, his managing directorship having been only nominal," according to Mr. Kakizawa.

This may be further proved by the statement made in the testimony dated July 4, 1947 by Mr. Shinichi Kanaya, Managing Director of the Kanaya Hotel, Nikko. He therein states:

"He has been a friend of mine of long standing since the days he lived in Nikko-machi as a member of staff of the Nikko Electric Copper Smelting Works of the Furukawa Electric Industry Company, Ltd. which was situated at Nikko-machi, Kami Toga Gun, Tochigi Prefecture. As he stayed at the Kanaya Hotel which I managed, I had frequent chances of talking with him during the two years since the beginning of 1942 when he was charged with the duty of guiding in technique at the said smelting works subsequent to his return in the previous year from a trip to Europe. (syncopation)

"Mr. Keizo Nishimura was appointed in December, 1942 a managing director of the Furukawa Electric Industry Company, Ltd., but this promotion brought no change to his daily life and same as before, he did nothing but go to work at the said factory every day, leaving the hotel at a regular time. This state of affairs

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Judging from the above facts recognized by this Committed, it is proper to consider that though he was nominally in the position of a managing director of the Furukawa Electric Industry Company, Ltd., between December, 1942 and September, 1945, the petitioner was in no case actually conferred the power which should be, according to the generally accepted idea, incidental to the managing directorship. Accordingly, it is right to interpret that he does not come under the category of the managing director under Paragraph 6 of "the Interpretation of Category G."

Under these circumstances this Committee has reached the aforementioned decision inasmuch as the prime minister was unjustified to designate him as person falling under the SCAP Memorandum under the interpretation that he comes under the category of the managing director under Paragraph 6 of "the Interpretation of Category G" and that he consequently comes under Cabinet Order of 1947 and also Item 3 of Paragraph 7 of Table I attached to Home Ministry Ordinance No. 1.

Public Office Qualification Appeal Board

Independent Candidate for H.C.

Examination Report

The Public Office Qualifications Appeal Board opened its 40th Committee Meeting on July 30, 1947, and upon examining the appeal submitted by MIYAKAWA, Munenori, the six members present decided unanimously as follows.

Decision

The designation by the Prime Minister that in accordance with Art. IV of Imperial Ordinance No.1 of 1947, MIYAKAWA, Munenori falls under the provisions of the Memorandum mentioned in the same Ordinance, shall be regarded adequate not to be withdrawn.

Reason

The Prime Minister decided that the appellant falls under 6 of IV of Appendix I to Cabinet and Home Ministry Ordinance No.1 of 1947 and accordingly falls under the provisions of the Memorandum. The appellant proceeded to this appeal, protesting against this decision.

The gist of the appellant's assertion consisted in the following points:

(1) At the time of the appellant's assumption of office as Chief of Investigation Department of the Dai Nippon Kōa Dōmei, (The Asia Development League of Great Japan) suddenly difficult circumstances arose concerning the official appointment of SHIGAYI, Kan, who was unofficially scheduled for the Chief of the Editorial Department of the said League, to the post of the Chief of the Editorial

Department. The appellant was therefore requested to assume concurrently for a while the post of the Chief of the Editorial Department, while SHIGAKI, Kan would hold the post of the Vice-Chief of the Editorial Department. The appellant accepted the offer on the condition that MIYAGAWA would hold the said post only nominally.

(2) Owing to the circumstances of his assumption of office mentioned above as well as the pressure of his principal business and his inexperience in editorial work, editing was actually executed by the Vice-Chief of the Department, the appellant seldom taking the chair of the Chief of the Editorial Department.

(3) He was not even the dummy editor of the magazine published by the said League, either.

(4) His term of office was short, namely, from November, 1942 to March, 1943.

(5) He did not write editorials and the like, except only one message of condolence for the President of the League

Then Appeal Board proceeded to examination on the case. He admits that he held concurrently the post of the Chief of the Editorial Department of the Dai Nihon Kōa Dōmei from Nov. 10, 1942 to Mar. 22, 1943. Moreover, the appellant states that during that period the official periodical of the League entitled "Kōa Shūhō" (Asia Development Weekly) had been published 14 - 15 times, and the League's monthly magazine, about 3 times, thus admitting his activity relating to the Editorial Department. The appellant asserts that the actual business

of the Chief of the Editorial Department was carried out by the Vice-Chief of the said Department, citing the circumstances about his assumption of office, the pressure of his principal business and his inexperience in editorial matters. Even if it were so, the Chief of the Editorial Department was under the Secretary-General of the League and the Director of the First Bureau to which the Editorial Department belonged, and the Chief of the Department took charge of the editing business of the League, bearing all the responsibility concerned. The wording, "who has held the position of editor of any publication or organ of any of the organization mentioned in items 1 - 5 above" (including Dai Nihon Kōa Dōmei) in 6 of IV of Appendix I, Cabinet and Home Ministry Ordinance No.1 of 1947, shall be so interpreted as to include at least those who held the post to bear full responsibility concerning editing, judging from the spirit of the Memorandum relating to screening. Therefore, even if there ever existed any person who conducted the actual business regarding editing, it is not adequate to regard the person in question as not belonging to a person "who has held the position of editor". The term of his concurrent office of the Chief of the Editorial Department was four months and ten odd days and not long, but this fact cannot serve as evidence that the appellant should not be regarded as editor, judging from the activities of the Editorial Department during that time.

Therefore, the designation by the Prime Minister that

the appellant falls under the provisions of the Purge Memorandum shall be regarded adequate.

Independent Candidate for a village headman

Examination Report

Public Office Qualification Appeal Board opened the 38th meeting, attended by five members on July 23 of 1947, in order to examine the Appeal submitted by AKAGI, Ichiro and decided unanimously as follows:

Decision

The decision of which the Governor of Okayama Prefecture designated AKAGI, Ichiro as a person who fell under the Memorandum in the same Ordinance in accordance with the provisions of Article 4 of Imperial Ordinance No.1 1947, is right and proper. It's unnecessary to change the said decision.

Reason

The Governor of Okayama Prefecture recognized that the Appellant, AKAGI, Ichiro was a influential member of "WAKI KINNO MAKOTO MUSUBI" (Waki Loyalist True Solidarity) from the beginning of its establishment to dissolution and designated him the person who falls under the provisions of items 1 and 2 of III of Appendix No.1 of cabinet and Home Ministry Ordinance No.1, 1947.

Approved 20/Aug/47

The Appellant expressed his dissatisfaction with the Decision and presented this Appeal.

The substance of the Appeal is as follows:

(1) About the end of 1939, the appellant and serveral others named their meetings. The name was simply "WAKI MAKOTO MUSUBI KAI". At this occasion, they agreed to have no connection with "KINNO MAKOTO MUSUBI," omitting the word of KINNO (Loyal) and to hold the meetings, following Prince WAKI's principles.

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(2) Concerning "WAKI MAKOTO MUSUBE KAI," the appellant said that he so occupied with business of both school and Shinto Shrine that he couldn't be troubled with any meeting and made a request to be asked for if there was any business for him to do.

(3) Afterwards, lecture meetings or round-table meetings were held frequesntly by members of "KINNO MAKOTO MUSUBU' and others. The appellant consulted with a certain Nakahara the former Principal of WAKI Girls' High School about his awkward position, fearing misunderstandings by the people. At Nakaharas suggestion they established "WAKI JIKU," (private school) and "WAKI MAKOTO MUSUBI KAI" was dissolved substantially at this time.

(4) The Object of "WAKI JIKU" was to propagate and promote Prince WAKI's principles. The Appellant was elected to the assistant head of "WAKI JUKU" and delibered several lectures but he had become discontented with the tendency of "WAKI JIKU" and broke with it for the reason of his discontent and his business of Shinto Shrine.

The appeal Board examined the Appeal and came to the following conclusions.

It is the first question whether "WAKI KINNO MAKOTO MUSUBI" and "WAKI MAKOTO MUSUBI" were the same thing or not. The questionnaire submitted by the Appellant to the Governor of Okayama Prefecture on April 8 of 1947 clearly showed. In establishing "WAKI KINNO MAKOTO MUSUBI" clutural organisation, following the principles of Prince WAKI the appellant played

a role concerned Besides, in the report which SAKATA, Shigenori, director of Okayama Prefectural Branch made on March 22 of 1947 from an oral statement by YAMADA, Rikichi former manager of Office of Okayama District of "KINNO MAKOTO MUSUBI", there was such a mentioning as follows: as "KINNO MAKOTO MUSUBI" was popularly called "MAKOTO MUSUBI," the periodical of the said society was titled "MAKOTO MUSUBI," ..... (omitted) "WAKI KINNO MAKOTO MUSUBI" is the formal name of the society and, members of the office of the society usually called it "WAKI MAKOTO MUSUBI."

Considering together the above evidences, Appeal Board recognize that "WAKI MAKOTO MUSUBI KAI" in the Questionare written by the appellant is exactly the same with "WAKI KINNO MAKOTO MUSUBI" mentioned in III Appendix I of Cabinet and Home Ministry Ordenance No. 1 of 1947.

The contrary evidence submitted by the appellant that "WAKI MAKOTO MUSUBI" in a draft of written oath at the beginning of establishment of the society had no word of "KINNO" shall have no influence with the decision of the Appeal Board.

With regards to the second question as to whether the appellant had held an active position from the establishment to the dissolution of the "WAKI MAKOTO MUSUBI" or not, he described in the Questionnaire that he was not an assistent nor had any relation the said Society. However, the following description is, sufficient at least to conclude that the appellant recognized his participating in the establishment of

the said Society: ---- Worrying over the corruption of morals of the local youth, the interested persons have often held meetings and they have become convinced of the necessity of a cultural guidance organ for the youth. Meantime, Mr. Rikichi Yamada came from Okayama City, (obriged) and they founded a cultural organization called "WAKI KINNO MAKOTO MUSUBI" after listening to his explanation on "MAKOTO MUSUBI".

Taking into consideration the above fact and (1) the testimony of Tadashi Wakahayashi, Secretary of Okayama Prefectural Branch, concering an oral statement by Kacru Shinzyo former assistant of "WAKI KINNO MAKOTO MUSUBI," dated April 20, 1947 describing "the appellant participated, as a central figure both in WAKI KINNO MAKOTO MUSUBI and Waki Juku and he was a nominal assistant of MAKOTO MUSUBI" (2) the description in a booklet "Collection of Exemples of Public Office Screening Criterias", issued by the Home Ministry, of "names of three persons besides that of the appellant, as assistants of the "WAKI KINNO MAKOTO MUSUBI", (3) the description in the above testimony made from oral statement of the above mentioned Rikichi Yamada, denoting "with regard to the organization of "KINNO MAKOTO MUSUBI", the Society was primarily a spiritual comarradeship union, so that there was no rules, regulations, nor officers such as president etc., in the center and local offices, and also no officers of the organization, in the local fraction units, The persons who arranged for lectures were called "Servanin" (assistant), and those assistant managed, in fact, the Society", and (4) the description in the same testimony saying "it is regarded that,

that, in the relations between the assistant Kaoru Shinjo and the appellant, the latter, having a social position higher than the former, was considered to have held the position of councillor or adviser to Kaoru Shinjo, it seems proper to recognize that the appellant was one of the founders of WAKI KIKNO MAKOTO MUSUBI, and one of the persons who held a principal officer of the said Society.

The designation made by the Governor of Okayama Prefecture is, therefore, recognized adequate and the Appeal Board decides as mentioned above.

SANDA 20 Aug 47

Approved 20 Aug 47
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Examination Report

The Public Office Qualifications Appeal Board opened its 28th Committee Meeting on June 18, 1947, with six members present, and upon examining the appeal by ARAFUNE, Seijūrō, decided unanimously as follows.

Decision

The designation by the Prime Minister that ARAFUNE, Seijūrō falls under the provisions of the Memorandum from G.H.Q. to the Japanese Government dated Jan. 4, 1946, in accordance with the provisions of Art. IV of Imperial Ordinance No.1 of 1947, shall be regarded adequate not to be withdrawn.

Reason

The Prime Minister decided that the appellant falls under I, IV of appendix I of Cabinet and House Ministry Ordinance No.1 of 1947, because he was Chief of Takashino Village Branch, Saitama Prefecture and Chief of Chichibu-gun Branch of the same Pref. the I.R.A.A. However, the appellant proceeded to this appeal, protesting against the said decision . The gist of the assertion consisted in the following points:

(1) The appellant cherished a strong antipathy against the I.R.A.A. movement, as he was originally engaged in a peaceful industry and harboured indignation against the military clique.

(2) The appellant assumed the post of village headman

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owing to the urgent request of the villagers that he would take the trouble of coping with the disorderly administration of the village. Such being the case, he seldom came to the village office, being occupied with household cares, so all the village administration was performed by the assistant village headman and his being as a headman was quite nominal.

(3) He displayed no activity concerning the I.R.A.A. He was so indifferent in this respect that he came afterwards to know of his post of the Chief of the Village Branch of the I.R.A.A.

Then, Appeal Board commenced the examination. It is stated in the Questionnaire submitted by ARAFUNE that he was the Chief of the Chichibu-gun Branch and the Chief of the Takashino Village Branch of the I.R.A.A. from March 31, 1943 to June 30, 1945. The appellant asserts that he displayed no activity as Chief of Village Branch of the I.R.A.A. The certificate signed by KITABORI, Kinjiro, former assistant village headman of Takashino Village, and ten other persons dated March, 1947, states that his work as Village Headman was not worth mentioning.
The certificate by AYAKAWA, Takeji, Chief of the Saitama Prefectural Secretariat of the I.R.A.A., too, states that the appellant assumed a firm attitude against the I.R.A.A., and got the routine of the I.R.A.A. operated by the assistant village Headman with Takashino Village, and by the Chief of the Local Agency of the Prefectural Government, with Chichibu-gun. In spite of the evidences above, Appeal Board cannot admit that the business of the Branch of the I.R.A.A. was

executed in the name of the assistant village Headman or the Chief of Local Agency of Prefectural Government, and not in the name of the appellant; therefore, Appeal Board must acknowledge that it was executed in the name of the appellant as Branch Chief all the same, though in fact it was operated by the assistant village Headman or Chief of Local Agency of Prefectaral Government. Accordingly, the business of the I.R.A.A. Branch was executed by the appellant, so far as it was executed in the name of the appellant as Chief of the Branch. We cannot but admit that the merits and demerits, if any, of the Chief of the Branch are attributable to the appellant. In a word, we cannot adopt the assertion by the appellant that the appellant displayed no activity as Chief of Village Branch or Chief of Gun Branch, so far as the evidence that the business was never performed in the name of the appellant as Branch Chief, but always by the assistant village Headman or the Chief of Local Agency of Prefectural Government in their name, is lacking. The appellant insists that his designation of purgee as Branch Chief is unfair, by citing the fact that he, was not only an ardent anti-militarist but also cherished antipathy against the I.R.A.A. movement. Even this fact cannot serve as an evidence that the individual concerned did not display any activity as Branch Chief, so far as the evidence is not found that such a fact is absolutely incompatible with the activity of Branch Chief. Therefore, we decided as above, recognizing the adequacy of the designation by the Preime Minister.

EXAMINATION REPORT

The Public Office Qualification Appeal Examination Commission held on June 20, 1947 its 29th session attended by 7 commissioners, examined the appeal of Isaji Tanaka, and reached an unanimous decision as follows:

D e c i s i o n

It is considered proper to rescind the decision of the Prime Minister made in accordance with the 1947 Imperial Ordinance, No.1, Article 4, designating the appellant, Isaji Tanaka, as a person falling under the 4 Jan.1947 SCAP Memorandum to the Japanese Government.

R e a s o n

The Prime Minister designated the appellant as a person falling under the above-mentioned Memorandum on the ground that: 1) he made a statement praising and supporting the Tojo Cabinet in the Election Bulletin published for the general election of the members of the House of Representatives in April 1942, and 2) he made before the meeting of the Budget Committee on March 23, 1945, a war-like statement in a persistent and positive manner, calling upon the government for a resolute will to prosecute the war, to which acts is applicable the 1947 Cabinet Order Home Ministry Order No.1, Appendix, Table I, 7, iii.

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The appellant contends:

It is not clear just which passage in the Election Bulletin is to be taken for the alleged "Statement praising and supporting the Tojo Cabinet. But presumably reference is made to the passage in the Bulletin which reads: "What I like. First of all, I like best the horse-riding Prime Minister Tojo's Kokoku government, and the soldiers, the treasure of our land. Of course, I like my wife and children. Then I like the scene of a rain-beaten mountain and the look of a young men kneeling before the Buddha; a neat Japanese landscape painting, the snow that makes all things white, the endless expanse of the Yangtse River. I also like sukiyaki and pickled greens, siruko and sun-baked tea; the figure of a beautiful woman."

It was my plan to introduce myself in the Election Bulletin, first in a casual way, and to present thereafter my political platform. So, I divided my article into two parts, the first of which was entitled "Naked facts about myself as a man," and in which I set down my personal history, describing where I was born, how I grew up, and what I liked and what I disliked. It was in man to attempt to give a plain and informative everyday picture of myself as a candidate that I penned the lines quoted above in Section 5 under the heading "What I liked".

As a matter of fact, from my boyhood I liked really soldiers and horses. Horse riding was my hobby during my student days, as it is today. Such were my natural inclinations. Moreover, in April 1942

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when I was writing the Bulletin article, the Pacific War was making such a brilliant progress that General Tojo was the National hero. I was then a lawyer of 37 years, yet uninitiated into national politics, and unacquainted with the real character of Tojo's Militarist 'Cabinet. Like, any ordinary Japanese of those days, I admired the soldier premier on horseback, wearing his sword, and a medal of the First Order of Merit. But to say just that alone did not seem sufficiently respectful or serious. Morecver, as a non-recommendation candidate, I had to be on guard. So I felt it politic to use the then favorite term "Kokoku seiji" (government of the Imperial Land). But it was a matter merely of taste, and not of political convic tion. This I stated in Part II, which was entitled "My Political Views". In the second section of Part II, I pointed out under the heading "The Nations' Resolve" the big discrepancy that then existed between the formula set for the people's living and the actual living itself, and called for rationalization of living in a concrete way. I wrote: "If the government, the Imperial Rule Assistance Association, and the Youths' Corps proceeded to reform national life instead of involving themselves in arguments, would they not naturally hit upon the right road?" By naming explicitly the government, the Imperial Rule Assistance Assocation and the Youths' Corps, I demanded reconsideration on the part of all three. Then, in the Third Section, headed "The Diet's Self-examination", I wrote: "Should the Diet, our organ of public

opinion

opinion, continue to remain so spiritless? Is it awake or asleep? What are its members doing? ..... A member of the House as representative of public opinion should possess both character and dignity to be neither spoiled by riches nor subdued by power but to stand firmly upon his own convictions, He should be ready to die for his convictions. A man who is afraid of losing his life in the cause of public opinion should not seek a seat in the Diet. Such a man would be of no use." Thus, I called for self-examination on the part of the Diet, which was then under the government's complete control.

In Section 4, "The Government's Broadmindedness," I urged once again upon the Government to reflect on its own conduct, saying: "When the Diet has been able to regain its proper self as an alert and vigorous body, the government should be ready to show enough broadmindedness, for listening with attention to the opinion of the Diet. (See Evidence No.1: Daigishi Seiken Taikan).

I stood for election as a so-called non-recommendation candidate. A number of my supporters were illegally arrested and questioned. I had certainly no political ground for "praising and supporting" the anti-constitutional Tojo government. This fact is fully demonstrated by my activities in the Diet after my election.

At the 81st session of the Diet in February, 1943, the Tojo Cabinet submitted a bill for Revision of the Municipal Government Law, which was considered the most important of all the government bills, and

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which was intended to strengthen the hand of the central government at the expense of the local autonomy of cities, towns and villages. Even in those days of muzzled public opinion under the Tojo's militarist rule, this bill, so flagrantly unsound, had aroused much opposition even before its submission to the Diet. Moreover, it happened to be shortly after the issuance of an Imperial Receipt commemorating the 50th Anniversary of the Local Self-Government Law, in which the Emperor exhorted the people to "promote local autonomy and to cultivate the roots of national government." There arose even those who justly condemned the bill as being contrary to His Majesty's will as indicated in the Imperial Rescript. The Ministry of Home Affairs, under orders from Prime Minister Tojo, resorted to various measures to suppress public opinion.

When the members of both Houses of the Diet, elected from the Six Major Cities, planned to hold a joint meeting, the Home Ministry permitted the assembly on condition that no discussion be carried on against the bill in question. In the Diet no one dared to attack this "most important bill of the Tojo Cabinet" Determined to uphold free speech, I took Home Minister Yasawa severely to task at a meeting of the Special Committee on the bill on February 8, 1943. The Minister, unable to answer my interpellation, finally expressed his regret over the bill on February 16. (See Evidence No.2: Minutes of the Special Committee Meeting, 5th and 9th Sessions, on Bill for

<u>Revision</u>

Revision of the Municipal Government Law, the 81st Session of the Diet).

Again at a meeting of the Committee on Accounts, during the 84th Session of the Diet, I pointed out to Minister of State Goto, Vice President of the Imperial Rule Assistance Association that the I.R.A.A. movement had failed to enlist public support, and did not even succeed in keeping together the various organizations under the Association; that its personnel administration was improper; that it was receiving nevertheless more than 20 million yen in subsidy from the national treasury; and that it was a national movement "in white socks" (See Evidence No.3 Minutes of the Accounts Committee Meeting, 84th Session of the Diet).

This, following my election to the Diet in 1942, I took consistently the position of an "Opponent of the Tojo Militarist Cabinet". I should therefor be treated rather as "opponent of Militarist regime" under the 1947 Cabinet ~~order~~ and Home Ministry Order No.1 .

2. It is alleged that at the meeting of the Budget Committee on March 23, 1945, I made "a warlike statement in a persistent and positive manner, calling upon the government for a resolute will to prosecute the war." My interpellation at that Budget Committee Meeting was made at a time immediately after the heroic death of Lieut. General Kuribayashi, Commander of the Japanese Forces on Iwo-jima, who had sent out the tragic radio message: "Unless we retake this island, there will be no security forever for our land." It was before the people's tears were dry, that I made my interpellation. I expressed the people's ardent desire to retake the lost

lost island, and their anxiety about the safety of our home land. I earnestly questioned the government if it was determined to retake Iwo-jima and Saipan.

My inner thought was that if these islands could not be retaken, if Ministers Koiso, Yonai, and Sugiyama, the highest war leaders had no real confidence, we should stop fighting at once. To my question Prime Minister Koiso gave a perfuntory answer: "We are resolved not to permit an easy landing of the enemy on our homeland. We are resolved, of course, to retake not only Iwo-jima, but also Saipan and Guadalcanal."

Neither Minister Yonai, nor Minister Sugiyama manifested confidence enough to satisfy us. I concluded that the war was hopeless, and at the same time the existing cabinet would be unable to end it. So I decided to drive the cabinet out of office. I pressed the Prime Minister hard, charging him with the responsibility for the slow progress of compulsory dispersion, and harassing him with the question of the Emperor's vist to War devastated areas. Koiso would not offer to resign, but said in stead: "We will do our best in the future. We will try so that we need not express our regret once again." So I pressed him harder: "Commit harakiri and apologize! In the light of the responsibility peculiar to our constitutional government, I demand that you assume definitely your responsibility to the Throne." Koiso would not budge, though admitting his fault. He replied "As long as a man has received the Imperial command, it is, I believe, loyalty to exert his best efforts to the end." I said

finally

finally: "What is to become of the responsibility for government, if a man is so brazen as to say that loyalty demands of a subject to continue in office as long as there is anything left to be done no matter what may have been his fault? ..... You must not think from the standpoint of one cabinet or of one Koiso... Please, put your hands over your bosom and reflect! If there is any step to be taken, go ahead courageously and make clear where responsibility lies .... If you are going to carry on, keep this point in your mind, and put up a powerful government. (I was hinting at the unification of national opinion because of the fact that although Koiso had been commanded to participate in the Imperial Headquarters conferences, it seemed improbable he could terminate the war owing to the split between army and navy.) I ask you to make by yourself a final disposition of this war." Thus I ended my interpellation by suggesting the ending of the war, impossible though it seemed. (See Evidence No.4: Minutes of the General Budget Conference, the 86th Session of the Diet).

I could not then bring about the overthrow of the Koiso cabinet, but it resigned soon afterwards for another reason to be succeeded by the "peace cabinet" headed by Admiral Suzuki.

It is utter misapprehension of facts to say that in this interpellation before the Budget Conference I called for the government's resolution to prosecute the war, or made a warlike statement.

It may be added that one month before the surrender I was appointed to the Administrative Committee of the Cabinet, and I was able to contribute my humble share to the task of war-termination. (See Evidence No.6: Affidavit of Former Cabinet Chief Secretary Hisatsune Sakomizu).

On examination we find that as grounds for charging the appellant as falling under the so-called Category "G" the Prime Minister alleged that:

No. 1: The appellant in his official Bulletin of Election at the time of the election of House of Representatives members in April, 1942, used words expressing praise and support of the Tojo Cabinet. We find that the said official bulletin consisted of two parts, the first part being headed "Naked facts about myself as a man" and the second part "My political views." The first part is subdivided into (1) his antecedents, (2) his parent home, (3) the home he was reared in, (4) his tastes, (5) what he likes, (6) what he dislikes, (7) what he likes but keeps out of access, (8) principles, and (9) aspirations. In these he described his private life as plainly, straightforwardly, and tactfully as possible, with an addition of humorous tint. In his description of"(5) thing he is fond of" he made such statement as: "First, Prime Minister Tojo on the back of a horse who administers politics of the Empire ...." However, such statement is nothing but a presentation of his private feeling, and it would be appropriate for us to take that statement as being insufficient to judge whether or not he had an opinion or idea supporting or praising the Tojo

Cabinet. The second part "My political views" is divided into (1) Introduction, (2) The Nation's Resolve, (3) The Diet's Self-examination, (4) The government's Braod-mindedness, and (5) Conclusion. In the part entitled "The Diet's Self-examination," he gave about the same statement as above. In the part entitled "The Government's Broadmindedness," he stated: "Unless the Government, the Diet and the people come to a real unity, a State with high level defence, as demanded by the ruling political situation, though possible theoretically, cannot be realized in reality. And, it should not be overlooked that it is the Diet that will perform the important function of bringing into together the Government and the people. The sentiment, easily liable to be circulated, of undervaluing the function of the Diet should be eradicated by now." From these statements, we can recognize that the appellant had stressed upon elimination of autocratic politics of the Government and on the importance of establishig parliamentary Government. Further, from the fact that he was a candicate "not-recommended," and also from what he stated, after election to the House, at a sitting of the select committee on the bill for Revision of the Municipal government Law in the 81st, February, 1943, and also at a meeting of the Account Committee of the 84th Diet, February, 1944, it would be appropriate for us to recognize that the appellant had not only a political idea not advocating or supporting the Tojo Cabinet but he took a position of opposition to that cabinet. In no other part, also, of the said Official

Bulletin was there any statement made by him in praise or support of the Tojo Cabinet. Hence it would be improper to recognize that he had praised and supported the Tojo Cabinet.

No. 2: At a session of the Budget Committee of the House of Representatives called on the morning of March 23, 1945, the appellant made the following statement:

"I am of the opinion that we must take steps to make a turn for active, great offensive, and the people with this in view and with a hope for the success of such great offensive, must proceed to complete the position of production. In connection with this, I recall the radio message received from Lt. -General Kuribayashi, Supreme Commander in Iwo Island, which was published the day before yesterday. This radio message was despatched by Lt. -General Kuribayashi just before he was going to launch an overall attack on the enemy, andxm in the message he said 'Unless this island be re-taken, our homeland would permanently be insecure; even after my death my soul would remain here to see operations to take back the island.' These words of Lt.-General Kuribayashi are words of apology toward His Majesty the Emperor and also a Will to the one hundred million people respecting the safeguarding of the holy land and the defence of the homeland. We, the one hundred million people, must by all means carry out this Will. In other words, by extending this Will we must, I think, not only take back Iwo Island, but also we should continue offensives until we take back Saipan Island. Since the Prime Minister, War Minister

and

and the Minister of Navy take seats in the Supreme Headquarters conference with the idea and determination to make a change for great offensives, I ask that they will make supreme directions of war with this great objective in view of making a change for great offensives. I like to get their views on the above. Further, insomuch as the supreme directions of war are made with the Supreme Headquarters as their moving centre, it would not be well to depend upon the strength of the military only; the publication of speech should be so directed as to render possible the great operations of offensive backed by all possible energy of the one hundred million people. The publication of speech must be decidedly directed on the basis of making a change for great offensives or the people's spirit would not be invigorated. In the direction of production, too, the industrial leaders should be shown a concrete objective and guided with the object in view of turning the situation for great offensives. The outcry in such tone as calling for one plane after another is intolerable. The workers should be shown that if they work one hour more every day, so much more airplanes per month could be produced, and that if this objective could be accomplished, our fightings, whcih have hitherto been on a passive side since the loss of Guadalcanal, could be turned for offensives and, as willed by Lt.-General Kuribayashi, we should be able not only to retake Iwo Island, but also Saipan Island. With this objective in view, I ask the ~~Governor~~ President of the ~~Intelligence Bureau~~ Board of Information will direct the sentiments of the people. With that objective in view, I hope the Minister of Munitions will render his full efforts to encourage

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the workers to attain a certain level of production shown to them in a concrete form and to guide the munition producers accordingly. Such steps are of imminent necessity at this very moment. I am even afraid that this session of the Diet might turn out to be the last for us to sit. I like to hear what determinations the Prime Minister, the War and Navy Ministers, the President of the Board of Information, and the Minister of Munitions have at this very moment."

To the above interpellation, State Minister Koiso replied: "What Mr. Tanaka has stated in the latter portion of his speech is a matter of course. Our recent statement that the situation now called for our determination to fight on our homeland was meant that preparations be so made as to be ready to receive the coming of the enemy. It would be superfluous to say that not only have we a determination not to allow the enemy easily to land our homeland, but we are determined to take offensives to take back not merely Saipan Island, but also Guadalcanal." State Minister Sugiyama stated: "My answer to the interpellation made by Committeeman Tanaka would be the same as that of the Prime Minister." State Minister Yonai replied; "I have only listened to the interpellation. As the Minister of Navy, I have been proceeding with the affairs with such a determination as has been stated by Mr. Tanaka." State Minister Ogata said: "I will make an answer. As stated by the Prime Minister, War Minister and Navy Minister, considering the future shifting of war and responsive to such war directions which are compatible with such shifting, I am prepared to do my utmost to guide the public opinion toward such direction as has been mentioned by Committeeman Tanaka." State Minister Yoshida replied: "The Prime Minster and the

DECLASSIFIED (E.O. 11652 SEC. 5(E) AND 5(D) OR (E) AND) 778 012

War and Navy Ministers have now related their determination on turning our position to offensives. As for myself in charge of production, I am encouraged from the fact that through the participation of the Prime Minister in the Supreme Headquarters, there has now been established a foundation on which the supreme command and the state administration integrated into one under the Emperor can be powerfully operated, enabling thereby munition production to go hand in hand with the supreme command. In compliance with the determination expressed by the Prime Minister and War and Navy Ministers, I will do my best so that the operation of munition manufacture would be in the line of war operations and the services of all the people would fructify their fruit."

From the above-mentioned stenographic minutes, we see that the appellant insisted on recapturing Iwo Island and stressed upon taking a program for offensives and the Government expressed opinion agreeing with him. Thus the appellant's opinion on the war may be interpreted as having coincided with that of the government authorities. Further, from what he stated at the afternoon session of the said Committee as "At the time when we must now take an attitude to turn the position for taking great offensives in order to recover Iwo Island as well as Saipan Island, I think the responsibility is really serious for having brought about the present state of munition production, whcih is an essential factor to enable such attitude, " and further as "as I have commented upon this morning, I request that steps be taken resolutely for active, supreme direction of war with th view of recapturing Iwo Island and Saipan Island," "It may seem that he cannot but be recognized as having urged the government to make a determination to prosecute the war and constantly manifested possitively warlike statements. But the following facts (1)—(3) are clear from the testimony given by Kunitoshi Tsukumo and from the minutes (stenographic record), No. 11 of the House of Representative Budget Committee of the 86th Imperial Diet, namely:

DECLASSIFIED E.O. 11652 SEC. 5(E) AND 5(D) OR (E) NNDG # 795 072

(1) That at the time when the appellant made the above interpellation, Saipan Island and Iwo Island were lost and our ultimate defeat was already certain; it was a well-known fact that the Japanese, especially most of the higher and middle classes, had been harboring a pessimistic view that as it was inevitable that the American army would land Japan's homeland, if we should continue the war, our cities, towns and villages would all be devastated, and so unless we should surrender at once, the Japanese race would be wiped out from the earth. In the Diet, too, party leaders as well as many of the members were of opinion that peace should be restored as soon as possible. Opinion had been prevailing in the political circles that since Prime Minister Koiso, though he had an intention to render efforts in processing for peace, was unable to realize his intention, under pressure exercised by Tojo's militarist clique who had been in important military positions, the Koiso Cabinet should be overturned and a new cabinet, which would bring about a peace, should be set up.

(2) The majority of the people, including, as a matter of course, most members of the Imperial Diet, were well aware at heart that Japan had no chance of victory in the war, and were anxious to restore peace as quickly as possible. Nevertheless, no member of the Diet was in a position to ask any Minister of State Affairs at a session of the Diet such a question as what the government was going to do, now that the war was decided owing to the loss of Iwo Island. Especially, at the time in question, the military leaders were taken by surprise at the development of anti-war opinions in the country,

and

DECLASSIFIED E.O. 11652 SEC. 5(E) AND 5(D) OR (E) NNDG # 775 012

and were taking measures to suppress such opinions. In order to achieve the object in view, they carried out an expansion and increase of the military police force, and caused it to effect the arrest and detention of any advocates of peace, any defeatists, or any person who spoke against the continuation of war. Any such person, irrespective of their social or official rank, was by the military police, deprived of personal liberty and, furthermore, was subjected to a severe punishment.

(3) Even a member of Parliament was no exception to the rule. He could not speak in favor of peace even in his interpellation in the House unless he had been ready to expose himself to great dangers. Under such abnormal circumstances, any member of Parliament could not make any speach aiming at the downfall of the Cabinet without taking careful precautions against the risks which might be incurred. Any such interpellator required an extraordinary courage and intrepid spirit, besides a very subtle and clear brain. This accounts for the extreme scarcity at that time of such members of the Diet as were willing to play such a risky role.

(4) Under such dangerous circumstances, the appellant proposed to undertake the risky task of denouncing the Koiso Cabinet for its failure and compelling it to be replaced by a peaceful successor. The appellant, having been elected a member of Parliament in April 1939, for the first time, was one of the junior members of the Diet, and, if judged only from his career as a member of Parliament, he was not qualified for a responsible task such as stated above.

DECLASSIFIED PER E.O. 11652 SEC. 5(E) AND 5(D) OR (E) NNDG # 775 012

At a meeting of a special committee of the House which, during the 81st session of the Diet, was held on 8 December, 1943 (or the year following his election as a member of the House) in order to discuss the Bill for partial Amendment of the Ordinance Governing the Munucipal Organizations, the bill for Partial Amendment of the Ordinance Governing the Town and Village Organizations, the Bill for Partial Amendment of the Ordinance Governing Prefectural Organizations, and the Bill for Amendment of the Ordinance Governing Hokkaido Assembly, the appellant played the role of an interpellator, and, denouncing the Government for its having submitted such bills that were intended to reduce the right of self!government entrusted to various local bodies as stated above, rendered it difficult for the Home Minister YUZAWA, Michio, to give a reasonable explanation in reply to the interpellation. At last, it became even doubtful whether those Bills might pass the Diet, In view of the precarious situation, the Government asked the appellant to discontinue his interpellation on condition that the Home Minister Yuzawa, at a proper chance, would be requested to quite his post. The interpellator, appreciating the sincerity on the part of the Government, agreed to stop his interpellation. Consequently, the Home Minister Yuzawa expressed his regret, at the meeting of the same special cokmmittee as stated above held on the 16th of the same month, for his misconduct in submitting such Bills to the Diet, and when those Bills passed the Diet, the same Minister quit his post holding himself responsible for his misconduct.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDG # 775 072

Thus, the appellant, though a junior member of the Diet, had compelled a Minister of State Affairs to quit his post on account of his misconduct as pointed out by the appellant. This was taken as a proof of the fact that he was the owner of a clear and subtle brain, a fluent and vigorous speaker, was capable of exhibiting an intrepid and daring spirit, being ready to lay down even his life for the sake of justice. These merits in him earned him the profound respect of his colleagues and seniors, who willingly complied with the wishes of the appellant and entrusted him with the responsible and risky task of interpellator though he was not a member of the Budget Committee.

(5) It was under such disquieting circumstances that the appellant took the rostrum as interpellator. As a matter of course, he did not believe that the Japanese forces could recapture Saipand and Iwo Island. He was well aware of the fact that it was far beyond the power of our forces to force the American forces out of these islands. At the time in question, however, war was raging with all its brute force, and the Japanese military police was extremely excited over the precarious condition at home. Under such circumstances, it was impossible even for a member of the Parliament whose freedom of speech was technically secured, to ask a question in such a blunt manner as "It is impossible for our forces to recapture Saipan or Iwo Is. We are completely defeated. The Government must conclude peace at once. I want to hear the opinion of the Government in this respect". Brave and fearless as he was, the appellant could not speak so plainly. After a careful consideration

of

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDG # 775 072

of all matters concerned, therefore, he demanded immediate measures be taken to recapture Saipan and Iwo Is., though such was against his honest wishes and he knew it could never be done. He spoke like this entirely as an expedient means of reasoning.

(6) When the appellant asked a question which as stated above, was contrary to his real intention, he expected that the Government would answer either that the recapture of Saipand and Iwo Is, was impossible, or that it was not in a position to answer to any question concerning strategy and tactics. Then, the appellant might seize a good chance to hold the Government responsible for its inability to meet the situation, and demand its immediate resignation. If this first means of denunciation turned out unsuccessful, the appellant was prepared to impeach the Government for its delay in evacuating the surplus population from big cities. Harboring a plan like this, the appellant asked the Government whether or not it had any intention to recapture Saipan and Iwo Is. Contrary to his expectation, however, the Prime Minister Koiso replied: "What Mr, Tanaka asked at the end of his interpellation, it goes without saying, is a matter that must be achieved at any cost. For some days past, I have been calling your attention to the fact that we must now prepare ourselves for a battle here in our homeland. I have tried to make such a situation clear to you, because I want to complete our preparations to meet the possible situation. We are, however, resolved not to allow the enemy to land in our home with ease. Nay, we are even resolved, as demanded by Mr. Tanaka, to recapture not only Iwo Is., but also Saipan Island, and eventually

"Guadar"

"Guadar" Is. At the pretended ignorance with which Premier Koiso declared that the Government was determined to recapture even the Guadarlcanal, all members of the House burst out laughing in spite of the gloomy situation in which Japan stood at that time. Even some of the Ministers of the Cabinet were seen to laugh at the audacity with which the Premier declared to carry out what he knew was impossible.

(7) At the unexpected reply of the Government, the appellant missed the chance to request the resignation of the Premier. Therefore, he discontinued his interpellation for a while. On the same afternoon, he resumed his interpellation, resorting to the second meand of impeaching the government. He censured the Government for its delay in carrying out the evacuation of the surplus population from big cities. He said that because of the delay on the part of the government, hundreds of thousands of houses in Tokyo and other cities were destroyed in the air-raids, several millions of citizens were rendered homeless, tens of thousands of lives were lost, and mountains of priceless food stuff were reduced to ashes. He concluded his speech with strong words holding the government responsible for the tremendous losses inflicted on our country solely on account of the unpardonable delay on the part of the government authorities. The appellant hit the mark this time, and Prime Minister Koiso, audacious as he was, could not turn aside. He said,,by way of apologizing: "With emotion, I have listened to what has been pointed out by Mr. Tanaka, I have already expressed my regrets over and over again. So I think you are aware of what I have in mind. I shall from now on do my level best, so that I may not find myself obliged to express my regrets any more." This shows

that

that the Prime Minister was compelled to recognise his responsibility for his mismanagement of the matters that had been pointed out by the appellant. The appellant, however, was still dissatisfied with the reply of the Prime Minister, and said: "Mere expression of his regrets is not enough. He must think of our officers and men who, at the fronts, are discharging their duties at the risk of their very lives. What is important to a statesman is to clearly realise his responsibility towards the Throne of his own accord. (A few passages following are omitted) I think that the Prime Minister, in consideration of the special nature of a State Minister's responsibility in our constitutional government, should be ready to accept full responsibility towards the Throne. I am anxious to hear what the Prime Minister has in mind in this connection". The appellant in a relentless manner like this tried to compel the Premier to express his willingness to quit his post to atone for his failure to meet the situation. Prime Minister Koiso, however, said only: "In my opinion, the best way for a loyal Japanese subject to follow towards the Throne is to remain in the post to which he has been assigned as long as there is room, however small, for further efforts". This rendered it clear that he was without any intention to quit his post. The appellant, therefore, redoubled his pressure on the Prime Minister, and said: "The opinion now expressed by the Prime Minister may be justified as an opinion of an ordinary subject. An ordinary subject of our country must entertain such an opinion as just expressed by the Prime Minister. He believes that a loyal Japanese subject should stick to his post as long as there is room for further efforts. It is all right with a common subject. I see. But, is such a manner justifiable in the

case

case of a man who holds the helm of state? Koiso is the Prime Minister. He stands in a position wherein he must accept full responsibility as the holder of the helm of state. His post is entirely different from such common posts of which there are two or three at least. Is it allowable for the holder of such a responsible post as that of Premier to be contented with a common and vague conception of one's responsibility as is entertained by any common subject of His Majesty? Is it right for the Prime Minister to say: 'I recognize my failure. But, there is still room for further efforts, As a loyal subject, I must stay in post and do what I can in order to discharge my duty'? To use an easier wording, if a brazen-faced man (I do not mean you are one) be permitted to stay as the holder of the helm of state, what will become of his political responsibility? As I am very anxious lest a blot be left in the history of our constitutional government, I want to ask the Prime Minister once more if his views concerning his responsibility is justifiable in the face of the important post which he now occupies."

(8) That, when this interpellative speech ended, then Diet member Kunitoshi Tsukumo, who anticipated possible commission of violence against ~~his~~ appellant, advised him stay within the Diet building for the rest of the day, never taking a step outside. The ~~this~~ appellant, following the advice, passed the night within the building, lying on a sofa in the Speaker's reception room.

These facts (restated (1)-(8)) are obvious from the testimony of Kunitoshi Tsukumo and from the minutes No.11 of the Budget Committee of the 86th Session of the House of Representatives of the Imperial Diet.

(9) When the Suzuki Cabinet was formed to succeed the Koiso Cabinet, the appellant was appointed a member of the Cabinet Administrative Committee. As such he made every effort for the termination hostilities at the risk of his life, furnishing the Cabinet with various information as data necessary for the decision of the cessation of hostilities which was the important mission of the Suzuki Cabinet. This is obvious from the following statement in the written testimony of Hisatsune Sakomizu.

" Knowing as I did Mr. Tanaka's political activities and political faith, I appointed him a member of the Cabinet Administrative Committee (the Composite Planning Bureau) about a month before the end of the war - shortly after the formation of the Suzuki Cabinet, to seek his assistance in the work of the Cabinet. By the time the Cabinet decided on the cessation of hostilities and its determination of accepting the Potsdam Declaration had come to the fore, Mr. Tanaka had finished gathering information from the military and naval circles and the general public, and made valuable suggestions to the cabinet as to when and how such information should be made public to effectuate the cessation of hostilities, thereby making

strenuous endeavors behind the scene to bring about peace between Japan and America. Mr. Tanaka, I remember, was of the opinion that the war should be brought to an end at any cost, but that all efforts should be made to prevent the Army and the Navy from rising in rebellion which might lead to bloodshed among the people."

(10) When the war came to an end, the appellant, anxious to bring peace as early as possible by faithfully and speedily executing the terms of the Potsdam Declaration, insisted, as a concrete measure for the revival and strengthening of a democratic tendency mentioned in the Declaration, that (1) the foundation of the democratization of Japan lay in the revision of the Imperial Constitution and that in going through the formalities for revision, open policy must be resorted to by the Government instead of secret policy of the Lord keeper of the Privy Seal, that (2) such undemocratic organizations as the Office of the Lord keeper of the Privy Seal, the Office of the Imperial Household Minister, the Privy Council, the House of Peers and a conference of senior statesmen should be abolished, that (3) the revision of the Imperial Household system should be effected on the responsibility of the Government, that (4) views of civilian men of learning should be sought in drafting and enacting regulations which are not presented to Diet sessions. As regards respect for the fundamental human rights mentioned in the same Declaration he insisted that (1) we are in duty bound to respect human rights, that (2) unlawful arrests and detentions should be immediately put an end to without waiting for the revision of the law, that (3) control should be exercised on such persons as inquire another's

honors and infringe another's right of personality, that (4) heavy punishment should be administered to offenders in this connection regardless of whether they are government officials or not, and that (5) provisions concerning respect for the human rights should be enacted in a revised Constitution. In his interpelation at a Diet session he declared that the advent of a peaceful Government as mentioned in the Potsdam Declaration would be accelerated by the results of general elections to be conducted by a new election law. Hereunder follows part of his statement recorded in the minutes of the proceedings of the budget committee at the House of Representatives (Dec-7, 1945), the 89th session of the Imperial Diet.

"As you are all aware, many provisions are enacted in the Potsdam Declaration concerning what should be performed by the Allied Powers and by Japan. The provisions in 7 paragraphs from Para.6 to para.12 may be divided into nine items, of which the elimination of militaristic power, destruction of Japan's war making power, reduction of Japanese territory and disarmament are to be effected by the Allied Powers together with the punishment of war criminals. What the Japanese Government is expected to perform immediately and faithfully is only three things. The first is immediate adoption of a policy concerning the revival and strengthening of democratic tendencies mentioned in para. 10. The second is immediate adoption of a policy for guaranteeing respect for the fundamental human rights. The third is the establishment of a peaceful government based on the free will of the people. (omitted). I shall first refer to the re-

vival and strengthening of democratic tendencies, in other words, national democratization. What must be done urgently before anything else for the realization of national democratization is the revision of the Constitution. (Omitted). An open policy must be resorted to in studying and investigating the revision of the Constitution which underlies the democratization of Japan, otherwise it might happen that propositions by the Throne are made after a draft has been framed behind the closed doors. (Omitted). I shall now refer to the second requisite for the national democratization. There exist in between the Emperor and the people the so-called feudalistic influences - to put it concretely - the office of the Lord Keeper of the Privy Seal, the Office of the Imperial Household Minister, the group of senior statesmen, the bureaucrats, the Privy Council and the House of Peers. These influences must be completely destroyed by revising the Constitution, otherwise it would be absolutely impossible to realize the democratization of Japan. From this point of view I should like to ask what motivated the Government to abolish the Office of the Lord Keeper of the Privy Seal? (Omitted). Next I should like to interpellate on the Office of the Imperial Household Minister. In which way does the Government intend to reorganize this Office? Whereto shall the powers vested in the Office of the Lord Keeper of the Privy Seal be transferred? I should like to know the Government's views and convictions in connection with the reorganization of the Office of the Imperial Household Minister.

(Omitted).

I think it is proper that the Cabinet should form its influential opinion autonomously and positively on the revision of the provisions concerning the Imperial Household and the Office of the Imperial Household Minister, thereby to contribute to the reorganization of the same. I should like to know the Prime Minister's views in this connection. (Omitted). Next the problem of ousting the group of senior statesmen. Of couse there cannot exist such thing as the Senior Statesmen System. However, the fact is that the so-called Senior Statesmen have hitherto participated in the administration of important affairs of State. This is admitted as an unwritten law. These Senior Statesmen must be ousted, and the expulsion can be effected by the following two methods. One is the suspension of treating Senior Statesmen as such, and the second the prohibition of them from interfering in the administration of important affairs of State. The expulsion of Senior Statesmen is almost impossible unless these two things are resolutely carried out. I should like to hear the Prime Minister's views in this connection. (Omitted). Next I should like to know the Prime Minister's opinion on the abolition of the Privy Council. I hold that the powers vested in the Privy Council should be transferred to some democratic organization to be newly established, and that the Privy Council, which forms one of the feudalistic influences, should be abolished. I should like to know whether or not the Government contemplates the abolition of the Privy Council. (Omitted). Laws which require enactment through

the Diet are introduced with the Diet and approved after a series of democratic deliberations. On the other hand, Cabinet orders, Ministerial ordinances and Imperial ordinances become effective without going through the Diet. (Omitted). Laws are made at the Diet by the concensus of democratic opinions, but no similar steps are taken in the case of ordinances. This is a matter for great regret. I want to know if the Government has the intention, or feels the necessity, of setting up within the Cabinet an organ for hearing public opinion as to deliberations on the enactment of ordinances. (Omitted). Next I should like to interpellate on the question of how to establish in the administration of state affairs, respect for the fundamental human rights provided for in para. 10 of the Potsdam Declaration.

"The respect of human rights may be variously interpreted, bur two things are above all important. The one is what is called the defence of human rights, and the other the mutual respect of personal rights, with this respect legally organized so as to protect persons against injuries incidental to the freedom of opinion. With the recognition of the freedom of opinion, matters which have no better foundation than rumours, anonymous information, etc., may be given publicity. If this is allowed to go on, there can be no mutual respect of personal rights- a situation which would be most deplorable from the standpoint of thorough internal democratization. Unless these two problems - defence of human rights and mutual respedt of personal rights- are satisfactorily solved, there can be no adequate security and respect of fundamental human rights as stated in the Potsdam Declaration. From this point of view, I interrogate the Government.

"First, I take up the mutual respect of personal rights. Japan has accepted the Potsdam Declatation, which must be fulfilled not only vis-a-vis the United States but the promis as therein contained must be fulfilled vis-a-vis her own nationals. Despite passage of several months from acceptance of the Potsdam Declaration, simple detention, administrative restraitn, and illegal detention are still practised on the strength of the Adminisrrative Execution Law-----
On this point, I interrogate the Minister of Justice if he

will exercise resolute control under existing Laws, so that no physic.l restraint put on by the abuse of the Administrative Execution Law, by the illegal action of the Judicial police, tc..... I interrogate the Prime Minister on the insertion in a revised Constitution of articles providing for the fundamental human rights. In my opinion, the revised Instrument must contain such articles, whether the Government likes the idea or not. He will not say that he cannot anticipate the future. In my opinion, I repeat, the revised Constitution must contain solemn provisions for the respect of fundamental human rights. I Interrogate him on the respect..

"I ask a further question from the same point of view. In order to safeguard human rights, it is important, after full consultation with the Home Ministry, to notify the bureaucracy down to their peripheries-particularly the judicial police-that no abuse of the Administrative Execution Law would be tolerated. If, after such notification, human rights are still disregarded, and this agaisnt the same notification, by the abuse of the Administrative Exceution Law or under the name of administrative restraint, and if any such case is reported or any suit is brought up thereon, will the judicial authorities take resolute steps upholding Articles 139, 220, and221 of the Penal Code profiding respectively for the crimes of the abuse of official powers, illegal arrest, etc.?.....

"The establishement of government based upon the free will of the people-this must first be realised in the country, By what means is such a government to be brougnt into being? I interrogate the Government on their views. Perhaps it will be convenient to the Government if first stated my own views. A governemt Bill revising Election of Members of the House of Representatives Law is now before this House. When this Bill is passed, and when the people elect new members by the free exercise of their votes-a point stressed by the Home Minister-there will be a new House of Representatives. When a new Cabinet gets formed on the basis of the House majority, no matter what their quality, then it may be said that a peacefully-inclined government, in the sense of the Potsdam Declaration, has come into being by the free will of the people. That is my opinion, but does the Prime Minister think that there is any other means of bringing a peacefully-inclined government into being?

I interrogate the Prime Minister if he believes that the method I have just stated is the method for the establishement of a new government?"

When all these facts stated above are considered together, then it will be seen that the ~~petitioner~~ appellant had resorted to two different ~~me~~ans in an attempt to compel the resignation of the Koiso Cabinet. The first was the censure for the loss of Iwojima, and the second the censure for the failure of the compulsory dispersal of population. ~~I~~ Although, in his interpellation, he pressed the Cabinet for the recovery of Saipan and Iwojima, it was nothing more than an attempt to bring down the Cabinet. He interpellated the Government, March 23, 1945, that is, soon after the loss of Iwojima. After Gadalcanal, Japan had continued retreat, and after the loss of Saipan and Iwojima, the ultimate defeat of Japan in the Pacific War had to be admitted. There was no other conclusion, so the majority of the people sincerely believed that the war must be liquidated at the earliest opportunity. The Koiso Cabinet, which should have taken steps toward that end, could do nothing on account of the pressure exerted by the Tojo clique. Therefore, both in and out of the Diet circles, opinion gained ground that the Koiso Cabinet must be compelled to resign as soon as possible, and that a new Cabinet, strong enough to liquidate the war, be organized without delay. The ~~petitioner~~ appellant, who strongly felt the need of bringing down the Koiso Cabinet, dared to interpellate the Government. The real ~~purpose~~ purport of his interpellation was, therefore, that the Koiso Cabinet had no other mission than to make peace as soon as possible, because the war situation was beyond retrieve after the loss of Saipan and Iwojima, and because continuation of the war only meant useless sacrifices. If the Koiso Cabinet was unable to fulfil its mission, then an immediate resignation was the only course left - that was the underlying idea of his interpellation.

However, he had to consider the internal and external position of the Japanese Government at that time, so he could not openly say what he had in mind. In what form was the question to be put to the government? The ~~petitioner~~ appellant had to resort to the tactics of interrogating the Cabinet on the recovery of Saipan and Iwojima - a proposition which was really far from his mind and which was absolutely at ~~xx~~ variance with the objective situation. The government reply, he had expected, could be ~~anything~~ nothing but ~~clear~~ vague, and in that event, the government must take the responsibility for the loss of Iwojima. The government reply, however, turned out just the reverse of what he had expected, so he could not pin down the government. At that time, the Cabinet itself knew that the recovery of Saipan and Iwojima was absolutely impossible, to say nothing of Gadalcanal. However, the Cabinet replied that the recovery was possible, with considerations of internal and external effects. When, in reply to the ~~Petitioner~~ appellant, Prime Minister Koiso declared that even Gadalcanal was to be recovered, the members greeted him with laughter, and even his Cabinet members could not help laughing. This was convincing proof that nobody seriously thought of the recovery in question.

The question and answer on the recovery of Saipan and Iwojima was nothing more than a make-belief, both side knowing full well that the recovery was impossible. The ~~petitioner~~ appellant's utterances urging the recovery of ~~Xx~~ Saipan and Iwojima were war-like in form, but anti-war in real intent. In form, his utterances were utterances of a leader urging prosecution of the war, but in real intent, they were nothing less than the utterances pressing the government toward liquidation of the war.

This

This is the correct view of the ~~petitioner~~ appellant's utterances. When appointed by the Suzuki Cabinet to be a member of its Administrative Committee, the ~~petitioner~~ appellant worked, at the peril of his life, for liquidation of the war, whcih is another proof of anti-war attitude. Further, on termination of the war, the ~~petitioner~~ appellant urged the faithful fulfilment of the Potsdam Declaration and emphasized the need of a far-reaching revision of the Constitution, going even into detail on the subject - a matter which the government did not think of at that time any more than the people. This was surprising insight. It is no exaggeration to say that he is a personification of democratic thought. It would a travésty of fact to assure that a man of this character really incited the government to further prosecution of the war by war-like utterances in March, 1945, when there was no doubt about the ultimate defeat of Japan. It is impermissible to disqualify a man like the petitioner, who respected and defended human rights, who fought against bureaucrats and militarists, and who was in real fact a pacifist and democrat, treating him as having aided or encouraged militafism and ultra-nationalism.

In summing up the matter, it must be said that it was a mistake to have treated him as falling under Paragraph 3, Section 7, Annex A to No. 1, Cabinet and Home Ministry Order, 1947. Hence a new decision is given, as already stated.

AIMATAJ 11 Aug 47

43rd Meeting of Appeal Board

11th, Aug. '47.

I Date: 8th, Aug. 14.00- 18.20

II Members present: SAWADA, SHIMA, MANO, HASEGAWA, MOROI, TOMIYASU, UEDA.

III Proceedings:

1. The Board examined Mr. Narahashi's case and decided to continue its deliberations.
2. The Board examined Mr. Katsu Kawasaki's case and decided it.
3. The Board exained again Mr. Eiichi Nakayama's case which was decided at 29th meeting and after a witness' testimony and the appellant's explanations were heard, decided the case anew.
4. Mr. Meisen Oikawa's case was decided.
5. Mr. Naomoto Yamauchi's case was also decided.
6. The Board examined Mr. Keizo Nishimura's case and decided its further deliberation.
7. The Board examined Mr. Koichi Kuroiwa's case and decided its further deliberation.
8. Mr. Tadao Yamakawa's case was decided.
9. Mr. Kanichi Irie's case was decided.
10. Next meeting is scheduled at 10.00, 12th, Aug.

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Mr. SAWADA 8 Aug 47.

Sawa

42nd Meeting of Appeal Board

7th, Aug. '47.

I Date: 6th, Aug. 10.10 - 13.00

II Commissioners present: SAWADA, MANO, SHIMA, HASEGAWA, MOROI, UEDA

III Proceedings:

1. The commissioners heard the necessary matters from a witness, regarding Narahashi's case and decided to continue deliberations.

2. As Mr. Sawada and three others became the judges of the Supreme Court, the commissioners deliberated on the ways how to handle appeal cases from now on.

3. Next meeting is to be at 14.00, 8th Aug.

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Report of 41st Meeting of Appeal Board

4th, Aug. 1947

I Date: 1st Aug. 13.50 - 16.40

II Commissioners present: SAWADA, SHIMA, TOMIYASU, MANO, MORDI, UEDA

III Proceedings :

1. Regarding the case of NAKAYAMA, Eiichi, the commissioners heard the necessary matters from the appellant and his two witnesses.

2. The next meeting is scheduled at 10.00, 6th, Aug.

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Appeals File

Examination Report

Appeal Board
1st, August, 1947.

The Public Office Qualifications Appeal Board held its 28th committee meeting on June 18, 1947, with six members present, and upon examining the appeal by MITSUBAYASHI, Kōzō concluded unanimously as follows:

Decision

The designation to the effect that the Prime Minister decided, in accordance with Article IV of Imperial Ordinance No.I, 1947 that MITSUBAYASHI, Kōzō falls under the provisions of the Memorandum dated January 4, 1946 from G.H.Q. to the Japanese Government, shall be regarded adequate and not to be withdrawn.

Reason

The Prime Minister determined that the appellant falls under I, IV of Appendix I of Cabinet and Home Ministry Ordinance No.I of 1947 because he assumed the post of the Chief of Miyuki Village Branch, Saitama Prefecture of the I.R.A.A. Then the appellant filed an appeal, protesting against this decision.

The gist of the assertion of the appellant consists in the following points:

(1) In the Miyuki Village administration was operated traditionally by the assistant village-master (joyaku),

Approved. 1 Aug 47 Snow.

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and moreover, the appellant being at that time member of the Prefectural Assembly and President of the Prefectural Assembly, the appellant's post of the Village-Master was quite nominal, and all the village administration was in the hands of the Assistant Village-Masters ENDŌ, Jinkichi and KINUGAWA, Kunimatsu.

(2) Such being the case, the appellant did not know when he was appointed Chief of the I.R.A.A. Branch.

(3) Though the appellant stood as a candidate for the Imperial Rule Assistance (YOKUSAN-SENKYO) Election of 1942, not only he was not recommended by the I.R.A.A., but also he was defeated owing to severe oppression.

Accordingly we proceeded to examine the case. It is stated in the Questionnaire submitted by the appellant that he was Chief of the Miyuki Village Branch of the I.R.A.A. from January 16, 1941 to April 11, 1942 as well as from July 6, 1942 to May 15, 1945. Though the certificate by KINUGAWA, Kunimatsu and 58 persons of the Miyuki Village dated March 24, 1947 asserts that the appellant did not display any activity as Village Chief of the I.R.A.A. in assembly and speech concerning the I.R.A.A., but ENDŌ, Jinkichi, former assistant Village-Master (dead), and KINUGAWA, Kunimatsu, actual Village-Master acted in his behalf, and the same is found in the certificate by MATSUMURA, Kakuichi, former North Katsushika-gun Branch of the I.R.A.A. dated April 1, 1947 as well as in the certificate by KURIHARA, Shigeru, former Chief

of the Special High Section of the Omiya Police Station bearing the same date, in spite of the evidences above we cannot recognize that the business concerning the I.R.A.A. was performed in the names of the assistant Village-Masters, and not in the name of the appellant. We must acknowledge that the business was performed in the name of the appellant as Chief of the I.R.A.A. Branch, though in fact the assistant village-masters performed Master's business.

Therefore, so far as the business performed in the name of the appellant as Chief of the Branch is concerned, we cannot but recognize that the business of the Branch was executed by the appellant, and merits and demerits, if any, of the Branch Chief are attributable to the appellant. In a word, so far as the evidence that the business was performed not in the name of the appellant as Branch Chief, but by the assistant village-masters in their names, is lacking, we cannot recognize that the appellant did not display any activity as Village Branch Chief. The fact mentioned by the appellant that he stood as non-recommeded candidate for the House of Representatives in the election of 1942 and was defeated owing to the severe oppression by the I.R.A.A., cannot serve as an evidence that the appellant did not display any activity as Branch Chief, so far as any particular evidence that such fact could not occur with the Branch Chief, is lacking.

Therefore, we decide as above, recognizing that the designation by the Prime Minister is adequate.

Examination Report

Appeal Board
1st, August, 1947.

The Public Office Qualfications Appeal Board held its 28th committee meeting on June 18, 1646, with six members present, and upon examining the appeal by SUGITA, Ichiro concluded unanimously as follows:

Decision

The designation to the effect that the Prime Minister decided in accordance with Article IV of Imperial Ordinance No.I of 1947 that SUGITA, Ichiro falls under the provisions of the Memorandum dated January 4, 1946 from G.H.Q. to the Japanese Government, shall be regarded adequate and not to be withdrawn.

Reason

The Prime Minister determined that the appellant falls under I, IV of Appendix I of Cabinet and Home Ministry Ordinance No.1 of 1947 because he assumed the post of the Chief of the Soboi Town Branch of the I.R.A.A. Then the appellant filed an appeal, protesting against this decision.

The gist of the assertion of the appellant consists in the following points:

(1) The appellant came to be appointed Chief of the Soboi Town Branch of the I.R.A.A. with his assumption of the post of the Mayor of the Soboi Town in April, 1944. He had no choice but to accept it. He received

Approved
1 Aug '47
Sec

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no notice of appointment, nor does he remember any particular case of which he displayed spontaneous activity for the I.R.A.A.

(2) The appellant suffered severe oppression by the hand of the military clique and bureaucrats as a defeatist who cherishes anti-war ideas.

Then we proceeded to examination. It is stated in the Questionnaire submitted by the appellant that he assumed the post of the Chief of the Soboi Town Branch of the I.R.A.A. on May 29, 1944 and retired from it on June 1, 1945. The individual concerned states in his Questionnaire that the post of a Branch Chief of the I.R.A.A. had to be taken up by a Mayor automatically, so long as he remained as such, and in his case he received no notice of appointment, nor did he display any particular activity as Branch Chief of the I.R.A.A. However, unless it is admissible that any Mayor did not display any activity relating to the duties in his charge because he did not receive any formal notice of appointment concerned, we cannot admit without special evidence the appellant in particular did not display any activity. The certificate by KANEKO, Ken, former Deputy-Mayor of Soboi Town and ŌOKA, Kiyoshi, former chief Secretary and ex-Acting Mayor of the Town, dated May 3, 1947, states that the appellant held the post of member of Prefectural Assembly and other public offices, and was occupied with domestic affairs, so the business relating to the mayorship as well as I.R.A.A. was performed by Secretaries, but we cannot admit that the I.R.A.A. business was performed in the names of the Secretaries and not in the name of the appellant. We must

admit that the business executed in fact by the secretaries was performed all the same in the name of the appellant as Branch Chief of the I.R.A.A. Accordingly we cannot but acknowledge that the appellant performed the business of the Branch of the I.R.A.A., so far as it was executed in the name of the appellant as Branch Chief of the I.R.A.A., and both the merits and demerits, if any, of the Branch Chief are attributable to the appellant. In a word, we cannot admit that the appellant did not display any activity as Branch Chief of the I.R.A.A., so far as the evidence that the business was performed not in the name of the appellant as Branch Chief of the I.R.A.A., but by others in the name of the Branch Chief, is lacking.

The appellant asserts that the designation of purgee is inadequate, testifying to the fact that the appellant as defeatist cherishing anti-war ideas, was oppressed by Military Police (Kempeitai) and other authorities. However, this fact does not serve as the evidance that the individual concerned did not display any activity as Branch Chief of the I.R.A.A., so far as any particular evidence that such a fact could never occur with the Branch Chief of the I.R.A.A., is not found.

Therefore, we decide as above, recognizing that the decision by the Prime Minister is adequate.

Report of 40th Meeting of Appeal Board

1st, August, 1947

I Date: July 30th, 10.40 - 15.40

II Commissioners present: SAWADA, SHIMA, TOMIYASU, MANO, MOROI, HASEGAWA, UEDA.

III Proceedings:

1. Regarding the case of NARAHASHI, Wataru, the commissioners heard from the appellant himself the explanations of the reasons why he was purged. They decided to hear a testimony from his witness sometime later.

2. The commissioners deliberated on the case of CHIZAWI, Usaburo and decided it.

3. After the commissioners deliberated on the case of OKUDA, Kikuro, they decided to refer the necessary matters to the appellant.

4. The commissioners deliberated on the case of MIYAGAWA, Munetoku and decided it.

5. The commissioners deliberated on the case of HARA, Suteshi and decided to refer the necessary matters to the appellant.

6. Next meeting is decided to be 13.00, 1st August.

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Report of 40th Meeting of Appeal Board

1st, August, 1947

I Date: July 30th, 10.40 - 15.40

II Commissioners present: SAWADA, SHIMA, TOMIYASU, MANO, MORGI, HASEGAWA, UEDA.

III Proceedings:

1. Regarding the case of HARAHASHI, Wataru, the commissioners heard from the appellant himself the explanations of the reasons why he was purged. They decided to hear a testimony from his witness sometime later.

2. The commissioners deliberated on the case of OHIZAKI, Usaburo and decided it.

3. After the commissioners deliberated on the case of OKUDA, Kikuro, they decided to refer the necessary matters to the appellant.

4. The commissioners deliberated on the case of MIYAGAWA, Munetoku and decided it.

5. The commissioners deliberated on the case of HARA, Sutemi and decided to refer the necessary matters to the appellant.

6. Next meeting is decided to be 15.00, 1st August.

appeals file

Examination Report

Appeal Board
July 31st, 1947

The Public Office Qualifications Appeal Board held its 28th meeting on 18 June 1947, with six members attending and, deliberating on the appeal of Mr. Masaichi Hemmi, the appellant, unanimously reached a decision, as set forth hereunder.

Decision.

The Prime Minister, in accordance with Article IV of the Imperial Ordinance No.1 of 1947 and under date of 5 April 1947, designated Masaichi Hemmi, the appellant, as falling under the terms of the SCAP Memorandum of 4 January 1946 addressed to the Japanese Government. This designation should properly be rescinded.

Reason.

The Prime Minister, under date of 5 April 1947, designated Masaichi Hemmi, the appellant, as falling under the terms of the Memorandum, on the ground that he falls under 6 of II in the Appendix I of the Cabinet and Home Ministry Ordinance No.1 of 1947 for the reason that he served at the Osaka Military Police Detachment as Accountant Sergeant from 21 April 1941 to 1 September 1942. Objecting to this designation, the appellant appealed, calling for its rescission. The appellant holds that the category of persons under 6 of II in the Appendix I, who are described as persons "who served in or with the Military Police etc.", refers to Servicemen and Service civilians who

who have performed services of a nature of the primary duties of military police, such as assistant military policemen and intelligence men, but not to any person who, like the appellant, has, while serving at the Osaka Military Police Detachment, merely attended, as an accountant non-commissioned officer, to the duty of paying out salaries, traveling expenses and other allowances to the officers and men of the said Military Police Detachment, and who has had nothing whatever to do directly with the primary activities of military police. Thus, the appellant holds that there is no reason why he should be designated as falling under the terms of the Memorandum.

In the rebuttal of this appeal, the Prime Minister states that, although the appellant holds that commissioned or non-commissioned officer, enlisted man or civilian employee as mentioned under 6 of II in the Appendix I of the Cabinet and Home Ministry Ordinance No.1 of 1947 do not include persons who were charged with the payment of salaries, traveling expenses and other allowances, this plea is wrong, because no such distinction is made in the Provisions of the said Ordinance, and the words used should be interpreted as including all military officers and men or Service civilians who worked at Military Police Detachments, irrespective of the nature of the duties discharged by them.

In view of the fact that the second Paragraph of the SCAP Memorandum of 4 January 1946 says: "In order to carry out this provision (as given in the first Paragraph of the Memorandum) of the Potsdam Declaration, the Imperial Japanese Government is hereby

hereby ordered to remove from public office and exclude from government service all persons who have been; a. Active exponents of militaristic nationalism and aggression. .... (The rest omitted)", and taking together, for consideration, persons under B in Removal and Exclusion Categories, Appendix "A" accompanying the Memorandum, the appellations "Career Military and Naval Personnel;- Special Police and officials of the war ministries" under II in the Appendix I of the Cabinet and Home Ministry Ordinance No.1 of 1947, and the appellations under 1 to 8 of II in the Appendix I, the interpretation is made that the words "commissioned or non-commissioned officer, enlisted man or civilian employee who served in or with the Military Police Special or Secret Intelligence or Military or Naval Police Organizations" under 6, refer to the Special Police Personnel of the War and Navy Ministries. The "personnel" as used in this context should be taken as meaning persons charged with the gathering of intelligence or with duties of a police nature, and should properly be interpreted as not including persons charged only with the payment of allowances and other accounting duties in respect of the "personnel". The reason is that none of the personnel charged only with accounting duties, of whom there were some at any of the schools, Government offices and detachments belonging to the Army and the Navy, are purged because of their said duties. There is no reason why any person should specifically be interpreted as liable to be purged because of their being charged with nothing more than accounting duties relating to the Special Police Personnel of the Army and the Navy.

It

It follows, therefore, that the provisions under 6 relating to"commissioned or non-commissioned officer, enlisted man, or civilian employee, who served in or with the Military Police Special or Secret Intelligence or Military or Naval Police Organizations" should be construed as referring to persons charged with police duties and as having nothing to do with personnel who performed only accounting duties.

The appellant, according to his questionnaire was drafted into the Central 32nd Detachment as a private on 10 January 1938. On 1 October 1939 he was appointed Accountant-Corporal, and on 1 December 1940 he was promoted to Accountant-Sergeant. He served at the detachment until 20 April 1941, and on the following day he was transferred to the Osaka Military Police Detachment, where he served as Accountant-Sergeant until 1 September 1942. On the 2nd of that month, he was transferred to the Osaka Division Headquarters, where he served as Accountant-Sergeant until 20 January 1943. On the 21st of that month he was transferred to the Manchurian 276th Detachment. Under date of 1 April 1943 he was promoted to Accountant-Sergeant-Major, and served at the said detachment until 31 December 1943. He was then discharged from the military service, and took up a civilian occupation. On 1 August 1945 he was again enlisted and was drafted into the Western 151st Detachment, where he served as Accountant-Sergeant-Major until 10 September 1945.
It will thus be seen that, while the appellant was in the military service for more than six years, and was transferred no less ~~than~~ than four times, yet he always served as an accountant non-commissioned officer. The second Paragraph of Article 45 of the Army Internal

Service

Service Order provides that an accountant non-commissioned officer "engages, under orders from the Accounting Department officers, in duties relating to computation, book-keeping and accounting". It should be taken, therefore, that when the appellant served at the Osaka Military Police Detachment from 21 April 1941 to 1 September 1942, as when he served at other detachments, he was engaged exclusively in accounting duties, in the same way as accountant non-commissioned officer in general. The fact that the appellant, not only in the light of the provisions of the Army Internal Service Order, but also as a matter of fact, was engaged exclusively in accounting duties and had nothing to do with the primary duties of military police, such as activities relating to military police and intelligence, is clear from the certificate submitted under date of 30 May 1947 by Ryoichi Tateno, formerly Military Police Sergeant-Major, who served at the Censorship Branch of the Special High Police Section of the Osaka Military Police Detachment, stating: "It is certified that Masaichi Hemmi, formerly Accountant-Sergeant-Major, was, as Accountant-Sergeant, engaged in accounting duties at the Osaka Military Police Detachment during the period from 21 April 1941 to 1 September 1942, but that he had nothing to do with, nor was he ever engaged in, the duties of military police and judicial police which are the primary functions of military police". Consequently, the appellant is not a soldier serving at a Military Police Detachment in the sense of 6 in the Appendix I of the Cabinet and Home Ministry Ordinance No.1 of 1947. It is not proper, therefore, that the Prime Minister, placing a superficial construction on the said clause, but without taking into due consideration the status and intrinsic

intrinsic duties of the appellant at the time when he served at the Osaka Military Police Detachment, should have designated him as falling under the terms of the Memorandum. Hence, the decision set forth above has been reached.

Report of Examination

The Appeal Board
July 1947.

Mori, Shoji (Candidate for a Member of House of Councillor)
Date of Decision. June 27, 1947
Decision. The Designation as a purgee should not be released.
Reason. Mori was designated as a purgee by the prime minister on the ground that he was employed as a army probational purgeon in Jan. 1905 and assigned 3rd grade army surgeon in March of the same year, 2nd grade army surgeon in December 1907, and 1st grade army surgeon January 1910 to February 1920 when he was transferred to the first reserve, which falls under the Memorandum 2, II of Appendix I.
(a commissioned active service officer) of first demobilization ministry dated Apr.
For this Mori appeals, citing the notification 18. 1946 which regulates a commissioned officer originated from cadet, technique or Army surgeon, that he did not serve on active service under Rikugun Bukan Fukueki Rei (the Army Officers Service Ordinance) when he was commissioned, and this fact will be a reason that he should not be purged.
But the Board, after investigating his questionnair etc. carefully, finds that he was commissiond or Rikugun Hoju Jorei (the Army Replacement Ordinance)and served on Rikugun Fukueki Jorei (the Army service Regulation) from Mar. 1905 to Feb. 1920. and this is enough to decide that he falls the purge Ordinance.

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List of the released as
decided by Appeal Board

31st, July.

KATSUKI, Tamotsu

ONISHI, Ryozo

SHIMURA, Takashi

DECLASSIFIED E.O. 12958, SEC. 3.5(B) AND 3.5(C) NND # 775 072

List of purgees (not released) ~~as accepted~~ by Appeal Board

31st July.

HMOTO, Shigeo

FURUYA, Tadanari

GOTO, Yohachi

HIRAOKA, Ryozo

HORI, Shinichi

INOUE, Shikio

KONO, Ichiro

KANABATA, Tahei

KANAYA, Toshio

KIDA, Takeo

KUBO, Magoichi

MASUMITSU, Shigeo

OGAWA, Ippei

OKINE, Kura

SHINADA, Tamejiro

TAKAHASHI, Genichi

YUKI, Zuiko

YOSHIDA, Meiboku

YUKI, Takeo

MIYAMOTO, Mineso

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DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDG # 795 072

Mr. SAWADA 8 Aug 47

To be decided by present appeal board & this is Mr. SAWADA's personnel opinion. Mr. Le Moyne these can be completed by 31 Aug. 47.

Snow

List of appellants as referred to Appeal Board

31st, July '47.

ARAFUNE, Seijuro
ANDO, Masazumi
AKAGI, Ichiro
ANIBE, Kensuke
AMANO, Yutaka
CHIZAKI, Usaburo
DEMITSU, Sazō
ETO, Takaaki
EGAWA, Tamenobu
FURUSAWA, Taiichi
FUJINUMA, Shohei
FUKAYA, Seiichi
GOTO, Masami
HONDA, Yuzuru
HORI, Shigeru
HENMI, Masaichi
HARA, Suteshi
HAYASHI, Masamichi
HARA, Eisaku
HIKICHI, Ryotaro
IRIE, Kanichi
ISHIGURI, Sukehichi
IKEDA, Hideo
INADA, Shuichi
IKEDA, Yorinobu
INUKAI, Ken
ISHIGURO, Takeshige
ISOMURA, Eiichi
KAWANAMI, Toyonari
KAMEI, Hideo
KIKUCHI, Choemon
KASHIMURA, Hiroshi
KATAGIRI, Katsumasa
KUWABARA, Mikine
KUROIWA, Koichi
KAWASAKI, Katsu
KAWAGUCHI, Tadaatsu
KOSAKA, Kaichiro
KUBOTA, Michio
KOYAMA, Kuranosuke
KOBAYASHI, Kanae
KIGOSHI, Sadanori
KUKI, Saburo
MAKINO, Tozaburo

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DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDG # 775 072

MITSUHASHI, Kikuo
MURAYASU, Shinkuro
MATSUOKA, Matsuhei
MATSUI, Haruo
MURAKAMI, Teiichi
MORI, Masaji
MAKINO, Ryozo
MITSUBAYASHI, Kozo
MASUDA, Norimoto
MAEDA, Miyomatsu
MANABE, Hisakichi
MASAKI, Yoshihide
MAKINO, Tozaburo
NAGAO, Kakuzaemon
NAKAMURA, Takaichi
NAKAYAMA, Torao
NAKAGOME, Kamezo
NAKATSUKA, Taneo
NAKAMURA, Jinichi
NEMOTO, Kyuya
NAKAYAMA, Eiichi
NAGASAKI, Sōnosuke
NARAHASHI, Wataru
NAKAMURA, Chogoro
NAGAYASU, Ryotaro
OKUBO, Kenozo
NISHIMURA, Keizo (ordered [illegible])

OIKAWA, Meizen
OGINO, Takeo
ONO, Masaichi
ONISHI, Taisuke
OKUDA, Kikuro
SHIRAI, Isamu
SUGANAMI, Shoji
SAWAMURA, Takashi
SHIGEMASA, Seishi
SATO, Morio
SASAMOTO, Kazuo
SATO, Masahito (Shoji)
SAWAI, Sokichi
SUGITO, Ichiro
SHINOHARA, Rikuro
TSUJI, Kaneshige
TAKEGOSHI, Tokuzo
TANIGAWA, Noboru
TAKAHASHI, Onotaro
TAMURA, Kihachi
TOKUDA, Ichibei
TAGUCHI, SUkeichi
TSUGITA, Daisaburo
TANAKA, Isaji
TABUCHI, Iwao
TESHIROGI, Ryukichi

DECLASSIFIED (E.O. 11652 SEC. 5(E) AND 5(D) OR (E) NNDG # 775 072

TAMARUSHIMA, Takeo

WATANABE, Kishimatsu

WATANABE, Toshitake

YASUKAWA, Munenori

YAEGASHI, Unkichi

YAMAMOTO, Katsuichi

YAMAKAWA, Tadao

YONEZAWA, Mototake

YAMAUCHI, Kanju

YAMAUCHI, Naomoto

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDC # 78-072

List of Appellants yet to be referred to Appeal Board

31st, July.

ABE, Yuji
ANDO, Sadao
AWAYA, Yuzo
ETO, Natsuo
FUJIWARA, Takeo
FUJIHARA, Sakihei
FUKUDA, Tomojiro
FUTAMI, Yasusato
HAMACHI, Tatsusuke
HASUMI, Yasushi
HARAGUCHI, Hatsutaro
HATSUKADE, Takeshi
HAYAKAWA, Saburo
HAYASHI, Ken
HIRANO, Masukichi
HINO, Yoshio
HIRANO, Toshio
HOTTA, Masaiku
INAMORI, Shigeru
ISODA, Masanori
INABA, Hakuichi
IGAI, Seiroku
IMASATO, Katsuo
ICHIKAWA, Fusae
ITO, Jushi
IJIMA, Shichitaro
IRIMAJIRI, Yoshiyasu

KATO, Sueo
KUBOTA, Tsunetaro
KIUCHI, Nobutane
KINOSHITA, Kaoru
KIKUCHI, Yonosuke
KUROMORI, Asao
KEIMATSU, Shozaemon
KAWAI, Yoshinari
KAMITSUKA, Tsukasa
KATO, Saburo
KANO, Hisaro
KASA, Tomizo
KIMIJIMA, Seikichi
KOMATSU, Takeshi
KARASAWA, Toshikiyo
MATSUKAWA, Shozo
MATSUMURA, Giichi
MIYAZAKI, Ryusuke
MIYANISHI, Takeichi
MORIMOTO, Yoshio
MIYAZAWA, Tanes
MATSUO, Kaemon
MITAMURA, Takeo
MINAMI, Shunichi
MITSUYA, Miyematsu
KATSUYAMA, Iwao
MAEDA, Aijiro

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DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDC # 78-572

MURAI, Hirosuke

MURASE, Naohei

MIZUKAWA, Kiyoshi

NAKAYAMA, Taichi

NOZAKI, Yoshio

NISHIKAWA, Hiroshi

~~NISHIMURA, Keizo~~ (reserved)

NAGAYAMA, Seizaburo

NAGAI, Gen

NAGATOMI, Naohiko

OKA, Kyoichi

OKADA, Dairoku

OTANI, Takejiro

OTANI, Kokichi

OTANI, Shotaro

SHIBATA, Yoshio

SANNOMIYA, Koremobu

SHIINO, Yoshichi

SASAKAWA, Ryohei

SUEHIRO, Kojiro

SHIMIZU, Kinichi

SHINMEI, Masamichi

SANO, Michizo

SHIMIZU, Mikimatsu

SHIMIZU, Ryoroku

SHOJI, Maseki

SATO, Eiji

SATO, Eishi

SATO, Eiichi

SATO, Toranosuke

SUZUKI, Takeo

SUGIHARA, Kota

SHIOZUKI, Manabu

SATO, Keijiro

TAJIRI, Aigi

TAKATORI, Jiro

TANAHASHI, Kotora

TAKAHASHI, Kozaburo

TOYODA, Seiichi

TONODA, Koji

TSURUMARU, Kanichi

TAKEUCHI, Kenkichi

TAKEUCHI, Shigeyo

TABARA, Haruji

TOKUGAWA, Kuniyori

TAKASHIMA, Yonekichi

TSUCHIYA, Koji

TAMURA, Komajiro

TANABE, Tadao

UCHIYAMA, Tanzo

UCHINO, Nutaka

UCHIDA, Mitsuchika

UEKI, Toshio

USHIO, Kenji

YAMAGISHI, Kenji

YAMAMOTO, Matsujiro

YAMANE, Ryuji

YAGUCHI, Aotaro

YAGI, Kokichi

YAMADA, Mamoru

YANAGAWA, Sozaemon

YOSHIHIRO, Yoshio

YOSHIMATSU, Takashi

YAMAGUCHI, Naomoto

YOSHIKAWA, Chiemaru

ZEN, Keinosuke

Appeals File

Appeal Board
July, 30th, 1947

EXAMINATION REPORT

The Public Office Qualification Appeal Board held on June 26, 1947 its 31st Session, attended by seven commissioners, at which the appeal of Mr. Sadanori Kigoshi was examined and an unanimous decision was reached as follows.

DECISION

It is proper not to repeal the decision as of April 16, 1947, made by the Governor of Ishikawa Prefecture in accordance with the provision the 1947 Imperial Ordinance No. 1, Article 4, designating Sadanori Kigoshi as a person falling under the 4 Jan. 1946 SCAP Memorandum to the Japanese Government.

Approved 31 July 47 Sawada

REASON

The Governor of Ishikawa Prefecture decided that the appellant, Sadanori Kigoshi, as a person falling under the 1947 Cabinet Ordinance, Home Ministry Ordinance No.1, Appendix I, IV, 2. A, on the ground that he had served as Chief of the Yokusan Sonen-dan (I.R.A.Y.A.) of Oba village, Kawakita-gun, Ishikawa Prefecture. The appellant, objecting to the said decision, submitted the present appeal.

The main points of the appellant's contention are: (1) While there were at a time members of the Yokusan Sonen-dan

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in Oba village, there existed no group organization as Yokusan Sonen-dan. In fact, the proposal to set up such a group under the pressure of superior authorities did not materialize because of the appellant's opposition and the organization existed only in name. Accordingly, the receipt for the rice delivery bonus, submitted as a sole piece of evidence, is of no account. (2) The fact that the appellant attended a rice delivery conference once in February 1943 at the request of many village assembly men with a view to helping out the inactive village-master Tsujikawa caused misunderstanding among certain people of the county (gun), but the assertion that the appellant was the Chief of the Yokusan Sonen-dan of Oba village is groundless.

The Appeal Board in examining the case finds:

Although the appellant claims that there were at a time members of the Yokusan Sonen-dan in Oba village, there existed no organization for a Yokusan Sonen-dan, and the existence of organization was nominal after all, however, the roster of the Yokusan Sonen-dan of Oba village presented by the Governor of Ishikawa Prefecture as of August, 1943, contains the names of the appellant and 17 other persons. The verbal testimony of Mr. Yoshihisa Inouye, former member of the Yokusan Sonen-dan Headquarters for Kawakita-gun, taken on April 3, 1947, says, "The Oba village Yokusan Sonen-dan ..... was organized sometime between the spring and the summer of 1943. The inaugural

meeting

meeting was held on the second floor of the village office, at which I myself was present." Furthermore, the verbal testimony of Mr. Kyuzo Araki, former Chief of the Yokusan Sonen-dan of Mitani village, Kawakita-gun, dated April 11, 1947, says: "The formation of the Oba village Yoku So group (I.R.A.Y.A.) lagged behind other towns and villages, but it remained in existence, I believe, for about one year." The fact must therefore be recognized that the Oba Village Yokusan Sonen-dan was established between the spring and the summer of 1943. As long as this is recognized, it must be presumed that there was naturally some one who occupied the post of the Chief of the organization. As regards this point, the appellant claims that his presence at the rice delivery conference of February, 1943, caused some people of the county to misunderstand as though he had been the Chief of the Yokusan Sonen-dan of his village, and submits in support of his claim a written testimony signed by 365 Oba village voters. But there is no evidence to show that some one other than the appellant was the Chief of the organization in question. On the other hand, the receipt of the 1943 Rice and Wood Delivery and Food Production Expansion Bonus, submitted by the Governor of Ishikawa Prefecture on 16th, Feb. 1944, bears the stamp of "Sadanori Kigoshi" under "Chief of Oba Village Yokusan Sonen-dan." The above-mentioned verbal testimony of Yoshihisa Inouye says that he "remembers of hearing Sadanori Kigoshi speak at the inaugural meeting of the village Yokusan Sonen-dan to the effect that he was to serve as its Chief, and that Sadanori Kigoshi thereafter

frequently attended the conferences of the Town and Village Yokusan Sonen-day Chiefs of Kawakita County." Again, the above-mentioned verbal testimony of Kyuzo Araki says: "I remember, Sadanori Kigoshi, Oba Village, was the Chief." It is therefore pertinent to conclude that in name and in reality Sadanori Kigoshi served as Chief of the Yokusan Sonen-dan in question from the beginning of the organization until at least February 1944, and the evidence submitted by the appellant is not to be relied upon.

Accordingly the Governor of Ishikawa Prefecture was right in designating the appellant as a person falling under the 1943 Cabinet Ordinance, Home Ministry Ordinance No.1, Appendix I, IV, 2, A. Hence, the above decision.

Report on 39th Appeal Board Meeting

30th, July 1947.

I. Date: 25th, July 10.30 - 14.30

II. Commissioners present: SAWADA, SHIMA, TOMIYASU, NANO, HASEGAWA, UEDA, MOROI.

III. Proceedings:

1. Regarding the case of Mr. FURUZAWA, Taiichi, the commissioners examined it and decided to refer the necessary matters to the appellant.

2. Regarding the case of Mr. KOSAKA, Kaichiro, the commissioners examined it and decided to refer the necessary matters to the Governor of SHIZUOKA Pref.

3. Regarding the case of Mr. HIKIJI, Ryotaro, the commissioners decided the case.

4. Regarding the case of Mr. NEMOTO, Kyuya, the commissioners continued the examination.

5. Regarding the case of Mr. NAGAYASU, Ryotaro, the commissioners agreed to permit the appellant to appear and explain his case in the Appeal Board at the end of August.

6. The next meeting is scheduled at 10.00, 30th, July.

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29th July, 1947.

Maj. Snow.

T. SAWADA
The Chairman of the Appeal Committee.

Disapproved. 5 August 1947 in letter to R. Snow.

INVESTIGATION REPORT ON EXCLUDING SASAMOTO Kazuo, CANDIDATE FOR HOUSE OF REPRESENTATIVES, FROM THE LIST OF PURGEES.

In regard to the inquiry regarding SASAMOTO Kazuo, I, in the capacity of the Appeal Committee, hereby report as revealed upon my hearing about him on July 19 and 23, 1947 from NAKAMURA Shiro, who had held the post of Chief of General Affairs Division, General Affairs Bureau, the Central Board of the Association for Service to the state through Commerce (Shogyo Hokokukai) and who is in the post of Chief of Liaison Division of the Japan Chamber of Commerce and Industry, as well as upon investigating the related past records of the Central Board of the Association.

A. SASAMOTO Kazuo was then Director each of the Nomura Goshi Kaisha (Manufacturer of boiler for room heating) and the Futawa Shokai (building metal fittings manufacturer). In those days SHIINA Etsusaburo, the then Vice-Minister of Commerce and Industry was one of his very intimate friends from his younger days. In addition to Mr. SHIINA, he had a few intimate friends

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among the people of director class of the Ministry of Commerce and Industry.

B. From about 1940, such associations as Merchants' Association (Shoshikai), Merchants Corps (Shoshitai), Business Reform League (Shogyo Kakushin Remmei) and Business Friends Association (Shogyo Doshikai) which had fomeerly been organized by small and medium scale traders with a view to enhancing business morale or maintaining discipline amont them, especially making fair distribution of goods and extermination of black-marketteringe, were unified in the name of "the Association for service to the state through Commerce (SHOGYO HOKOKU ~~RENMEI~~ KAI)," which was created in each prefecture. Furthermore, "the Central Board of the Association for the Service of the State through Commerce" was organized by the above Association of each prefecture and "the Department Store Association for Service to the State through Commerce which was also situated in each prefecture. The Central Board had, as its object, the enhancement of business morale of small and medium traders, launching of antiprofiteering drive, and safeguarding interests of the people. It ordered small and medium traders to put up the members' sign at their shop front or conducted such undertakings as lecture meeting or round table conference for such traders.

The Ministry of Commerce and Industry decided, to assist its undertakings, to grant annual subsidy of ¥200,000.- to ¥300,000.- to the Central Board. The Ministry of Commerce and Industry desired, by having SASAMOTO who were on friendly terms with its executives, take up the post in the Central Board,