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DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

August 1946

SECTION I

CIVIL GOVERNMENT AND ADMINISTRATION

CONTENTS

	Paragraph
General	1
The Constitution	2
The Diet	8
Political Parties	13
The Purge	21
Structural and Personnel Changes	28

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

GENERAL

1. The Lower House of the Diet by an overwhelming vote passed the draft Constitution.

A gratifying increase has been shown in the interest taken by local communities in the actions of their Diet representatives.

Diet resentment against actions apparently legal in themselves but regarded by Japanese as in contravention of sound parliamentary practice forced the resignation of speaker Higai. He was replaced by Takeshi Yamazaki, also a Liberal.

Reduction of the number of political parties through realignment of Diet groups is making the Diet a more workable legislative body. The political parties thus gain larger responsibility and stronger influence.

Liberalization movements within the major parties are in progress. Youth Groups are pressing for a further democratization of party machinery.

The Co-operative Democratic Party, about to be renamed Peoples' Co-Operative Party, has subordinated its belief in the co-operative principle for the sake of acquiring new members. This step may foreshadow an attempt on the part of the party to align itself among Government supporters.

The Social Democratic Party, having healed its idealogical split, has become more active in the role of opposition.

As of 29 July the Japanese government had substantially completed the task of screening all categories designated in the 4 January purge directive. SCAP's task of reviewing the government's compliance is a continuing process.

Under the directive a total of approximately 186,000 leading exponents of militant nationalism have been removed or excluded from public office.

Three agencies of enormous potential importance to Japan's economy were established, the Holding Company Liquidation Commission, the Economic Stabilization Board, and the Price Board.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

2. The draft of the proposed new Constitution, under constant public discussion since its preparation in February, introduced into the Lower House on 25 June and cleared by the Constitutional Committee 23 July, was passed 24 August in the Lower House by a vote of 421 to 8. Two Independents, neither of them left wingers, but moved by personal considerations only, joined the Communists in opposition to the measure. The bill now goes to the House of Peers for consideration.

3. The session of the Diet, which supposedly was to have closed 28 August has been prolonged by Imperial decree to 27 September in order to allow the Peers sufficient time to discuss the draft.

4. Passage of the Constitution in the Lower House followed an exhaustive two months' long Parliamentary discussion in which its provisions were scrupulously analyzed in every detail. A special sub-committee, headed by the veteran diplomat Hitoshi Ashida, Liberal member from Kyoto, scrutinized the meanings and the implication of the document paragraph by paragraph and, in many instances, word by word. At daily hearings amendments representing every conceivable point of view were given full consideration. Public meetings discussed the proposed changes in detail. Scores of newspaper editorials, radio broadcasts and other means of popular opinion concentrated on the content of the proposed Constitution and on the actual implication of its provisions. Thus, the fullest possible general discussion centered upon the epochal new document, and the final terms in which the bill was couched represent the fruit of all informed Japanese public opinion.

5. When the document was presented to the House of Representatives, representatives of each of the political parties, minor as well as major, spoke at length upon the importance of this measure.

Reikichi Kita (Liberal), Heima Hayashi (Co-operative Democrat), Tazo Oshima (Shinsei-kai), Hisao Tanaka (Independent Club) and Ken Inukai (Progressive) voiced the official approval of their groups. Tetsu Katayama (Social Democrat) reported that while his party would have preferred certain amendments which had been defeated in committee it was satisfied that the proposed constitution was practical and democratic; he asked, however, that

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

care be taken in drafting legislation to implement its provisions.

Yukio Ozaki, dean of the legislators, described the measure as "good" but warned that "a good constitution on paper means nothing unless it is properly enforced."

Only the Communists, whose spokesman was Sanzo Nosaka, opposed the draft. Their substitute bill had also been thoroughly analysed both by the public press and in Diet committee prior to being rejected.

6. The draft as adopted by the lower house adheres to the basic principles of the document as originally proposed in February, committee scrutiny and Diet discussion has resulted in certain numerous changes. Altogether 23 of the original 100 articles were amended, four new articles were added, and one was deleted. The changes may be summarized as:

a. Strengthening the concept that sovereignty resides in the people.

b. Adding guarantees assuring the people of the right and the duty to work and adding the duty of paying taxes.

c. Assuring the privilege of a healthy and cultured life, and guaranteeing standards of rest.

d. Assurance that no person will suffer discrimination on any basis of education, property or income.

e. Clarifying the clause that the Prime Minister shall nominate the Chief Justice and that other Supreme Court Justices shall be named by the Cabinet. In each case the Emperor is to appoint to office the men thus selected.

f. Permitting monetary compensation to be paid those acquitted of certain charges or those falsely arrested.

g. Providing that all Imperial Household property shall belong to the State.

h. Providing that the Prime Minister and a majority of the members of the Cabinet must be members of the Diet.

i. Declaring that the Constitution, alone, shall be the Supreme law of the land.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

j. Abolishing all peerage immediately upon the Constitution becoming effective.

k. Establishing a six-months period after its promulgation for the enactment of implementing legislation to execute its provisions, at the expiration of which the new Constitution will be enforced and all inconsistent edicts or legislation superseded and invalidated.

7. The full text of the Constitution, as finally passed by the House of Representatives, follows:

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Local Initiative

8. Reassuring tendencies are noticeable in matters concerning local initiative and popular interest in Diet activities. One is the fact that, increasingly, the local press, hitherto comparatively unconcerned with national legislative affairs, has borrowed the metropolitan practice of interviewing Diet members upon their views of pending legislation and of publishing at regular intervals the record of their votes and other actions in the Diet. This is particularly true of the press in Iwate, Miyazaki and Nagano prefectures, which, among others, hold bi-weekly symposiums of newspaper editors and the local Diet members. This custom not only keeps alive prefactural interest in national affairs but equips the electorate with a constant knowledge of what the representatives are saying. At future elections such information will, of course, be invaluable in providing the voters with information concerning the qualifications and abilities of candidates who seek re-election.

A second development has been a remarkable increase in the number of petitions submitted by local communities to the Diet. Five hundred and fifty such documents, a record number, have been received by the House of Representatives. These for the most part reflect the national concern with such immediate questions as food, labor relations, rehabilitation, repatriation and farmers' problems, but the important fact concerning them is that rural communities hitherto content more or less placidly to hold the idea that such matters could be cared for only at Tokyo are beginning now to take an active part in initiating programs.

Diet Criticism

9. Criticism of the Diet as ineffectual, as weak in personnel and as unconcerned with public welfare has always been a favorite press topic. Ever since the beginning of Japanese parliamentary government in 1890 press commentators have consistently repeated such accusations upon the convening of each new Diet. Similarly, in the pre-surrender period, newspaper editors harped upon the supposed fact that Japanese diplomacy has been weak-kneed, over-conciliatory to aliens and cowardly in action. Such comments have been

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

conventional only and have been made without regard to actual facts.

The present Diet is a case in point. Immediately upon the conclusion of the April 1946 elections, the Japanese press chorused that the Diet membership was second-rate and that none of its members had distinguished records of accomplishment. The newly elected members, according to the press, were chiefly incompetent figureheads, many of whom were "stooges" for purged politicians forbidden to enter the limelight. Some of the less responsible newspapers libellously alleged that the members were tools of big business combines though no actual proof was ever offered.

At the session which passed the Constitution, 87 year old Yukio Ozaki, the only Diet member who has served consistently since the first session, flatly charged that his colleagues were "nincompoops" and "bureaucrats."

Such accusations, it is now apparent, are groundless. Close study of the characters and personalities of the Diet membership and careful interviews with more than a majority of the men and women composing the lower house indicate that the standard of the Japanese Diet is high, and that its membership, while certainly lacking in previous legislative experience (as is natural since men with nationalistic and militaristic records have been excluded), are nevertheless sincere, energetic and well-qualified by study and by previous preparation in other fields. The average Japanese legislator, it is safe to say, compares favorably with the standard of lawmaker in any other democratic land.

A recent charge made by the Tokyo Times against the Japanese Diet is that members have been remiss in attendance upon meetings. Statistics, however, disclose that since the opening session on 20 June an average of 361 members, 77.4% of the total membership, has attended the meetings. The rate is extraordinarily high in comparison with the custom in other countries holding frequent plenary sessions.

The same excellent record applies, also, to Cabinet members who, in spite of their duties as executive chiefs, also sit through Diet discussions in both houses. Transport Minister Tsunejiro Hiratsuka, for instance, has not yet failed to attend a single session of either house, while Home Minister Seiichi Omura has been absent only once. Education Minister Kotaro Tanaka

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

and State Minister Sadakichi Hitotsumatsu have each missed but two meetings, while other members of the Cabinet have also been assiduous in attendance. Presence at sessions of both the Lower House and of the House of Peers, in addition to the regular duties imposed upon Cabinet members in their executive capacities, bespeaks true devotion to the responsibilities of office.

The Higai Case

10. Takashi Yamazaki (Liberal, Tochigi) is the new speaker of the Diet. His election, with subsequent Imperial approval, followed a series of events that, while legally defensible, seemed to many Japanese to violate the spirit of Japanese parliamentary government.

The shift in Speakership grew out of controversy over the wording of the new draft Constitution. By the terms of Article 84, as approved by the House Sub-Committee on the Constitution (and as later accepted by the House), all Imperial Household property becomes the property of the State.

Senzo Higai, former speaker, disliked this provision. He did not wish, he said, to subject the Emperor to financial control either by the Diet or by the Cabinet and especially not by the Finance Ministry. Such dependence, he said, "would not be in harmony with national sentiment." He could not endure, he said, to "think of the Emperor's living in a house that was not his own."

Technically, Higai may have acted within his rights both as a Diet member and as a Japanese citizen entitled to the rights of free speech and of criticism of pending legislation. It is, however, apparent, both from the reactions of the political observers and from his own efforts to excuse his actions, that he did violate Japanese parliamentary process.

In company with Tomomitsu Ono, secretary-general of the Liberal Party and Shigoro Hanashi, a party member, Higai called upon Prime Minister Shigeru Yoshida to inquire whether the Sub-Committee's recommendation for state ownership could not be modified prior to the Constitution's being presented to the Diet for approval.

In three ways, this step violated Japanese political convention.

a. Contrary to the American governmental system, the Japanese

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Speaker is supposed to be politically independent; Higai's visit to the Premier in company with Liberal leaders indicated that he was still active politically.

b. Higai had not consulted any of the sub-committee membership, nor, for that matter, any other parliamentary leader, prior to arranging the interview.

c. Higai's intervention with the Prime Minister seemed to Japanese statesmen to interfere with the sub-committee's right to submit uncensored drafts of legislation to the Diet. His actions, they said, showed contempt for parliamentary procedure.

Higai declared that he visited Yoshida not in order to reverse the decision of the sub-committee but merely to learn what action the sub-committee had taken. This statement appears to have been untrue since Higai had previously stated that he called upon the Prime Minister in the effort to persuade the government to modify the sub-committee's decision.

"I did not consider," he added, "that the sub-committee possessed the final determination as to the contents of the new Constitution."

Higai's actions, together with his challenge to the sub-committee's powers, called forth a storm of protest. On 21 August, the Social Democrats moved a vote of non-confidence against him. The entire anti-Government bloc supported this, together with many of the younger Progressives and some of the first-term members of Higai's own Liberal party. When the motion came to a vote the House fell into such an uproar that deliberation had to be suspended until such time as former Prime Minister Shidehara, head of the Progressive party, could marshall his party members into line. When the House reconvened, at 2200 hours on 21 August, and it was obvious that the Government party possessed such a majority that a non-confidence vote would not carry, the opposition resorted to dilatory tactics in order to prolong the session until after midnight, when, by Japanese law, the day's Diet session must adjourn. In such event the voting would be invalid and the anti-Higai bloc might gather greater strength for a second test. The maneuver was successful and the Diet session closed without action having been completed on this matter.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Overnight the opposition hardened against Higai, and although the Liberal managers were confident that they controlled sufficient votes to defeat the non-confidence motion, they decided that Higai must quit his post. Higai himself agreed to this, provided the non-confidence motion were beaten, but insisted that he should remain as speaker until after the House had passed the proposed new Constitution for Japan.

The Social Democrats thereupon announced that they would attend no further Diet sessions to discuss the proposed Constitution until Higai had resigned.

A deadlock resulted. The non-confidence vote was beaten, 22 August, 179 members favoring it as against 227 opposed, in a vote in which the entire anti-Governmental representatives united for the first time in concerted action against an administration policy. The Liberal-Progressive bloc, however, dared not proceed with legislative action for fear the Social Democrats would carry out their threat to boycott the session.

Party caucuses and inter-party conferences followed. Although the Social Democrats could hardly have adhered to a position of seeming to oppose free discussion of the Constitution, party leaders exerted constant pressure upon Higai to reconsider his decision to stay until the Diet had passed the Constitution, and finally secured his resignation.

Minister without Portfolio Etsujiro Uyehara, who sought the vacant speakership, and who had enjoyed previous experience as vice-speaker, was recommended by Shidehara and was the first choice but Prime Minister Yoshida, faced with internal difficulties within the Liberal Party, wanted Uyehara to remain as political advisor within the Cabinet. Hitoshi Ashida, veteran Liberal, was second choice but, as chief of the Constitutional Committee, he could not be spared from active floor service. The choice then devolved upon Takeshi Yamazaki who late in the evening of 23 August was elected to the post. He is a 60-year old newspaperman, former mayor of Mito, who has been elected six times to the Diet since 1920, but who was not a candidate in the 1942 Tojo campaign.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Importance of the Higai Affair

11. The Higai affair is important not only because of the personalities involved, but because of its evidence that the Diet has grown conscious of its rule as the chief organ of the Japanese Government. Prior to the rising against Higai the Japanese Diet had been accustomed to regard itself as little more than a debating society of dubious governmental powers, subject to over-ruling by the bureaucracy and by the Cabinet. The Higai affair, while complicated by various factors not customarily regarded as important by Western political scientists, is a landmark in the assertion by the Japanese Diet of its pre-eminence in the legislative process.

12. The following bills were enacted by the Diet during the period from 25 July to 25 August:

	Date Passed
Financial Emergency Ordinance and 11 other ordinances	30 July
Special City Planning Law.	30 July
Account Law.	31 July
Special Account Supplementary Budget (Special No. 2).	3 August
Special Account Law of Government Investments.	7 August
Law for Leasehold Land & Houses in War-Damaged Cities.	13 August
Suit Costs Law.	13 August
Lawyer Law.	13 August
Company Account Law.	14 August
Financial Institutions Account Law.	14 August
Postal Savings Law.	15 August
Revised Budget Bill	16 August
Bill for Extending the Term of Membership of Assemblies in Hokkaido.	23 August

POLITICAL PARTIES

13. Party re-organization has marked political history during the month just closed. Further amalgamation has so reduced the number of independent and small party members in the Diet that only four major parties

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

now exist, together with one minor group, the Communists, with but six seats and a small handful of half a dozen members who prefer to remain unclassified.

14. The dominant Liberal Party, now controlling 150 seats, and its ally, the Progressive Party, with 106 seats, have each weathered internal crises that have resulted in liberalization of their rules.

15. Following the inauguration, 18 August, of Prime Minister Yoshida as party president -- a step generally regarded as a victory for the 66 younger, anti-Hatoyama representatives leagued into the Chuken-kai, or Backbone Society -- the Liberals moved toward a plan for open election, rather than appointment, of party officials. The suggested plan would also afford greater independence for local party branches.

It has been suggested that this movement was originally merely a step toward winning support among independents, but the fact that it continued, and even gained momentum, after the amalgamations indicated that Japan's dominant political party was not static in its conservatism.

16. A similar trend is also occurring among Progressives. The rise to leadership of Ken Inukai, Kijuro Shidehara and Welfare Minister Kawai brought with it new concepts of party policy.

Although maneuvering for membership among independents motivated partly this change in viewpoint, like the Liberals the reformation continued after ten former Independents had transferred their allegiance. Again, parallel to the Liberal Party, the modification of Progressive policies is largely traceable to first-term Diet members anxious to introduce more political idealism into political life. Inukai is generally regarded as leader of this idealistic faction in the Progressive Party. Crystallizing the change, strong sentiment has developed for re-naming the party as the Japan Democratic Party (Nippon Minshuto).

17. The Co-operatives, now about to be re-named Peoples' Co-operative Party (Kokumin Kyodoto), have abandoned belief in the co-operative principle as a test for membership when admitting a group of old line professional politicians. On 17 August they formally expelled two of their founders, the Kita brothers from Hokkaido, who protested against merging with those not subscribing to co-operative theory. The Kita brothers, according to a formal party statement "violated regulations and disgraced the party." The Kita

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

brothers and certain sympathizers talked of forming an orthodox Co-operative Party, but have thus far failed to found such a group.

The Co-operative goal was coalition with the Shinsei-kai, a maneuver expected to swell the Co-operative Diet membership to about 85 seats. Political observers believed that control of such a number might enable the Co-operatives to replace the Progressives as junior members of the Government alliance.

18. The Social Democratic Party, now numbering 97 seats, concentrated during the month on tightening party discipline. The cleavage once feared between the left wing and the conservative right wing has apparently disappeared and the agitation once voiced for a so-called "democratic front" with the Communists has almost entirely ceased. The Social Democrats are for the first time a united party.

19. After the press, particularly Tokyo's Mainichi, on 20 August, attacked the Social Democrats for failure to constitute an effective opposition, the party turned more aggressive. The Mainichi complained that the Social Democrats had invariably compromised with the Government, usually on the latter's terms, and that the Diet record showed but slight trace of independent action by opposition groups. Immediately thereafter, however, the Higai incident offered an excellent opportunity for Social Democrats to display aggressive opposition. Through careful planning and skillful leadership the Social Democratic Party, aided by the reclacitrant Liberals and Progressives, and by the entire anti-Government bloc, won a resounding victory in forcing Higai to resign prior to continuing consideration of the Constitution.

20. The party was, however, less successful in winning consideration for constitutional changes proposed by its members. Such suggestions were more in the direction of implementing by specific legislation the general principles embodied in the Constitution, and the majority felt that the same result could be more effectively secured by legislation rather than by constitutional amendment.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

THE PURGE

21. Conforming to the policy that the Japanese Government should be permitted to effect its own reorganization to the greatest extent practicable, the Cabinet was required in April to submit a plan for the completion of the program, already well advanced, for removing undesirables from public office, as required by the application of the purge directive of 4 January 1946 (SCAPIN 550, "Removal and Exclusion of Undesirable Personnel from Public Office"). As of 29 July the government had substantially completed the screening of all categories designated in the directive. In some instances it was necessary to intercede or to rule as unacceptable the findings of the government, but in general compliance has been satisfactory. SCAP's task of reviewing the government's compliance is a continuing process.

22. Under the directive a total of approximately 186,000 leading exponents of militant nationalism were removed or excluded from public office. Though not so culpable as to be prosecuted as war criminals, they had wielded an evil influence and had contributed immeasurably toward the program which plunged Japan into a war of world aggression.

23. The final report of the Japanese government, submitted 29 July, indicates that it had completed the screening of all holders of public office in the following governmental agencies and positions:

Privy Council

House of Peers

House of Representatives

All Shinnin rank officials in any post.

All cabinet ministries down to bureau chiefs and selected ministries down to section chiefs.

Prefectural governors and city mayors

Presidents and division directors of the Supreme Court and the Courts of Appeal, and chiefs of district courts.

Public Procurator General, chief procurators of Courts of Appeal and district courts.

Officers and directors of the Bank of Japan and other special banks, national policy associations, control associations and control companies.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Directors of local bureaus under jurisdiction
of the various ministries.

Presidents, deans and principles of universities,
colleges and other schools under the direct control
of the Ministry of Education.

24. Prior to the general election of 10 April the qualifications of all candidates for the House of Representatives were examined by the Japanese Government. Of the 3,384 who filed, 252 were disqualified, 113 of them because they had been Tojo-recommended candidates in the notorious election of 1942. After the election, but prior to 20 June 1946, when the new Diet was convened, the records of all the successful candidates were re-examined and nine of the elected members were removed by the government. Ichiro Hatoyama, president of the Liberal Party, was removed by SCAP directive.

25. All incumbents of the House of Peers were screened and those found to be affected by the purge directive were removed. Those appointed to fill the vacancies created by the purge were screened before their appointments were made effective. In March 1946, 30 newly appointed members to the House of Peers were suspended by SCAP directive until the Japanese Government complied with the requirement that they be screened before their appointments became effective. Two of these thirty, although screened and passed by the Japanese Government, are still suspended pending completion of review of their cases by SCAP. Thus, when the Diet convened for business on 20 June 1946, all members of both Houses were persons whom the Japanese Government had determined to be acceptable holders of public office under SCAPIN 550.

26. In the application of the purge directive to holders of public office, exclusion of the numbers quoted for the House of Representatives, the Japanese Government, as of 31 July, had screened 5,520 persons, removed or barred 814 and passed 4,706. All persons purged held high-ranking policy-making positions. The official questionnaires and other information regarding officials passed by the Japanese Government have been submitted to SCAP headquarters, where the screening activities of the government are being subjected to intensive review.

27. There remain to be screened about 1,000 officials of 165 corporations in various fields. Though not government-owned or controlled, these business and industrial organizations were added to the list because their major stockholders are national policy companies.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

STRUCTURAL AND PERSONNEL CHANGES

28. The Council for Study of Peace Treaty Problems, an agency of the Foreign Affairs Ministry, started its work on 29 July.

29. Establishment of the Holding Company Liquidation Commission was announced by the government on 9 August. The chairman is Takao Sasayama, director of the Industrial Bank. Other members include Iwajiro Noda, director of the Japan Cotton Business Corporation; Umataro Kurumaya, president of Daiwa Bill Brokers; Kanichi Moroi, president of the Asbestos Control Corporation; Yoshitaro Wakimura, professor at Tokyo Imperial University; and Ryokichi Minobe of the newspaper Mainichi.

30. The Economic Stabilization Board began functioning on 12 August, according to a government announcement. Chief officials of the board follow:

President	Prime Minister Shigeru Yoshida
Director-general	Keinosuke Zen, Minister without Portfolio
Director, First Division	Keinosuke Zen
Assistant Director	Shin Hashii, Cabinet official
Director, Second Division	Yoshio Tominaga, president of the Hakodate Dock Co.
Assistant Director	Shotaro Suginomori, chief, regional office of Commerce and Industry Ministry
Director, Third Division	Keinosuke Zen
Assistant Director	Tasuku Ito, official of the Agriculture and Forestry Ministry
Director, Fourth Division	Juitsu Kitaoka, vice president of the Housing Corporation
Assistant Director	Hideo Nagayama
Director, Fifth Division	Shoshiro Kudo, chief of the Price Division of the Finance Ministry
Assistant Director	Toru Shimamoto, Finance Ministry official

31. Establishment of the Price Board was also announced on 12 August. Leading officials follow:

Director-General	Keinosuke Zen
Assistant Director-General	Shoshiro Kudo
Director, First Division	Toru Shimamoto
Director, Second Division	Kosho Ogasa
Director, Third Division	Toru Shimamoto

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

32. The appointment of Kinto Tsukada, former president of the Nippon Weaving Industry Control Company, as director of the Board of Trade, an official purchasing agency was announced on 27 July. The former director, Tadaharu Mukai, was affected by the 4 January purge directive.

33. Kiyoshi Ito, director of the Welfare Bureau of the Tokyo Metropolitan government, was appointed vice-mayor of Tokyo on 31 July.

34. The Japanese government on 7 August announced the appointment of Nobuo Kashiwamura, chief of the Political Section, Political Division, Central Liaison Office, as secretary of the Home Affairs Ministry. He was succeeded in the Central Liaison Office position by Shinjiro Tsumura, secretary of the Foreign Affairs Ministry.

35. On 10 August Shiroshichi Kimura, chief of the Accounts Section of the Foreign Affairs Ministry, was made chief of the General Affairs Section, General Affairs Division, Central Liaison Office, succeeding Koichiro Asakai, who was advanced to the position as chief of the General Affairs Division, Central Liaison Office. He in turn succeeded Sakao Iguchi, who was affected by the 4 January purge directive.

36. Noritomo Akimoto, secretary of the Foreign Affairs Ministry, was appointed Director of the Economic Division of the Central Liaison Office on 10 August, succeeding Kotaro Ono, who was ruled ineligible to hold public office under the terms of the purge directive.

37. The following appointments were announced by the Japanese government on 7 August:

Koichi Tennichi, former Secretary of the Ministry of Commerce and Industry, as director, Regional Commerce and Industry Office, Hokkai.

Shigeru Arai, former Director, Regional Commerce and Industry Office, Hokkai, as Director, Regional Commerce and Industry Office, Kanto and Shinetsu.

Naotake Sato, former Ambassador to the Soviet Union, as Principal, Diplomat's Institute, Foreign Affairs Ministry.

38. Kinji Ito on 15 August was appointed Vice Minister of Welfare succeeding Seiichiro Yasui who has been named mayor of the Tokyo Metropolitan government. Ito will serve concurrently as acting vice chief of the Repatriates Relief Board.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

39. The House of Representatives on 17 August accepted the resignation of Mitsu Kono, Social Democrat, who was affected by the 4 January purge directive.

40. Four appointments to the House of Peers were announced on 29 July:

Kazukiyo Hatakeyama, president of the Ebara Machinery Manufacturing Company.

Toshihiko Nakayama, president of the Nippon Physicians' Association.

Katsuzaemon Keimatsu, president of the Medicine Control Association.

Masao Akagi, director of the National Irrigation Work Society.

41. The following appointments to the House of Peers were announced on 20 August:

Hisachi Yoshida, former Supreme Court Judge.

Seiichi Kajima, chairman of the board of directors of the Kajima Gumi.

Sakubei Kawabata, head of the Kawabata Manufacturing Company.

Yahachi Aizawa, member of the Tokyo Stock Dealers Association.

Kaichi Kawakami, president of the Musical Instrument Manufacturing Company.

Keiki Machimura, Hokkaido dairy farmer.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

DRAFT OF JAPANESE CONSTITUTION

We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim the sovereignty of the people's will and do ordain and establish this Constitution, founded upon the universal principle that government is a sacred trust, the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people; and we reject and revoke all constitutions, laws, ordinances, and rescripts in conflict herewith.

Desiring peace for all time and fully conscious of the high ideals controlling human relationship now stirring mankind, we have determined to rely for our security and survival upon the justice and good faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society designed and dedicated to the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize and acknowledge that all peoples have the right to live in peace, free from fear and want.

We hold that no people is responsible to itself alone, but that laws of political morality are universal; and that obedience to such laws is incumbent upon all peoples who would sustain their own sovereignty and justify their sovereign relationship with other peoples.

To these high principles and purposes we, the Japanese people, pledge our national honor, determined will and full resources.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

CHAPTER I

THE EMPEROR

Article I. The Emperor shall be the symbol of the State and of the unity of the people, deriving his position from the will of the people with whom resides sovereign power.

Article II. The Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet.

Article III. The advice and approval of the Cabinet shall be required for all acts of the Emperor in matters of state, and the Cabinet shall be responsible therefor.

Article IV. The Emperor shall perform only such acts in matters of state as are provided for in this Constitution. Never shall he have powers related to government.

The Emperor may delegate the performance of his acts in matters of state as may be provided by law.

Article V. When, in accordance with the Imperial House Law, a regency is established, the Regent shall perform his acts in matters of state in the Emperor's name. In this case, paragraph one of the preceding article will be applicable.

Article VI. The Emperor shall appoint the Prime Minister as designated by the Diet.

The Emperor shall appoint the chief judge of the Supreme Court, as designated by the Cabinet.

Article VII. The Emperor, with the advice and approval of the Cabinet, shall perform the following acts in matters of state on behalf of the people:

Promulgation of amendments of the constitution, laws, cabinet orders and treaties.

Convocation of the Diet.

Dissolution of the House of Representatives.

Proclamation of General Election.

Attestation of the appointment and dismissal of Ministers of State and other officials as provided for by law, and of full powers and credentials of Ambassadors and Ministers.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Attestation of general and special amnesty, commutation of punishment, reprieve, and restoration of rights.

Awarding of honors.

Attestation of instruments of ratification and other diplomatic documents as provided for by law.

Receiving foreign ambassadors and minister.

Performance of ceremonial functions.

Article VIII. No property can be given to, or received by, the Imperial House, and no gifts can be made thereby, without the authorization of the Diet.

CHAPTER II

RENUNCIATION OF WAR

Article IX. Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war ~~forever~~ as a sovereign right of the nation and the threat or use of force as means of settling disputes with other nations.

For the above purpose, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

CHAPTER III

RIGHTS AND DUTIES OF THE PEOPLE

Article X. The conditions necessary for being a Japanese national shall be determined by law.

Article XI. The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights.

Article XII. The enjoyment of the freedoms and rights guaranteed to the people by this Constitution shall be maintained by the eternal vigilance of the people, and the people shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.

Article XIII. All of the people shall be respected as individuals, and

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

their right to life, liberty, and the pursuit of happiness shall, within the limits of the public welfare, be the supreme consideration in legislation and in governmental affairs.

Article XIV. All of the people are equal under the law and there shall be no discrimination in political, economic, or social relations because of race, creed, sex, social status or family origin. ~~Peers and~~ Peerage shall not be recognized.

No privilege shall accompany any award of honor, decoration or any distinction, nor shall any such award be valid beyond the lifetime of the individual who now holds or hereafter may receive it.

Article XV. The people have the inalienable right to choose their public officials and to dismiss them.

All public officials are servants of the whole community and not of any special group.

In all elections, secrecy of the ballot shall be preserved inviolate, nor shall any voter be answerable, publicly or privately, for the choice he has made.

Article XVI. Every person has the right of peaceful petition for the redress of damage, for the removal of public officials, for the enactment, repeal or amendment of laws, ordinances or regulations and for other matters; nor shall any person be in any way discriminated against for sponsoring such a petition.

ArticleXVII. Every person has the right to sue for redress as provided by law from the state or a public entity, in case he has suffered damage through illegal act of any public official.

Article XVIII. No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited.

Article XIX. Freedom of thought and conscience shall be held inviolable.

Article XX. Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority.

No person shall be compelled to take part in any religious act, celebration, rite or practice.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

The State and its organs shall refrain from religious education or any other religious activity.

Article XXI. Freedom of assembly, association, speech and press and all other forms of expression are guaranteed. No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

Article XXII. Every person shall have freedom to choose and change his residence and to choose his occupation to the extent that it does not interfere with the public welfare.

Freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be inviolate.

Article XXIII. Academic freedom is guaranteed.

Article XXIV. Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis. Laws shall be enacted considering choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family from the standpoint of individual dignity and the essential equality of the sexes.

Article XXV. All people shall have the right to maintain the minimum standards of wholesome and cultured living. In all spheres of life, the State shall use its endeavors for the promotion and extension of social welfare and security, and of public health.

Article XXVI. All people shall have the right to receive an equal education correspondent to their ability, as provided by law.

All people shall be obligated to insure that all boys and girls under their protection receive ordinary education as provided for by law. Such education shall be free.

Article XXVII. All people have the right and the obligation to work. Standards for working conditions, wages, hours and rest shall be fixed by law. The exploitation of children shall be prohibited.

Article XXVIII. The right of workers to organize and to bargain and act collectively is guaranteed.

Article XXVIX. The right to own property is inviolable, but property rights shall be defined by law, in conformity with the public welfare. Private

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

property may be taken for public use upon just compensation therefor.

Article XXX. The people are liable to taxation as provided by law.

Article XXXI. No person shall be deprived of life or liberty, nor shall any other criminal penalty be imposed, except according to procedure established by law.

Article XXXII. No person shall be denied the right of access to the courts.

Article XXXIII. No person shall be apprehended except upon warrant issued by a competent judicial officer which specifies the offense with which the person is charged, unless he is apprehended while committing a crime.

Article XXXIV. No person shall be arrested or detained without being at once informed of the charges against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel.

Article XXXV. The right of all persons to be secure in their homes, papers and effects against entries, searches and seizures shall not be impaired except upon warrant issued only for probable cause, and particularly describing the place to be searched and things to be seized, or except as provided by Article XXXIII.

Each search or seizure shall be made upon separate warrant issued for the purpose by a competent judicial officer.

Article XXXVI. The infliction of torture by any public officer and cruel punishments are absolutely forbidden.

Article XXXVII. In all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal.

He shall be permitted full opportunity to examine all witnesses, and he shall have the right of compulsory process for obtaining witnesses on his behalf at public expense.

At all times the accused shall have the assistance of competent counsel who shall, if the accused be unable to secure the same by his own efforts, be assigned to his use by the government.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Article XXXVIII. No person shall be compelled to testify against himself.

No confession shall be admitted in evidence if made under compulsion, torture or threat, or after prolonged arrest or detention.

No person shall be convicted or punished in cases where the only proof against him is his own confession.

Article XXXIX. No person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted nor shall he, in any way, be placed in double jeopardy.

Article XL. Any person, in case he is acquitted after he has been arrested or detained, may sue the State for redress as provided by law.

CHAPTER IV

THE DIET

Article XLI. The Diet shall be the highest organ of state power, and shall be the sole law-making authority of the State.

Article XLII. The Diet shall consist of two houses, namely the House of Representatives and the House of Councillors.

Article XLIII. Both Houses shall consist of elected members, representative of all the people.

The number of the members of each House shall be fixed by law.

Article XLIV. The qualifications of electors and members for both Houses shall be fixed by law. However, there shall be no discrimination because of race, creed, sex, social status, family origin, education, property or income.

Article XLV. The term of office of members of the House of Representatives shall be four years. However, the term may be terminated before the full term is up by dissolution of the House of Representatives.

Article XLVI. The term of office of the members of the House of Councillors shall be six years. Election for half the members shall take place every three years.

Article XLVII. Matters pertaining to the method of election of members of both Houses, electoral districts, and method of voting, shall be fixed by law.

Article XLVIII. No person shall be permitted to be a member of both Houses simultaneously.

Article XLIX. Members of both Houses shall receive appropriate annual payment from the national treasury in accordance with law.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Article L. Except in cases provided by law, members of both Houses shall be exempt from arrest while the Diet is in session. Any members arrested before the opening of the session shall be freed during the term of the session upon demand of the House.

Article LI. Members of both Houses shall not be held liable outside of the House for speeches, debates, or votes cast inside the House.

Article LII. An ordinary session of the Diet shall be convoked once per year.

Article LIII. The Cabinet may call extraordinary sessions of the Diet. When a quarter or more of the total members of either House makes the demand, the Diet must be called into session.

Article LIV. When the House of Representatives is ordered dissolved there must be a general election of members of the House of Representatives within forty (40) days from the date of dissolution, and the Diet must be convoked within thirty (30) days from the date of the election. When the House of Representatives is ordered dissolved, the House of Councillors must, at the same time, be closed, except that the Cabinet may in time of national emergency convoke the House of Councillors in emergency session.

Measures enacted at such session shall be provisional and shall become null and void unless agreed to by the House of Representatives within a period of ten (10) days after the opening of the next session of the Diet.

Article LV. Each House shall judge disputes related to qualifications of its members. However, in order to deny a seat to any member, it is necessary to pass a resolution by a majority of two-thirds or more of the members present.

All matters shall be decided, in each House, by a majority of those present, except as elsewhere provided in the Constitution. In case of a tie, the presiding officer shall decide the issue.

Article LVII. Deliberation in each House shall be public. However, a secret meeting may be held where a majority of two-thirds or more of those members present passes a resolution therefor.

Each House shall keep a record of proceedings. This record shall be published and given general circulation, excepting such parts of proceedings of secret session as may be deemed to require secrecy.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Upon demand of one-fifth or more of the members present, votes of the members on any matter shall be recorded in the minutes.

Article LVIII. Each House shall select its own president and other officials.

Each House shall establish its rules pertaining to meetings, proceedings and internal discipline, and may punish members for disorderly conduct. However, in order to expel a member, a majority of two-thirds or more of those members present must pass a resolution thereon.

Article LIX. A bill becomes a law on passage by both Houses, except as otherwise provided by the Constitution.

A bill which is passed by the House of Representatives, and upon which the House of Councillors makes a decision different from that of the House of Representatives, becomes a law when passed a second time by the House of Representatives by a majority of two-thirds or more of the members present.

Failure by the House of Councillors to take final action within sixty (60) days after receipt of a bill passed by the House of Representatives, time in recess excepted, may be determined by the House of Representatives to constitute a rejection.

Article LX. The budget must first be submitted to the House of Representatives.

Upon consideration of the budget, when the House of Councillors makes a decision different from that of the House of Representatives, and when a joint committee of both Houses, provided for by law, cannot come to an agreement, or in the case of failure by the House of Councillors to take final action within thirty (30) days, the period of recess excluded, after the receipt of the budget passed by the House of Representatives, the decision of the House of Representatives will be considered the decision of the Diet.

Article LXI. The second paragraph of the preceding article applies also to the Diet approval required for the conclusion of treaties.

Article LXII. Each House may conduct investigations in relation to government, and may compel the presence and testimony of witnesses, and the production of records.

Article LXIII. The Prime Minister and the Ministers of State may, at any time, appear in either House for the purpose of debating on bills,

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

regardless of whether they are members of the House or not. They must appear when their presence is required in order to give answers or explanations.

Article LXIV. The Diet shall set up an impeachment court from the members of both Houses for the purpose of trying those judges against whom removal proceedings have been instituted.

Matters relating to impeachment shall be provided by law.

CHAPTER V

THE CABINET

Article LXV. Executive power shall be vested in the Cabinet.

Article LXVI. The Cabinet shall consist of the Prime Minister, who shall be its head, and other Ministers of State as provided for by law.

The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet.

Article LXVII. The Prime Minister shall be designated from among the members of the Diet by a resolution of the Diet. This designation shall precede all other business.

If the House of Representatives and the House of Councillors disagree and if a joint committee of both Houses, provided for by law, cannot reach an agreement, or the House of Councillors fails to make designation within ten (10) days, exclusive of the period of recess, after the House of Representatives has made designation, the decision of the House of Representatives [redacted] shall be the decision of the Diet.

Article LXVIII. The Prime Minister shall appoint the Ministers of State. However, a majority of their number must be chosen from among the members of the Diet.

The Prime Minister may remove the Ministers of State as he chooses.

Article LXIX. If the House of Representatives passes a non-confidence resolution, or rejects a confidence resolution, the Cabinet shall resign en masse, unless the House of Representatives is dissolved within ten (10) days.

Article LXX. When there is a vacancy in the post of Prime Minister, or upon the convocation of the Diet after a general election, the Cabinet shall resign en masse.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Article LXXI. In the cases mentioned in the two preceding articles, the Cabinet shall continue its functions until the time when a new Prime Minister is appointed.

Article LXXII. The Prime Minister representing the Cabinet, submits bills, reports on general national affairs and foreign relations to the Diet and exercises supervision and control over various administrative branches.

Article LXXIII. The Cabinet, in addition to other general administrative functions shall:

Administer the law faithfully; conduct affairs of State.

Manage foreign affairs.

Conclude treaties. However, it shall obtain prior or, depending on circumstances, subsequent approval of the Diet.

In accordance with standards established by law, administer the civil service.

Prepare the budget, and present it to the Diet.

Enact cabinet orders in order to execute the provisions of this Constitution and of the law. However, it cannot include penal provisions in such cabinet orders unless authorized by such law.

Decide on general amnesty, special amnesty, commutation of punishment, reprieve, and restoration of rights.

Article LXXIV. All laws and cabinet orders shall be signed by the competent Minister of State and countersigned by the Prime Minister.

Article LXXV. The Ministers of State, during their tenure of office, shall not be subject to legal action without the consent of the Prime Minister, but the right to take that action is not impaired hereby.

CHAPTER VI

JUDICIARY

Article LXXVI. The whole judicial power is vested in a Supreme Court and in such inferior courts as are established by law.

No extraordinary tribunal shall be established, nor shall any organ or agency of the Executive be given final judicial power.

All judges shall be independent in the exercise of their conscience and shall be bound only by this Constitution and the laws enacted pursuant thereto.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Article LXXVII. The Supreme Court is vested with the rule-making power under which it determines the rules of procedure and of practice, and of matters relating to attorneys, the internal discipline of the courts and the administration of judicial affairs.

Public procurators shall be subject to the rule-making power of the Supreme Court.

The Supreme Court may delegate the power to make rules for inferior courts to such courts.

Article LXXVIII. Removals of judges shall be accomplished by public impeachment only unless judicially declared mentally or physically incompetent. No disciplinary action shall be administered by any executive organ or agency.

Article LXXIX. The Supreme Court shall consist of a chief judge and such number of judges as may be determined by law; such judges excepting the chief judge shall be appointed by the Cabinet.

The appointment of the judges of the Supreme Court shall be reviewed by the people at the first general election of the House of Representatives following their appointment, and shall be reviewed again at the first general election of the House of Representatives after a lapse of ten (10) years, and in the same manner thereafter.

In cases mentioned in the foregoing paragraph, when the majority of the voters show that they favor the dismissal of a judge concerned, he shall be dismissed.

Matters pertaining to the review mentioned in the foregoing paragraphs shall be prescribed by law.

The judges of the Supreme Court shall be retired upon the attainment of the age as fixed by law.

All such judges shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

Article LXXX. The judges of the inferior courts shall be appointed by the Cabinet from a list of persons nominated by the Supreme Court. All such judges shall hold office for a term of ten (10) years with privilege of reappointment, provided that they shall be retired upon the attainment of the age as fixed by law.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

The judges of the inferior courts shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

Article LXXXI. The Supreme Court is the court of last resort with power to determine the constitutionality of any law, order, regulation or official act.

Article LXXXII. Trials shall be conducted and judgment declared publicly. Where, however, a court unanimously determines publicity to be dangerous to public order or morals, a trial may be conducted privately, but trials of political offenses, offenses involving the press and cases wherein the rights of people as reserved in Chapter III of this Constitution are in question, shall be conducted publicly without exception.

CHAPTER VII

FINANCE

Article LXXXIII. The power to administer national finances shall be exercised as the Diet shall determine.

Article LXXXIV. No new taxes shall be imposed or existing ones modified except by law or under such conditions as law may prescribe.

Article LXXXV. No money shall be expended, nor shall the State obligate itself, except as authorized by the Diet.

Article LXXXVI. The Cabinet shall prepare and submit to the Diet for its consideration and decision a budget for each fiscal year.

Article LXXXVII. In order to provide for unforeseen deficiencies in the budget a reserve fund may be authorized by the Diet to be expended upon the responsibility of the Cabinet.

The Cabinet shall be held accountable to the Diet for all payments from the reserve fund.

Article LXXXVIII. All property of the Imperial Household shall belong to the State. All expenses of the Imperial Household shall be appropriated by the Diet in the budget.

Article LXXXIX. No public money or property shall be appropriated for the use, benefit or support of any system of religion, or religious institution or association, or for any charitable, educational or benevolent purposes not under the control of public authority.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Article XC. A final audit of all expenditures and revenues of the State shall be made annually by a Board of Audit and submitted by the Cabinet to the Diet during the fiscal year immediately following the period covered.

The organization and competency of the Board of Audit shall be determined by law.

Article XCI. At regular intervals and at least annually the Cabinet shall report to the Diet and the people on the state of national finances.

CHAPTER VIII

LOCAL SELF-GOVERNMENT

Article XCII. Regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy.

Article XCIII. The local public entities shall establish assemblies as their deliberative organs, in accordance with law.

The chief executive officers of all local public entities, the members of their legislative assemblies, and such other local officials as may be determined by law shall be elected by direct popular vote within their several communities.

Article XCIV. Local public entities shall have the right to manage their property, affairs and administration and to enact their own regulations within such laws as the Diet may enact.

Article XCV. A special law, applicable only to one local public entity, cannot be enacted by the Diet without the consent of the majority of the voters of the local public entity concerned, obtained in accordance with law.

CHAPTER IX

AMENDMENTS -

Article XCVI. Amendments to this Constitution shall be initiated by the Diet, through a concurring vote of two-thirds of all the members of each House, and shall thereupon be submitted to the people for ratification, which shall require the affirmative vote of a majority of all votes cast thereon, at a special referendum or at such election as the Diet shall specify.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Amendments when so ratified shall immediately be proclaimed by the Emperor in the name of the People, as an integral part of this Constitution.

CHAPTER X

SUPREME LAW

Article XCVII. The fundamental human rights by this Constitution guaranteed to the people of Japan result from the age-old struggle of man to be free. They have survived the exacting test for durability in the crucible of time and experience, and are conferred upon this and future generations in sacred trust, to be held for all time inviolate.

Article XCVIII. This Constitution shall be the supreme law of the state and no public law or ordinance and no imperial rescript or other act of government, or part thereof, contrary to the provisions hereof, shall have legal force or validity.

The treaties concluded by Japan and established international regulations of nations shall be faithfully observed.

Article XCIX. The Emperor or the Regent, as well as the Ministers of State, the members of the Diet, judges, and all other public officials have the obligation to respect and uphold this Constitution.

CHAPTER XI

SUPPLEMENTARY PROVISIONS

Article C. This Constitution shall be enforced as from the day when the period of six months will have elapsed counting from the day of its promulgation.

The enactment of laws necessary for the enforcement of this Constitution, the election of members of the House of Councillors and the procedure for the convocation of the Diet and other preparatory procedures necessary for the enforcement of this Constitution may be executed before the day prescribed in the preceding paragraph.

Article CI. If the House of Councillors is not constituted before the effective date of this Constitution, the House of Representatives shall sit as the Diet on that date and until such time as the House of Councillors shall be constituted.

Article CII. The term of office for half the members of the House

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

of Councillors serving in the first term under this Constitution shall be three years. Members falling under this category shall be determined in accordance with law.

Article CIII. The Ministers of State, members of the House of Representatives and judges in office on the effective date of this Constitution, and all other public officials who occupy positions corresponding to such positions as are recognized by this Constitution shall not forfeit their positions automatically on the effective date of this Constitution unless otherwise specified by law. When, however, successors are elected or appointed under the provisions of this Constitution they shall forfeit their positions as a matter of course.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

SUMMATION NO. II

PART II SECTION XV TITLE Cuyler Pratt Schofield.

VIRGIN ✓

EXTRA

ASOC. SECTION DRAFT ✓

DIVISION DRAFT

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

MONTHLY SUMMARY NO. 11

SECTION 2

PUBLIC SAFETY AND INTELLIGENCE

C O N T E N T S

	Paragraphs
Law and Order	1
Police	15
Fire	20
Prisons	25
General Civil Intelligence	26
Compliance	30

LAW AND ORDER

1. Public opinion and popular demands continued to be expressed through mass demonstrations during August. In compliance with the 20 May anti-violence warning of the Supreme Commander they remained generally orderly. Altercations between black market groups declined as efforts of Occupation and Japanese authorities to curtail illegal commodity operations became increasingly successful.

During August demonstration demands shifted from the previous emphasis on solution of the food problem. Current civil unrest centers about the labor unions' future relationship with capital, the fate of "business" or "management control" and the implications of labor legislation presently before the Diet.

2. The Metropolitan Police Board warned demonstration participants that demonstrations are not allowed during rush hours and in certain congested areas. The recent regulation requiring that the authorities be notified 48 hours in advance of proposed demonstrations will be strictly enforced. Demonstrations will not be permitted between 0630 to 0830 hours

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

in the morning, from 1130 to 1330 hours and from 1630 to 1830 hours in the afternoon.

3. Approximately 10,000 members of the twenty unions that comprise the National Congress of Industrial Organizations staged a large scale demonstration on 9 August. The demonstration was held in conjunction with a strike by workers of the Yomiuri Hochi, a leading Tokyo daily newspaper.

4. Fifteen thousand employees of government offices in Tokyo demonstrated on 13 August protesting the proposed Labor Relations Adjustment Bill currently under consideration in the Diet. Participants represented the All Japan Communication Workers Union, the Government Railroad Workers Union, the Agriculture and Forestry Ministry Employees Union, the Metropolitan Police Board Union and the Rehabilitation Board Employees Union.

5. On 20 August 20,000 members of the Kanto Workers Union assembled before the Imperial Palace Plaza and marched to the Diet. In a resolution signed by 30,000 workers and submitted to the Premier, Speaker of the Lower House and party leaders they protested the closing for a period of two weeks of the Oigawa branch of the Tokyo Shibaura Electric Company. The demonstrators demanded the immediate reopening of the plant, payment of back wages and they also voiced protest over the anticipated discharge of workers resulting from cancellation of war indemnities.

6. At a Cabinet meeting on 22 August it was decided to invoke stricter measures against Koreans illegally entering Japan. Twenty-one prefectures in the western and central parts of Japan will be designated as special areas of control. Close surveillance of coastal waters will be effected by 147 newly formed police patrol units using 120 small patrol boats. Illegal entrants who are apprehended will be placed under protective custody and later deported.

7. A case of illegal possession of the new type A military currency appeared before an occupation provost court in August. The offender, a

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

young Japanese woman, was given a one year suspended sentence.

8. On 23 August five Japanese were convicted of crimes against the Occupation in a Kyoto Provost Court. Tsunezo Wada, Genzaburo Yasuda and Asazo Ohta were convicted of selling two bottles of American whiskey. They were sentenced to a six months suspended sentence and fined 5,000 yen. Suzuki Suzu, convicted of selling six cases of American beer was sentenced to three months imprisonment and fined 3,000 yen. The remaining Japanese, found guilty of possessing a firearm, was sentenced to serve 18 months at hard labor.

9. Two Japanese were found guilty of possessing United States Army material in a Provost Court at Kokura. One was sentenced to six months hard labor and the other was given a one year prison term. They were turned over to Japanese authorities for incarceration.

10. Occupation Force troops raided a Japanese repatriation ship at anchor in Kure harbor. The ship recently returned from Burma carrying Japanese civilians and former army personnel. Supplies amounting to 227 cases of Indian rations, 6500 Japanese blankets, 170 bags of rice and stocks of tea, tinned vegetables, fish and biscuits, for which no inventory or report had been made, were seized.

Black Markets

11. Efforts by Japanese and Occupation Force authorities to curtail black market operations continued during August. A separate type of currency, solely for use by occupation personnel, was introduced. The Japanese Government increased the stringency of regulations governing open stall markets, which have been a commonly used outlet for black market goods.

In a SCAP report to the press it was revealed that black market goods valued at over 777 million yen were confiscated by Japanese authorities during the five month period ending in July and diverted to normal channels of trade. The type and value of goods confiscated were listed as:

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Food	61,902,744 yen
Oil and Fuel	37,265,114
Textiles	436,492,741
Durable retail and wholesale goods	241,863,143

During the five month period 579,035 persons, involved in 522,866 violations were arrested. Sentences ranged from confiscation of goods to heavy fines or long penitentiary sentences. It was stated that Home Ministry efforts to minimize black market activities had a "noticeable effect" in reducing the illegal sale of commodities.

12. Occupation Force military police and Japanese police conducted large scale raids on black markets in Okayama early in the month. Large stocks of cloth and food stuffs were confiscated.

13. On 1 August 100 black markets in Osaka prefecture were isolated and the sale of all goods prohibited. All stall situated on illegally occupied land were ordered removed.

14. Miyagi prefectural police raided an express train bound for Tokyo on 15 August and apprehended 200 passengers who were carrying excessive amounts of food. The police confiscated stocks of rice, sweet potatoes, wheat and other staple goods. Most of those apprehended were Tokyo, Osaka and Nagoya black market operators who had made illegal purchases of food in Aomori prefecture.

POLICE

15. Home Ministry statistics reveal that the number of police to prefectural population as of 1 August was one to every 864 persons. Tokyo was the highest ration which is one to every 251 people. Gifu prefecture has the lowest ration which is one to every 1,685 people.

16. The Ministry of Home Affairs released tentative plans for the reform of the Japanese police organization. Proposed reforms follow closely those delineated by the Valentine and Olander public safety reports to the Supreme Commander which suggested methods and procedures to be taken for effecting a democratic and efficient reorganization of the metropolitan and rural police. Former extra curricular duties of the police will be delegated to the proper government agencies. Metropolitan

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

police will remain under the direct control of the Home Minister. Prefectural police will be placed under the control of pupularly elected prefectural governors. Governors will have the power to appoint and dismiss chiefs of prefectural police. Special bureaus to combat the increasing juvenile delinquency problem will be established. Pay and promotion systems will be revised. Working hours will be shortened. Improvements in retiring allowances and pensions will be effected. Regional police schools are planned at Tokyo, Sendai, Nagoya, Osaka, Hiroshima, and Fukuoka.

17. Working hours for Tokyo police were shortened on 20 August. Under a new plan the average working day will not exceed eight to nine hours in contrast to the former average of 12 to 13 hours. In order to effect this change patrol ranks in the metropolitan area were increased from 8600 to 9300 by the transfer of 700 policemen to patrol duties from other sections of the Bureau.

18. The Chief of the Police Affairs Department of the Metropolitan Police Board announced that policewomen, who made their appearance in Tokyo during April, will be given equal status with policemen. Their present rank of clerk will be raised to that of police officer. Policewomen will, when the plan goes into effect, have authority to arrest criminal suspects.

19. Home Ministry reports indicate that Tokyo has the largest number of persons confined in detention cells awaiting trial in Japan. On 30 June there were 2,957 persons in Tokyo detention cells. The national figure totaled 19,184. The most frequent occurring offense was larceny for which 13.3 percent of those under detention were charged.

FIRE

20. Fire losses throughout Japan in June totaled 65,669,885 yen. There were 839 fires which resulted in the deaths of 17 persons and the injury of 133.

21. The occurence of several fires of major importance during the

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

last two months emphasized the inadequacies of present equipment and techniques. Fire loss exceeds annual fire prevention budgets. The annual fire budget for 1946 is 46,000,000 yen. Fire losses for May and June alone totaled 211,000,000 yen.

22. A large scale fire swept Ushifuka, Kumamoto prefecture on 27 July. One hhndred and fifty two homes and 33 other buildings were destroyed. Damage was estimated at 10,000 yen.

23. Two-fifths of the town of Kakizaki in Niigata prefecture was destroyed by fire. Approximately 425 houses were razed. Fire fighters battled for five hours before the fire was brought under control. Property at an estimated value of 14,000,000 yen was destroyed.

24. Residents of Koshikawa ward, Tokyo, met on 5 August to form an association for fire protection and prevention. A member of a SCAP public safety agency addressed the gathering. Another speech was made to a group at the Suginami District Fire Station in Tokyo on 6 August. These are the first moves in what is anticipated to be a nation-wide program to establish and organize fire prevention activities.

PRISONS

25. Following surveys of Japanese prisons by SCAP agencies and conferences with officials of the Ministry of Justice, instructions were issued by the Ministry of Justice to prison officials throughout Japan regarding the treatment of prisoners. Improvement in food and sanitary conditions, elimination of overcrowding and the improvement of medical facilities were ordered. Similar reforms were recently ordered by the Ministry of Home Affairs directing improvement in detention cells and police lock-ups throughout the country.

GENERAL CIVIL INTELLIGENCE

26. Relations between the Occupation Forces and the civil populace at the end of the first year of occupation were good. As a result of stringent measures imposed against black market operations, improvement in food distribution and the importation of food stocks, public unrest

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

and apprehension over the problem decreased.

27. The Japanese in countless letters and public announcements thanked SCAP for its efforts to relieve the post war food problem of the Japanese people. One letter to the Supreme Commander from the chairman of the Tokyo municipal assembly stated that food had come to Japan at a time when many Tokyo residents had begun to "lose donfidence in the hope of living."

28. Dr. Baw Maw, former wartime Burmese puppet government official was released into the custody of the British authorities on 31 July. He had been held in Sugamo Prison at the request of the British Government. Baw Maw was returned to Burma.

29. On 10 August SCAP ordered the dissolution of two Japanese officers' organizations, the Kaikosha, an army officers' organization, and the Suikosha, a naval officers' club. A SCAP official stated that the two organizations had been "enjoying privileges not available to ordinary Japanese civilians". It was noted that former army officers were "living in association owned houses, farming lands owned by the association and buying food and clothing from association stocks not available to the population as a whole."

COMPLIANCE

30. SCAP intelligence agencies were charged early in the Occupation with determining compliance by the Japanese Government with certain directives issued by the Supreme Commander. In accordance with the 4 January directive entitled "Removal and Exclusion of Undesirable Personnel from Public Office", steady progress was made in the elimination from public office of persons who came within the categories of that directive. Year end reports indicate that by 31 July, 4,651 individuals were screened as to their fitness to hold public office and positions of leadership.

DIET

a. Candidates

Barred	184
Cleared	3311

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

b. Members

Barred	10
Cleared	454

c. House of Peers

Barred	9
Cleared	227

OTHER GOVERNMENT OFFICIALS

Barred	28
Cleared	431

TOTALS

Barred	228
Cleared	4423

TOTAL COMPLETELY SCREENED

4651

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

SUMMATION NO. 11. Doug doc

PART 11 SECTION 2 TITLE Capt W. Crowe.

VIRGIN ✓

EXTRA

ASOC. SECTION DRAFT ✓

DIVISION DRAFT

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

MONTHLY SUMMATION No. 11

AUGUST 1946

STATISTICS & REPORTS

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

LEGAL SECTION
GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

File No. 319.1

Monthly Summation No. 11
August 1946

C O N T E N T S

Part 1

JAPAN

	Paragraph
Legal Activities	1 - 12
Investigation of War Criminals	13 - 14
Apprehension of War Criminals	15 - 20
Prosecution of War Criminals	21 - 25
Australian Division	26 - 30
British Division	31 - 33
Canadian Division	34 - 36
Chinese Division	37 - 40

Part II

PHILIPPINES

Investigation of War Criminals	41 - 42
Apprehension of War Criminals	43 - 45
Prosecution of War Criminals	46 - 54

Part III

Summary of Activities of the
LEGAL SECTION
for the First Year of the
Occupation of Japan

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Part I

Japan

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

LEGAI ACTIVITIES

Military Occupation Courts

1. A statistical summary of the work accomplished in Occupation Courts has been submitted by the Eighth Army. The report covers the period of 21 June to 20 July. During this period a total of 1309 cases have been tried in Occupation Courts. Of the total cases tried 1221 were verdicts of guilty and 88 not guilty.

2. A representative of a Staff Section of this Headquarters requested an examination of statistics pertaining to Occupation Courts for the purpose of determining the method in which court records were kept concerning cases of illegal possession of weapons. He was referred to the Statistics and Reports Section of this Headquarters after arrangements were made by this Section for him to examine the records there.

3. A conference was held with representatives of the Japanese Ministry of Justice on the question of Military Occupation Courts. The Japanese representatives were especially interested in the problem of trying Koreans for illegal entry into Japan after they had been repatriated. The Ministry of Justice officials were informed by this Section that the Provost Courts had the jurisdiction to try such cases.

Japanese Government Property

4. The Office of the Civilian Property Custodian forwarded a request to this Section for a legal opinion on the question of whether platinum owned by a Japanese Governmental Agency in Korea and subsequently transferred to Japan vested in the Korean Military Government pursuant to Vesting Decree #30, United States Army Military Government in Korea, 6 December 1945. This Section stated as its opinion that in order for the property to vest in the Korean Military Govern-

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ment it was necessary that it be located within the jurisdiction of Korea under the terms of the decree. However, the platinum in question was transferred about six months prior to the issuance of the decree and therefore could not vest. The property belongs to the Imperial Japanese Government and is blocked by virtue of directives issued in Japan.

5. A Staff Section of this Headquarters requested advice as to what court held jurisdiction over a claim presented by a German National against the Japanese Government. This Section advised the requesting agency that this matter is under the jurisdiction of Japanese courts.

Use of Military Titles

6. In reply to a request of a Staff Section of this Headquarters, this Section rendered an opinion to the affect that any former Army officers on terminal leave who were at present employed as civilians in Japan by the War Department may not use their military title on official business while acting as civilian employees.

Court Martials

7. The Judge Advocate's Office in a request to this Section asked an opinion as to whether or not members of the Armed Forces tried for desertion during the time of war would lose their citizenship. This office in its reply said that such would be the case.

Status of Koreans and Formosans

8. A conference was held with representatives of this Section and the Diplomatic Section on the question of the status of Koreans and Formosans. It was pointed out that under existing directives the Koreans and Formosa-Chinese were not United Nations Nationals and that the Japanese courts have jurisdiction to arrest and try Koreans and Formosans subject to review by the Supreme Commander.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Korean Nationals

9. A telephone conference with a legal member of a Military Government Company in Japan was held on the problem of disposing of thirty-four Koreans who had entered Japan illegally. This Section informed the Military Government Company that according to information received from the Eighth Army Military Government, Repatriation Section, that these Koreans who had illegally entered Japan should be sent under guard to Sasebo where they will be accepted for return to Korea and ultimate punishment by the Korean Government.

Collection of Fines from Koreans

10. By a directive of this Headquarters SCAPIN 973, dated 21 May 1946, the Japanese Government was directed to apprehend 11 Japanese and to collect from each of them the sum of 21,717.27 Yen, representing the unpaid balance of fines assessed against them by a Military Court in Korea. On 20 June 1946, the Imperial Japanese Government reported to the Supreme Commander of Allied Powers that seven of the named individuals had paid the prescribed fines and the specified amounts had been credited to the Military Government in Korea. A Check Sheet was prepared to the Chief of Staff containing the above information and the proposed letter to the American Military Government in Korea advising it of the facts. The Imperial Japanese Government's report was forwarded to the Office of the Civil Property Custodian for information.

Personal Problems

11. This Section was asked to render an opinion on whether it is possible for a U. S. Army officer to adopt a Japanese child. The U. S. Army officer was advised by this Section that because of U. S. Immigration Laws and the Statutes relating to adoption in various states this could not be done in Japan, nor could the child be taken to the United States.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Citizenship

12. A Philippine National who was a former member of the U. S. Army and is now attempting to obtain United States citizenship was advised that he should contact the Diplomatic Section.

INVESTIGATION OF WAR CRIMINALS

JAPAN

13. During the period 25 July - 24 Aug 1946 the Investigation Division has completed numerous investigations, many of which have been reduced to written statements.

14. Cases now in the Investigation Division files are classified as follows:

	Cases on hand 25 July	Cases Received 25 July-24 August	Cases Completed 25 July-24 August	Cases on hand 24 August
POW Camp Conditions	2	2	2	2
POW Camp Atrocities	76	13	11	78
B-29 Fliers	171	14	10	175
POW Ship	47	-	-	47
Kempei tai International Police	24	-	3	21
Miscellaneous	185	63	21	227
Total	505	92	47	550

APPREHENSION OF SUSPECTED WAR CRIMINALS

JAPAN

15. During the period 25 July - 24 August 1946, four memorandums were issued directing the Imperial Japanese Government to apprehend and deliver to Sugamo Prison at the earliest practicable date 12 persons charged with war crimes.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ORDERS FOR APPREHENSION

Date & File Number	SCAPIN	Persons Ordered Apprehended
AG 000.5 (29 July 46)	1091	1 Army Enlisted Man 1 Civilian
AG 000.5 (9 Aug 46)	1117	1 Army Officer
AG 000.5 (16 Aug 46)	1140	1 Army Officer 1 Army Enlisted Man

16. One memorandum was issued during the period ordering the deletion of two persons from an apprehension memorandum previously issued.

AG 000.5 (1 Aug 46)	1097	1 Navy Officer 1 Civilian

17. The Imperial Japanese Government in a directive AG 000.5 (18 Aug 46) LS (SCAPIN 2015-A) was ordered to explain an erroneous report submitted to this Headquarters by the Liaison Committee.

18. By memorandum AG 000.5 (7 Aug 46) LS (SCAPIN 1940-A) the Imperial Japanese Government received notification of the deaths of 16 Japanese war criminals.

19. By memorandum AG 000.5 (3 Aug 46) LS (SCAPIN 1099) and AG 000.5 (7 Aug 46) LS (SCAPIN 1109) the Imperial Japanese Government was notified of the results of war crimes trials in Yokohama, Manila, and Singapore, against 42 Japanese war criminals.

20. On request of this Section, 41 suspects were interned in Sugamo Prison during the period 25 July - 24 Aug 1946. At the present time there are 766 persons interned in Sugamo Prison.

PROSECUTION OF WAR CRIMINALS

JAPAN

21. During the period 25 July - 24 August 1946, two trials have been completed. At the close of this period four trials were still in session. In addition to those tried, 12 cases have been forwarded to the Eighth Army for trial.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

At the present time there are 311 cases in various stages of preparation and 72 more prospective cases.

22. Statistics concerning the war crims trials held in Yokohama are as follows: to date 78 defendants have been tried, 74 have been found guilty and 4 hot guilty. Six of the 74 found guilty have been given the death sentence. Two death sentences have been executed, 2 have been confirmed and are awaiting execution, and the other 2 are awaiting confirmation. The remaining 68 war criminals found guilty were sentenced to terms ranging from 1 year to life imprisonment.

23. Statistics of war crimes completed in Japan.

	DEFENDANT	OFF. CAPACITY	RANK	DATE OF TRIAL	RESULT OF TRIAL
1.	WATANABE, Sadao	POW Guard	Civilian	26 July 9 Aug	30 years imp. at Hard labor
	ASARI, Eiji	POW Admin. NCO	Sergeant		25 years imp. at hard labor
	TAKESHITA, Toshio	POW Guard	Civilian		15 years imp. at hard labor
	NISHIOKA, Shigeru	POW Guard	Civilian		15 years imp. at hard labor
	HIRANO, Yoshimi	Employee Mitsui Min.Co.	Civilian		5 years imp. at hard labor
2.	HOSOTANI, Yuhei	Exec.Off.	Captain	1 July 31 July	5 years imp. at hard labor
	SAITO, Hiromu	Camp Med.Officer	1st Lieut.		Life
	KOHAYSHI, Yasuo	Interpreter	Civilian		40 years imp. at hard labor
	HASHIMOTO, Shigeo	POW Guard	Civilian		10 years imp. at hard labor
	HARA, Makichi	POW Guard	Civilian		1 year imp. at hard labor

Trial of Sadao WATANABE, et al.

24. The court hearing the case of the U. S. vs Sadao Watanabe and four others was convened in Yokohama District Courthouse on 26 July by the order of the Commanding General of the Eighth Army.

Four of the accused were members of the personnel of the Hakodate 1st Branch Prisoner of War Camp, Muroran Hokkaido, Japan. The fifth accused was formerly a civilian employee at the Mitsui Mining Camp, a

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

concern employing prisoners of war of the Hakodate 1st Branch Camp.

All five accused were charged with administering severe and brutal beatings and other cruel and brutal acts and offenses in violation of the laws and customs of war.

Trial of Yuhei HOSOTANI, et al.

25. By order of the Commanding General Eighth Army a commission convened at the Yokohama District Courthouse to hear the case of the U. S. vs Yuhei HOSOTANI and four others.

All five accused were formerly members of the personnel at the Hiroshima Prisoner of War Camp, Branch #1 in Zentsuji, Shikoku, Japan. HOSOTANI, executive officer and later commanding officer of the Hiroshima Camp, was charged with failing to discharge his duties as camp commander, failing to provide adequate food and medical treatment to sick prisoners of war, and with contributing to the death of several prisoners interned in the Hiroshima Camp.

Hiromu SAITO was charged, as medical officer at the Hiroshima Camp, with withholding medical supplies and with failing to provide adequate food thereby contributing to the death of several prisoners. It was also charged that SAITO abused, tortured, and mistreated numerous prisoners of was interned at the Hiroshima Camp.

The other three accused were charged with beating and mistreating numerous prisoners of war interned at the Hiroshima Prisoner of War Camp.

A new ruling in this case was to the affect that the accused HOSOTANI was charged with the responsibility of many crimes at this camp committed during the period when he was executive officer. This was based on the affidavits of many former prisoners of war who stated that HOSOTANI actually operated the camp although not designated on orders as commanding officer. The Commission however specifically ruled that it would not hold a subordinate officer liable under the

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

doctrine of command responsible. HOSOTANI was therefore convicted only as to the period of time when he was officially on orders as camp commander.

AUSTRALIAN DIVISION

Investigation

26. Since the arrival of this Division in March 1946, 71 interrogations of Japanese suspected of War Crimes against Australian and Allied personnel, have been completed. The information thus gained and the 496 affidavits received from Australians are made available as required to the Prosecution Division.

27. An Australian soldier formerly a PW in Japan was brought to Tokyo during the month for the purpose of identifying two Japanese at present being detained in Sugamo Prison. This will enable the Prosecution to proceed with preparation of Charges and Specifications against these suspected War Criminals. These Japanese are also wanted in connection with the murder of an Australian PW in the Fukuoka Area.

Three other Australian soldiers formerly PW in Japan, have been traced and made available, to proceed to Tokyo for the purpose of identifying suspected War Criminals.

Apprehension

28. To date, in addition to the 1462 Japanese suspects named in the six Lists prepared at Australian Army Headquarters, the Australian Division has requested the apprehension of 33 Japanese War Criminals. Among those apprehended in consequence of these representations, and at present in Sugamo Prison are:

IWANUMA Tsuguo Sgt Maj

Alleged to have killed an Australian PW who escaped from a PW Camp in the Fukuoka Area; and

OZAKI Norihike Lt Comd

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Wanted in connection with the deaths of over 500 British Commonwealth PW on Ballale Island in the Solomons.

A number of Japanese apprehended in Japan have since been transferred to the Australian authorities and moved to Australia for trial.

29. Japanese suspected of war crimes, or believe to be in possession of information concerning crimes, such as the execution of Australian officials, civilians, Allied prisoners of war, and natives in New Guinea, Ballale Island (Solomons) Naura Island, Timor, Ambon, Java, Sumatra, Malaya, Burma, Thailand, Borneo, French Indo China, and Hainan Island, and also Japanese suspected of war crimes against Australian prisoners of war in Japan and Korea, have been interrogated.

Many important confessions and affidavits have been secured, as a result of which it is contemplated that a further number of the suspects already in Sugamo Prison will be transferred to the Australian, British or Dutch authorities for trial.

Prosecution

30. To date the Australian Division has not completed a trial, but the largest common trial yet to be heard in Japan, is at present being conducted at Yokohama, with a member of the Australian Division as Chief Prosecutor assisted by a Prosecutor of the United States Army. This case concerning 13 Japanese, charged with atrocities against Australian and Dutch PW at Yamane and Niihama PW Camps, commenced on 21 June 1946.

A further series of cases is being prepared by the Australian Division concerning atrocities alleged to have been perpetrated at Naoetsu PW Camp (No. 4B Tokyo Area). Five accused are involved in one common trial, and two accused will be tried separately, also three other accused will be included if apprehended in time.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

BRITISH DIVISION

31. Since joining the Legal Section 29 April 1946, this Division, with representatives in the Investigation Division, has completed to date 170 interrogations which resulted in 110 signed statements. During this period members of the Division have secured 51 affidavits direct from British liberated prisoners of war. On behalf of Legal Section, Supreme Commander for the Allied Powers, 258 affidavits have been requested from ex-Prisoners of War in England, South East Asia Command and other British Military Commands. Of these 108 have been received together with 17 advance radio summaries. A total of 577 affidavits, 5 diaries and 116 completed interrogation forms are held by this Division.

Apprehension

32. On behalf of General Headquarters, Supreme Commander for the Allied Powers, this Division, in its liaison function to British Commands, has requested on behalf of General Headquarters, Supreme Commander for the Allied Powers, the apprehension of nine Japanese suspected war criminals residing in areas under British Control. The arrest of 11 additional Japanese suspected war criminals has been requested. These men will be tried in Japan in cases which concern British Prisoners of War in Japan. This Division has also requested the apprehension of 34 suspected war criminals who will be tried for war crimes committed in areas outside Japan. Of these latter, twenty suspects have already been shipped to South East Asia Command while a further thirty-two are awaiting shipment.

Prosecution

33. At the present time 26 cases in which United Kingdom Prisoners of War were directly concerned as victims have already been tried. Ten cases more against Japanese accused of war crimes are complete and ready for trial. In these 36 cases 105 British Prisoners of War are specifically named as victims of atrocities

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

perpetrated against them by the accused.

One live witness has been obtained from the United Kingdom to testify in person and is at present in Tokyo. One further witness is now enroute to Tokyo at the request of this Division.

CANADIAN DIVISION

34. Since this Division joined the Legal Section in April, written evidence and live witnesses have been secured for the prosecution of suspected war criminals in Japan. The evidence and witnesses were brought from Canada. In cases where further evidence is needed, requests are sent to Canada or the United Kingdom and depositions to support those already on hand are forwarded to Tokyo.

Apprehension

35. Several requests for the apprehension of war criminals have been received from Canadian Headquarters. These requests in addition to the requests made by this Division in Tokyo have been forwarded to the proper authorities. One of the obstacles which has confronted this Division has been in ordering the apprehension of Japanese suspected war criminals. The difficulty has been due to the fact that many times the affiant has referred to the subject person by his nickname only. In many cases the desired person's name is unknown. It then is necessary to make exhaustive inquiries to identify the person charged as being a war criminal.

Prosecution

36. There have been 21 cases forwarded to the Prosecution Division, Legal Section, for final draft and approval. At the present time a member of this Division is engaged as assistant prosecutor in a case in session at Yokohama.

CHINESE DIVISION

37. Since joining the Legal Section 11 July 1946, this Division has spent most of the time in preparative work in order to learn the

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

necessary regulations for war criminal trial proceedures and the general situation as a whole. Due to the insufficient members of this Division and shortage of communication, only the following information may be reported at this time.

Investigations

38. Investigations have been made against three Japanese suspected as war criminals who are alleged to have massacred Chinese women, mistreated or beat Chinese Prisoners of War and forced Chinese Prisoners of War to hard labor without being given sufficient food and necessary medical care.

Apprehension

39. On behalf of the Chinese Government, this Division in its liaison function to General Headquarters, Supreme Commander for the Allied Powers, has requested the transfer of two important war criminals, General ISOGAI, Rensuke and General TANI, Gushio from Sugamo prison, Japan, to Nanking, China for military court trial. This request has been complied with and the two accused are now in China awaiting trial.

Prosecution

40. At the present time two cases against Japanese accused of war crimes have been completed and are ready for trial, another is now in preparation for trial. Twenty-three live witnesses are at present in Tokyo and will testify in future cases.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Part II

Philippines

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

INVESTIGATION OF WAR CRIMINALS

Philippines

41. During the current period, 20 July 1946 - 20 August 1946, four cases were completed and forwarded to the Prosecution Division for final action. The total number of completed investigation cases at the present time is 345, 12 of which have not yet been reviewed and forwarded to the Prosecution Division. At the present time six major cases and several minor cases are under investigation, the latter including re-interrogation of some former prisoners of war. One investigation case was turned over to the Peoples Court of the Philippines, as the crime committed was perpetrated by collaborators rather than by Japanese.

42. The FS/208, a small Army transport boat, assigned to this office made a trip to Cebu, Iloilo and Negros Islands for the purpose of returning 40 witnesses from Manila to their homes. An investigation team proceeded to Cebu on this trip, where they conducted additional investigations on two cases ready for trial. Twenty-four witnesses were brought to Manila on the boat's return.

APPREHENSION OF WAR CRIMINALS

Philippines

43. As of 20 August 1946 there were 678 Japanese prisoners of war detained in the Philippines for war crims activities. Of this total figure 525 are identified as war criminals, 137 are suspected war criminals and 16 are being held as witnesses. Of the 525 identified war criminals, 409 remain to be tried and 119 have already been convicted.

44. Screening of all detained Japanese prisoners of war on Luzon has been completed during the period of this report. Two hundred nineteen Japanese prisoners of war were screened, either by routine interview or by the checking of rosters against files of

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

wanted perpetrators. Of the total number screened 215 were cleared for repatriation to Japan, the balance were detained, either as identified perpetrators or as witnesses. There were eight Japanese cleared as the request of other divisions due to insufficient evidence or lack of proper witnesses.

45. During the past month four suspected war criminals were transferred from Sugamo Prison, Japan, to Manila where they are to be tried. At the present time 19 suspected war criminals are held in Sugamo Prison for the Manila Office. Requests have been made by other Divisions this period for the apprehension of 56 more suspected war criminals.

PROSECUTION OF WAR CRIMINALS

Philippines

46. Six trials were completed during the period 20 July 1946-20 August 1946. One of these cases involved two defendants and the remaining five one each. One case was referred to the Commanding General, United States Army Forces, Western Pacific, for trial. Two additional trials were started during the current period, but were not completed at the close of this period. Nine new cases were assigned to prosecutors and are in the process of being prepared for trial. There are approximately 290 additional prospective cases.

47. A note of interest evolves from the case of Morio MATSUZAKI, who was convicted before a military commission on the 5th day of August and sentenced to five years imprisonment at hard labor. MATSUZAKI was a Sergeant in the Imperial Japanese Army, serving under Lt Col TOZUKA on Panay Island. MATSUZAKI allegedly participated in the unlawful killing and mistreatment of numerous Filipino civilians. However, the specifications charging unlawful killing were deleted due to insufficient and contrary evidence. Prior to the trial a great many Filipino civilians, some actually victims of

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

the Panay Island atrocities, requested leniency be extended to the accused because of his kindness to them on the island.

48. The following is a summary of the results of the war crimes trials in the Philippines from the first trial through 20 August:

(a) Total number of persons tried 122

(b) Total number of persons convicted 119

(c) Total number of death sentences 60

(d) Total number of persons actually executed... 31

The following shows the results of war crimes trials completed in the Philippines during the period 20 July 1946 - 20 August 1946:

	DEFENDANT	OFF.CAPACITY	RANK	DATE OF TRIAL	RESULT OF TRIAL
1.	(Tomizo HIRAKAWA	Member Kempei Tai	Sgt/Maj	15 July	death,hanging
	(Shiro KAJIYAMA	Interpreter	Civ	26 July	death,hanging
2.	Chiyomi TOYOTA	Ptn Ldr Tosuka Bn.	1st Lt	20 July 31 July	25 yrs imp hard labor
3.	Masafuji HAMAMOTO	Member 37th Ind Inf Bn	Sgt	22 July 19 Aug	life imp
4.	Hajime FUJII	Member 37th Ind Inf Bn	1st Lt	27 July 29 July	death by hanging
5.	Jiro MOTOKI	Adj 170th Ind Inf Bn	Capt	29 July	life imp
6.	Morio MATSUZAKI	Member 37th Ind Inf Bn	Sgt	5 Aug	5 yrs imp hard labor

Trial of Tomizo HIRAKAWA and Shiro KAJIYAMA

49. A Military Commission convened by the Commanding General, United States Army Forces, Western Pacific, met at the High Commissioner's Residence, Manila, P. I., at 0830 hours, 15 July 1946, for the arraignment and trial of the case, United States of America vs Tomizo HIRAKAWA and Shiro KAJIYAMA.

At the arraignment both of the accused entered pleas of not guilty to the charge and specifications. At the time of the offense Tomino HIRAKAWA was a Sgt Major in the Imperial Japanese Army and

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Shiro KAJIYAMA was a civilian interpreter attached to the Army. The accused, members of the Kepei Tai Unit stationed at Bacolod, Negros Occidental, were charged jointly with unlawful killing of unarmed, noncombatant Filipino civilians, and separately with torturing unarmed, noncombatant Filipino civilians.

The testimony of four eye-witnesses was used to prove the first specification which charged the defendants with unlawful killing of a Filipino civilian. The other specifications with the exception of number 4, were proven by the prosecution by placing the victims of torture and mistreatment on the stand and obtaining their testimony.

On 26 July 1946 the Commission rendered its verdict of guilty and both of the accused were sentenced to death by hanging.

Trial of Chiyomi TOYOTA

50. The Commission appointed for the trial of Chiyomi TOYOTA met at 0830, 20 July 1946 at the High Commissioner's Residence, Manila, for the arraignment and trial of said accused. At the arraignment the accused pleaded not guilty.

TOYOTA, 29 years old was formerly a 1st Lieutenant in the Imperial Japanese Army and was assigned to Panay Island in October 1942 and remained there until his surrender in September 1945. During September 1943, he accompanied the Tozuka Battalion of the Kono Brigade as a platoon leader in the Fujii Company on a punitive expedition through the eastern part of Panay Island. It was while on this expedition that the accused allegedly committed atrocities resulting in the charge against him.

The Prosecution did not ask for the death sentence in its closing argument but asked the Commission to consider superior orders in mitigation of punishment due the accused.

On 31 July 1946, the three-man Commission found the accused

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

guilty on the 1st Specification and not guilty on the 2nd, 3rd, and 4th Specifications and sentenced the accused to 25 years at hard labor.

Trial of Masafuji HAMAMOTO

51. A Military Commission appointed for the trial of Masafuji HAMAMOTO met 22 July 1946 at the High Commissioner's Residence, Manila.

HAMAMOTO, formerly a sergeant of the Imperial Japanese Army, was a member of the 37th Independent Infantry Security Battalion (commanded by Lt Col Ryoichi TOZUKA, now under death sentence) which battalion became the 170th Independent Infantry Security Battalion. During the time from May to October 1944 he was the highest ranking Japanese soldier on Guimaras Island.

HAMAMOTO was charged with the torture, brutal mistreatment and unlawful killing of some twenty unarmed, noncombatant civilians on Guimaras Island, in violation of the laws of war. At the arraignment the accused pleaded not guilty to the charge and specificiations.

On 19 August 1946, the Military Commission rendered the verdict of guilty and the accused was sentenced to life imprisonment at hard labor.

Trial of Hajime FUJII

52. A Military Commission appointed by the Commanding General, United States Army Forces, Western Pacific, met for the trial of Hajime FUJII 27 July 1946 at the High Commissioner's Residence, Manila, P. I.

FUJII, formerly a 1st lieutenant of the Imperial Japanese Army, was assigned to duty on Panay Island in 1942, later became a member of the 37th Independent Infantry Security Battalion (commanded by Lt Col Ryoichi TOZUKA, now under death sentence) which battalion became the 170th Independent Infantry Security Battalion. He remained on

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Panay Island until his surrender in September 1945. FUJII was a platoon leader, became a company commander under the notorious Captain Kengo WATANABE and continued as one of the most active officers in the infamous Panay Island punitive expeditions until surrender.

FUJII was charged with the torture, brutal mistreatment and unlawful killing of some two hundred unarmed, noncombatant civilians on Panay and Guimaras Islands, in violation of the laws of war. At the arraignment FUJII pleaded not guilty to the charge and specifications. Immediately after arraignment, prosecution began its case with the testimony of a charged collaborationist who accompanied FUJII on the August 1943 punitive expedition to Guimaras Island. The testimony of this collaborator and that of another witness concerned atrocities alleged to have been committed by FUJII and his troops on Guimaras Island, and the collatorator also testified regarding specification 2 on Panay Island. On additional specification 3, no proof was submitted by the prosecution. Other witnesses were called to testify concerning the other specifications with FUJII positively identified time and again as being in charge of the troops committing the killings or, even more often, as being the killer himself.

On 29 July 1946, the Commission found the accused guilty on the charge and on all specifications except additional specification 3, upon which no proof was submitted by the prosecution. FUJII was sentenced to death by hanging.

Trial of Jiro MOTOKI

53. A Military Commission appointed for the arraignment and trial of MOTOKI met at the High Commissioner's Residence, Manila, P. I. at 0830 on the 29th day of July 1946.

The accused, a former captain in the Imperial Japanese Army stationed in the island of Panay, and assigned there as the adjutant of the 170th Independent Battalion commanded by Lt Col TOZUKA, was

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

charged in specification 1 with permitting soldiers under his command to torture eight Filipino civilians as a consequence of which two of them died, and with making an unlawful order of execution of the remaining six. He was charged in specification 2 with the killing of four Filipino boys. Both of these crimes were alleged to have been committed on Panay Island. At the arraignment and prior to the plea of the accused, specification 1 was corrected on motion of the Prosecutor, as to time, from "in or about the month of April 1943" to "in or about the month of June 1944." The accused entered a plea of not guilty and through his counsel stated that he was ready for trial.

On 6 August 1946, the Military Commission rendered its verdict of guilty and the accused was sentenced to life imprisonment at hard labor.

Trial of Morio MATSUZAKI

54. A Military Commission appointed for the trial of the case, the United States of America vs Morio MATSUZAKI, met at 0830 hours, 5 August 1946, Manila, P. I.

MATSUZAKI, formerly a sergeant in the Imperial Japanese Army, was assigned to duty on Panay Island in October 1942 and remained there until the surrender in September 1945. He became a member of the 37th Independent Infantry Security Battalion commanded by Lt Col Ryoichi TOZUKA (now under death sentence) which battalion later became the 170th Independent Infantry Security Battalion; This battalion was part of the 31st Independent Mixed Brigade commanded by Lt. Gen Takeshi KONO (now under death sentence).

The accused was charged with violations of the laws of war. Originally there were eight specifications to the charge, including unlawful killing, torture and brutal mistreatment. Later, it was found the unlawful killing could not be supported due to improper identification by the witnesses and also because witnesses who saw

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

him present when the atrocities were committed, nevertheless, did not see the accused actually kill anyone. A large number of Filipino civilians, some of whom were victims of Japanese atrocities and others whose friends and families were victims of said atrocities, asked that leniency be extended to the accused due to his kindness to them and to others.

During the arraignment of the accused, he entered a plea of guilty to the remaining specifications and to the charge, whereupon the Prosecutor, after stating the above facts, recommended a sentence not to exceed five years imprisonment at hard labor.

On 5 August 1946, the Commission found the accused guilty and sentenced him to five years imprisonment at hard labor.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Part III

Summary of Activities of the LEGAL SECTION for the First Year of the Occupation of Japan

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

LEGAL SECTION

The following summary is a short history of the activities covered by the Legal Section during the first year of the occupation of Japan.

The Legal Section was activated on 2 October 1945 by order of the Supreme Commander for the Allied Powers. This Section was designated as the Special Staff Section of General Headquarters to advise the Supreme Commander for the Allied Powers on legal matters of a general nature, on general policies and procedures in respect to war criminals, and prosecution of war criminals.

The Legal Section was given the responsibility of prosecuting Class B and C war criminals. The terms B and C war criminals are defined as follows: Class B criminals are those who violated the laws and customs of war. Such violations included murder or ill treatment of prisoners of war, internees, or any other persons including civilian populations, the plunder of private property, and the destruction of cities and towns not required by military necessity. The Class C criminals were those who were alleged to have committed murder, exterminated groups of people, civilian or military, and enslaving populations and persecuting persons because of their nationality or religious beliefs. These are the type criminals who are now being prosecuted by the Legal Section in Yokohama and Manila.

The Legal Section is divided into four main divisions, Law, Investigation, Criminal Registry, and Prosecution.

Law Division

The Law Division has as its main function the responsibility of advising the Supreme Commander on legal matters of a general nature, on policies and procedures with respect to war crimes, and the prosecution of war criminals. The Law Division renders legal service and advice to all sections of General Headquarters which do not have legal specialists, it conducts legal research,

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

prepares and edits opinions on all legal matters including those related to Occupational, International, Japanese, Korean, military and general law. Its job includes preparation and editing of drafts of proposed directives, circulars, and kindred materials. It also coordinates and advises on legal questions in connection with the investigation, apprehension, and prosecution of war criminals.

One of the more outstanding accomplishments of the Law Division this year has been the establishment of Military Occupation Courts. These Courts were established by a Directive of this Headquarters 19 February 1946. The Courts give jurisdiction over criminal offenses against the Occupational Forces. Adjustments were made in the plan of the organization of the courts in accordance with directives concerning the exercise of criminal jurisdiction over United Nations Nationals with the delegation of authority to the Eighth Army to establish the occupation courts. A directive was issued to the Japanese Government depriving it of jurisdiction over the offenses to be triable only in the occupation courts.

The Japanese courts were permitted to exercise jurisdiction over acts prejudicial to the occupation insofar as such acts constituted violations of Japanese law, with the reservation that the occupation courts could always assume jurisdiction over such acts. Advice has been rendered upon many occasions to the Eighth Army for military government units operating occupation Courts and divisions operating such courts, concerning the interpretation of various portions of the latter order creating the courts. Similarly, many conferences were held with the representatives of the Central Liaison Office and the Ministry of Justice concerning the directive limiting Japanese criminal jurisdiction and concerning the operation of the occupation courts. Continued conferences held with the Eighth Army and various subordinate commands operating provost courts, with respect to the improvement and simplification of the administration of the courts. A system of statistical

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

reports has been set up and, after sufficient time has elapsed, recommendation will be made for the revision of the courts' administration.

Two inspection trips were made by members of this Division to observe the occupation courts' actual operation. Conferences were held with the various provost judges and judge advocates who control the operation of these courts, and a record made of suggestions for improvement and simplification of operation.

Some of the more important opinions rendered during this year to the various Staff Sections of this Headquarters and other Divisions of the Legal Section were as follows:

Opinions were provided to the Divisons of the Legal Section and the War Crimes Branch of the Judge Advocate's Section of the United States Army Forces, Pacific, concerning legal questions arising from the trial of General Yamashita and the impending trials of other war criminals.

This Section also rendered advice and opinions on the drafting of directives to the Imperial Japanese Government covering such matters as the settlement of claims of Allied Nationals against the Imperial Japanese Government, the limitation of action in Japanese courts and the elimination of unfair practices in Japanese courts. It also rendered its interpretation of the Japanese Criminal Code and Patent Laws.

A brief was prepared as to the legal status of Korea; the nature and seat of sovereignty in Korea; the proper method of charging cost of dependent housing in Korea.

Several studies were made on problems of marriage involving United States citizens and Japanese Nationals. This required examination of Japanese and United States substantive law and Conflict of Laws.

Legal advice and assistance was a constant service rendered by this Division to military personnel of this Headquarters concerning legal matters including such problems as marriage, divorce,

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

naturalization, powers of attorney, wills, and income tax.

Investigation Division

With the activation of the Legal Section, the primary need before any prosecutions could be taken was to determine the facts concerning the treatment of American Prisoners of War held captive by the Armed Forces of Japan between 7 December 1941 and 15 August 1945. The answer to this problem was the creation of the Investigation Division.

The Investigation Division was set up to investigate atrocities and any other matters pertaining to war crimes. It is the function of the investigators to develop information and evidence for use by the Prosecution Division in the prosecution of perpetrators of atrocities. In cases where evidence is in hand, the investigators of this Division assist in detailed development of this evidence for use as trial material. The greatest obstacle at the time of inception of this Division is the lack of trained investigators. This has not as yet been entirely overcome but has been remedied in part by the organization of a school of instruction which all investigators are required to attend and the use of "on the job training" by assigning newly appointed investigators to work as part of a "team" with older and more experienced officers.

The first major undertaking was the conducting of a survey of the actual physical conditions of the 120 Prisoner of War Camps within the four home islands of Japan. These surveys were the basic springboard from which prosecutions are initiated.

From among the personnel of the camps, the most flagrant violators of the rules of land warfare were selected and made the subject of special investigation. The collateral investigation made here in Japan was coupled with the affidavits submitted by former Prisoners of War to complete the story on which the charges against war crimes might be drawn by the Prosecution Division.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

A special squad was organized to gather evidence against the Kempoi Tai and the story of the brutal treatment of prisoners by that organization has been developed. The work of this squad has been closely coordinated with both AG Casualty Branch and the Graves Registration, many bodies of American soldiers who otherwise would have lain in an unmarked grave have been recovered through the information developed by this squad. In one instance, a stream had been diverted to form a lake over the graves of a number of aviators who had been murdered by the Kempei Tai. This was discovered through the efforts of this special squad and the bodies of the victims recovered and the identity of the murderers established.

Another special squad was organized to inquire into the activities of the Prisoner of War Information Bureau. This investigation definitely established the fact that the orders for brutal and inhumane treatment of prisoners was passed down from cabinet level. The details of these orders have been ascertained and the persons responsible for their issuance identified. This investigation has been completed and referred to the Prosecution Division for trial.

Another special squad was organized for the purpose of determining the identity of the individuals responsible for the commission of atrocities on prison ships. This squad has completed several ship cases and is still making inquiries into incompleted cases.

In order to facilitate the investigation of cases, branch offices have been opened at Sapporo, Osaka and Fukuoka and "resident agencies" at Hiroshima, Nagoya, Niigata, and Sendai.

At the present time, every plane that crashed during the war is being investigated, for the purpose of determing if there were survivors and if so, the nature of the treatment they received.

In addition thereto, this Division conducts interrogations of witnesses, locates and apprehends individuals on the request of the Manila Office of Legal Section and also upon the request of the

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Commander Marianas, when such requested action lies within the home islands of Japan.

One precedent was definitely established when Col. KAMINO, intentionally withheld information from members of the Investigation Division, and furnished them with false official information on another occasion; he was taken before a Provost Court and charged with obstructing the operation of the occupational forces, convicted and sentenced to one year confinement at hard labor and to pay a fine of five thousand yen. At the time of the commission of his offense, KAMINO was an official of the First Demobilization Ministry and maintained a private office in the Palace Grounds.

Criminal Registry and Liaison Division

Upon activation the Liaison Division was faced with the problems of how best to organize and establish a system whereby its activities could be governed in the future. To arrive at any decision it was necessary to contact personally many agencies in this Headquarters including representatives of Allied Governments and of the Japanese Government.

Problems facing this Division at this time were how best to locate and secure Japanese witnesses. This was solved with great success by utilizing the facilities of Japanese Liaison G-2. The next problem was how best to secure statements and affidavits from former prisoners of war now scattered throughout the world. Statements and affidavits have been secured from liberated persnns who had returned to their homes in many different parts of the world. This was accomplished either by official communications or informal requests to members of Allied Nations. With the incarceration of Japanese suspected prisoners of war in Sugamo Prison, the problem arose of granting passes to relatives of these persons interned. It was decided that each person would be allowed to have one visitor each month.

The next big problem was how best to effect the transfer of witnesses in Japan to various places in the Pacific Theater where

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

war crimes trials were to take place. Witnesses have been transported to many places in the pacific including Sidney, Australia; Manila; Hong Kong; Singapore; Shanghai; and Guam by air without difficulty. They were accompanied by a member of the armed forces as escort.

The Liaison Division has also made arrangements whereby Japanese lawyers may be transported to various places outside Japan where war crimes trials are beingg held. Arrangements have been made for their transportation and pay during their absence from Japan.

The Records and Files Branch of the Criminal Registry Division upon activation was faced with the tremendous problem of accurately collating all incoming information concerning war crimes and atrocities and correctly filing and cross-indexing this material for the efficient ready use by the various Divisions within the Legal Section. This problem was successfully dealt with by the establishment of a specialized digest of "201 teams" of personnel assigned to this Branch. The digest teams review all atrocity acts contained in communications, affidavits, statements, investigation reports, memoranda, letters, diaries, photostats, and numerous other sources. Data Sheets were carefully prepared containing vital items such as location, victims, atrocities, units to which perpetrators were assigned, captured enemy documents, witnesses, and records identifying communications. From these consolidated sheets cross index cards consisting of master cards, location, perpetrator, unit, victim, witness captured documents, keyword and photostats were typed and indexed.

Among its chief achievements and important precedences was the establishment and maintenance of the concurrent affidavit file and "201" folder-card file index. The concurrent affidavit file system was initiated to meet the increasing demand for certified mimeographed copies of original affidavits required by the Prosecution Division of the Legal Section as exhibits in their trial.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Specially designated racks were constructed to store the thousands of affidavits and a card index stencil file was devised whereby Prosecutors could be quickly and easily informed of the availability and number of affidavits on hand in the Branch's files. Countless demands have been made upon the Japanese Government for lists and pictures of Japanese Criminals, ATIS reports and translations, Japanese law, Government officials, Surrender Documents and so forth. Since this documentary matter does not specifically fall within the scope of any particular camp file but serves as a broad reference source; the Japanese Background and Reference (JA) files were established. A keyword card index was compiled utilizing the titles appearing on the check sheet replies and covering letters.

Since its inception the Records and Files Branch has annexed to its evergrowing war crimes volumes, information of every description which required a methodical study of procedures and practices best suited for the most expeditious treatment of classification, digestion and filing of documentary evidence.

In the activation of the Criminal Registry Division, Apprehension Branch, the problem of compiling as complete and as accurate a file as possible on Japanese Suspected War Criminals was number one in the minds of those officers selected to establish this branch. The manner in which this was handled reflects the success this branch has had in accomplishing it's mission.

Assembling all statements, affidavits and correspondence, at the time while in the Legal Section, Manila, the nucleus of the Apprehension staff read and digested the material on hand. During this process, names of Japanese that appeared in this material were typed on an index card along with any pertinent data available at the time. In this manner a file of Japanese Perpetrators was established. To further their work, all Japanese, whether military or civilian, were processed thru the Manila office prior to repatriation to Japan. Thus should the Apprehension Branch have a "Wanted" or "Suspect" card on a person coming thru

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

for repatriation clearance, he was detained for further investigation. All additional information received from any and all sources is processed through the Index Card Files.

With the files established, the problems of what agency could request the apprehension of Suspected War Criminals and how would they be arrested, faced the Apprehension Branch. In the first case it was determined that any United States military agency working on War Crimes or any of the Allied governments could request apprehension. As to the problem of arrest and incarceration, the Provost Marshal's office in Manila, in the normal course of his duties, made the necessary arrests. However, arrests to be made in Japan were defined in a SCAP directive which placed the power of apprehension on the Imperial Japanese Government. This was accomplished by issuing a SCAP letter to the Imperial Japanese Government listing those suspects wanted and giving whatever pertinent data on hand in an effort to expedite the apprehension.

To handle the numerous requests that were requests that were received an Apprehension clerk was designated. Such request had to be processed by checking all files, the G-2 files, Order of Battle, Japanese Dictionaries of Military Terminology and Usages, in order to prepare the draft Memorandum to be censored by the Legal Section and other interested sections prior to the final Memorandum to the IJG, these were the major problems confronting the Apprehension clerk. Through a trial and error procedure the work was reached a point where requests are processed in an expeditious and highly accurate manner. Since its inception many new forms have been devised for the handling of requests for apprehension. A Confidential sheet has been initiated which in part covers the charges and synopsis of evidence supporting the requesting agency's desire for the apprehension of a Suspected War Criminal to enable approving authorities to more easily comprehend the reasons for the requested apprehension.

Once the man was interned the Division was anxious to know

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

if we had apprehended the right person since the similarity in Japanese named left too much room for error. This was solved by having the Imperial Japanese Government issue an Apprehension Slip listing the suspects name, date of the Memorandum he appeared on, his name as he spells it and also the Japanese characters for his name. To doubly insure this method the internee was interrogated by the Legal Section Liaison Officer at Sugamo Prison.

Many of the suspects incarcerated in Sugamo Prison were interned on requests of agencies outside the Legal Section. When it was determined that these were to be transferred to those commands outside Japan, the problems of transportation, proper escorts, subsistence enroute, medical clearances for the prisoners, the approval for such shipments and several minor difficulties had to be set to a workable pattern. This was accomplished by direct contact with ATC officials, the mimeographing of a Standard Operating Procedure for escorts, advising the prison the length of travel and the immunizations required by the specific area the prisoner was to be shipped, and a request that necessary orders be cut by the Adjutant General for the shipment of both escorts and prisoners. To date transfers have been completed for prisoners to China, Singapore, Guam and the Philippines.

As an aid for furnishing reports, daily spot checks for information requested by the divisions of Legal Section, and results of apprehensions and trials, a series of files were needed. At present those in operation contain those men requested but not yet apprehended, those in Sugamo Prison, those in prison outside Japan as well as a Tried File showing the results of trial of each suspect. These files have proved to be of great value in the rendering of reports by the Legal Section and have materially assisted other staff sections of GHQ.

For the period it has been in operation the Apprehension Branch, Criminal Registry Division has set up and maintained the most complete files on Suspected War Criminals, offering valuable

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

leads and information to the Investigation Division, Legal Section, as well as to the sections also engaged in War Crimes work, has assisted G-3 in their repatriation work, made possible the apprehension and transfer of prisoners to Allied agencies and have indexed and cataloged all Suspected War Criminals either in the category of "Suspects", "Requested" or "Detained".

Prosecution Division

In the first year of the Occupation of Japan, Prosecution Division of Legal Section, confronted with the task of prosecution of Japanese war criminals, established an organization to accumulate and classify oral and documentary evidence, prepare cases and draft charges and specifications against the alleged perpetrators and to prosecute the accused on trial.

Since the International Prosecution Section has been assigned the trial of the International or Major War Criminals, this Division has been concerned with the residuary perpetrators, of which a large number have been those related to the Japanese Prisoner of War Camps, whether as civilian or military personnel attached.

Thus, until this time, the Division has been primarily concerned with the violations of the Laws and Customs of War, which have included gross mistreatment of American and Allied Prisoners of War interned by the Japanese in this Theater.

With the subject and method of prosecution relatively novel, it has been necessary to peoneer in this field, with the primary aim being the accomplishment of expeditious and substantial justice.

The Eighth Army was assigned the task of establishing military commissions to try the accused and to furnish defense counsel. The practical problem of establishing sufficient commissions has been a difficult one, and it has accordingly limited the number of trials completed.

The Supreme Commander for the Allied Powers had set up rules and regulations concerning such trials that were free for precedents of Anglo-American Common Law, but which, nevertheless, have afforded

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

justice to the accused. Based neither upon the United States constitutional guarantee nor upon the rules of the Army court martial, the Japanese have nevertheless been given fair and impartial trials, and each prosecutor has adhered to the ethical aim of presenting the evidence fairly, fully, and honestly.

A difficult problem presented has been the lack of living witnesses to testify before the commissions. A wealth of documentary material was and is being obtained, and the charges have largely been based upon this evidence. Since the commission may by SOAP rules "admit such evidence as in its opinion would be of assistance in proving or disproving the charge or such as in the commission's opinion would have probative value in the mind of a reasonable man", great latitude is allowed as to the material presented to the commission for its information.

While less weight might well be attached to affidavits, depositions, signed statements, or other documentary evidence, such material without the benefit of the testimony of witnesses was found sufficient to sustain a death sentence in one particular instance.

It has been a policy that former prisoners of war now in hospitals and in their home should not be compelled to return to this Theater, although they have been encouraged to return upon their own volition, and where such witnesses are still members of the Service they, in several instances, have been assigned to this Theater for the purpose of giving testimony in the Yokohama trials.

Most of the cases thus far have largely been decided upon written or documentary evidence, and the results have been uniformly good, but the presence of witnesses has bolstered and clarified the cases presented. Since the prosecution is not afforded an opportunity of being able to interview all interested parties and to present their testimony as a part of the case, the results are somewhat limited, but with the more liberal rules as to the admissibility of

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

evidence, relatively complete cases have been submitted for the decision of the members of the Commission.

In 48 cases involving 78 accused, but four have been acquitted. Six death sentences and eight life sentences have been adjudged by commissions, while one accused has been given 50 years, three have been sentenced to 40 years, one to 35 years, 7 to 30 years, five to 25 years, one to 22 years, six to 20 years, two to 16 years, nine to 15 years, one to 12 years, eight to 10 years, one each to 8, 7, and 6 years, six to 5 years, five to 2 years, and two to one year.

With the addition of Australian, British, Canadian and Chinese units assigned to Legal Section, the work of obtaining information from these Divisions and the coordination of their efforts with ours has been greatly facilitated.

For reasons of office expediency the Korean and Japanese prisoner of war camps have been classified as to area and systems, and prosecutors have been assigned accordingly, with the responsibility of those cases arising within their jurisdiction. Cases involving atrocities to Air Corps personnel, crimes on the sea and other acts taking place at various places and under different situations have likewise been so classified and assigned. While the primary emphasis and attention of this Division has thus far been placed upon incidents arising out of prisoner of war camps, the scope of the crimes perpetuated is actually greater, and other types of crimes are now being prepared for trial.

A fundamental problem has been the obtaining of specific information from the United States concerning cases being prepared for trial, upon which the evidence is neither complete nor specific. By communicating with the States additional information has been obtained, but it has not in all instances been entirely adequate or satisfactory. For this reason a group of officers of this Section was sent to the States to coordinate and expedite the matter

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

of obtaining such information.

In a field in which it has been necessary to blaze a new trail to establish precedents, and to prosecute war criminals for atrocities and acts novel to Western civilization, the Prosecution Division has established itself and at the close of the year has seen that justice has been done in many high-lighted instances, with many more war criminals awaiting their turn on the docket.

Theodore R. C. King

THEODORE R. C. KING
Major Inf.
Executive Officer

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
OFFICE OF THE GENERAL SECRETARY

APO 500
3 September 1946

SUBJECT: Report of Activities of International Military Tribunal for month ending 31 August 1946.

TO: Chief, Statistical and Reports Section,
APO 500.

Report of activities of International Military Tribunal for the Far East for month ending 31 August 1946 is herewith submitted.

1 August 1946. Regular court session. Continuation of Manchurian phase. Testimony of Morito Morishima, Japanese ex-counsel at Mukden.

2 August 1946. Regular court session. Further testimony of Morishima. Tamon Maeda recalled as prosecution witness. Kimbei Nakai, Japanese cameraman (news) took stand.

5 August 1946. Regular court session. Showing of Japanese propaganda film in open court, and testimony of Nakai concerning it. John B. Powell, former Shanghai newspaperman, who lost both feet in a Japanese prison, testified concerning Mukden incident.

6 August 1946. Regular court session. Beginning of China military agression phase. Further testimony by Powell. Testimony on his incarceration in Bridge House Jail in Shanghai. Testimony of Wang Len Ch'ai, former Chinese magistrate.

7 August 1946. Wang's further testimony. Testimony of Liang Ting-Fang on atrocities during Rape of Nanking. Testimony of Hayao Tada, retired Japanese general. Affidavit of Col. Barrett, acting military attache in Peiping, concerning Marco Polo Bridge incident. Affidavit of A.A. Dorrance, former manager of Standard Oil in Hankow, concerning atrocities. Both affidavits introduced in evidence over objections of defense.

8 August 1946. Regular court session. Excerpts from prosecutions interrogations of Iwane Matsui and Shunroku Hata, defendants, were read in evidence, which purported to show that the Japanese regarded the fighting in China as warfare, although they called it an "incident". Nobufumi Ito, former Japanese minister to China, testified that he had submitted reports of atrocities committed by Jap soldiers in China to Foreign Minister in Japan.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Report of Activities.

9 August 1946. Regular court session. No witnesses. Excerpts from talks of Kenryo Sato, defendant, to Police Bureau chiefs in Home Ministry, were read in evidence. Various documents were introduced in evidence by prosecution relating to China hostilities.

12 August 1946. Regular court session. Speech of defendant Kuniaki Koiso to 85th Diet Session in 1944 was read to court. Witness, John Geotte, former INS correspondent in China testified concerning Japanese aggression in China.

13 August 1946. Further testimony of witness, John Goette. During cross examination american defense counsel, David F. Smith, asked Goette if the latter had not three weeks before said that if all facts in the case were brought out many justifications could not be found for Japanese acts in China. Sir William ruled that such a question was contrary to the rule of court that cross-examination must be confined to matters convered in direct testimony. Chief Prosecutor requested that in interest of a fair trial, question be allowed. The majority of the Tribunal ruled that question could then be permitted. Goette denied making any such statement, and Smith offered to take the stand at a later date and testify to that effect.

14 August 1946. Legal holiday.

15 August 1946. Regular court session. Further testimony of Goette. Missionary John G. Magee testified concerning Jap atrocities in China.

16 August 1946. Regular court session. Further testimony of Magee. Henry Pu Yi, former Emperor of Manchuria, puppet emperor during Japanese regime took stand today. Pu Yi was brought from Russian occupied Zone at request of Prosecution to testify during trial, and is still in Russian custody.

19 August 1946. Regular court session. Pu Yi testified he ruled Manchuria during Japanese regime because of fear for his life. The question was brought up how much credibility can be given a man who gives in to the enemy rather than risk his life.

20 August 1946. Regular court session. Pu Yi still on stand. Defense in cross examination attempted to show that he took the stand willingly and was not forced back into it. Pu Yi testified that the Japanese enslaved the country and colonized it. He testified that the Japs encouraged the production of narcotics.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Report of Activities.

21 August 1946. Regular Court session. Pu Yi still on stand. Defense introduced letter written in Chinese on yellow silk allegedly stamped with imperial seal, which purported to show that Pu Yi willingly took the throne of Manchuria. Pu Yi denied writing or authorizing letter, declaring it a forgery.

22 August 1946. Regular court session. Pu Yi still on stand. Prosecution obtained permission to enter in evidence the yellow silk letter introduced by defense yesterday. If the letter can be proved to be counterfeit, it will tend to show conspiracy on part of Japanese defendants.

23 August 1946. Hearing in conference room on application of Okawa to be committed to Matsuzawa Hospital for insane; granted. Regular court session. Continued testimony under cross examination by Pu Yi.

26 August 1946. Regular court session. Pu Yi still on stand, admitted on cross-examination that he signed necessary papers to assume the throne during Japanese regime, but stated that he did so under duress, and that he was a mere puppet. Members of U$ Congressional party, House Committee on Military Affairs visited the trials in the morning. Marcus Raye, special Aide to Secretary of War on racial matters was afternoon visitor.

27 August 1946. Regular court session. Pu Yi concludes testimony.

28 August 1946. Hearing in conference room before President-- application of prosecution for leave to have evidence in chief of Admiral James O. Richardson, presented in the form of a prepared statement. The matter was taken under consideration by the whole Tribunal. Regular court session. Telegrams exchanged in 1931 by the members of the Japanese Consular Service and Baron Shidehara, defendant, then Foreign Minister, were offered in evidence, and purported to show that Pu Yi was kidnapped from Tiensten for the throne of Manchuria.

29 August 1946. Regular court session. Affidavits concerning atrocities committed by Japanese during Rape of Nanking were permitted to be offered in evidence. Other documents concerning Rape of Nanking were offered in evidence.

30 August 1946. Hearing in conference room to further consider application of prosecution concerning Admiral Richardson; application granted. Regular court session. Further testimony and evidence concerning China aggression phase.

For the General Secretary:

George W. Hanley

GEORGE W. HANLEY,
Lt. Col., FA,
Executive Officer.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

SUMMATION NO. 11. Chicago Post Trial.

PART 3 SECTION 1 TITLE _____.

VIRGIN ✓ ASOC. SECTION DRAFT ✓

EXTRA _____ DIVISION DRAFT _____

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Natural Resources Section

SECTION I

AGRICULTURE AND FISHERIES

C O N T E N T S

	Paragraph
General	1
Agriculture	5
Fisheries	20

GENERAL

1. A land reform bill has been drafted by the Ministry of Agriculture and Forestry, approved by the Japanese Cabinet, endorsed by SCAP and submitted to the Diet. Under SCAP direction available fertilizers are being used chiefly for food production. A five-year plan to increase silk production has been initiated at SCAP request.

2. Adverse weather conditions including the effects of a typhoon reduced the July production of fish. Localized outbreaks of cholera and the consequent prohibition of coastal fishing in the affected areas further reduced the catches in southern Japan. The Hokkaido fishery has improved after a period of low production following the end of the herring season.

3. The operation of a Japanese whaling fleet in the Antarctic has been authorized.

4. Many new fishing boats have begun operation and the construction of many more has been authorized.

AGRICULTURE

	Paragraph
Progress of Land Reform Legislation	5
Five-Year Plan for Cocoon Production	15
Fertilizer Allocations	17

PROGRESS ON LAND REFORM LEGISLATION

5. The most far-reaching development in the rural economy of

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Japan is the land reform program drafted by the Ministry of Agriculture and Forestry, approved by the Japanese Cabinet and submitted to the Diet on 15 August. This program provides four-fifths of the tenants of Japan with an opportunity to purchase and own the land they cultivate. As such, the new program approved by SCAP, differs sharply from the one passed by the Japanese Diet last December and submitted to SCAP on 15 March 1946 in compliance with the rural land reform directive of 9 December 1945.

6. The land reform program of December 1945 did not include adequate provisions for alleviating the long standing poverty and insecurity of the farmers of Japan. An effective land program in Japan must aim at the widest diffustion of land ownership among tenants.

7. The program of December 1945 fell short of this goal for the following reasons: (1) the allowance of five cho (12.25 acres) of tenant cultivated land per individual land owner was too large and excluded the greater part of tenant land from the land reform program; (2) too much discretion in initiating and carrying out the program was given to agencies not sympathetic to land reform, and (3) no provision was made for improved conditions of tenancy other than that rent be paid in cash instead of kind.

8. The program now approved by the Japanese Cabinet is a constructive attempt to enable the tenants to become owners of the land on reasonable terms, and to improve tenancy conditions for those who will continue to work the land as tenants. According to official estimates, almost two million tenant-farmers of Japan will be able to purchase about 80 percent of the land they now cultivate as tenants. In order to achieve this, the amount of tenant-cultivated land which an individual landlord may own is restricted to an average of one cho (2.45 acres) in Honshu, Kyushu and Shikoku, and four cho in Hokkaido, while all tenant-farmed land held by absentee landlords is subject to compulsory sale. In addition, restrictions will be imposed on the right of owner-farmers to retain and cultivate more than an average of three cho in Honshu, Kyushu, and Shikoku and an average of twelve cho in Hokkaido.

9. The proposed procedure for carrying out the program is through

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

direct purchase of the land from the landlords by the Government for resale to the tenants. The program provides for an average price for irrigated rice land of ¥750 per tan (.245 acres) and for upland an average price of ¥465. In addition, a subsidy will be paid by the Government to the landlords, which will average ¥220 per tan for irrigated rice land and ¥130 per tan for upland. The subsidy is limited to an amount of land not exceeding three cho (7.35 acres) in Honshu, Kyushu and Shikoku, and not exceeding 12 cho (29 acres) in Hokkaido.

10. The tenants will be allowed to pay for the land they purchase in annual installments over a period of 30 years, at a rate of interest of 3.2 percent. A tenant may pay the full amount in one or few installments if he is financially able. The program further provides that the annual installments shall never exceed an amount which, when added to land taxes and other financial obligations of land ownership, is equal to one-third the value of the annual produce from the purchased land.

11. The land reform program calls for the establishment of local and prefectural land commissions and an over-all national land commission. The duty of the commissions is to determine the land subject to sale in accordance with the plan and to supervise the actual transfer of the land from the landowners to the tenants. The commission will consist of a certain number of tenants, landlords and peasant proprietors elected by the membership of these respective groups; the commissions, by unanimous agreement, may select additional members when such action is deemed advisable to expedite the work of a commission.

12. For those who would remain as tenants the land reform program provides legal safeguards to prevent arbitrary evictions by landlords. It also continues the present cash rental regulations, but adds yet another provision that these cash rentals will not be allowed to exceed 25 percent of the value of the crop on paddy lands and 15 percent of the value of the crop on upland fields in case of a future reduction in farm prices.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

13. The principal provisions of the land reform mark a departure from all other programs initiated between 1922-1945, ostensibly designed to improve the status of the tenants. They were of no practical significance, because the succeeding Japanese Governments of those days relied too much upon such intangibles as self-help and spiritual regeneration; material help that would enable the tenants to become owners of the land was not forthcoming, and improvements in tenancy practices were not provided for. Hence the unchanging feudalistic structure of Japanese agriculture parallel rapidly changing and expanding industrial and commercial segments of Japan's economy.

14. The new land reform program, unlike the preceding ones, is unquestionably Japan's first serious attempt to modernize its agricultural system and to free the majority of the farmers from the bondage in which they have been held for centuries past. The provisions of the program contain all the elements necessary to effect such changes. If the letter and the spirit of these measures should find their proper application in the Japanese countryside, the majority of the Japanese farmers would find in the land reform program their long awaited Bill of Rights.

FIVE-YEAR PLAN FOR COCOON PRODUCTION

15. At the request of SCAP the Japanese Government developed a five-year plan designed to increase silk production from an estimated 155,430 bales (9,325,800 kg) in 1946 to 321,300 bales (19,278,000 kg) in 1953 and to increase the area planted to mulberries from about 170,000 hectares in 1946 to 270,000 hectares in 1951. Plantings made in 1951 will produce silk in 1953, the second year of growth. The area planned for mulberry culture in 1951 is about 45 percent of the area that was used in 1934.

16. Methods designed to increase production are subsidizing production of mulberry seedlings to provide adequate planting stocks; allocating fertilizer for mulberry acreage in the same ratio as for food crops; making preferential allocations of material for the

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

manufacture of equipment for cocoon production and silk processing; adjusting the price of cocoons to encourage production and increasing the educational opportunities of cocoon producers through more effectuve experiment station and extension techniques.

SCHEDULED FIVE-YEAR SERICULTURE PROGRAM
(1946-1951)

Year	New Area to be Planted (hectares)	Proposed Total Mulberry Area (hectares)	Proposed Area in Production (hectares)	Anticipated Cocoon Production (metric tons)	Anticipated Silk Production (metric tons)
1947	10,000	183,000	171,000	77,109	9,175
1948	17,000	200,000	173,000	87,763	10,443
1949	30,000	230,000	183,000	103,150	12,274
1950	30,000	260,000	200,000	120,250	14,309
1951	10,000	270,000	230,000	138,286	16,455

SOURCE: Raw Silk Bureau, Ministry of Agriculture and Forestry.

FERTILIZER ALLOCATIONS

17. The Japanese Government under informal direction of SCAP is using most of the available fertilizers for production of staple foods such as wheat, barley, naked barley, rye and oats. From 1 August 1946 to 31 December 1946 an estimated 345,594 metric tons of ammonium sulphate and calcium cyanamide will be available for distribution.

18. These allocations have been made: 189,653 metric tons to wheat, barley and naked barley; 5,143 metric tons to other crops such as Irish potato (seed), vegetables, fruit trees, mulberry, tobacco, rape, pyrethrum, ramie, tea and medicinal herbs; 59,290 metric tons to fulfill deficits in January-July farmer allotments, and the remaining 59,754 metric tons to be distributed to farmers in proportion to the quantity of rice delivered to the Government.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ALLOCATION OF AMMONIUM SULPHATE AND CALCIUM CYANAMIDE

Crop	Kilograms of Ammonium Sulphate Equivalents (20 percent Nitrogen) allotted per Hectare
Wheat	119.2
Barley	119.2
Naked barley	119.2
Oats	44.9
Rye	44.9
Irish potato	195.2
Vegetables	90.4
Fruit trees	26.2
Mulberry	44.8
Tobacco	56.2
Rape	18.9
Pyrethrum	12.5
Ramie	37.0
Tea	22.6
Medicinal herb	17.0

SOURCE: Ministry of Agriculture and Forestry.

19. By 1 August 1946, 30,000 metric tons of superphosphate (16 percent P_2O_5) were available for use from 1 August-31 December 1946. This amount has been allotted to wheat, barley, naked barley and rye. Additional imports of phosphate rock prior to 1 November 1946 will make possible further allocations to these crops. Unless imports of potassic fertilizers arrive in Japan before 31 December 1946, less than 10,000 metric tons of commercial potassic fertilizers will be available.

FISHERIES

	Paragraph
Fisheries Production	20
Distribution of Marine Products	24
Japanese Fishing Vessels	25
Equipment and Supplies	29

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

Paragraph

Marine By-Products 38

Antarctic Whaling. 42

Fisheries Federations and Associations 51

FISHERIES PRODUCTION

20. The total reported landings of fish throughout Japan during July were 76,993.1 metric tons, 21,781.1 metric tons less than the reported June landings.

21. Period 1-10 July: The reported landings for this period were 24,219.5 metric tons or 4,000 metric tons less than the last period of June. Kanto, with a decrease of 2,050 metric tons reported bad weather conditions and insufficient equipment available through lawful channels. Kyushu reported lower landings owing to outbreaks of cholera and dysentery in Saga Prefecture. All areas showed decreased catches except Hokkaido and Chugoku.

22. Period 11-21 July: For this period the reported landings amounted to 25,966.5 metric tons, an increase of 1,747 metric tons over the previous 10-day period, because of improved catches in Hokkaido, Tohoku, Shikoku and Kyushu. The coastal fishery in Yamaguchi was stopped by a cholera outbreak, resulting in a decrease of 1,700 metric tons for the Chugoku area. An increase of 633 metric tons for Shikoku was due to improved catches of sardines, horse mackerel and shrimp. Kanto reported an increase of 709 metric tons. Twelve "tsuchi" whales were caught at Otohama. Kyushu, with an increase of 427.6 metric tons, reported lifting the prohibition on fishing in some areas previously affected by cholera.

23. Period 21-31 July: Reported landings were 26,807.1 metric tons, an increase of 840.6 metric tons (incomplete) over July 11-21. Hokkaido showed an increase of 3,922 metric tons with good catches of cod, shark and flounder. A typhoon over Kyushu, Shikoku and lower Honshu caused a serious drop in fish production. All areas except Hokkaido and Hokuriku (plus 159 metric tons) reported reduced landings. The effects of cholera caused a decrease in the Chugoku area. Six

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

"tsuchi" whales were caught at Otohama.

DISTRIBUTION OF MARINE PRODUCTS

24. July fish sales at the seven metropolitan markets were 13,487.7 metric tons or 5,087 metric tons lower than in June. The decrease was evident in all markets except Nagoya which reported an increase of 5.6 metric tons. Weekly shipments from Hokkaido to Honshu decreased considerably in spite of marked increases in landings.

JAPANESE FISHING VESSELS

25. A directive (SCAPIN-1120) was issued by SCAP, dated 6 August 1946, authorizing the construction of 211 steel and 17 wooden vessels under Plans 3 (a) and 4 (a) submitted by the Japanese Bureau of Fisheries (C L O No 2599(CM), inclosures 1 and 2). The 17 wooden vessels of approximately 120 metric tons gross each will be used for tuna fishing. The 211 steel vessels will be as follows:

Type of Vessel	Gross Tonnage (metric tons)	No of Vessels	Gross Tonnage (metric tons)
Fish carrier	750	3	2,250
Fish carrier	95	1	95
Whaler	300	7	2,100
Trawler	320	1	320
Trawler	270	7	1,890
Tuna boat	135	55	7,425
Tuna boat	120	3	360
Tuna boat	95	62	5,890
Tuna boat	75	4	300
Small trawler	98	10	980
Small trawler	75	18	1,350
Small trawler	55	30	1,650
Small trawler	18	10	180
Total		211	24,790

SOURCE: Bureau of Fisheries.

26. All the vessels are scheduled for completion before 31 March 1947. The majority of the new vessels, particularly the tuna and

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

trawl boats, will operate in the authorized fishing zone as extended under the directive (SCAPIN-1033) of 22 June.

27. The construction of vessels already approved by the Supreme Commander for the Allied Powers (SCAPIN-949) dated 13 May, is progressing rapidly. Many of the steel trawlers and tuna boats are under construction or have been completed.

28. The new authorization constitutes a further step in the program of rehabilitating the Japanese fishing fleet as a source of food production for the people of Japan.

EQUIPMENT AND SUPPLIES

Fishing Nets

29. Of the total stocks of cotton yarn held by spinners and distributors on 1 June 1946, approximately 9,000 bales (3,600,000 pounds) were allocated to the fish net industry for immediate delivery. This quantity is in addition to the previous allocation of 19,000 bales (7,120,000 pounds) for domestic use, of which 3,662,000 pounds was allotted to the fishing industry.

30. To meet the demands of the fishing industry and to keep the net factories at full production through December, an additional 18,000 bales of raw cotton are needed.

31. Maximum production of fish nets is necessary for the remainder of the year to attain the target of 3,000,000 metric tons of fish annually.

Salt

32. The participation of Japan in Antarctic whaling during the 1946-1947 season is primarily to provide food for the Japanese people. Owing to the lack of refrigerating machinery aboard the whale factory ships most of the whale meat obtained in the Antarctic must be salted. The estimated requirements of salt are 12,362,metric tons for the 1946-1947 season. Of this quantity 7,812 metric tons is to be made available by 15 October at Osaka or Kobe and 4,550 metric tons at Nagasaki.

33. The Japanese Bureau of Fisheries has submitted the following

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

table of salt demands and allocations for Japan proper for the third quarter, July to September 1946.

Use	Demand (metric tons)	Allocation (metric tons)
Salted and dried fish	8,600	7,700
Fresh fish	1,100	950
Pelagic fishing	1,624	1,480
Bait	400	350
Others including cold storage	600	520
Total	12,324	11,000

Ammonia

34. Japan has 15 ammonia factories in operation with a monthly production of approximately 15,000 metric tons ammonia gas, 90 percent of which is allocated for the manufacture of ammonium sulphate for use as fertilizer. The Cold Storage Association distributes ammonia only to the best equipped cold storage and freezing plants as a means of conserving the gas. Plants in poor mechanical condition waste ammonia through leakage from the pipes.

35. Delivery to refrigerating plants totaled 34 tons ammonia from 10 July to 15 August and 50 tons calcium chloride from 10 July to 10 August.

Petroleum Products

36. The earlier allocation of petroleum products for the month of August was 11,500 kiloliters diesel oil, 300 kiloliters kerosene and 930 kiloliters lubricating oil. The extension of the fishing areas under the authorization (SCAPIN-1033) of 22 June necessitated a revision of these quantities and the present allocation is 13,500 kiloliters diesel oil, 300 kiloliters kerosene and 1,050 kiloliters lubricating oil. The increased allocation was granted to permit operations of part of the existing fleet of fishing vessels and many new vessels in the extended fishing zone.

37. It has been recommended that the following quantities of petroleum products be allocated for the operations of the Japanese whaling fleet in the Antarctic during the 1946-1947 season of six

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

months:

Kind	Quantity (kiloliters)
Navy special oil (0.92 or 0.93 specific gravity)	40,517
Lubricating oil	
Taicol 310	442
Taicol heavy medium	3
Cylinder oil B-700	82
Lubricating oil B-350	88
Cylinder oil 120	4
Turbine oil 180	38
Mobiloil 20-30	5
Total	662
Other types of oil	
Neutral oil	27
Kerosene	27
Gasoline	3
Total	57

MARINE BY-PRODUCTS

Seed Oyster Collection

38. Action by SCAP has assisted the Japanese Seed oyster growers in Miyagi Prefecture in getting necessary supplies of bamboo poles, stakes, wire, nails and other materials needed for setting out the seed collectors. A satisfactory postwar revival of the industry is anticipated.

39. A field trip in August to three prominent collection areas near Ihinomaki Bay indicated satisfactory developments. In the 1945 season 200,000 collector strings of 50 to 75 shells each were set out for the collection of the seed "spat". This year almost a million strings are already set out and supplies are available to complete the placing of 1,800,000 strings. The present rate of spat set on collectors is considered satisfactory.