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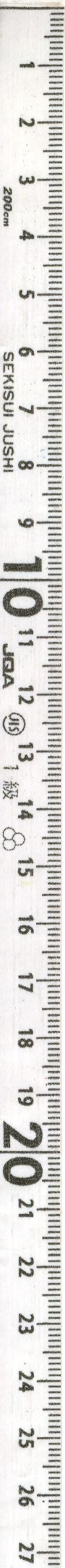
GENERAL HEADQUARTERS G-2 FAR EAST COMMAND

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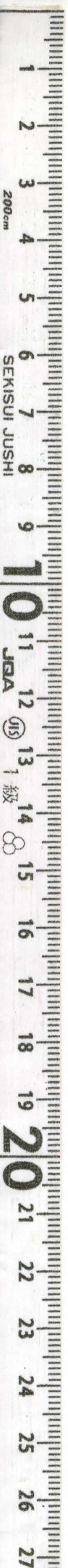
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LIST OF PAPERS

File under No. 013.37 CL

Sheet No. 1

SERIAL NUMBER	FROM-	DATE	TO-	SYNOPSIS
pmb 1	Gen Ennis	19 Sep	CofS	May Day & Saita City (Osada) TRIALS & Communist Obstruction Tactics with respect thereto



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19 Sep 52

Chief of Staff

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You may be interested in the red-lined portions of the attached memorandum which outline some of the difficulties being encountered by the Japanese courts in the prosecution of the cases which were an outgrowth of the May Day disturbances.

Re Memo fr Mr. Carusi dtd 18 Sep 52, subj:
"May Day and Saita City (Osaka) Trials and Communist Obstruction Tactics with Respect Thereto", to Gen Ennis

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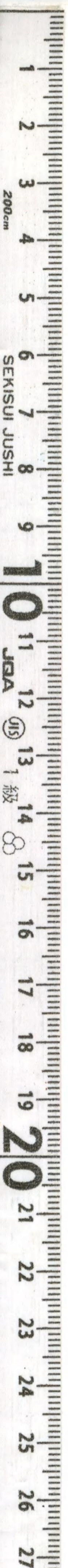
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GENERAL HEADQUARTERS
FAR EAST COMMAND
Military Intelligence Section, General Staff

18 September 1952

MEMORANDUM TO: General Ennis

SUBJECT: May Day and Saita City (Osaka) Trials and Communist
Obstruction Tactics with Respect Thereto

1. Reference: Memorandum for Record dated 17 September 1952, Subject: "Briefing for C-in-C on Prospects for Effective Trials and Substantial Sentences for May Day Rioters. (Incl 1)

background,

2. The salient facts and present status of the May Day Incident and the Saita City (Osaka) case are as follows:

a. The May Day Incident:

(1) Prior to 1952 May Day celebrations in Tokyo and other large cities were dominated by Communist-controlled labor organizations. This year apparently realizing that they were too weak numerically to dominate any large May Day events, these Communist-controlled groups directed their efforts towards a "unified" May Day celebration which resulted in the celebration being participated in by non-Communist, Communist-dominated and strongly Communist-influenced organizations.

(2) The Japan General Council of Labor Unions (SOHYO) and affiliated organizations which represent approximately 60% of Japanese organized labor, and whose sanction made possible the participation of the Communist-controlled organizations, planned to stage the celebration and rally in the Imperial Plaza. However, the Government refused permission for use of the Plaza based on a previous ruling which reserved said place for official state functions open to the general public and in consequence thereof, the rally was relocated to the area fronting the Art Gallery in Meiji Park.

(3) The rally began at 1020 hrs on 1 May 1952 with speeches by labor leaders and leftist politicians. Some 180,000 labor union members were in attendance.

(4) During the course of the rally, students and Koreans agitated for demonstrations in the Plaza. These tactics were not, however, favorably received by the vast majority of those present.

(5) The main speeches were concluded at 1230 hrs and a scheduled march through certain specified streets of Tokyo, which did not include ~~Hibiya Park~~ of the Plaza, began. At one point during the march, one group of marchers, joined by a large number of students broke away from the main body and proceeded to Hibiya Park and thence to the Plaza, by which time they had increased in numbers to about 7,000. Clubs, bamboo spears, sticks and make-shift fire bombs mysteriously appeared and armed with them the demonstrators pushed and jostled the crowd in their path; did extensive damage to parked vehicles and other property; and clashed with the police who after engaging the rioters for two hours, were finally able to disperse them by using night sticks and tear gas.

(6) As a result of this riot, approximately 500 police were injured and U.S. personnel-owned property conservatively estimated at \$54,000 was destroyed.

(7) Two hundred and forty-six (246) persons were arrested and are about to be tried. They are charged with Article 106 (2) of the

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Penal Code for Japan which states, "Persons who by assembling in large numbers have used violence or threats shall be guilty of the crime of riot and be punished in accordance with the following classification: . . .

(2) Those who have directed others or have led others and encouraged the disturbance, with penal servitude or imprisonment for not less than six months or more than seven years".

(8) Due to the large number of accused involved, and lack of facilities for adequate security and control of these persons during the trial, the accused have been divided into eight groups for the purposes of trial. Their trials are scheduled to commence on 19 Sept 1952.

(9) The hearing which was held on 16 Sept 1952 did not constitute the beginning of any of the trials. It was merely a hearing on a motion made by the defense attorneys "to show cause why the accused should be held in detention". This hearing was never completed. The Court ordered it discontinued because of the shouting and heckling tactics of the defendants, defendants' counsel, and spectators.

b. The Saita Case:

(1) The Saita Case (Osaka) is the outgrowth of the nationwide leftist Korean observance of the second anniversary of the Korean war.

(2) The demonstrators, students and leftist Koreans attacked police boxes, police personnel and marshalling yards with clubs, sticks, bamboo spears and fire bombs. A large number of police were used in quelling the disturbance. A number of demonstrators were injured and seventy-nine (79) persons were arrested. These, as in the May Day cases, are also charged with violation of Article 106, sub-Article 2, of the Penal Code for Japan.

(2) The first hearing in this case was held on 11 Sept 1952 and as in the May Day hearing of 16 Sept 1952, proceedings had to be suspended because of similar tactics.

3. Action taken by the Japanese Government to combat obstruction and contempt tactics and its effect on the above-mentioned and future trials:

a. Prior to 31 July 1952, there existed in the legal system of Japan no adequate law aimed at maintaining the dignity and authority of the court and calculated to preclude obstruction of justice and orderly procedure and decorum in court. A law which would correct the aforementioned deficiencies "Law Concerning The Maintenance of Order in Court" was passed on the above date and was implemented on 1 Sept 1952 by the Supreme Court who prepared a set of Rules and Regulations based thereon. This law and the implementing Rules and Regulations of the Supreme Court will become effective on 25 Sept 1952.

b. It is the consensus among Japanese legal talent that had this new law been in effect at the time the hearings mentioned above were held, that the heckling and unseemly conduct on the part of the spectators, accused and counsel for the accused would have been dealt with sternly by the presiding judges.

c. The law concerning the maintenance of order in courts and the prescribed punishment for its violation are believed a sufficient deterrent to combat Communist inspired dilatory tactics and obstructive practices. As to whether ~~or not~~ it will be vigorously and uniformly enforced by the several judges, only time can tell. It is possible that unless a particular judge's patience has been tried beyond human endurance, he may be reluctant to mete out stern justice in a contempt case. We must not forget that unruly court room conduct is a post-war

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phenomenon. The trend toward protection of the accused and the assumption that he is innocent until proven guilty marks such a far-reaching change from the pre-war order, that the judges themselves feel unsure of their position. In following the democratic precepts with which they have been inculcated, they may well decide to lean over backwards in an effort to give an accused every conceivable benefit.

4. Comment on "what appears to be a weakness in the Japanese judicial system which permits the granting of innumerable continuances and postponements during the course of a trial":

a. We who are acquainted with the legal system of the United States where a criminal case is tried expeditiously are amazed at the length of time it takes for a criminal case to be disposed of in Japan by virtue of the fact that the court grants one discontinuance after another. This practice is, however, not exactly due to weakness in the judicial system, but rather to overcautiousness on the part of the court, its eagerness to put into practice present democratic principles and its anxiety to avoid criticism should its rulings bear resemblance to the stern judicial measures which characterized the pre-war system. Defense counsel, especially Communist counsel, are never ready to proceed with their side of the case. They will always have a plausible-appearing excuse -- some very important witness is not available, a previous engagement in some other court, an intervening matter of life and death, etc. They request postponement. Prosecutor is also an apostle of democracy and therefore consents. The court grants the continuance and so it goes on and on.

b. Time and experience in the democratic court practices and procedures will correct this. Experience will enable a fair-minded judge to discern between legitimate and dilatory tactics.

5. Probable outcome of the May Day and Saita-City Cases:

a. The above cases will no doubt be continued many times and will also unquestionably subject a few individuals (participants and spectators alike) to the penalties of the new contempt law before they are concluded. It is to be expected.

b. The mandates of Japan Communist Party require that their accused obstruct judicial proceedings at every step; that trials be unduly prolonged and made to serve as a forum/party propaganda; and that all accused become martyrs to the cause. It is certain, however, that in spite of obstructions and dilatory tactics, the trials will eventually come to a happy ending -- adversely for the accused. It is hoped that the presiding judge will not fail to remember the manifold tribulations inflicted on him by the defendants and defendants' counsel during the course of the trial and mete out the maximum penalty in each case.

1 Incl
Memo for Record
dtd 17 Sep 52

D. S. C.
J. S. C.

17 September 1952

MEMORANDUM FOR RECORD

SUBJECT: Briefing for CinC on prospects for effective trials and substantial sentences for May Day rioters

1. General Ennis, following briefing on 17 Sep, requested that Mr. Carusi, Scty Div, prepare for Lt Col Pizzi, G2 Briefing Officer, a ten-minute briefing item for CinC on subject above.
2. No deadline was established.
3. General Ennis stated that in his opinion there must be some weakness in the Japanese judicial system which would account for the failure of the Japanese to continue trials in Osaka and Tokyo. General Ennis wants this briefing item to cover the background of the cases, the laws pertinent to the cases, and make an estimate of whether the courts would be able to complete trials and impose sentences. General Ennis indicated his fear that the trials would continue to be postponed or disrupted and never effectively be completed.

A. V. R.

Note:

*Cy of attached memo on May Day + Santa City (Osaka) Trials
fwd to Col Pizzi on 18 Sept 52.*

D.W.F.

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By ed NARA Date 2/7/12

ROUTING SLIP		GENERAL HEADQUARTERS FAR EAST COMMAND	
FROM <u>D C/S</u>		DATE <u>21 Sept 52</u>	
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Commander-In-Chief		Hq Comdt	
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GHQ FORM 14 (Rev) APR 52

(All previous editions of this form are obsolete and will not be used)

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Date 19 Sep 52

MEMORANDUM For: Chief of Staff

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You may be interested in the red-lined portions of the attached memorandum which outline some of the difficulties being encountered by the Japanese courts in the prosecution of the cases which were an outgrowth of the May Day disturbances.

*Gen Eganis + Col
Bromley checked 22 Sept 52*

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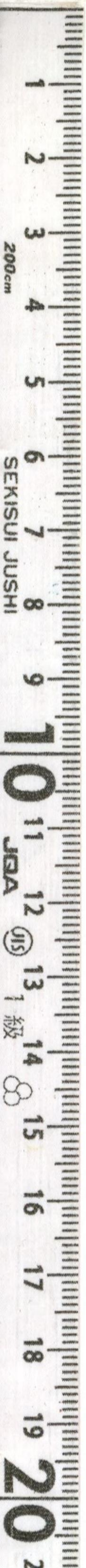
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SUBJECT:

*May Day & Saita City (Osaka) Trials
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- CofS, G2 () Adm Officer () Intelligence Div ()
- Deputy *Assess* () Mil Pers () Security Div ()
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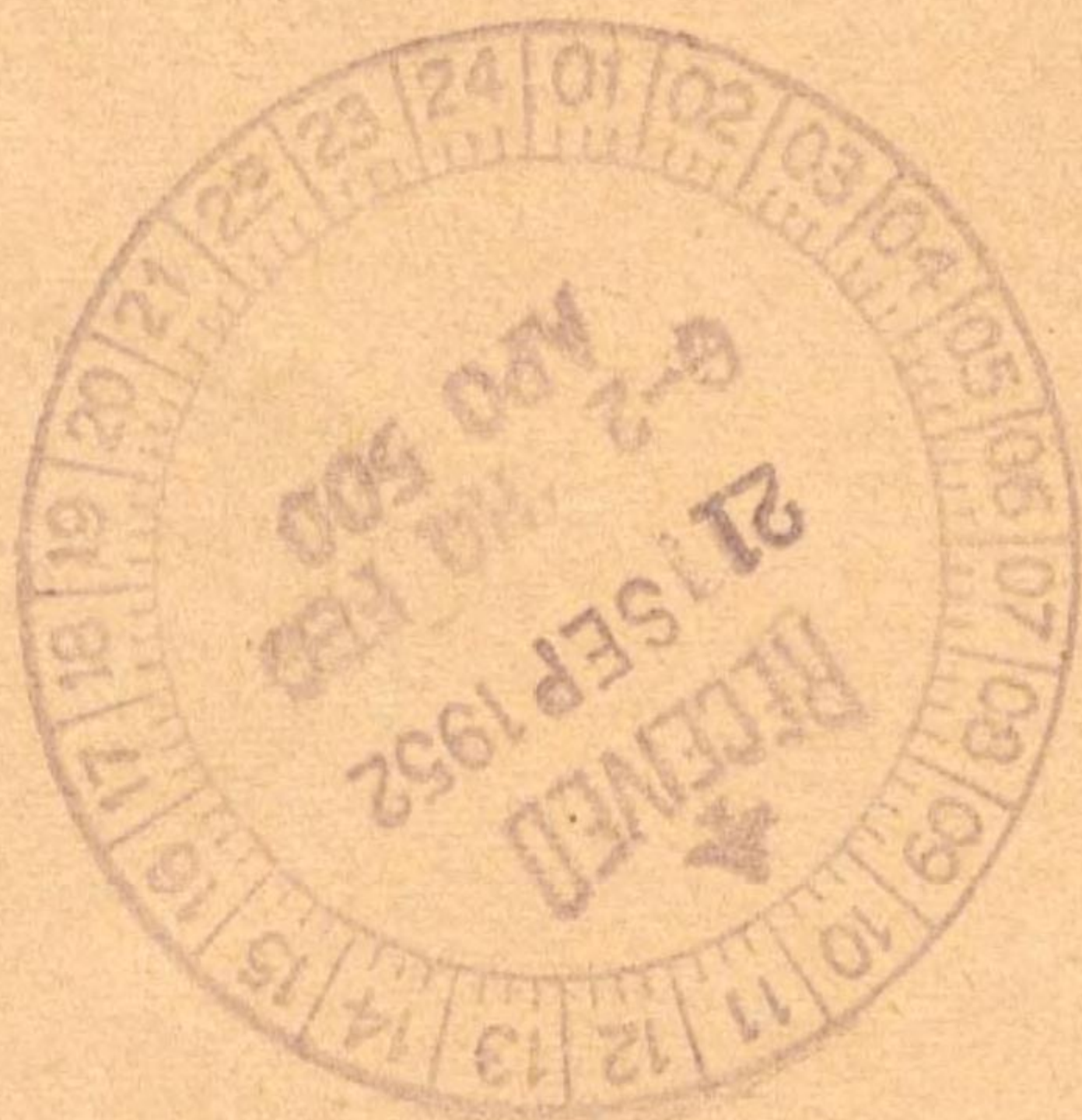
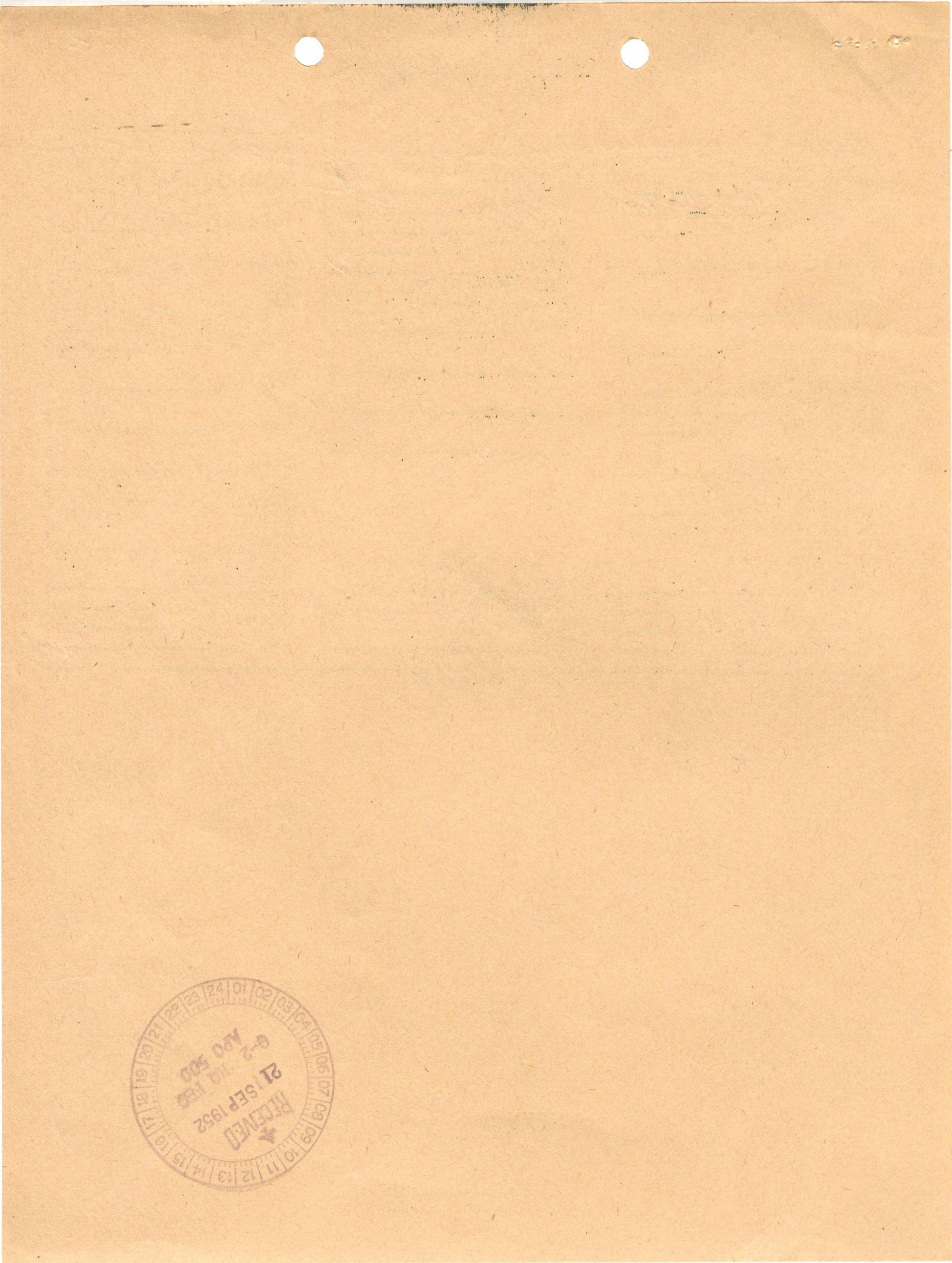
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