gives evidence to the same purport. Furthermore, it is certified in the reference documents, Nos.4, 5 and 6, that the appellent attended to nothing more than the duties of a factory head.

Judging from all these facts stated above, it should properly be recognized that the appellent, though he held the post of standing director of the Oki Electric Company for the extremely short period from the 26th June, 1945, to the 2nd September of the same year, he was so in name only and never, in practice, possessed or exercised any authority that is naturally due, according to common social interpretation, to such post. It is, therefore, just and correct to judge that the post of so-called "standing director" as mentioned in the standard of examination and judgement, VI, for the Paragraph G category will not apply to the present appellent's case.

For the above reason, it should be recognized that the Prime Minister's applying the provisions of the Cabinet and Ministry for Home Affairs Ordinance, No. 1, of 1947, Annexed Table No. 1-7-3, to the appellent as a person holding the post of a standing director mentioned in the standard of examination and judgement VI. for the Paragraph G category and designating him as falling under the category specified in the Memorandum is inappropriate. Hence the aforementioned decision is given.

K. Yoshida
Chief Secretary of
the Appeal Board

61 Meeting of Appeal Board

Oct. 16, 1947

1. Date : Oct. 15, 13.00 - 16.30
2. Commissioners present : Miyagi, Tomiyasu Uyeda, Ebashi, Kobayashi
3. Proceedings :

(1) The Board closely examined and decided that the notification made by the Prime Minister designating TSUGITA Daisaburo as purgee be properly cancelled.

(2) Regarding ONO Shoichi's case, the Board heard necessary matters from the appellant and G. Niwa, one of his witnesses, but no decision was made.

(3) The Board examined the following new cases.

MITSUHASHI, Kikuo

EGAWA, Tamenobu

ISHIKURI, Yushichi

YONESAWA, Mototake

NAKATSUKA, Taneo

ICHIKAWA, Fusaye

(4) Next meeting is to be held at 13.00 Oct. 22.

K. Yoshida
Chief Secretary of
the Appeal Board

60 Meeting of Appeal Board

Oct. 14, 1947.

1. Date : Oct. 13, 1947, 13.00-17.00.

2. Commissioners present : Miyagi, Tomiyasu, Uyeda, Ebashi, Kobayashi

3. Proceedings :

(1) The Board, having carefully reviewed, finally approved the decision originally made at its 43 meeting Aug. 8, 1947 relative to the appeal filed by NAKAYAMA Eiichi (release).

(2) The Board reviewed the decision regarding the case of IRIE Kanichi, but reached no conclusion.

(3) The Board examined the cases undermentioned, and decided to continue further examination.

MAKINO Tozaburo

EGAWA Tamenobu

KUKI Saburo

MITSUHASHI Kikuo

TSUGITA Daisaburo

HARA Eisaku

(4) Next meeting is to be held at 13.00 Oct. 15, 1947.

K. Yoshida
Chief of Secretary
of the Appeal Board.

16 October 1947

APPEAL BOARD PERSONNEL

Mr. Morci -- wants to resign

Mr. Miyagi - Chairman

Mr. Ebashi

Mr. Kobayashi

Mr. Tomiyasu

Mr. Ueda

Mr. Takashina - O.K. with G.S. for appointment

Mr. Kitasawa - O.K. with G.S. for appointment - depends on his availability -- a t present with Labor Relations Bd.

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Report on Examination

The Public Office Qualification's Appeal Board held its 57 meeting with five members in attendance on Oct. 3, 1947 and having closely reviewed, approved the following decision given at its 45 meeting on Aug. 15, 1947 in connection with the appeal filed by Shigeru Hori.

Decision.

The designation made by the Prime Minister, under date of 10 April 1947, that Shigeru Hori comes under the SCAP Memorandum to the Japanese Government of 4 January 1946 should properly be cancelled.

Reason.

The Prime Minister regarded the appellant, Shigeru Hori, as coming under 3 of 7 in List 1 Annexed to the Home Ministry Ordinance of 1947, for the reason that, on the occasion of a by-election to the House of Representatives in December 1944, he was publicly recognized as candidate by the Great Japan Imperial Rule Assistance Political Association (Dai Nippon Yokusan Seiji Kai); and, in accordance with the provisions of Article 4 of the Imperial Ordinance No. 1 of the same year, designated the appellant as coming under the SCAP Memorandum. Objecting to this designation, the appellant has filed the present appeal.

The gist of the appellant's assertions is: 1. It is ture that, in a re-election rendered necessary by the invalidation of the

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election of a Member of the House of Representatives, the appellant was publicly recognized by the Imperial Rule Assistance Political Association (Yokusan Seiji Kai), but the fact that the designation speaks of a "by-election" and of "Dai Nippon Yokusan Seiji Kai" is contrary to fact and shows that the designation was due merely to outsiders' letters or groundless defamations. 2. The Yokusan Seiji Kai was a combination of almost all the Members of the House of Representatives including both the so-called recommendation and non-recommendation Members, almost all the Members of the House of Peers, and important persons in circles learned, journalistic, economic, etc. This body was essentially different from the Consultative Council for the Establishment of Imperial Rule Assistance Political Structure (Yokusan Seiji Taisei Kakuritsu Kyogi Kai) which concerned itself with the selection of the so-called recommendation candidates. 3. Moreover, after the fall of the Tojo Cabinet, the President of the Imperial Rule Assistance Political Association was changed, and its political activities also underwent a complete change. Thereafter, the Association came to consider each policy of the Government on its own merits. It was in this latter stage of the Imperial Rule Assistance Political Association that the appellant was publicly recognized by it as candidate. 4. "Public recognition" by the Imperial Rule Assistance Political Association indicates to the electorate nothing more than that the given person is a candidate fit to be a member of that Association; it is, in character, different from "recommendation". 5. In so far as the Imperial Rule Assistance Political Association is concerned, persons who are

designated as coming under the SCAP Memorandum in question are confined to its principal officials; officials in general, not to speak of ordinary members, are not liable to the said designation. Therefore, it is out of proportion and contrary to reason that a person should be made liable to the designation for no other reason that he was publicly recognized as fit to be such an ordinary member.

6. No voting was needed for the above-mentioned election of the appellant. This was because: At that time the war situation had become pressing. Moreover, the farming population was extremely busy owing to the delay caused in the sowing of the seeds of wheat and barley. Accordingly, through the good offices of local influential person, it was agreed among the prospective candidates that all but the one publicly recognized by the Imperial Rule Assistance Political Association should refrain from candidacy.

The gist of the explanation of the Prime Minister is: The fact that the appellant was publicly recognized by the Imperial Rule Assistance Political Association should be viewed in the same way as "G. A person who received the so-called recommendation on the occasion of the General Election of the Members of the House of Representatives in 1942", which is one of the criteria for adjudication as coming under the G Category.

In proceeding to the examination of this case, it may be pointed out that, according to the examination data submitted by the appellant, there is no cause, other than that used by the Prime Minister in making the designation, which renders the appellant liable to come under the SCAP Memorandum. The appellant acknowledges the fact that, in the re-election of a Member of the House of Representatives in the

Second Constituency of Saga Prefecture in December 1944, he was publicly recognized by the Imperial Rule Assistance Political Association. The determining factor in the present examination is, therefore, whether or not, in respect of that fact, the provisions relating to recommendation by the Consultative Council for the Establishment of Imperial Rule Assistance Political Structure on the occasion of the General Election of the Members of the House of Representatives in 1942 should be extended and applied. The Consultative Council for the Establishment of Imperial Rule Assistance Political Structure was formed, in the spring of 1942, not long after the outbreak of the war, under the guidance of militarists and bureaucrats in order to carry out a General Election, to aim at the establishment of a political structure devoted to the unqualified support of the Government of the day, that is, the Tojo Cabinet, and to recommend to the electorate such candidates as fit in with that aim; and thus this body was designed to serve the temporary purposes of that time. This is a fact patently known to this Committee. The written testimony, dated 17 April 1947, of Hideyuki Miyoshi, formerly Executive Manager of the Imperial Rule Assistance Political Association, states: "The Imperial Rule Assistance Political Association was created with the object of reviving party politics by all the so-called recommendation and non-recommendation Members of the House of Representatives (excluding those involved in criminal suits), more than one-half of the Members of the House of Peers, and leading persons in financial and various other circles, the whole membership numbering over 1,000." A statement of the same tenor is contained in the written testimonyy bearing the same date, of Takamasa Hachijo, formerly Executive Manager of t

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Imperial Rule Assistance Political Association. It is clear, therefore, that the Imperial Rule Assistance Political Association is a political party in which the so-called non-recommendation Members also participated. In the written testimony of the above-mentioned Hideyuki Miyoshi, occurs the statement: "The Imperial Rule Assistance Political Association stood in a close relationship to the Government while the Tojo Cabinet lasted, but, with the establishment of the Koiso Cabinet in July 1944, the President of the Association changed, Mr. Seizo Kobayashi becoming its President, and its relationship to the Government changed to that of judging the policies of the Government each on its own merits." Further, in a talk of Kobayashi, the new President, published in the Mainichi Shimbun of 6 August 1944, is the statement: "If the manner of co-operation with the Government is one of blind obedience, I think such a role isn't enough for a political organization in wartime." It is deemed, therefore, that from and after the summer of 1944 the trend of the Imperial Rule Assistance Political Association was not one of unqualified support of the Government." Again, while the so-called recommendation is a political campaign carried on under the special guidance of militarists and bureaucrats and by a body other than a political party, the public recognition made in the case of the appellant is a political campaign effected according to the custom of political parties and through the ordinary procedure, and there is no evidence whatever to show that any guidance has been afforded by militarists and bureaucrats in connection with the latter campaign. Putting the above facts together, it is seen not only that there are differences between the so-called recommendation and the public recognition in the case of the appell[illegible] in time, form and subject, but also that there are important [illegible]

[illegible]

differences between the two in significance and purpose. The conclusion is imperative that in the case of the appellant's public recognition there is not a single fact corresponding to any cause which makes it clear that the recommended person is an active exponent of warlike nationalism and aggression. Moreover the fact that a person was a Member of the House of Representatives belonging to the Imperial Rule Assistance Political Association is not a cause which brings him under the SCAP Memorandum. It would, therefore, be contrary to the sense of proportion to hold that the fact of having been publicly recognized by the Imperial Rule Assistance Political Association for standing as a candidate to the Diet should be taken as making that person subject to the SCAP Memorandum. For the above reasons, it is deemed improper to extend and apply to the public recognition of the appellant the provisions relating to the so-called recommendation. The Prime Minister produced, together with his statement of explanation, several letters received from certain outsiders with respect to the appellant. The contents of these letters resolve themselves into: 1. The fact that the election campaign for the appellant was unopposed was due to the ruse and suppression on the part of militarists and bureaucrats. 2. The election circulars sent out by the appellant contained letters of recommendation by war criminal suspects. On the first point, the written testimony of Sei Takatori, dated 19 April 1947, contains the statement: "With regard to the re-election of a Member of the House of Representatives in December 1944, I acted on the opinion of many people in the Prefecture that, in view of the seriousness of the war situation and the busy farming season then prevailing, electioneering activities should be

avoided.

avoided. In so doing, I used my good offices in inviting to a meeting seven persons who were then said to be contemplating candidacy for the election, and brought them to agree that all of them, with the exception of the one publicly recognized by the Imperial Rule Assistance Political Association, should abandon the contemplated candidacy." The written testimonies of Yuji Oma and two other persons, under the same date, contained a statement to the following effect: "I testify, as one of those who were present at the meeting, that the testimony of Sei Takatori, mentioned above, is true." It is deemed, therefore, that the contents of the outsiders' letters are contrary to fact. The letters also state that Sei Takatori was the Chief of the Saga Prefectural Branch of the Imperial Rule Assistance Political Asspciation, but it is a fact patently known to the present Committee that the Imperial Rule Assistance Political Association has not established any local branch in any Prefecture, and this renders doubtful the reliability of what the letters contain. On the second point, the election circulars sent out by the appellant contained letters of recommendation by Saizo Kobayashi, the then President of the Imperial Rule Assistance Political Association, and by other leading members of the Association, including one or two war criminal suspects, as is shown by a copy of the circulars. However, this fact cannot be deemed as showing that the appellant is an active exponent of warlike nationalism or aggression or as a cause which justifies it to extend and apply to the public recognition of the appellant the provisions relating to the so-called recommendation.

For the above reason, the Prime Minister's designation in respect of the appellant is deemed improper, and the above mentioned decision is reached.

K. Yoshida Oct. 7. 1947

Public Office Qualification Appeal Board.

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Report on Examination

The Public Office Qualifications Appeal Board held its 57 meeting with five commissioners in attendance on Oct. 3, 1947 and, having carefully reviewed, approved the decision undermentioned given at its 44 meeting on Aug. 12, 1947, in connection with the appeal filed by Kyuya Nemoto.

Decision

The notification made by the Prime Minister on March 27, 1947, designating Kyuya Nemoto as a purgee coming under the SCAP Memorandum addressed to the Japanese Government under the date of Jan. 4, 1947, should properly be cancelled.

Reasons

On account of the fact that Kyuya Nemoto, appellant held the post of the chief of the Toride Town Branch of the I.R.A.Y.A., the Prime Minister designated the appellant as a purgee falling under subitem 2.A of item IV of Annex No. 1 to the Cabinet and Home Ministry Ordinance within the purview of Article 4 of the said Ordinance. Objecting to this designation, the appellant has filed the present appeal.

The assertions of the appellant may be summarized as follows: -

(1) The appellant was quite temporarily the chief of the Toride Town Branch of the I.R.A.Y.A., in other words the appellant held quite nominally that post until he was succeeded by the duly appointed chief.

(2) The appellant, therefore, played never a leading role nor conducted any routine business except he made a formal speech

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in the inauguration ceremony of that organization.

(3) Afterwards, he was advised to resign his office because he was regarded uncapable person as chief when the reinforcement of that organization was necessary. Since he had not a slightest intention to assume that office, he gladly resigned the post. Henceforth he had, nominally or substantially, nothing to do with this organization.

In proceeding to examine this case, it may be pointed out that, according to the criterion in the above mentioned Annex, any person who held regardless its term the post of the chief of the Gun, City, Ward, Town, or Village Branch of the I.R.A.Y.A., being an influential member of the organization concerned, should be purged. This criterion, however, may be interpreted that the person holding the post of the chief is generally recognized the leader of that organization or plays very important role in the I.R.A.Y.A. movement. If the person in question, having no intention to be the chief, is compelled due to various circumstances to assume this post and managed no business, moreover if the organization is quite nominally established and is in reality inactive, then he should be exempted from the said provision. This argument can be applied to the case of the appellant. One of his witnesses Kenkichi Takayasu then chief of North Somagin Branch of I.R.A.Y.A. states in his testimony dated April 8, 1947, that "the establishment of the Toride Town Branch was considerably delayed.thThe Branch, then being unable to find out a proper chief, could not help asking the appellant to take over this post which he reluctantly accepted with the understanding that he would quite tem-

porarily remain its chief, thus the Toride Town Branch was formally established. Afterwards the committee of the Branch regarded the appellant unfit as the chief who should ~~lead~~ make more active that organization, and advised him to resign his post. The appellant gladly agreed to this advice and resigned his post without delay. Henceforth the appellant had nothing to do with that Branch." The testimonies presented by Shusui Terada, then the Deputy-Chief of that Branch, under the date of April 5, 1947 and by Toshi Ebihara and three members of that Branch under the same date give the evidence to the same effect.

Having scrutinized these testimonies, the Appeal Board found the following fact:

(1) The establishment of Toride Town Branch of the I.R.A.Y.A. was considerably delayed so that this organization was not able to start in time any activity for the so-called the Imperial Rule Assistance Election of April 1942 which was the main aim of the formation of the local Branches designed by the Headquarters of the I.R.A.Y.A. Briefly speaking, that Branch had nothing to do with this election.

(2) The existence of that Branch was quite nominal.

(3) The appellant was quite temporarily and nominally appointed the Chief of that Branch.

(4) The appellant did not play any role in the movement of the I.R.A.Y.A.

(5) The appellant as the chief was regarded rather an obstacle for activity of that organization. Further it can be proved by the petition signed by Yojyuro Ebihara and 46 persons dated April 7, 1947 that the appellant was always a peace-loving man during

the wartime.

In his questionnaire it is quite clear that the appellant had, except the Chief of the Town Branch of the I.R.A.Y.A., not a slightest connection with the I.R.A.A., the I.R.A. Political Society, and the Political Association of Great Japan.

The Appeal Board reached the following conclusion that the appellant does not come under the Chief of the Town Branch of the I.R.A.Y.A. mentioned in sub-item 2.A of item IV of Annex No. I for the reason mentioned-above, accordingly deemed it proper that the notification made by the Prime Minister designating the appellant as a purgee be cancelled.

K. Yoshida

Chief Secretary
of the Appeal Board

REPORT ON EXAMINATION

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The Public Office Qualifications Appeal Board held its 56th meeting on 1 October, 1947, with five of its members present, at which the following decision originally made at the 39th meeting of the committee on 25 July, 1947, relative to the appeal submitted by HIKIJI Ryotaro was reviewed and finally approved.

DECISION

It is deemed proper to cancel the designation made by the Prime Minister under date of 6 September, 1946, of HIKIJI Ryotaro in accordance with the provisions of Art.1 of Imperial Ordinance No.1 of 1946 as a person falling within the purview of the Memorandum referred to in the said Ordinance.

REASONS

The Prime Minister designated the appellant HIKIJI Ryotaro as a person falling within the purview of the Memorandum because he was in his past career a naval officer and comes, therefore, under II(4) of Appendix I to Cabinet and Ministry for Home Affairs Ordinance No.1 of 1946. Not satisfied with this designation, the appellant under date of 1 June, 1947, submitted the present appeal.

The main points of the appellant's contention are as follows:

(1) The career of the appellant as a naval officer commenced in June 1921 when, after graduation from the Medical Department of the Imperial University of Kyushu, he was appointed First Assistant-Surgeon

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Surgeon in the Navy and was ordered to be a student of the Ordinary Course of the Naval Medical College. In December of the same year he was graduated from the College and was assigned to the warship Asama and in June of the following year 1922, was ordered to go on an ocean voyage. While visiting various countries in South America he was taken ill in December of the same year and was obliged to take a rest on board the ship, practically absenting himself from all military service. It was therefore, only for one year that he was actually in naval service during the whole of this period. (2) During the above-mentioned period, the courses of study while he was in the Naval Medical College were preventive medicine and clinic - all exactly the same as the education given in the ordinary medical college. (3) After he was assigned to the Asama and was on the ocean voyage in accordance with an unofficial order, he was engaged, under the command of his superior, in making medical examinations of the crew and administering preventive injections, as the substance of the service during the ocean voyage was exactly the same as that of an ordinary physician, while the object of the voyage itself was to promote international friendship. (4) The motive which prompted him to become a medical officer was his desire to prosecute medical study through field medicine, which was considered in those days to have reached a comparatively higher level, with the ultimate purpose of contributing to the cause of the medical circles of Japan. Taking advantage of his illness, therefore, he applied for retirement from office, and having severed connection with the fighting service, he has been devoting himself to medicine, especially to the prevention of tuberculosis, for many years now. In view of these facts, it is

entirely

entirely against the true spirit of the Memorandum, the appellant argues, to have made a decision merely in a formal way on the basis of the old past career.

In view of the above contention we have made our examination. The inclusion in Appendix I to Cabinet and Ministry for Home Affairs Ordinance No.1 of 1946 of career military and naval personnel is by way of criteria under which designations are to be made as persons falling under the Memorandum in accordance with SCAP Memorandum addressed to the Japanese Government concerning the removal from public office those of who are not suited to engage in public duty. The purport of the said Memorandum is, as shown in Paragraph 2 thereof, to carry out the clause in the Potsdam Declaration that there must be eliminated for all time the authority and influence of those who have deceived and misled the people of Japan into committing the mistake. If so, persons who were regular officers of the army or navy in the old past, but whose term of office was only short, having left military service before they had acquired the so-called military spirit, and have since led their lives as civilians and who have no other reasons for which they are to be removed from public office, are not those who have misled the Japanese people into the mistake, and we, therefore, consider that it is correct to interpret that such persons are not included in the criteria of career military and naval personnel referred to above. That the appellant received education as a military man for five months and a half from 15 June 1921 to 1 December of the same year and that during this period he was a student of the Ordinary Course of the Naval Medical College can be recognized as a fact in the absence of any counter-evidence. According to the General Plans for Education

of the Naval Medical College in those days, "The purpose of education at the Naval Medical College is to give the students such scientific knowledge and technical ability concerning medicine and pharmacy as are necessary for the Navy, thereby giving them sufficient knowledge to enable them to carry out their duties accoraing to their respective ranks" and "The object of education of the student in the Ordinary Course is to give them such scientific knowledge and technical ability, as well as the method of service, as are generally necessary for naval medical officers or pharmacists and to cultivate in them dignity becoming high naval officers." The General Plans were revised in 1925 to read "The object of education of the students in the Ordinary Course is to cultivate in them the military spirit and dignity becoming naval officers .....", by adding the words "cultivate..... the military spirit". During the period when the appellant was at school, these words were not included in the General Plans, which later on were fundamentally amended with an additional clause inserted to the effect that "The principal aim of the spiritual education is to accustom the students to military disciplins, to train their bodies and minds, to deepen their self-consciousness of their duties and responsibilities and to make them to devote themselves to the performance of their official duties with the spirit of loyalty and patriotism." While the appellant was at school, however, such a purpose was not, of course, incorporated in the General Principles.

The lessons to be given to the medical students as incorporated in the said General Principles were all those connected with medicine with the addition, in the Regular Course, of the English language and, in the Supplementary Course, an outline of military science (general outlines of matters concerning naval affairs such as the government organization of the navy, dress regulations, flags, salutation, ships, ordnance, engine-service, etc., the knowledge of which was necessary for naval officers of higher ranks.), and military arts (gymnastics, training of unarmed squads, pistol-exercise, rowing, etc.), Judging from this fact it can be concluded that the education received by the appellant at the Naval Medical College was scarcely different from that given in the ordinary medical college and that he received no education which had the fostering of the military spirit as its aim. Secondly, the statement that the concerned, giving due attention to their manner of service and report the same occasionally to their superior whose direct control they are under, and concerning their appointments, etc. they shall take part in the deliberations." Judging from these provisions it can be concluded that the substance of the service of the appellant in those days was not different from that of the ordinary physician. Thirdly, the statement that the Asama to which the appellant was assigned was included in a training squadron in April 1923 and started on an ocean voyage in June of the same year is recognized to be true to fact in the absence of any counter-evidence. If so, the object

of

of the voyage may be regarded to have been the training of those who were to become the backbone of the navy, engaging at the same time in the exchange of international courtesies, and it can be admitted that the voyage in question was not an act with a special militaristic object in view. That the appellant developed illness on board the warship in December 1922 and took a rest, and on the return home of he the ship in February of the following year (1923) he left the ship and continued treatment; that in March 1924 he was suspended from office; that in March 1925 he was transferred to the reserve list and that since that time he has never resumed military service are clear from the entries in the Questionnaire. Also, that the appellant, from the time he was appointed technical official of the Special Bureau in December 1927 after recovery of his illness to the time he retired in August 1946 due to the designation by the Prime Minister from the office of Director of the Japan Medical Treatment Corporation which he had taken up in December 1945 upon resignation as technical official of the Welfare Ministry, devoted himself at all times to medical administration, having in the meantime gained for himself the reputation as being an authority in the work of tuberculosis prevention is fully proved by the Rider on the Appeal dated 1 July 1947 completed by Welfare Minister HITOTSUMATSU Sadakichi, the Testimonial dated June, 1947, by KATSUMATA Minoru, formerly Chief of the Sanitation Bureau of the Welfare Ministry. Considering this case in the light of all the above facts put together, it is clear that

that the appellant received training as a military man for a period of only 6 months and a half and was in military service for only a short period of one year and that as far back as 25 or 26 years ago. Moreover, his education and service was scarcely different in substance from that of an ordinary medical student and physician. After retirement from naval service he has been leading his life as a civilian for many years, and it is proper to admit that there are no other reasons for which he should be removed from public office. Consequently, the designation of the appellant by the Prime Minister as a person falling under the Memorandum on the ground that he comes within the scope of II(4) of Appendix I to Cabinet and Ministry for Home Affairs Ordinance No.1 of 1946 is deemed improper. Hence the decision as quoted above.

K. Yoshida
Chief Secretary
of THE PUBLIC OFFICE QUALIFICATIONS,
APPEAL BOARD

(Official Seal).

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Report on Examination

The Public Office Qualifications Appeal Board held its 57 meeting on Oct. 3, 1947. with five commissioners in attendance and having closely reviewed, approved the following decision originally made at its 43rd meeting on Aug. 8, 1947. relative to the appeal filed by Meisen Oikawa.

Decision

It is deemed proper to rescind the natification made by the governor of Iwate Pref. under the date of March 29, 1947, designating Meisen Oikawa, the appellant as a person falling under the Memorandum within the purview of the provision Art. 4 of the Imperial Ordinance No. 1 of 1946.

returned to Mr. Yoshida for reconsideration 29 Oct. 47

Reason

On the assupmtion that Meisen Oikawa, the appellant, held the headship of the Sarusawa branch of the Imperial Ex-soldiers' Association after August 25, 1937, the governor of Iwate Prefecture, in accordance with Note 9, Item 7 of List 1 attached to Cabinet and Home Ministry Ordinance No.1, 1947, designated him as coming under SCAP Memorandum, and the appellant, protesting against the designation, placed the case before this committee.

The appellant affirms (1) that he did not take up the position of head of the Sarusawa branch of the Imperial Ex-soldiers' Association after August 25, 1937; (2) that he was recommended about August 20 of the same year as successor to Teiichi Oikawa, head of the Sarusawa branch, who had been called up to the colors, but that he did not give his consent in consideration of the circumstances, nor did he present any application; (3) that during the absence of Teiichi Oikawa his position was taken up by deputy chiefs Seibi Oikawa and Ushiemon Onodera, and after they were summoned to the colors, by Tahegi Yoshida, who, however, was relieved of his post upon Teiichi Oikawa's return home. The Governor of Iwate Prefecture explains that he concluded the appellant as coming under the aforementioned Ordinance because it was clear from the data gathered that he succeeded to the headship of the branch immediately after Teiichi Oikawa was called up to the colors on August 25, 1937.

It is ruled that in appointing a branch head of the Imperial Ex-soldiers' Association the chief of a federation of branches

selects

selects a candidate with the approval of the chief of a local headquarters and the selection is reported by the chief of the Imperial Ex-soldiers' Association to the President of the Association, who appoints the candidate to the post. As is explicitly provided in Articles 48 and 50 of the Regulations of the Imperial Ex-soldiers' Association, formal appointment to the headship of a branch is made through the commission of the President. In the present case, however, there is no evidence to prove that the appellant was commissioned by the President to assume the headship. The point at issue is whether or not the appellant actually held the post of a branch head. (1) In his reply dated June 2, 1947, to the inquiry of this committee Teiichi Oikawa states: "When called up to the colors I remember I asked Mr. Ushiemon Onodera to take over my duties as branch head. The officers' meeting recommended Mr. Meisen Oikawa as my successor and he consented to accept the position but the later objection he met obliged him to leave the office. I heard afterward that Mr. Takeji Yoshida had been appointed as deputy chief. (2) In Ushiemon Onodera's written testimony presented by the appellant on May 14, 1947 he states: "At that time I was the deputy chief of the Sarusawa branch and then became successor to the chief who was called up to the colors. After I myself responded to the call the posts of both chief and deputy chief were left vacant, and the council of the branch recommended Mr. Meisen Oikawa to fill the post of chief. However, strong objection being raised by many persons, Mr. Takeji Yoshida volunteered to conduct the business

as an acting chief. This I learned after my demobilization."
(3) In Yoshida's reply to the enquiry of the governor of Iwate Prefecture presented by the governor he states that he took up the position of acting chief about the end of September 1957, and (4) in para. 2, Article 38 of the Regulations of the Imperial Ex-soldiers' Association it is stated that "The deputy chiefs of all organizations (including branches) shall act as chiefs when the latter cannot perform their duties under some unavoidable circumstances." From these statements it is clear that after Teiichi Oikawa, the then branch chief, was called up to the colors on Aug. 25, 1937, deputy chief Ushiemon Onodera, who was asked to take over the former's duties, carried out the duties of the chief in his capacity of a deputy chief until he responded to the call, and that no one actually took up the duties of the branch chief until Takeji Yoshida was made an acting chief about the end of September of the dame year after deputy chief Onodera was called up to the colors. It is also clear that the appellant declined to accept the position of branch chief offered by the executive officers, because of general objection to the recommendation. Neither the reply of Ryoichi Sayama, assistant headman of Sarusawa Village, dated March 20, 1947, to the inquiry of the governor of Iwate Prefecture presented by the same governor, nor Takeji Yoshida's reply has no sufficient grounds to explode the above conclusion. Thus, it is considered proper to conclude that the appellant never held, either formally or actually, the headship of the Sarusawa branch of the Imperial Ex-soldiers' Association after August 25, 1937.

This

This Committee reached the above decision, regarding as improper the designation of the appellant as coming under SCAP Memorandum which was made by the governor of Iwate Prefecture in accordance with Note 9, Item 7 of List 1 attached to Cabinet and Home Ministry Ordinance No.1, 1947, on the assumption that the appellant held the position of chief of the Sarusawa branch of the Imperial Ex-soldiers' Association after August 25, 1937.

Public Office Qualifications
Appeal Board.

K. Yoshida
Chief Secretary
Oct. 7. 1947

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Report on Examination

The Public Office Qualifications Appeal Board held its 56th committee meeting on 1 Oct. 1947, with five of its members present, at which the following decision made at the 45th meeting of the committee on 15 Aug. 1947, relative to the appeal submitted by FURUSAWA, Taiichi was reviewed and finally approved.

Decision

It is deemed proper not to cancel the designation made by the Prime Minister under date of 26 March 1947, of FURUSAWA, Taiichi in accordance with the provisions of Art. 4 of Imperial Ordinance No. 1 of 1947 as a person falling within the purview of the Memorandum issued from the Allied G.H.Q. to the Japanese Government under date of 4 Jan. 1946.

Reasons

The Prime Minister designated the appellant FURUSAWA, Taiichi as a person falling within the purview of the Memorandum because he was a director of Hokkaido Yokusan Sonen Dan (Assistance Youth Association; abbreviated H.Y.S.D. below) from 10 Feb. 1942 to 31 Dec. 1942 and comes, therefore, under 4 (2a) of Appendix 1 to Cabinet and Ministry for Home Affairs Ordinance No. 1 of 1947. Not satisfied with this designation, the appellant submitted the present appeal.

The main points of the appellant's contention are as follows: (1) That he became a director of H.Y.S.D. was not by his own will, but by order come from above. (2) He held the post of a director for a short period of time, and even while in office he attended the

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meeting of officers only three times. After that he did not attend any meeting of the Association and thus virtually retired from his post of a director. To be more exact, the first meeting of officers was held in early February just after the ceremony of organization of the Association and was a meeting for introducing officers, so he did not speak then. The second meeting was held in early March and the character of the Association and means of propaganda campaign were discussed. At that time, however, there was an opinion which went as far as to ignore the Diet, and he spoke against it and contended that the Diet which is recognized by the Constitution should he respected, but the majority of the officers differed from him, and finding the character of the Association far from his views, he was not satisfied and thought that he would resign. The third meeting was held in the middle of April, and at that time he found that a part of the officers had an intention of forming a faction under the pretext of rallying kindred spirits, and of manipulating H.Y.S.D. Thereupon he spoke against it and made up his mind to resign, and never attended the officers' meeting after that. Therefore, although the date of his resignation is formally Dec. 31, 1942, yet after the middle of April when the third meeting of officers was held, he virtually resigned, though he did not tender his resignation. Such being the case, there is not sufficient reason for him to be designated as a person falling within the purview of the Memorandum.

Examination of the above: (1) Even if the appellant's assumption of office as a director was by order come from above and

not by his own will, the fact that he held the said post is not to be denied. (2) That his term of office was short is not a reason strong enough to affect the designation of his being a person falling within the purview of the Memorandum because 4 of Appendix 1 to Cabinet and Ministry of Home Affairs Ordinance provides "~~In~~spective of their term of office those who held the following posts.... ," and a long term of office is not a necessary condition for a director of the prefectural branch of Y.S.D. to be designated as a person falling under the Memorandum. The appellant contends that he attended the meetings of officers only three times, but according to the answer dated 16 June, 1947, from the Governor of Hokkaido to an inquiry made by the Committee, the meeting of officers of H.Y.S.D. in 1942 used to be held once a month. So the appellant attended the three meetings of officers held after the establishment of the Association, and even if he differed from the majority of the officers, as he contends, at the second and third meetings and spoke against the militaristic way of the Association, and made up his mind to resign, he admits the fact that he participated in the important deliberation on the character and propaganda campaign of the Association. Therefore there is no reason for him to contend that he is not to be designated as a person falling under the Memorandum because he attended the meetings of officers only a few times, and formally held the post of a director, but did nothing substantial. Furthermore, it is clearly mentioned in the questionnaire that before his assumption of the post of a director he participated in the establishment of the Association as a member of the H.Y.S.D

establishment preparation committee. Judging from all these facts, it is proper to confirm that the appellant held the post of a director of H.Y.S.D. and took part in its substantial activities. Therefore it is deemed proper that the Prime Minister designated him as a person coming under 4 (2a) of Appendix 1 to Cabinet and Ministry of Home Affairs Ordinance of 1947, and the above-mentioned decision was made.

K. Yoshida

Chief Secretary

of the Appeal Board

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REPORT ON EXAMINATION

Oct. 4. 1947

The Public Office Qualifications Board held its 56th meeting on October 1, 1947, with five commissioners in attendance and, having closely reviewed, approved the following decision given at its 46th meeting on August 22, 1947 in connection with the appeal filed by Teiichi Murakami.

Decision

This Board deems it proper that the Prime Minister's notification which was issued on April 11, 1947, in accordance with the provisions of Art. 4 of Imperial Ordinance No. 1 of the same year as mentioned above, designating Teiichi Murakami as a purgee coming under the GHQ Memorandum as specified in the said Ordinance, be cancelled.

Reason

On the assumption that Teiichi Murakami, the appellant, held the post of adviser in the Yamashita Steamship Co., Ltd., from 1918 to 1946, the Prime Minister, in accordance with the provisions of Art. 4 of the Imperial Ordinance No. 1 for 1946, designated, under date of April 11, 1946, the appellant as a purgee falling under the GHQ Memorandum as specified in the abovementioned Imperial Ordinance by the alleged reason that he falls under subitems 3 of item 7 of Annex No. 1 to the Joint Ordinance No. 1 of the Cabinet and Home Ministry for 1947.

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O.K. in memo to P.M. Gen. Cab. Sec. [illegible]

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The appellant, however, found the designation unacceptable and has filed the present appeal.

The substance of the appellant's claim may be summarized as follows: At the time when the appellant was required to draw up a questionnaire in testimony of his qualifications for public office because of his announcement of candidacy for an M.P., he was also required to visit Tokyo accompanying his second son Shimpeni who was to sit for an entrance examination of a high school in Tokyo. This kept the appellant so busy that he was unable to draw up his questionnaire himself. Just then, he happened to meet with Kamekichi Nagamura, President of the Shin-Ehime Shimbun of Nakahama-machi, Imahara City. Therefore, he consulted him about the trouble in question. Nagamura, out of his sympathy with the appellant, introduced to him a reporter of the said daily named Kinji Higuchi, and caused the appellant's questionnaire to be drawn up by the said reporter on behalf of the appellant. Thereupon, the gist of all matters to be mentioned in the questionnaire was orally given to the reporter. During his conversation with the reporter on that occasion, the appellant told him that he had hailed from the same native place as Kamesaburo Yamashita, President of the Yamashita Steamship Company, and they were good friends to each other. Therefore, added the appellant, he had done his best sometime before to help Yamashita. This was misunderstood by Higuchi who made a hasty conclusion that the appellant held the post of adviser to the company. As a matter of course, the appellant should have carefuly examined the report, so that all mistakes therein could be corrected. As stated above, however, he was leaving for Tokyo with his son and was too busy

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to discover any mistake in the report, which consequently was presented as it had been drawn up by the said reporter. It was an absolute mistake that he was represented in the said report as though he had been adviser to the Yamashita Steamship Company, with which he had had not formal connection in any capacity. Such being the case, the appellant does not fall under category "C", and, therefore, is not in a position wherein he may be designated as a purgee as specified in the GHQ Memorandum. Hence the application for cancellation of the Prime Minister's notification designating the appellant as a purgee.

In compliance with his appeal, this Board conducted an examination of the case in view, and has arrived at the conclusition that the appellant has not been at the post of adviser to the Yamashita Steamship Co., Ltd., and that the item reading "1918 - 1946: Adviser to the Yamashita Steamship Co., Ltd." on page 3 of the questionnaire of the appellant was a mis-entry, because the written evidence filed by Kinji Higuchi, Secretary to the President of the Shin Ehime Shinbun, under day of May 5, 1947, reads: "About the middle of March, 1947, I was introduced by Mr.Kameichi Nagahara, President of the Shin Ehime Shinbun, at the office of the said daily, to Mr.Teiichi Murakami, who was expected to announce his candidacy for an M.P. from the second constituency of Ehime-ken, and through Mr.Nagahara was entrusted with the task of drawing up his application for recognition of his qualifications for any public office(or questionnaire). On the said occasion, Mr.Murakami told me that he had touched with the business and other affairs between the Yamashita Steamship Co., Ltd. and other organizations. I misinterpreted these words as though he had been adviser to the said company, and put down in his questionnaire that he was in the service of

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the steamship company in the capacity of adviser. I know nothing about the duty of adviser to a company as specified by law or as understood by custom. I remember that Mr. Murakami appeared to be busy and restless, saying that he had to pay a visit to Tokyo with his son who was going to sit for an entrance examination of a high school in Tokyo"; while the written evidence given by Kizaburo Yokota, Representative and Director, of the Yamashita Steamship Co., Ltd., under date of May 15, 1947, has a passage reading: "Teiichi Murakami has never been in the service of this company either as adviser or in any other capacity."

Meantime, there is no evidence whatsoeve that the appellant falls under any item of Category No.6 of para 7 of Annex No.1 to the joint Ordinance of the Cabinet and Home Ministry for 1947. Therefore, the appellant does not fall under sub-item 3 of item 7 of Annex No.1 as stated above. All things considered, the Prime Minister's notification designating the appellant as a purgee falling under abovementioned provisions as specified in the Memorandum referred to in Imperial Ordinance No.1 for the said year is recognised to be improper. This ~~committee~~ Board, therefore, gives a decision as stated above.

K. Yoshida

Chief Secretary of Public Office Qualifications Appeal Board.

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Translation

Oct. 5, 1947.

To Mr. Katayama, the Prime Minster

PERSONAL HISTORY

In 1910 I entered as rporter the "Kokumin shinbun"(Peoples Press),then I was in service of the "Asahi Shinbun"(Asahi Press) from 1913 to 1917 when I resignud the "Asahi Shinbun ", Mr. Nakano, Ginza, Kyobashiku, Tokyo, one of my acquaintances was manufacturing and selling lubber wares, with whom I made contract forthe sale of gomuzōri (Lubber slipper). I nappend to know Mr, Bunji Suzuki, once Japanese Labor Representative to the International Labor Conference in Geneva,when I was selling the said merchandise to the Fuji Bōseki Co, and the kanebo Co,(both spinning Co.) Afterwarls, I assisted Mr. B. Suzuki in organizing an association of laborer called "Yūaikai" and publisizcd a weekly called"Yuai Shimpo". Being suggested by Mr. M.Matsumoto, a clerk of the "Yamashita Kisen Kaisha "(Yamashita Shipping Co) that the broker of coal was a lucrative job, I was occupied in selling coal mainly to the said "Fuji " and "Kanebo" Spinning Co, afterwards also to "Sumitomo" and "Yasukawa" Co. In 1918 and 1919 I had the project, through the good offices of Mr. S. Kabayama, Director of the South Manchurian Railway Co. to obtain coal from the S. M. Railway Co. but this Project was not carried out because Mr. T. Kawamura, then President of that Co, disapproved it. Though I experienced business depression in 1936 and 1937, I continued, up to our surrender, to do coal broker, getting the coal supply from the coal mines with which I was connected. At present I am assisting Dr. med. Okamoto in establiseing a pharmaceutical company.

Signed Teiichi Murakami.

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

Report on Examination

Oct. 4. 1947

The Public Office Qualifications Appeal Board held its 56th meeting Oct. 1,1947, with five Commissioners in attendance, reviewed and approved the decision given at its 44th meeting on Aug. 12, 1947 in connection with the appeal filed by Torao Nakayama.

Decision

The Board deems it proper not to rescind the Designation issued by the Prime Minister under the date of March 30, 1947 that Torao Nakayama falls under the Purge Memorandum in accordance with the provisions of Art. 4 of the Cabinet and Home Ministry Ordinance No.1 of the same year.

Reasons

On account of the fact that T. Nakayama, the appellant held the post of the chief of the Toyokawa Village Branch in Oita Pref. of the Imperial Rule Assistance Youth Association of Great Japan, the Prime Minister designated that the appellant, coming under subitem 2. a of item 4 in the Appendix 1 to the Cabinet and Home Ministry Ordinance No. 1. 1947, should be purged. Objecting to this Designation the appellant filed the present appeal.

The assertions of the appellant are summarized as follows:-

(1) The appellant became the temporary chief of the Toyokawa Village Branch of I.R.A. Y.A.only 12 days because he was requested by the Formation Committee of the said organization, nor received

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any written commission.

(2) Nobody will not deny the fact that the appellant opposed himself to the I.R.A.A. and the I.R.A.Y.A.

(3) The appellant was all the time democratic minded. Since the surrender, the appellant has been doing his best to establish a sound democratic state under the occupation by the Allied Forces.

The gist of the explanation made by the Prime Minister is as follows:

(1) The appellant recognizes in his questionnaire that he agreed to the proposal of ~~taking~~ assuming the post of the chief of Toyokawa Village Branch of the I.R.A.Y.A.

(2) The official letter dated April 23,1947 sent by the Governor of Oita Pref. for reference reads that Mr. M. Hayashi, then vice-chief of the Village Branch stated that the appellant attended as the chief the inangural ceremony of that organization, and incluced whole member to make oath and register themselves in the list. Therefore, it is quite questionable that the appellant did not conduct any activity as chief.

(3) In the questionnaire it is also mentioned that the appellant made a campaign speech supporting Hideichi Noyori, President of Teito Nichi Nichi Shinbun (Metropolitan Daily News) who, as it is well known, is notorious ultra-nationalist. Therefore it can hardly be said that the appellant was democratic minded during the war-time.

In proceeding to examine the Board reached the conclusion that the appellant did assume the office of the chief of the Village Branch of I.R.A.Y.A., though very short period, and that the appellant voluntarily played an important roll in establishing that organization for the

the following reasons:-

(1) it is cleary mentioned in his questionnaire that the appellant, when he was proposed unanimously by the member of the Formation Committee of the Toyokawa Village Branch of the I.R.A.Y.A., to assume the office of its chief, gladly gave his consent to it March 24 1942.

(2) It is also informed by Mr. Tokuji Hosoda Governor of the Oita Pref. in a official note that Mr. M. Hayashi, then vice-chief of the Village Branch testified that the appellant was one of the exponent at the time of the formation of the said organization, attended its inauguration ceremony, and induced the whole member to make oath and to register themselves in the list.

(3) It is mentioned in his questionnaire that the appellant called on Mr. M. Hayashi, then vice-chief, on April 4,1942 and orally notified the latter that the appellant resigned the office of the chief of the Village Branch.

(4) It is notified in Mr. Hayashi's letter addressed to the Chairman of this Board that the appellant was offered to become the chief of the Village Branch on April 22.1942 and accepted it the following day.

It may be fact that the appellant, as he asserts, did not receive any written commission, which, in the opinion of the Board, is not sufficient to controvert the above mentioned conclusion.

Moreover, the assertion of the appellant that he was all the time democratic minded can not be maintained for the reason that the appellant made a campaign speech supporting Mr. Shuichi Noyeri, President of Teito Nichi Nichi Shinbun whose ultra-nationalism is a co

is a conspicuous fact to the Board. It can not also be recognized that the apellant opposed himself to the I.R.A.A. and the I.R.A.Y.A. with view to the fact mentioned above and for the same reason just described.

The Board recognizes that the Prime Minister's notification designating the appellant as a purgee coming under the SCAP Memorandum concerning exclusion of undesirable persons from public office, is quite reasonable, accordingly, decided that the said designation should not be rescinded.

K. Yoshida
Chief Secretary of
the Appeal Board

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Report on Examination

The Public Office Qualifications Appeal Board held its 56th Meeting attended by five members thereof, made a re-examination of the decision given by the same Board at its 44th meeting held on August 12, 1947, in connection with the appeal filed by Masahito Sato, and approved it.

DECISION

This Board deems it proper that the judgment given by the governor of Hiroshima Prefecture under date of March 17, 1947, designating Masahito Sato as a purgee falling under the GHQ memorandum sent to the Japanese Government under date of January 4, 1946, should be cancelled.

REASON

The governor of Hiroshima Prefecture designated Masahito Sato, the appellant, in accordance with the provisions of Art. 4 of the Imperial Ordinance No. 1 for the year 1947, as a purgee falling under the GHQ memorandum in question, because the appellant had been a regular officer of the Imperial Japanese Army and, therefore, comes under one of the cases as stated in Table No. 1/2/2 annexed to Joint Ordinance No. 1 of the Cabinet and Home Ministry for the year 1947. The appellant, however, found the designation unacceptable and has lodged an appeal with this Board for re-examination of his case.

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The essentials of the appellant's plea are: (1) in May, 1918, the appellant graduated from the Military Academy and in December of the same year was appointed Second-Lieutenant. In autumn of the following year, he injured his health and in February, 1920, his illness was diagnosed as pulmonary tuberculosis. Accordingly he returned to his native place for medical treatment. In July, 1921, he was formally placed on the temporary retirement list, and in 1923 was transferred to the first reserve list. Throughout the war in the Pacific, he was not called out even for training, much less for service at the front. Thus, the appellant had been registered as professional soldier only for about two years and eight months - and that in the days towards the end of the first World War wherein the Japanese Army was working in close cooperation with the allied forces for the purpose of securing the universal peace. The appellant, therefore, differs in essential qualities from such professional Japanese soldiers who directly or indirectly engaged in Japan's war of invasion that was fought later; (2) More than twenty-six years have passed since the appellant retired from service with the army following a short service of two years and eight months beginning 1918 and ending February, 1920. The appellant cannot see why he must be disqualified for all public posts only because he had been in the army for only two or three years more than two decades ago when he was a young man; (3) After retiring from military service, the appellant engaged in saké-brewing and in 1936 was elected a member of the municipal assembly of Kure City, his native city, and ever since is taking part in the municipal

administration

administration of the said city. It goes without saying that after his retirement from military service, he has had nothing to do with military affairs, nor has done anything which may justify his designation as a purgee as specified in the GHQ memorandum. The governor of Hiroshima Prefecture says in substance that there is no doubt that the appellant falls under an item of the GHQ memorandum. He says, however, that in the present case, the appellant had been one of the so-called "professional soldiers" only for a short period of time in the days of Taisho (1912-26). If every person coming under such circumstances must be forced out of all government and public posts "as a person unfit for public service", political activities of the people, he fears, would be unnecessarily restricted contrary to the purport of the mecrandum in question.

The examination of the case conducted by this Board has brought to light (1) that the appellant was appointed Second-Lieutenant of the Japanese Army in December, 1918, was placed on the temporary retirement list in July, 1921, and transferred to the first reserve list in 1923 as clearly mentioned in his integrity report, (2) that the appellant injured his health about the autumn of 1919, was diagnosed as a case of pulmonary tuberculosis, returned to his native place for medical treatment, and was placed on the temporary retirement list as was acknowledged by the governor of Hiroshima Prefecture, (3) that during the years 1918 and 1919 when the first World War was nearing its end, Japan enjoyed very friendly relations with all countries, which are members of the

present

present Allied Nations. It was in 1918 and 1919 that the appellant had been actually in military service, and it is a remarkable fact that professional soldiers of Japan in those days contributed to the universal peace instead of disturbing it. This Board has to acknowledge this noteworthy fact. (4) The appellant is engaged in saké-brewing since 1931; he was elected a member of the municipal assembly of Kure City, his native place, and ever since, he holds a chair in the assembly. From January, 1940 till March, 1944, he occupied the post of Vice-Chairman, and from March, 1944, to November, 1946, sat in the seat of Chairman. The above are true to the fact as clearly stated in his integrity record. (5) The appellant has never been an organ or an influential member of any organization of extreme nationalists or of terrorists, nor has he been connected with any secrete organization of extreme patriots. He has always kept himself aloof from the activities of the Imperial Rule Assistance Association, Imperial Rule Assistance Political Association, or Japan Political Association. The above are undeniable facts as clearly mentioned in his integrity record.

All facts as stated above show that it was more than twenty-five years ago that the appellant was actually engaged in military service, and that for only one year and a half. Moreover, in those days, the first World War was nearing its end, and all professional soldiers of our country, in close cooperation with those of the powers, which are members of the present Allied Nations, were fighting to bring about the universal peace. The standpoint of the appellant, therefore, was entirely different from that of the

professional

professional Japanese soldiers in the days after the outbreak of the Manchurian Affairs. Moreover, ever since his retirement from military service, the appellant as a civilian has been engaged in a peace industry, besides taking part in the municipal administration of Kure City as a member, Vice-Chairman, and Chairman of the Municipal Assembly, and has done a good deal for the promotion of the local self-government and the welfare of the citizens of that city. The Board do deem it proper to recognise him as a person who has had nothing to do with the cursed influence which has misled the Japanese people to the absurd attempt at universal conquest. Now, the GHQ memorandum of January 4, 1946, says that any person who, by deluding the innocent masses of Japan, made them commit a glaring mistake of resorting to arms to conquer the world. This means that any person who has had nothing to do with the cursed influence which misled the people to the absurd attempt as stated above shall not be forced out. Judging from the fundamental spirit of the memorandum concerning the expulsion of undesirable persons, this Board deems it proper to understand that the socalled professional officers of the Japanese Army as specified in Table No. 1/2/2 annexed to Joint Ordinance No. 1 of the Cabinet and Home Ministry do not involve such a person as the present appellant who had been engaged in military service under the above-mentioned circumstances. Consequently, this Board has arrived at the conclusion that the decision given by the governor of Hiroshima Prefecture designating the appellant as a person falling under Table No. 1/2/2 annexed to Joint Ordinance No. 1 of the Cabinet and Home Ministry

issued in 1947 was not right. This Board, therefore, gives a de decision as stated at the beginning.

Public Office Qualifications Appeal Board.

Report on Examination Copy

The Public Office Qualifications Appeal Board held its 58th meeting on 8, Oct. 1947 with five commissioners in attendance and having closely reviewed, approved the decision given at its 46th meeting on 22 Aug. 1947 in connection with the appeal filed by YAMAUCHI, Kanju.

DECISION

It is deemed proper that the designation of YAMAUCHI Kanju given by the Governor of Fukui Prefecture under date of 20 March, 1947, in accordance with the provisions of Art. 4 of Imperial Ordinance No. 1 of the same year as a person who falls under the Memorandum referred to in the said Ordinance be cancelled.

REASONS

Deciding that the appellant YAMAUCHI Kanju held the position of chief of the Shikatani-mura Branch in Ono-gun, Fukui-ken, of the DAI NIPPON YOKUSAN SONEN-DAN (Imperial Rule Assistance Youth Association of Great Japan) for the period from 31 March, 1942 to September of the same year and on the ground that this fact falls within the purview of A of 2 Section IV in Appendix 1 to Cabinet and Ministry for Home Affairs Ordinance No. 1 of 1947, the Governor of Fukui Prefecture, under date of 20 March of the same year, designated the appellant in accordance with Art. 4 of Imperial Ordinance No. 1 of the same year as a person who falls under the Memorandum referred to in the said Ordinance. The appellant, dissatisfied with 113

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this designation, filed the present appeal.

The appellant argues in effect as follows: In December 1941 the appellant had an attack of catarrhal pneumonia and was confined to bed under the medical care of Dr. OKADA Hiroo, a physician commissioned by the Japan Power Generation and Transmission Co., who was then residing in the same village as the appellant's. The disease left him with stomach atonie complicated with adhesion of the large intestines and his conditibn became aggravated. In May, 1942, he consulted Dr. TSURUMAKI Tsunematsu of Ote-machi, Fukui City for medical treatment and endeavored to cure himself of the diseases, but to no purpose. On 10 June of the same year, he entered the hospital run by the same doctor and used every means possible to bring about early recovery, but no complete cure could be effected. On 25 September of the same year, therefore, he entered the hospital attached to the Medical Department of Kyoto Imperial University, where he underwent medical treatment until 6 November of the same year, when he left the hospital as his condition improved. Since then he has devoted himself to home recuperation until today. In the meantime, under date of 31 March, 1942, the appellant, who was then in bed with illness as stated above, was designated by MIYOSHI Shigeo, the then Honorary President of the DAI NIPPON YOKUSAN SONEN-DAN of Fukui Prefecture, as chief of the Shikatanimura Branch of the said organization. The appellant, however exercised practically no functions or was unable to do any work as Branch Chief on account of his illness. Nor had he any intention at all to remain in office and at all times expressed his desire

to be releived of the post, which he never did actually assume officially. Meanwhile, KUSUNOKI Takakatsu, vice-chief of the Branch was presiding over and controlling all the affairs of the Branch as the virtual chief without consulting the appellant or obtaining his instructions, and directed the business of the Branch on his own discretion. In view of his (KUSUNOKI) services thus rendered and the illness of the appellant, KUSUNOKI was appointed chief of the Branch in September of the same year. In short, the appellant, on account of his ailments, was never in touch with the affairs of the Branch not only positively and directly but even passively and indirectly. He was designated as chief of the Branch unilaterally without his consent, the appellant claims. On the ground that the judgement as to whether a person falls under the Memorandum referred to in Imperial Ordinance No.1 of 1947 is to be made with stress laid on his activities and the interpretation of his will to push forward the work of the organization in question and in accordance with actual facts, but not by adhering to mere form, the appellant argues that the designation of him by the Governor of Fukui Prefecture as a person who falls under the Memorandum referred to in the Ordinance is improper and should, therefore, be cancelled. The explanation given by the Governor of Fukui Prefecture is in effect as follows: It is admitted that the appellant, because he was in sick-bed, was not in a position to actually attend to the affairs of the Shitakani-mura Branch of the DAI NIPPON YOKUSAN SONEN-DAN to any extent and that he did not exercise his functions as chief of the Branch in practice. However, as the wording in Section IV

of Appendix 1 to Cabinet and Ministry for Home Affairs Ordinance No.1, namely "Any person who has at any time held any of the following or commensurate positions:" is interpreted as providing for a formal scope without regard to whether the party concerned really took an active part or not, the Governor of the Prefecture designated the appellant as a person who falls under the Memorandum referred to in Imperial Ordinance No.1 of 1947, because there is no evidence that the appellant declined the assumption of the post and he is considered as having been in the post of chief of the said Branch from 31 March 1942 to September of the same year and, therefore, the designation is not improper. Upon examination, from the statement in the certificate by Dr. TSURUMAKI Tsunematsu dated 3 June 1947, to the effect that "YAMAUCHI Kanju. Name of illness: Atonie of the stomach and the intestines and adhesion of the colon. Received medical treatment as out-patient from about 10 May, 1942 and as in-patient from 15 June to about 10 September"; the statement in the certificate by WAKIZAKA Koichi, a medical assistant in the Central Ward of the Departmentof Practical Medicine in the Hospital attached to the Medical Department of Kyoto University dated 6 June, 1922, to the effect that "YAMAUCHI Kanju received medical treatment as in-patient at the Central Ward of the Department of Practical Medicine of this Hospital for stomach atonie and chronic catarrh of the large intestines"; the statement in the testimonial by MAEKAWA Kotakichi and 27 other persons dated 8 June, 1947, to the effect that "YAMAUCHI Kanju was designated as chief of a branch of the TOKUSAN SONEN-Dan, but as he had suffered from caterrhal

pneumonia towards the end of 1941, which left him with stomach atonie complicated with adhesion of the colon, necessitating him for more than one year up to the end of 1942 to be under medical care at the hands of Dr. OKADA Hiroo, a physician commissioned by the Japan Power Generation and Transmission Co., Dr. TSURUMAKI Tsunematsu, of Fukui City and the Kyoto Imperial University Hospital, he did not actually exercise his functions as chief of the Branch or engage in any activities, but at all times expressed his desire to be releived of office. All this while all affairs of the Branch were presided over by KUSUNOKI Takakatsu on his own discretion as the virtual chief."; the statement in the testimonial by MAEKAWA Matakichi, ex-village head of Shikatani-mura dated 16 March, 1947, to the effect that "In connection with the matter of YOKUSAN SONEN-DAN mentioned on page 5 in the application for examination of qualifications submitted by YAMAUCHI Kanju, the recommendation was made without his understanding, as stated therein, while he was confined to bed with illness; and from the statement in the testimonial by KUSUNOKI Takakatsu dated 30 July, 1947, to the effect that "On 31 March, 1942, MIYOSHI Shigeo, Honorary President of the YOKUSAN SONEN-DAN of Fukui Prefecture, designated the appellant as chief of the Shikatani-mura Branch of the said Association. At that time, however, the appellant was in sick-bed and I, as vice-chief executed the affairs of the Branch on behalf of the chief. The appellant was only a nominal chief for a short period, and being confined to bed most of the time he was never in contact with the affairs of the Branch not only directly but indirectly"; it can be admitted

that from the time of the designation of the appellant by the Honorary President of the DAI NIPPON YOKUSAN SONEN-DAN of Fukui Prefecture under date of 31 March, 1942, as chief of the Shikatanimura Branch of the DAI NIPPON YOKUSAN SONEN-DAN, up to September of the same year, the appellant was unable to attend to the affairs of the said Branch on account of illness, that in actual practice he did not exercise functions as chief of the Branch and that the duties of the chief were performed by KUSUNOKI Takakatsu, vice-chief, on his own discretion, Section IV of Appendix 1 to Cabinet and Ministry for Home Affairs Ordinance No.1 of 1947 enumerates persons who have at any time held any of the following or commensurate positions as influential components in the activities of the Imperial Rule Assistance Association, Imperial Rule Assistance Political Society and the Political Associations of Great Japan. In view of this, a person who was not in a position on account of illness, to attend to the affairs of a village branch of the DAI NIPPON YOKUSAN SONEN-DAN and who in actual practice did not exercise his functions as chief of the said Branch even though he was regarded as chief of the Branch in name, had no real qualifications as an influential component in the activities of the organization in question. It is, therefore, deemed proper, in the light of the spirit of expulsion, not to include such a person among those who have at any time held any of the following positions as provided for in the said Ordinance. Therefore, even if there is no evidence, as claimed by the Governor of Fukui Prefecture, that the appellant declined the assumption of the post of chief of the Branch and he held the said

office in name from 31 March, 1942 to September of the same year, the fact that he was not in a position, on account of illness, to attend to the affairs of the Branch during the said period and that actually he did not exercise his functions as chief remains the same as mentioned above. The appellant should, therefore, be regarded as not falling under thepurview of A of 2, Section IV in Appendix 1. Consequently, the designation of the appellant by the Governor of Fukui Prefecture as a person who falls under the Memorandum referred to in Imperial Ordinance No. 1 of 1947, treating him as coming within the scope of the said provisions, is improper, and accordingly the decision as above has been made.

K. Yoshida chief secretary of
The Public Office Qualifications Examination Board.

Oct. 9. 1947

59 Meeting of Appeal Board

Oct. 11, 1947.

1. Date : Oct. 10, 1947.

2. Commissioners present : Tomiyasu, Uyeda, Ebashi
Kobayashi

3. Proceedings :

(1) The Board examined the case of KATAGIRI, Katsumasa and decided to continue further examination.

(2) Regarding TANABE, Tadao's case, the Board heard necessary matters from the appellant himself.

(3) Next meeting is to be held at 13.00 Oct. 13, 1947.

K. Yoshida

Chief Secretary
of the Appeal Board

58 Meeting of Appeal Board

Oct. 9, 1947.

Date : October 8, 1947. 13.00 - 17.00

Commissioners Present : Miyagi, Tomiyasu, Uyeda,
Ebashi, Kobayashi,

Proceedings:

1. The Board, having carefully reviewed, approved the decisions given by Sawada Committe in connection with the following two cases;

YAMAUCHI Naomoto (release)

YAMAUCHI Kanju (release)

2. The Board reviewed two cases, i. e. ONO Shoichi, KAWASAKI, Katsu, which were decided by Sawada Committee, but did not reach any conclusion.

3. The Board examined two new cases i. e. SATO, Eishi, TANIGAWA Noboru, and decided to carry on further investigation.

4. Next meeting is to be held at 13.00 Oct. 10, 1947.

K. Yoshida

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Monthly Report of theAppeal Board

September 1947.

1. Personnel:

Mr. Takejiro Sawada, chairman, Mr, Takeshi Mano, Mr. Taichiro Hasegawa, and Mr. Tamotsu Shima resigned commissioners on Sept. 6

Mr. Minoru Miyagi, Mr. Katsuro Ebashi and Yoshio Kobayashi have been appointed commissioners on Sept. 6

Mr. M. Miyagi has been elected by the commissioners present the chairman ad, interim on 17, Sept.

2. Meeting and Proceeding:

The Board held seven meeting (49th-55th) during September.

The Board received from the Prime Minister 18 new appeals and examined 15 cases, however, due to the change of the commissioners, gave no decision during September.

3. Miscellaneous:

The Secretariat of the Board moved Sept. 27 from the Office of the former Privy Council in the Prime Ministers Office, and resumed its work Sept. 29.

K. Yoshida
Chief Secretary
of the Appeal Board
Oct. 7. 1947.

57 Meeting of Appeal Board

Oct. 4, 1947.

1. Date : Oct. 3, 1947. 13,00 - 16.30

2. Commissioners Present : Miyagi, Tomiyasu, Ebashi, Uyeda, Kobayashi.

3. Proceedings :

1) The Board, having closely reviewed and fully discussed, approved the decisions given by Sawada Committee regarding three cases undermentioned;

a. HORI, Shigeru (release)

b. NEMOTO, Kyuya (release)

c. OIKAWA, Meisen (release)

2) Regarding the cases of NAGAYASU, Ryotaro and YAMAUCHI, Naomoto which were decided by Sawada Committee to be released, the Board did not reach any conclusion and decided to proceed further examination.

3) The Board examined two new cases;

KUWABARA, Mikine

MAKINO, Tozaburo

4) Next meeting is to be held at 13.00 Oct. 8, 1947.

K. Yoshida

Chief Secretary
of the Appeal Board

56. Meeting of Appeal Board

Oct. 2, 1947.

1. Date : Oct. 1, 1947. 13.00 - 16.30

2. Commissioners Present : Miyagi, Tomiyasu, Uyeda, Ebashi, Kobayashi,

3. Proceedings:

1) The Board, having closely reviewed and fully discussed, approved the decisions given by the Sawada Committe in connection with 5 cases undermentioned;

a. HIKIJI, Ryotaro (release)

b. NAKAYAMA, Torao (not release)

c. MURAKAMI, Teiichi (release)

d. FURUSAWA, Taiichi (not release)

e. SATO, Masato (release)

2) The Board gave the final decisions to 7 cases which have lately been examined;

a. INOUE, Ryoji (release)

b. HARA, Suteshi (release)

c. ONISHI, Taisuke (not release)

d. NAGAO, Kakuzaemon (release)

e. OGINO, Takeo (not release)

f. YAMADA, Mamoru (release)

g. SAWAI, Sokichi (release)

3) Next meeting is to be held at 13.00 Oct. 3, 1947.

55 Meeting of Appeal Board

Sept. 26 1947

I. Date: Sept 25 1947 13.20-16.30

II. Commissioners present: Miyagi, Tomiyasu, Uyeda, Kobayashi.

III. Proceeding:

1. The Board examined four new cases: H. Kamei, E. Isomura, S. Hara, and S. Inada.
2. The Board heard from the chief-secretary explanations upon the rule of procedure drafted by the Secretariat.
3. Next meeting is to be held at 13.00 Oct. 1, 1947.

54 Meeting of Appeal Board

23, Sept. 1947

1. Date : Sept. 22, 1947. 13.20- 17.00

2. Commissioners present : Miyagi, Tomiyasu, Ueda, Ebashi, Kobayashi

3. Proceedings :

(1) The Board heard necessary matters regarding the Kawamura's case from one of his witnesses.

(2) The Board heard from Mr. Sunobe explanations in connection with the ordinance of the Appeal Board.

(3) The Board examined three new cases i.e.T.Ogino, K. Nagao, R. Inouye.

(4) Next meeting is to be held at 1300 Sept. 25

File

53 Meeting of Appeal Board

20, Sept. 1947.

I Date: Sept. 19, 1947 13.30 - 16.30

II Commissioners present: MIYAGI, TOMIYASU, UYEDA, EBASHI, KOBAYASHI.

III Proceedings:

1. The Board had free discussion upon various matters.
2. The Board examined the following 4 cases: T. ONISHI, K. TSUJI, K. OKUDA, M. YAMADA, and decided to continue further examination.
3. Next meeting is to be held 13.00 Sept. 22, 1947.

52 Meeting of Appeal Boardd

18. Sept. 1947,

I. Date : Sept. 17. 1947 14:00 & 17:00

II. Commissioners present : Tomiyasu, Uyeda, Miyagi Ebashi, Kobayashi.

III. Proceedings:

1. The Board heard various matters fwom the chief secretary.
2. The Board elected Mr. M. Miyagi as the chairman ad interim.
3. Regarding the Kawamura's case, the Board heard the explanation from the appellant himself.
4. Next meeting is to be held at 13,00 Sept. 19. 1947,

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51 Meetin g of the Appeals Board

13th Sept.1947

1. Date : 12th Sept. 1400 -1630

2. Commissioners Present : Tomiyasu, Uyeda, Miyagi, Ebashi, Kobayashi

3. Proceedings:

1. The Board heard from the chief secretary various matters such as the status of the examination of the appeals etc.

2. The Board decided that the election of the new chairman be held when all Commissioners would be duly appointed.

3. The Boyrd decided that the Kawamura's case be expeditiously examined.

4. Next meeting is to be held at 1400, 17th Sept.

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REPORT OF THE APPEAL BOARD

9 September 1947

1. Total number of the cases which have been referred from 31 March to 31 August 1947 to the Appeal Board - - ~~189~~ 132

2. Total number of the cases which have not yet been referred to the Appeal Board up to 31 August 1947 - - - ~~103~~ 100

3. Total number of the cases which were decided as not to be rescinded up to 31 August 1947 - - - - - - - - - - - ~~30~~ 31
(of which 4 cases are not yet submitted to the G. H. Q.)

4. Total number of the cases which were decided to be rescinded up to 31 August 1947 - - - - - - - - - - - - - - ~~24~~ 27
(of which 21 cases are not yet submitted to the G. H. Q.)

5. Total number of the appeals recieved by the Japanese Government - ~~292~~ 122

6. Total number of the appeals rejected by the Appeal Board - 8
(One case, being released, is withdrawn by the appellant)

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REPORT OF THE APPEAL BOARD

I. List of appellants as referred to Appeal Board

31st Aug. 1947.

ANDO, Masazumi

ANIBE, Kensuke

AOKI, Tokuco

ETO, Takaaki

EGAWA, Tamenobu

FUJIHARA, Sakuhei

FUJINUMA, Shohei

FUTAMI, Yasusato

FUKUDA, Tomijiro

GOTO, Masami

HAMACHI, Tatsusuke

HARA, Eisaku

~~HARA, Sutoshi~~ - under investigation (NS release)

HARAGUCHI, Hatsutaro

HATSUKADE, Takeshi

HAYASHI, Masamichi

HIYAMA, Yoshiro

HIRAOKA, Saichi

HONDA, Jo Under investigation

HOSHIKA, Hansuke

HOSODA, Chujiro

HINO, Yoshio

ICHIKAWA, Fusae

IDEMITSU, Sazo

IJIMA, Shichitaro

IKEDA, Hideo

IKEDA, Yorinobu

IMAMURA, Yoshishige

IMASATO, Katsuo

INABA, Hakuichi

INADA, Shuichi - Under investigation

~~INOUE~~ Bol Under investigation (NS - released

INUKAI, Ken under investigation

IRIMAJIRI, Yoshiyasu

ISHIKURI, Yashichi

ISHIGURO, Takeshige

ISODA, Masanori

ISOMURA, Eiichi under investigation

ITO, Nobufumi

IGAI, Seiroku

KAMEI, Hideo under investigation

KANO, Hisaakira

KASHIMURA, Hiroshi

KATAGIRI, Katsumasa

KATO, Saburo

KAWAGUCHI, Tadaatsu

~~KAWAMURA, Hiroshi~~

KAWAWATA, Nobuji

KIKUCHI, Choemon

KINOSHITA, Katoru under investigation

KITASATO, Zenju

KOBAYASHI, Kanae

KOMATSU, Takashi

KOSAKA, Kaichiro

KOYAMA, Kuranosuke

KUBOTA, Michio

KUBOTA, Tsunetaro

KUKI, Saburo

KUROMORI, Asao

KUWAHARA, Mikine under investigation

KANEKO, Shujo

MAEDA, Aijiro

MAEDA, Miyomatsu

MAKINO, Tozaburo under investigation

MANABE, Hisakichi

MASAKI, Yoshihide

MATSUI, Haruo

MATSUMOTO, Kosaburo

MATSUMURA, Giichi

MATSUOKA, Matsuhei under investigation

MITSUHASHI, Kikuo

MITSUYA, Miyamatsu

MIYANISHI, Takeichi

MORI, Shoji

MURAYASU, Shinkuro

MURASE, Naokai

MATSUKAWA, Shozo

MINAMI, Shunichi

MIYAZAKI, Kichizo

NAGAO, Kakuzaemon under investigation (NS Address)

NAGASAKI, Sonosuke

NAGATOMI, Naohiko
NAKAGOMI, Kamezo
NAKAMURA, Chogoro
NAKAMURA, Jinichi
NAKAMURA, Takaichi
NAKATSUKA, Taneo
NISHIKAWA, Hiroshi
NOZAKI, Yoshio
NAGASHIMA, Kenkichi
NAKAMORA, Mdsdo
NAKAYAMA, Taichi

~~OGINO, Takeo~~ (under investigation (NS - not released)
OKUBO, Denzo
OKUDA, Kikuro (under investigation
~~ONISHI, Taisuke~~ (under investigation
OGURI, Akira (NS - Not Release)

RYU. Tomizo

SATO, Eiichi
SATO, Eishi (under investigation)
SATO, Morio
~~SAWAI, Sokichi~~ (NS release)

SHIGEMASA, Seishi
SHIMIZU, Kinichi
SHIMIZU, Rikimatsu
SHIMIZU, Ryosaku
SHINOHARA, Rikuro
SHIOJI, Masaki
SHIRAI, Isamu
SUGANAMI, Shoji
SHIBATA, Yoshio

TABUCHI, Iwao
TAGUCHI, Sukeichi
TAKAHASHI, Onotaro
TAKEGOSHI, Tokuzo - Under investigation
TAMARUSHIMA, Takeo Under investigation
TAMURA, Kihachi
TANABE, Tadao
TANIGAWA, Noboru (Under investigation)
TESHIROGI, Ryukichi
TOEDA, Ichibei
TOKUGAWA, Kuniyuki
TOYOTA, Shizuichi
TSUCHIYA, Koji
TSUGITA, Daisaburo
TAKASHIMA, Yonekichi
TONONA, Koji

TSUJI, Kaneshige under investigation ZEN, Keinosuke

TSURUMARU, Kanichi

UCHIDA, Mitsuchika

UCHINO, Yutaka

WADA, Kiichiro

WATANABE, Kishimatsu

WATANABE, Toshitake

YAEGASHI, Unkichi

YAGUCHI, Kotaro

YAMADA, Mamoru Treated investigation (NS- release)

YONESAWA, Mototake

YOSHIMATSU, Takashi

YAMAGUCHI, Kenji

Total number on. Aug 31, 1947-----122.

" October 1 ——— 134

REPORT OF THE APPEAL BOARD

II. List of Appellants yet to be referred to Appeal Board.

31st, Aug. 1947

ABE, Yuji

AMANO, Yutaka

ANDO, Sadao

~~AOKI, Tokuzo~~

AWAYA, Yuzo

DAITOKU, Masaichi

ETO, Natsuo

FUJIKAWA, Hiroshi

FUJISAWA, Takeo

~~FUKUDA, Takeo~~ Tomijiro

HARADA, Katsumi

HASUMI, Yasushi

HAYAKAWA, Saburo

HAYASHI, Ren

~~HINO, Yoshio~~

HIRANO, Masukichi

HIRANO, Toshio

HISHINUMA, Isamu

HOTTA, Masaiku

~~IGAI, Seiroku~~

INAMORI, Shigeru

~~INOUE, Yoshiharu~~ Ryoji (arrest not completed - NS to be released)

ITO, Jushi

KAMITSUKA, Tsukasa

~~KANEKO, Shuzo~~

KARASAWA, Toshikiyo

KATO, Sueo

KAWAI, Yoshinari

KEIMATSU, Shozaemon

KIKUCHI, Yonosuke
KIMIJIMA, Seikichi
KIUCHI, Nobutane
KONDO, Katsumi

MATSUKAWA, Shozo
MATSUO, Kaemon
MATSUYAMA, Iwao
MINAMI, Shunichi
MITAMURA, Takeo
MIYAZAKI, Kichizo
MIYAZAKI, Ryusuke
MIYAZAWA, Taneo
MIZUKAWA, Kiyoshi
MIROMOTO, Yoshio
MORIYA, Kazuro
MURAI, Hirosuke

NAGAI, Gen
NAGASHIMA, Kenkichi
NAGAYAMA, Seizaburo
NAKAYAMA, Taichi
NIWA, Yasujiro
NOMURA, Fumihide
NORIGAMI, Kiichiro

OGURI, Akira
OHISHI, Dai
OHATAKE, Shotaro
OHTANI, Kokichi
OHTANI, Takejiro
OKA, Ryoichi
OKADA, Dairoku

SANNOMIYA, Korenobu
SANO, Michizo
SASAKAWA, Ryohei
SATO, Keijiro
SATO, Toranosuke
SHIBATA, Yoshio
SHINO, Yoshichi

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (C) NNDG # 795072

SHINMEI, Masamichi
SHIOZUKI, Manabu
SUEHIRO, Kojiro
SUGIHARA, Arata
SUZUKI, Takeo

TABARA, Haruji
TAJIRI, Aigi
TAKAHASHI, Kozaburo
~~TAKASHIMA, Yonekichi~~
TAKATORI, Jiro
TAKEUCHI, Kenkichi
TAKEUCHI, Shigeyo
TAMURA, Komajiro
TANAHASHI, Kotora
TANAKA, Mitsugi
TASHIRO, Shigeki
~~TONODA, Koji~~
TONOOKA, Risuke

UCHIYAMA, Tanzo
UEKI, Toshio
USHIO, Kenji
UTADA, Chikatsu

WATANUKI, Samin

YAGI, Kokichi
~~YAMAGISHI, Kenji~~
YAMAMOTO, Matsujiro
YAMAMOTO, Sanehiko
YAMAMOTO, Shoichi
YAMANAKA, Renji
YAMANE, Ryuji
YANAGAWA, Sozaemon
YAZAKI, Kuniji
YOSHIHIRO, Yoshio
YOSHIKAWA, Chiemaru

Total number of Aug. 31, 1947. ------- 100.
~~96~~ 7 ~~12~~ 84

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDG # 775 012

REPORT OF THE AFPEAL BOARD

Confidential

III. List of purgees as decided by Appeal Board to remain purged

31st Aug. 1947

Remark "n.s" .....not yet submitted to G.H.Q.

AKAGI, Ichiro

ARAFUNE, Seijiro

CHIZAKI, Usaburo (n.s)

EMOTO, Shigeo

EUKAYA, Shiichi

FURUSAWA, Taiichi [redacted].

FURUTANI, Tadashige (Eiichi?)

GOTO, Yohachi

HIRACKA, Ryozo

HORI, Shinichi

INOUE, Shikio

KANAYA, Toshio

KAWABATA, Tahei

KIDA, Takeo

KIGOSHI, Sadanori

KONO, Ichiro

KUBO, Magoichi

MASUMITSU, Shigeo

MITSUBAYASHI, Kozo

MIYAKAWA, Munenori

MIYAMOTO, Minezo

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (C) NNDG # 775 072

NAKAYAMA, Torao ([redacted])

OGAWA, Ippei

OHMINE, Kura

× ONISHI, Taisuke (N.S.)

× OGIMO, Takeo (N.S.)

× ONO, Shoichi

SASAMOTO, Kazuo ([redacted])

SHIMADA, Tamejiro

SUGITA, Ichiro

TAKAHASHI, Genichi

YOSHIDA, Meibaku

YUKI, Takeo

YUKI, Zuiko

Total number on Aug. 31, 1947.....31.

Oct. 7 1947 — 33

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775012

REPORT OF THE APPEAL BOARD

Confidential

IV. List of the released as decided by Appeal Board

Remark: "n.s" ....not yet submitted to G.H.Q. 31st, Aug. 1947

CHIBA, Yujiro - reinstated - 30 Oct. 47

HENMI, Masaichi - reinstated 12 Aug '47

HIKIJI, Ryotaro (~~n.s~~ ~~Oct~~ reinstated 14 Oct.

HORI, Shigeru (~~n.s~~) Oct 7

HARA, Satoshi (n.s)

IRIE, Kanichi (n.s)

IIDOE, Ryoji (~~n.s~~) - reinstated 23 Oct

ISHIKURA, Yushichi (n.s)

KATSUKI, Tamotsu - reinstated 18 June '47

" 5 Aug 47

KAWANAMI, Toyonori

KAWASAKI, Katsu (n.s)

KUROIWA, Koichi reinstated 5 Sept 47

KAWAMURA, Wakaji - 5 Nov.

MAKINO, Ryozo (n.s)

MASUDA, Norimoto (n.s)

MURAKAMI, Teiichi (~~n.s~~) case submitted 4 Oct 47

NAGAYASU, Ryotaro (n.s)

NARAHASHI, Wataru (n.s)

NAKAYAMA, Eiichi (n.s)

NEMOTO, Kyuya ~~(n.s)~~ (Oct) returned for reconsid. 15 Oct.

NISHIMURA, Keizo (reinstated 27 Aug '47

NAGAO, Kakuzemon (n.s)

OIKAWA, Meisen (~~n.s~~) (Oct 7)

OHNISHI, Ryozo - reinstated 23 May '47

ONO, Shoichi (n.s)

SATO, Masato (~~n.s~~) (Oct 9)

SAWAI, Soichi (n.s)

SAWAMURA, Takashi (n.s)

SHIMURA, Takashi reinstated - 21 June '47

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775 012

TANAKA, Isaji - reinstated 13 Aug '47

YAMAKAWA, Tadao - reinstated 26 Sept '47

YAMAMOTO, Katsuichi (n.s)

YAMAUCHI, Kanju (n.s) Oct. 9

YAMAUCHI, Naomoto [redacted] Oct 9

YAMADA, Momoru (n.s)

YONESAWA, Mototake (n.s)

Total number on Aug. 31, 1947 ..... 27.

Oct 1 1947 - 32

Oct. 29, 1947 - 33

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775 012

REPORT OF THE APPEAL BOARD

V. List of the cases rejected by the Appeal Board

AKIBA, Noboru

KOYAMA, Kango

MATSUMOTO, Tomeo

NAKA, Sukematsu

NAKAYAMA, Moriji

OGATA, Haruo

TAKEUCHI, Kisaburo

WATSUJI, Haruki

Total number on Augu. 31, 1947 -------- 8

DECLASSIFIED AUTH: EXEC. ORDER 11652 SEC. 5(B) AND 5(D) OR (E) MDSC # 779 072

50th Meeting of Appeal Board

6 Sept. 1947

1. Date : Sept. 5 15.00 - 17.00

2. Commissioners Present: SAWADA, SHIMA, MANO, MORO, HASEGAWA, TOMIYASU, UYEDA.

3. Proceedings:

1. Mr. Sawada told the Commissioners the gist of the talk which Mr. Suzuki, Minister for Justice, Mr. Vice Secretary-General of the Cabinet, and himself had with Maj. Napier on Sept. 4. at G.H.Q.

2. It was decided that the whole pending cases should henceforth be referred to the coming meeting with the newly appointed Commissioners in attendance.

3. Next meeting was not fixed up.

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49th Meeting of Appeal Board

4, Sept. 1947

1. Date: Sept. 3rd 13.50 - 18.10

2. Commissioners Present: SAWADA, SHIMA, MANO
MOROI, HASEGAWA,
TOMIYASU, UYEDA.

3. Proceedings:

1. Regarding Mr. Kaoru Kinoshita's case, the Appeal Board heard the statements of the appellant and the necessary matters from one of his witnesses.

2. Regarding Mr. Ken Inukai's case, the Appeal Board heard the necessary matters from one of his witnesses.

3. Regarding Mr. Matsuhei Matsuoka's case, the Appeal Board heard the statements of the appellant and also necessary matters from one of his witnesses.

4. Next meeting is to be held at 13.00 5th Sept.

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48th Meeting of Appeal Board

2nd Sept. 1947

1. Date : Aug. 29th 13 : 20 ---17 : 20
2. Commissioners present : SAWADA. SHIMA. MANO. HASEGAWA. MOROI. TOMIYASU. UEDA.
3. Proceedings :
   1. Regarding Mr. Kaoru KINOSHITA's case, the Appeal Board ~~deci~~ decided to summon the appellant and his witness.
   2. Regarding Mr. Shoichi ONO's case, the Board heard the necessary matters from his two witnesses and decided on the case.
   3. Regarding Mr. Ken INUKAI's case, the Board heard the necessary matters from his witness and decided to summon one more witness.
   4. Regarding Mr.Takeo TAMARUSHIMA's case, the Board heard the necessary matters from his witness and decided to call up another witness.
   5. Next meeting is to be at 1400,3rd, Sept.

47th Meeting of Appeal Board

28th Aug. 1947.

I. Date: 27th 14:10 - 16:30

II. Commissioners present: SAWADA, SHIMA, MANO, HASEGAWA, MOROI, TOMIYASU, UEDA

III. Proceedings:

1. Regarding Mr. INUKAI's case, the Appeal Board heard the necessary matters from his witness.

2. Regarding Mr. Matsuhei MATSUOKA's case, the Board decided to summon the appellant and his witness for testimony.

3. Mr. NARAHASHI's case was decided.

4. Mr. Takashi SAWAMURA's case was also decided.

5. Next meeting is to be at 14.00, 29th, Aug.

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46th Meeting of Appeal Board

26th August 1947.

I Date: 22nd Aug. 14.30 - 16.30

II Commissioners Present: SAWADA, SHIMA, MANO, HASEGAWA, TOMIYASU, UEDA.

III Proceedings:

1. Regarding Mr. Ryotaro Nagayasu, the Appeal Board heard the necessary matters from the appellant himself and decided on his appeal case.

2. Regarding Mr. Kenju Yamauchi, the Board decided on his case.

3. Regarding Mr. Teiichi Murakami, the Board decided on his case.

4. Regarding Mr. Kazuo Sasamoto whose case was decided on 18th, June, the Board re-examined his case and decided on it again.

5. Next meeting is to be at 14.00, 27th, Aug.

45th Meeting of Appeal Board

19th, Aug. 1947.

I Date: 15th 10:20 - 15:30

II Commissioners present: SAWADA, SHIMA, HASEGAWA, MANO, TOMIYASU, UEDA.

III Proceedings:

1. Mr. Keizo NISHIMURA's case was decided.
2. Mr. Koichi KUROIWA's case was decided.
3. Regarding Mr. INUKAI's case, the Appeal Board heard of the necessary matters from his witness.
4. Regarding Mr. Shoichi ONO, the Board decided to call up two witnesses.
5. Mr. Norimoto MASUDA's case was decided.
6. The Board examined Mr. Takeo TAMARUSHIMA's case and decided to refer the necessary matters to the Cabinet Secretariat.
7. Mr. Shigeru HORI's case was decided.
8. The Board re-examined Mr. Usaburo CHIZAKI's case.
9. The Board examined Mr. Tokuzo TAKEGOSHI's case and decided to call up one witness.
10. Mr. Taiichi FURUSAWA's case was decided.
11. Next meeting is to be at 14.00, 22nd, Aug.

Extra Copy

18 August 1947

MEMORANDUM FOR: Public Service Qualifications Division

SUBJECT : Record of Conference

1. Mr. Sawada, Chairman of the Appeal Board came in on 16 August for the primary purpose of discussing the case of NARAHASHI, Wataru, whose case is currently being considered by this body.

2. He explained that the Board had informally reached the decision that NARAHASHI should be released from designation as falling under the Memorandum; he gave a very complete description of all the events and the decision of the Board on each point considered. Apparently the Board wanted to sound out Government Section's opinion before making a formal decision. He was told that apparently the Board had conducted a very extensive investigation of the case, but that the decision of the case was up to the Japanese Government and that SCAP would review this action after the recommendation of the Appeal Board is formally submitted.

PSQD

3. Mr. Sawada asked if the information and the investigation seemed complete enough for the Board to reach a decision. He was told only that it had already been stated that they had apparently done a good job of investigation but that we would not committ ourselves to saying that they had enough evidence for a decision inasmuch as such a statement might have been construed to mean that we agreed with their decision.

4. Mr. Sawada also brought up the case of INUKAI, Ken. The Appeal Board has, he stated, informally decided to release this person also and wanted to discuss the case . He stated briefly that there was no evidence to support the case of the Screening Committee against INUKAI. In this instance he was also told that the decision was the responsibility of the Japanese Government, and that SCAP would review the case upon formal presentation.

ROGER W. SNOW, Jr.
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44th Meeting of Appeal Board

15th Aug. 1947.

I Date 12th Aug. 10.30 - 16.40

II Commissioners Present: SAWADA, SHIMA, MANO, HASEGAWA, TOMIYASU, UEDA.

III Proceedings:

1. Regarding Mr. Jo HONDA's case (which was temporarily decided at the meeting, 13th June), the Appeal Board decided to re-examine it, considering the viewpoints of the interested section and other similar cases and also decided to refer the necessary matters to the appellant.

2. Regarding Mr. Usaburo CHIZAKI, the Appeal Board continued examinations.

3. Regarding Mr. Kyuya NEMOTO's case, the Board decided its opinion.

4. Regarding Mr. Torao NAKAYAMA's case, the Board decided its opinion.

5. Regarding Mr. Masato SATO's case, the Board decided to refer the necessary matters to the appellant, whose reply may affect the Board's decision temporarily made.

6. Regarding Mr. Ken INUKAI's case, the Board heard explanations from two witnesses and continued examinations.

7. Next meeting will be open at 10.00, 15th, Aug.

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~~KOSHOKU SOSHIN HATSU No. 53.~~

Examination Report

The 45th committee meeting of the Examination Commission on Public Office Eligibility Appeals was convened on the 15th of August, 1947, with six committee members present, who upon having examined the appeal submitted by KUROIWA, Koichi, the appellant, unanimously agreed as follows:

DECISION

It is appropriate that the Prime Minister's designation of KUROIWA, Koichi, dated June 10, 1947, in accordance with the provision of Article 4 of the Imperial Ordinance No.1 of 1947, as coming under the SCAP Memorandum to the Japanese Government, dated January 4, 1946, be withdrawn.

REASONS

Whereas the Prime-Minister had designated KUROIWA, Koichi, the appellant, as coming under Item 7-3 of Annex 1 to the Joint Ordinance No. 1 of the Cabinet and the Ministry of Home Affairs of 1947, and accordingly under the said Memorandum, on the ground that the appellant was in the post of a managing director of the Kokusai Denki Tsushin K.K. (International Electric Communication Company) from November, 1940, to May, 1945, the appellant, dissatisfied with the said designation, submitted the appeal now under review.

The appellant's contention may be summarized as follows:

1) The duties assigned to the appellant as a managing director of the Kokusai Denki Tsushin K.K. were to construct and maintain a portion of the electric communication equipments employed by the Government for the purpose of developing international electric communication business conducted by it. They belonged to the jurisdiction of the Engineering Affairs Bureau of the Ministry of Communication, and corresponded with only a part of the duties assigned to the Director of the said Bureau. The authority vested on the appellant's post, therefore, was much limited as compared with that of the Bureau Director. In spite of the above-mentioned fact, according to the remarks relative to prescriptions of examination, on Item 7 of Annex 1 to the Joint Ordinance No. 1 of the Cabinet and the Ministry of Home Affairs of 1947, the post of the Director of the Engineering Affairs Bureau is classified as falling under No. 2 of the remarks, which requires the existence of specific facts coming unde the so-called Category G, while the post of a managing director of the Kokusai Denki Tsushin K.K. is classified as falling under No. 6 of the remarks, in which the existence of such facts is disregarded. For reasons already stated, this is obviously unwarrantable in the case of the appellant. In regard to persons in the posts of managing directors, like that of the appellant, who are charged with duties exceptional in character, it is necessary to give special consideration in making examination, and to extend it to cover the existence or non-existtence of unequivocal facts, which obviously fall under Category G.

2) The appellant entered the company by the Government's order and was elected a managing director of the company, as a result of some circumstances on the part of the company. In either case the object in view was to employ the appellant's technical services in the construction and maintenance of electric communication equipments. The company's capital investment and other enterprises, which may be considered as its side line, had nothing to do with the appellant's joining the company or with his appointment as a managing director. In short, he did not join the company, nor was elected a managing director, for the purpose of taking part in the militaristic or nationalistic acitivities or warlike nature.

3) As stated above, the appellant's functions as a managing director of the company were purely technical. He had no authority over the essential matters of the company's management, such as investment and other policy matters. He did not possess in any degree the controlling power to make the company participate in the aggressive war, or make it play an active role in it. For reasons stated above, it is wrong to designate him as coming under Category G, simply because he was a managing director of the Kokusai Denki Tsushin K.K.

4) Besides, the appellant has not committed any act, either in his public capacity or as a private person, that may be deemed as coming under Category G.

For any of thereasons stated above, or in consideration of the spirit of the Imperial Ordinance No. 1 of 1947, it is

evident that substantially the appellant does not come under the Category as defined by the said Memorandum. Such is the conclusion of the appellant's contention.

On looking into the matter, it is concluded that, in consideration of the underlying spirit of the said Memorandum, the managing directors as mentioned in No. 6 of the remarks on Item 7 of Annex 1 to the Joint Ordinance of the Cabinet and the Ministry of Home Affairs of 1947, may properly be interpreted to mean those persons, who possessed the final authority and exercised it, in reference to such essential matters in the management of the company, of which they were managing directors, as were recognized as the very reasons for having placed the company under Item 11 of Annex 2 to the said Joint Ordinance. The fact that the appellant was a managing director of the Kokusai Denki Tsushin K.K. from November, 1940, to May, 1945, is clear enough from the statement of occupational career in the questionnaire submitted by the appellant. It is also clear from the articles of incorporation of the company that the main duty of a managing director consists in taking partial charge of the company's business, assisting the president in regard to the business under his own charge, and taking part in the decisions of important matters of the company's management as a member of the board of directors. However, the following circumstances should be pointed out.

I. 1) Since the appellant assumed the post of a managing director in November, 1940, until November, 1943, he was in charge of the duties as the chief of the engineering affairs division, concurrently as the chief of the circuit controlling division of the company. From November, 1943, until retirement in May, 1945, he held no official post, but was in charge of the management of the technical laboratory, Komae plant and the training institute of the company. These are the facts, which may be accepted as correct in the light of the statement of occupational career in the questionnaire submitted by the appellant, and also of the statement by MIKI, Takeo, the Minister of Communication, annexed to the appeal, reading in part: "To the best of my knowledge, I testify the truthfulness of the statement relative to his duties in the company ....
(omitted) ..... mentioned as the reasons for the appeal."

2) It may also be recognized from the company's regulations relative to assignment of work that the duties of the chief of the engineering affairs division were the supervision over the technical works pertaining to extension, improvement and maintenance of wire and wireless communication equipments and over mechanical installations of transmitting and receiving stations, and that the duties of the chief of the circuit controlling division consisted in the supervision over the technical control of wire system circuit and relay stations.

3) It is equally clear from the same sources that the duties involved in the management of technical laboratory, Komaé plant and training institute of the company had mainly the end in view to carry on supervision over technical researches, manufacture of communication appliances, and training of technical workers.

4) As provided for in Articles 2 and 11 of the company's regulations relative to assignment of work, matters relating to investment in the electrict communication enterprises in the Japanese-occupied territories, which mainly accounted for the important role the company played in the Japan's aggressive and militaristic activities, belonged to the financial division of the company, and accordingly to the duties of another managing director who took charge of the division.

5) That the appellant was appointed to assume the post of a managing director of the company, solely for his technical services for constructing and maintaining the electric comunication equipments, and decidedly not for such business matters as investment and other similar activities may be sufficiently clear from a passage of the Communication Minister's statement, aneexed to the appeal, already mentioned above, reading:To the best of my knowledge, I testify the truthfulness of the statement relative to the circumstances attendant upon his appointment as a managing director"

6) That the duties carried out by theappellant during his term of office were confined to technical matters and that he was not directly responsible for the company's policy for overseas development, may be evident in view of a passage in the recommendation of MIKI, Takeo, the Communication Minister, dated June 3, 1947, addressed to the Prime Minister in reference to Article 3 of the Imperial Ordinance No.1 of 1947, to

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retain the appellant in office. The pasage mentioned above is found among the reasons for the recommendation and reads: "The duties assigned to the said Jimukan 'referring to the appellant) during his term of office in the company were confined to technical matters. He was not directly responsible for the formulation of the company's policy for overseas activities. The company had been participating in the establishment of an electric communication corporation in China. since more than one and half years prior to the Jimukan's joining the company."

7) As it is clearly defined in Article 28 of the articles of incorporation of the compaby, and also in consideration of the nature of the voting right at a company's directors' meeting in general, the right of themanaging director to participate in the decision of the company's meeting of directors is neither more nor less than that held by an ordinary director.

Taking the facts as enumerated under 1) to 7) into full account, it may fairly be concluded as follows:

Although the appellant was a managing director, he was engaged, throughout the entire term of office in the company, solely in the construction and maintenance of a portion of the company's electric communication equipments, and in the supervision over the company's technical matters, such as technical researchges manufacture of communication appliances, and training of technical staff. Thus he had not a share in making the company's investment in an electric communication enterprise in the Japanese-occupied territories. In so,far as the company's overseas activities are concerned, therefore, which followed the Japanese invasion and on account of which the company was listed

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in Item 11 of Annex 2 to the Joint Ordinance No.1 of the cabinet and the Ministry of Home Affairs, he did not exercise any determining authority in the essential matters of the company's management. In this respect, he was no more responsible than any other director without office. It is construed in keeping with the spirit of "pursire" that the managing directors as mentioned in No.6 of the remakrs on Item 7 of Annex 1 to the said Imperial Ordinance, are to be interpreted not to include such persons as the present appellant.

II. Either officially or privately, the appellant did not use any militaristic or ultra-nationalistic expressions. That the appellant was neither a militarist nor a ultranationalist may be admitted in the light of a passage in the abovementioned statement of the Communication Minister annnexed to the appeal, reading: "His (referring to the appellant) speech and conduct were entirely free from what may be interpreted to come under the so-called Category G." Further reference may be made in this connection to a passage in the testimony of YAMASHITA Tomojiro, the representative director of the Kokusai Denki Tsushin, K.K.m entitled, "About Mr. Koichi Kuroyama", dated July 16, 1947, submitted by the appellant, reading: "During his (referring to the appellant) term of office, he had always been a man of what is called nowadays a democratic character,..... (omitted)... His conduct was always fair. I never heard a word from his mouth, tht was tinged with militarism or aggressive ideas." As there are no counter-evidences sufficient to refute this conclusion, the appellant cannot on any account be

accepted

accepted as coming under Item 7 - 3 of Annex 1 to the Joint Ordinence No.1 of the Cabinet and the Ministry of Home Affairs as mentioned above.

In short, the designation by the Prime Minister of the appellant as coming under Item 7-3 of Annex 1 to the Joint Ordinance No. 1 of the Cabinet and the Ministry of Home Affairs of 1947, and accordingly also under the SCAP Memorandum, on the groung that the appellant was a managing director of the Kokusai Denki Tushin K.K. is not justifiable. Therefore it was decided as stated above.

Examination Commission on Public Office
Elfgibility Appeals

(Sealed)

Public Office Qualication Appeal Board

Examination Report No.57

Examination Report

The Public Office Qualification Appeal Board held its forty-fifth meeting, with its six members present, on 15 August 1947 and, having examined the appeal of NISHIMURA, Keizo, appellant, unanimously decided as follows.

Decision

The designation of NISHIMURA, Keizo, as coming under the SCAP Memorandum to the Japanese Government dated 4 January 1946 made by the Prime Minister under date of 6 June 1947 in accordance with the provisions of Article 4 of Imperial Ordinance No. 1 of 1947 should be rescinded.

Reasons

The Prime Minister designated NISHIMURA, Keizo, appellant, as coming under the SCAP Memorandum on the grounds that the fact that the appellant held the office of managing director of the Furukawa Electric Industry Company Limited (Furukawa Denki Koygo Kabushiki Kaisha) from December 1942 to September 1945 makes him subject to the application of No.3 of No.7 of Appendix No.1 of Government Ordinance: Ministry of Home Affairs Ordinance No.1 of 1947. The appellant objected to the designation and filed the present appeal, demanding its rescission.

The

The gist of the contention of the appellant is as follows:

(1) The right to represent the Furukawa Electric Industry Company Limited pertained to the President and the Vice President (or the special managing directors), but not to any of the managing directors or other directors, as provided for in the articles of incorporation then effective. Especially during the war time, affairs of the company needed prompt disposal and were decided exclusively by the directors who had the right to represent the company.

(2) In the Furukawa Electric Industry Company Limited, "managing director" was merely a title given to directors who had been promoted from among employes and served for long years, and their functions did not differ in any way from those of ordinary directors.

(3) At that time the board of directors of the company met once in two or three months. However, the meeting was held only for the purpose of keeping the formality of affairs of the company and hearing post facto reports on those affairs which had already been decided upon by the President and the Vice President.

(4) During the war time there were three or four managing directors in the company and they had the assignment as directors of departments or chiefs of plants; they were responsible only for matters specially assigned to them; they had neither over-all

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or comprehensive responsibility nor controlling authority.

(5) From prior to the appellant's assumption of office as a director in December 1937, he had been in charge only of technical matters as director of the metal technique department; he made a trip in the United States from October 1939 to March 1940 and in Europe from October of the same year to December 1941; after he returned to Japan, he lived in Nikko Town, Tochigi Prefecture from the beginning of 1942; he was in charge of only technical guidance at the Nikko Electric Copper Refinery Works (Nikko Denki Seido Sho) owned by the Furukawa Electric Industry Company Limited and the planning of the construction of new works which the company was contemplating to build at Oyama Town, Tochigi Prefecture and at Hiratsuka City, Kanagawa Prefecture; from January 1944 he moved to Hiratsuka City and took charge of the construction of the new works.

In the meantime he was in office as a managing director from December 1942 and it was while he lived in Nikko and Hiratsuka. During his tenure of office as a managing director, important affairs of the company referred to deliberation numbered in total 2013, whereas the affairs in which he took part numbered no more than 68 and they all concerned technique or construction which were in his direct charge.

Therefore, the appellant, who was nominally a managing director of the company, was given no functions which are understood by prevailing common sense as pertaining to the office of managing director; hence he was not the managing director as stipulated

pulated in No.6 of the Standards for Examination and Judgment under Section G; accordingly he should not be designated as coming under the Memorandum.

The appeal was examined accordingly. No6 of the Standards for Examination and Judgment under Section G.lists as persons to be designated as coming under the Memorandum the President and Vice President of the board of directors, the President and Vice President, the special managing directors and managing directors, who are understood by prevailing common sense as having ex officio the authority to participate in such important matters as decision and execution covering the whole extent of the operation of a company, and those who, without assuming the posts of such officials, virtually possessed the same authority or influence as such officials. The listing is interpreted to mean that any person who, ex officio or otherwise and directly or indirectly, wielded the authority as above-mentioned in connection with the operation of a company should be designated as coming under Section G of the Memorandum.

On the other hand, the listing should properly be interpreted that a person who was nominally one of such officials of a company as are listed in No.6 of the Standards for Examination and Judgment under Section G but in practice had no such authority as is understood by prevailing common sense as pertaining to that office, and therefore did not wield such authority, on account of special conditions in the company does not come under the

above-mentioned

above-mentioned standards in the light of the spirit of purge. The idea that form and substance should be distinguished and that judgment should be given in accordance with substance is proper being in conformity with the purport of the Remarks of No.7 "Other militairsts and ultra-nationalists" of Appendix No.1 which stipulate "Designation as coming under this section should be made after individual examination and the standards therefore should be generally as follows," indicating that whether or not a particular person comes under the standards should be decided by examining his special circumstances.

The fact that (1) the right to represent the Furukawa Electric Industry Company Limited pertained exclusively to the President and the Vice President (or the special managing directors), but not to managing directors and other directors; (2) "managing director" of the company was merely a title given to directors who had been promoted from among the employes and served for long years and their functions did not differ in any way from those of ordinary directors; (3) the board of directors of the company was a meeting only for the purpose of hearing post facto reports for formality's sake can be sufficiently established by the following entries:

The entry in the testimony jointly signed by NAKAGAWA, Suekichi, former Director and President of the Furukawa Electric Industry Company Limited and SUGIMOTO, Isuzu, former Director and Vice President of the same company, dated 22 March 1947, "Mr. NISHIMURA, Keizo, Director and President of the Furukawa Electric

Industry Company Limited, held the office of managing director of the same company since December 1942; however, as shown by the articles of incorporation of the company in the appendix, the managing director of the company had no right to represent the company and, being war time, affairs of the company were promptly disposed of exclusively by the directors who had the right to represent the company, while other directors merely heard post facto reports at the meeting of directors held once in a month or three; his was not an office generally understood by the title "managing director"; especially in that company it was customary to recommend as directors those employes who had rendered distinguished services and give them in due order the title of managing director."

The entry, an excerpt of the articles of incorporation then effective, in the appendix to the above-cited testimony, "The President shall represent the company, become chairman of the board of directors and supervise all affairs of the company. The special managing director (subsequently the Vice President) shall represent the company, assist the President and dispose of affairs of the company, and act for the President when he is prevented from discharging his functions."

The entry in the explanation of KIMURA, Kisaburo, former Director of the General Affairs Department of the Furukawa Electric Industry Company Limited, dated April 1947, "2. Operation at that time: (a) The President and Vice President: They had, needless to say, the right to represent the company, and all affairs

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were decided by those two; (b) Managing Directors and Directors: There was no authority specifically provided for as pertaining to the managing directors or directors; the difference between them was only that the title of managing director was given to directors who had been selected from among the employes and served for long years; the managing directors were the same as ordinary directors in function: (c) Board of Directors: The board of directors was an organ only for the purpose of keeping the formality of the operation of affairs of the company; as stated above, all affairs were decided by the President and Vice President, and the board of directors which met once in two or three months merely heard post facto reports on those affairs."

(4) During the war, the Furukawa Denki Kogyo K.K. had three or four managing directors (Jomu). But they assumed the posts of the chiefs of departments and plants, and were only charged with responsibilities for partial affairs, and were not vested with comprehensive responsibility for the management of the whole company, nor with controlling powers.

(5) The appellant was appointed the director of the company in December, 1937. He had been the chief of Metal and Technical Department and been chiefly engaged in technical matters. Even after assumption of the post of directorship, his main activities continued to be confined to the works of technical guidance and construction, so that he has not participated in the general affairs of the company's management. This fact may be sufficiently testified by the statements already referred to above.

The