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INTERNATIONAL PROSECUTION SECTION

Doc. No. 3227

30 Oct 1947

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT

Title and Nature: Public Service Regulations, Imperial Ordinance No. 39

Date: 30 July 1887 Original () Copy () Language: Japanese

Has it been translated? Yes () No ()

LOCATION OF ORIGINAL

IPS Document Division

SOURCE OF ORIGINAL: 2nd Demobilization Bureau

PERSONS IMPLICATED:

PHASE TO WHICH DOCUMENT APPLICABLE: Functions of Offices Held by Defendants

SUMMARY OF RELEVANT POINTS

A seventeen (17) article ordinance of regulations for public officials.

Article IV. A government official shall not let official secrets leak out, regardless of whether it concerns his own duty or it is what he learned from another official. The same rule applies after his retirement. In case an official is summoned to court as a witness or an expert witness, and is questioned about his official secrets he may disclose only after having received permission of his superior.

Article V. A government official shall not show any documents or archives which have not yet been published.

Article VIII. (Paragraph 2) An official shall obtain the Emperor's sanction first, when he receives decorations, grants, salary or gifts from a foreign monarch or a foreign government.

Article XVII. This regulation applies to.....anyone who is employed for public service on a salary.

Analyst: JAMES HOYT

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Scanned by
J. R. Tomishige.
Room 363.

The Public Service Regulations

Imperial Ordinance # 39.

30 July, 1887.

I hereby sanction the amended Public Service Regulation and have it enforced.

Sealed by The Emperor,

Counter-sealed by the Premier.

This ordinance is comprised of 17 articles, of which the most important are excerpted below.

Article III. A government official shall not let official secrets leak out, regardless of whether it concerns his own duty or it is what he learned from another official. The same rule applies ~~to the case~~ after his retirement.

In case an official is summoned to ~~a~~ as a witness or an expert witness, court and is questioned about his official secrets, he may ~~disclose~~ disclose only after having received permission of his superior, ~~chief official or chief clerk gave permission.~~

YOSHIOKA, Yasunao

<u>Date</u>	<u>Class of Decoration</u>	<u>Achievement</u>	<u>Recommending Ministry</u>
29 Apr. 1934	Military Order of the Golden Kite, 4th Class	Manchurian Incident	War Ministry
29 Apr. 1934	Intermediate Cordon of the Order of the Rising Sun	"	"
29 Apr. 1940	Order of the Compound Light Rising Sun	China Incident	"
2 Nov. 1942	Chingyuan-Chang, 2nd Class (Manchukuo Decoration)	Japanese-Manchurian Amity	Foreign Ministry

Article V. A government official shall not show any documents or archives ~~to the press~~ ~~concerned~~, which have not yet been published.

Article VIII. (~~the second~~ paragraph) An official shall obtain the Emperor's sanction first, when he receives decorations, grants, salary or gifts from ^a foreign monarch or a foreign government.

Article XVII. This regulation applies to ~~higher officials,~~ ~~officials appointed at the discretion of the Chief~~ ~~official,~~ ^{and} any one who ~~is~~ employed for public service on a salary. —

YAMAZAKI, Masao

<u>Date</u>	<u>Class of Decoration</u>	<u>Achievement</u>	<u>Recommending Ministry</u>
29 Apr. 1934	Order of the Dichromatic Light Rising Sun, Fifth Class.	Manchurian Incident	War Ministry
29 Apr. 1940	Intermediate Cordon of the Order of the Rising Sun, Third Class.	China Incident	"

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○官吏服務紀律

明治二十年七月三十日
勅令第三十九號

朕官吏服務紀律ノ改正ヲ裁可シ茲ニ之ヲ施行セシム（總理大臣副署）

官吏服務紀律

第一條 凡ソ官吏ハ天皇陛下及天皇陛下ノ政府ニ對シ忠順勤勉ヲ主トシ法律命令ニ從ヒ各其職務ヲ盡スヘシ

第二條 官吏ハ其職務ニ付本屬長官ノ命令ヲ遵守スヘシ但其命令ニ對シ意見ヲ述フルコトヲ得

第三條 官吏ハ職務ノ内外ヲ問ハス廉恥ヲ重ンシ貪汚ノ行爲アルヘカラス

官吏ハ職務ノ内外ヲ問ハス威權ヲ濫用セス謹慎懇切ナルコトヲ務ムヘシ

第四條 官吏ハ己ノ職務ニ關スルコト又ハ他ノ官吏ヨリ聞知シタルヲ

間ハス官ノ機密ヲ漏洩スルコトヲ禁ス其職ヲ退ク後ニ於テモ亦同様ト
ス
裁判所ノ召喚ニ依リ證人又ハ鑑定人ト爲リ職務上ノ秘密ニ就キ訊問ヲ
受クルトキハ本屬長官ノ許可ヲ得タル件ニ限り供述スルコトヲ得
第五條 官吏ハ私ニ職務上未發ノ文書ヲ關係人ニ漏示スルコトヲ禁ス
第六條 官吏ハ本屬長官ノ許可ナクシテ擅ニ職務ヲ離レ及職務上居住ノ
地ヲ離ルルコトヲ得ス
第七條 官吏ハ本屬長官ノ許可ヲ得ルニ非サレハ營業會社ノ社長又ハ役
員トナルコトヲ得ス
第八條 官吏ハ本屬長官ノ許可ヲ得ルニ非サレハ其職務ニ關シ慰勞又ハ
謝儀又ハ何等ノ名儀ヲ以テスルモ直接ト間接トヲ問ハス縱テ他人ノ贈
遺ヲ受ケルコトヲ得ス
官吏外國ノ君主又ハ政府ヨリ授與セントスル所ノ勳章榮賜俸給並贈遺
ヲ受クルニハ天皇陛下ノ裁可ヲ要ス

第九條 左ニ掲ケタル者ト直接ニ關係ノ職務ニ居ルノ官吏ハ其饗燕ヲ受クルコトヲ得ス

一 官廳ノ工事ヲ請負フ者

一 官廳ノ爲替方又ハ出納ヲ引受クル者

一 官廳ノ補助金ヲ受クル起業者

一 官廳ノ用品ヲ調達スル者

一 官廳ト諸般ノ契約ヲ結フ者

第十條 凡ソ上官タル者ハ職務ノ内外ヲ問ハス所屬官吏ヨリ贈遺ヲ受クルコトヲ得ス

第十一條 官吏並ニ其ノ家族ハ本屬長官ノ許可ヲ得ルニ非サレハ直接ト間接トヲ問ハス商業ヲ營ムコトヲ得ス

第十二條 官吏ハ取引相場會社ノ社員タルコトヲ得ス及間接ニ相場商業ニ關係スルコトヲ得ス

第十三條 官吏ハ本屬長官ノ許可ヲ得ルニ非サレハ本職ノ外ニ給料ヲ得

テ他ノ事務ヲ行フコトヲ得ス

第十四條 浪費シテ産ヲ破リ其分ニ應セサル負債ヲ爲スモノハ過失ノ一
タルヘシ

第十五條 官吏ハ私立郵船會社又ハ私立鐵道會社ヨリ無賃乗船、無賃乗
車切符ヲ受クルコトヲ得ス

第十六條 凡ソ局長所長其他一部ノ長ハ各所屬官吏ヲ監督シ其過失若シ
懲戒處分ヲ行フノ區域ノ内ニ在ラサル者ハ之ヲ訓告スルコトヲ務ムヘ
シ懲戒處分ヲ要スト認ムルトキハ事情ヲ具ヘテ之ヲ本屬長官ニ稟告ス
ヘシ其情ヲ知り隠蔽シテ稟告セサル者亦過失タルコトヲ免レズ

第十七條 本紀律ハ高等官判任官及俸給ヲ得テ公務ヲ奉スル者ニ適用ス

證明書
「ワシントン」文書局 第 號
國際 檢 察 部 第三二七 號

典據及ビ公正ニ關スル證明

余、吉井ミチノリ(音訳) 余ガ下記ノ資格ニ於テ、即チ第二復員局文書課長トシテ、日本政府ト公的ニ在ルモノナルコト、竝ニ該官吏トシテ余ガ茲ニ添附セラレタル、四 頁ヨリ成ル、千九百八十七年(昭和)七月三十日附、下記題名、即チ勅令第三十九号(官吏服務紀律)ノ公式控ナル寫ノ文書ノ保管ニ任ジ居ルコトヲ茲ニ證明ス。

余ハ更ニ添附ノ記録及ビ文書ガ日本政府ノ公文書ナルコト、竝ニ右ガ下記名稱ノ省又ハ部局ノ公式書類及ビ綴ノ一部ナルコトヲ證明ス。(若シアラバ綴番號又ハ引用、其ノ他公式書類又ハ綴ニ於ケル該文書ノ成規所在ノ公式名稱ヲモ特記スベシ) 第二復員局

千九百四十七年(昭和二十一年)十月二十八日

東京 二於テ署名

當該官吏署名欄 吉井ミチノリ(音訳)署名
右ノ者ノ公的資格 第二復員局文書課長
證 人 下 磯部(音訳)署名

公式入手ニ關スル證明

余、ジュイムスG.ランバートハ、余ガ聯合國最高指揮官總司令部ニ關係アルモノナルコト、竝ニ上記題名ノ文書ハ余ガ公務上、日本政府ノ上記署名官吏ヨリ入手シタルモノナルコトヲ茲ニ證明ス。

千九百四十七年(昭和二十一年)十月二十八日

東京 二於テ署名

氏 名 欄 ジュイムスG.ランバート署名
右ノ者ノ公的資格 國際檢察部調査官
證 人 J. F. マンロー 署名

3227

C E R T I F I C A T E

W.D.C. No. _____

I.P.S. No. 3227

Statement of Source and Authenticity

I, Michinori YOSHII hereby certify that I am officially connected with the Japanese Government in the following capacity: Chief of Archives and Document Section, Second Demobilization Bureau and that as such official I have custody of the document ^{copy} hereto attached consisting of 4 pages, dated 30 July, 1918 and described as follows: Official copy of Imperial Ordinance No. 39 (Kanri Fukumu Kiritsu)

I further certify that the attached record and document ^{copy} is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): Second Demobilization Bureau

Signed at Tokyo on this 28 day of October, 1947

Yoshii Michinori

Signature of Official

Witness: J. Isobey

Chief of Archives and ^{SEAL} Documents Section, S.D.B.
Official Capacity

Statement of Official Procurement

I, James G. Lambert, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this 28 day of October, 1947

James G. Lambert
NAME

Witness: J. J. Munroe

I P S Investigator
Official Capacity