Committee for Indictment
of Judges.

Oct. 22nd, 1948

MEETING OF THE COMMITTEE FOR INDICTMENT OF JUDGES

1. Date: Oct. 22, 1948
2. Opened: 11:30 a.m.
3. Closed: 1:30 p.m.
4. Attendance: 15 members.
5. Subjects:

(1) The case calling for the indictment of Naoyoshi Tsukazaki and Saburo Iwamatsu, Judges of the Supreme Court.

(2) The case in the Yonago branch office of the Tottori District Court.

(3) The case calling for the indictment of Eiichi Koizumi and 3 others, Judges of the Tokyo High Court.

(4) The unjust trial case of Judge Mabuchi Kanzo of the Osaka District Court.

(5) The case of Koreans' disturbances in Osaka and the so-called "Dai-Ho" (the Osaka Arsenal) case.

(6) The case calling for indictment against Judge Tomita Chujiro of the Osaka Superior Court.

(7) The case calling for indictment against Teraseko Michitaka, Judge of the Otsuki Summary Court in Yamanashi Prefecture.

(Demanded by the Chief Judge of the Supreme Court.)

6. Results of deliberation.

With regard to the first case, as a result of careful deliberation on the report of the investigations conducted by the four committee members who investigated the case, namely Shiro NANAMURA, Eizo KAWAI, Ryosaku KAJI and Toshio NAKAMURA, it was decided not to indict the two judges.

With regard to the second case, as a result of deliberation on the reply sent by Gakuichi TSUCHIYA, Chairman of the Yonago City Assembly, in answer to the inquiry from this committee, it was decided to dispatch Toshio NAKAMURA to Yonago City as an investigator.

With regard to the third case, no final decision was arrived at as it is still under investigation by Shiro NANAMURA and Koichi YAMAGUCHI, the Committee's investigators.

As to the fourth case, it was decided to summon witnesses to the Indictment Committee.

With regard to the fifth case it was decided to continue further investigations.

As to the sixth case it was decided to dispatch Torazo KAWAI, Sadaaki OSHIKAWA, and Toshio NAKAMURA to Osaka as committee investigators.

With regard to the seventh case it was decided to call witnesses before the Committee.

(Signed) MATAICHI NAKAMURA

Chairman of the Committee
for Indictment of Judges.

October 25, 1948.

VIEW ON THE REVISION OF THE LAW FOR INPEACHMENT OF JUDGES.

We deem it appropriate that the Law of Impeachment of Judges be revised as follows:

1. In Article 2 (Grounds for removal by impeachment), Item (2) shall reads as (3), and the following shall be inserted after Item (1).

(2) Inefficiency caused by extreme negligence of official duties or incompetency for official duties caused by excessive misuse of the right of free discretion.

Reason:

The grounds prescribed in the article 2 of the existing Law for removal of judges, being actually found insufficient in some cases, should have such insertion as the Item 2 in order to let the judges to exert themselves to fulfil their duties as public servants of a democratic country and to live up the spirit of this Law.

2. (1) In the Article 10, the first paragraph shall be read as follows:-

The Committee for Judges Indictment shall neither hold any deliveration nor make any decision unless the attendance of more than 11 members of this committee is obtained.

(2) In the Article 20, "five judges each from both Houses" shall be read as "three judges each from both Houses".

The reasons for (1) and (2):

In view of the real state of affairs, these revisions are seen necessary to expedite the indictment and judgement smoothly.

Dated, Oct. 23, 1948.

NAKAMURA, Matashichi
Chairman
of the Committee for Judges.

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NAKAMURA, Matashichi

Chairman

of the Committee for Judges.

Sept. 22, '48
M.R.

CONCERNING A THEFT CASE OF LAWSUIT RECORDS IN THE OFFICES OF THE SUPREME COURT.

The Committee for Indictment appointed Yamaguchi Koichi and Sakakibara Chiyo as Committee Members for Investigation on the above matter. As a result of deliberation thereon based on the report of the above Committee Members at the session of July 7 of the Committee for Indictment, a decision was taken thereon as per separate copy and warning was decided to be served with the Chief Judge of the Supreme Court against a future recurrence of such an event. The decision was sent to the Chief Judge on the same day.

September 20, 1948.

Nakamura Mataichi
Chairman of
the Committee for Indictment.

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Decision

RESOLUTION OF THE INDICTMENT COMMITTEE ON A THEFT CASE OF LAWSUIT RECORDS.

(Fact)

Ueda Tokuji, Clerk of the Tokyo Superior Court, at the request of Komuku Sadamasa, the accused on the charge of embezzlement in business appealed to and now pending in the Supreme Court, stole in the offices of the Supreme Court on May 8, 1948, the records in 3 volumes concerning the above appealed case in the safekeeping of that Court deposited in the record shelves in the Clerks' room of the 3rd small court and the Clerks'branch room, of that court, and burned them up afterwards.

(Reason)

This Committee made investigation into this matter as to whether or not there would be any cause for bringing a dismissal indictment against the judges.

The investigation proved that the clerk in charge thereof of the Supreme Court deposited the records in question in the shelves which he duly placed under lock and key, and therefore he did not anyhow neglect his duties.

This case is rather attributable to the incomplete equipment for the safe-keeping of the records, and it is

recognizable that the Court and Judges did not neglect an ordinary supervision on the Court clerks. As it is, it cannot be judge that there was a breach of responsibility or negligence of duties so great and gross as to impeach the Judges for dismissal on this case.

The safe-keeping of lawsuit records in the Court is as a matter of course one of the most important items of judicial business. This is directly in the charge of the Court Clerks (Paragraph 2, Article 60 of the Court Law) but the Court Clerks shall be supervised by the Court to which they belong (Article 80 of the Court Law). Such supervision shall be conducted by the decision of the Council of Judges (Articles 12, 29, etc.of the Court Law). So all the Judges who compose the Council of Judges shall be kept responsible for official duties for perfect supervision on judicial administration of the Court so that such a case as this should be prevented from occurring.

This Committee hopes with great expectation that the above duty will perfectly be discharged, appropriate measures be speedily adopted and an end be put to a recurrence of a similar matter in future, and decides on this case that no indictment should be instituted against the judges for dismissal.

July 7, 1948.

Nakamura Mataichi

Chairman of
the Committee for Indictment.

A LITS OF DATES FOR THE EXAMINATION OF

WITNESSES IN THE CASE AGAINST AMANO, TOSHIICHI

(Impeachment Court)

Date for Exam.	Place for Exam.	Applicant for Evidences	Witness	
			Occupation	Name
10 a.m., Sept. 25, 1948.	Shimada Simple Court, Shimada-shi, Shizucka-ken	Ex Offices	The indictee's Wife	AMANO Tai.
	A Judging Member KURUMA, Takudo			
	do	Mrs. MIYAGI, Tamayo		

Date for Exam.	Place for Exam.	Applicant for Evidences	Witnesses	
			Occupation	Name
10. am Sept. 27, 1948.	In the Impeachment Court, Akasaka 1-chome, Minato-ku, Tokyo-to.	Attorney	Associate Judge at the Hamamatsu. Branch	IIDA, Hidezo
do	do	Chairman of the Indictment Committee; Attorney.	Probatinary Judge at the Hamamatsu Branch	HASHIMOTO, Kakuichi
do	do	do	Sinior Judge at the Hamamatsu Branch	NAGAI, Yusho

do	do	Chairman of the Indictment Committee.	President of the Shizuoka District Court	NAKAJIMA, Susumu
1 p.m. the same day.	do	do	Judge at the Tokyo High Court	TOKUOKA, Kazuo
do	do	do	Attorney	TANAKA, Hakei
do	do	Chairman of the Indictment Committee; Attorney		TAKEUCHI, Tetsuo
10 a.m., Sept. 28, 1948	do	Chairman of the Indictment Committee.	Representative of the Hamamatsu Branch, Shizuoka Prefecture Agricultural Association.	Under Examination.
do	do	do	Vice-President of the Akita Prefecture ~~Fisheries Association~~ Fuels Reception Union	ASARI, Suekichi
do	do	do	President of the Akita Prefecture Fisheries Association	NAGASAWA, Ryokichi.

do	do	do	Director of the General Affairs Division of the same Association	HIRAYAMA, Yukichi
1 p.m. the same day	do	Ex Offices		SUZUKI, (Under Examination
do	do	Chairman of the Indictment Committee, Attorney	Agriculture	MOCHIZUKI, Kajuro
1 p.m. Sept 29, 1948.	do	Attorney		Mrs. MIZUTANI Yuki.
do	do	do		NAGAO, Takeji
do	do	do		AMANO, Yasuichi
do	do	Chairman of the Indictment Committee	Managing Director of the Shizuoka Prefecture Marine Products Reception and Distribution Association	OSHIMA, Kanezo.
1 p.m. the same day	do	do	Managing Director of the Shizuoka Prefecture Fisheries Association	SHIMANO, Katsu

do	do	Attorney	Expert of the Shizuoka Prefecture	KATAYAMA, Seimei
do	do	Attorney	Clerk of the Shizuoka Prefecture Fisheries Association	MURAMATSU Hideo
do	do	Chairman of the Indictment Committee	Chief of the Ihohara District Police Station	MITSUMA, Ryohei
do	do	do	Formerly Head of the Economic Division of the same Police Station	IKETANI, Shinji
10 a.m., Sept. 30, 1948.	do	do	Procurator of the Shizuoka District Procurator's Office	SAGARA, Haruo
do	do	do	Procurator of the Hamamatsu Branch	OKUBO, Hirotake
do	do	Attorney	Doctor	KAKETA, Kanse
do	do	do	Chief of the Secretariat, Supreme Court Bureau	NAITO, Yorihiro

- END -

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NND # 795072

House of Representatives

Sept. 22, 1948.

On the indictment against Toshiichi Amano,
Judge of the Hamamatsu Branch of the
Shizuoka District Court.

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The committee in charge of this case held its last meeting on June 29 with 17 attendants. After deliberation, they arrived at the decision to bring an action against him with unanimous agreement and forwarded the indictment document, copy of which attached herewith, demanding his dismissal, to the Court of Impeachment.

The public trial at the Court of Impeachment was executed on the 6th and the 7th of this month and is expected to be finished after further 4 days trials as from the 27th to the 30th of September. The judgement is anticipated to be done within October.

Sept. 20, 1948.

Mataichi Nakamura,
Chairman of the Committee
for the Impeachment of Judges.

DECLASSIFIED E.O. 11652 SEC. 5(E) AND 5(D) OR (E) NNDG # 795072

Indictment

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The Committee, considering that there exists a reason for dismissal of the following person, hereby file indictment against him in compliance with Art. 14 of the Law, for Impeachment of Judges after the investigation in pursuance with Art. 11 of that Law.

June 29, 1948.

By Matsichi Nakamura, Chairman of the Committee
for the Impeachment of Judges.

To Yoshinori Onimaru, Chief Judge of the Court
of Impeachment.

The accused:

Toshiichi Amano, Judge of the Hamamatsu Branch of
the Shizuoka District Court.
(46 years of age)

Residence:

No. 505, Masutsu, Fujieda-village, Shita-gun,
Shizuoka Prefecture.

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

Reason for dismissal:

The accused is a judge of the Hamamatsu Branch of the Shizuoka District Court and,

I. On Jan. 4, 1948, he was visited in his office and asked by a lawyer Toyoshige Tanaka, his acquaintance living in Hamamatsu, to give his assistance to Tanaka and one other in making inspection tour to Akita City and its neighbourhood which was the district of his previous service as a judge into industry and procurement of pressed fish-meal of herring in connection with the business for the Hamana-gun Agricultural Association, Shizuoka Prefecture. He agreed to help them and absented himself from his service to join their tour from around the 6th of the month (Jan.) up to the 13th without taking any necessary procedure for the notification of absence or the leave of absence which constitutes conspicuous negligence of his duty as a judge.

II. Concerning business transaction contemplated by Tanaka and the other.

1. He introduced them to Ryokichi Nagazawa, President of the Akita Prefecture Marine Products Industry Association and Yukichi Hirayama chief of the General Affairs Division of the Association at their office and made effort for the conclusion of business contract between them for the dealings and transportation of Fish-meal of herring or dried cuttle-fish.

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

2. After coming back to Hamamatsu around the 13th of the month, ~~until~~ continued, until the middle of February, he exchange of commercial telegraphic messages in his name with Hirayama for several times at his office for their business arrangements acting as if a party concerned.

3. At about Feb. 13 of that year, Hirayama shipped about 2,000 kan of dried cuttlefish assigned for Tokyo Metropolis to Shimizu Port upon the contract. However, on account of the difference of the destimation for arrigument, it could not be landed there, and contrary to the remarks of the accused it could not be delivered to the Agricultural Association. Therefore, Hirayama, being impatient and cancelling the contract, had it received by Kajuro Mochizuki, his friend, promising to assist him in selling it to the Abe-gun Agricultural Association being informed of the fact around the 22nd of the month, the accusedpressed Hirayama for several hours to change his mind at the Takaya Hotel in Shimizu City and not having secured his assurance he made a telephone call to him in the midnight of the day and early in the next morning insisting to have the dried cuttlefish delivered to the Hamana-gun Agricultural Association.

4. Furthermore, he called in Mr. MOCHIZUKI on around 26th that month to Mrs. Uta MIZUTANI's home at Shimazaki-cho, Shimizu City, and strongly demanded of him to give the accused the bill of lading necessary to get the aforementioned dried cuttle-fish and have Mr. MOCHIZUKI surrender the bill to him

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

in exchange of his name-card.

After that, he gave a certain TAK the bill of lading and made him go to Tokyo to cooperate in making arrangement to transfer the right for the above dried, cattle-fish from Tokyo Metropolis to Shizuoka Prefecture through the good offices of Mr. Yutaro TAKEYAMA.

5. About the same day the dried cuttle-fish in question were exposed by the Ihohara District Police Station, of Shizuoka Prefecture, as goods in contravention of the Important Articles Transportation Regalations. As soon as he knew of the case, he visited the Shizuoka Prefecture Government and the said Police Station around March 13 and heard the circumstances attending on it. He gave a good scolding to Mr. MITSUMA, Chief of the said Police Station, and Mr. IKETANI, Assistant Police Inspector of the said Police Station, and said that the Police station was going too far. He tried to have them lay aside this case of these illegal goods. Thus, he has seriously shaken the degnity of a judge by misconducting himself. The first fact falls under Article 2, Paragraph 1, of the Judges Impeachment Law and the second one under Article 2, Paragraph 2. These facts are sufficient to deserve dismiss him from the post of a judge by way of impeachment.

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

House of Representatives

October 6, 1948.

THE CASE OF

INDICTMENT FOR DISMISSAL AGAINST

JUDGE AMANO.

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A LIST OF WITNESSES WHOSE TESTIMONY WAS DEMANDED.

(October 5, 1948.)

The Court of Impeachment.

1. Dates on which Witnesses were demanded to give testimony.		The number of Witnesses.
September 25.	Judges were dispatched by order to demand testimony.	1 Witness.
September 27.	Testimony demanded in Court.	6 Witnesses.
September 29.	Ditto.	5 Witnesses.
September 29.	Ditto.	7 Witnesses.
September 30.	Ditto.	3 Witnesses.
October 22.	Testimony to be demanded in Court.	1 Witness.

The demand for 4 witnesses by the Counsels was cancelled by the same Counsels, for the matters were proved by the examination which have so far progressed and also by the testimony of other witnesses.

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2. The Matters testified by the Witnesses.

(1) Concerning Matters relating to the facts in Article 1, which constitute the reasons for dismissal.

Demanded by the Indictment Committee.	President, Shizuoka District Court.	Nakajima Shoi
Demanded by the Indictment Committee and Counsels.	Senior Judge, Hamamatsu Branch Office, Shizuoka District Court.	Nagai Yūshū
Demanded by Counsels.	Associate Judge, Hamamatsu Branch Office, Shizuoka District Court.	Iida Hidezo.
Demanded by the Indictment Committee and Counsels.	Assistant Judge, Hamamatsu Branch District Court.	Harimoto Kakuichi.

(2) Concerning Matters relating to the facts in Article 1 and those in Items 1 to 5 under Article 3, which constitute the reasons for dismissal.

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Demanded by the Counsel. Tanaka Toyoe

Indictment

Committee.

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3) Concerning Matters relating to the facts in Article 1 and those in Items 1 and 4 under Article 2, which constitute the reasons for dismissal.

Demanded by the Indictment Committee and Counsels.	No regular occupation. (Non-regular staff member of the Hamana Agricultural Association.)	Takeuchi Tetsuo.

4) Concerning Matters relating to the facts in Items 1 and 2 under Article 2.

Demanded by the Indictment Committee	The delagate of the Hamana Branch of the Shizuoka Prefecture Agricultural Association. (Successor to late Hiramatsu Kyuichiro)	Ito Kyoichi
Ditto	Vice-director of the Fruits and Vegetables Consignees' Association.	Asari Sukichi

5) Reasons for dismissal; Concerning the matters in relation to the facts of (1), (2)(3) in Article 2.

Demanded by the Indictment Committee	The director of the General Affairs Section of Fisheries Association, Akita Prefecture.	Hirayama Yukichi

6) Reasons for dismissal; Concerning the matters in relation to the facts in (3), Article 2.

On the official authority of the court.	Unemployed	Suzuki Kyohei

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7) Reasons for dismissal; Concerning the matters in relation to the facts in (3), (4), Article 2.

Demanded by the advocates of the Indictment Committee	Exporter of oranges	Mochizuki, Kajuro

8) Reasons for dismissal; Concerning the matters in relation to the facts in (5), Article 5.

Demanded by the Indictment Committee	Managing director of Acquatic products consignees and rationers association, Shizuoka Prefecture.	Shima Kenzo
Ditto	Managing Director, Shizuoka Prefecture Fisheries Products Association.	Shimano Katsuo
Demanded by Counsels.	Technical Expert, Shizuoka Prefecture Fisheries Products Association.	Kitayama Seimei
Ditto	Clerk, Shizuoka Prefecture Fisheries Products Association	Muramatsu Hideo
Demanded by the Indictment Committee	Chief, Ihara District Police Station, Shizuoka Prefecture	Mitsuma Ryohei
Ditto	Ex-Head, Economic Police Service of the above Police Station.	Ikeya Shinji
Ditto	Public Procurator, Shizuoka District Procuratorial office.	Sagara Haruo

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REGRADED UNCLASSIFIED PER E.O. 11652 SEC. 5(E) AND 5(D) OR (E) NNDG # 75 072

9) Concerning the family condition, health and character of Judge Amano and matters in general pertaining to the case.

By the authority of the court — Judge Amano's Wife. — Amano Tai

10) Concerning the Indictee's refusal to issue the warrant demanded for by Public Procurator Ōkubo.

Demanded by the Indictment Committee. — Public Procurator, Homamatsu Branch Office. — Ōkubo Hirotake

11) Concerning the fact heard from the indicted prior the indictment.

Demanded by the Indictment Committee. — Judge Tokyo High Court ~~Tokuoka Kazuo.~~ — Tokuoka Kazuo

12) Concerning Judge Amano's health while he was in his post at Akita.

Demanded by the counsellor. — Physician Kakeda Katsumi.

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

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Court of Impeachment

Outline of Reasons for Dismissal of Judge Amano and his Answer thereto in the Suit Case of Dismissing the Judge.

Reasons for Dismissal (outline)

Article 1: On January 4 this year, Hokei Tanaka, lawyer, and another person (Tetsuo Takeuchi) applied for a cooperation of the respondent (who had ever been in office in Akita) immediately before they departed for an industrial inspection tour to Akita City for their business in connection with the Agricultural Association of Hamana County, Shizuoka Prefecture. The respondent consented to that proposal and took a trip from the sixth to the 23rd of the same month to Akita together with the above-mentioned persons without making any notice thereabout, and thus he conducted against his official responsibility and neglected his duties to an extreme extent.

For Answer to Article 1, the respondent say:

1. That an objective of his travel is not for a commercial dealing but for tendering thanks to a person who took care of him for his illness while he was in an official position at Akita.

2. He got an understanding of his superior official before he departed for a trip.

3. He submitted his report of absence (which means a furlough trip) to Probationary Judge Harimoto, who did not tendered it to the court.

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4. At that time there was no case charged with him because it was immediate after the holiday for the celebration of the new year.

5. Expenses for travel were paid by each person concerned and he had no promise from Tanaka and others to get benesits.

Article 2

With regard to a Commercial Dealing which was an Objective of Above-mentioned Hokei Tanaka and Another Person:

(1) About Junuary 10, the respondent introduced Tanaka and others to Ryokichi Nagasawa and Yukichi Hirayama, president and director of the General Affairs Division respectively of the Fisheries Association of Akita Prefecture and offered good offices in concluding a commercial contract of purchase and sale of hering fertilizer and dried cuttle-fish and of their shipment.

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For answer to the above, the respondent says:

That on the day when Mr. Amano expected to return home from Akita, he who missed the train, strolled in the city for sightseeing and happened to pass by the office of the Fisheries Association. He therefore payed a visit to Mr. Hirayama; introduced Mr. Tanaka to Mr. Nagazawa; and then took Mr. Tanaka to the Hirayama's house. He did not endeavoured to conduct the transactions himself, but was in the position of the "observer".

(2) During the period from about January 13 to the middle of February, the commercial telegrams were sent and received by him using his own name in the Hamamatsu juridical court etc. in order to close the deal between Mr. Tanaka and Mr. Hirayama and others.

For answer to Article 2, (2), the respondent says:

Inasmuch as he was not responsible for the transactions, he did not send the telegrams therefor. But he only once did it as regard the price, as he feared that the dried cuttle-fishes should be obtained through the illegal route and at the illegal price.

(3) On or about February 13, Mr. Hirayama sent to the Shimizu Port in Shizuoka approximately 2,000 kan of dried cuttle-fishes supposed to be fowarded to Tokyo. However, they could not be unloaded on account of the change of destination; nor be delivered to the Hamana Agricultural Association in Shizuoka. Being informed of the fact that Mr. Hirayama who cancelled the transactions made a private contract with Mr. Kajuro Mochizuki to sell the dried

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cuttle-fishes to the Abe Agricultural Association in Shizuoka, the respondent persistently proposed to Mr. Hirayama that they be delivered to the Hamana Agricultural Association.

For answer to Article 2 (3), the respondent says:

1. That as he was aware that Mr. Tanaka and others were making efforts to transfer the dried cuttle-fishes assigned for Tokyo, he made an offer to Mr. Hirayama to place them in the Shimizu City pending the settlement of the matter. But he never proposed to deliver them to the Hamana Agricultural Association.

2. Mr. Hirayama said that the said dried cuttle-fishes would be bought by the Abe Agricultural Association on February 23, and that they would, if not, be delivered to the Hamana Agricultural Association.

(4) On or about February 26, he inviting Mr. Kajuro Mochizuki to Mrs. Mizutani's house in Shimazaki, Shimizu-shi forced Mr. Mochizuki to hand over the Bill of Consignment to him. He then gave the Bill to Mr. Takeuchi and helped him negotiate with the Tokyo Metropolitan authorities to transfer the dried cuttle-fishes to the Shizuoka Prefecture.

For answer to Article 2 (4), the respondent says:

1. That he went to the up-town of the Shizuoka City on official businessson Feb. 26 and dropped in Mrs. Mizutani's house on his way back. But he did not make a previous engagement to see Mr. Takeuchi and others.

2. It was not he who invited Mr. Mochizuki. Nor did he force Mr. Mochizuki to give him the Bill of Consignment. He only told Mr. Mochizuki that unless the Abe Agricultural Association received the dried cuttle-fishes on Feb. 23, the Hamana Agricultural Association was supposed to take delivery thereof. He then received the Bill and gave it to Mr. Takeuchi."

3. He did not instructed himself the procedures of transfer.

(5) On or about Feb. 26, the respondent got the knowledge of the fact that the dried cuttle-fishes in question were exposed by the Inara Police Station as the commodities in contradiction of the Regulation for Transportation of Staple Commodities. He went to the Shizuoka Prefectural Office and the Shizuoka Police Station; got an information of the situation; blamed Mr. Mitsuma, Head of the police station, and Mr. Ikeya, Chief of the economic department of the police station, for their acts ultra vires; and tried to lay the matter aside. For answer to Article 2 (5), the respondent says:

1. That the transfer of dried cuttle-fishes was actually made.

2. He was told that the police authorities sold them.

3. When he was invited to the inauguration of the Shizuoka Summary Court on March 13, he heard in the Fisheries Section of the Prefectural Office that the police authorties went too far in that field.

4. The explanation made by Mr. Mitsuma who was present at the inauguration was not satisfactory. Therefore, he went to the police station with Mr. Mitsuma and met Mr. Ikeya.

5. He asked Mr. Ikeya: Why was not such an important case reported to Mr. Mitsuma? He might perhaps say that the police authorities went too far.

6. He might take a more or less harsh tone of speaking owing to the liquor which he drunk at the inauguration. But he never blame them, nor said to shut their eyes to the matter.

Article 3. The above-mentioned deeds (1) - (5) conducted by the respondent were such misdemeanour as lower the dignity of Judge

To the General Headquarters of the Allied Powers

From the Impeachment Court

22 September 1948.

Report

on

Judge AMANO Toshikazu

in the Hamamatsu Branch of the Shizuoka District Court

46 years of age

The substance of reply of the above mentioned accused to the questions put by the presiding judge in the trial held on September 6 and 7 relative to the indictment for dismissal of the said judge.

Educational career:

I graduated from the Law Course of the Law Department of Keio University in 1927.

I passed the higher civil service examination for judicial service in 1927.

Occupational career:

In 1928 I was appointed to probationary judge.

In 1929 I was appointed to judge.

Later I was posted at Tokyo, Takada, Aikawa and Utsunomiya. In September 1945 I was posted at the Akita Local Court as a judge in charge of preliminary examination till March 1947. Since April 1947 I have

been

been holding a post at the Hamamatsu Branch Court.

Family Circumstances:

I married a daughter of a millionaire, who was once a high tax payer in Tomioka Town, Gunma Prefecture. I have four children. My life is not much pinched for money.

Health:

While I held a post in Akita, what with the business, opressive and unfavourable weather and what with the bad food situation, I suffered from insomnia of the worst kind from January 1947, and could not get a wink of sleep. Accordingly I underwent medical examination and was in hospital for two weeks. My physician in charge, Dr. Kaneda, said that it would take at least a year for my complete recovery.

However, after I took up my post in Hamamatsu near my home, I began to feel easier and gradually recovered, and in the middle of last November I came to feel nearly all right.

Character:

I think that I am apt to give myself up to anything I undertake. So when I am asked to do something by another, I feel inclined to accomplish it in some way or another.

The Substance of the reply of the accused relative to grounds for his dismissal.

Reasons for his dismissal:

[I.] TANAKA Kazue, lawyer living in Hamamatsu City, with whom the accused was familiar, and another, told him in the said Hamamatsu Branch Court around January 4, 1948, that they were going to take a trip to the Akita City area on the business of the Agricultural Association, Hamana County, Shizuoka Prefecture, with the object of inspecting industrial conditions and of purchasing herring, meals etc. and asked for his co-operation as he formally held a post in Akita. He consented to their request. In taking a trip to Akita with them on January 6 and absenting himself from the said court, he did not take the necessary procedures of presenting a report on his absense or an application for his leave, thus leaving his post without permission during the period from January 6 to 13. The accuseds' great offence against his duty and negligence as a judge, falls under Paragraph 1, Article 2 of the Judge's Impeachment Law, and deserves his dismissal.

The following is the accused's reply to the chief judge's questions relative to the reasons for his dismissal.

(1.) Around January 4, 1948, TANAKA Kazue, who is now a lawyer and was once a judge at the Hamamatsu branch court visited me at the branch court.

(2.) Then he asked me to introduce to him my aquaintances whom I knew during my service in Akita as he wanted to go to Akita on the business of the Hamana branch of the Agricultural Association of Shizuoka Prefecture.

(3.) I think that he told me then that he would send vegetables produced in the Hamana area, Shizuoka Prefecture, to Akita in exchange for fish meals from Akita. It is not clear how I presumed so, viewed from the consequences or not.

(4.) Then I told him that I did not mind going there too if circumstances allowed as I wanted to show my friends who were kind to me when I was sick in Akita, that I was quite well now and I wanted also to go and express my thanks to them. I told him that I would give him a definite reply on the 6th as to whether I would accompany him to Akita or not.

(5.) On January 5 he rang me up at my home over the telephone, and asked me to accompany him to Akita by all means, so I promised him to give him a definite reply anyhow at the office (the court) on the following 6th. After having a talk with him.

(6.) On January 6 I met TANAKA at the court, and promised him to go with him. But having decided already to go to Akita, I had left home after making preparations for the trip.

(7.) On January 6 NAGAI, the senior judge of the Hamamatsu Court was away as he had left for Ichikawa, Chiba Prefecture, where his family lived. But IIDA, the associate judge and HARIMOTO, the probationary judge, were there. So I told them that I was going to take a trip, and asked them to look after my affairs during my absence. Judge IIDA wished me good luck.

(8.) Then I wrote a report on my absence addressed to the Chief Judge of the Shizuoka Local Court asking him for my leave of absence. I intended to get permissions for a twenty days' paid leave which is granted to officials each year.

(9.) When I wrote the report on my absence, Judge IIDA had already left the court. So I asked Probationary Judge HARIMOTO to present it to Senior Judge NAGAI. He told me that it was not necessary to present such a report, and did not accept it saying that a verbal report on my trip was sufficient. I was in a hurry and I left court leaving the report on my desk, if I remember rightly, asking him to look after it.

(10.) At that time the trial of the case in my charge was neither to be held till around the 17th, nor was I on night-duty. So I left the affairs during my absence to the kindness of Judge IIDA and Probationary Judge HARIMOTO, and I started on my trip at ease.

(11.) I know Article 6 of the Government Service Regulations, reading that no official shall leave his post arbitrarily without permission of the competent chief. But in those days it was customary to get an ex-post facto permission of leave of absence. And it was quite seldom that a prior permission was obtained. For fear of trouble which may occur afterwards I drew up a report of my absence and asked Assistant Judge Harimoto to present it to the Court Authorities. I also talked to Senior Judge INOUE about my trip on my return by way of asking for an informal permission, I think.

(12.) I was thinking all along that the report had duly been presented to the Court Authorities. About April this year to my surprise there arose a problem concerning the trip I made in connection with the dried cuttle-fish case without obtaining permission for my absence. Out of surprise I looked into the drawers of my desk and found against my expectations the report in question lying unpresented beneath other documents.

(13.) As for me, I asked assistant Judge HARIMOTO to present the report to the Court Authorities on my behalf and thus duly followed the procedure at any rate, but viewed from the result I have no excuse to offer even if one asserts that I purposely absented myself with out permission.

(14.) Taking the above points into consideration, I don't think I committed a great breach of my official responsibility or a gross negligence of my official duties, and therefore I negate the first item of the charges against me.

〔II.〕 Concerning Business Transaction aimed at by the above mentioned Tanaka Toyoe and another person.

1. It is said that about the 10th of the same month in the office of the Akita Prefecture, Aquatic Products Industry Association in Akita City the accused used his good offices for introducing the above Tanaka and others to Nagazawa Ryokichi, President of the above Association, and Hirayama Yukichi, Chief of the General Affairs Division of the Association, and endeavored for conclusion of business transaction concerning the sales, purchase, transportation, etc. of herring meals or dried cuttlefish between these two parties.

The purport of the accused's answer to interrogation by the Chief Judge and others on this reason for dismissal.

(1.) On January 10, accompanied by Tanaka Toyoe, I want to the Akita Prefecture Aquatic Products Industry Association to see Nagazawa Ryokichi, Presidnet of the Association. I think I probably introduced Tanaka to Nagazawa at that time.

(2.) At that time Nagazawa said that the Taihei Maru in the possession of the Akita Prefecture Aquatic Products Industry Association was to go to the port of Shimizu in Shizuoka Prefecture for repairs.

(3.) On hearing that, Tanaka requested Nagazawa to load the Taihei Maru with herring meals and to send the ship ("to Shizuoka Prefecture" was understood) if the ship had no cargo to be loaded with as herring meals might be bought at Hakodate in Hokkaido. Nagazawa said in reply that Tanaka

should apply to Hirayama, Yukichi, Chief of the General Affairs Division of the Association for matters concerning ships.

(4.) As there happened a necessity for Tanaka to see Hirayama again and the former asked me to accompany him to Hirayama's, I, in compliance with that request went with him to see Hirayama at his home. Then Tanaka asked Hirayama for the same favor as he asked Nagazawa. Hirayama complied therewith.

(5.) Hirayama in his turn asked Tanaka to see to it that the Hamana branch of the Shizuoka Prefecutre Agricultural Association would purchase 1,500 kan of"allotted dried cuttlefish" which Tanaka would take on his visit to Shimizu. The "allotted dried cuttlefish" in question were only talked about as "regular" or "allotted" and I never heard that it was the "dried cuttlefish allotted" to Tokyo Metropolis, and so we were under the impression that it was the "dried cuttlefish allotted" to Shizuoka Prefecture, for we should have declined it if it had not been "allotted" to Shizuoka.

(6.) Tanaka said in answer to the above proposal of Hirayama that he would probably be able to accept it.

(7.) In this business transaction I was entirely in a position of an "observer" and had no finger in it.

(8) In the sense that I was acquainted and could be trusted, future enquiries, etc. were decided to be made in my name. Agreement was roughly reached on the whole on the transportation of the "herring meals" and the transaction of the "alloted dried cuttlefish".

(9) After all I said nothing either to Tanaka or Hirayamadon the sale and purchase transaction above referred to and acted all the time as a by stander, for it was a matter of no interest to me.

((What the accused said means that he intended to negate the above charge brought against him.)

2. It is said that several times between the 13th of that month on which the accused returned to Hamamatsu City and the middle of February the same year commercial telegrams were dispatched to or received from Hirayama in the name of the accused in the branch office, etc. of the above mentianed Court in order to conclude business transaction of above mentioned Tamaka, Hirayama, etc. and thus he behaved as if ~~he~~ he had been the very person engaged in that business transaction.

The purport of the accusedis answer to interrogation by the Chief Judge on the above charge.

(1) About January 14th or 15th a telegram came from Hirayama Yukichi to me inthe office of the Hamamatsu Court. The content was to the effect that the telegram dispatched by someone on our side was not understandable.

(2) When I showed TANAKA that telegram, I found that it was an inquiry about the telegram sent by TANAKA under the name of AMANO.

3)

(3) On that occasion, TANAKA explained that he sent the telegram to cancel the transportation because, when he came back from Akita after having asked HIRAYAMA to ship the herring meal stocked in Hakodate aboard the Taihei-maru from Hakodate to Shimizu, Shizuoka Prefecture, he found a telegram directed to the Hamamatsu Agricultural Association from Hakodate that the stocked herring meal had already been sold to another party, adding that at the same time a telegram was dispatched under the name of AMANO asking to increase the amount of cuttle fish to be shipped from 1,500 kan to 2,000 kan.

(4) Then I scolded TANAKA for fear that the increase of 500 kan might signify a blackmarket transaction, and further sent a telegram for myself to HIRAYAMA, inquiring the price of the cuttle-fish. Only after I received a reply by wire that the transaction would be conducted at officially fixed prices, could I feel reassured.

(5) Under these circumstances I only once wired to HIRAYAMA.

This was the only one I wired to him. And, in this case, I wired to him because I feared that this matter might bring trouble to HIRAYAMA, a subordinate of President NAGASAWA with whom I was closely acquainted in Akita, and that the cuttle-fish might be transacted at blackmarket prices.

(6) I don't know how many times telegrams were exchanged under my name between the Hamana Agricultural Association or TANAKA and the Akita Marine Product Association or HIRAYAMA.

(7) As afore-mentioned, I was never connected with this transaction as directly as the dealers were . .

3. On around February 15th of this year, HIRAYAMA under the afore-mentioned contract shipped 2,000 kan of cuttle-fish originally intended for Tokyo to Shimizu Port, Shizuoka Prefecture, but failed to unload them because of the difference of the ports of discharge. Being impatient of the failure, HIRAYAMA then wanted to sell the cuttle-fish to the Abe County Agricultural Association through the good offices of Kijuro MOCHIZUKI, an acquantance of HIRAYAMA, and made a private contract, cancelling the former contract.

The accused, having got wind of the new contract, met HIRAYAMA on around 22nd of that month at Takeya Hotel in Shimizu City and pressed him to reconsider the contract. But as the accused failed to obtain HIRAYAMA's assertion after several hours' meeting, the former further phoned the latter, twice, in the middle of the night and early next morning, urging him to deliver the cuttle-fish to the Hamana Agricultural Association.

The accused replied as follows to the above inquiry by the judges on the reason for dismissal.

(1) I received the telegram from HIRAYAMA that the Taihei-maru arrived at Shimizu on February 13th behind scheduled time.

I showed that telegram to TANAKA, but I myself did not call on HIRAYAMA right away.

(2) After meeting HIRAYAMA, TANAKA came to me and told that as the cuttle-fish aboard the Taihei-maru was part of rations "framed" for Tokyo he was considering to let Kyuichiro HIRAMATSU, President of the Hamana Agricultural Association, obtain the

sanction for transferring the "frame" from Tokyo Metropolis, on the understanding of the Shizuoka Prefectural Office in order to enable unloading.

(3) On a later occasion TANAKA once said: "Despite President HIRAMATSU's effort for changing the "frame", SUZUKI, whom I entrusted with the negotiations with HIRAYAMA on account of pressure of my own business concerning a lawsuit, has broken the contract without consulting me for the reason that the Hamana Agricultural Association could not receive the cuttle-fish".

At that time, TANAKA seemed to be angry with SUZUKI for having done so.

(4) Meanwhile, I received a telegram from HIRAYAMA that he was wanting my cooperation because the transaction was going wrong.

Since it is against my nature to leave anything half done, I called on HIRAYAMA on Feb. 22, at Takeya Hotel where he had been staying.

(5) On that occasion, he asked me to understand that he was going to sell the cuttle-fish to the Abe Agricultural Association through Kajuro MOCHIZUKI because SUZUKI had refused consignment as proxy for TANAKA, complaining of the action of the Hamana Agricultural Association as too unkind since a changing of the "frame" would have been quite simple.

(6) On hearing this I was indignant. After the telegram asking for my assistance, his attitude on his arrival was quite contrary to it, which displeased me. So, I complained to Hirayama questioning why he did not approach Tanaka or the Hamana Agricultural Association when Suzuki refused and why he didn't come to me even once if he really were in such difficulty. Hirayama answered insisting he had no fault about the matter and added that the shipment was fixed to be taken by the Abe Agricultural Association on Feb. 23 and he was going back to Akita the following day.

(7) Then, I insisted that this was contrary to the arrangement, and asked him to deliver the goods to the Hamana Agricultural Association as originally arranged if the Abe Agricultural Association failed to accept them the following day, to which Hirayama agreed.

(8) Thereupon, I asked Hirayama to introduce Kajuro Mochizuki to me. And Hirayama called him and requested him in my presence to deliver the dried cuttlefish to the Hamana Agricultural Association if the Abe Agricultural Association could not take it, to which Mochizuki agreed.

(9) At that time, as I feared trouble might occur about the different destination of the cuttlefish from its originally arranged destination, I asked Hirayama to stay in Shimizu City until the case be settled. But he insisted he would start for Akita anyway.

(10) As I was still worrying about the matter even after I got home, I asked him ~~by~~ in the middle of the night and again early next morning to stay in Shimizu till things were settled. However, Hirayama did not agree and left for Akita.

(11) As the transfer of the dried cuttlefish from the Abe Association to the Hamana Association in case of the former's failure to accept it, was an unquestionable arrangement (refer item 8) between Hirayama, Mochizuki and myself (Amano), my two telephone calls afterward were not for confirming that arrangement but only just to ask him to stay in Shimizu until the settlement of the transaction.

4. Further, on about the 26th of the month, he summoned Mochizuki to the house of Uta Mizutani, Shimazaki-cho, Shimizu City and strongly demanded him to present immediately to the accused the delivery certificate of the cuttle-fish which he must have received from Hirayama and accepting it in exchange for his own visiting card he handed it to a person called TAKEUCHI and let him go up to Tokyo to have the destination of the goods changed from Tokyo Metropolis to Shizuoka Prefecture through the intermediate help of Yutaro TAKEYAMA.

The summing up of the accused's explanation in response to questions made by chief judge etc. on the above charge calling for his dismissal:

(1) On Feb. 22, I went to the suburb of Shimizu City on official business. On my way back, taking chance of the spare time, I dropped into Uta Mizutani's, Shimazaki-cho, Shimizu City, my acquaintance (a widow of a lawyer, during whose life Amano's younger brother, also a lawyer, had been living with him).

(11) As the transfer of the dried cuttlefish from the Abe Association to the Hamana Association in case of the former's failure to accept it, was an unquestionable arrangement (refer item 8) between Hirayama, Mochizuki and myself (Amano), my two telephone calls afterward were not for confirming that arrangement but only just to ask him to stay in Shimizu until the settlement of the transaction.

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(2) Unexpectedly, I found there Tetsuo Takeuchi who joined the tour to Akita which I made with Tanaka and also Takeji Nagao whom I was not acquainted with. (He explained that this meeting had not been arranged beforehand.)

(3) Prior to this, I had informed Tanaka of the arrangement made between Hirayama, Mochizuki and myself on Feb. 22 at the Takeya Hotel, about the transfer of the dried cuttlefish (Refer (8) of 3 of the 2nd Reason) and asked him to understand it.

(4) May be on that account, Takeuchi told me the following story of the progress of the matter there, at Mizutani's,

Tanaka telephoned Mochizuki on the evening of Feb. 23 questioning about the acceptance of the goods by the Abe Association. Mochizuki answered that the Abe Association could not take them and they were going to be transferred to the Hamana Association.

Tanaka demanded Takeuchi to go to Mochizuki to get the delivery certificate and arrange for the change of the destination. So, he approached Mochizuki but Mochizuki did not agree to his request placing no confidence in Takeuchi, saying he could deliver it only to Mr. Amano but no one else. Therefore, Takeuchi informed this to Tanaka.

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Thereupon TANAKA inquired at the office to inform me (AMANO) of the matter, and found out that I was out in the suburbs of Shimizu City. Further TAKEUCHI said: "TANAKA told me (TAKEUCHI) to wait there as AMANO might drop in at MIZUTANI's on his way home, and ask him to receive a shipment certificate from MOCHIZUKI, So I was waiting."

(5) Until I heard the story, I was under the impression that the "dried cuttle-fish" case had been settled clear through.

(6) But I could not refuse his desire, and was obliged to take it on. TAKEUCHI called MOCHIZUKI to MIZUTANI's; I explained him the circumstances in which a shipment certificate was necessary due to change of the "frame", and asked him to deliver it. I do not know how it was, but MOCHIZUKI hesitated to do so. I spoke about the promise for February 22 (cf. 2nd reason III-8), and then MOCHIZUKI said, "I shall give it to you,": and he handed me a shipment certificate.

(7) Then I handed the shipment certificate over to TAKEUCHI, Tetsuo. Takeuchi was saying, "I am going to Tokyo, to ask a favor of TAKEYAMA, Yutaro, a Peoples' Cooperative Party member of the Diet, to take steps to change the 'frame'."

(8) I have never strongly demanded MOCHIZUKI to diliver a shipment certificate as described in the reason for indictment.

5. About the same date the dried cuttle-fish were laid bare

as materials violating the important materials Transportation Regulations by the Ihohara District Police Station, Shizuoka Prefecture. It is alleged that as soon as he was informed of this, he visited the Shizuoka Prefecture Government and the aforementioned Police Station, and listened to the circumstances of the exposure. He reprimanded MITSUMA, Superintendent of the said Police Station, and IKETANI, assistant Inspector in charge of economic matters in the said Police Station, and said that the Police Station had gone too far. He tried to have them pass the contravened materials unnoticed.

And it is contended that the reasons from 1. to 5. in the Second Part fall under Article 2, No.2 of the Judges Impeachment Law, and that he deserves to be dismissed from the position of a judge by way of impeachment.

The gist of the accused's answers for the examination conducted by judges in respect to the aforementioned five reasons for dismissal:

(1) I heard from TANAKA for the first time that while steps were taken to change to Shigucka Prefecture the "frame" of the dried cuttle-fish bound for Tokyo-to, the fish were seized by the police on the charge of being materials violating economic control, and that it had become a criminal case.

(2) I have no direct connection with this transaction. From responsibility for having been present when the transaction was discussed, and for the purpose of reference,

however, I visited the Fisheries Division of the Shizuoka Prefecture Government on the morning of March 13, availing myself of the opportunity before attending the opening ceremony of the Shizuoka Simple Court the same day. I saw Expert KATAYAMA, and asked how it turned out to be a criminal case, while approval had been granted to change the"frame" of the dried fish. He said, "The Police Station went too far by seizing them."

(3) And as Expert KATAYAMA told me to see SHIMANO, President of the Fisheries Association of Shizuoka Prefecture, I did so. He said that he couldn't catch the situation well, but that the dried fish were seized by the Shimizu station and steps for valuation were taken on them. Further, he kindly inquired of the Shimizu Branch about the circumstances. Their answer was that, even if there is a legal transfer approval document (a document approving of the change of the "frame"), it is of no use --- something like that.

(4) On that occasion, MURAMATSU, Hideo, a clerk of the Fisheries Association, who was beside SHIMANO, said that, if the dried fish are legal ones, a subsidy of ¥60,000 or ¥70,000 ought to be granted from the National Treasury, for their transportation.

(5) After this visit, I attended the opening ceremony of the aforementioned Shizuoka Simple Court, where I saw Superintendent MITSUMA, Ryohei, of the Ihohara Police Station. At that time I asked him about the circumstances; but he denied any knowledge of the matter.

(6) Further I inquired by phone of the Fisheries Association of the Shizuoka Prefecture which police station had seized the dried fish, and learned that it was the Shimizu Police Station.

(7) As Superintendent MITSUMA's explanation was not at all to the point, I went to the Ihohara Police Station with him, and saw IKETANI, Shinji, Head of the Economic Division of that Police Station.

(8) When I inquired of IKETANI, Head of the Economic Division, he said that, though he was in arrear with a report for the Superintendent, the dried fish have been seized on a charge of violating the Important Materials Transportation Regulations, and that steps for appraisal have been taken.

(9) Under the influence of sake (drunk at the opening ceremony of the court), as I said, "It is unreasonable not to inform the Superintendent of such an important case," IKETANI seemed to be angry.

(10) However, as for me, being unable to say beyond that extent, I asked for an understanding explaining the curcumstance that I had not any connection with MOCHIZUKI, Kajuro and HIRAYAMA, both suspects of the dried cuttle-fish

case and TANAKA, not suspect, and the Hamana Agricultural Association.

(11) On that occasion, I pointed out that the police went too far which was said by KATAYAMA, technical official of Shizuoka Prefecture and the approval of transfer (approval for the change of "frame") was offered by Tokyo Metropolitan Government, and emphasized that the said cuttle-fish were legal: My voice might have been somewhat in a harsh tone but I did neither forcibly demand the case to be passed over untouched nor made a heated discussion.

Among the questionings of the presiding judge in relation with the dismisal, those deemed important are as the following:

Question: By whom were the travelling expenses, etc., to Akita paid?

Answer: They were paid by myself.

Question: In connection with this transaction, had you any promise to receive an offering of profit from those concerned?

Answer: No, I had never obtained such a promise.

Question: Explain your mental process while you were being involved into the case step by step.

Answer: The reason why I resolved to go to Akita was to show my recovered health to those persons who gave me warm help during my illness in Akita and to thank them. At that time, as I was asked by TANAKA, lawyer, to introduce him to my acquaintances in Akita, I accompanied him, taking advantage of that

opportunity. Such being the case, although I went to Akita with him, I only introduced ASARI, Suekichi to him. Having no interest at all, I never had any connection with the business transactions of TANAKA and others. On my returning to Shizuoka, I missed the train and took a stroll. On the way, I visited NAGASAWA, president of the Marine Products Industry Association, at his office, though I had no need to call on him. At this time, Nagasawa mentioned the Taihei Maru.3 Started from it, TANAKA asked for the transportation of "herring meal", and it caused the necessity to meet HIRAYAMA Yukichi. Asked by TANAKA, I accompanied him to HIRAYAMA's. It would have been very fortunate for me if the talks at that time had been only confined to the transportation of"herring meal", but HIRAYAMA talked on dried cuttle fish, and TANAKA agreed. I didn't think that it was such an important transaction, but afterward, as HIRAYAMA forwarded the dried cuttle-fish to Shimizu Port, Shizuoka Prefecture, which were meant for Tokyo, I was much worried about it. Although the cuttle fish were sold to the Abe Agricultural Association through MOCHIZUKI, Kajuro, I received a telagram from HIRAYAMA, to the effect that "Your help is requested." As my charactor is to do things to the last, I was inevitably involved too far into the case. At the time when the cuttle-fish were in transaction, I was with the parties. Keenly feeling this responsibility, I thought that I should bring these mislead cuttle-fish into the legal channel, with the result that I went too deep into the case

without knowing that it was too extreme and unjust as a judge.

Question: Don't you think at present that you went too deep into the business transaction as a judge?

Answer: At that time, I didn't think that it was unjust as a judge, but as the result of successive examinations, I think that I went too far. However, it was inevitable from my charactor.

Examinations on the next public trials:

1. Sept. 25 One witness is to be questioned in Shimada City, Shizuoka Prefecture (two persons of judges on duty)

2. Sept.27 Examination of evidences at public trial
(evidences 4
witnesses 7 persons)

Sept.28 Examination of evidences at public trial
(witnesses 6 persons)

Sept.29 Examination of evidences at public trial
(witnesses 9 persons)

Sept.30 Examination of evidences at public trial
(witnesses 4 persons)

With the above-mentioned examination of evidences, the examinations on facts and evidences are scheduled to end. Then, the period of making a written examination will be about ten days. Following to it, the argument of the Indictment Committeemen and the pleading of lawyers will be conducted, After the oral discussions, about seven days will be set

aside for the period of making the decision. The decision is scheduled to be given in October.

YS

To Dr. W. Ichiro - This is the draft of the original indictment to the Impeachment Court by the Indictment Committee which has been studied by the Court. (Shiro)

House of Representatives

Sept. 22, 1948.

On the indictment against Toshiichi Amano,
Judge of the Hamamatsu Branch of the
Shizuoka District Court.

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The committee in charge of this case held its last meeting on June 29 with 17 attendants. After deliberation, they arrived at the decision to bring an action against him with unanimous agreement and forwarded the indictment document, a copy of which attached herewith, demanding his dismissal, to the Court of Impeachment.

The public trial at the Court of Impeachment was executed on the 6th and the 7th of this month and is expected to be finished after further 4 days trials as from the 27th to the 30th of September. The judgement is anticipated to be done within October.

Sept. 20, 1948.

Mataichi Nakamura,
Chairman of the Committee
for the Impeachment of Judges.

Indictment

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The Committee, considering that there exists a reason for dismissal of the following person, hereby file indictment against him in compliance with Art. 14 of the Law, for Impeachment of Judges after the investigation in pursuance with Art. 11 of that Law.

June 29, 1948.

By Mataichi Nakamura, Chairman of the Committee
for the Impeachment of Judges.

To Yoshinori Onimaru, Chief Judge of the Court
of Impeachment.

The accused:

Toshiichi Amano, Judge of the Hamamatsu Branch of the Shizuoka District Court.

(46 years of age)

Residence:

No. 503, Masutsu, Fujieda-village, Shita-gun, Shizuoka Prefecture.

YS

Reason for dismissal:

The accused is a judge of the Hamamatsu Branch of the Shizuoka District Court and,

I. On Jan. 4, 1948, he was visited in his office and asked by a lawyer Toyoshige Tanaka, his acquaintance living in Hamamatsu, to give his assistance to Tanaka and one other in making inspection tour to Akita City and its neighbourhood which was the district of his previous service as a judge into industry and procurement of pressed fish-meal of herring in connection with the business for the Hamana-gun Agricultural Association, Shizuoka Prefecture. He agreed to help them and absented himself from his service to join their tour from around the 6th of the month (Jan.) up to the 13th without taking any necessary procedure for the notification of absence or the leave of absence which constitutes conspicuous negligence of his duty as a judge.

II. Concerning business transaction contemplated by Tanaka and the other.

1. He introduced them to Ryokichi Nagazawa, President of the Akita Prefecture Marine Products Industry Association and Yukichi Hirayama chief of the General Affairs Division of the Association at their office and made effort for the conclusion of business contract between them for the deelings and transportation of fish-meal of herring or dried cuttle-fish.

2. After coming back to Hamamatsu around the 13th of the month, ~~until~~ continued, until the middle of February, he exchange of commercial telegraphic messages in his name with Hirayama for several times at his office for their business arrangements acting as if a party concerned.

3. At about Feb. 13 of that year, Hirayama shipped about 2,000 kan of dried cuttlefish assigned for Tokyo Metropolis to Shimizu Port upon the contract. However, on account of the difference ofthe destimation for arrigument, it could not be landed there, and contrary to the remarks of the accused it could not be delivered to the Agricultural Association. Therefore, Hirayama, being impatient and cancelling the contract, had it received by Kajuro Mochizuki, his friend, promising to assist him in selling it to the Abe-gun Agricultural Association being informed of the fact around the 22nd of the month, the accusedpressed Hirayama for several hours to change his mind at the Takays Hotel in Shimizu City and not having secured his assurance he made a telephone call to him in the midnight of the day and early in the next morning insisting to have the dried cuttlefish delivered to the Hamana-gun Agricultural Association.

4. Furthermore, he called in Mr. MOCHIZUKI on around 26th that month to Mrs. Uta MIZUTANI's home at Shimazaki-cho, Shimizu City, and strongly demanded of him to give the accused the bill of lading necessary to get the aforementioned dried cuttle-fish and have Mr. MOCHIZUKI surrender the bill to him

in exchange of his name-card.

After that, he gave a certain TAK the bill of lading and made him go to Tokyo to cooperate in making arrangement to transfer the right for the above dried, cattle-fish from Tokyo Metropolis to Shizuoka Prefecture through the good offices of Mr. Yutaro TAKEYAMA.

5. About the same day the dried cuttle-fish in question were exposed by the Ihohara District Police Station, of Shizuoka Prefecture, as goods in contravention of the Important Articles Transportation Regulations. As soon as he knew of the case, he visited the Shizuoka Prefecture Government and the said Police Station around March 13 and heard the circumstances attending on it. He gave a good scolding to Mr. MITSUMA, Chief of the said Police Station, and Mr. IKETANI, Assistant Police Inspector of the said Police Station, and said that the Police station was going too far. He tried to have them lay aside this case of these illegal goods. Thus, he has seriously shaken the degnity of a judge by misconducting himself. The first fact falls under Article 2, Paragraph 1, of the Judges Impeachment Law and the second one under Article 2, Paragraph 2. These facts are sufficient to deserve dismiss him from the post of a judge by way of impeachment.

To Dr. Williams - Schedule of Court proceedings by the Impeachment Court on Judge Amano Case in Shizuoka Sept. 22, 48

HK

A LITS OF DATES FOR THE EXAMINATION OF

WITNESSES IN THE CASE AGAINST AMANO, TOSHIICHI

(Impeachment Court)

Date for Exam.	Place for Exam.	Applicant for Evidences	Witness	
10 a.m., Sept. 25, 1948.	Shimada Simple Court, Shimada-shi, Shizucka-ken	Ex Offices	Occupation The indictee's Wife	Name AMANO Tai.
	A Judging Member KURUMA, Takudo			
	do	Mrs. MIYAGI, Tamayo		

Date for Exam.	Place for Exam.	Applicant for Evidences	Witnesses	
			Occupation	Name
10. am Sept. 27, 1948.	In the Impeachment Court, Akasaka 1-chome, Minato-ku, Tokyo-to.	Attorney	Associate Judge at the Hamamatsu Branch	IIDA, Hidezo
do	do	Chairman of the Indictment Committee; Attorney.	Probationary Judge at the Hamamatsu Branch	HASHIMOTO, Kakuichi
do	do	do	Sinior Judge at the Hamamatsu Branch	NAGAI, Yusho

do	do	Chairman of the Indictment Committee.	President of the Shizuoka District Court	NAKAJIMA, Susumu
1 p.m. the same day.	do	do	Judge at the Tokyo High Court	TOKUOKA, Kazuo
do	do	do	Attorney	TANAKA, Hakei
do	do	Chairman of the Indictment Committee; Attorney		TAKEUCHI, Tetsuo
10 a.m., Sept. 28, 1948	do	Chairman of the Indictment Committee.	Representative of the Hamamatsu Branch, Shizuoka Prefecture Agricultural Association.	Under Examination.
do	do	do	Vice-President of the Akita Prefecture ~~Fisheries Association~~ Fish's Reception Union	ASARI, Suekichi
do	do	do	President of the Akita Prefecture Fisheries Association	NAGASAWA, Ryokichi.

do	do	do	Director of the General Affairs Division of the same Association	HIRAYAMA, Yukichi
1 p.m. the same day	do	Ex Offices.		SUZUKI, (Under Examination
do	do	Chairman of the Indictment Committee, Attorney	Agriculture	MOCHIZUKI, Kajuro
1 p.m. Sept 29, 1948.	do	Attorney		Mrs. MIZUTANI Yuki.
do	do	do		NAGAO, Takeji
do	do	do		AMANO, Yasuichi
do	do	Chairman of the Indictment Committee	Managing Director of the Shizuoka Prefecture Marine Products Reception and Distribution Association	OSHIMA, Kanezo.
1 p.m. the same day	do	do	Managing Director of the Shizuoka Prefecture Fisheries Association	SHIMANO, Katsuo

do	do	Attorney	Expert of the Shizuoka Prefecture	KATAYAMA, Seimei
do	do	Attorney	Clerk of the Shizuoka Prefecture Fisheries Association	MURAMATSU Hideo
do	do	Chairman of the Indictment Committee	Chief of the Ihohara District Police Station	MITSUMA, Ryohei
do	do	do	Formerly Head of the Economic Division of the same Police Station	IRETANI, Shinji
10 a.m., Sept. 30, 1948.	do	do	Procurator of the Shizuoka District Procurator's Office	SAGARA, Haruo
do	do	do	Procurator of the Hamamatsu Branch	OKUBO, Hirotake
do	do	Attorney	Doctor	KAKETA, Kanae
do	do	do	Chief of the Secretariat, Supreme Court Buresu	NAITO, Yorihiro

- END -

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

To Dr. Williams — Record case taken up by the Nakatomi Indictment Committee, but found not worthy to be indicted to the Supreme Court.

(Ishii) Sept. 22, '48 H.R.

CONCERNING A THEFT CASE OF LAWUIT RECORDS IN THE OFFICES OF THE SUPREME COURT.

The Committee for Indictment appointed Yamaguchi Koichi and Sakakibara Chiyo as Committee Members for Investigation on the above matter. As a result of deliberation thereon based on the report of the above Committee Members at the session of July 7 of the Committee for Indictment, a decision was taken thereon as per separate copy and warning was decided to be served with the Chief Judge of the Supreme Court against a future recurrence of such an event. The decision was sent to the Chief Judge on the same day.

September 20, 1948.

Nakamura Mataichi

Chairman of
the Committee for Indictment.

CN

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDC # 75-072

Decision

RESOLUTION OF THE INDICTMENT COMMITTEE ON A THEFT CASE OF LAWSUIT RECORDS.

(Fact)

Ueda Tokuji, Clerk of the Tokyo Superior Court, at the request of Komuku Sadamasa, the accused on the charge of embezzlement in business appealed to and now pending in the Supreme Court, stole in the offices of the Supreme Court on May 8, 1948, the records in 3 volumes concerning the above appealed case in the safekeeping of that Court deposited in the record shelves in the Clerks' room of the 3rd small court and the Clerks'branch room, of that court, and burned them up afterwards.

(Reason)

This Committee made investigation into this matter as to whether or not there would be any cause for bringing a dismissal indictment against the judges.

The investigation proved that the clerk in charge thereof of the Supreme Court deposited the records in question in the shelves which he duly placed under lock and key, and therefore he did not anyhow neglect his duties.

This case is rather attributable to the incomplete equipment for the safe-keeping of the records, and it is

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

recognizable that the Court and Judges did not neglect an ordinary supervision on the Court clerks. As it is, it cannot be judged that there was a breach of responsibility or negligence of duties so great and gross as to impeach the Judges for dismissal on this case.

The safe-keeping of lawsuit records in the Court is as a matter of course one of the most important items of judicial business. This is directly in the charge of the Court Clerks (Paragraph 2, Article 60 of the Court Law) but the Court Clerks shall be supervised by the Court to which they belong (Article 80 of the Court Law). Such supervision shall be conducted by the decision of the Council of Judges (Articles 12, 29, etc.of the Court Law). So all the Judges who compose the Council of Judges shall be kept responsible for official duties for perfect supervision on judicial administration of the Court so that such a case as this should be prevented from occurring.

This Committee hopes with great expectation that the above duty will perfectly be discharged, appropriate measures be speedily adopted and an end be put to a recurrence of a similar matter in future, and decides on this case that no indictment should be instituted against the judges for dismissal.

July 7, 1948.

Nakamura Mataichi

Chairman of
the Committee for Indictment.

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

To Dr. O.N. Nitta & Capt Reid.

N.R.
Sept. 20, '48

REPORT ON THE CASE OF JUDGE AMANO OF SHIZUOKA

prepared by Supreme Court

1. General disposal plan of the case.

The Council of Judges shall (informally) decide upon how a trial to be made on the case. It was decided that there should at least be more than 10 days between the date for the first trial and the dispatch of the summons therefor, examination should be carried on with the trial as its center, the position of the accused be respected, investigation be based on evidence and the court be set up not conventionally, but democratically and solemnly. The court is as per a sketch attached hereto.

2. Concerning examination on indictment against Judge Amano.

The reason for this case of litigation is as per separate paper herewith. Since the receipt of this indictment on July 1, the Council of Judges has sat in two sessions and decided on how examination to be made. Then consultation was held with the chief judge, the chairman of the Committee for Litigation and a group of counsels on the progress of the matter.

At the dates fixed for the first public trial, namely from 1:00 to 5:00 on the afternoon of the 6th instant and from 10:00 on the morning to 5:00 on the afternoon of the following day (the 7th instant) interrogation of the accused was held in the presence of 14 judges (7 members each of the House of Representatives and the House of Councillors), 3 members of

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the Committee for Indictment, and 4 counsels (1 former Professor of his, 1 old class mater of his, 1 Judge with whom he was appointed Judge in the same year, and another person). Next public trial is scheduled for 4 days from the 27th to the 30th instant, and testimony is to be obtained from 26 witnesses and investigation to be made on 4 things for evidence. Besides the above, interrogation is to be made of one witness (the wife of the accused) at her residence by the Judge on order on the 25th instant.

The applicants for testimony and things for evidence are as follows:

13 Witnesses, Members of the Committee for Indictment.

8 Witnesses, Counsels.

4 things for evidence.

4 Duplicate applicants for testimony (Members of the Committee for indictment and Counsels).

2 Official Competent Witnesses.

At the very beginning of the first public trial the Counsels raised an opposition to the number of the Members in attendance of the Committee for Indictment (Article 24 of the Judge Impeachment Law), to which it was answered that as the result of deliberation at the Council of Judges the number was decided not to be restricted in case of designation by the Chairman of the Committee for Indictment.

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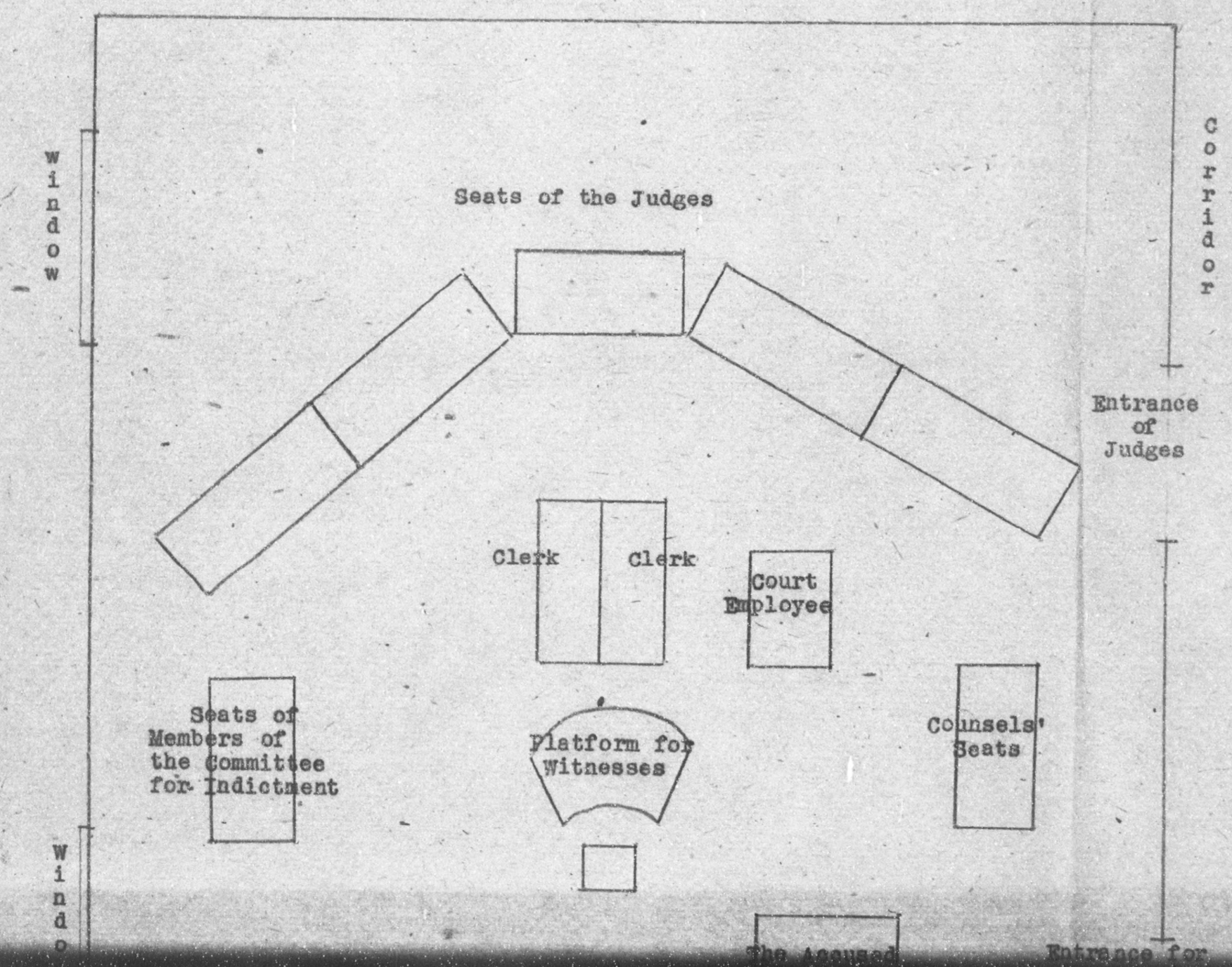
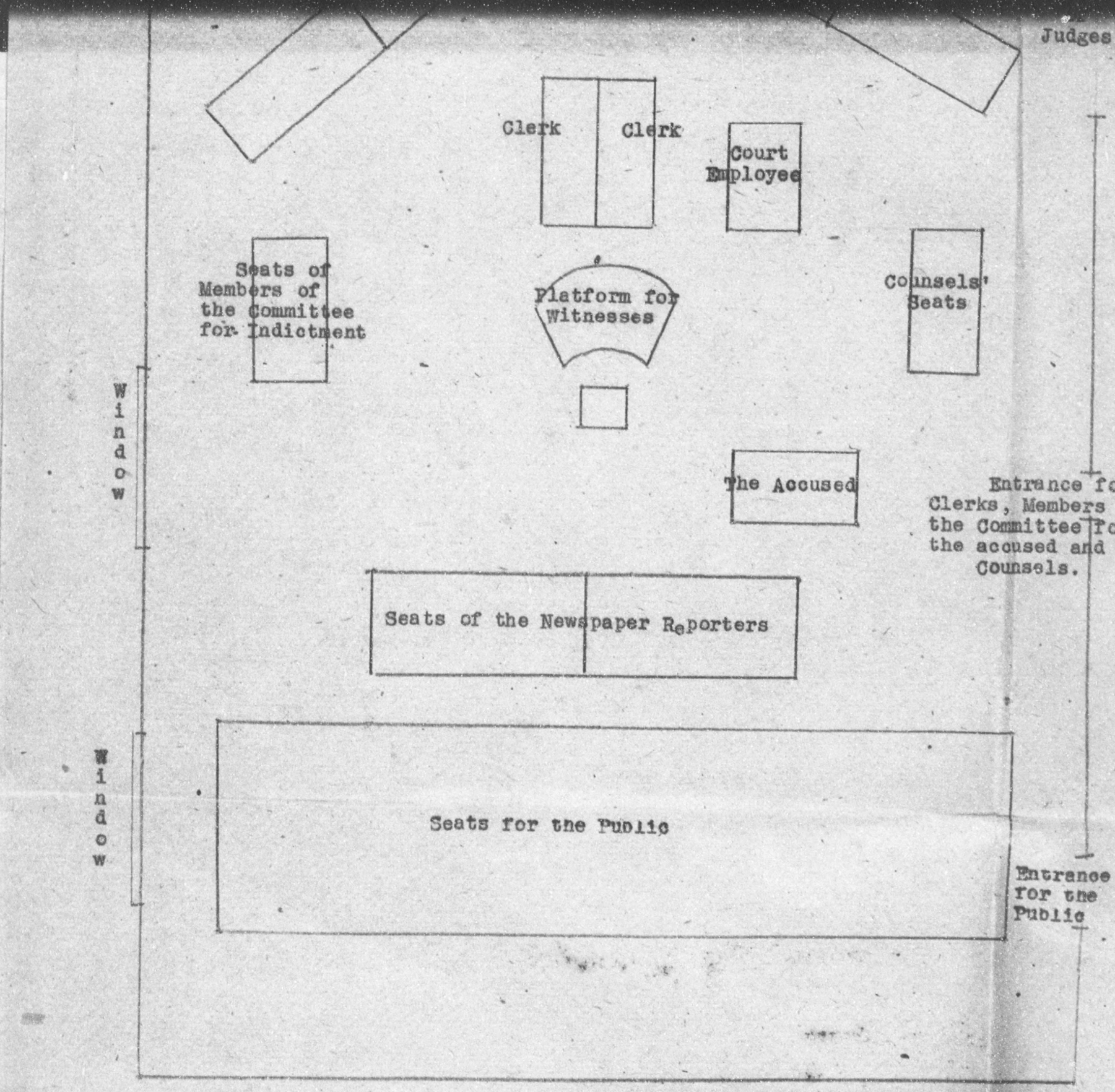
The result of the interrogation of the accused is that he negates the matters as a whole for which the action was brought against him. Report is herewith made on this case in haste.

CN

Sketch of the Court




Judges
Clerk
Clerk
Court Employee
Seats of Members of the Committee for Indictment
Platform for Witnesses
Counsels' Seats
Window
The Accused
Entrance for Clerks, Members of the Committee for the accused and Counsels.
Seats of the Newspaper Reporters
Seats for the Public
Window
Entrance for the Public

Judges

Clerk Clerk

Court Employee

Seats of Members of the Committee for Indictment

Platform for Witnesses

Counsels' Seats

Window

The Accused

Entrance for Clerks, Members of the Committee for the accused and Counsels.

Seats of the Newspaper Reporters

Window

Seats for the Public

Entrance for the Public

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

H. R.

Indictment
~~Proceeding~~ Committee of the
Court for Impeachment of Judges

July 13, 1948

REPORT ON THE CASES REGARDED AS UNJUST TRIALS AT THE OSAKA LOCAL COURT

This committee recognized the necessity of investigating the trials on the following three cases at the Osaka Local Court, and dispatched five persons, the chairman, NAKAMURA, Mataichi, committeemen KAJI, Ryosaku, NAKAMURA, Toshio, KAWAI, Eizo and TANAKA, Hisao to the Osaka Local Court as sub-committeemen.

1. Osaka Arsenal Case.
2. Disturbance Case of Koreans.
3. Case for suspension of detention for the accused of habitual pickpockets.

On the aforementioned three cases, a two days investigation was made on July 9 and 10, 1948. Concerning the Osaka Arsenal Case, as Judge, OKANO, Konosuke, who had been in charge of the case, was in Tokyo, three persons, Chairman, NAKAMURA, Committeemen, KAJI and OSHIKAWA, Sadaaki made an investigation on him at the Supreme Court on July 13, 1948.

Concerning its result, as most of the committeemen are not in Tokyo at present, the final decision will be made in August when a session of the committee will be called.

As for the Osaka Arsenal Case, the Osaka Local Court had prosecuted forty persons successively during the period from December 1947 to June, 1948, and some more persons are likely to be prosecuted in future. Among them, fourteen

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persons were in the hands of Judge, OKANO and sentences were given during the period from April 27 to June 29, 1948. The heaviest was against SUGA, Shigeki, employee of the KAWAI Steel Co., Ltd. who was sentenced to one year and six months imprisonment, the prosecution demanding two years and six months. The lightest was against SHIMODA, Go (former lieutenant colonel) who was sentenced to ten months imprisonment but placed on probation for three years, the prosecution demanding ten months imprisonment. Among the fourteen accused, one received a monetary penalty and seven were placed on probation.

In spite of the fact that this case was an important one which obstructed the objective of the Occupation, the court made it a simple case, to be handled by Judge, OKANO alone. This must be said an unfair action. Furthermore, it must be fully recognized that Judge, OKANO had no clear cognizance on the speciality of this case. For instance, the outline of the case of SHIMODA, Go (forty-seven years old) who committed embezzlement in the form of receiving a non-compensation disposal of goods from Lieutenant Colonel, KARIYAMA (Chief of the Account Section) of the Osaka Arsenal, was as follows:

The above-mentioned SHIMODA, Go is a former colonel and had been in the service of the Osaka Arsenal. He retired from the service after the termination of the war and has been engaged in building works. In conspiracy with Lieutenant Colonel, KARIYAMA, Mikizo, head of the Warehouse Sub-section,

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the Winding-up Department of the said Arsenal, he carried 150 "koku" of lumber, 425 sheets of glass, 1,090 kg. of nails, 4 tons of brass poles, 50 kg. of aluminium plates and 2 tons of cement from Sekime warehouse of the said arsenal at Joto ward, Osaka City and two other places under the supervision of the above-mentioned KARIYAMA, to the warehouse of Daiken Industry Co., Ltd. at 3-chome, Honmachi, Higashi Ward, Osaka City and two other places, for ten and several times during the period from about November 6 to 8, 1945, and embezzled them. On this case, the public procurators demanded ten months imprisonment. This was obviously unreasonable. Whereas, Judge, OKANO sentenced the accused to ten months imprisonment but placed him on probation for three years. This must be said entirely due to his misjudgement.

The Case for disturbance of Koreans was handled by the consultative system, by Presiding Judge, MASAMATSU, Judge, NISHIO and SONOBE of the 4th Criminal Affairs Department, Osaka Local Court, on June 15, 1948, and the thirty-three accused were demanded eight months imprisonment respectively, while they were sentenced to eight-six months imprisonment but were all placed on probation for three years respectively. However, the Osaka Local Procurator's Office had made an appeal against all the sentences on the ground of their lightness. This case originated from the representation movement on the educational problem concerning the Koreans and finally ended in rioting. The principal offenders were

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placed on military trial and only those who blindly followed the principal offenders were tried in this court. If the trial was not just, it will be revised in the appeal trial. Therefore, we have decided to watch the proceedings of the trial in the appellate court.

Concerning the third case, of habitual pickpockets, the accused are Koreans, KIN, Niman and three other persons. Among them, three persons other than KIN, Sekikon, are habitual criminals with more than three previous convictions. Therefore, the suspension of their detention was feared to disturb the public safety. However, Judge, MABUCHI, Kenzo in charge of this case, allowed them bail on May 25, 1948, in conformity with the earnest request for bail by YAMAMOTO, Ryoichi, OTA, Hirotaro and three other lawyers, which was made immediately after the first facts examination. Being astonished, the public procurator asked for the suspension of bail as its permission had already been decided, but was only rejected. Consequently, the public procurator made a proposal of appeal to the Osaka Higher Court, and the cancellation of bail was made on June 3 at the same time as the announcement of sentence.

Concerning the sentence for this case, its announcement was postponed twice as well as the trial for appeal. On June 3, KIN, Niman was sentenced to five years imprisonment, the others two were given four years and three years and six months respectively. KIN, Sekikon (no previous convictions) was sentenced to two years imprisonment.

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However, the above-mentioned four accused did not attend the court at the time when their sentence was announced. They had already escaped at that time and have not been arrested so far. They are habitual pickpockets who are very swift in their activities and deserve five years imprisonment. Therefore, it is an acknowledged fact that such persons may disturb the public safety. Accordingly, it is needless to say that their release is a serious problem. The Presiding Judge, TANAKA, in the appeal trial and the senior Judge of the Osaka Local Court both recognize that permission of their bail is entirely senseless.

We must further point out two noteworthy facts. The first is that Judge MABUCHI, on being told by Lawyer OTA, his long-standing acquaintance, that a Mr. KIN, Chairman of the Korean League, had stated that the accused were contented with Judge MABUCHI's attitude on their trial, privately took over the case from Judge TSUJI who had been in charge of it. The second is MABUCHI's explanation that he released the accused, putting a trust on the lawyers who had strongly insisted that they would guarantee the persons of the accused even at the risk of their professions.

In spite of the escape of the accused, the lawyers who insisted on their release have not yet taken their responsibilities for securing the accused. Therefore, the Osaka Lawyers Association is now making a deliberation in a disciplinary committee to examine the insincerity of the lawyers who advocated the release of the accused.

DECLASSIFIED E.O. 12958 SEC. 3(E) AND 3(D) OR (E) NNDG # 795 072

Concerning the three cases above-mentioned, we have determined to make further investigations and study, and to do our utmost.

NAKAMURA, Kataichi,
Chairman of the Proceedings
Committee of the Court for
Impeachment of Judges.