When he was asked whether the Tokkoka (special, higher police), who previously enforced thought control, were the only group that could be considered first class investigators, he stated that this was not necessarily true. In the case that a group of investigators is to be selected for such work, he recommended that emphasis be put on the limitations and objectives of the powers of the individual investigators. Further, the chief of any such group would have to be guaranteed the job for a given period of time and qualify as a progressive, far-sighted liberal.

4. When asked what he thought of the Special Investigation Bureau, Attorney General's Office, he expressed concern of the organization itself. First, such an organization should come directly under the supervision of the Prime Minister, Minister, or Attorney General. Second, the investigators should have broader powers of arrest, coupled with a detailed limitation of their extent of investigation. Third, a nation-wide independent organization would be necessary. He reiterated the point that the activities of such an organization completely depended upon the Chief. He showed great confidence in Mr. KIUCHI and wished he were in a position to aid him in this work. It is the opinion of the undersigned that Mr. NISHIMURA and Mr. MIYAJI have been able to realize in a degree the real objectives of the Occupation, and further realize that for the future of Japan there is no hope unless the spirit of the Potsdam Declaration is sincerely followed. As there have been very few people who realize the balance necessary to see the objectives of the Occupation in relation to ultra-nationalistic and Communistic activities, Mr. NISHIMURA and Mr. MIYAJI should be used in some investigating agency of the Japanese Government, which dearly needs such people.

MAKOTO MATSUKATA
Executive Group

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

19 February 1948

MEMORANDUM FOR: Deputy Chief, Government Section

SUBJECT: Interview with Mr. MIYAJI, ex-Chief of Police, Matsuyama Prefecture, Shikoku.

1. Mr. MIYAJI, Chief of Police of Matsuyama Prefecture, Shikoku, when the Home Ministry was abolished, was transferred to the Domestic Affairs Bureau. Mr. NISHIMURA, Chief of Home Ministry, Investigation Bureau, had Mr. MIYAJI transferred to the Domestic Affairs Bureau with the intention of transferring him to the Special Investigation Bureau, Attorney General's Office. The transferring of Mr. MIYAJI to the Special Investigation Bureau being contrary to the policy of Government Section, he has been temporarily appointed Chief of Administration, National Fire Prevention Board. Being a professional policeman, and a very capable one, he regrets this transfer to the Fire Department. At my request, he came to Government Section on 18 February, 1948.

2. The question of the Special Investigation Bureau regarding the investigation of purgees active in politics was discussed, both parties having a knowledge of the present activities of the Occupation investigating agencies in the field. He felt very strongly that a thorough investigation of Communist party activities was necessary for the future of Japan, yet assuming that some type of supervision would continue in Japan after the main Occupation force had been withdrawn, he expressed the idea that with such an advisory group, violent Communistic activity could easily be suppressed if Japan had a strong enough democratic element. During the past six months he has been investigating the activities of a purgee who is openly and defiantly active in the field of local politics.

3. During the course of this investigation, he came to the full realization that the Rightist element in Japan has an immense backing from the demobilized Army and Navy personnel and elements which find it hard to comprehend the spirit of democracy. He stated that on numerous occasions, emphasizing numerous, his life had been threatened. Today, if any Japanese is to take on the responsibility of investigating the activities of purgees and subversive ultra-nationalistic organizations, the investigators will have to be of the highest calibre, and further, their families will have to be guaranteed a livelihood for life. He stated that without this guarantee, he himself would hesitate to ask any investigator to put his heart and soul in investigations of this type.

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When he was asked whether the Tokkoka (special, higher police), who previously enforced thought control, were the only group that could be considered first class investigators, he stated that this was not necessarily true. In the case that a group of investigators is to be selected for such work, he recommended that emphasis be put on the limitations and objectives of the powers of the individual investigators. Further, the chief of any such group would have to be guaranteed the job for a given period of time and qualify as a progressive, far-sighted liberal.

4. When asked what he thought of the Special Investigation Bureau, Attorney General's Office, he expressed concern of the organization itself. First, such an organization should come directly under the supervision of the Prime Minister, Minister, or Attorney General. Second, the investigators should have broader powers of arrest, coupled with a detailed limitation of their extent of investigation. Third, a nation-wide independent organization would be necessary. He reiterated the point that the activities of such an organization completely depended upon the Chief. He showed great confidence in Mr. KIUCHI and wished he were in a position to aid him in this work. It is the opinion of the undersigned that Mr. NISHIMURA and Mr. MIYAJI have been able to realize in a degree the real objectives of the Occupation, and further realize that for the future of Japan there is no hope unless the spirit of the Potsdam Declaration is sincerely followed. As there have been very few people who realize the balance necessary to see the objectives of the Occupation in relation to ultra-nationalistic and Communistic activities, Mr. NISHIMURA and Mr. MIYAJI should be used in some investigating agency of the Japanese Government, which dearly needs such people.

MAKOTO MATSUKATA
Executive Group

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

19 February 1948

MEMORANDUM FOR: Deputy Chief, Government Section

SUBJECT: Special Committee for Investigating Improper Property Dealings.

1. Mr. KATO, chairman of the Special Committee for Investigating Improper Property Dealings, requested a conference with Colonel HAYS and Mr. MATSUKATA, on 18 February 1948. At this conference, the reason for having such a committee and the objectives of such a committee were discussed in detail. Mr. KATO had drawn the assumption that a Diet investigating committee only had the responsibility of bringing to light the unethical activities in politics. The necessity for having a Chief Counsel and a competent investigating staff was reiterated, and Mr. KATO expressed the opinion that through this conference he now fully realized the duties and objectives of such a committee.

2. Mr. YAMANISHI reported on the morning of 19 February 1948 that at 1400 a meeting of the directors of the investigating committee was to be held, at which time the questions to be asked of TSUJI were to be decided. Further, that TSUJI was to appear before the committee on 20 February 1948. It was suggested to Mr. YAMANISHI that in light of the conference held with Mr. KATO, it was Government Section's opinion that an important man, such as Mr. TSUJI, should not be required to appear before the committee until such time as the Chief Counsel had disseminated all available evidence and information regarding Mr. TSUJI. Further, that it was not necessary to rush such an investigation simply for the sake of publicity.

3. Mr. YAMANISHI stated the only available information the committee had came from the court records which as yet have not been brought out in the present Seko Army Uniform Case being tried in the Tokyo district court.

4. At 1400, Mr. YAMANISHI returned, having reported the above conversation to Mr. KATO. Mr. KATO flatly stated that they were to proceed as previously planned, regardless of Government Section's advice. With the Army Uniform Case still on trial, and prior to TSUJI's appearing in court as a witness, it seems extremely inadvisable to have him

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appear before the Diet committee. Colonel HAYS expressed the opinion that in the case the committee did not accept this advice, they be allowed to continue on their own.

MAKOTO MATSUKATA
Executive Group

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

19 February 1948

MEMORANDUM FOR: Deputy Chief, Government Section

SUBJECT: Special Committee for Investigating Improper Property Dealings.

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Col. Kades

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MAKOTO MATSUKATA
Executive Group

Bob Hays

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

16 February 1948

MEMORANDUM FOR: Deputy Chief, Government Section

SUBJECT: Kato Diet Investigating Committee

1. Mr. Yamanishi, the newly appointed liaison link between the Kato Committee and this Headquarters, was asked both last week and again today when the Committee was going to appoint a Chief Counsel. Today he reported to Mr. Matsukata that in his personal opinion a chief counsel had not yet been appointed for two reasons:

(a) The chairman is fearful of antagonizing opposition parties,

(b) The chairman is too busy building left-wing political fences to devote the proper amount of time and energy to committee affairs.

2. It is requested that I be authorized to summon the chairman of the committee and inform him that we are of the opinion that if (a) and (b) above are true, and unless he can justify his delay in the matter, we intend to recommend to the Speaker of the House of Representatives that the present chairman be asked for his resignation.

FRANK E. HAYS
Special Adviser

Let's wait till the crisis is over or till Feb 23d, whichever is earlier.
GHQ

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

12 February 1948

SPECIAL PROGRESS REPORT (M-7)

1. The Procurator General's report on hoarded goods investigation dated 12 February, 1948 shows goods valued at approximately one billion yen, ceiling price, presently being impounded by district procurators' offices throughout Japan (Appendix A). The blackmarket value is approximately fifteen times that of the ceiling price. The majority have been found in Yokohama, Mitsubashi, Nagoya, Osaka, Kyoto, and Kyushu. At the present moment it would be incorrect to construe all these goods as hoarded goods, but it can be assumed that ninety per cent will be hoarded goods in the eyes of the law.

2. A conference of all district procurators was held in Tokyo at the Supreme Procurator's Office on 5 and 6 February, 1948. Colonel KADES, Government Section, addressed this conference with a lecture entitled, 'Equality Under the Law - The Root of Democracy'. Each district procurator reported on the present status of investigations being carried out under the new program for investigating hoarded goods. The Procurator General and his staff instructed the district procurators on the methods and procedures to be followed in future investigations.

3. A special conference was called on 7 February, 1948 by the Procurator General which included the members of the special committee investigating hoarded goods in the Supreme Procurator's Office and the district procurators of Nagoya, Osaka, Kyoto, and Kyushu. According to the district reports, these areas are conducting the largest investigations. The procurators stated that in all their experience they have never handled cases that covered such vast areas and immense quantity of goods. It has been a custom of the procurators in Japan to be over-cautious in initiating an investigation. They realize although caution is necessary, it is important that they broaden their outlook if they are to attain any satisfactory results from these investigations. Due to their shortage in personnel and lack of trained investigators, who previously came from the police force, they have found it necessary to have the fullest cooperation of government workers and private company employees in order to disseminate the vast number of documents and inventory the goods. This is entirely new to them as they have always stayed away from the social life of the community with the feeling that mingling with the general populace would bias their investigations. They decided to approach hoarded goods by first

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acting speedily on reports submitted to them from various sources, and upon locating the goods, to impound them, and at the same time, to impound any books and documents related to these goods, thus working from both ends. This method has proven very satisfactory in Yokohama and Nagoya.

a. The Arms Disposal Committee.

This committee of zaibatsu companies is presently being investigated by the Diet Improper Property Transactions Investigation Committee. The procurators for over a month have been studying the methods through which they may legally impound all the documents and goods of this committee. At the outset, it was anticipated that the charge of fraud brought against the Osaka Arms Disposal Branch Committee would be due cause for conducting a nation-wide investigation. Yet, the legal procedure necessary to obtain a warrant to impound the goods and documents throughout Japan necessitated further inquiry into how this could be done. Recently, a conference was called in Tokyo of all district procurators presently investigating any cases relative to the Arms Disposal Committee and its branches. They concluded it would be necessary to officially ask the Arms Disposal Committee for a final report on their disposition of the goods turned over to this committee from the Home Ministry and various governors of the prefectures. When this report is received, on the basis of the cases presently being investigated, a warrant will be requested of the court to impound the necessary documents and materials of the committee throughout Japan.

In a conference with Mr. Allison, Liquidation Branch, ESS, Mr. Allison stated the Arms Disposal Committee had employed a great number of ex-Army and Navy personnel and some offices were being run exactly like a military organization. He further stated the Liquidation Branch of ESS may possibly take over jurisdiction of this committee in the near future.

b. Osaka Arsenal Case.

On 3 December, 1947, acting on a report submitted to them by the Executive Committee of the Asahi newspaper, the procurators impounded the books of the Osaka Railway Bureau, Finance Bureau, and prefectural government, relative to the Osaka Arsenal. Eleven procurators, twenty-five assistants and twenty police investigators have been mobilized for this case. They further impounded approximately 39,000 tons of steel, iron, and other metal products valued at 547,000,000 yen, ceiling price. This metal has been impounded in ninety-nine different places, including twenty-two companies, the majority being part of the Sumitomo, Asano, and Mitsui zaibatsu combines. The documents show the probability of seven hundred more companies being involved. The extent to which this investigation is going to progress laterally and vertically is extremely hard to determine at this stage of the investigation. The employees of the companies under

investigation have fully cooperated with the procurators and if it were not for this, the investigation would not have progressed this far.

On 28 January, 1948 the chief procurator for Osaka district was summoned by the 25th Division, J. A. Section, and ordered not to indict any person charged with illegal disposition of hoarded goods in the Osaka Arsenal Case during the period it was under the custody of the Allied forces (2 Sep 45 - 21 Nov 45). This was presented to the procurator as a direct order from the Eighth Army. Although a request was made to have this order in writing, the J.A. Section stated that an explanation would be given at a future date, but a written order could not be given at this time. This has caused considerable complications in the investigation as the violations of the law regarding hoarded goods extend from the time of the surrender. The Procurator General requested of Government Section that this situation be clarified if it is desired that this investigation be continued.

e. Fuji Sangyo Industrial Co.

This company was known as the Nakajima Airplane Factory during the war. Ninety-eight per cent of the stock is held by the Nakajima family. During the war, the Japanese Government operated the fifteen units of this company and returned it to the owners on 18 August, 1945. At that time, the name was changed to Fuji Sangyo Industrial Co. Regardless of the fact that the occupation forces took possession of all the warehouses and plants in 1945 as part of the war machine, when the goods held by the occupation forces were returned to the Japanese Government in 1946, the Japanese Government returned intact the plant and all the war materials to the original owners, without compensation. Reports that this vast quantity of goods had gradually been infiltrating the blackmarket, led to investigation in Nagoya and Maebashi.

On 20 January, 1948 seven procurators and fifteen assistants impounded thirty warehouses, 100 meters in width and 30 meters in depth, containing oil products, textiles, rubber, leather, chrome, nickel, copper and electrical equipment. The exact value of these goods has not yet been determined owing to the shortage in personnel. It is expected that the great majority of goods in these warehouses may be construed as hoarded goods for the reason that the company falsified its March, 1947 report to the Commerce and Industry Ministry on essential raw materials. For example: They reported 38,980 bearings; a check on the company books showed 246,000 bearings at the time of the surrender, and a check on the bearings on hand at present shows 260,000. Further, they reported only 6,000 tons of iron when the company books show 80,000 tons of iron at the time of the surrender. A very similar investigation is being conducted in Maebashi, Gunma prefecture, the home office. The quantity of goods seized in this area is larger

than Nagoya. The Economic Stabilization Board Economic Inspectors spent two weeks at this plant ostensibly for investigation. The procurators found that during the two weeks they had spent at this factory, they had been entertained lavishly and had not checked any books of the company, or a single warehouse. With this information, the case was completely taken over by the procurators from the Economic Stabilization Board Economic Inspectors.

4. The above three cases have been designated as the priority cases, and with the exception of the Osaka Arsenal case, a special team is being set up in the Supreme Procurator's Office to supervise this investigation.

5. Nagasaki, with its various ex-naval bases, may prove to be an important area. At present, due to the difficulties encountered with the police, it has been almost impossible to conduct any investigation. The police in that area have done everything within their power to hamper the activities of the procurators. For this reason it has been impossible for the procurators to recruit the new personnel authorized in the budget for investigating hoarded goods. At present, the food situation in Japan necessitates an individual to buy foodstuffs on the blackmarket to supplement his rations, as in many areas the ration of rice or staple food is being diverted into the blackmarket. With the police checking on the procurators, not as ordinary citizens, but because they are procurators, many procurators and their assistants find it impossible to carry on a day's work with their present ration and would rather quit their jobs. The Procurator General has requested support from SCAP in order that he may thoroughly investigate the tremendous hoard of goods presently flowing into blackmarket in the Kyushu area.

6. Kyoto-fu has two large Army and Navy installations. The investigation of these installations and the disposition of the goods formerly located in these installations is presently being investigated. The Kyoto Increase Production case, which implicates the present governor, KIMURA, is being further investigated as the procurator in Kyoto feels the governor is involved, and if any evidence is available, it should be uncovered and the guilty brought to account as a necessary step for democratic local government to succeed in Japan. Kyoto and Kyushu districts are considered as priority No. 2 cases.

APPENDIX 'A'

Hoarded Goods Presently Being Impounded
by the Supreme Procurator's Office
January 31, 1948

1. This chart is a compilation of all goods presently impounded by the district procurators' offices throughout Japan.

2. The chief district procurators were instructed to list all goods at the prevailing price. (This price cannot be construed as the black-market price as in some cases the prevailing price is below the official government price.) The reports submitted by these procurators vary due to lack of information on the prevailing prices and ceiling prices (official government prices), in the districts. Some areas were able to list both the prevailing price and ceiling price. Others were able to list just the prevailing price or the ceiling price. The totals shown below represent forty per cent of the value of the total goods presently impounded. In cases such as Nagoya and Osaka, the inventory of goods presently held has been so complicated that the prices, ceiling or prevailing, were not listed.

3. (a) Total value of goods listed at ceiling price (60% listed no ceiling price or prevailing price). 594,268,667 yen

(b) Total value of goods listed at prevailing price (60% listed no ceiling price or prevailing price). 1,124,277,202 yen

Percentages as shown below are taken from the ceiling price total:

Iron and steel	68%
Clothing	8%
Fabrics	5%
Lead copper	6%
Papers	3%

Percentages as shown below are taken from the prevailing price total:

Iron and steel	69%
Papers	9%
Rubber	3%
Fabrics	13%
Clothing	8%

Classification	Confiscated Goods				Remarks
	Name of Goods	Amount	Ceiling Price	Prevailing Price	
IRON ORE	Iron Material	44,269 ton	8,918,000	97,537,160	
	Pig Iron	395 "	522,400	1,800,000	
	Iron Plate	828 pcs.	62,350	Under investigation	
	Scrap Iron	64 ton	587,400	867,000	
	Iron Pipe	168 " or 239 pcs.	under invest.	Under invest.	
	Steel material	49,166 ton	392,151,921	607,729,427	
	Steel scrap	3 "	3,000	3,000	
	TOTAL		402,245,071	707,936,587	
NON-METALS	Copper (including brass)	27,405 ton	26,244,642	18,395,093	
	Copper scrap	77 "	2,960,020	3,114,171	
		97 "	3,390,000	5,500,000	
	Lead	210 "	100,000	34,012	
	Tin	815 "	614,100	355,429	
	Zinc	43 "	168,700	Under invest.	
	Duralumin	98 "	Under invest.	Under invest.	
	Duralumin scrap	203 "	Under invest.	Under invest.	
	Silver	196 kg.	118,973	3,315,200	
	Brass	1 ton	75,000	Under invest.	
	Aluminum	68 "	77,000	Under invest.	
	Antimony	180 kg.	Under invest.	Under invest.	
	Tungsten	35 ton	850,000	Under invest.	
	Nickel	7 "	150,000	Under invest.	
	Manganese	60 kg.	20,000	Under invest.	
	Mercury	1.7 ton	Under invest.	Under invest.	
	Solder	1.5 "	Under invest.	Under invest.	
	White metal	4.2 "	Under invest.	Under invest.	
	TOTAL		34,678,436	30,719,905	

Classification	Confiscated Goods				Remarks
	Name of Goods	Amount	Ceiling Price	Prevailing Price	
METAL GOODS	Nails	44 tons or 168 bars.	2,367,080	20,000	Prevailing prices listed are only for those known
	Wire Rope	29 tons or 244 rolls	1,410,000	1,000,000	"
	Iron Wire	7 ton	31,200	Under invest.	
	Electric Wire	3,700 M or 9 tons	15,000	" "	
	Gold ore	1,620 M	81,750	" "	
	Needles	87 pkg or 1,150 pcs.	20,000	" "	
	Miscellaneous	36,720 points	1,202,561	" "	
	TOTAL		5,120,716	1,020,000	
MACHINE GOODS	Motor	1,141	2,465,000	Under invest.	
	Transformer	5	300,000	" "	
	Machines	129	426,200	400,000	
	Automobiles	2	Under invest.	Under invest.	
	Ships	6	8,000,000	" "	
	Misc. Machines	292	260,479	20,000	
	Machine parts	129 points	20,000	Under invest.	
	TOTAL		11,471,679	420,000	
TOOLS	Tools	1,073,379 points or 10 tons	3,764,023	151,200	
	Miscellaneous	1,310 points	349,318	Under invest.	
	TOTAL		4,113,341	151,200	

Classification	Confiscated Goods				Remarks
	Name of Goods	Amount	Ceiling Price	Prevailing Price	
LEATHER GOODS	Hide	205 ton or 7 rolls	8,086	493,000	Ceiling prices are only for those known
	Leather shoes	12,127 pairs	268,677	383,900	
	Other goods	6,863 points or 2 ton	422,740	Under invest.	
	TOTAL		699,503	876,900	

Classification	Confiscated Goods: Name of Goods	Amount	Ceiling Price	Prevailing Price	Remarks
OIL	Gasoline	94	91,000	320,000	
	Industry Oil	8,321,595	6,110,567	563,570	only known prices are listed
	Vegetable Oil	17,876	under invest.	under invest.	
	TOTAL		6,201,567	883,570	
RUBBER	Crude Rubber	286 tons	651,000	18,970,000	
	Waste Rubber	23 tons	15,000	under invest.	
	Rubber Goods	36,039	9,741,146	17,265,109	
	TOTAL		10,407,146	36,235,109	
THREAD	Cotton Thread	17,000 kan	79,738	965,848	only known prices are listed
	Cotton Thread	141 141 bdls	70,000	under invest.	
	Cotton Thread	4,433	246,085	under invest.	
	Silk Thread	5,012 kan	347,412	66,050	only known prices are listed
	Hemp Thread	60,746 lbs	under invest.	25,000	
	Woolen Yarn	538 lbs	117,420	under invest.	
	TOTAL		860,655	1,056,898	
MATERIAL	Cotton Material	57,578 tan	17,668,560	125,125,450	
	" "	582,025			
	" "	700			
	" "	1,976	9,432,210	under invest.	
	" "	253	3,658,228	7,142,221	
	Silk Material	3,672 tan			
	" "	199,122	9,545,642	15,166,450	
	Rayon Material	13,033			
	" "	17 packs	1,500,000	3,000,000	
	Woolen Material	1,248			
	" "	70,853	945,763	1,366,320	
	Hemp Material	32 tan			
	" "	1,230	28,230	under invest.	
	" "	1,936	21,400	under invest.	
	TOTAL		45,500,033	151,800,441	

Classification	Name of Goods	Confiscated Goods: Amount	Confiscated Goods: Ceiling Price	Confiscated Goods: Prevailing Price	Remarks
TEXTILE GOODS	Clothing	20,519	1,110,844	8,100,063	
	Fatigue-dress	8,310	3,062,510	Under invest.	
	Silk goods (stocking	7,330			
	" "	506	1,752,642	" "	
	Yardage goods	321,756	4,439,091	53,467,911	
	Bedding	7,749	903,000	Under invest.	
	Blankets	29,186	63,000	" "	Only known ceiling prices
	Mosquito net	39	4,600	" "	
	Textile	93,007 17,825 38	23,651,261	20,001,830	Only known prevailing prices are listed
	Waste textile	1,096,028	8,163,091	1,990,000	" " "
	Tent	6,353	360,322	Under invest.	
	Manilla rope	38,577	2,148,000	" "	
	Others	496,303	3,286,607	6,895,507	
	TOTAL		49,124,968	90,455,311	
PAPERS	Paper	37,000 267,200 249,421	17,986,820	100,000,000	Only known prices are listed
	Sliding-screen paper	27,526			
	TOTAL		17,986,820	100,000,000	
	Cement	85 tons 181 bags	244,959	325,500	
	Glass	20,865	99,450	79,420	
	Timber	28 tons 1,923	81,500	125,000	
	Straw mat	11,404	3,672,094	1,300	Only known prevailing prices listed
	Marble	500	50,000	Under invest.	
	Rush	5,345	133,625	" "	
	Asbestos	2	10,000	" "	
	Rubidium	72	7,200	" "	
	TOTAL		4,238,828	531,200	

Classification	Confiscated Goods			
	Name of Goods	Amount	Ceiling Price	Prevailing Price
FOODS	Staple foods	42,672 Kg.	332,940	1,362,021
	Food flavors: Salt	9,495 Kg.	16,830	45,000
	Soy bean	55,511 Cu.	61,645	Under Invest.
	Sugar	58,556 Lbs.	Under Invest.	" "
	Others; Sesame	754	142,026	" "
	Strong drinks	25	7,500	" "
	Millet-jelly	30	Under Invest.	" "
	TOTAL		562,941	1,407,021
FUEL	Charcoal	200	Under Invest.	Under Invest.
	Coal	36 tons	" "	" "
MISC. GOODS	Soap	13,564	647,890	" "
	Electric bulbs	174,384	215,000	" "
	Candles, matches, etc	31,307	117,155	248,240
	TOTAL		880,045	248,240
DRUGS	Medicine	2,640	94,650	Under Invest.
	Paints & Glue	90	3,646	500,000
	Naphtaline	105 Kg	13,622	40,800
	Caustic Soda	247	20,000	Under Invest.
	Benzol	24 brs.	Under Invest.	" "
	Sulphuric Acid & Ethyl	200	" "	" "
	Tar	659 kan	30,000	" "
	Carbide	4.5 tons	15,000	" "
	TOTAL		176,918	540,800

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

11 February 1948

Captain B. W. Decker, USN
Commander, Fleet Activities
Yokosuka, Japan

Dear Captain Decker:

The bearer of this letter is Mr. Juhei Takeuchi, special assistant to the Procurator General and member of the Central Committee of the Supreme Procurator's office charged with the investigation of hoarded goods. Mr. Takeuchi is accompanied by Mr. Tadatsugu Hori, the chief district procurator of Yokohama, which includes within its area of jurisdiction Yokosuka.

Since early in November 1947 Mr. Takeuchi has been the personal liaison officer of the Procurator General and General Whitney, and enjoys the complete confidence of General Whitney and the staff of Government Section. Recently Mr. Takeuchi has reported to us that he is encountering certain difficulties in the conduct of the investigation in the Yokosuka area and General Whitney suggested that I write you this letter of introduction, simultaneously suggesting to Mr. Takeuchi that he visit you and discuss his problems with complete frankness.

The Supreme Commander's policy has been to encourage the procurators in their current law-enforcement drive and to throw the full weight and support of General Headquarters in encouraging and facilitating the uncovering of hoarded goods, the prosecution and punishment of the guilty, and the inculcation in the minds of the Japanese people a sense of community responsibility for severing the unhealthy relationships which have developed between possessors of hoarded goods and political and business leaders in local communities.

It would, therefore, be very much appreciated if you could assist the procurators in the complex task which they face in accomplishing their mission in and around Yokosuka.

With kindest personal regards.

Sincerely yours,

Chas. L. Kades
Deputy Chief, Govt. Section

Kades' file

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The following would like an introduction to the

Commanding Officer, Military Government Team, Yokosuka:

TAKEUCHI, Juhei - member of Central Committee investigating hoarded goods of the Supreme Procurator's Office. At present he is liaison man between the Procurator General and Government Section, SCAP. He has been in constant contact with Government Section since this program for investigating hoarded goods was originated in November, 1947.

HORI, Tadatsugu, Chief District Procurator for Yokohama (including Yokosuka); candidate for the Tokyo District Procurator's Office, succeeding KIUCHI.

(From Matsukata)

30 January 1948
4:30 P.M.

Col. Kades:

1. At 4:25 P.M., the H. R. plenary session accepted Hara's resignation from the Diet.

HL

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30 January 1948
3:30 P.M.

Col. Kades:

FINAL CHAPTER ON THE HARA CASE

1. House approval for the arrest of Hara will be unnecessary, for Hara, in the plenary session which opened a few minutes ago, will offer a letter of resignation from Diet membership.

2. The H. R. Management Committee this afternoon, after being informed of Mr. Hara's resignation plan, revised the plenary session agenda, as follows:

a. Chairman's report (Asanuma) to the plenary session of the Committee's 11 to 10 vote on Hara's release for arrest.

b. Speech by Hara and presentation of letter of resignation to Speaker Matsuoka.

c. Plenary session vote on acceptance of Hara's resignation.

3. The feeling in the House Management Committee is that the House will accept Hara's resignation.

HL

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

28 January 1948

MEMORANDUM FOR THE DEPUTY CHIEF, GOVERNMENT SECTION

SUBJECT: Haga Case.

1. Inclosed you will find the records of my investigation in the Haga case.

2. No additional prima facie evidence could be established that Mrs. Haga or Mr. Tsujita on her behalf actually made the statement that Procurator Sakurae had informed them that you directed the arrest of Maki. This would mean that in a trial before a military court, your own testimony would have to serve as the only evidence. You admitted the possibility of a misunderstanding and suggested that the case be dropped, provided that Procurator Kiuchi on his part would be satisfied with such decision.

3. On the 23rd of January, I discussed the matter with Procurator Kiuchi and after I had told him we were convinced that Sakurae was not the source of information for Mrs. Haga, he declared himself fully satisfied and agreed that no action should be taken against Mrs. Haga.

Alfred C. Oppler
ALFRED C. OPPLER, Chief
Courts & Law Division

RK

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21 January 1948

Testimony in the Haga Case

Present:

Mr. Oppler, Col. Hays, Matsukata, Mr. Aka, Mr. Appleton, of Government Section and Mrs. Haga, Mr. Tsujita and Mr. Hiraide.

The investigation was conducted by Mr. Oppler; Mrs. Haga made the following statement in English, which has been reproduced almost verbatim.

Mrs. Haga

I am a very good friend of Mrs. Maki. One day shortly after Christmas, Mrs. Maki visited me. Since she wept, I asked her what the matter was and she told me that her husband had been arrested. I asked her "Why don't you do something about it?"

I wish to correct part of my statement. The first time Mrs. Maki came to see me, at the end of December, I was not at home, but she spoke to my husband and told him that her husband was arrested. Then she came again in the beginning of January and met me. At that time she told me about the arrest of her husband and said that the arrest had been made on order of the Allied Occupation. She said that she got the information that her husband was arrested at the direction of Occupation authorities from Japanese Government officials. She showed me a paper written in English on which the names of Col. Kades and Major Napier appeared. It was not a document but just a small sheet of paper on which had been noted the two names. I Don't know who had given the names to her. However, she gave the paper to me. I felt very sorry for Mrs. Maki and her husband. Since I wanted to help them, I went to Major Bibbs whom I knew since I run a laundry for the Second Squadron, Seventh Cav. I explained the whole thing to him. Major Bibbs told me that he was quite sure that the Allied authorities would not give such an order to arrest a Japanese citizen. He volunteered to ask Col. Kades about it.

When Iwent to see Major Bibbs, I took Mrs. Maki with me. It was on the 7th or 8th of January, I cannot remember exactly. I think it was the 8th. Major Bibbs, in our presence, called up Colonel Kades. He was not in and did not answer the call, but another person answered to whom Major Bibbs explained the whole story. This other person said that he was quite sure that Col. Kades did not know anything about the matter. After that assurance, I wanted to go to the procurator's office in order to tell the procurator that GHQ had not ordered the arrest of Maki. I knew that the procurator in charge of this case was Mr. Sakurae. Mrs. Maki had told me that. However, I did not want to go alone to such an office and therefore asked Mr. Tsujita (who speaks English), to accompany me. I also asked Mrs. Maki to accompany me. This was on the same day - the 8th.

When we arrived at the procurator's office, Mr. Sakurae was not

(Both Mrs. Haga and Mr. Tsujita stated that they had never seen Mr. Sakurae at any time before this telephone call with Col. Kades.)

Mr. Oppler (question directed to Mr. Tsujita):

Did you tell Col. Kades during this telephone call that Procurator Sakurae had told somebody, or that Sakurae was the source of the information, that Col. Kades had ordered the arrest of Maki?

Mr. Tusjita (answer):

I told him that Sakurae was the procurator in charge. I told him first that we were up at the Procurator's office to find out who said that, and then I said I wanted to talk with the procurator in charge, a Mr. Sakurae.

Mr. Oppler:

But did you say that Procurator Sakurae had told somebody that Col. Kades had ordered the arrest of Maki?

Mr. Tsujita:

I don't think I said that.

Mr. Oppler: (question directed to Mrs. Haga):

Did you tell Col. Kades over the telephone that Sakurae had told Mrs. Maki, or anybody else, or that Sakurae was the source of the information, that Col. Kades was behind the arrest?

Mrs. Haga:

No, I am sure that I did not say that to Col. Kades. At first I wanted to explain the whole story but it was too complicated so I expressed my wish to see him and tell him about it in person.

Mr. Oppler:

Did Mrs. Maki ever tell you that Procurator Sakurae had made such an assertion to her?

Mrs. Haga:

I don't believe she did.

Continued statement of Mrs. Haga:

I wanted to make sure that GHQ had not ordered the arrest of Maki, and Major Bibbs told me that Col. Kades had called him back by tele-

phone and had told him that he (Col. Kades) was quite sure that GHQ did not give any order to arrest Mr. Maki. Major Bibbs told me Col. Kades had called him the previous day and during the call had remarked that probably Maki was connected with gengsters such as Sekinegumi. Col. Kades had asserted however, that GHQ had nothing to do with Mr. Maki's arrest. I told Major Bibbs that Mr. Maki did not belong to a gangster association, but was the leader of Shiei Tai Shu To, an organization which is opposed to the Communist Party. Major Bibbs then said that he wouldn't have anything to do with the matter bacause he did not want to be involved in Japanese politics.

On the same day (the 9th) I went again to the procurator's office without Mrs. Maki but with Mr. Tsujita and explained the situation, including the fact that the arrest of Mr. Maki was not ordered by GHQ. At that time, I met Mr. Sakurae for the first time. I talked mainly to Mr. Sakurae, but his secretary and also Mr. Hiraide were present during the conversation. Mr. Sakurae told me, "I am in charge of the Maki case but I never said that GHQ had directed the arrest of Maki." He asked me who told me that GHQ was behind the matter. I answered that I did not know the person's name. He asked me whether I told Col. Kades that he (Sakurae) said that GHQ was behind the arrest. I answered, "I did not give your name in connection with the assertion that you were the source of information that GHQ was behind the arrest. I only told him you were the Procurator in charge." Mr. Hiraide told me that he knows everything about the case and that Mr. Maki had no political connections and would soon be released.

(When Mr. Oppler and Mrs. Haga asked Mr. Hiraide if this was true, he stated that it was not the statement he had made to her. He said "I did make a statement to her, but what I said and emphasized, was that the investigation against Maki was not made because of political reasons, and that if the investigation resulted in his being found not guilty of any crime he would soon be released.")

Statement of Mrs. Haga, continued:

The next day Mr. Hiraide asked me over the telephone to come to his office.

Q: Mr. Oppler:

Where did you get Col. Kades' telephone number?

Mrs. Haga:

From Major Bibbs.

Mr. Oppler:

What exactly did Mrs. Maki tell you when she showed you the paper with the names of Kades and Napier?

Mrs. Haga:

When she told me about it, she said that the offense with which Maki was charged was that he had collected 200 or 300 yen about two years ago. I could not understand why such a charge would be made against him. He had responsibility to his followers for the money he received. Then Mrs. Maki said that she was told in the Metropolitan Police Board that GHQ was behind the arrest. She said therefore, that nothing could be done about the matter. At the same time she gave me that piece of paper with the two names on it. I don't have it now. I lost it. She also said there might be a political motive behind the arrest of her husband, since he was arrested two days before he was to give a big party of a demonstration against the Communist Party.

(In answer to Mr. Oppler's question, Mrs. Haga stated) "Mrs. Maki did not say that she got the paper with the two names on it from the Metropolitan Police Board." (In answer to further questioning, she stated:) "When I said that the arrest may have been for political reasons, I did not mean that political reasons caused GHQ to direct the arrest."

Statement of Mrs. Haga, continued:

I don't know what person in the Metropolitan Police Board gave Mrs. Maki the information that GHQ directed the arrest, or gave her the paper. She only said that the police official in charge of the case was Mr. Minami. I knew Mrs. Maki did not write the names on the paper herself because she cannot write English. It was written in English handwriting so it must have been given to her by somebody else.

Mr. Oppler:

Why didn't you go to the Metropolitan Police Board to find out who gave the paper to her? You knew that the Metropolitan Police Board had told Mrs. Maki about GHQ being behind her husband's arrest?

Mrs. Haga:

That is right, sir. I did not go to the Police Board, but my husband went on the 7th of Jan. and tried to get permission to speak to Mr. Maki in person. He was allowed to see Mr. Maki. I think he got permission to see Mr. Maki from Mr. Minami. The prison official who was present prevented him from saying anything about the case to Mr. Maki.

Mr. Oppler:

Did your husband talk with any prison official about the case?

Mrs. Haga:

I don't know. He didn't tell me. My husband used to work in the Metropolitan Police Department. He took care of foreigners - in the Foreign Section. That is the reason I didn't want to go there to a place like that.

Mr. Oppler:

What is your husband's work now?

Mrs. Haga:

He is in the laundry business with me and in real estate business.

Mr. Appleton:

Did you ever go to the Metropolitan Police Board, Mr. Tsujita:

Mr. Tsujita:

Yes, I went once with Mrs. Haga.

Dr. Oppler:

Is that so, Mrs. Haga?

Mrs. Haga:

That is something I forgot to report. I did go to the Police Board once. Mr. Tsujita and I went to the Metropolitan Police Board the same day we visited the Procurator's Office. We knew that my husband and Mrs. Maki were there, and since we have only one car, I thought it might be more practical to go to the Police Board and use the car together. We went into Mr. Minami's room (No. 30) and there wasmy husband with Mrs. Maki and Mr. Maki. I greeted Mr. Maki and said I was very sorry for him. There were several people in the very small room and I left with my husband, Mrs. Maki and Mr. Tsujita in the car. When we were in the car, I told Mrs. Maki that GHQ had nothing to do with her husband's arrest and she was very happy.

Mr. Oppler:

What did Mrs. Maki say to you in the car?

Mrs. Haga:

She just told me she was very happy. She also told me that her husband had suggested to her that she go to see Mr. Yoshimura who is a

friend and talk the matter over with him. Mr. Yoshimura is the owner of the small shops down in front of the Shimbashi station.

Dr. Oppler:

Mr. Tsujita, you have heard Mrs. Haga's statements. Do you have anything to add?

Mr. Tsujita's

I agree with what she said, but I would like to emphasize the fact that Mrs. Maki is not a very reliable person and not very consistent in her conversation. First she tells a story one way and then the next time she says something else.

Mrs. Haga:

I agree with that statement about Mrs. Maki.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

19 January 1948

SPECIAL PROGRESS REPORT (A-9)

Procedure for Securing Account Books and Other Records in Connection with Hoarded Goods Cases

1. Under the Code of Criminal Procedure of Japan, the powers of search and seizure of judges and procurators were extremely broad prior to the adoption of the Constitution of 1946. The following provisions of the Code were pertinent in this connection:

'Exercise of official functions outside the jurisdictional limits'

'Art. 11. - When it is necessary for the purpose of discovering facts, a Court may exercise its functions even outside the district under its jurisdiction. The provisions of the foregoing paragraph shall apply mutatis mutandis to Examining Judges and Commissioned Judges.'

'Art. 13. - In case of urgency, a Court may, even when it has no jurisdiction, adopt such measures as may be necessary for discovering facts.

'The provisions of the foregoing paragraph apply mutatis mutandis to Examining Judges and Commissioned Judges.'

'Art. 15. - When there is no Court having jurisdiction by law, or when it is impossible to ascertain such Court, the Procurator-General shall move the Supreme Court to make a designation of the Court which shall have jurisdiction (over the matter).'

'Seizure.'

'Art. 140. - Except as otherwise provided, the Court shall seize such articles as it may deem pieces of evidence or articles liable to confiscation.

'The Court may designate articles to be seized and order the owner, possessor, or custodian thereof to produce such articles.'

'Art. 141. - The Court may seize, or cause to be produced, postal matters, or papers relating to telegrams, despatched by or to the accused, which are in the custody or possession of a Government office transacting communication business, or of any other person.

Col. Kades

'Postal matters or papers relating to telegrams other than mentioned in the foregoing paragraph, which are in the custody or possession of a Government Office transacting communication business, or any other person, may be seized or caused to be produced, only when there are circumstances which warrant their being considered to be connected with the criminal case in hand.

'When any measure has been adopted under the provisions of the two foregoing paragraphs, the fact shall be notified to the sender or to the addressee, unless it is feared that such notification may obstruct the investigations.'

'Search.' 'Art. 143. - The Court may, when necessary, search the person, effects or dwelling or any other place of the accused.

'The person, effects or dwelling or any other place of a person other than the accused may be searched only when there are circumstances which warrant the belief that there are articles to be seized there.'

'Military and Naval secrecy and search.' 'Art. 147. - In places which are to be kept secret for military purposes, seizure or search may be effected only with the consent of the superintendents (heads) thereof, or of persons acting for (representing) the same.'

'Seizure and consent.' 'Art. 148. - When in respect to articles held in the custody or possession of a person who is or was a public functionary, either such person or the public office to which he belongs or belonged declares that they relate to an official secret, such articles may only be seized with the consent of the competent supervising authorities; but the latter may not refuse to give such consent except compliance would be prejudicial to the peace and safety of the Empire.

'Should a person who is or was a Minister of State (Kokumu Daijin), the Minister of the Household (Kunai Daijin), the Keeper of the Privy Seal (Nai Daijin), the President of the Privy Council (Sumitsuin Gicho), the Vice-President of the Privy Council (Sumitsuin Fuku-Gicho), a Privy Councillor (Sumitsu Komonkwan), the President of the Board of Audit (Kwaikei Kensain-Cho), a Field Marshal or an Admiral of the Fleet (Gensui), the Chief of the General Staff (Sambo Socho), the Chief of the Naval General Staff (Kaigun Gunrei Bucho), the (Military) Inspector-General of

Education (Kyoiku Sokan) or a Member of the Highest Military Council (Gunji Sangi-Kwan) make a declaration such as specified in the foregoing paragraph in respect to any article held in his custody or possession, such article may be seized only by Imperial permission (Chokkyo)."

"Seizure and search by Judicial Police Officers."

"Art. 150. - The Court may issue an order designating the article to be seized, or the place, person or thing to be searched, and require a Judicial Police Officer to effect such seizure or search.

"Such an order shall state the reason for which seizure or search is to be effected, and bear the name and seal of the Presiding Judge.

"The order shall, on his demand, be shown to the person against whom the measure is adopted."

"Art. 151. - Should a Judicial Police Officer, in the course of seizure or search effected under the provisions of par. 1 of the foregoing Article, discover other pieces of evidence bearing upon the criminal case in question, he may seize the same."

"Art. 154. - Seizure or search may be caused to be effected by a Judge of the Division concerned; or the Examining Judge, a Judge of the Local Court, or another Government Office which is specially invested with judicial power by law or ordinance, always at the place where such seizure or search is to be effected, may be requisitioned for the purpose.

"A Government Office which has received such requisition may sub-requisition another Government Office which has power to receive the same.

"Should the requisitioned Government Office have no power (authority) to act in the matter under requisition, it may transfer the requisition to another Government Office which has power (authority) to receive such requisition.

"As regards seizure or search effected by the Commissioned Judge or the Requisitioned Judge the provisions relating to seizure or search effected by the Court apply mutatis mutandis; but notice under Art. 141, par. 3 shall be given by the Court."

"Witnesses to seizure and search."

"Art. 157. - In case seizure or search is to be effected in a public office or in an establishment or a vessel for military (or naval) use, the Chief Official thereof, or the person acting for (representing) him, shall be notified of the fact, and caused to be present at the execution of the act.

'Apart from the cases where the provisions of the foregoing paragraph shall govern, in case seizure or search is to be effected in the dwelling of a person or premises, buildings, or warships or other vessels guarded by persons, the dweller or keeper or the person acting for the same shall be caused to be present (at the execution of the act). If such a person is not available for the purpose, a neighbour or an official of the city, town or village (as the case may be) shall be caused to be present.'

'Art. 174. - Except as otherwise provided, the provisions of Arts. 140-149, 153, 155-157 and 161-167 apply mutatis mutandis to seizure or search effected by Public Procurators or Judicial Police Officers.

'Except as otherwise provided, the provisions of Arts. 146, 147, 155-157 and 161 apply mutatis mutandis to search effected by Judicial Police Constables.

'The provisions of Art. 157, par. 2 need not be complied with in case search is effected under Art. 172, and in case search is effected under the foregoing Article for the purpose of executing a warrant of production issued in accordance with the provisions of Art. 123, Nos. 3-6.'

'Function of Public Procurators.'

'Art. 246. - Should the Public Procurator consider that an offense has been committed, he shall inquire for the offender and the evidence thereof.'

'Art. 254. - With regard to criminal inquiries, such examination as may be necessary for attaining their object may be made, but compulsory measures may be adopted only in virtue of special provisions warranting the same.

'In connection with criminal inquiries, any public office may be communicated with for a report on necessary matters.'

'Compulsory measures in connection with inquiry and investigation.'

'Art. 255. - Should it be deemed necessary to adopt compulsory measures for the purpose of criminal inquiries, the Public Procurator may, even prior to the institution of public action, demand of the Examining Judge of the District Court to which he belongs, or a Judge of the Local Court to which he belongs (as the case may be) that seizure, search and/or inspection be effected and the suspected persons detained, the suspected persons or witnesses examined, or expert evidence taken.

'A Judge who has received the demand under the provisions of the foregoing paragraph shall, in respect to the measures to be adopted, have the same power (authority) as an Examining Judge.'

'Art. 256. - Should the Judge have adopted the measures referred to in the foregoing Article, he shall promptly forward to the Public Procurator the documents and pieces of evidence relating to the same.'

'Art. 257. - In the event of public action not being brought within ten days in a matter respecting which the suspected person has been detained in accordance with the provisions of Art. 255, the Public Procurator shall promptly release such suspect.

'In the event of a decision (disposition) not to bring public action having been made in a matter respecting which seizure has been effected in accordance with the provisions of Art. 255, the Public Procurator shall promptly restore the articles seized, but should it be necessary to do so they may be held in custody until the completion of prescription against public action.'

'Art. 324. - By way of preparation for examination at a hearing, the Court may, prior to the date for hearing, order pieces of evidence or documentary evidence to be produced, or issue warrants of summons to witnesses, expert witnesses, interpreters or translators.

'The names of the witnesses, expert witnesses, interpreters or translators to whom warrants of summons have been issued in accordance with the provisions of the foregoing paragraph shall be immediately notified to the parties interested in the action.

'The Public Procurator, the accused or Counsel may demand of the Court to adopt any of the measures specified in par. 1.

'A ruling shall be rendered when the demand under the foregoing paragraph is dismissed.'

'Art. 327. - Even prior to the date for hearing, the Court may require expert evidence to be furnished or translations made, or effect seizure, search or inspection.'

'Art. 328. - Even prior to the date for hearing, the Court may communicate with any public office and apply for reports on necessary matters.'

2. However, the new Constitution permits searches and seizures only upon warrant by a competent judicial officer. The following

provisions are pertinent in this connection:

"Art. 35. - 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 for adequate cause and particularly describing the place to be searched and things to be seized, or except as provided by Article 33."

"Art. 33. - 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, the offense being committed."

"Bill for the Temporary Adjustment of the Code of Criminal Procedure Pursuant to the Enforcement of the Constitution of Japan.

"Art. 7. - ..... A public procurator or a judicial police officer may not seize, search, or inspect without the warrant of a judge. However, this shall not apply in cases in which they arrest a criminal in flagrante delicto or in which they execute a warrant of arrest or detention."

Therefore, Article 174 of the former Code of Criminal Procedure, quoted on page 4, can no longer be considered to be in force and effect.

3. The preceding discussion of powers of search and seizure indicates one possible method of obtaining records and account books from local Arms Disposal Committees, prefectural governments, other local governmental bodies, or from other private or public sources, namely, by obtaining judicial warrants. However, it should be noted that courts or judges may be reluctant to grant warrants for unlimited seizures of all account books, documents, or other records in possession of certain private persons or private bodies, unless there are circumstances clearly connecting the records in question with some criminal case or cases in hand, and justifying the belief that they may be deemed pieces of evidence in such case or cases. Article 253, of the Code of Criminal Procedure, implies that caution will be exercised in respect to criminal inquiries and investigations. It provides:

"Caution relative to inquiry and investigation."

"Art. 253. - In respect to criminal inquiries, secrecy shall be maintained and care shall be exercised in order not to injure the reputation of the suspected persons and other persons."

This is in accord with the reluctance of courts in the United States to permit unlimited searches and seizures of books and records of private persons or bodies which are in the nature of "fishing expeditions" to obtain evidence of crime, when such general searches and seizures are unnecessary or unreasonable. For example, in Federal Trade Commission vs American Tobacco Company 264 US 298, the U. S. Supreme Court stated:

"It is contrary to the first principles of justice to allow a search through all the records of a private corporation, relevant or irrelevant, in the hope that something tending to incriminate the corporation may turn up. -----A ground for the production of documents must be laid and the ground and demand must be reasonable."

Generally, as to "fishing expeditions", see 17 American Jurisprudence 10, Discovery, Inspection, Mental and Physical Examination, Section 11.

4. As an alternative method, instead of obtaining judicial warrants for searches or seizures of account books, documents and other records of prefectural and other local governmental bodies relating to hoarded goods cases, there is the possibility of causing them to be produced by an order from the Prime Minister to the Governor of the prefecture concerned. In this connection, the following provisions of the Local Autonomy Law, (Law No. 67 of 16 April, 1947) are relevant:

"Art. 149. - The chief of an ordinary local public body generally shall take charge of such affairs as follows:

"1....

"2....

"3. To manage property and establishments;

"4. To make orders for receipt and payment and to supervise accounts;

"5. To take custody of instruments and official papers;

"6....

"7. Except those which are specially provided for in the preceding items, to execute the affairs of the ordinary local public body concerned;

"8. Any other matter which falls within its powers under laws or ordinances."

'Art. 150. - With the management of such administrative affairs belonging to the chief of an ordinary local public body as his competence of the organ of the national government, the chief of an ordinary local public body shall be subjected to the direction and supervision of, in the case of a metropolis, district or urban or rural prefecture, the Minister for Home Affairs or, in the case of a city, town or village, to the governor of a metropolis, district, urban or rural prefecture and the competent minister.'

'Art. 246. - The competent authorities may, if it is necessary to do so, cause an ordinary local public body to make report of its affairs, produce documents and account books and may inspect its affairs or examine its receipts and expenditures practically.'

It is suggested that the competent minister to order the governors to produce such account books, documents, and other records, would be the Prime Minister. The Ministry of Home Affairs, which formerly was responsible (among other things) for disposing of and accounting for the arms and other military supplies turned back to the Japanese Government by SCAP, is now abolished, and its functions are transferred to the Bureau of Domestic Affairs in the Office of the Prime Minister.

In cases where the relevant prefectural records have been dispersed to cities, towns or villages within the prefecture, the governor has ample power to collect them under Article 157 of the Local Autonomy Law, which provides as follows:

'Art. 157. - The chief of an ordinary local public body may, for the purpose of adjusting and coordinating the activities of the bodies or the like within the area of the ordinary local public body concerned, direct and supervise the same.

'In the case contemplated in the preceding paragraph, the chief of an ordinary local public body may, if necessary, cause any of the bodies or the like within the area of the ordinary local public body to submit a report of its affairs to him and to send in documents and account books and may inspect in person the affairs thereof.....'

This alternative method would have the advantage of avoiding judicial examination of the necessity and reasonableness of the request for search or seizure of such account books, documents and records. But, of course, it could not be used to obtain records of local Arms Disposal Committees or other private bodies or individuals.

5. The foregoing discussion was limited to possible procedures under Japanese law. Of course, there always remains the possibility of issuing a SCAP directive ordering individuals or bodies, public or private, to

produce any account books, documents or records desired. This method would be simple and would not be subject to attack in the courts on the grounds of unconstitutionality or illegality.

January 17, 1948

MEMORANDUM FOR: Judge Oppler

SUBJECT : Legal Assistance

I have been informed on reliable authority that two young lawyers who might be interested in working on the staff of the Non-Partisan Committee on Illegal Property Transactions (Kato Committee) are:

IWATA, Harunosuke
OTANI, Shoichi

The same informant stated that an older lawyer who might be interested in working on the staff of that Committee is:

SHIMADA, Takeo

You might find out what Tom knows about them and then perhaps suggest them to Dr. Williams to pass on to the Committee if they seem OK. However, I have already approved the proposed Chief Counsel and they would have to be cleared with him, too.

CHAS. L. KADES

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SUPPLEMENTARY REPORT ON THE PROGRESS OF THE SPECIAL COMMITTEE FOR INVESTIGATION OF CONCEALED AND HOARDED GOODS IN THE HOUSE OF REPRESENTATIVES.

Part I - Introduction:

Our economy has met with great difficulty since the surrender. Two problems have been critical--the shortage of food and a shortage of raw materials which rocks the foundation of our industries.

It is, therefore, up to the Government and upon the National Diet to adopt policies and sponsor programs which will speed up the stabilization of Japan's economy. It will be necessary for some time to depend partly on food imports to maintain a reasonable and healthful diet in Japan. Importations thus far have exceeded Japanese exports by several hundred million dollars. Since such imports on credit cannot continue indefinitely it becomes obvious that Japanese industrial production must be greatly increased to provide foreign exchange sufficient for the purchase of foodstuffs abroad.

It is the purpose of this report to suggest an immediate method by which Japanese industrial production can be increased, by which the progress of inflation can be retarded, and by which export revenues can be released for meeting the deficit in the nation's food account.

The method proposed is the immediate mobilization of all goods and materials which were held in stock at the time of the surrender, especially those publicly owned goods which were illegally diverted into private hands. At a conservative estimate the value of such goods--some of which have been diverted into the black-market and some of which are still in concealment --exceeds Yen 50,000,000,000; former Finance Minister Tanzan Ishibashi testified in August this year before your Committee that in November 1946 he received from GHQ a list of goods amounting to more than Yen 100,000,000,000 in value which had been handed over to Japanese authorities by GHQ for general distribution. No satisfactory report on the disposal of that vast hoard has ever been made.

Under Occupation directives it is the duty of the Japanese Government to discover the kind, quantities and price of such goods and materials; and it is the concomitant duty of the Government to channel into production all such goods which could contribute to the stabilization of the economy.

It is significant, however, that no clear legal means is now in existence for dealing with the cases that have arisen out of such extremely lawless acts as were committed under the cover of post-war confusion. The Committee earnestly believes it will serve the interests of the Japanese people to review ineffectual legal measures taken since the surrender for the recovery of these public properties and to suggest measures which would enable the Government to deal effectively with the problem.

In any investigation of hoarded goods it should be recognized that tremendous opposition will be encountered and has in fact been encountered repeatedly by the Diet's Special Committee on Hoarded and Concealed Goods. Among the general public there are those who fear a thorough-going exposure of concealed and hoarded goods because they themselves are often dependent on the blackmarket and they fear their own sources of supply may be cut off. There are others who collaborated with the extreme militarists during the war; in the chaos following the surrender those who had close relations with munitions factories were able to seize war goods in their possession and by the sale of these goods have since become extremely wealthy. In some cases these nouveau riche have run for seats in the Diet or have financed the election of their personal spokesman, thus gaining power in the political field. They wear a mask of democracy but in reality they swagger on the blackmarkets and are prolonged confusion of the national economy. There are other officials in the central and local government who have been corrupted by the illegal possessors of war goods and who fear to collaborate in exposing these frauds lest they themselves be implicated. The opposition to a fearless and honest exposure of postwar frauds extends to all levels of society and government. It is, therefore, obvious that the rights and interests of the Japanese public as a whole can be protected only by the active intervention and assistance of Allied Occupation authorities.

Part II - Background:

Following Japan's message accepting the Potsdam Declaration, the Allied Forces transmitted a message containing instructions that the Emperor should issue cease fire orders to all units under the command of the Japanese Army and Navy and should direct all such units to surrender their arms and follow all orders issued by Allied commanders.

On August 14, 1945, the Japanese Cabinet, headed by Admiral Suzuki, met hurriedly and agreed upon the hasty disposal of all war goods possessed by the Army and Navy. In an effort to bridge the gap which developed at the time of the surrender between the people on one hand and the military forces on the other, it was decided to curry favor by distributing war goods and materials to government organs, public organizations, private factories and to private persons. In accordance with this decision, Army and Navy authorities instructed individual units to distribute as quickly as possible whatever war goods were then in their custody. In doing this the Suzuki Cabinet wilfully misinterpreted the purport of the Allied instructions; the Cabinet deliberately chose to understand that only arms and ammunitions should be handed over to the Allies and that all other war goods could be disposed of freely.

On August 15, 1945, the Japanese Army issued to each army unit Secret Instruction No. 363 in which the Cabinet decision of the previous day was implemented. In Paragraph 1 this Instruction said:

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The Secret Instruction dated August 15 was delivered to subordinate commanders August 16 together with instructions that on the 17th and 18th all papers and documents of a military nature were to be burned or otherwise destroyed, but that papers and documents of a financial nature relating to such matters as war contracts and property rights were to be preserved. It is doubtful whether this order was carried out strictly along the lines laid down; subsequent investigation had disclosed that many documents which could establish the legal title to war goods are no longer in existence.

On August 20, 1945, at Manila the Japanese Mission which arrived to negotiate for the formal surrender in Tokyo Bay, were handed General Instruction No. 1. This order formally instructed the Higashikuni Government to keep in good condition all war goods and materials then in Japanese possession, including arms, munitions, explosives, equipment and other stocks of war goods. This order also made it clear that the Allied forces would not permit the dissipation of Japanese property and constituted a specific

cancellation of the August 14 Cabinet order.

Nevertheless it was not until August 28, 1945, that the Higashikuni Cabinet formally rescinded its previous order. During this thirteen day period from August 15 to 28, substantial quantities of public property were removed from government store houses, numerous illegal transactions transferring title to such property were consummated, and numerous records were altered or destroyed. Even after the order of August 14 was rescinded, the Nigashikuni Cabinet did not make any real efforts whatever to reclaim the goods thus illegally disposed of. Unknown numbers of private individuals were left in possession of vast quantities of goods obtained originally with public revenues without having made any compensating payment to the public treasury. The goods thus diverted from their proper channels and the individuals thus enriched have remained throughout the Occupation as a cancer threatening the economy of this country.

On January 11, 1946, SCAP sent the Japanese Government a memorandum inviting its attention to the illegal disposal of war equipment and supplies which took place between August 14 and September 2, 1945. The memorandum pointed out explicitly that the disposal of war goods after the surrender was not in accordance with the spirit of the Potsdam Declaration and ordered the Government to present a complete list of the goods released, a copy of the orders authorizing this diversion of property and a list of those responsible for issuance of the orders. The Government, from the records of the former War Ministry and Admiralty, presented the information requested in the GHQ memorandum.

The first concrete effort by the Japanese Government to recover property looted and illegally disposed of during the chaotic period following surrender was taken by the Shidehara Cabinet on February 17, 1946. At that time the Cabinet issued the "Emergency Decree for Disposal of Hoarded Goods No. 88," an order which had the effect of law. Under this Act, all those possessing certain stipulated goods were required to submit before March 10, 1946, three copies of a report listing such goods. These reports were to be submitted through prefectural offices to the Minister of Commerce and Industry. Possessors of such goods were ordered not to dispose of or move the property prior to April 20, 1946. To give effect to this order, it was

provided in Article VII:

> "The Minister concerned, or the Governor, can demand all necessary information concerning 'goods under investigation' and 'designated goods' from those concerned. Further, he can send officials to factories, workshops, stores, warehouses and other places for inspection with instructions to examine the condition of the business, the goods in question or the company's books and records. In this case the officials concerned must bear their identification cards."

Following the April 1946 elections and during the negotiations which led to the formation of the Yoshida Cabinet on May 22, 1946, a contract was concluded on May 16, 1946, between the Chief of the Investigation Bureau of the Home Ministry and a group of private businessmen calling themselves "The Arms Disposition Commission." No legal foundation for this contract existed.

The so-called Commission was formed by Mr. Takashi Komatsu as chairman of a group representing five Zaibatsu companies. The Commission was so formulated as to mislead the general public into believing it was an official government organization. Although the date of the contract is May 16, 1946, it appears from Paper No. 1 attached to it that negotiations for its conclusion had started in November 1945. At that time it was estimated that the Government would be able to recover 1,288,720 tons of public property valued at Yen 1,289,600,000. During the time this Commission functioned, it actually recovered 835,102 tons of material on which it realized Yen 957,700,000. It is worth noting that GHQ in November 1946 estimated the total value of recoverable goods at Yen 100,000,000,000, but the total value of recoverable property at the time the Arms Disposition Commission was organized was estimated at only a little more than Yen 1,000,000,000. These facts lead to a presumption that there exists serious cases of irregularity and dishonesty in this entire transaction.

On November 15, 1946, according to his own subsequent testimony, Mr. Tanzan Ishibashi as Minister of Finance received from Allied authorities a list of so-called "special goods," which consisted of miscellaneous supplies and materials seized by Occupation forces immediately after the surrender and subsequently turned over to the Japanese Government for the use of the general public and for use in industrial production. Mr. Ishibashi testified before your Committee in August 1946 that he had no record whatever

of the manner in which these goods were disposed of although it was estimated they were valued at approximately Yen 100,000,000,000. He further testified that he had no knowledge of the revenue derived from the sale of these goods. This would seem to constitute prima facie evidence of the negligent and irresponsible manner in which the Government handled billions of Yen worth of public property. There is a natural presumption that widespread fraud existed in the distribution of these commodities.

In a belated effort to regularize disposal of war goods and to stimulate Japan's flagging economy, a joint Ministerial Ordinance was issued January 25, 1947, by the Ministries of Commerce and Industry, and Agriculture and Forestry. This ordinance was entitled "Regulations for Filing Inventories on Stocked Materials for Designated Production." It was less an effort to uncover illegal transfers of war goods than an attempt by the Government to channel hoarded goods into production. It provided that owners of designated commodities in excess of stipulated amounts would file within thirty days a report on the quantities of such commodities in their possession and could dispose of such excess stocks only to authorized private manufacturers or government agencies.

As a result of the proclamation in February 1946 of the Decree concerning the disposal of hoarded goods, it was assumed that theoretically no such stocks were still in existence. This assumption, however, was challenged in February 1946 by Mr. Koichi Seko, Undersecretary for the Home Ministry. As a result of investigations which he made during his term of office, he was convinced that large quantities of hoarded goods were still flowing into the blackmarket and impeding economic recovery. Following the reorganization of the Yoshida Cabinet, Mr. Seko resigned from the Home Ministry. He then approached Finance Minister Ishibashi who was concurrently Chairman of the Economic Stabilization Board and urged that further steps be taken to expose hoards of concealed goods. As a result of his suggestions, the Yoshida Cabinet agreed on February 14, 1947, on the appointment of an investigating committee within the ESB. The Cabinet announced the creation of a Committee composed of a chairman, a vice-chairman, members and some specialists. Mr. Ishibashi as Chairman of the Committee on February 24, 1947, appointed Mr. Seko a temporary member and vice-chairman.

It should be pointed out that this Committee was brought into being on the basis of an informal Cabinet agreement and without the legal foundation it might possess upon creation by Cabinet decree or ordinance. The dubious legal status of the Committee was described later by Mr. Koichiro Kunichio, head of the Inspection Department of the Economic Stabilization Board, during testimony before the Committee for Public Order and Local Administration of the House of Representatives. Mr. Koichiro Kunishio told the Committee in substance:

> The Committee for the Disposal of Hoarded Goods was organized February 14, 1947, in accordance with a Cabinet decision. The Committee was never legally authorized, however, at that time, or later. Furthermore, it had no legal authority to expose goods or seize concealed goods. In effect the Committee was only an investigating organ. The responsibility for the actual exposure of concealed goods was in the hands of ESB officials in cooperation with the Ministries concerned.
>
> The Committee's first meeting was held on February 24, 1947, at the Premier's house, but neither at that time nor subsequently was any formal resolution adopted to make the work of the Committee effective.

Mr. Seko held office as Vice-chairman of the Committee from February 24 until April 11, 1947. During that period numerous reports of hoarded goods were received and numerous attempts were made to investigate these reports. Since Mr. Seko had never received a written grant of authority, he took it upon himself to issue arbitrarily "Seko Instructions for Exposure." Altogether 144 of these orders were issued. Mr. Seko in a report of his activities made the following statement:

> "Before I adopted the system of issuing instructions on hoarded goods in my name, I took the following steps. I picked up information which I thought creditable from many informants. Then I asked the informant to go to the Police Bureau and explain to the Anti-crime Section the nature of the case. This Police Section, when it thought necessary, gave the informant a sealed letter asking the cooperation of the police in the area where the hoarded goods were concealed.
>
> "Every time I issued an instruction I made an investigation beforehand. As I was afraid these orders might be abused, they were issued only in the name of the bearer and the term of validity was fixed. I made certain that no exposure could take place without the cooperation and certification of local police. Further, I tried to get the cooperation of lawyers in order to prevent the abuse of any civil rights.
>
> "However, I was not successful in obtaining the cooperation of local police and other local officials. Instead, I encountered active resistance and non-cooperation. As a result I gave up these efforts and called upon the public prosecutors for assistance.

"Among the abuses which occurred, despite my efforts, were cases of forged orders which were actually used by brokers to swindle the owners of concealed goods.

"My efforts were wholly unsuccessful and at the beginning of April most of the informants lost confidence in Japanese authorities and began to ask for the cooperation of Allied Occupation authorities."

In the weeks that followed, there were persistent whispers which accused Mr. Seko, among others, of shady dealings in connection with the disposition of hoarded supplies. Rumors circulated that vast sums of money were passing from hand to hand in deals which involved powerful brokers and their stooges in the bureaucracy and that huge stockpiles were disappearing mysteriously a few days before authorities were dispatched to investigate tip-offs on hidden goods. These rumors culminated on July 10, 1947, when in a public statement made by Mr. Seko before the Liberal Diet Club, he charged openly that there were billions of yen in hoarded goods concealed throughout Japan and urged that the Diet itself form an investigating committee to examine the whole problem. He even intimated that members of the Cabinet were involved. Following various denials and counter charges, on July 15 Mr. Koichiro Kunishio, then serving as Director of the Supervision Bureau of the ESB, and Hideo Nakayama, Director of the Police Bureau of the Home Ministry, declared in testimony before the House Committee for Public Order that the Seko Committee met only once while Mr. Seko was Vice-chairman and asserted that only 95 cases were investigated and that hidden goods were found in only 5 instances. These two witnesses testified that since the dissolution of the Seko Committee on April 11, 1947, the Economic Statilization Board, operating independently, had investigated 282 cases and discovered concealed materials at 145 places.

In view of the widespread publicity given Mr. Seko's charges and in view of the fact that unnamed Cabinet members were said to be involved in the scandal, the Cabinet felt obliged to take note of the case and the Diet itself considered the affair so serious that it was decided to create a committee for the investigation of the realities of this problem.

Part III - Special Committee Concerning Concealed and Hoarded Goods:

The House Special Committee for the Investigation of Concealed and Hoarded Goods was created July 25, 1947, and held its first meeting the

following day. Creation of the Committee was without precedent in Japanese legislative history. The Special Committee to investigate Hoarded and Concealed Goods is the first committee of investigation ever appointed by the Japanese Diet. From the outset, therefore, this Committee had to pave its way onward in the face of numerous difficulties.

The public is certainly entitled to believe that the Committee is morally responsible for investigating postwar frauds and the illegal concealment of goods. Actually, however, the Committee lacks authority to carry out this responsibility. The Committee is very strongly of the opinion that it cannot be expected to assume responsibility unless it has first been granted adequate authority. If the new Constitution is to be an effective instrument, the legislative branch must necessarily define its authority clearly and operate within the limitations thus set forth.

At the very beginning of the investigation it became clear that there existed conflicting opinions on the Committee's proper function. At the Committee's second session, a lively debate took place when Kyuichi Tokuda suggested the investigation of Prince Higashikuni for his part in ordering the armed forces to surrender military supplies in their possession to civilians without compensation. This gave rise to a hot dispute. A member of the Democratic Party, Tetsuzo Kojima, vigorously opposed this suggestion and declared that the primary mission of the Committee is to channel hoarded goods into regular routes and not call the Government to account. On the other hand, there were those who believed the Committee could not possibly fulfill its proper function unless it investigated the part played by Government bureaucrats in the concealment of hoarded goods. In this connection, the

Nippon Times on July 27 reported:

> "The case is a battle between party politicians and bureaucrats for profits accruing from hoarded stockpiles. Observers are of the opinion that the case came to a head when party politicians attempted to get a lion's share of the huge profits which bureaucrats were garnering out of the sale of hoarded supplies. The two groups came into frontal collision and the bureaucrats did all in their power to prevent the execution of Mr. Seko's drive for unearthing hoarded caches."

Between July 25 and October 15, 1947, the Special Committee held 21 meetings during which it was in session 51 hours. Two sub-committee meetings were also held. In addition 17 Committee members made 6 field trips on which they travelled 1,450 kilometers. All trips were taken at their own expense since no public funds have ever been appropriated for use of the Committee. On these trips they investigated:

1. The Naval Arsenal, Samukawa Machi, Kanegawa Prefecture
2. Tochigi Prefecture
3. Iwate Prefecture
4. Toyojoze, Shizuoka Prefecture
5. Tokyo Metropolitan area
   (a) Shimura Itabashi-ku, Ishida Alloy Works
   (b) Suburb of Tashikawa--former Hitachi Aviation Factory
   (c) Chuo Ward--Warehouses of Textile Control Association

During the course of the investigation this Committee has been convinced beyond any doubt that,

Firstly, vast quantities of goods formerly owned by the Japanese Army and Navy were disposed of to local authorities, businessmen and brokers and that the blackmarkets have been flooded with these goods to the detriment of honest industrialists.

Secondly, the Committee is convinced that all attempts to channel these goods into legitimate production channels have been frustrated by a combination of fraud and legal barriers. Mr. Seko during his investigation could not obtain the collaboration of local authorities. It seems fairly clear that in many cases understandings exist between the holders of goods and local authorities; frequently local authorities appear to have connived in legalizing the transfer of such property to private individuals.

Thirdly, the Committee is convinced that present decrees and ordinances are too limited in scope; many articles on which the Government has a legitimate claim are not included on the list of hoarded goods and thus are free from investigation.

Fourthly, the Committee has received evidence showing that existing authority is scattered and ineffectual; at present authority to investigate

hoarded goods is divided among the Ministry of Commerce and Industry, Ministry of Agriculture and Forestry and the Economic Stabilization Board. Internal bureaucratic friction prevents united action.

Fifthly, the Committee has been handicapped by the failure of the Diet to approve a Cabinet proposal which would give greater authority to the economic inspectors.

Sixthly, the Committee is distressed at the failure of responsible officials to have kept adequate records on the disposal of war goods under Allied direction. On August 13, 1947, former Finance Minister Tanzan Ishibashi testified before the Kato Committee:

> "I am sure that it was in the accounts of November 15, 1946, that GHQ transferred Yen 100,000,000,000, more or less, worth of goods to the Japanese Government. Of course, these were goods which GHQ had taken over from the old Japanese Army and Navy and then returned to the Japanese Government; but included among the goods were building materials and machinery amounting to several ten billion yen. The Government has received papers pertaining to this matter. I want to know their whereabouts. If a hundred billion yen worth of goods have been turned over to the Japanese Government, just where have they been turned over?
>
> "I brought this matter up in a Cabinet meeting and investigated it. I had the Home Minister and other personnel report to me and had them investigate the case. But no such papers were found among the Government office data.
>
> "Only about twenty or thirty million yen worth of material seemed to have passed through the hands of the Home Ministry and nobody knows where a hundred billion yen worth of stuff has gone to.
>
> "I demanded that the whereabouts of these goods be uncovered, and after obtaining copies of the documents from GHQ, I instructed the President of the War Reconstruction Board to make copies of them. You can get the data if you ask Mr. Mikishi Abe, President of the War Reconstruction Board."

The Diet has been disappointed in its inability to obtain documents and other relevant information from the executive branch of the Government in the course of this investigation. Various ministerial officials have appeared before the Committee to apologize for their failure to produce information which is essential to the inquiry. The Committee has submitted formal requests to the executive agencies for 19 reports covering various phases of the inquiry. Thus far only a trickle of this material has been made available to the Committee.

In response to repeated, though unofficial, recommendations that the Government take drastic measures for the exposure of postwar frauds, the Cabinet on September 14 appointed a committee of 20 members, half of whom were public officials and the other half private citizens. This Committee exists merely in an advisory capacity to the Government and has been of no assistance to the investigation conducted by the legislative branch.

Part IV--Conclusions and Recommendations:

During the first three months of its investigation, the Kato Committee has reached the following conclusions:

1. The Suzuki Cabinet on August 14, 1945, acted in bad faith and did irreparable harm by ordering the secret disposal of Government property. The legality of that order is still in question and should be resolved by the courts or by the Diet itself. Other postwar Cabinets have not taken effective measures to recover the assets thus dissipated.
2. The disposal of war materials after the surrender was tainted with favoritism and shady deals. Private individuals have profited fabulously and have nourished the blackmarket.
3. Local government and police officials have both actively and passively interfered with investigations of hoarded and concealed goods and in some cases have conspired with holders of concealed goods to legalize fraudulent transactions. Even the so-called "special goods" returned to the Japanese Government by Allied authorities have been improperly distributed and no accounting has ever been rendered.
4. Some hoarders believe the Allied Occupation is nearly over so they withhold information on their concealed goods in the hope of escaping detection entirely. It is even possible that the secret disposal of military goods may have included arms and munitions which may still be in concealment.
5. Present legislation for uncovering concealed goods is very inadequate.

6. There should be no assumption or imposition of responsibility on either the legislative or the executive branch unless it is accompanied by a grant of adequate authority to fulfill the obligation thus incurred.

7. A clear definition should be made between the responsibilities of the executive and legislative branches. The National Diet in any investigation which it may undertake should confine itself to a purely investigatory function. The responsibility for enforcing the laws should be placed squarely on the executive ministries. The legislative branches should not hesitate to investigate the conduct of any executive agency or individual and by placing responsibility for all derelictions in duty should contrive recommendations for amending existing law in such a way as to make it more workable and less subject to perversion or corruption.

SUPPLEMENTARY REPORT ON THE PROGRESS OF THE SPECIAL COMMITTEE FOR INVESTIGATION OF CONCEALED AND HOARDED GOODS IN THE HOUSE OF REPRESENTATIVES.

Part I - Introduction:

Our economy has met with great difficulty since the surrender. Two problems have been critical--the shortage of food and a shortage of raw materials which rocks the foundation of our industries.

It is, therefore, up to the Government and upon the National Diet to adopt policies and sponsor programs which will speed up the stabilization of Japan's economy. It will be necessary for some time to depend partly on food imports to maintain a reasonable and healthful diet in Japan. Importations thus far have exceeded Japanese exports by several hundred million dollars. Since such imports on credit cannot continue indefinitely it becomes obvious that Japanese industrial production must be greatly increased to provide foreign exchange sufficient for the purchase of foodstuffs abroad.

It is the purpose of this report to suggest an immediate method by which Japanese industrial production can be increased, by which the progress of inflation can be retarded, and by which export revenues can be released for meeting the deficit in the nation's food account.

The method proposed is the immediate mobilization of all goods and materials which were held in stock at the time of the surrender, especially those publicly owned goods which were illegally diverted into private hands. At a conservative estimate the value of such goods--some of which have been diverted into the black-market and some of which are still in concealment --exceeds Yen 50,000,000,000; former Finance Minister Tanzan Ishibashi testified in August this year before your Committee that in November 1946 he received from GHQ a list of goods amounting to more than Yen 100,000,000,000 in value which had been handed over to Japanese authorities by GHQ for general distribution. No satisfactory report on the disposal of that vast hoard has ever been made.

Under Occupation directives it is the duty of the Japanese Government to discover the kind, quantities and price of such goods and materials; and it is the concomitant duty of the Government to channel into production all such goods which could contribute to the stabilization of the economy.

It is significant, however, that no clear legal means is now in existence for dealing with the cases that have arisen out of such extremely lawless acts as were committed under the cover of post-war confusion. The Committee earnestly believes it will serve the interests of the Japanese people to review ineffectual legal measures taken since the surrender for the recovery of these public properties and to suggest measures which would enable the Government to deal effectively with the problem.

In any investigation of hoarded goods it should be recognized that tremendous opposition will be encountered and has in fact been encountered repeatedly by the Diet's Special Committee on Hoarded and Concealed Goods. Among the general public there are those who fear a thorough-going exposure of concealed and hoarded goods because they themselves are often dependent on the blackmarket and they fear their own sources of supply may be cut off. There are others who collaborated with the extreme militarists during the war; in the chaos following the surrender those who had close relations with munitions factories were able to seize war goods in their possession and by the sale of these goods have since become extremely wealthy. In some cases these nouveau riche have run for seats in the Diet or have financed the election of their personal spokesman, thus gaining power in the political field. They wear a mask of democracy but in reality they swagger on the blackmarkets and are prolonged confusion of the national economy. There are other officials in the central and local government who have been corrupted by the illegal possessors of war goods and who fear to collaborate in exposing these frauds lest they themselves be implicated. The opposition to a fearless and honest exposure of postwar frauds extends to all levels of society and government. It is, therefore, obvious that the rights and interests of the Japanese public as a whole can be protected only by the active intervention and assistance of Allied Occupation authorities.

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The so-called Commission was formed by Mr. Takashi Komatsu as chairman of a group representing five Zaibatsu companies. The Commission was so formulated as to mislead the general public into believing it was an official government organization. Although the date of the contract is May 16, 1946, it appears from Paper No. 1 attached to it that negotiations for its conclusion had started in November 1945. At that time it was estimated that the Government would be able to recover 1,288,720 tons of public property valued at Yen 1,289,600,000. During the time this Commission functioned, it actually recovered 835,102 tons of material on which it realized Yen 957,700,000. It is worth noting that GHQ in November 1946 estimated the total value of recoverable goods at Yen 100,000,000,000, but the total value of recoverable property at the time the Arms Disposition Commission was organized was estimated at only a little more than Yen 1,000,000,000. These facts lead to a presumption that there exists serious cases of irregularity and dishonesty in this entire transaction.

On November 15, 1946, according to his own subsequent testimony, Mr. Tanzan Ishibashi as Minister of Finance received from Allied authorities a list of so-called "special goods," which consisted of miscellaneous supplies and materials seized by Occupation forces immediately after the surrender and subsequently turned over to the Japanese Government for the use of the general public and for use in industrial production. Mr. Ishibashi testified before your Committee in August 1946 that he had no record whatever

of the manner in which these goods were disposed of although it was estimated they were valued at approximately Yen 100,000,000,000. He further testified that he had no knowledge of the revenue derived from the sale of these goods. This would seem to constitute prima facie evidence of the negligent and irresponsible manner in which the Government handled billions of Yen worth of public property. There is a natural presumption that widespread fraud existed in the distribution of these commodities.

In a belated effort to regularize disposal of war goods and to stimulate Japan's flagging economy, a joint Ministerial Ordinance was issued January 25, 1947, by the Ministries of Commerce and Industry, and Agriculture and Forestry. This ordinance was entitled "Regulations for Filing Inventories on Stocked Materials for Designated Production." It was less an effort to uncover illegal transfers of war goods than an attempt by the Government to channel hoarded goods into production. It provided that owners of designated commodities in excess of stipulated amounts would file within thirty days a report on the quantities of such commodities in their possession and could dispose of such excess stocks only to authorized private manufacturers or government agencies.

As a result of the proclamation in February 1946 of the Decree concerning the disposal of hoarded goods, it was assumed that theoretically no such stocks were still in existence. This assumption, however, was challenged in February 1946 by Mr. Koichi Seko, Undersecretary for the Home Ministry. As a result of investigations which he made during his term of office, he was convinced that large quantities of hoarded goods were still flowing into the blackmarket and impeding economic recovery. Following the reorganization of the Yoshida Cabinet, Mr. Seko resigned from the Home Ministry. He then approached Finance Minister Ishibashi who was concurrently Chairman of the Economic Stabilization Board and urged that further steps be taken to expose hoards of concealed goods. As a result of his suggestions, the Yoshida Cabinet agreed on February 14, 1947, on the appointment of an investigating committee within the ESB. The Cabinet announced the creation of a Committee composed of a chairman, a vice-chairman, members and some specialists. Mr. Ishibashi as Chairman of the Committee on February 24, 1947, appointed Mr. Seko a temporary member and vice-chairman.

It should be pointed out that this Committee was brought into being on the basis of an informal Cabinet agreement and without the legal foundation it might possess upon creation by Cabinet decree or ordinance. The dubious legal status of the Committee was described later by Mr. Koichiro Kunichio, head of the Inspection Department of the Economic Stabilization Board, during testimony before the Committee for Public Order and Local Administration of the House of Representatives. Mr. Koichiro Kunishio told the Committee in substance:

> The Committee for the Disposal of Hoarded Goods was organized February 14, 1947, in accordance with a Cabinet decision. The Committee was never legally authorized, however, at that time, or later. Furthermore, it had no legal authority to expose goods or seize concealed goods. In effect the Committee was only an investigating organ. The responsibility for the actual exposure of concealed goods was in the hands of ESB officials in cooperation with the Ministries concerned.
>
> The Committee's first meeting was held on February 24, 1947, at the Premier's house, but neither at that time nor subsequently was any formal resolution adopted to make the work of the Committee effective.

Mr. Seko held office as Vice-chairman of the Committee from February 24 until April 11, 1947. During that period numerous reports of hoarded goods were received and numerous attempts were made to investigate these reports. Since Mr. Seko had never received a written grant of authority, he took it upon himself to issue arbitrarily "Seko Instructions for Exposure." Altogether 144 of these orders were issued. Mr. Seko in a report of his activities made the following statement:

> "Before I adopted the system of issuing instructions on hoarded goods in my name, I took the following steps. I picked up information which I thought creditable from many informants. Then I asked the informant to go to the Police Bureau and explain to the Anti-crime Section the nature of the case. This Police Section, when it thought necessary, gave the informant a sealed letter asking the cooperation of the police in the area where the hoarded goods were concealed.
>
> "Every time I issued an instruction I made an investigation beforehand. As I was afraid these orders might be abused, they were issued only in the name of the bearer and the term of validity was fixed. I made certain that no exposure could take place without the cooperation and certification of local police. Further, I tried to get the cooperation of lawyers in order to prevent the abuse of any civil rights.
>
> "However, I was not successful in obtaining the cooperation of local police and other local officials. Instead, I encountered active resistance and non-cooperation. As a result I gave up these efforts and called upon the public prosecutors for assistance.

"Among the abuses which occurred, despite my efforts, were cases of forged orders which were actually used by brokers to swindle the owners of concealed goods.

"My efforts were wholly unsuccessful and at the beginning of April most of the informants lost confidence in Japanese authorities and began to ask for the cooperation of Allied Occupation authorities."

In the weeks that followed, there were persistent whispers which accused Mr. Seko, among others, of shady dealings in connection with the disposition of hoarded supplies. Rumors circulated that vast sums of money were passing from hand to hand in deals which involved powerful brokers and their stooges in the bureaucracy and that huge stockpiles were disappearing mysteriously a few days before authorities were dispatched to investigate tip-offs on hidden goods. These rumors culminated on July 10, 1947, when in a public statement made by Mr. Seko before the Liberal Diet Club, he charged openly that there were billions of yen in hoarded goods concealed throughout Japan and urged that the Diet itself form an investigating committee to examine the whole problem. He even intimated that members of the Cabinet were involved. Following various denials and counter charges, on July 15 Mr. Koichiro Kunishio, then serving as Director of the Supervision Bureau of the ESB, and Hideo Nakayama, Director of the Police Bureau of the Home Ministry, declared in testimony before the House Committee for Public Order that the Seko Committee met only once while Mr. Seko was Vice-chairman and asserted that only 95 cases were investigated and that hidden goods were found in only 5 instances. These two witnesses testified that since the dissolution of the Seko Committee on April 11, 1947, the Economic Statilization Board, operating independently, had investigated 282 cases and discovered concealed materials at 145 places.

In view of the widespread publicity given Mr. Seko's charges and in view of the fact that unnamed Cabinet members were said to be involved in the scandal, the Cabinet felt obliged to take note of the case and the Diet itself considered the affair so serious that it was decided to create a committee for the investigation of the realities of this problem.

Part III - Special Committee Concerning Concealed and Hoarded Goods:

The House Special Committee for the Investigation of Concealed and Hoarded Goods was created July 25, 1947, and held its first meeting the

following day. Creation of the Committee was without precedent in Japanese legislative history. The Special Committee to investigate Hoarded and Concealed Goods is the first committee of investigation ever appointed by the Japanese Diet. From the outset, therefore, this Committee had to pave its way onward in the face of numerous difficulties.

The public is certainly entitled to believe that the Committee is morally responsible for investigating postwar frauds and the illegal concealment of goods. Actually, however, the Committee lacks authority to carry out this responsibility. The Committee is very strongly of the opinion that it cannot be expected to assume responsibility unless it has first been granted adequate authority. If the new Constitution is to be an effective instrument, the legislative branch must necessarily define its authority clearly and operate within the limitations thus set forth.

At the very beginning of the investigation it became clear that there existed conflicting opinions on the Committee's proper function. At the Committee's second session, a lively debate took place when Kyuichi Tokuda suggested the investigation of Prince Higashikuni for his part in ordering the armed forces to surrender military supplies in their possession to civilians without compensation. This gave rise to a hot dispute. A member of the Democratic Party, Tetsuzo Kojima, vigorously opposed this suggestion and declared that the primary mission of the Committee is to channel hoarded goods into regular routes and not call the Government to account. On the other hand, there were those who believed the Committee could not possibly fulfill its proper function unless it investigated the part played by Government bureaucrats in the concealment of hoarded goods. In this connection, the

Nippon Times on July 27 reported:

> "The case is a battle between party politicians and bureaucrats for profits accruing from hoarded stockpiles. Observers are of the opinion that the case came to a head when party politicians attempted to get a lion's share of the huge profits which bureaucrats were garnering out of the sale of hoarded supplies. The two groups came into frontal collision and the bureaucrats did all in their power to prevent the execution of Mr. Seko's drive for unearthing hoarded caches."

Between July 25 and October 15, 1947, the Special Committee held 21 meetings during which it was in session 51 hours. Two sub-committee meetings were also held. In addition 17 Committee members made 6 field trips on which they travelled 1,450 kilometers. All trips were taken at their own expense since no public funds have ever been appropriated for use of the Committee. On these trips they investigated:

1. The Naval Arsenal, Samukawa Machi, Kanegawa Prefecture
2. Tochigi Prefecture
3. Iwate Prefecture
4. Toyojoze, Shizuoka Prefecture
5. Tokyo Metropolitan area
   (a) Shimura Itabashi-ku, Ishida Alloy Works
   (b) Suburb of Tashikawa--former Hitachi Aviation Factory
   (c) Chuo Ward--Warehouses of Textile Control Association

During the course of the investigation this Committee has been convinced beyond any doubt that,

Firstly, vast quantities of goods formerly owned by the Japanese Army and Navy were disposed of to local authorities, businessmen and brokers and that the blackmarkets have been flooded with these goods to the detriment of honest industrialists.

Secondly, the Committee is convinced that all attempts to channel these goods into legitimate production channels have been frustrated by a combination of fraud and legal barriers. Mr. Seko during his investigation could not obtain the collaboration of local authorities. It seems fairly clear that in many cases understandings exist between the holders of goods and local authorities; frequently local authorities appear to have connived in legalizing the transfer of such property to private individuals.

Thirdly, the Committee is convinced that present decrees and ordinances are too limited in scope; many articles on which the Government has a legitimate claim are not included on the list of hoarded goods and thus are free from investigation.

Fourthly, the Committee has received evidence showing that existing authority is scattered and ineffectual; at present authority to investigate

hoarded goods is divided among the Ministry of Commerce and Industry, Ministry of Agriculture and Forestry and the Economic Stabilization Board. Internal bureaucratic friction prevents united action.

Fifthly, the Committee has been handicapped by the failure of the Diet to approve a Cabinet proposal which would give greater authority to the economic inspectors.

Sixthly, the Committee is distressed at the failure of responsible officials to have kept adequate records on the disposal of war goods under Allied direction. On August 13, 1947, former Finance Minister Tanzan Ishibashi testified before the Kato Committee:

> "I am sure that it was in the accounts of November 15, 1946, that GHQ transferred Yen 100,000,000,000, more or less, worth of goods to the Japanese Government. Of course, these were goods which GHQ had taken over from the old Japanese Army and Navy and then returned to the Japanese Government; but included among the goods were building materials and machinery amounting to several ten billion yen. The Government has received papers pertaining to this matter. I want to know their whereabouts. If a hundred billion yen worth of goods have been turned over to the Japanese Government, just where have they been turned over?
>
> "I brought this matter up in a Cabinet meeting and investigated it. I had the Home Minister and other personnel report to me and had them investigate the case. But no such papers were found among the Government office data.
>
> "Only about twenty or thirty million yen worth of material seemed to have passed through the hands of the Home Ministry and nobody knows where a hundred billion yen worth of stuff has gone to.
>
> "I demanded that the whereabouts of these goods be uncovered, and after obtaining copies of the documents from GHQ, I instructed the President of the War Reconstruction Board to make copies of them. You can get the data if you ask Mr. Mikishi Abe, President of the War Reconstruction Board."

The Diet has been disappointed in its inability to obtain documents and other relevant information from the executive branch of the Government in the course of this investigation. Various ministerial officials have appeared before the Committee to apologize for their failure to produce information which is essential to the inquiry. The Committee has submitted formal requests to the executive agencies for 19 reports covering various phases of the inquiry. Thus far only a trickle of this material has been made available to the Committee.

In response to repeated, though unofficial, recommendations that the Government take drastic measures for the exposure of postwar frauds, the Cabinet on September 14 appointed a committee of 20 members, half of whom were public officials and the other half private citizens. This Committee exists merely in an advisory capacity to the Government and has been of no assistance to the investigation conducted by the legislative branch.

Part IV--Conclusions and Recommendations:

During the first three months of its investigation, the Kato Committee has reached the following conclusions:

1. The Suzuki Cabinet on August 14, 1945, acted in bad faith and did irreparable harm by ordering the secret disposal of Government property. The legality of that order is still in question and should be resolved by the courts or by the Diet itself. Other postwar Cabinets have not taken effective measures to recover the assets thus dissipated.

2. The disposal of war materials after the surrender was tainted with favoritism and shady deals. Private individuals have profited fabulously and have nourished the blackmarket.

3. Local government and police officials have both actively and passively interfered with investigations of hoarded and concealed goods and in some cases have conspired with holders of concealed goods to legalize fraudulent transactions. Even the so-called "special goods" returned to the Japanese Government by Allied authorities have been improperly distributed and no accounting has ever been rendered.

4. Some hoarders believe the Allied Occupation is nearly over so they withhold information on their concealed goods in the hope of escaping detection entirely. It is even possible that the secret disposal of military goods may have included arms and munitions which may still be in concealment.

5. Present legislation for uncovering concealed goods is very inadequate.

6. There should be no assumption or imposition of responsibility on either the legislative or the executive branch unless it is accompanied by a grant of adequate authority to fulfill the obligation thus incurred.

7. A clear definition should be made between the responsibilities of the executive and legislative branches. The National Diet in any investigation which it may undertake should confine itself to a purely investigatory function. The responsibility for enforcing the laws should be placed squarely on the executive ministries. The legislative branches should not hesitate to investigate the conduct of any executive agency or individual and by placing responsibility for all derelictions in duty should contrive recommendations for amending existing law in such a way as to make it more workable and less subject to perversion or corruption.

今度衆議院に不当財産取引調査特別委員会を設けられることとなり去る十二月十一日決議案が可決された。

この新しい委員会は第一次國会における隠退蔵物資等に関する特別委員会の法的、機能的欠陥を取り除き、目的達成のために強力な権限を発揮し得る態形を整えている。

即ち不当財産取引調査特別委員会は第一次國会における隠退蔵物資等に関する特別委員会の経験に鑑み、敗戦後の軍需物資およびこれに類する物資をめぐつて官界、政界、経済界の全般に亘つて、たとえ部分的であるにしろ、不正、不当の処理が行はれ、日本経済再建を阻害し、法律的、政治的罪悪を瀰漫せしめ、敗戦に喘えぐ日本國民をして、民主主義國家建設を悲観せしむるに至つた現情に対処せんとするものである。

日本の民主主義的再建はこれらの政治的、経済的罪悪の根元が一掃されることなくしては不可能である。國会は國民の意志に基く國家最高の機関として、その権威の下にこの難事業を達成せしむるために本

特別委員会を設けるに至つたのである。

本特別委員会は外見上検察機関と重複するかのごとく見え、検察廳と権限上の紛淆を來たすのではないかと危惧するむきもあるかも知れないが、断じてそうではない。検察廳は犯罪の嫌疑を前提とする純法律的機能をもつものであり、本委員会は政治的、経済的不正を徹底的に追及するにあつて、両者は並行的にその機能を果し、相互に協力援助し合つて、その目的を達成せんとするものである。

本委員会がこの目的を達するためには全國民の義憤にもえる協力と正義観から迸り出る熱烈なる支援に俟たなければならない。

國民諸君は日本の当面する危機をすくい、民主主義日本の建設のために進んで協力を與えられるよう切望にたえない。

昭和二十二年十二月二十日

衆議院隠退藏物資等に関する特別委員長　加藤勘十

即ち主務大臣若くは地方長官は、調査中の物資又は指定物資に関するあらゆる必要な報告を関係者に要求することが出來る。又官吏を作業場、店舗、倉庫又は其他の場所に派遣し業務並びに當該物資の狀態を調査し、会社の帳簿、記錄を檢査せしめることができる。この場合には當該官吏はその身分証明書を携行しなければならない。

昭和二十一年五月十六日（即ち四月の總選擧に引續き五月二十二日吉田内閣成立に至る政局不安定の最中）に内務省調査部長と小松隆氏との間に契約が結ばれ、その結果として兵器処理委員会なるものが成立した。この委員会は五つの財閥の利益を代表する会社の代表者によつて構成されてゐる。

この委員会はあたかも政府の一機関であるかの如く僞裝しているが、何等法律上の根拠のない純然たる私的團体である。前記契約の成立は五月十六日となつているが、附則文書第一号によつて明かなる如く下交渉は前年十一月に始められていたのである。當時政府は一・二八八・七二〇屯の物資とその價格一・二八九・六〇〇千円を回收出來る予想であつた。しかるに兵器処理委員会が実際に回收したのは、八三五・一〇二屯、九、五七〇万円であつた。

連合軍司令部はこれ等の物資をふくめて回收可能な額を一千数百億円と見積つた（前述石橋氏の証言）のに対し、政府が兵器処理委員会成立当時の兵器処理物資の見積額を十二、三億と見た事は注目すべき事柄である。かかる事情は前記契約に何等かの不正があるのではないかと云う疑惑を起させるのに充分である。

右の兵器処理委員会の構成並びにその処理狀況及び前述石橋氏の証言に明かなる如く、如何に政府が数

以上のごとく隠退蔵物資の摘発にあたつては法的根拠が明確でなかつたために、諸々の強い反対と障碍にぶつかつた。それは本委員会の調査の経験に徴してもこのことが裏書き出來る。例へばある人々は自身が闇市場に関係しているために品物の供給源を絶たれることを恐れて、徹底的摘発に反対している。あるいは、戦争中軍閥と協力し、終戦時の混乱を利用して、自己の関係せる軍需工場の物資を横領し、巨万の富を積んだ者もいる。彼等のあるものは政界にも足場を築くために、自身選挙にうつて出たり、関係深い者を身代り候補に立てたりした。かかる人々は民主主義の仮面をかぶつてはいるが、一皮はげば、國家経済をいつまでも混乱させておこうとする醜い闇商人である。これらの者の積極的反対はもとより、中央地方の官廳の一部の官吏もかかる軍需物資の不当な所有者に連絡せられ、悪事の露見を恐れて摘発に協力しないのである。終戦後における軍需物資の不当不正取引に対する、仮借する所なき徹底的調査摘発に対する反対は、このように官民を問わず社会の各層に根強いものがある。

八月十六日　第二部　バック・グラウンド

連合軍は日本政府のポツダム宣言受諾にともない、天皇が陸海軍各部隊に停戦を命令し、同時に武装解除を行い、連合軍の命に従うべき旨、命令するよう要求して來た。一方、鈴木内閣は連合軍命令の意図を故意に曲解し、兵器のみが連合軍に引渡さるべきで他の軍需物資は自由に処分してもよいと解釈して、八月十四日の閣議において軍保有の物資を連合軍進駐前に急遽処分することを決定した。これは当時瀰漫しつつあつた軍民離間の風潮をくいとめようとする苦肉策であつた。かくして軍需物資は政府関係、公共團

「隠匿物資処理委員会は二十二年二月十四日の閣議決定に基き設けられたもので、その当時も、又その後においても法律的に何等権威のないものであつた。更に隠匿物資の摘発、押収に関しても何等の権限もなかつた、いわば一個の調査機関に過ぎなかつたのである。隠匿物資の実際の摘発は関係各省の協力のもとに安定本部の責任であつた。委員会の最初の会合は二月二十四日首相官邸で開かれたが、その際も、その後も委員会の仕事を活潑ならしめるような正式決定はなにもなされなかつた。」

世耕氏は副委員長として二月二十四日から四月十一日迄在任した。この間、隠匿物資に関する多くの情報が同氏の許にもたらされた。しかるに世耕氏の権限は前述の如く極めて、あいまいであつたために、世耕氏としては独断的に、所謂世耕指令書と称する物資摘発の仮指令を合計百四十四通発したのである。

世耕氏の発した指令書がブローカーの手に轉々として流がされ、若くは詐欺の材料にまで利用せられるに至つた。これがため世耕氏其他に不正事実があるのではないかと云うことの噂がひろまつた。又有力なブローカーと一部の腐敗官僚との間に、不正取引が行われ、莫大な隠匿物資が摘発の行われる数日前に忽然として消を失せるという奇怪な噂が流布されるに至つた。これ等の噂は世耕氏が七月十日自由党代議士会において全国に隠匿されている事を率直に認め、国会自らこの問題の調査に当るべきである」と称し、依然として全国に隠匿された演説により絶頂に達した感があつた。世耕氏はこの演説において「何百億円に上る物資が更に世耕氏は「この問題に関し数名の現閣僚も関係なしとしない」と述べた。この世耕氏の発言に対し各方

不当財産取引調査特別委員会設置の前提として隠退蔵物資等に関する特別委員会の経過報告書

第一部　序言

わが國の經濟は終戰後大きな困難に當面して來たのであるが、特に食糧と原材料の不足が最もさし迫つたわが國全産業の根幹を揺がす重大な問題であつた。

それ故、政府と國会はわが國産業の安定を促進する政策を樹立し遂行する責任がある。わが國民に対し、健康に必要なだけの食糧を確保するためには、当分の間は、その一部を輸入にまたなければならない。今まで既に輸入は輸出を数億弗超過している。かかるクレヂットによる輸入はいつまでも続けることは出來ないから、食糧輸入に対する見返り物資生産のための、生産増強が大いに必要であることは明白である。

本報告の目的は如何にしてわが國の生産を増強し、いかにしてインフレーションを喰い止め、又食糧輸入の見返り物資は如何にして輸出すべきかという緊急対策を示すことにある。

第四部　結語

四ケ月に亘る調査の結果として、本委員会は、次の如き結論に達した。

一、鈴木内閣が昭和二十年八月十四日に軍需物資の放出に関して、とつた処置は無責任且極めて有害なものであつた。かかる行爲は法律に照し、又議会においても糺明されなければならない。

二、終戰時の軍需物資処理を繞り、多くの不正行爲があつた。多くの人々が成金となり、闇市場の溫床がつくられた。

その後現内閣に至るまで歴代内閣は放出物資の回收には甚だ不徹底であつた。

三、地方官憲のあるものは陰に陽に隠匿物資の調査を妨害し、或場合には隠匿物資の所有者と共謀して不正取引の事実をもみ消そうとしている。

四、物資隠匿者のある者は、進駐軍の引揚げが間もないと考え最後まで匿し通そうとしている。放出された軍需品の中に兵器も含まれているのではないかという疑いさえ生ずる。

五、隠匿物資摘発に関する現行法規は極めて不備である。

六、これを徹底的に行うには國会と政府に充分な権限が與えられねば不可能である。

七、その際國会と政府の権限は明確に区別さるべきである。國会はその権限を純然たる調査に限定し、実行は政府がこれを行はなくてはならない。國会は政府の行爲に対し断乎たる調査を行い、現行法規

の不充分なところはどしどし改めてゆくべきである。

右報告する。

昭和二十二年十二月二十日

隠退蔵物資等に関する特別委員長　加藤勘十

衆議院議長　松岡駒吉殿

なものはありません」、三千万円位のものが内務省あたりの手を経たようでありますが、千数百億円のものは何処えどういつておるか、わからない、これはどうしても行方をつきとめなければいかんと云うので、これを写すように復興院の総裁に依頼しておきました。」(八月十三日附委員会速記録参照)

本委員会はこれ等の真相を調査するために必要な資料の提出を政府に要求した。而して片山総理大臣は劈頭の委員会において政府は充分に協力をすると誓い乍ら、ついに第一回國会終了日迄に資料の提出をなさなかつた。殊に石橋氏の証言にある連合軍から日本政府えの引渡し物資のリスト及び特殊物件処理の状況に関する主要なる部分の資料が提出されていないのである。この間委員会としては再三、再四、政府に資料の提出を要求したのであるが、現在の國会法は政府に國会から資料を求められたとき提出する義務を規定しておるが、その義務を果さない場合に、その責任を追及する規定がないため政府は自己に都合の悪い資料の提出をサボタージュするのである、これは政府の重大なる政治的責任であると云わなければならぬ。

本委員会は自己の経験に鑑み、隠退蔵物資等の摘発に関し、政府は一層強力なる措置を取るべきことを決議した。政府は本委員会の決意に應じて政令をもつて、九月十四日に安定本部内に隠退蔵物資活用委員会を設置するに至つた。しかし乍らこの委員会は、中央、地方に分れ中央は二十名の委員より構成されるもので機能的には単なる諮問機関で、たとえ委員の中に半数の民間人が参加しているはいえ、これ迄の不備を充実して独自の権限に基く役割を果し得るものではない。

面からいろ〳〵議論がまき起り、政府も議会も、事態の重要性に鑑み、衆議院の自発的意志に基き特別委員会を設けて、事態の眞相を調査することになつた。

第三部　隠退蔵物資等に関する特別委員会

衆議院隠退蔵物資等に関する特別委員会は本年七月二十五日に成立し、翌日第一回の会合を開いた、かかる委員会の設置はわが國の議会史上殆んど類例がない。それ故委員会は始めから多くの困難を乗り切つて新しい道を切り開いてゆかねばならなかつた。

一般には、この委員会は隠匿物資を繞る敗戦後の不正事実の調査を目的として成立したものと思われている。しかるに事実は開会壁頭から委員会の機能に関して委員の間に重大な意見の相違があることが明かになつた。即ち第二回の会合において徳田委員より「軍需物資無償拂下げに関して当時の責任者である東久邇首相を証人として喚問すべし」と主張したのに対し、活潑な議論が闘わされた。民主党の小島委員は、これに反対して、委員会の第一の任務は隠匿物資を正規ルートに乗せることにあつて、政府のとつた行動を調査する必要はないと主張した。一方官僚が物資隠匿において、あづかつた役割を究明しなくては委員会の任務は遂行出來ないという意見も出た。これに関して七月二十七日附、日本タイムスは次の如く報じている。

「この問題は隠匿物資にからまる利益を繞つて政党政治家と、官僚の爭いである。局外者の見るところでは、今迄隠匿物資で儲けていた腐敗官僚から政党政治家が分け前を要求したことから起つたのであ

る。二つの陣営は全面的に衝突し、世耕氏の摘発を喰止めようと官僚は必死となつて立上つた。」

かくの如き報道が英字新聞によつて諸外國に傳へられた事は、敗戰の痛苦の中から眞実の民主主義日本の建設に立上らんとする日本國民全般にとつて非常に不名誉な事である。又指摘された政党政治家とか、官僚とかの名誉のためにも、官界、政界の権威のためにも断乎として眞相を調査して、事態を明瞭に全國民の前に知らしむる責任と義務を感じたのである。本委員会はこの責任感に基いて調査に当つたのであるが、さきの中間報告にも述べたように政府も國会も旧憲法下におけるが如く封建的習性から脱しきる事が出來なかつた。委員会はその期間中に数十時間の会議をもち、五つの小委員会を設けて調査に当り、更らに延人員二十数名の委員は総計数千キロに及ぶ現地出張調査を行つた。調査費が全然ないために、わづかに安定本部の摘発状況を調査するに過ぎなかつた。しかし乍ら十一回に亘る現地調査の結果は官僚の手によつてのみでは果し得なかつた目的を達し、相当多量の物資を正規ルートにもち來すことに成功してゐる。本委員会は各般の調査の結果次の如き事実をたしかめ得たのである。

一、旧陸海軍保有にかかる尨大な軍事物資が地方廳、統制團体、商人、ブローカーの手にうつり闇市場に氾濫し、正当な企業を圧迫していること。

二、これ等の物資を正当なルートに乘せようとする努力はすべて不正取引と法律の不備により、さまたげられて來た。事実世耕氏はこの調査において地方廳の協力が得られなかつた。多くの事例を挙げてお

る。物資の所有者と地方官憲との間に諒解があるようで、事実多くの地方官憲は物資の所有権の移動を合法化そうとして來たように見えること。

三、現行諸法規は余りにも無力である、当然國家の所有に属すべき、物資で調査の対象に入らなければならないものが政府若くは地方廳の保管に属すると云うことだけで摘発調査をまぬがれているものがある。（政府の簿外財産又は地方廳の予算外措置による特殊物件等がそれである）

四、必要な権限が統一されていない。例へば隠退藏物資摘発調査の権限は、現在、商工省、農林省、安定本部等に分けられていて適切なる統一的行動がしばしば妨げられてゐる。

五、政府が國会に提出した経済査察官に、より強大な統一的権限を與えようとする法律案は各種の事情により、ついに第一國会を通過しなかつた。

六、連合軍の監督下に行われた軍需物資処理に関し、関係官吏が記録を充分保存することをおこたつたため調査に大きな不便を感じた。例へば前述の石橋前藏相の証言は次の如く述べてゐる。

「たしか昨年十一月十五日の計算で千数百億円の物資を司令部は日本政府に引渡してゐる。それはむろん旧陸海軍等がもつておつたものを司令部が差押えて更に日本政府に渡したものなのですが、その中に建築材料とか機械と云うものも数百億円あるはずです、その行方をつきとめたい。一体数百億円の物資が日本の政府に引渡されたとするならば、一体どこに引渡されたのか、私は閣議にもちだしてしらべてみました。内務省、其他の諸君に來てもらつて調べたのですが、役所にある資料はとてもそん

今度衆議院に不当財産取引調査特別委員会を設けられることとなり去る十二月十一日決議案が可決された。

この新しい委員会は第一次國会における隠退蔵物資等に関する特別委員会の法的、機能的欠陥を取り除き、目的達成のために強力な権限を発揮し得る態形を整えている。

即ち不当財産取引調査特別委員会は第一次國会における隠退蔵物資等に関する特別委員会の経験に鑑み、敗戦後の軍需物資およびこれに類する物資をめぐつて官界、政界、経済界の全般に亘つて、たとえ部分的であるにしろ、不正、不当の処理が行はれ、日本経済再建を阻害し、法律的、政治的罪悪を瀰漫せしめ、敗戦に喘ぐ日本國民をして、民主主義國家建設を悲観せしむるに至つた現情に対処せんとするものである。

日本の民主主義的再建はこれらの政治的、経済的罪悪の根元が一掃されることなくしては不可能である。國会は國民の意志に基く國家最高の機関として、その権威の下にこの難事業を達成せしむるために本

特別委員会を設けるに至つたのである。

本特別委員会は外見上檢察機関と重複するかのごとく見え、檢察廳と權限上の紛淆を來たすのではないかと危惧するむきもあるかも知れないが、斷じてそうではない。檢察廳は犯罪の嫌疑を前提とする純法律的機能をもつものであり、本委員会は政治的、經濟的不正を徹底的に追及するにあつて、兩者は並行的にその機能を果し、相互に協力援助し合つて、その目的を達成せんとするものである。

本委員会がこの目的を達するためには全國民の義憤にもえる協力と正義觀から迸り出る熱烈なる支援に俟たなければならない。

國民諸君は日本の當面する危機をすくい、民主主義日本の建設のために進んで協力を與えられるよう切望にたえない。

昭和二十二年十二月二十日

衆議院隱退藏物資等に関する特別委員長　加藤勘十

不当財産取引調査特別委員会設置の前提として隠退蔵物資等に関する特別委員会の経過報告書

第一部　序　言

わが國の經濟は終戰後大きな困難に当面して來たのであるが、特に食糧と原材料の不足が最もさし迫つたわが國全産業の根幹を搖がす重大な問題であつた。

それ故、政府と國会はわが國産業の安定を促進する政策を樹立し遂行する責任がある。わが國民に対し、健康に必要なだけの食糧を確保するためには、当分の間は、その一部を輸入にまたなければならない。今まで既に輸入は輸出を数億弗超過している。かかる多レヂットによる輸入はいつまでも続けることは出來ないから、食糧輸入に対する見返り物資生産のための、生産増強が大いに必要であることは明白である。

本報告の目的は如何にしてわが國の生産を増強し、いかにしてインフレーションを喰い止め、又食糧輸入の見返り物資は如何にして輸出すべきかという緊急対策を示すことにある。

本委員会はまず終戦当時、軍あるいは、政府が保有していた、すべての物資、特に非合法、もしくは非合法に近い経路によって、各種團体、もしくは、個人の手に移った元來公に属すべき物資を、直ちに動員することを提議しているのである。控え目に見積っても、このような物資は——そのあるものは闇市場に流れ、あるものは未だ隠退蔵されているのであるが——優に五百億円を超えていると思われる。このことは前大蔵大臣石橋湛山氏の本年八月、本委員会における証言によっても明らかである。

昭和二十一年一月十一日附マ司令部の日本政府に対する命令によれば、昭和二十年八月十四日より九月二日までの間に日本軍から移管された、すべての物資については、その移管方法の如何を問はず完全な目録、しかして右目録には移管時における物資の所在場所、該物件受領の機関及び個人名をも併記することを命じている。しかるに政府の責任者たる前大蔵大臣が「何もわからない」という実情を認めていることは、如何にこれらの物資の処理が疑惑につつまれているかということを物語っているものである。

わが國の経済の安定に役立つこのような物資はすべて正規のルートにのせるべきことも、同時に政府のなさなければならぬことであることは言うまでもない。しかるに終戦の混乱に乗じてなされた乱脈至極な措置に対して、これを法的に処断する明確な根拠を欠いていた。それ故本特別委員会は終戦以來國家の所有に属すべきこれ等の物資を流通秩序確立に役立たしむべく、強力なる法的機関の設置を要望したのであった。このことは政府をして、この問題に一層積極的ならしむる所以であり、かつ、かくすることが敗戦の痛苦に悩む日本國民の利益であると信じたからである。

以上のごとく隠退蔵物資の摘発にあたつては法的根拠が明確でなかつたために、諸々の強い反対と障碍にぶつかつた。それは本委員会の調査の経験に徴してもこのことが裏書き出來る。例へばある人々は自身が闇市場に関係しているために品物の供給源を絶たれることを恐れて、徹底的摘発に反対している。あるいは、戦争中軍閥と協力し、終戦時の混乱を利用して、自己の関係せる軍需工場の物資を横領し、巨万の富を積んだ者もいる。彼等のあるものは政界にも足場を築くために、自身選挙にうつて出たり、関係深い者を身代り候補に立てたりした。かかる人々は民主主義の仮面をかぶつてはいるが、一皮はげば、國家経済をいつまでも混乱させておこうとする醜い闇商人である。これらの者の積極的反対はもとより、中央地方の官廳の一部の官吏もかかる軍需物資の不当な所有者に連絡せられ、悪事の露見を恐れて摘発に協力しないのである。終戦後における軍需物資の不当不正取引に対する、仮借する所なき徹底的調査摘発に対する反対は、このように官民を問わず社会の各層に根強いものがある。

第二部　パック・ラウンド

連合軍は日本政府のポツダム宣言受諾にともない、天皇が陸海軍各部隊に停戦を命令し、同時に武装解除を行い、連合軍の命に従うべき旨、命令するよう要求して來た。一方、鈴木内閣は連合軍命令の意図を故意に曲解し、兵器のみが連合軍に引渡さるべきで他の軍需物資は自由に処分してもよいと解釈して、八月十四日の閣議において軍保有の物資を連合軍進駐前に急遽処分することを決定した。これは当時瀰漫しつつあつた軍民離間の風潮をくいとめようとする苦肉策であつた。かくして軍需物資は政府関係、公共團

体、一般工場、個人に配分されることになつた。この決定に應し、陸海軍当局は、各部隊にすべての保有物資を速かに放出するように命令した。陸軍は八月十五日に陸機三百六十三号により前日の閣議決定を各部隊に下達した。因にその命令の一ケ條に次のようなものがある。

軍需品並に現材料及軍需生産施設の拂下げは原則として有償とす、但し地方官廳等に対するものは無償拂下げ代金はただちに全額支拂を要せず。

債務管、轉換する事を得、又有

八月十六日には

この命令と共に各部隊は軍需物資関係書類を同月十七、十八日に亘り破棄すべき事を命ぜられた。但し、軍需品、契約並に財産権に関する書類は保存することになつていた。この命令が文字通り眞実に実行されたか、どうかは疑はしい、その後の調査によれば軍需物資の帰属を明かにするはずの書類までが多くの場合破棄されて了つている。

八月二十日には

東京湾における正式の降伏に関する下交渉のためマニラに派遣された日本使節團に対し、総司令部命令第一号が渡された。この命令は日本政府が兵器、軍需品、爆薬のすべての軍需物資をそのままの状態で良好に保管すべきことを明かにしている。この命令により連合軍は日本政府による軍需物資の処理放出を認めない事が明瞭となつた。従つて八月十四日の閣議決定は事実上無効であるにもかかわらず東久邇内閣が正式に上記閣議決定を取消したのはようやく八月二十八日であつた。この間、即ち八月十五日より二十八

日に至る二週間に事実上大部分の軍需物資は倉庫から運び出され、これを繞つて多くの不正取引（証拠湮滅）が行はれた。

八月十四日の閣令を取消した後も東久邇内閣は非合法的に放出された物資の回收を精力的に行はなかつた。一般國民の血と汗の結晶である莫大な軍需物資が無償、若くは無償に近い價格で一部の人々の手に渡つたのである。かくしてこれ等の物資は正規の配給ルートを離れ、わが國經濟をおびやかす癌となつたのである。

昭和二十一年一月十一日にマ司令部は日本政府に覺書を送り昭和二十年八月十四日より九月二日の間に行はれた軍需物資の不正處理に關し、注意を喚起した。この覺書は終戰當時における軍需物資の處理がポツダム宣言の趣旨に合致しない点を率直に指摘し、併せて放出物資の明細表、關係命令の寫し、命令の責任者の人名簿の提出を政府に命じたのである。この命令に基き、政府は旧陸海軍省の記錄を利用して、所用の報告を提出したはずである。

終戰直後の混乱に乘じて横領され、不正に處分された物資を回收しようとする試みは、幣原内閣により昭和二十一年二月十七日に始めて行はれんとした。即ち勅令「隱退藏物資緊急措置令」が出された。この勅令により特定の物資の所有者は當該物資の一覽表を三通同年三月十日迄に地方[redacted]を通じ商工大臣に提出しなければならないことになつてゐる。同時に當該物資の所有者に対し同年四月二十日迄右物資の移動を禁じてゐる、而してこの勅令を一層効果あらしめるために、その第八條において次の如く規定してゐる。

百億円に上る國民膏血の結晶である公有物を無責任に取扱つたかと云うことを証拠だてるものである。それ故にこれ等の物資の処分に関し兎角の噂がでるのももつともと言はなければならぬ。おくれば せ乍ら軍需物資の処分を規正し、経済再建をうながす目的をもつて本年一月二十五日に商工、農林省令をもつて「指定生産資材在庫品調整規則」を出した。この省令は不正取引の摘発よりはむしろ隠匿物資を正規ルートに乗せることを目的とするものであつた。

昭和二十一年二月の隠匿物資処理に関する勅令が出された後においては、隠匿物資と称するものは、もはや存在していない筈である。しかるに翌二十二年二月に至り、当時の内務政務次官世耕弘一氏はなお多くの物資が隠匿されている事を明かにした。これは同氏が次官在任中になした調査により、多量の隠匿物資が闇市場に流入し、経済復興を阻害していることを信ずるに至つた結果である。吉田内閣の改造により世耕氏は次官を辞任したが、当時の安本長官であつた石橋藏相に対し、隠匿物資摘発のため更らに積極的手段を講ずるよう申言した。その結果二月十四日の閣議において、安定本部に隠退藏物資処理委員会を設置する事を決定した。この委員会は委員長、副委員長各一名、委員及専門委員若干名より成り、二月二十四日石橋氏は委員長に、世耕氏は副委員長に任ぜられた。

この委員会は閣議の決定として設置せられたもので、法律若くは、政令によつて設けられたものでない、このためにこの委員会の法的根拠が不明確である。この点に関し、安定本部、監査局長國塩耕一郎氏は衆議院の治安並びに地方制度委員会において大略次の如く述べている。

「隠匿物資処理委員会は二十二年二月十四日の閣議決定に基き設けられたもので、その当時も、又その後においても法律的に何等権威のないものであつた。更に隠匿物資の摘発、押収に関しても何等の権限もなかつた、いわば一個の調査機関に過ぎなかつたのである。隠匿物資の実際の摘発は関係各省の協力のもとに安定本部の責任であつた。委員会の最初の会合は二月二十四日首相官邸で開かれたが、その際も、その後も委員会の仕事を活潑ならしめるような正式決定はなにもなされなかつた。」

世耕氏は副委員長として二月二十四日から四月十一日迄在任した。この間、隠匿物資に関する多くの情報が同氏の許にもたらされた。しかるに世耕氏の権限は前述の如く極めて、あいまいであつたために、世耕氏としては独断的に、所謂世耕指令書と称する物資摘発の仮指令を合計百四十四通発したのである。

世耕氏の発した指令書がブローカーの手に轉々として流がされ、若くは詐欺の材料にまで利用せられるに至つた。これがため世耕氏其他に不正事実があるのではないかと云うことの噂がひろまつた。又有力なブローカーと一部の腐敗官僚との間に、不正取引が行われ、莫大な隠匿物資が摘発の行われる数日前に忽然として消え失せるという奇怪な噂が流布されるに至つた。これ等の噂は世耕氏が七月十日自由党代議士会において「何百億円に上る物資がこの演説により摘頂に達した感があつた。世耕氏はこの演説において依然として全國に隠匿されている事を率直に認め、國会自らこの問題の調査に当るべきである」と称し、更に世耕氏は「この問題に関し数名の現閣僚も関係なしとしない」と述べた。この世耕氏の発言に対し各方

面からいろ〳〵議論がまき起り、政府も議会も、事態の重要性に鑑み、衆議院の自発的意志に基き特別委員会を設けて、事態の真相を調査することになつた。

第三部　隠退蔵物資等に関する特別委員会

衆議院隠退蔵物資等に関する特別委員会は本年七月二十五日に成立し、翌日第一回の会合を開いた、かかる委員会の設置はわが國の議会史上殆んど類例がない。それ故委員会は始めから多くの困難を乗り切つて新しい道を切り開いてゆかねばならなかつた。

一般には、この委員会は隠匿物資を繞る敗戦後の不正事実の調査を目的として成立したものと思われている。しかるに事実は開会壁頭から委員の間に重大な意見の相違があることが明かになつた。即ち第二回の会合において徳田委員より「軍需物資無償拂下げに関して当時の責任者である東久邇首相を証人として喚問すべし」と主張したのに対し、活潑な議論が闘わされた。民主党の小島委員は、これに反対して、委員会の第一の任務は隠匿物資を正規ルートに乗せることにあつて、政府のとつた行動を調査する必要はないと主張した。一方官僚が物資隠匿において、あづかつた役割を究明しなくては委員会の任務は遂行出來ないという意見も出た。これに関して七月二十七日附、日本タイムスは次の如く報じている。

「この問題は隠匿物資にからまる利益を繞つて政党政治家と、官僚の争いである。局外者の見るところでは、今迄隠匿物資で儲けていた腐敗官僚から政党政治家が分け前を要求したことから起つたのであ

る。二つの陣営は全面的に衝突し、世耕氏の摘発を喰止めようと官僚は必死となつて立上つた。」

かくの如き報道が英字新聞によつて諸外國に傳へられた事は、敗戰の痛苦の中から眞実の民主主義日本の建設に立上らんとする日本國民全般にとつて非常に不名誉な事である。又指摘された政党政治家とか、官僚とかの名誉のためにも、官界、政界の権威のためにも断乎として眞相を調査して、事態を明瞭に全國民の前に知らしむる責任と義務を感じたのである。本委員会はこの責任感に基いて調査に当つたのであるが、さきの中間報告にも述べたように政府も國会も旧憲法下におけるが如く封建的習性から脱しきる事が出來ず、且つ法規の不備と相俟つて残念ながら充分にその所期の目的を達することが出來なかつた。委員会はその期間中に数十時間の会議をもち、五つの小委員会を設けて調査に当り、更らに延人員二十数名の委員は総計数千キロに及ぶ現地出張調査を行つた。調査費が全然ないために、わづかに安定本部の摘発状況を調査するに過ぎなかつた。しかし乍ら十一回に亘る現地調査の結果は官僚の手によつてのみでは果し得なかつた目的を達し、相当多量の物資を正規ルートにもち來すことに成功しておる。本委員会は各般の調査の結果次の如き事実をたしかめ得たのである。

一、旧陸海軍保有にかかる厖大な軍事物資が地方廳、統制團体、商人、ブローカーの手にうつり闇市場に氾濫し、正当な企業を圧迫していること。

二、これ等の物資を正当なルートに乘せようとする努力はすべて不正取引と法律の不備により、さまたげられて來た。事実世耕氏はこの調査において地方廳の協力が得られなかつた。多くの事例を挙げてお

る。物資の所有者と地方官憲との間に諒解があるようで、事実多くの地方官憲は物資の所有権の移動を合法化そうとして來たように見えること。

三、現行諸法規は余りにも無力である、当然國家の所有に属すべき、物資で調査の対象に入らなければならないものが政府若くは地方廳の保管に属すると云うことだけで摘発調査をまぬがれているものがある。（政府の海外財産又は地方廳の予算外措置による特殊物件等がそれである）

四、必要な権限が統一されていない。例へば隠退藏物資摘発調査の権限は、現在、商工省、農林省、安定本部等に分けられていて適切なる統一的行動がしばしば妨げられてゐる。

五、政府が國会に提出した経済査察官に、より強大な統一的権限を與えようとする法律案は各種の事情により、ついに第一國会を通過しなかった。

六、連合軍の監督下に行われた軍需物資処理に関し、関係官吏が記錄を充分保存することをおこたつたため調査に大きな不便を感じた。例へば前述の石橋前藏相の証言は次の如く述べてゐる。

「たしか昨年十一月十五日の計算で千数百億円の物資を司令部は日本政府に引渡してゐる。それはむろん旧陸海軍等がもつておつたものを司令部が差押えて更に日本政府に渡したものなのですが、その中に建築材料とか機械と云うものも数百億円あるはずです、その行方をつきとめたい。一体数百億円の物資が日本の政府に引渡されたとするならば、一体どこに引渡されたのか、私は閣議にもちだして調べてみました。内務省、其他の諸君に來てもらつて調べたのですが、役所にある資料はとてもそん

なものはありません二、三千万円位のものが内務省あたりの手を経たようでありますが。千数百億円のものは何処へどういつておるか、わからない、これはどうしても行方をつきとめなければいかんと云うので、これを写すように復興院の総裁に依頼しておきました。」（八月十三日附委員会速記録参照）

本委員会はこれ等の眞相を調査するために必要な資料の提出を政府に要求した。而して片山総理大臣は劈頭の委員会において政府は充分に協力をすると誓い乍ら、ついに第一回國会終了日迄に資料の提出をなさなかつた。殊に石橋氏の証言にある連合軍から日本政府への引渡し物資のリスト及び特殊物件処理の状況に関する主要なる部分の資料が提出されていないのである。この間委員会としては再三、再四、政府に資料の提出を要求したのであるが、現在の國会法は政府に國会から資料を求められたとき提出する義務を規定しておるが、その義務を果さない場合に、その責任を追及する規定がないため政府は自己に都合の悪い資料の提出をサボタージュするのである、これは政府の重大なる政治的責任であると云わなければならぬ。

本委員会は自己の経験に鑑み、隠退蔵物資等の摘発に関し、政府は一層強力なる措置を取るべきことを決議した。政府は本委員会の決意に應じて政令をもつて、九月十四日に安定本部内に隠退蔵物資活用委員会を設置するに至つた。しかし乍らこの委員会は、中央、地方に分れ中央は二十名の委員より構成されるもので機能的には単なる諮問機関で、たとえ委員の中に半数の民間人が参加しているはいえ、これ迄の不備を充実して独自の権限に基く役割を果し得るものではない。

第四部　結語

四ケ月に亘る調査の結果として、本委員会は、次の如き結論に達した。

一、鈴木内閣が昭和二十年八月十四日に軍需物資の放出に関して、とつた処置は無責任且極めて有害なものであつた。かかる行爲は法律に照し、又議会においても糺明されなければならない。

その後現内閣に至るまで歴代内閣は放出物資の回収には甚だ不徹底であつた。

二、終戦時の軍需物資処理を続り、多くの不正行爲があつた。多くの人々が成金となり、闇市場の温床がつくられた。

三、地方官憲のあるものは陰に陽に隠匿物資の調査を妨害し、或場合には隠匿物資の所有者と共謀して不正取引の事実をもみ消そうとしている。

連合軍から政府に返還された、所謂特殊物件は、その処理があいまい不明瞭である。

四、物資隠匿者のある者は、進駐軍の引揚げが間もないと考え最後まで匿し通そうとしている。放出された軍需品の中に兵器も含まれているのではないかという疑いさえ生ずる。

五、隠匿物資摘発に関する現行法規は極めて不備である。

六、これを徹底的に行うには國会と政府に充分な権限が與えられねば不可能である。

七、その際國会と政府の権限は明確に区別さるべきである。國会はその権限を純然たる調査に限定し、実行は政府がこれを行はなくてはならない。國会は政府の行爲に対し断乎たる調査を行い、現行法規

の不充分なところはどしどし改めてゆくべきである。

右報告する。

昭和二十二年十二月二十日

隠退蔵物資等に関する特別委員長　加藤勘十

衆議院議長　松岡駒吉殿

今度衆議院に不当財産取引調査特別委員会を設けられることとなり去る十二月十一日決議案が可決され

た。

この新しい委員会は第一次國会における隠退蔵物資等に関する特別委員会の法的、機能的欠陥を取り除き、目的達成のために強力な権限を発揮し得る態形を整えている。

即ち不当財産取引調査特別委員会は第一次國会における隠退蔵物資等に関する特別委員会の経驗に鑑み、敗戰後の軍需物資および之に類する物資をめぐつて官界、政界、経済界の全般に亘つて、たとえ部分的であるにしろ、不正、不当の処理が行はれ、日本経済再建を阻害し、法律的、政治的罪悪を瀰漫せしめ、敗戰に喘えぐ日本國民をして、民主主義國家建設を悲観せしむるに至つた現情に対処せんとするものである。

日本の民主主義的再建はこれらの政治的、経済的罪悪の根元が一掃されることなくしては不可能である。國会は國民の意志に基く國家最高の機関として、その権威の下にこの難事業を達成せしむるために本

特別委員会を設けるに至つたのである。

本特別委員会は外見上検察機関と重複するかのごとく見え、検察廳と権限上の紛淆を來たすのではないかと危惧するむきもあるかも知れないが、断じてそうではない。検察廳は犯罪の嫌疑を前提とする純法律的機能をもつものであり、本委員会は政治的、経済的不正を徹底的に追及するにあつて、両者は並行的にその機能を果し、相互に協力援助し合つて、その目的を達成せんとするものである。

本委員会がこの目的を達するためには全國民の義憤にもえる協力と正義観から迸り出る熱烈なる支援に俟たなければならない。

國民諸君は日本の当面する危機をすくい、民主主義日本の建設のために進んで協力を與えられるよう切望にたえない。

昭和二十二年十二月二十日

衆議院隠退蔵物資等に関する特別委員長　加藤勘十

不当財産取引調査特別委員会設置の前提として隠退蔵物資等に関する特別委員会の経過報告書

第一部　序言

わが國の経済は終戦後大きな困難に当面して来たのであるが、特に食糧と原材料の不足が最もさし迫つたわが國全産業の根幹を揺がす重大な問題であつた。

それ故、政府と國会はわが國産業の安定を促進する政策を樹立し遂行する責任がある。わが國民に対し、健康に必要なだけの食糧を確保するためには、当分の間は、その一部を輸入にまたなければならない。今まで既に輸入は輸出を数億弗超過している。かかるクレヂットによる輸入はいつまでも続けることは出来ないから、食糧輸入に対する見返り物資生産のための、生産増強が大いに必要であることは明白である。

本報告の目的は如何にしてわが國の生産を増強し、いかにしてインフレーションを喰い止め、又食糧輸入の見返り物資は如何にして輸出すべきかという緊急対策を示すことにある。

本委員会はまず終戦当時、軍あるいは、政府が保有していた、すべての物資、特に非合法、もしくは非合法に近い経路によつて、各種團体、もしくは、個人の手に移つた元來公に属すべき物資を、直ちに動員することを提議しているのである。控え目に見積つても、このような物資は——そのあるものは闇市場に流れ、あるものは未だ隠退藏されているのであるが——優に五百億円を超えていると思われる。このことは前大藏大臣石橋湛山氏の本年八月、本委員会における証言によつても明らかである。

昭和二十一年一月十一日附マ司令部の日本政府に対する命令によれば、昭和二十年八月十四日より九月二日までの間に日本軍から移管された、すべての物資については、その移管方法の如何を問はず完全な目錄、しかして右目錄には移管時における物資の所在場所、該物件受領の機関及び個人名をも併記することを命じている。しかるに政府の責任者たる前大藏大臣が「何もわからない」という実情を認めていることは、如何にこれらの物資の処理が疑惑につつまれているかということを物語つているものである。

わが國の経済の安定に役立つこのような物資はすべて正規のルートにのせるべきことも、同時に政府のなさなければならぬことであることは言うまでもない。しかるに終戦の混乱に乘じてなされた乱脈至極な措置に対して、これを法的に処断する明確な根拠を欠いていた。それ故本特別委員会は終戦以来國家の所有に属すべきこれ等の物資を流通秩序確立に役立たしむべく、強力なる法的機関の設置を要望したのであつた。このことは政府をして、この問題に一層積極的ならしむる所以であり、かつ、かくすることが敗戦の痛苦に悩む日本國民の利益であると信じたからである。

以上のごとく隠退蔵物資の摘発にあたつては法的根拠が明確でなかつたために、諸々の強い反対と障碍にぶつかつた。それは本委員会の調査の経験に徴してもこのことが裏書き出来る。例へばある人々は自身が闇市場に関係しているために品物の供給源を絶たれることを恐れて、徹底的摘発に反対している。あるいは、戦争中軍閥と協力し、終戦時の混乱を利用して、自己の関係せる軍需工場の物資を横領し、巨万の富を積んだ者もいる。彼等のあるものは政界にも足場を築くために、自身選挙にうつて出たり、関係深い者を身代り候補に立てたりした。かかる人々は民主主義の仮面をかぶつてはいるが、一皮はげば、國家経済をいつまでも混乱させておこうとする醜い闇商人である。これらの者の積極的反対はもとより、中央地方の官廳の一部の官吏もかかる軍需物資の不当な所有者に聯絡せられ、悪事の露見を恐れて摘発に協力しないのである。終戦後における軍需物資の不当不正取引に対する、仮借する所なき徹底的調査摘発に対する反対は、このように官民を問わず社会の各層に根強いものがある。

第二部　バック・グラウンド

連合軍は日本政府のポツダム宣言受諾にともない、天皇が陸海軍各部隊に停戦を命令し、同時に武装解除を行い、連合軍の命に従うべき旨、命令するよう要求して來た。一方、鈴木内閣は連合軍命令の意図を故意に曲解し、兵器のみが連合軍に引渡さるべきで他の軍需物資は自由に処分してもよいと解釈して、八月十四日の閣議において軍保有の物資を連合軍進駐前に急遽処分することを決定した。これは当時瀰漫しつつあつた軍民離間の風潮をくいとめようとする苦肉策であつた。かくして軍需物資は政府関係、公共團

体、一般工場、個人に配分されることになつた。この決定に應じ、陸海軍当局は、各部隊にすべての保有物資を速かに放出するように命令した。陸軍は八月十五日に陸機三百六十三号により前日の閣議決定を各部隊に下達した。因にその命令の一ケ條に次のようなものがある。

軍需品並に現材料及軍需生産施設の拂下げは原則として有償とす、但し地方官廳等に対するものは無償保管、轉換する事を得、又有償拂下げ代金はただちに全額支拂を要せず。

八月十六日には

この命令と共に各部隊は軍需物資関係書類を同月十七、十八日に亘り破棄すべき事を命ぜられた。但し、軍需品、契約並に財産権に関する書類は保存することになつていた。この命令が文字通り眞実に実行されたか、どうかは疑はしい、その後の調査によれば軍需物資の帰属を明かにするはずの書類までが多くの場合破棄されて了つている。

八月二十日には

東京湾における正式の降伏に関する下交渉のためマニラに派遣された日本使節團に対し、総司令部命令第一号が渡された。この命令は日本政府が兵器、軍需品、爆薬のすべての軍需物資をそのままの状態で良好に保管すべきことを明かにしている。この命令により連合軍は日本政府による軍需物資の処理放出を認めない事が明瞭となつた。従つて八月十四日の閣議決定は事実上無効であるにもかかわらず東久邇内閣が正式に上記閣議決定を取消したのはようやく八月二十八日であつた。この間、即ち八月十五日より二十八