

GHQ/SCAP Records(RG 331)
Description of contents



- (1) Box no. 2395
- (2) Folder title/number: (36)
095
- (3) Date: Nov. 1950 - May 1951

(4) Subject :

Classification	Type of record
021	m

(5) Item description and comment :

(6) Reproduction : Yes No

(7) Film no.

Sheet no.

38

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 095 (21 Feb 51)GA

1 MAY 51

9478

Mrs. Sueko Sakamoto
4-57, 1-chome, Anagi-dori
Nada-ku, Kobe, Japan

Dear Mrs. Sakamoto:

Reference is made to letter of 21 February 1951 requesting permission for an extension of Mariko Sakamoto's stay in Japan.

In view of the extenuating circumstances of this case permission is granted for Mariko Sakamoto to remain in Japan as a semi-permanent resident.

It is requested that you present this letter together with Mariko's passport to the United States Consul at Kobe and the Japanese Government Customs, Immigration and Quarantine authorities in order to have her travel documents revalidated.

CAS

Very truly yours,
DISPATCHED
1 MAY 1951
GNO GREGORY
WMA GREGORY
CAPTAIN AGC
APO GEN

F-9

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Civil Affairs Section
APO 500

095 ()CAS-L

SUBJECT: Transmittal of Letter from Diplomatic Section to Canadian
Liaison Mission

TO: Chief
Kanto Civil Affairs Region
APO 500

PORTER/lr
WPS

Forwarded for your information.

FOR THE CHIEF, CIVIL AFFAIRS SECTION:

1 Incl
ltr fr DS to Canadian
Liaison Mission dtd
3 Feb 51

J. A. O'BRIEN
CWO USA
Adm Off

CA FILE

FILE

FEB 7 Rec'd

8-8

7 FEB 1951

8-188

APO 500
Diplomatic Section

DS/WJS/WHS/bk

The Diplomatic Section of General Headquarters, Supreme Commander for the Allied Powers, presents its compliments to the Canadian Liaison Mission in Japan and has the honor to refer to the latter's note of January 16, 1951 concerning the arrest and confinement of William Matthews, a Canadian seaman. The Mission indicated that it considered the elapsed time between Mr. Matthew's arrest and its notification to the Mission excessive.

This Headquarters has investigated the details of this case and has received the enclosed self-explanatory report from the office of the Japanese Attorney General, together with a supporting photostat. It appears that Mr. Matthews failed to take advantage of facilities offered by the police to provide communication with the Mission and that therefore the notification proceeded through the patently slower official channels.

To avoid a repetition of this situation, the Yokosuka Police Station will in the future report arrests of seamen to the appropriate steamship companies or their agents.

Enclosure:

Copy of Attorney General's
report with photostat.

Tokyo, February 3, 1951.

S 370.3

Info copies to: LS
CA

To the
Canadian Liaison Mission,
Tokyo.

M/R: Based on LS check note no. 2
to DS, 31 Jan 51, on DS check
sheet to LS, 19 Jan 51, subj.,
"Arrest of Canadian Seaman".

WHS 26-7695

Jell

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Civil Affairs Section
APO 500

095 () CAS-L

SUBJECT: Transmittal of Excerpts from Mr. Lester C. Hardwick's Speech

TO: Chief, Chugoku Civil Affairs Region, APO 182
Chief, Hokkaido Civil Affairs Region, APO 309
Chief, Kanto Civil Affairs Region, APO 500
Chief, Kinki Civil Affairs Region, APO 15
Chief, Kyushu Civil Affairs Region, APO 1105
Chief, Shikoku Civil Affairs Region, APO 1050
Chief, Tohoku Civil Affairs Region, APO 547
Chief, Tokai-Hokuriku Civil Affairs Region, APO 710
Attn: Legal and Government Officer

Burke
BURKE/ls
HDP
WPS

The attached, which is forwarded for your information, is an excerpt from a speech made by Lester C. Hardwick, Press and Publications Branch, Information Division, CIGR, SCAP, before the Osaka-fu Shinbun Kyokai (Osaka Newspaper Association) on 14 December 1950.

FOR THE CHIEF, CIVIL AFFAIRS SECTION:

1 Incl
a/s

J. A. O'BRIEN
CNO USA
Adm Off

CA FILE

FILE

7 JAN 3 1 Rec'd

30 JAN 1951

A-986

As you know, the new Ken Shinbun Kyokai that have been organized just recently and are even today being organized in various Ken in Japan, have many problems before them. The problems of a free, responsible, democratic press seem to be everlasting ones, for there are always elements--both educational, professional and managerial, as well as governmental--to consider.

Let us consider a few problems. The people of Japan in their Constitution have said there is "freedom of press." This means, of course, a publisher is at liberty to publish what he elects to publish, without previous license, subject to the laws of libel and salaciousness.

This means, of course, the publisher is at liberty to praise a political party, to condemn a political party, to advocate the election of a candidate for office, to advocate the defeat of a candidate for office; to endorse and to project a community enterprise; to exhort for the establishment of a college, or a church, a port development, highway construction, or a factory expansion.

The Japanese Constitution, figuratively, has said the people enjoy freedom of press because a free press fills a vital need; without a free press all liberties will vanish, for press freedom sustains and protects all other liberties. Press freedom assures that the affairs of government will be presented to the people, will be discussed and will be approved or condemned.

People in a democratic state must know what goes on in government at all levels of government. For instance, the people of Osaka-Fu need to know what goes on in the governments of the nation and this section, whether it be the federal government (The Diet) in Tokyo, the Assembly of the Fu, the city council, or the town or village assembly. There is such which the citizen needs or wants to know from or about government offices. Therefore, it is necessary for the local newspapers, the large city newspapers and the small city and village newspapers here in Osaka-Fu to carry as much government news as possible.

Bear in mind, please, that proper execution of the functions of government offices frequently requires that the citizen have certain information. The basic medium for the communication of information concerning government is the privately owned press.

Press and Publications Branch of CIE, GMR, SCAP constantly receives visitors from newspaper offices who claim that a ward office in Tokyo or a municipal office in some Ken is publishing a newspaper, and, in many cases, soliciting advertisements from merchants and professional men and publishing such advertisements in the government newspapers.

Let us for the moment consider this entrance of governments into the newspaper business. Frankly I believe it is the duty of Ken Shinbun Kyokai and Nippon Shinbun Kyokai to discourage the publication of a newspaper or magazine at public expense by any government office at any level for general circulation for the following reasons:

Incl 1

1) It easily becomes an instrument for imposing on the citizen the desires and prejudices of the officials, who in theory are required to conform to the freely formed desires of the people as expressed through representative legislative bodies;

2) It lends itself to furtherance of the personal political ambitions of the officials who control it; and

3) It competes unfairly with privately owned publications.

Certainly--and I want to point this out--my condemnation of newspapers or magazines published at government expense does not apply to such official publications as:

1) Documents and records of official proceedings;

2) Literature of a technical nature, such as agricultural research findings, which private publishers are unable or unwilling to bring out commercially;

3) Bulletins for the instruction or enlightenment of public servants in the performance of their official duties; and

4) Any publication required by law.

Such matter is clearly not a newspaper or a magazine. But there should be no advertising in such matter.

Let me point out to you that democratic experience has shown that communication concerning a government office or communication concerning execution of the functions of government offices, is done best by a press which is privately owned and free from government control or manipulation.

Only if the privately owned press fails to communicate adequately what a government office wants the citizen to know should the question arise of providing communication through a government publication of general mass circulation. And then the question should be one for public discussion before action is taken. Such discussion might be handicapped but need not be prevented by a possible hostile or uncooperative press. Whether the government office is warranted in wanting the citizen to know something and whether its communication by the privately owned press is adequate can be determined best not by the government office concerned but by the public.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Civil Affairs Section
APO 500

Gul...
BURKE/ls
1-25
59 HDP
J WPS

095 () CAS-L

SUBJECT: Transmittal of Translations of Letters from the Director
of the Local Autonomy Agency

TO: Chief, Chugoku Civil Affairs Region, APO 182
Chief, Hokkaido Civil Affairs Region, APO 309
Chief, Kanto Civil Affairs Region, APO 500
Chief, Kinki Civil Affairs Region, APO 15
Chief, Kyushu Civil Affairs Region, APO 1105
Chief, Shikoku Civil Affairs Region, APO 1050
Chief, Tohoku Civil Affairs Region, APO 547
Chief, Tokai-Nokuriku Civil Affairs Region, APO 710

The attached are translations of letters from the Director of the Local Autonomy Agency addressed to the Governors of Metropolis, District or Prefecture in connection with advice given by the Local Administration Investigation Committee concerning re-distribution of administrative affairs, and on the report on redistribution of administrative affairs and rationalization of scope of towns and villages. They are forwarded for information.

FOR THE CHIEF, CIVIL AFFAIRS SECTION:

2 Incls
1. ltr, Chi Ji Otsu
Hatsu No. 14
2. ltr, Chi Ji Ko
Hatsu No. 4

J. A. O'BRIEN
CWO USA
Adm Off

FILE

JAN 30 Rec'd

F-6

30 JAN 1951

17-976

CA FILE

Chi Ji Otsu Hatsu No. 14
13 January, 1951

TO: The Governor of Metropolis, District or Prefecture

Report on redistribution of administrative affairs and rationalization of scope of towns and villages.

We believe that you have already studied the question of redistribution of administrative affairs and the suitable scope of towns and villages. The Local Administration Investigation Committee 22 December submitted its advice to the Cabinet and the Diet through the Cabinet. In this connection, the Director of the Local Autonomy Agency today sent out a report.

With respect to the redistribution of administrative affairs, the Government is now carefully studying the matter as various relevant laws and regulations are subject to revision or abolition with realization of the contents of the advice. Naturally, therefore, a fairly long time would be required before the advice gets into shape. We hope that you would carefully study the question in every detail and make thorough preliminary arrangements. Furthermore, the advice, when given effect will seriously affect the authority of every ministry. From this viewpoint we are afraid that we shall no doubt encounter various difficulties on the road for its realization. We hope, therefore, that all people concerned will do their best in line with the advice.

As for the rationalization of the scope of towns and village, we are glad to say that the time is getting ripe for its realization. Even at the present moment, those weak and small towns and villages are suffering from mounting heavy expenditures and heavy burden of business. Therefore, the rationalization of the scope of towns and villages is an urgent question for the establishment of local autonomy. As it is anticipated that with the realization of the advice, a city, town or village will rise in its position and will have to shoulder correspondingly much heavier obligations, it is most important to make every possible preparation to cope with the situation.

In view of the general election of the chief of local public body and assemblymen to be held in the spring next year, it is now high time to execute the rationalization of the scope of towns or villages. So, the Government hopes that all cities, towns and villages voluntarily take necessary measures in accordance with instructions to be given by the competent authorities of a metropolis, district or prefecture. To achieve this objective it is advisable that a city, town or village create under your supervision a council which will be composed of mayor, assemblymen, representatives of the prefectural assembly and men of special knowledge and experience and thus precipitate the rationalization of the scope and its smooth execution.

Local Autonomy Agency
Director

Incl 1

13, January 1951

To : Governor of Metropolis, District or Prefectures
From : Local Autonomy Agency Director
Subject: Re Advice given by the Local Administration Investigation Committee concerning redistribution of administrative affairs. (report)

The recent advice given by the Local Administration Investigation Committee contains rational readjustment of distribution of administrative affairs throughout the central and the local governments. Every effort is now being made by the Government for investigation for its realization. When it has been realized, a city, town or village will rise in position. It is essential that at this time when local election will take place early spring this year, the realization of scope of a city, town or village will be effected by the dissolution, creation, division or union of a town or village and consolidation of fundamental system of the local public entity will be carried out. The best measures to be taken for attaining this objective are to create a committee in every metropolis, district or prefecture which will strive for its realization.

Furthermore, what we want to mention in addition to the above is a recently much discussed question of the full number of members of the local assembly. In this respect, no legislative measures seem to be taken for the present. However, there are some cities, towns or villages where the full number of assemblymen is to be changed due to the increase or decrease of population. From this standpoint, we consider it opportune to independently determine the full number of assemblymen prior to the election.

As the result of our talk with the local autonomy committee, we have come to the conclusion that the best way is to lay the question before each city, town or village for its thoughtful consideration. We hope, therefore, you will take up the matter with those concerned and do your best on the line laid down hereby.

2-11-51

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Civil Affairs Section
APO 500

PORTER/lr

WPS

095 ()CAS-L

SUBJECT: Transmittal of Application for Separation of Shinminato and
Takaoka City

TO: Chief
Tokai-Hokuriku Civil Affairs Region
APO 710

1. For your information inclosed herewith is a copy of an applica-
tion submitted to this headquarters by Shunichi Tamura and Yoshiyuki
Takiuchi pertaining to the separation of Shinminato from Takaoka city,
Toyama Prefecture.

2. The representatives stated that they had previously conferred
with your headquarters at which time they were advised that this was a
matter which would have to be adjusted by the Japanese authorities
according to Japanese law. This headquarters concurred in your state-
ments and so advised the representatives.

FOR THE CHIEF, CIVIL AFFAIRS SECTION:

1 Incl
Application for
separation

J. A. O'BRIEN
CWO USA
Adm Off

CA FILE

FILE

JAN 23 1951

FNS

26 JAN 1951

A-820

APPLICATION

We humbly ask your favour to admit our following application.

1) Applicant

Representative Shunichi Tamura.

" Yoshiyuki Takiuchi.

Shōsei Destrict, Shinminato CHO, Imizu GUN, Toyama Pref.

(Formally, Shōsei District, Shinminato, Takaoka City)

2) Summary of the application

Shinminato (of Takaoka City, Toyama Prefecture) had been joined to Takaoka City, since 1941, and now, became Shinminato CHO, on the 1st, Jan., 1951, returning to the former system, according to the Special Code of Self Help Law.

Shosei District, one part of Shinminato CHO, is naturally to be one part of Takaoka City, considering from the geographical point, so that, since the joining, it has been rapidly forming one body with Takaoka City, thut is

1. it is one point, enclosing Takaoka Port (Fushiki Port).
2. actually impossible to draw a boundary on account of the buildings crowd.
3. be to have one (the same) School administration.
4. has accordance in the point of using and keeping the drain and river, etc.

5. it is separated from Shinminato CHO by the Shogawa River of 500 meter breadth, and connected with it, only by one bridge.

It is strong desire and mind of all the people of the Shosei District (only few people is opposit, from selfish point), according to above written reason.

3) The course of the application

1. applicated to Toyama Prefect.
2. applicated to the chief of the Nagoya Civil Administration Region.
3. now, making effort to adjust the law, with Mr. Naoji Tachibana Liberal party, M.P.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Civil Affairs Section
APO 500

095 ()CAS-L

SUBJECT: Transmittal of Petition from Nagao Yoshimitsu

HeG
PORTER/lr
49
WPS

TO: Chief
Shikoku Civil Affairs Region
APO 1050

The copy of a translation of a petition submitted to this headquarters by one Nagao Yoshimitsu of Tokushima Prefecture is forwarded to you for your information.

FOR THE CHIEF, CIVIL AFFAIRS SECTION:

1 Incl
Petition from Nagao
Yoshimitsu

J. A. O'BRIEN
CWO USA
Adm Off

M/R

Original forwarded to GS 25 Jan 51

CA FILE

26 JAN 1951

A-819

FILE

JAN 25 Recd

F-4

To: His Excellency
General MacArthur

Petition

I am always heartily thankful to Your Excellency and Your Excellency's country and take the liberty of presenting this petition so that I may be given an opportunity to work with the spirit of cooperation to Your Excellency's government.

Remarks

It was indeed delightful that the purge directive was eased Oct. last year. However, sorry to say the following unreasonableness has been resulted by reason of the length of time of service only having been taken into serious consideration.

(a) The term of office for officers of the Imperial Rule Assistance Association was one year. In (A) prefecture, however, they adopted reappointment policy and therefore officers term of office was usually prolonged. For this reason, those officers have not been granted the special favor of release from purge. On the other hand in (B) prefecture, they adopted one-year removal policy and naturally they served for a short period of time and almost all officers were released from purge.

Activities of the Association in (A) prefecture was on the ebb as compared with those in (B) prefecture.

(b) The release should be based upon the thought entertained by officers themselves. So even they served only one year, those who positively took office should not be released. On the contrary, those who served even as long as three years, if it was against their will to take office but was forced to do so by the government authority should be released. So the release must be judged by examination of each individual officer.

(c) The innocent country people were forced to blindly cooperate with the Association movements and therefore they have to bear little responsibility and yet they have not released while the big-shots who took the lead of the people were free. What unfairness!

(d) Not only their term of office but also their activities and ideas must have been taken into consideration. The Imperial Rule Assistance Association and its Youths Association, different from German Nazis, were hastily-got-up Government-made organization, and all the people's sympathy was with purgees.

Only those who served for a short period of time were released resulting to the abovementioned unreasonableness.

(e) To cite a case in point to show how little the country people are to be subjected to the purge, I will mention my position. I graduated from a foreign language school and took to business. I had no connection with political circle. Of all the local people who took part in the I.R.A.A. move, I was one of most progressive men and had anti-fascism feeling. As a new man and one of the most wealthy men in this prefecture, I was set up as the head of I.R.A.A. branch here. Of course I refused to take office, but finally I was obliged to add my name in the list of membership. Since then, my resignation from the post had not been accepted until the dissolution of the organization. Immediately before the end of war when Tokushima City was razed by fire as the result of incendiary bomb attack, the military people broadcast through radio that the final victory was on us, which we had to blindly believe. You may judge the rest.

(f) Of all prime ministers during the war time, Tojo was put to death and Yonai warmly treated (Magazine "Bungei Shunju" New Year No.) So of all purgees, those who come under D category (I.R.A.A. and Youths Association) should be released. If this matter is left as it is now many people will begin to have doubts about Your Excellency and Your Excellency's fatherland as a saying has it "Suspicion will raise bogies".

It is my earnest desire to eradicate as soon as possible such an adverse criticism as America, taking advantage of anti-Russian feeling of the Japanese people, will continue unfair occupational government.

As the matter is as above stated, I hope that Your Excellency will immediately take steps to make epochal large-scale release at this juncture so that Your Excellency win the respects and confidence of all the Japanese people.

I avail myself of this opportunity to submit my highest esteem and courtesy to Your Excellency.

NAGAO Yoshimitsu

Former headman of I.R.A.A. branch
Tokushima Prefecture

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Civil Affairs Section
APO 500

095 () CAS-L

SUBJECT: Petition of Mr. Eiji Wada Regarding Activities of a Purgee

FORTE/ls

WPS

TO: Chief
Shikoku Civil Affairs Region
APO 1050

1. This is to advise you that Mr. Eiji Wada of Kochi City submitted to this headquarters a petition in regard to the activities of a purgee, a copy of which is inclosed.

2. Mr. Wada advised that this matter was now being investigated by the Shikoku Regional Special Investigation Bureau of Takamatsu. He was advised that this headquarters would take no action in this matter especially as it was still under investigation by competent Japanese authorities.

FOR THE CHIEF, CIVIL AFFAIRS SECTION:

1 Incl
Petition from
Mr. Eiji Wada

J. A. O'BRIEN
CWO USA
Adm Off

FILE

JAN 26 Rec'd F-3

26 JAN 1951

A-818

CA FILE

To : Mr. Porter, Legal & Gov't, GHQ, SCAP
From : Eiji Wada, No. 50 Echizen-machi, Kochi-shi
Subject : A petition in regards to activities of a purgee.

Dear Sir,

I beg to take liberty of submitting a petition in regards to an evil influence of politician, in concert with plutocrats, on a grant of the license to Kochi-ken Riku-un K.K. (Kochi-ken Land Transportation Co.) for operation of the express business.

In compliance with the advice of SCAP, the Japanese Government adopted a plural system for the express business in each prefecture last year to abolish evil practices of this monopolistic enterprise.

In Kochi-ken, for many years, Kochi-ken Tsuun K.K. (Kochi-ken Express Co.) had enjoyed monopoly of the business when the following organizations submitted their applications for the license.

Nomura Sangyo (Nomura Industry Co.)
Kochi-ken Rikuun K.K.
" Unso K.K. (Kochi-ken Transfer Co.)
" Godo Unso K.K. (Kochi-ken Joint Transfer Co.)
Irimajiri Sangyo (Irimajiri Industry Co.)

Despite the fact that it is well known among the business circle of Kochi-ken that the newly authorized Riku-un is related financially to the existing express company, Kochi Tsu-un, and both are controlled by the same power, so that a fair and free competition between them could never be expected, the competent authorities have authorized Riku-un, Why? Because of the pressure put on them by an influential politician who is in concert with the Nomura clan, local plutocrats, whose chief figure is Mokuma Nomura, purgee.

As a witness for the investigation conducted by the Shikoku Regional Special Examination Bureau on the petition, submitted to which office, by the Labor Union of Kochi-ken Godo-Unso K.K. in protest against the said unfair authorization, I am well-informed of the matter and firmly believe that should such a combination is allowed to exist, not only democratic and fair administration by the government could never be realized, but also it would be a good material for the Communists for their agitation.

A great majority of the Japanese people are most grateful to the constant efforts of the Occupation Forces which have been exerted toward the democratization and improvement of our country, especially in smashing of militarism, bureaucrats and plutocrats thru purge, and I beg you that the some consideration be given for this matter.

I have herewith enclosed, for your reference, a part of the statement made by the Labor Union of Godo Unso K.K. to the Special Examination Bureau at Takamatsu.

Thanking in advance for your kind consideration.

Respectfully yours,

(PART ONE)

1. Kochi Tsuun K.K.'s default in payment of freight charges to the National Railway.

We wish to ask a question in regards to arrearage in payment of freight charges to the Japan National Railway.

It is said that Kochi Tsuun K.K. has had an amount of more than 50 million yen in arrears in payment of freight charges to the J.N.R. in the past 12 months.

Of late, the authorities of the JNR have been collecting the recent accounts, and have come to an agreement with the said company in the payment of the above mentioned pending account. The agreement said to be that of 50 million yen, 30 million shall be paid by monthly instalments of 2 million yen, but the remaining 20 million shall be left for settlement in future. Don't you think it is a very slow-going settlement?

We understand that there are many cases that consignors fail to pay freight charges to express business operators. But, the said company has had monopoly of the business, though the plural system was put in force and new licenses were granted one after another in other prefectures, and has had no difficulty in collection of charges from consignors. Still, they have had 50 million in arrears.

Mean time, at one bound, they increased the number of their large-type trucks from 20 to 100. They constructed warehouses of 300 tsubo to engage in a storage business. Many new branch offices of theirs were also built for business, adopting a positive business policy at the time most of express businessmen were suffering from the depression of the trade. This is really an unusual case seen in a rural locality. Furthermore, when the father of the president of the said company built his new residence which was said to be worth not less than one million yen, promissory notes were given by the said company for the purchase of the lumber.

Judging from the above mentioned facts, we can not but harbor suspicion that the money that had been received from consignors for payment of freight charges to JNR was misappropriated.

We wonder why JNR authorities permitted such organization such a slow-going settlement, in collection of an arrearage. The effect would be tremendous, if such arrearages should extend over the Nippon Express Co. and other express companies. We are apprehensive of the fact that a national enterprise such as JNR would promote the benefit of one particular party at the expense of the people.

We believe the deferred payment system on the railway freight should be authorized to the party whose capital and the credit is sufficient and whose result of payments is good. Therefore, if the said arrearage is true, the privilege of deferred payment for the said company should be annulled and cash payment should be demanded. We should like to hear your opinion on this matter.

2. In regards to the newly authorizes express company.

We wish to inquire about a grant of the license on adoption of the plural system of the express business in Kochi Prefecture.

In Kochi-ken five organizations applied for the license of the express business by the 15th of Mar. 1950. But, in spite of the fact that permits had been granted successively in other prefectures, Kochi Tsuun K.K. was authorized on Dec. 20, 1950 finally after an elapse of 9 long months. The existing express company is Kochi Tsuun K.K. whose arrearage is said to be the largest throughout the country, and despite the fact that the interests of consigners had often been disregarded due to its monopolistic business, why was the permit delayed so long in Kochi-ken? This is the point of question we should like to have your reply.

3. Kochi-ken Rikuun K.K. is actually an existing express company.

Kochi-ken Rikuun K.K. was founded in 1943. One half of its capital was invested by the father of the President, Mr. Yoshihisa Nomura, of Kochi Tsuun K.K. and the remaining half by Pres. Kawamura and other. The shares of Mr. Nomura are now in the names of the Directors of the company. These Directors were formerly employed by Mr. Nomura. Accordingly, it is said that Mr. Nomura's power over the said company is great. If that is true, the said company will not be able to compete fairly and freely with Kochi Tsuun K.K. as the public expect to. We wish to have your opinion on this matter.

When a hearing was held, on June 27 last, under the auspices of the Transportation Commission, the 5 applicants were invited to sit. One member of the Committee asked representatives of Kochi Rikuun K.K.

"I notice that a non-share holder is an official in your organization. Is there any particular reason for it?"

To that question, a Director of the company replied,

"Yes, Because of the necessity to appoint some one with a long service and meritorious works to the post."

The very person in question was the wife of Tokuji Nishiyama, Director of Kochi Keatsu K.K. and one of share holders of Rikuun K.K. However, in the personal history, submitted with the other application papers to the authorities, the fact of her service in the said company had not been mentioned. The committee as well as the authorities of Transportation Ministry seemed to have no doubt for the Director's inconsistent reply.

It is also a fact that Pres. Kenichiro Nomura of Nomura Sangyo K.K., a grand-son of Mokume Nomura, often have asked the authorities of Transportation Ministry and the Committees to authorize Kochi-ken Rikuun K.K.

Could it be fair and just to authorize a questionable party which is controlled by the same power as that of the existing express company without a thorough investigation upon presentation of the application papers in conformity with the rules, and taking only the words of the applicant that the party was not in any way related to the existing one? Maybe, the authorities considered that the Fair Trade Commission was responsible for the investigation of the relations. As a result, can it be possible to expect a fair and free competition between those two company? We certainly doubt it, and consider that such authorization runs counter to the true object of the plural system the SCAP had wanted to. We request your opinion on the matter.

We also wish to ask a question to Minister Hayashi.

We understand that Minister Hayashi, upon request of Mr. Nomura, sent for Chairman Kimura of the Committee, and recommended Rikuun K.K. for authorization. Minister Hayashi is a native of Kochi-ken and well-informed of the actual condition of the transportation business in the prefecture. We wish to know on what reason you have made the recommendation.

When you were asked of your favor for the matter by Mr. Nomura, were you unaware of the fact that it would run counter to the purpose of the plural system? Did you not see why Mr. Nomura had asked your favor to recommend Rikuun? Because they were closely related and were controlled by the same power, they could run their business to their benefit.

Furthermore, did you not consider it embarrassing for the administrative authorities to recommend a particular party when there were 4 other applicants and the matter was in the mess of difficulties, though you perhaps recommended it out of your light heart.

At the time when the Government is urging and leading local autonomies for abolishment of the so-called "Petition Policy", the action of Vice Premier runs counter to this policy, we presume. We shall be obliged if you would give us your reply to our question.

(PART TWO)

1. Why Kochi-ken Rikuun K.K. is considered one organization of the Nomura Konzern.

Joint-stock set-up of Kochi-ken Rikuun K.K.

Managing Director Yasuoka of Rikuun, who had presented himself, as a witness, at the public hearing which was held under the auspices of Shikoku Region Highway Transportation Commission at Takamatsu on Dec. 2, 1948, in connection with the application submitted by Nomura

Sangyo K.K. for the license of the transportation business by truck, testified, "Rikuun K.K. was founded on merger in 1943 with a capital of ¥ 1,000,00. The shares acquired by Nomura Sangyo K.K. on an investment in kind was one half of the total shares. I was formerly employed by the said Nomura Sangyo, but was ordered to the present company after the merger and was appointed to the position of the Managing Director. The shares belonged to Nomura Sangyo were transferred to the following individuals, Tokuji Nishiyama, Tsuru Ueta, Toshie Kitadai, Kenichiro Nomura and Ushitaro Yasuoka, in about July, 1947. (Just before the Anti Monopoly Law was put in force)"

The 5 persons mentioned in the above statement are either members or relatives of the Nomuras.

At that hearing, as all the truck businessmen opposed to the authorization for Nomura Sangyo, mediation was proposed by the authorities of Transportation Ministry, and the license was granted to the applicant upon conclusion of the Agreement of Transportation among them. At present, shares held by Kenichiro Nomura and Tsuru Ueta have been transferred to Y. Kashiya and K. Takemura, Directors of Rikuun K.K., who have long services under Mr. Nomura.

2. Mr. Nomura's power of control over Rikuun K.K.

On Dec. 1, a day before the above hearing was held, Managing Director Yasuoka of Rikuun informed both the Presidents of Kochi-Ken Unso K.K. and Kochi-ken Godo Unso K.K. as follows,

"Pres. Kawamura notified you this morning that no one from our company shall be presented at the hearing to-morrow. But, as I was named by Mr. Nomura to present myself at the hearing, we had a Directors' meeting to discuss the matter. As a result, it was decided that I should attend at the hearing to make a statement of support. Accordingly, I wish to inform you our decision to ask your understanding"

A month prior to the above mentioned case, at the public hearing which was held in connection with the application of Kochi-ken Federation of Agriculture Co-operation Ass. for a special transportation business license, Pres. Kawamura made a statement of opposition that the transportation capacity of this company was sufficient to meet demands in 100%, but their business interests would be threatened by unreasonable competition when another rival was permitted to operate. And yet, at the hearing in the following month to discuss the grant of license to Nomura Sangyo as stated above, Director Yasuoka of the very company supported the applicant, testifying that their business would not be harmed as they were barely able to meet 80% of the transportation demand. This clearly discloses the fact that Rikuun is affiliated closely with Nomura Sangyo Financially, and had to back the latter.

9

3. The matter concerning the wife of Nishiyama as stated previously.

4. In regards to the Standing Auditor of Kochi-ken Rikuun K.K.

Since the enforcement of the Anti Monopoly Law, the position of the Standing Auditor of Rikuun has been held successively by the employees of Nomura Sangyo K.K. who had no outward relations with Rikuun. The first one was Tozo Ueta and the second Koichi Miyabushi.

5. Speech and conduct of Mr. Kenichiro Nomura.

When a certain Departmental Chief of Ministry of Transportation said to Mr. Nomura,

"Mr. Nomura, why do you come to this office to ask us earnestly to designate Rikuun for authorization, as you are not related to them?" "According to your theory, you recommend them, for you have nothing to do with them. If so, you should rather support Gode Unso, I consider."

To this, Mr. Nomura hanged his head without a single word of reply.

(PART THREE)

Facts concerning Mr. Hayashi's recommendation of Kochi-ken Rikuun K.K.

1. Words of Chief Nakamura of Business Affairs Dep't, Bureau of Auto, Ministry of Transportation.

On July 14 last, Mr. Nakamura asserted, as follows, to inquiry made by Pres. Satomi and Director Umeraba of our company,

"A man of high position, next to the Premier, is strongly backing Rikuun K.K. Isn't there any one who can keep him in check? The problem would easily be solved if we could get rid of this pressure."

The same official also stated to Mr. K. Yamamoto, Advisor to our company as follows,

"Vice-premier Hayashi had sent for Chairman Kimura and requested him to do his best to bring the consultation to conclusion as to authorize Rikuun K.K., even though Gode Unso K.K. is well qualified. Mr. Kimura replied "I shall give my answer after a due study' and went back."

2. Words of Minister Hayashi,

On Dec. 1 last, at the room of Minister Hayashi in the residence of the Prime Minister, Minister Hayashi stated, as follows, to the question of Press. Onishi and Director Uebara, ^{falls}

"No one asked me of any favor on this matter. On request of Mr. Nomura, I considered Rikuun the most suitable party and recommended them. I am sure Mr. Nomura would feel sad, if Rikuun K.K. and Gode Unso K.K. were both licensed."

3. Words of Mr. Mokuna Nomura.

In early Sept., Mr. Nomura said to Mr. Riji Wada, one of our stock holders as follows,

"I shall write to Hayashi to grant licenses to both Rikuun and Godo."

The months later, Mr. Nomura stated to Mr. Wada as follows,

"I wrote to Hayashi, but when he called on my home the other day on his home-coming, he said that he had recommended only Rikuun at first, and it was impossible for him to license two organization, and wanted me to leave the problem in his hands. So I could not help it."

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Civil Affairs Section
APO 500

095 ()CAS-L

Burke
BURKE/lr
HDP
WPS

SUBJECT: Transmittal of Statement Concerning Kawaminami Case

TO: Chief
Kinki Civil Affairs Region
APO 15
Attn: Legal & Government Officer

Forwarded for your information and any action deemed appropriate.

FOR THE CHIEF, CIVIL AFFAIRS SECTION:

1 Incl
Statement Concerning
Kawaminami Case

J. A. O'BRIEN
CWO USA
Adm Off

CA FILE

FILE
JAN 23 REC'D *PNZ*

22 JAN 1951
A-636

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Civil Affairs Section
APO 500

095 () CAS-L

SUBJECT: Transmittal of Document No. 63696

TO: Chief
Hokkaido Civil Affairs Region
APO 309

Nolan
NOLAN/lis
leg
st wPS

1. Inclosed herewith is a petition seeking SCAP assistance in obtaining compensation for an accidental death resulting from ships' collision.

2. It is desired that the petitioner be advised that this matter is to be handled through Japanese legal channels.

FOR THE CHIEF, CIVIL AFFAIRS SECTION:

1 incl
Doc no. 63696

J. A. O'BRIEN
CWO USA
Adm Off

CA FILE

FILE
JAN 4 Rec'd F-1

4 JAN 1951

A-077

GENERAL HEADQUARTERS
FAR EAST COMMAND
MILITARY INTELLIGENCE SECTION, GENERAL STAFF
ALLIED TRANSLATOR AND INTERPRETER SECTION

Translation Directed by CinC

Date Rec'd ATIS 30 Nov 50

Description of Contents: Full translation of a letter seeking SCAP assistance in obtaining compensation for an accidental death resulting from ships' collision.

*CA
cy to GS*

Index

TRANSLATION IN FULL

TO: General Headquarters
FROM: NAKAYASU Yasuo (中安 安雄)
HOKKAIDO, RISHIRI Gun, KUTSUGATA Machi,
MIDOFI Cho, No 15
DATE: 22 Nov 50

Subject: Petition Concerning a Tragic Death Caused by a Violent
Collision of Ships.

To : General MacARTHUR
From : NAKAYASU Yasuo (Seal)
TOKYO To, MUSASHINO Shi, SAKAI Machi, No 1334 (Address)
HOKKAIDO, RISHIRI Gun, KUTSUGATA Machi, MIDOFI
Cho, No 15 (Temporary residence)

Petition

The Complainant: NAKAYASU Yasuo, RISHIRI Gun, KUTSUGATA Machi
(Temporary residence)
The Accused : KUWATA Masami (桑田 正美), TESHIO Gun,
TESHIO Machi

1. Reason for submitting this petition.

At 0800 hours, 26 Sep 50, the No 11 OKUTSU MARU, 19 tons,
(owned by KUWATA Masami) violently collided with the KOSEI MARU,
3 tons, (owned by SHIMAZAKI Shimataro (島崎 島太郎) which
due to engine trouble was stalled at the entrance to the KUTSUGATA
Harbor, and MIKASA Choji (三笠 長次), a director of the
KUTSUGATA KAIHATSU GYODYO SEISAN KUMIAI (Kutsugata Development and
Marine Products Association), who was on board the KOSEI MARU, re-
ceived a heavy blow during the impact, was thrown overboard, and
met a tragic death as is described in the attached documents.

Although it cannot be pointed out who was criminally res-
ponsible for his death, the fact that he was thrown into the sea by
the impact and met his death because no one took steps to save him
may make the bereaved family feel that it was plain murder.

2. Gist of the petition.

KUWATA Masami, owner of the OKUWA MARU, has not shown any
tendency toward making an amicable settlement, while the owner of
the KOSEI MARU has been bent on recouping his own losses. The be-
reaved family is feeling the pressure of KUWATA's move to seek a
settlement through the mediation of a local boss. Besides there
have been no legal steps taken to procure compensation nor legal

protection for the family. The family, having no money nor time to take the case to court, is repining to their misfortune.

Please hand out a reasonable decision and advice satisfactory to both the family and fishermen.

A. The late MIKASA Choji was a good fisherman as an individual and was also a very democratic minded man and as a member of society a new leader of fishermen. This is stated in the attached documents.

Does not the bereaved family have a right to legally make a claim against the guilty party for such a tragic death or from the standpoint of the protection of human rights or moral principles? Why is it that the criminal who committed this murder has not been prosecuted?

Please hand out an impartial decision.

B. Also, is there any way to console and aid the surviving children and aged parents who have been in the depths of poverty since MIKASA's death? To whom should they turn for help?

Please give aid and kindly advice. (The attached report concerns the conditions of the surviving family.)

3. Reference.

The economic condition of the family is described below to supplement the attached reference documents.

A. Livelihood of the late MIKASA Choji:

He was a repatriate from SAKHALIN and was the sole breadwinner of the family of eight which included, beside himself and his wife, his aged parents and four infant children. Although he was a model citizen, he had little luck as a fisherman and the family's livelihood was not a blessed one. But, as a member of society (leader of fishermen), he rendered great services in organizing the Kutsugata Development and Marine Products Association. In order to make a success of this undertaking he expended all his fortune and also went so far as to share his own rationed rice with the fishermen in need. As a result he had to turn to his younger brother, who had been adopted into the NAKAYASU family, for aid and at one time he even expended what little fortune the NAKAYASUs' had.

However, his untiring toil and honesty were finally recognized by the Government and the fishery section of the HOKKAIDO Government, and it has been unofficially decided that the Kutsugata Development Association will be granted 3,500,000 yen from the US financial aid to JAPAN for the current fiscal year. Unfortunately he met his tragic death before its realization, leaving the undertaking unfinished.

B. Livelihood of KUBATA Masami, the accused, and his attitude:

He is one of the small number of well-to-do fishermen in TESHIO Machi and also owns a trading ship.

(1) On the day of the accident he was taking the OKUTSU MARU, which he had purchased at about 300,000 yen from the

KUTSUGATA GYOGYO KUMIAI (Kutsugata Fishery Association) to TESHIO.

(2) As a means to settle the incident, on 5 November he made known to the bereaved family, through Mr KAKIMOTO Tsunekichi (柿本恒吉), a restaurant owner of KUTSUGATA Machi, his intention to settle the case amicably by paying 60,000 or 70,000 yen. Later, the bereaved family sent a telegram asking him to come to KUTSUGATA for a conference, but until this date he has failed to come.

4. Although the bereaved family knows well that a price cannot be set for human life, they cannot help demanding means to guarantee their living until the children reach full age.

The prosecutor's office has not issued any instructions, and it is said to be inclined to take no action on the ground that the death was neither suicide nor murder. It may be true that it can be defined as an accidental death in terms of medicine, but it was, unlike the unnatural death of a vagrant, a tragic death caused by a blow and the resultant fall into the sea after a collision. Although he was an expert swimmer, he was unable to swim to a calm sea not far from the ships. Moreover, no one even tried to save him. Is it not proper that some party, the owner of either the KOSEI MARU or the OKUTSU MARU, should bear the bulk of the responsibility for the death?

I hereby submit this petition to seek your wise decision and advice.

Certificate

This is to certify that MIKASA Choji (三笠長次), of HOKKAIDO, RISHIRI Gun, KUTSUGATA Machi, MIDORIMACHI, 15 Banchi, born on 5 Sep 11, rendered meritorious service in the organization of the KUTSUGATA GYODEN KAIHATSU GYOGYO SEISAN KUMIAI (Kutsugata Fishing-ground Development and Marine Product Association) in October, 1947, that he contributed efforts for its growth and in a new fishermen's movement and that he is a fine capable fisherman.

FUMOTO Kyusaku (麓久作)
KUTSUGATA KAIHATSU GYOGYO SEISAN
KUMIAI
(Seal of the president of the
Association)

23 Nov 50

Certificate of Examination of an Unnatural Death

Name of the deceased: MIKASA Choji

Address: HOKKAIDO, RISHIRI Gun, KUTSUGATA Machi, MIDORIMACHI

Age: 40 years

Date of examination: 1010 hours, 26 Sep 50

Place of examination: Reclaimed ground of HOKKAIDO, RISHIRI Gun,
KUTSUGATA Machi

General observation:

Pupils dilated, reflecting no light; no respiration and pulsation.

Local abnormalities observed:

Skin generally pale; marked cyanosis of lips; heavy oral discharge of fluid due to pressure on abdomen.

Location and condition of wounds:

None

Time of injury or death:

0900 hours, 26 Sep 50

Weapons or poison:

Suffocation

Gist of examination and observation:

The examination revealed no wounds, and it is deemed that the death was caused by drowning. According to the family and friends of the deceased, he was a skillful swimmer, that he was comparatively lightly clothed at the time of the accident and that the water was not cold. Therefore, it is presumed that death resulted from some unusual condition he suffered physically and mentally when the boats collided.

I certify that examination has been made as above.

SHIMAKAGE Takuma (島影琢磨), M.D.
HOKKAIDO, RISHIRI Gun, KUTSUGATA
Machi, MIDORIMACHI

(TN This is a mimeographed copy. Affixation of a seal to the doctor's name in the original certificate is indicated by a mark of the seal on this copy.)

Certificate of Examination of an Unusual Death

Name of the deceased: MIKASA Choji

Address: HOKKAIDO, RISHIRI Gun, KUTSUGATA Machi, MIDORIMACHI

Age: 40 years

Time of examination: 1050 hours, 26 Sep 50

Place of examination: HOKKAIDO, RISHIRI Gun, KUTSUGATA Machi,
MIDORIMACHI, home of the deceased

General observations:

Corpse of a medium-built, well-fed man; no rigor mortis yet; no wound, bleeding or swelling on the body; light death spots; light hyperemia on the back; slight congestion of blood on the face; pupils dilated halfway reflecting no light; the cornea clear; congestion of blood in the left eye; nothing unusual on the head, face, ears, nose, mouth, neck, chest, abdomen, pubic region or limbs. Condition of the right eye noted elsewhere.

Observation of unusual conditions:

(See the next item.)

Location and condition of wounds:

The right eye showed nothing unusual at a glance, but close examination revealed a congestion of blood in the conjunctiva and hypodermal bleeding. There was a small cut about 0.5 centimeter long on the conjunctiva near the outer canthus, and hypodermal bleeding was observed in the surrounding area. There was nothing else unusual.

Time of injury or death:

About 0900 hours, 26 Sep 50 (presumed)

Weapons or poison:

Unknown. It is presumed, but not determined that the aforementioned cut was sustained in a fall.

Gist of examination and observation:

MIKASA was standing on the deck of the KOSEI MARU on the morning of 26 Sep 50, when the boat was suddenly rammed by the OKUTSU MARU, No 11, throwing him into the sea. It is presumed that he suffered a severe blow when his face and head hit the water and his right eye came in contact with the water and other undetermined objects, that he could not swim to save himself as he lost consciousness and sank to the bottom of the sea, and that his death was caused by suffocation (drowning) as he swallowed a large amount of water in each inhalation, blocking his trachea.

The cut in the eye is too small to be considered to have caused the death. There were signs indicating fracture of the skull or injury of the brain.

I certify that the examination has been made as above.

26 Sep 50

SAKAMOTO Shumpei (酒本俊平), M.D.
HOKKAIDO, NISHIRI Gun, KUTSUGATA
Machi, Aza, MIDORIMACHI

(TN This, also, is a mimeographed copy bearing a mark of the physician's seal affixed on the original certificate.)

The Fact of a Contract to Rent the KOSEI MARU

MIKASA Choji, who had long made plans for gill net fishing for HOKKE this fall made arrangements about August 50 with SHIMAZAKI Shimataro (島崎島太郎) of KUTSUGATA Machi, MINATOMACHI, to rent the latter's small, six horsepower motorboat KOSEI MARU. About 13 Aug 50 he paid SHIMAZAKI 1,100 yen as a deposit on the contract, which was made verbally. The lease stipulated that the total sum of rental for the use of the boat during the entire fishing season would be 15,000 yen. The contract also contained a second condition that in the event of a large catch of fish MIKASA would pay SHIMAZAKI a percentage of the gross earnings.

About 10 Sep 50 MIKASA made the second payment in the sum of 5,000 yen. Since the lease stipulated that it would become effective when the boat was turned over to MIKASA after the boat and its engine were put in perfect condition, a test run of the boat was conducted on 26 Sep 50 with the lessor and the lessee aboard as witnesses.

The lease was to become effective and MIKASA was to pay Mr SHIMAZAKI the balance of 8,900 yen when the condition of the boat proved perfect in every respect during the test run. Therefore, the boat in fact belonged to Mr SHIMAZAKI at the time of the collision.

9 Nov 50

NAKAYASU Yasuo (中安安雄)

Witness: MIKASA Yoshie (三笠吉江)

Witness: KONUKAGUCHI Rikitaro (小糠口力太郎)

Witness: MORITA Katsuji (森田勝次)

(TN This is a mimeographed copy of the original.)

Report of Developments

The second negotiation meeting was held on the evening of 5 Nov 50 at the home of Mr KAKIMOTO Tsunekichi (柿元恒吉), at KUTSUGATA Machi, HONMACHI. The meeting was attended by YOSHIYASU Tokiji (吉安時治) representing the family of the deceased and KAKIMOTO (柿元) and KOMAI representing the offender. The offender's representatives were to bring a reply to the victim's proposition presented at the previous meeting.

The offender's representatives offered to pay 60,000 yen as consolation money. They asked Mr YOSHIYASU to find out what the family of the deceased thought about the offer. Mr YOSHIDA told them that the condition of the MIKASA family did not permit acceptance of an amount as small as 60,000 or 70,000 yen. He reiterated his request previously made at the first meeting that the offender pay the MIKASA family an estimated sum of money which would enable seven-year-old son, Shoichi, of the deceased to maintain a living at a minimum standard until he reached the age of 15 years, less the estimated incomes of the parents and wife of the deceased. He told the other party that he could not accept its proposition and that although he had an idea, he could not reveal it as there was too big a difference between his idea and the other party's proposition in consideration of the amount of money the bereaved family should receive. He also told the party that he would reply the following day after asking the family what they thought. The meeting ended as Mr KOMAI and Mr KAKIMOTO asked Mr YOSHIYASU to exert his efforts in persuading the family to accept 60,000 or 70,000 yen. They decided to meet again.

When the OKUTSU MARU stopped at the port of ONIWAKI in RISHIRI Gun immediately following the collision, its owner KUWATA Masami told a man, of ONIWAKI Mura, that his boat collided at KUTSUGATA and he had suffered damages larger in amount than the price he had paid for the boat. Yet, on 4 Nov 50, the day before the second meeting, he told SHIMAZAKI, the owner of the KOSEI MARU and NAKAYASU, the representative of the MIKASA family to talk to Mr YOSHIYASU and Mr KAKIMOTO, whom he said had been assigned to attend to all matters regarding damages. He also told SHIMAZAKI that since MIKASA was to blame for the collision, he would pay no more than his funeral services.

Can the family of the deceased consider KUWATA is making sincere efforts for a solution when he shows depreciation of human lives by offering to pay them only 60,000 yen as consolation money?

The family, which suddenly lost its breadwinner, now has aged parents, a widow and four young children. According to Mr YOSHIYASU, KUWATA might pay as much as 100,000 yen if the family took the right kind of attitude. However, the matter concerns a human life which cannot be evaluated in terms of money. If KUWATA offered to pay even only 100 yen or 1000 yen sincerely saying that it was the best he could do, then the money could be regarded as a token of his sincerity.

Forty-three days have passed since the death of the victim. The members of the victim's family cannot sleep at night as they are anxious about the solution of the case and apprehensive of impending difficulties of living with the approach of winter.

Inasmuch as the case concerns the loss of a human life, its solution depends on a maximum sincerity, effort and sacrifice on the part of the offender. It is conceivably impossible to settle the case amicably when the offender assumes a business-like attitude and tries to get away with paying as little as possible.

NAKAYASU, who is assigned to settle the case, by the family of the deceased, has suspended his business now for almost 40 days. We believe it impossible to ask Mr YOSHIYASU to help the family any longer. We, therefore, are about to discontinue negotiations for reconciliation and resort to legal action for the settlement of the case.

Protocol

Author: NAKAYASU Yasuo (中野 宇雄)

Address: TOKYO To, MUSASHINO Shi, SAKAE Machi, 1-334

Born 25 Nov 16

Written at HOKKAIDO, RISHIRI Gun, KUTSUGATA Machi, MIDORI Cho, 15 Banchi.

Reason for writing this protocol.

In case a large boat and a small boat collide, it is a fact that in most cases the smaller ship will suffer the greater damage. And if the two boats be fishing boats, then invariably the smaller boat is operated by a poor fisherman with very little capital while the larger boat is owned and operated by a much wealthier person. And should the respective owners of these two boats ever engage in legal controversy which results in a lawsuit, the huge capitalist, on the strength of his financial power, will be able to hire the most competent lawyers and present his case most advantageously. However, the poor fisherman who must work everyday otherwise he faces hunger tomorrow, will be forced to become passive, and though he may have many favorable points to his credit, due to the high cost of lawsuits and lack of funds to hire a lawyer, he will be forced to let the matter drop in despair over the realization that he is too ignorant in legal matters to win the case alone. Soon thereafter, after receiving a small amount of consolation money hardly worthy of notice, he will be forced to let the matter drop without being able to take legal action.

In this collision case, the victim lost his life. As for the details of this incident, as in most cases, because the dead cannot speak, it is believed that many of the true facts of this incident were distorted in the offenders testimony. The close kin of the victim are all elderly persons, small children, or women, and the remaining family members who have lost their sole supporter and the only person they could rely upon, are in deep grief and at their wits end.

Now the offender states that depending upon the attitude of the deceased victim's family, if this case is brought to court, they will fight it till the end. They also add that it will be alright even though they lose the case in court, but it will be truly regrettable if the deceased victim's family were to lose. Taking advantage of the fact that the deceased victim cannot talk, the offenders are explaining the details of this incident to their advantage, and openly hinting that if the deceased victim's family lose the trial, they must bear the entire court cost. In such a manner the offenders are constantly attempting to favorably improve their position, and they are also working on the people and leading public sentiment in their favor.

I am the only adult male among all of the deceased victim's (three characters deleted, Nakayasu/seal) close relatives. And I am a dentist having very little to do with fishing; thus I am quite ignorant of maritime collision prevention laws and so forth. However, in order to safeguard the human rights of the victim, I have conducted a factual investigation of the incident, and after accurately, impartially, and truthfully recording the facts, I wish to report this to the interested parties concerned, and at the same time take legal proceedings from the standpoint of safeguarding human rights.

Date: 2 Oct 50

Author of protocol: NAKAYASU Yasuo (Seal)

Address: TOKYO To, MUSASHINO Shi, SAKAE Machi 1-334

Present address: HOKKAIDO, RISHIRI Gun, KUTSUGATA Machi, Aza, MIDORI Cho, 15

Witness: SHIMAZAKI Shimataro (島崎島太郎)
HOKKAIDO, RISHIRI Gun, KUTSUGATA Machi, Aza, MINATO Cho

Witness: HOFUI, Hideo (宝来秀夫)
HOKKAIDO, RISHIRI Gun, KUTSUGATA Machi, Aza, MINATO Cho

Protocol

Name of damaged boat: KOSEI MARU (Six tons)

Name of deceased victim: MIKASA, Choji (三笠長次) (40 years of age)

Name of offending ship: OKUTSU MARU No 11 (19 tons, 50 horsepower)

Name of offending person: KUNADA, Masami (桑田政美) (23 years of age)

Around 0830 hours on 26 Sep 50, a small fishing motor boat owned by SHIMAZAKI, Shimtaro of RISHIRI Gun, KUTSUGATA Machi, Aza, MINATO Cho, and chartered for gill-net fishing by MIKASA, Choji, a fisherman, from RISHIRI Gun, KUTSUGATA Machi, Aza, MIDORI Cho, 15 Banchi, with the said two persons and HORAI, Hideo (the engineer) aboard, was on a test run at a point approximately 20 Ken (TW One Ken equals 1.99 yards) outside the second breakwater (outer harbor) of the HOKKAIDO, RISHIRI Gun, KUTSUGATA harbor entrance. Due to motor trouble, the KOSEI MARU suddenly stalled and began to drift when struck from behind at an angle on her (one character corrected, NAKAYASU [sea]) portside by the OKUTSU MARU No 11, a 19 ton, 50 horsepower boat owned and operated by KUNADA, Masami of AMASHIO Machi.

Due to the impact of the collision, MIKASA, Choji was thrown into the water, and having heavily struck his head and being unable to swim, met his ill-fated death.

This is an exact and true report in regard to the actual circumstance of MIKASA, Choji's death.

Date: 3 Oct 50.

Author of protocol: NAKAYASU, Yasuo (Seal)
The younger brother of the deceased victim,
MIKASA, Choji.

Address: TOKYO To, MUSASHINO Shi, SAKAE Machi, 1-334.

Witness: SHIMAZAKI, Shimtaro, owner of damaged boat.

Address: HOKKAIDO, RISHIRI Gun, KUTSUGATA Machi, Aza, MINATO Cho.

Witness: HORAI, Hideo, a crew member of damaged boat.

Address: HOKKAIDO, RISHIRI Gun, KUTSUGATA Machi, Aza, MINATO Cho.

Personal History of the Deceased Victim, MIKASA, Choji

Abbreviated History

Permanent Address: HOKKAIDO, RISHIRI Gun, KUTSUGATA Machi, Aza,
KAMII, 109 Banchi

Address at time of death: HOKKAIDO, RISHIRI Gun, KUTSUGATA Machi,
Aza, MIDORI Cho, 15 Banchi

Name: MIKASA, Choji (Age 40) Born 5 Sep 11.

Occupation: Fisherman.

Resided in KARAFUTO, NACKA Gun, RANTOMARI Mura from 1935 until 1947, and served as head of the RANTOMARI second hand goods merchant cooperative, and treasurer and director of the RANTOMARI hauling cooperative.

Continuously served as the managing director of the KUTSUGATA KAIHATSU GYOGYO SEISAN KUMIAI (Kutsugata Development and Marine Product Association) which was established in October 1947 (Put into operation on 1 Oct 49) until 26 Sep 50 when killed by the collision.

Served as the managing director of the Kutsugata Fishing Cooperative Association (put into operation on 1 Aug 49) from 14 May 49 until 1 Aug 50.

Family History

Father: MIKASA, Yasutaro (三笠安太郎) (Age 78)

Mother: MIKASA, Maru (三笠マル) (Age 72)

Wife: MIKASA, Yoshie (三笠吉江) (Age 30)

First daughter: Yukiko (幸子) (Age 8)

First son: Shoichi (尚一) (Age 6)

Second daughter: Yatsuo (八峰) (Age 2)

Third daughter: Miiko (みい子) (Age 7 months)

Younger brother: NAKAYASU, Yasuo (Age 33) (Dentist) Address: TOKYO To, MUSASHINO Shi, SAKAE Machi, 1-334. Eldest son of NAKAYASU, Yoshi (中安よし)

Younger sister: AJIMA, Teru (東テル) (Age 37) (a repatriate) Address: RISHIRI Gun, ONIWAKI Mura. Wife of AJIMA, Minatsu (東三松)

Living Condition of the Victim MIKASA, Choji (三笠長次)

1. Public Life.

The victim, MIKASA, Choji was a repatriate from SAKHALIN. He was born on 5 September 1911 in HOKKAIDO, RISHIRI Gun, KUTSUGATA Mura, KAMII, 109 Banchi as the eldest son of MIKASA, Yasutaro (三笠安太郎), who is in the fishing industry. He was a natural born fisherman.

Since his return to the land of his birth on 1947 as a repatriate from SAKHALIN he has returned (one character deleted, NAKAYASU [seal]) to the fishing industry.

During his sojourn in the SAKHALIN he was pursuing a part time business and a fishing business but since his repatriation he has made his livelihood by specializing in the fishing industry.

He joined the SAKHALIN Repatriates Mutual Aid (one character deleted, NAKAYASU [seal]) League Association (JOBDO, Kiyoshi

[清工] (president), which was organized by the repatriates from SAKHALIN in 1947. Since then he again took an active part in the establishment of the Kutsukata Fishing Industry and Marine Product Development Association, which is made up of repatriates from SAKHALIN. About 19 Sep 49 he was nominated and appointed director of the association. As the managing director he devoted his efforts toward the improvement of the livelihood of the repatriates from SAKHALIN and till his death on 26 Sep 50 he continued at his duties.

Again from 14 May 49 he was appointed as director to the first phase of the establishment of the Kutsukata Fishing Industry Cooperative Association. He completed his full term of one year, which ended on 14 May 50.

2. Private Life.

The victim, MIKASA Choji was five shaku two sun (One shaku = 0.994 feet. One sun = 1.2 inch.). He possessed a sturdy muscular body which made one believe that he weighed about 17 kan (One kan = 8.27 pound.) He was a stalwart man who had little use for doctors and medicine. Having a father, MIKASA, Yasutaro who at the venerable age of 78 is still continuing his work and a mother, MIKASA, Maruo, who at the age of 72 is as energetic as any young person, one had the impression that the victim had a long life before him.

As his professional background clearly indicated he was a goodnatured man with strong convictions, who possessed a perspicuous mind. He also had some business talent which came from his experiences in business affairs which he conducted during his stay in the SAKHALINS. He was an indispensable man who was respected both in private and in public life.

On the other hand the victim, MIKASA, Choji, was devoted to his parents to an extent seldom seen in the present age. At 40 years of age it has not been known that he had ever talked back to his parents. This act testifies to the gentle and obedient character of the victim. Although he was prominently established in society he obeyed his parents in the manner of a boy of fifteen or sixteen. Therefore, the aged parents lived on the victim's filial obedience as their only ray of hope to shine throughout the rest of their lives. Therefore, the recent tragic death of the victim was an insurmountable spiritual catastrophe to the aged parents (one character deleted, HAKAYASU [seal]). In this respect this tragic incident was of such magnitude to the victim's parents that it will shorten their lives. When the victim was alive they vowed that they themselves must work while there was still life in them. With this determination they forced their aged bodies, which were nearing the eighties, to continue to work vigorously.

The parents, who rejoiced that they could sleep as well as the young people, are now saying they have no strength to work. Then at night they reminisce continuously on various subjects and put themselves in a condition which deprives them of sleep. They lie awake all night talking to each other with tear swollen eyes.

3. Business (fishing industry) Condition.

Victim, MIKASA, Choji, had resumed his fishing business since he came to his present place of residence in RISHIRI Gun,

KUTSUKATA Cho, Aza, MIDORICHO, 15 Banchi on 18 May 57. He appropriately planned his fishing business to conform with the seasons.

He bought fishing tackle and steadfastly carried on his business. Since the victim was a repatriate his business was on a small scale, but even so it was necessary to have a considerable amount of capital for nets, ships, ropes and others which is necessary to the fishing industry. The major part of the capital was unconditionally borrowed from his younger brother (one character deleted, NAKAYASU (seal/) NAKAYASU, Yasuo.

NAKAYASU, Yasuo has been residing in the town of KUTSUKATA since 1946. He is operating the Nakayasu Dental Hospital (often called the RISHIRIJIMA People's Dental Office). The above-mentioned NAKAYASU, Yasuo was the Kutsukata Town Council member until May 1950. Therefore, in spite of being a repatriate his business was comparatively favorable.

The victim was able to devote his time to the public even though he took care of a large family of eight which was made up of the old folks and children.

On the Spot Investigation Papers of the Accident

This autumn the victim, MIKASA, Ghoji planned to operate a gill-net fishing for HOKKE (THE HOKKE, a type of fish) and generally bought all the necessary equipment (net materials and others). He borrowed a small type motor boat (5 H.P.) from SHIMAZAKI, Shimataro of RISHIRI Gun, KUTSUKATA Cho, Aza, MINATO Machi, as a chartered boat. As the captain of the ship he made preparations to hire two persons and a machinist, HORAI, Hideo (望 采 秀 雄) in order to operate his fishing business. It is said that the condition of the machinery of the above chartered ship was bad; therefore, an agreement was made with the machinist to make a test run of the ship before leaving for the fishing trip.

26 Sep 50. That day was clear and springlike, and the sea was calm. Around 0800 hours machinist, HORAI, Hideo, boarded the ill-fated ship. He entered the engine room and started the motor to determine the location of the faulty part. Just then, the owner of the enterprise, victim MIKASA, Ghoji came into the engine room and inquired, "How's everything?" The owner of the boat, SHIMAZAKI, who was previously asked, by the victim, to be present during the trial run, unexpectedly came on board. The victim MIKASA said, "Let's go on a trial run since SHIMAZAKI is good enough to be with us."

The ship was started with confidence and understanding that if the motor was in good condition after the trial run they would sail out to sea to inspect the nets which had been laid during the evening of the day before.

SHIMAZAKI held the steering wheel. HORAI entered the engine room to start the motor and they sailed away from the pier and out of the inner harbor. At that time victim MIKASA seemed to be looking at the machinery. The ship proceeded at a snail's pace to a place indicated on the first diagram as the damaged boat (2). It is estimated that it took about four minutes to sail from (1), indicated on the diagram as Number One. At this time machinist HORAI

said, "It's no good, it slips." Then SHIMAZAKI said, "Let me see. I'll fix it." He went into the engine room and disassembled the part which slipped and tried to adjust the slip by putting the screws in deeper. Seven or eight minutes later the ship sailed to the place indicated as the victim ship (2) shown on Diagram Number One. Then at the place of the damaged boat (3) indicated on Diagram Number One the clutch surface became very bad and the ship came to a dead stop.

The engine of the damaged boat was working very smoothly, but since the clutch was completely detached the ship was completely motionless (because of the slip).

Victim MIKASA left the steering wheel and stood on the stern of the ship. He locked in through the engine room entrance, which was located on the stern of the boat (on the side of the rudder), while the repairs on the engine were being made. He advised, "Try it this way or that." The position of the boat at the time of the collision is not clear to SHIMAZAKI or HORAI, but according to the summarization of the stories told by KIWADA (キワダ), skipper of the assaulting ship, and others, the position of the victim boat (3) on Diagram Number One is held to be correct. The victim boat still had its engine running so all other noises were drowned out by the engine. Especially, the two persons in the engine room were unable to hear any outside noise. MIKASA's shout "Ah!!" was immediately followed by a loud crashing sound. It shook the boat to such an extent that it made one think that the boat had disintegrated. At the same time the boat swayed on its side and the sea water gushed into the engine room. The reason why the boat tilted to such a steep angle was because the victim boat was a small six hp type craft while the offending ship was a 19 ton, 50 hp large type vessel. The assaulting ship rammed into the victim boat on its HOSUBE (sic). As proof that the assaulting ship rammed the victim boat the engine room entrance on the stern where MIKASA was standing was completely closed. Astounded SHIMAZAKI and HORAI tried to break out. SHIMAZAKI was standing near the entrance side of the stern of the ship. HORAI, who was near the entrance to the MEYOSHI (sic) got out first through the entrance of the MEYOSHI (sic). After the assaulting ship loosened itself from the victim boat, SHIMAZAKI came out a little after HORAI from the entrance on the stern of the ship which was now open. (Hereon refer to Diagram Number Two.) After the collision the assaulting ship did not cut its motor, but sailed on towards its destination. Skipper KIWADA even told the police that he had every intention of continuing on his way.

As a member of the bereaved family it cannot be forgotten that this was one of the reasons why the saving of a human life was delayed. The victim boat which was located at (3) on Diagram 2 was dragged about five ken (TEN One ken = 1.99 yard.) to the position of the victim boat (4) shown on Diagram 2. After leaving the victim boat (4) shown on Diagram Two, the assaulting ship moved to the place marked (e).

When both SHIMAZAKI and HORAI stood on the deck of the boat they were unable to see the body of the victim MIKASA, Nagatsugu.

SHIMAZAKI, Shimataro heard victim MIKASA, Nagatsugu's loud shout "oh!!" just before the collision, but not seeing the person of MIKASA, he thought that the victim MIKASA had quickly boarded the assaulting ship. SHIMAZAKI and HORAI reasoned that the victim

boat which was thought to be submerging, might sink meaning possible death; so SHIMAZAKI took his cap off and waving it towards the assaulting ship he called for help. HORAI also shouted with all his might to the ship for help. (one character deleted, NAKAYASU [seal]). Finally SHIMAZAKI took off his coat and waved it. At that time the assaulting ship was passing the place marked (e) on Diagram 2. The distance was without question over 50 ken from the victim boat. Immediately after that time a statement was made in the investigation papers that the distance was about 10 ken. HORAI said that he was barely able to see the name written on the stern of the ship.

Recognizing the call for help by SHIMAZAKI and HORAI the assaulting ship showed signs of changing its course towards them with the attitude that "what's the idea of cutting across a person's ship causing it to collide; if you have any complaints, I'll take care of it." It is believed that it took about 10 minutes from the time of the accident (collision) for the assaulting ship to reach the side of the victim boat.

SHIMAZAKI, Shimataro who felt relieved when the assaulting ship reached the point marked (f) on Diagram 2 glanced towards the shore with the thought that it must be funny to the onlookers on the shore to see a person calling for help after the collision in broad daylight. It was then that he first realized that victim MIKASA had fallen into the sea.

The body of victim MIKASA, Choji was in the water and his forehead was bobbing up and down in the water. It was thought that he was moving his hands imperceptibly. That pose was just as though he was standing and waving banzai. He was not in a swimming position. SHIMAZAKI and HORAI thought of throwing a life buoy if his head was above the water, but in the case of the victim MIKASA, he was in no condition to take hold of the life buoy even though it were thrown to him. Therefore, a conclusion was reached that this type of life saving was of no use. Again the water distance between the victim boat KOSHI MARU and the victim MIKASA was about five ken. It was so sudden and since SHIMAZAKI and HORAI were themselves exposed to great danger no type of aid was possible. Therefore, SHIMAZAKI and HORAI brought the attention of the assaulting ship by pointing to the waters where victim MIKASA fell so that they could save him. But Skipper KUWADA, Masami of the assaulting ship may have wanted to know what happened. He left the steering wheel and without ringing the stop bell from the ROTTO room (Sic), he dashed out of the captain's room and stood on the MEYOSHI (Sic). For that reason the assaulting ship again collided with the victim ship. Because of the second collision the damaged boat was put in a position (5) as indicated on Diagram 2. This incident happened in a matter of split seconds, but during this time the body of victim MIKASA sank into the water without having had any life saving aid.

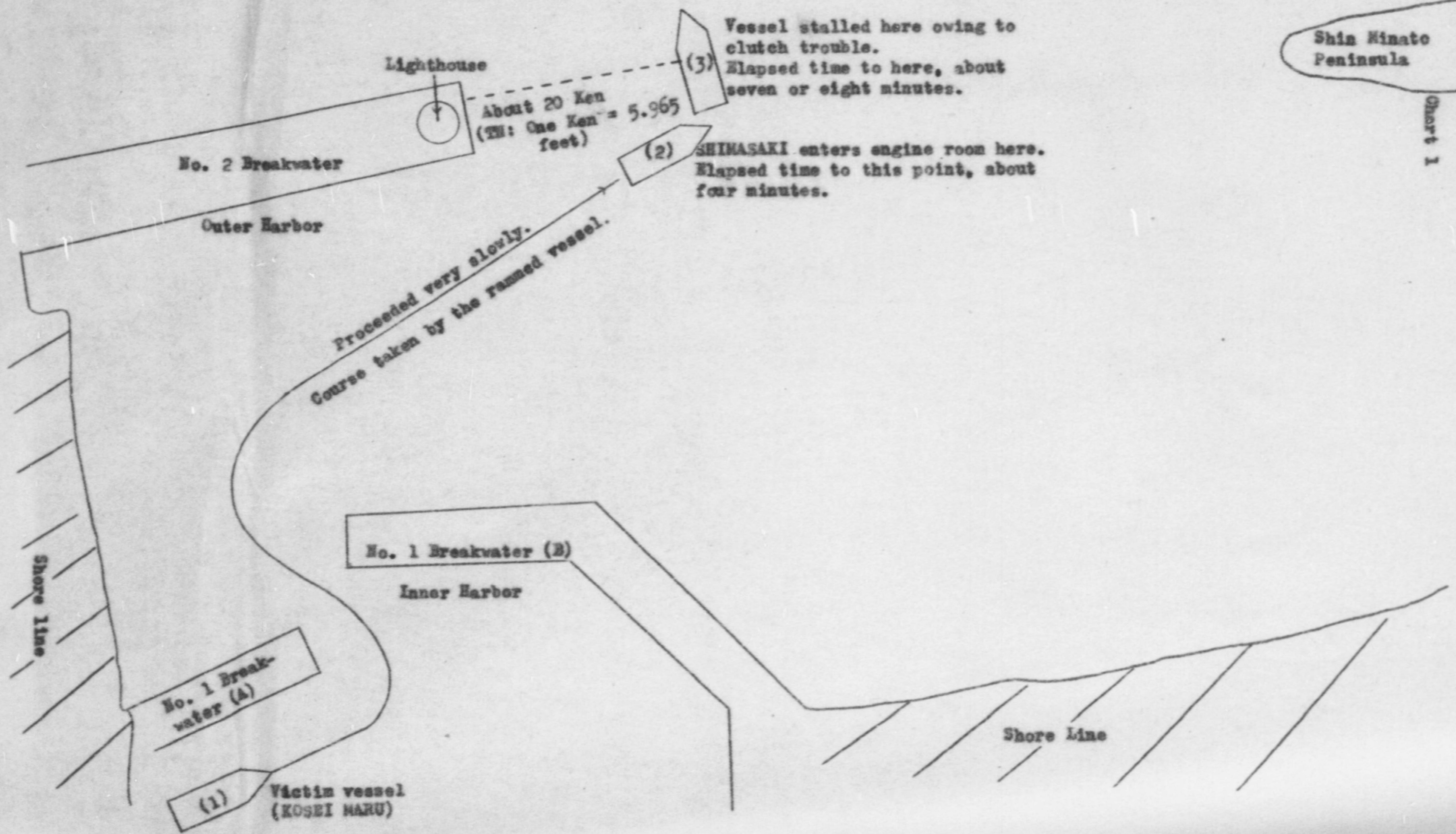
SHIMAZAKI, Shimataro was so frustrated when the second collision occurred that he shouted, "You stupid fellow! What do you think you're doing?" Whereupon skipper KUWADA, Masami of the offending ship clearly replied that the ROTTO (Sic) was not working (witness: SHIMAZAKI, Shimataro).

Knowing that the victim MIKASA was in the water the assaulting ship immediately proceeded to sail towards the inner harbor without

offering aid. In the meantime the victim boat reached the inner harbor after being towed by a small type boat (The name of ship unknown.) which came for them. HARITA, Iwao (成田 光雄), employed by the Katsukata Fishing Industry Cooperative Association, who was among the eye witness, and SHIMAZAKI held a discussion; then asked a diver, who was then working in the inner harbor, to look for the victim's body. Therefore, it was about 20 minutes later after the victim had fallen into the water that the body of the victim was raised from the water.

Immediately after being taken out of the water, Doctor SHIMAKAGE (影影) of the Katsukata Fishing Industry Cooperative Association Hospital tried to revive him by hypodermic injections, but he could not be revived. Since the doctor was seasick the hypodermic injections were made by the nurse and the artificial respiration was applied by SHIMAZAKI, Shimatara under the direction of the doctor, but after the artificial respiration only a teaspoon (one character deleted, NAKAYASU [sea]) of water was taken from the victim.

These life saving methods were used on board ship and the doctor did not do a thing saying that he was unable to do anything because of his sea sickness.



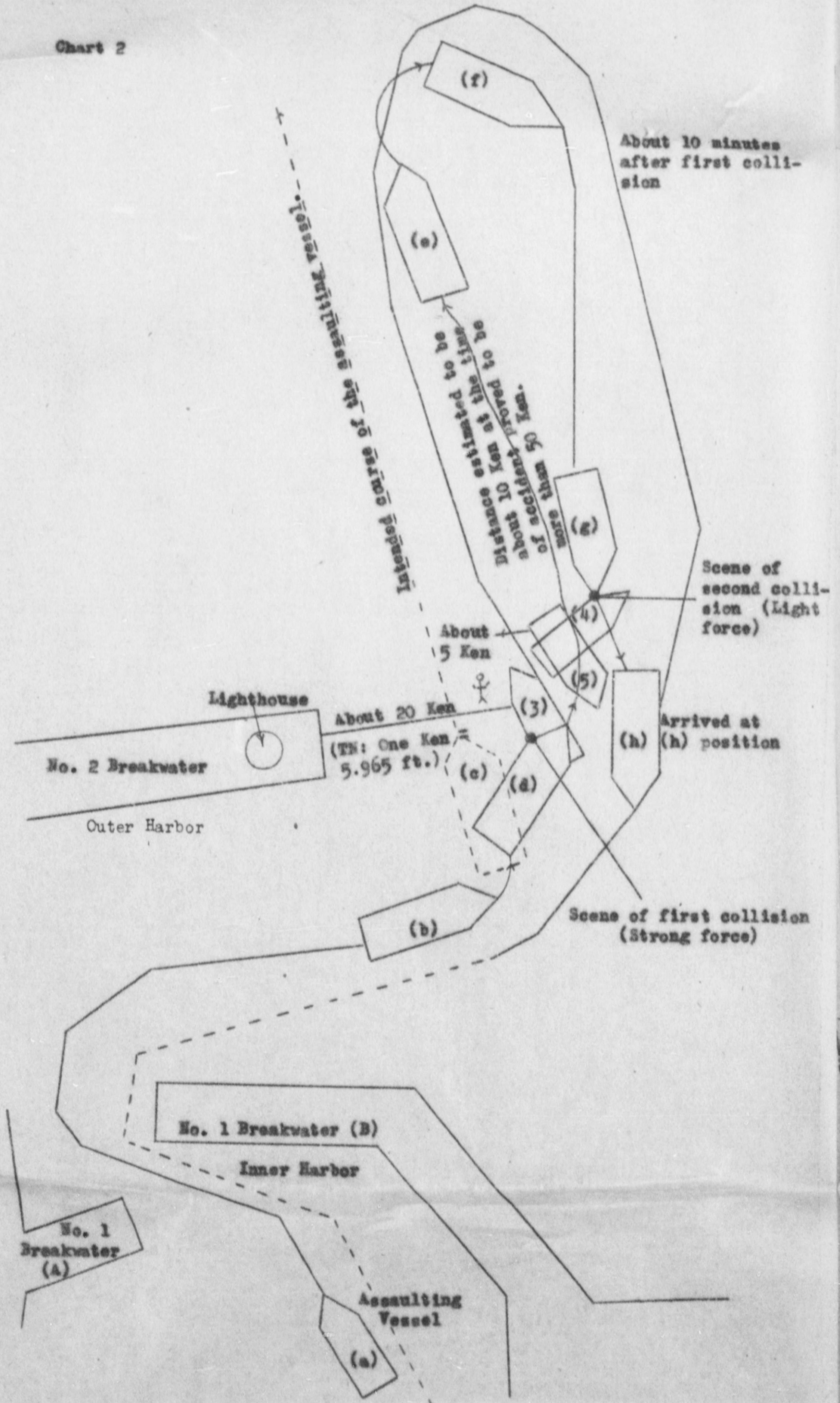
Shin Minato Peninsula

Chart 1

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Chart 2



Medical Certificate of Death

Although the deceased's death certificate lists drowning by suffocation as the cause of death, various rumors were circulated about the manner in which he died, while his body was waiting to be washed for burial.

That was because his relatives and others insisted that judging from the circumstances surrounding the collision he did not simply drown. These circumstances were: the force of the collision; the fact that the deceased had drunk hardly any sea water (about one small teacupful); the fact that he was the eldest son of fisherman MIKASA Yasutaro (三笠 宇三郎) and was brought up on this isolated island surrounded by water and was a very good swimmer; the fact that the clothing he wore that day was light enough to swim in; the fact that the scene of the accident was only about 20 KEN (TEN One KEN is 1.99 yards.) from Breakwater Number Two; and the fact that only about 10 minutes elapsed before the assaulting vessel, the Number 11, DAITO MARU, reached him. There was a sound basis for their claim because there were traces of (one character deleted, NAKAYASU /Seal/) a contusion near his right eye that even a layman could easily recognize.

His relatives stubbornly expressed dissatisfaction with the wording of Dr SHIMAKAGE's diagnosis. Looking at the face of the deceased who had been talking loudly and energetically only a few moments before, they could not believe that he was really dead. In their desire to bring him back to life somehow, they called a surgeon, Dr SAKAMOTO (酒本), head of the Makua Hospital, to examine the body. While Dr SHIMAKAGE had not looked at the deceased's eyes at all, Dr SAKAMOTO made a careful examination, noted that there was a bruise on the eyeball (conjunctiva) and bleeding under the conjunctiva, and opined that death had occurred from a blow in this region. Later when I expressed the belief that the deceased could not have drowned because he knew how to swim, Dr SAKAMOTO commented that, blinded by the blow, he might have been unable to swim.

Concerning the medical certificate, Dr SAKAMOTO said that since Dr SHIMAKAGE had already diagnosed the case as death by drowning, he could not make any positive statement, despite the traces of a bruise, until an autopsy was performed. He added that his was merely a presumption and, as a member of the profession, he could not say anything on the subject and was remaining neutral to the end because he could not do such a thing as contradict a fellow professional. The relatives of the victim believed that what Dr SAKAMOTO said was right because the inquest has already been closed.

According to Dr SAKAMOTO, he can handle the case somehow if you insist that he do so. However, he suggests that you appeal to the coroner, Dr SHIMAKAGE once again and seek a re-examination of the deceased.

Judging from the fact that the ocean was calm, the water was warm and there were clear traces of a bruise on the victim's right eye (outer eyelid), he evidently lost consciousness when struck a sudden heavy blow (one character deleted, NAKAYASU /Seal/) in this region during the collision. As a result, death by drowning was recorded on the medical certificate. As for his relatives, they can only attribute the direct cause of death to other than drowning. Good swimmers like the victim do not drown so readily unless they are suffering from mortal injuries.

When relatives and others brought this to the attention of Dr SHIMAKAGE, he said, "I diagnosed it tentatively as death by drowning because it occurred at sea. Personally, I cannot say if there was internal bleeding or if this was fatal until an autopsy is performed. If the police will permit and witness the autopsy, I am willing to perform a thorough post-mortem examination, determine whether there was internal bleeding or bruises, and rewrite the medical certificate if necessary."

In accordance with coroner SHIMAKAGE's views, the relatives of the deceased went to the police authorities to explain the case. Considering the future of the victim's parents who are more than 70 years old, his four children the eldest of whom is 9 years old, and his 29-year-old widow, they felt that they would not be able to answer to his surviving family or to the spirit of the victim who died so young and so suddenly, if an occasion should arise to file a suit for damages and the medical certificate, which is short of the fact because of negligence in the diagnosis, should prove to be of legal disadvantage. They also felt that such a situation would prevent the soul of the victim, who left such a large family behind, from ever resting in peace.

However, the police authorities assured them that, since the basic cause of death was the collision and he would not have died if the accident had not occurred, the medical certificate would not become a legal handicap regardless of how it was worded.

Before the body was washed for burial, the family and relatives of the deceased decided that it was best not to aggravate matters. Being country folk, especially, they felt that although an autopsy might have been permissible while the body was on the beach, it was unthinkable after the body was brought home. Also being unfamiliar with the law and believing that the future would take care of itself, they decided to place the body in the coffin as it was. They are fully opposed to an autopsy even now, because they feel that it will disturb the dead.

However, although the relatives of the dead were pacified, it does not mean that they are satisfied. Born on this isolated NORTH SEA island surrounded by water, the deceased was proud of the fact that he could swim when he was only 8 years old. He, who was known as a good swimmer even among his schoolmates, should have been able to swim to safety without any difficulty barring physical injury because the accident occurred only 20 KEM from the breakwater, the ocean was as calm as a lake, and the season was autumn when the water temperature was unlike winter and not cold enough to freeze anyone who fell in. The clothing he wore that day, in particular, was very light consisting of a cotton undershirt, similarly light drawers and work trousers that he received from the Hakodate Relief Bureau when he was repatriated. His shoes also were military shoes that he received upon repatriation, and he wore them like slippers, slipping them on and off without the use of his hands, because they were old.

I believe that, under these conditions, he would surely have been saved if a severe blow received in the collision, or internal bleeding, or cerebral anemia resulting therefrom, had not caused a serious physical abnormality. For instance, even if he were a person who did not know how to swim, he probably would not have sunk to the bottom in less than eight minutes in this case (a case of life or death).

The coroner evidently regarded the eye bruises merely as scratches sustained when the victim was given artificial respiration and other first aid treatment. However, there was a great deal of bleeding, about one SHO (THE One SHO is 3.18 pints.), from the victim's eyes, mouth, ears and nose later on; and his face, especially his lips, had turned black probably from blood clots (he was placed on his back). The fact that the coroner, who was taken to the scene by boat, was seasick and unable to perform an adequate examination seems to indicate an error in diagnosis [according to the testimony of a witness and SHIMAZAKI (島崎)].

Dr SAKAMOTO has indicated that, if he is directed to do so, he will submit the actual results of his medical examination according to the dictates of his conscience as a doctor without regard for a third person (regardless of what another doctor thinks).

The fact that Dr SHIMAZAKI's medical certificate (death) does not mention the word sea water, and the victim disgorged only about one small teaspoonful of saliva-like water and foam proves that the victim drank hardly any salt water (testimonies of several witnesses). Witnesses: MORITA Katsuji (森田 勝治) (MINATO Machi); SHIMAZAKI Shimataro (島崎 島太郎) (MINATO Machi); the son of the proprietor of RUMCO SHOTEN (HON Machi); and others.

There also are many witnesses concerning the presence of bruises, and even the police noticed contusions.

(15 words added, NAKAYASU /Seal/) Testimony of ISHIKAWA Masao (石川 政雄) (KUTSUGATA Machi, HINODE Machi).

The Cause of the Collision (Part I)

That day was blessed with mild and beautiful autumn weather and the sea was exceptionally calm. In fact, the time of its (THE Accident) occurrence was approximately 0830 hours. Common sense will reveal that such an incident should never have taken place in the harbor (outer harbor) area. Undoubtedly, the cause stems from some serious fault.

The assaulting vessel, No 11 DAIKUTSU MANGU, was formerly owned by the Kutsukata Fisheries Cooperative Association, but the offender, KUWATA Masami (桑田 政美), purchased the vessel recently. The transactions had been completed and the said person was about to leave the harbor in which he was to navigate the said vessel. Therefore, a large number of employees from and interested persons of the Kutsukata Fisheries Cooperative Association, former owner of the vessel, were present to witness the vessel's departure from the harbor. Some people were waving their hands and others were waving their handkerchiefs in farewell gestures. The skipper of the vessel, Mr KUWATA Masami, being the new owner, opened up the RATED (THE Sic) room and returned the farewells of those who had come to see him off (according to the discussions of a large number of eyewitnesses). For this reason, it is believed that the skipper was not able to keep a watch in the forward direction and caused such a collision.

On the day the collision occurred, I was summoned by the Kutsukata Police and set out to sea in a boat to conduct an on-the-spot investigation (16 characters deleted, NAKAYASU /Seal/). At that time (four characters deleted, NAKAYASU /Seal/) Mr KUWATA told Mr SHIMAZAKI

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distinctly that since many people came to see him off on that day he was returning their farewells, but when he looked in the forward direction (two characters deleted, NAKAYASU /Seal/) and took notice, it was already too late (six characters deleted, NAKAYAMA /Seal/). (SHIMAZAKI testifies that he assumes that members of the police station heard this too since many of them were nearby.)

The Cause of the Collision (Part II)

The assaulting vessel, No. 11 DAIKUTSU MARU, had, on board, a crew (one character deleted, NAKAYASU /Seal/) of two men, one engineer and one skipper, but failed to carry a lookout. (At the time of the departure from the harbor.) This, I believe, constitutes another big cause for the collision.

Furthermore, since this boat had just changed hands, I am inclined to believe that the two-man crew was not sufficiently familiar with the vessel in matters pertaining to its operation. A probable estimate of their operational condition can be determined from the mere fact that they collided twice.

The No 11 DAIKUTSU MARU is an unregistered 19 ton (50 horsepower) vessel. However, it has the necessary qualifications and, therefore, should be fitted out as a beautiful 20 or 22 ton registered vessel according to the assertions of those who have thorough knowledge of mechanically propelled vessels. (This view has prevailed for quite some time (one character deleted, NAKAYASU /Seal/).) It is not known why the Katsukata Fisheries Cooperative Association, builder and owner, did not register the vessel and it is most certain that the illegal actions that have been committed by the builder and owner will eventually incite numerous troubles, but it is a fact that a situation exists whereby a precious human life was lost. In my opinion, such conditions should not be tolerated in the name of human race, society or our nation.

My opinion is based on the reasoning that this accident could have been prevented (two characters deleted, NAKAYASU /Seal/) if the vessel had been fitted and manned in accordance with the specifications that must be met by registered vessels.

Furthermore, among the large number of well-wishers who were witnessing the departure that day, there were many who had no direct connection with the event. To these fishermen, the cooperative association was their organization and the association's vessel was their vessel. The vessel's name, DAITO MARU (大音丸), had been derived from the town's name, KUTSUKATA Cho (香形町). These people had cultivated such an attachment to the vessel that when they realized that the DAITO MARU was going to belong to AMASHIO Harbor from that day on, they had to drop by and witness the departure. However, the vessel was being operated in such an awkward manner within the harbor that the spectators commented, "What kind of a navigation do you call that? We can do far better than that! If he keeps that up, he'll run into a lot of trouble." (Discussion held at a carriage shop of coal carrying horse-drawn carriages.)

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Power of Attorney

1 Nov 50

To Mr NAKAYASU, Yasuo (中 宇 宇 雄)

On 26 Sep 50, at about 0830 hours, my eldest son, MIKASA Choji (三 笠 長 次), was repairing a vessel at a point approximately 20 KEN (TW One KEN = 5,965 feet.) from the outer harbor of KUTSUKATA Harbor at HOKKAIDO, RISHIRI Gun. My son was taking the six horsepower vessel, KOSEI MARU, owned by SHIMASAKI Shimataro of HOKKAIDO, RISHIRI Gun, KUTSUKATA Machi, Aza, MINATO Cho, on a test run when the clutch began to slip and the vessel stalled at the aforementioned location. Just then the No 11 DAITO MARU (19 ton, 50 horsepower), owned and operated by KUWATA Masami of AWASHIO Cho, (age 28) which was departing the harbor, rammed into the port side of the KOSEI MARU from astern. Unfortunately, he was thrown into the ocean by the momentum of the unexpected jolt and met a sudden death. We, the undersigned, MIKASA Yasutaro (三 笠 宇 太 郎), age 78, father of the victim, and MIKASA Yoshie (三 笠 吉 江), age 29, wife of the victim and mother of four children, find it extremely difficult to attend to the various procedures that must be fulfilled in order to settle the problems which resulted from the collision. In view of the situation which confronts us, we appoint NAKAYASU Yasuo (中 宇 宇 雄) of TOKYO To, MUSASHINO Shi, SAKAI Cho, 1334, younger brother of the victim, MIKASA Choji, to assume full responsibility in matters pertaining to us and accordingly to act in our behalf.

signed MIKASA Yasutaro (seal)
MIKASA Yoshie (seal)

HOKKAIDO, RISHIRI Gun,
KUTSUKATA Machi,
MIDORI Cho, 15.

An Opinion in Regards to The Witness

RISHIRI ISLAND is a remote place and has a very poor transportation system. Therefore, if witnesses were to be called to the central (TW Sic), it will be a great hardship and trouble for them. The people constantly fear that they may get involved in the incident therefore they close their lips about anything that may have happened and they say that they do not know. Consequently, we feel that it is very difficult to obtain the truth about any incidents.

This incident occurred in broad daylight and furthermore it happened before many people so there are many witnesses. However, considering the above circumstances we request that you dispatch officers to investigate the witnesses and others.

25 Oct 50

NAKAYASU Yasuo (中 宇 宇 雄)
(seal)

Assessment of Damages (by the Collision)

1. Killed MIKASA Choji (三笠長次) (40 years old), chief of the crew.
2. Estimated damage to the KOSEI MARU (by the first and second collision) is 25,000 yen (four characters added, NAKAYASU /Seal/).
3. Gill-Net fishing for Hokke (海魚 a sea fish) has been suspended despite the abundance of fish.
4. The wage for employees who worked preparing for the project should be paid (in spite of the suspension of fishing.).

Report on Developments

Soon after the collision, the crew of both the damaging and damaged vessels fought each other by accusing each other of being wrong. This continued in endless dispute. However, KUWATA Masami (桑田政美), captain of the damaging ship reported to his home in TESHIO Machi by the telephone that he had caused an accident. He was ordered to settle the incident by honorable means, therefore, he hoped to solve the incident in a gentlemanly manner without revealing the incident to the public.

Next of kin of the victims were also reconciled not to argue as to who was right or wrong; to make it the misfortune of everyone as the dead will not become alive again even if hue and cry is made about the incident. Mr KUWATA said that he wanted to have two or three days leave because he wanted to go to TESHIO to make arrangements about his work. He went home after obtaining Messrs KAKIMOTO (柿元) and KOMAI (駒井), KUTSUGATA Cho, MOTO Machi as his guarantors. (About 29 September.)

KUWATA visited MIKASA, home of the victim, alone in October after the promised date of his return and told them that he had arrived the night before and that he wanted to return home on a ship that left the following day (regularly scheduled ship), therefore, he said that, from that afternoon he wanted to settle the incident directly with those concerned persons without including third parties. Therefore, NAKAYASU Yasuo (中野安雄), young brother of the victim, who was entrusted to handle the incident, by the parents of the victim and wife of MIKASA Choji (三笠長次), a victim, conferred with all relatives in order to assure a cautious attitude. And the next day NAKAYASU asked for a preliminary meeting in order to learn of each other's plans and to seek a general basis for negotiation upon which the interested persons could make a last decision.

The first preliminary talk was held (one character deleted, NAKAYASU /Seal/) the next day at the home of KOMAI (駒井), KUTSUGATA HON Machi and attended by four persons KUWATA (桑田), KOMAI (駒井) (damaging party), YOSHIYASU (吉宇) and ISHIZUKA (石塚) (damaged party).

The damaging party wanted to know the intention of MIKASA, the injured party, first. Therefore, the injured party side told the true family condition of the victim and requested consideration of the estimated amount required to enable the 76 year old father, 72 year old mother, widow and four children to maintain a minimum

standard of living until the 7 year old, eldest son become 15. They declared that it would be in perfect order to deduct the amount earned, when the widow or the parents worked, from the compensation.

Mr KONAI, a damaging party advisor, accepted this as a reasonable request and he asked Mr KUWATA to produce the damaging party's reply. To this, Mr KUWATA did not reply and said that he felt sorry for the victim's family but he also has a large family and also he still had not completed payment on No 11 DAIKUTSU MARU, therefore, to give him some consideration and understanding. And, as for this problem, he believed that the opinions of the third party was most fair and just and that he would talk with Mr KONAI later and give an answer later. Thus the talk was ended (one character deleted, HAKAYASU /Seal/). Later he replied that he had parents and an old brother and that he had to consult with them and that he could not answer immediately, therefore he would appreciate a wait until then. With the promise that he would return within three or four days, he returned to TESHIO next day.

When Mr YOSHIYASU told Mr KUWATA that he had not come there to settle the incident but merely to listen to the proposal he replied (three characters corrected, HAKAYASU /Seal/) in the affirmative. Mr KUWATA also said that the damaged party was wrong which caused an accident and that it was unnecessary to consider the proposal seriously. At first, it was a fact that his visit was to settle the incident simply with only the interested persons and return on a ship the next day. He failed to answer the damaged party's proposal and returned to TESHIO. Now, 32 days after the death, there has been no reply or communication. I believe that although there may be many treasures in this world, there is nothing more dear and valuable than human life that will never return once lost. Human life cannot be paid for with money. MIKASA, the victim, had a hopeful and great future and his ability was anticipated. However, MIKASA's life was taken away at 40, the prime of man's life. It may be that his spirit is unable to settle where it should but that is beside the point. The family of the victim who was the breadwinner of the family, was killed in an instant and the family now faces the fate of breaking up.

Every human being makes mistakes within or outside the bounds of law. Even though life was taken as a result of the accident one cannot hate a man though we hate the crime. However, what happens if he does not show signs of his responsibility and sincerity? Furthermore, I believe that if this incident should end without settlement and without sincerity on the part of the damaging party, the Constitution upon which the principles are founded for respecting the rights of individuals, law and humanity is as good as dead.

The old parents of the victim are crying that there is no God or Buddha on this earth.

Here, I bring charges against KUWATA based on the principles of protecting human rights in behalf of the family of the deceased.

30 1950 - (The 35th day memorial service for the deceased.)