

**TWO YEARS OF
OCCUPATION
POLITICAL**

**SUPREME COMMANDER FOR
ALLIED POWERS**

**Department of the Army Civil Affairs Division
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AUGUST 1947

DEPARTMENT OF THE ARMY CIVIL AFFAIRS DIVISION

WASHINGTON 25, D. C.

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GOVERNMENT SECTION

The Government Section, GHQ, SCAP, was established 2 October 1945 to advise the Supreme Commander for the Allied Powers on policies relating to the establishment of a peaceful democratic government in Japan.

The Section was assigned responsibility for advising the Supreme Commander concerning relationships of the Japanese Government to military affairs, to subordinate governmental agencies, to the people, and to business (including its relationships to financial regulations, to subsidies, and to other devices for the control and manipulation of industry). It was also assigned responsibilities concerning the demilitarization of the government in all its agencies and sub-divisions, the decentralization of government, the elimination of feudal and totalitarian practices and the elimination of those relationships between government and business which tended to continue the Japanese war potential and to hamper the achievement of the objectives of the occupation.

In June, 1947, the reform of the Japanese bureaucracy, including the establishment of a civil service system based on merit was assigned as an additional function of the Section.

Despite the extensive labor involved in the complete re-organization of the nation's governmental, political and economic structure, sweeping reforms have been put into execution.

Japan, which, until two years ago, was a feudal police state, dominated by an oligarchy of militarists, bureaucrats and big businessmen controlling more than 80 percent of the national commerce, industry and finance, has been transformed into a modern nation with a Constitution guaranteeing economic, social, political and cultural freedom.

The great masses of the people, docile by training and terrorized by fear, were without a voice in the determination of their own affairs. Today they are assured freedom, self-expression and democracy.

A totalitarian economy, wherein the nation's vast industrial combines, concentrating within themselves virtually all economic power dictated their policy to the Government, has been shattered.

An infamous secret police system has been crushed.

Feudalistic governmental structures have been modernized.

Civil liberties have been guaranteed. Old laws forbidding freedom of speech, press, organization, religion, study and research, have been replaced by new guarantees of liberties.

Thousands of political prisoners have been released from prison and have been restored their proper political and civil rights.

All vestiges of militarism have been destroyed through abolition of the War of Navy Ministries, the Ministry of Munitions, the Great East Asia Ministry and other governmental agencies.

The major reform measures taken in Japan under SCAP supervision may be summarized as follows:

1. The transfer of sovereignty from the Emperor to the people and the guarantee to the latter of a bill of rights derived from the experience and enlightened thought of the Western democracies;
2. Drafting the adoption of a new democratic Constitution vesting sovereignty in the people and guaranteeing civil liberties;
3. The elevation of the Legislature, as the body directly representing the people, to the position of supreme organ of state power;

4. Decentralization of government and the democratization of local governments working through leaders elected by and responsible to the people of their localities;
5. The reform of the traditional family system to conform to enlightened principles of human relationships and the conferment of political, social and economic equality upon the women of Japan;
6. The removal from important positions in the political and economic life of Japan of leaders who formulated the policies of conquest, ultra-nationalism and aggression;
7. The eradication of at least 130 ultra-nationalistic and militaristic organizations, including infamous secret and terroristic societies and their responsible leaders who have been barred from further interference in Japan's political, cultural, or economic activities.
8. The elimination of State Shintoism as an instrument for instilling Emperor worship and for enslaving the minds of the Japanese people;
9. The revision of the educational system to replace regimentation of the mind with academic freedom, the teaching of myth and legend with historical truth;
10. The breaking up of the system of private monopolies under which, with government protection, a dozen families have controlled over eighty per cent of Japan's commerce, industry and finance, in order that under a system of truly free enterprise, widely owned, the economy may be oriented solely toward peaceful ends;
12. The freeing of labor from the prohibitions under which it could not organize to fight for decent living wages and for year was exploited under conditions beside which our sweatshops at the turn of the century were models of advanced liberalism.

All of these reforms have been initiated through the instrumentality of the existing governmental and economic machinery. There has been no suspension, disruption, no discontinuity of functioning of these organs, no collapse, no dislocation, no disorder. The fears of chaos and confusion, voiced by

those persons who viewed with alarm any move to disturb the status quo, have not materialized.

Cabinet decision to dissolve the once-powerful Ministry of Home Affairs, long the core of centralized bureaucratic authority marks an important step in the democratization of Japan. Among civil agencies, the Home Minister, because of his complete control over the daily life of the people, had been popularly ranked in power and prestige, as second only to the Prime Minister.

A vitally important step, perhaps in some respects the most important governmental achievement during the Occupation, was the drafting, debating, passage and implementation of a new, democratic Constitution.

Under the leadership of the Supreme Commander, negotiations were undertaken with Japanese Governmental agencies which resulted in the preparation of a new fundamental Constitution.

Both within the Diet, in the press and public forums as well as in innumerable general conversations, the provisions of this document were debated long and earnestly. After extensive nationwide discussions, certain revisions in the basic draft were accepted and the Constitution was adopted virtually unanimously in both branches of the Diet.

The Constitution, promulgated 3 November 1946, became effective 3 May 1947.

This new Constitution, now the nation's fundamental law, conforms to the most advanced concepts of human relationships and is a realistic blending of divergent theories concerning the application of democratic principles by a large modern state.

An historic landmark in the age-old struggle of mankind to be free, it serves as a shining beacon for the peoples not only of the Far East but of the world. Japan thereby divorced itself from the past and assumed the lead in declaring its faith in justice and in tolerance.

Widespread popular acceptance by both people and Government, without the issuance of a single

directive by the Supreme Commander is itself a fact fraught with the greatest significance for the ultimate re-entry of Japan into the family of nations.

In April, 1947, the Japanese people, under their new Constitution and through a democratic election procedure, chose 232, 863 elected officials on all levels of government. These constituted the entire body of elected officers, including a new Diet, 46 governors, 209 mayors, 1784 town and village chiefs, 8522 headmen and new prefectural and local assemblies. These new officials carry on the work of self-government and self-reformation --- to the end that Japan may, some day in the not too distant future, be able to take its place --- a dignified and helpful place --- in a world community of peaceful democratic nations.

NOTE: See Appendix I for more complete information on the new Japanese Constitution.

THE PURGE

The purge of all persons who shared the responsibility for Japan's program of aggression always has been intended to be a preventative, never a punitive measure.

Based on internationally approved policies of the Potsdam Declaration, it was conceived and is being administered with the purpose of eliminating continuity of influence or exercise of power by persons whose past careers showed them to be undesirable leaders for a nation dedicated to democracy and world peace.

The purge was initiated in the fields of education and police as early as October, 1945. Its fundamentals were first expressed to the Japanese government in SCAPIN 550 of January 4, 1946, which ordered the removal of all undesirable persons from influential positions in the political, economic, and social life of Japan.

In the first year after SCAPIN 550 was issued, 1,067 persons had been barred and removed. An extension of the original purge directive was issued by the Japanese government on January 4, 1947 and an additional 1,681 persons had been barred or removed up to July 15, 1947.

There had been 183,000 career officers, gendarmes, and intelligence agents barred by the 1946 original directive. Another 20,000 persons quickly had resigned their positions to avoid designation as purgees.

Except for the initial Purge Directive issued to the Japanese government January 4, 1946, and certain memorandums issued after post-review of the government's action directing the removal of specific individuals, SCAP had insisted that the Japanese government itself implement and administer the purge program. All Japanese government actions are subject to SCAP review to insure compliance with the word and spirit of SCAPIN 550.

Up to January 4, 1947, and July 19, 1947, the Japanese government screened 563,099 cases, most of them before the general election in April. A total of 1,681 individuals were removed or barred.

The small number of persons actually purged indicated that few risked running for office when they considered it possible that they would be designated as purgees.

Of the total number screened during this period SCAP reviewed 16,047 cases involving persons holding important elective and appointive posts in government, officials in the major economic and financial concerns, and influential persons in the political and social life of Japan. In 47 instances the action of the Japanese government was disapproved.

Further action by SCAP upon post-review of the Japanese government's action has been to direct the reinstatement of 12 individuals unjustly or mistakenly barred or removed.

INITIAL PURGE DIRECTIVE

The impact of the initial purge directive, which listed undesirable Japanese in seven categories, was immediate and profound. Nine days after the directive was issued the cabinet, under Kijuro Shidhara, underwent extensive reorganization. Three ministers and six cabinet executives and many other high government officials resigned.

Another wave of resignations came on March 10, 1946, when the cabinet interpreted "additional militarists and ultranationalists", a category of the original SCAP directive. The entire political scene was altered by this announcement. Political party leadership changed, political allegiances shifted, and new candidates were sought to replace those previously scheduled to run in forthcoming April elections. Of the 3,384 candidates for the Lower House, 252 were barred. Among these 113 were candidates recommended by Prime Minister Tojo in the 1942 elections. Another 268 "recommended candidates" did not file.

By August 1946 the Japanese government announced it had completed the initial phases of the purge program. A total of 5,5520 persons in the Privy Council, the Diet, the Cabinet, Prefectural Governments, higher courts, government controlled companies, and higher educational institutions had been screened, and 814 were barred or removed.

In addition, 183,000 career officers of the army and navy, members of the gendarmerie and former intelligence agents had been categorically barred.

EXTENSION OF PURGE

Upon confirmation that the initial phases of the purge had been completed, SCAP in August 1946 issued a statement of policy to the Japanese government requiring extension of the purge program to local government, to the economic field, and to the field of public information.

On January 4, 1947, one year from the issuance of the original directive, the Japanese government promulgated implementing ordinances extending the purge to all elective offices in national and local government, and to specified positions in certain companies, associations, and mass communication media.

To insure that local government administration would undergo a complete reorganization, incumbent mayors and headmen were prevented from running for their old positions if they had held these positions consecutively since September, 1945. These officials, however, were not held from becoming candidates for other government positions.

A reorganization of the screening system, setting up local boards, was necessary to funnel upwards of 500,000 cases through screening procedures before the general elections in April.

Numbers of candidates screened, as reported by the Japanese government, included 3,426 for the House of Representatives; 1,406 for the House of Councilors; 451 for prefectural governors; 43 for the mayors of the principal cities; 72,550 for headmen of wards, towns, or villages; 21,126 for deputy-mayors, deputy-headmen, and accountants of cities, towns, and villages; and about 42,252 members of election administrative committees.

When successful candidates were re-examined by the Central Screening Committee, 11 members-elect to the House of Representatives, and four members-elect to the House of Councilors were removed.

The economic phases of the purge began about April 15, 1947, when an estimated 3,200 persons holding policy positions in about 300 companies required screening. By mid-July 1947, 292 persons had been removed and/or excluded from public service.

There followed extensions of the purge in the field of public information media, and to "invisible" purgees who resigned to escape designation but manipulated behind the scenes strings of influence.

A Board of Appeal, to review cases where injustices may have been committed, was established in February, 1947, to handle the increasing volume of protests as screenings were extended to include more persons.

These figures do not, of course, include the tens of thousands of other undesirable leaders who are forever barred from public service but who have held no office since the purge became effective and therefore have not yet been designated by name.

Nor are nearly 6,000 Thought Control and Special Higher Police, removed by SCAP's Civil Liberties Directive of October, 1945 include. Because they are barred only from positions in the Justice,

Welfare, and Home Ministries and from police work, their status is somewhat different from that of persons purged under SCAPIN 550 who are barred from all public service. A similar group, likewise not included in the above, is the approximately 5,000 teachers who have been removed from the field of education.

NOTE: See Appendix II for complete review of the purge of Japanese who shared responsibility for their country's program of aggression.

1947 ELECTIONS

The inalienable right to choose and to dismiss their public officials is one of the most important guarantees afforded Japanese by the new Constitution.

In anticipation of the coming into effect of the new Constitution, a series of four (and in some instances, five) elections was held during April in which each of the 232,863 public offices, local and national, legislative and executive, was at stake.

Seldom in history have the people of any nation enjoyed the opportunity in such brief span of time and by so peaceful a process as election, to select all of their elective officials. Certainly never before in Japan had such an opportunity been presented.

Never, before, indeed, had Japanese voted for their local executives or for the Upper House of their Diet. For the first time in their history, Japanese voted for 46 governors, 209 city mayors, 10,210 town and village heads, and 22 ward chiefs in Tokyo. In the past all these had been selected by methods which made no concession to popular wishes. Governors had previously been appointed by the Home Minister; mayors, town chiefs and village headmen by local assemblies from lists approved by prefectural governors, and ward chiefs by the Tokyo governor. The inevitable result had been that local chief executives were indifferent to local desires because they owed their primary allegiance to the Home Minister or to the governor.

The April 1947 elections also represented Japan's first elections for local assemblies on the basis of universal suffrage and the first election for assemblies in which membership was more than a purely honorary distinction. Voting hitherto had been based on limited suffrage only, so that assemblies represented only the conservative element in Japanese life. Membership conferred no legislative

powers since the assemblies met infrequently and were invariably dominated by local chief executives.

These elections, moreover, were the first to be publicly administered. Hitherto, all elections had been supervised in detail by government, officials controlled by the Home Ministry. In April 1947, however, 10,500 local elections administration committees were established.

Technical changes introduced into the laws prior to election forbade candidates to campaign in more than one district, abolished the former abuses whereby teachers had required students to campaign in their interests; they also increased the number of districts from 53 to 117 and increased tenfold the fines to be imposed for violation of election laws.

In connection with the vast amount of publicity given to the election campaign by press, screen and radio, special commendation should be made of the Broadcasting Corporation of Japan which rejected a proposed Diet appropriation of eight million yen, offered in payment of time devoted to election broadcasts, on the ground that it was merely fulfilling its public duty. The Broadcasting Company of Japan thus established the principle of direct public responsibility, free from government direction or political influence.

SHIMANE SHIMBUN (Matsue) and OKAYAMA GODO SHIMBUN (both 2 May) described the election results as "a corner-stone in Japan's peaceful revolution." They warned voters, however, that they "must exercise vigilance over the performance of the successful candidates." SHINANO MAINICHI (2 May) voiced the same theme by writing "If the people are unconcerned with administration after election, it can be said that they are exercising only half their rights and duties."

A most reassuring feature of the elections was that, following the election, the Japanese press contained virtually no reference whatever to evils such as had been prevalent in pre-war election campaigns.

None but rare and isolated charges appeared concerning disfranchisement (accidental or intentional) of voters qualified to cast their ballots, of the inefficiency or incapability of election officials, of fraud, irregularities, miscounting or ballot box stuffing.

A certain amount of vote buying and corruption, although far less than in previous election, was reported, but the total number of incidents was less and the extent of the crime more restricted than in previous years.

Few, if any, charges were alleged that campaign expenses had violated the official ceilings or that money interests had played any important part in the determination of results.

Boss activity, which had been predicted by TOKYO TIMES (12 April) and dishonest practices, which EHIME SHIMBUN and IWATE SHIMBUN (both 24 April) feared might affect the House of Representatives balloting the following day, were not again mentioned in the press following the close of the campaign period.

This situation stood in sharp contrast to the experience of former years when accusation of election law violations, especially bribery and corruption, had been common phenomena of the press.

A wide variety of pre-election measures was taken to insure democratic elections: strengthening of the election laws, extension of the franchise, increase in the number of polls, application of the purge, assurance of non-interference by the police, surveillance by Occupation Forces, to name a few. Insofar as counting and tabulation were concerned, not only did every candidate have the right to have a witness present at every step in the voting and counting process at every polling place and ballot counting station in Japan --- but every Japanese citizen had the further right to bring any protest which he might have to the attention of the Occupation Forces as well as his own Government.

With respect to the laws, therefore, every step in the electoral process, from the filing of candidacy and the registration of voters to the final tabulation of results was fully protected by laws and safeguards comparable to those of any democratic nation. Insofar as violations of these laws were concerned, not only were Japanese procedures of investigation, indictment and trial highly competent and satisfactory but once again full opportunity was afforded all citizens to bring any criticisms of methods to the attention of surveillance personnel. The especial fact that indictments for election law violations for all five 1947 elections totaled only 2,997 as opposed to 2,632 in the one election of 1946 is an indication that political morality markedly improved. The figure of 2,997 included all alleged violations from all sources.

In this connection, it is imperative to note that the vast majority of claims of election law violations involved such crimes as bribery of voters, house to house canvassing for votes, and violations of the poster law. For all the 42,000 polling places and 11,000 ballot counting stations in all Japan and for all the 200,000,000 ballots which were counted during five elections there were only a handful of charges made anywhere --- by press, or public or candidates or parties --- of improper casting of votes, and no charges were made of miscounting of votes.

Improvement of Elections

In considering the average abstention rate of 30 percent for the 1947 elections, it must be recalled that essentially this represents a percentage of all eligible voters and not a percentage of the total of registered voters. Japanese law provides basically for automatic registration; once each year all eligible voters are registered regardless of whether they have any interest in voting or not. In most western countries, of course, the situation is reversed; registration is not automatic but requires that the voter take the initiative and register himself. From the standpoint of the percentage of all adults actually participating in an election, therefore, a 70 percent turnout in a Japanese election would be equivalent of about an 85 percent turnout in an average American election.

Political Implications

The following table summarizes party votes in the 1946 and 1947 elections. Since the method of voting adopted in the House of Representatives election in 1946 permitted voters to cast ballot for two or three candidates, dependent on the size of the electoral district concerned, direct comparison with the Representatives election of 1947 is not possible, since this year electors voted for but one candidate each. Table II, however, projects a basis for comparison, indicating an estimated division of votes in 1946 if electors had then cast ballots for but one candidate.

	Liberals	Democrats	Social Democrats	Cooperatives	Communist Parties	Minor Parties	Independents	Total
1946, 10 April	13,595,746	10,350,530	8,8408	1,799,764	2,135,757	6,473,371	11,351,402	55,448,379
The same reduced to common denom.	6,500,000	4,960,000	4,730,000	860,000	1,020,000	3,100,000	5,430,000	26,600,000
1947, 5 April Governors	2,111,906	1,605,540	6,047,059	397,847	258,044	1,590,487	14,734,584	16,740,467
10 April, Local	3,822,767	3,117,202	4,847,188	1,038,771	309,177	1,026,178	7,235,693	11,896,476
20 April, National	1,360,466	1,008,087	3,479,814	540,916	610,948	1,039,819	12,462,073	11,411,113
25 April	7,226,342	6,897,480	7,163,888	1,865,723	1,002,383	2,260,070	1,614,285	27,361,811
30 April, Municipal	1,980,001	1,073,491	2,049,404	149,453	251,409	651,571	73,481,019	30,638,438
Prefectural	5,733,780	6,097,169	5,481,627	1,187,317	556,473	2,510,428	8,686,347	31,258,646
1946, April 10	24.4	18.7	17.8	3.2	3.8	11.7	20.4	100.0
1947, April 5, Gov.	7.9	6.0	32.6	1.5	0.9	8.0	35.1	100.0
1947, April 10, Local	17.0	14.3	32.2	4.5	3.2	5.0	33.8	100.0
1947, April 20, Natl.	6.5	7.2	16.6	2.6	2.9	4.9	59.3	100.0
1947, April 25	26.6	25.1	26.1	6.8	3.7	5.7	5.0	100.0
1947, April 30, Pref.	18.3	19.5	17.5	3.8	1.8	8.1	31.0	100.0
1947, April 30, Munic.	6.5	6.8	6.7	0.5	0.3	1.1	76.6	100.0

POLITICAL PARTIES

I

Japanese politics are a tangled maze of personalities, cross-currents, compromises and flexibilities, but the general course is clear. Japan is moving toward democracy and toward the adoption of a Western type of parliamentary government.

Elections have been marked by the manner in which electors disregarded party lines to select candidates whom they regarded as personally well-qualified by character and experience.

A second noteworthy result has been the repudiation after full, fair and free discussion, of extremists

of either reactionary or revolutionary character.

Recent Election Results

Of 207 candidates in the April 1947 elections for 46 governorships, voters chose 29 Independents, five Liberals, four Social Democrats, three Democrats and five of various minor parties.

In 202 mayoralty elections, 144 Independents, 25 Democrats, 12 Liberals, nine Social Democrats and one Cooperative were elected, together with 11 representatives of minor parties.

In 4,247 village headship contests, 3,716 Independents were returned, 159 Liberals, 145 Democrats, 126 Social Democrats, 74 minor parties, 19 Cooperatives and eight Communists.

An estimated 54 percent of the electorate voted Independent, with 24 percent Social Democratic, eight percent Liberal, seven percent for minor parties, five percent Democratic and one percent each for Cooperatives and Communists.

House of Representatives

The Social Democratic party, with 144 seats, won a plurality in the House of Representatives. Next in order came the Democrats, 130; Liberals, 129; Cooperatives, 31; various minor parties, 10; Independents, nine; Japan Farmers, eight; and Communists, four.

These figures represent gains of 46 Social Democratic seats over the figures at the close of the last Diet. Minor parties including the new Japan Farmers' party, gained 13 seats while Independent figures remained unchanged. Gains were made at the expense of the Liberals who now have eleven less seats than in the last Diet, Democrats 15 less, Cooperatives 31 less, and Communists two less. The Farmers' party, a new organization, drew its strength largely from last year's Cooperative party.

Since 234 votes were required for a Lower House majority, no party could single-handedly control the government.

After various political maneuvers, therefore, agreement was reached whereby the Social Democrats, Democrats and Cooperatives formed a coalition, totaling 305 seats, as against a maximum of 159 opposition votes. Tetsu Katayama, Social Democrat became Prime Minister May 1947, with Histoshi Ashida, Democrat, as vice-Prime Minister.

The Social Democrats are professedly Socialists. The Democrats call themselves stream-lined modernists, but among them are numerous conservatives. The Cooperatives, largely an agrarian group, differ from Social Democrats in philosophy but work with them for practical governmental purposes.

Similarly the opposition is composed of Liberals, who are committed to conservatism, and Communists, as well as various smaller parties of contrasting political opinions.

House of Councilors

The newly constituted House of Councilors contains a political group peculiarly its own named the Ryokufu Kai, or Green Breeze Society, so-called because it announced its intention of effecting a spring-like renaissance in Japanese affairs. This group enrolls 96 members. These include virtually all former members of the House of Peers who succeeded in being elected as Councilors, ex-diplomats and other who felt that the Upper House should preserve a character above the party battle.

True political parties in the Councilors include 47 Social Democrats, 43 Liberals, 42 Democrats, 18 Independents and four Communists.

If party lines were strictly drawn this might seem to indicate that the Katayama coalition controls only 89 votes out of 250 in the House of Councilors, as against a possible opposition bloc of 161 votes.

Such, however, is not the case since the 96 Green Breeze members do not constitute a genuine party and are neither pro- nor anti-coalition. At least 13 of them were members, at the time of their election, of the Cooperative party, but merged thereafter with others, chiefly Independents and Liberals, to form the non-partisan Green Breeze Society.

II

All parties profess to favor democratic government, anti-bureaucracy, social insurance, stabilization of the people's livelihood, better rationing methods, abolition of the black market, entry of Japan into the United Nations, a speedy peace treaty, justice in international relationships, and other popular causes. They differ in the ways suggested to accomplish these results.

Social Democratic Party

The Social Democratic party, for instance, contains some members who are popularly classified as left-wingers, as well as so-called right wingers.

The Social Democratic party is the contemporary successor to several pre-war farm-labor parties. Some of these were frankly proletarian, and their survivors constitute the Social Democratic left wing.

The Social Democratic party has enjoyed the support of the largest group for politically conscious labor unions. For example, the Speaker of the House of Representatives is a right wing Social Democrat who is also president of the Japan Federation of Labor. Many members of the formerly outcast Eta group are also believed to have supported the Social Democrats: their leader, who is vice-president of the House of Councilors, is also a Social Democratic committeeman.

As might be expected from its large labor unionist membership, the Social Democratic party is strongest in the cities.

It stands for the creation of a peaceful democratic revolution through peaceful democratic processes, for the progressive nationalization of essential key industries, beginning with coal and iron, for the taxation of incomes derived from war profits, and for the suspension of interest on war bonds.

Not all these aims are being pushed at the present since the terms of coalition with more conservative parties precluded aggressive action of measures which conservatives termed socialistic, but the party is at present moving toward introduction of a bill for state control of coal production.

Democratic Party

The Democratic party, created in March as the successor of the former Progressive party, is also divided into two groups --- a renovationist faction headed by Foreign Minister Hitoshi Ashida, and a more conservative group led by former Prime Minister Kijuro Shidehara.

The Ashida section, now in control, includes most of the younger members of the party.

This party holds second place in the Diet but in many localities it led in elections for mayors, village headmen and assemblymen.

Some observers believe that its nucleus consists of remnants of the pre-war Minseito party --- citing Home Minister Kozaemon Kimura and State Minister Takao Saito as examples --- and there is no doubt but that many old-line politicians of that party are influential local leaders.

The Democratic party stands for strict economic supervision (in contrast to Liberal desires for free economy and to Social Democratic ideas of state control).

Liberal Party

The Liberal party, strong among businessmen and financial interests, and headed by former Prime Minister Shigeru Yoshida, regards anti-Communism as its strongest platform plank.

Because it defends individual enterprise, it argues that it would accomplish its ends gradually and through evolution rather than by immediate drastic action.

The Liberal party was the plurality party in the 1946 Diet elections but fell to second place in 1947, and then to third place among Diet parties.

Peoples' Cooperative Party

The Peoples' Cooperative party, founded as an agrarian party based upon Japanese semi-official producing and distributing monopolies, lost most of its original members through the purge. It then broadened its base by merging with a powerful bloc of school teacher Diet members headed by State Minister Junzo Sazamori, and with various local parties such as that led by the party's present chief, Communications Minister Takeo Miki.

The party stands for the cooperative principle, for the promotion of education, and for the stabilization of Japan upon a generally conservative basis.

Japan Farmers' Party

The Japan Farmers' party regards itself as the true Cooperative Party from which it split when the latter voted to admit city members and education members to what had been a purely agrarian group. The Farmers' party strength lies in Hokkaido, formerly a Cooperative stronghold.

Other Minor Parties

Minor parties and Independents are, in the main, identical. In virtually no instance except that of the Communists, is any national group concerned nor are any firm ideas set forth differing from those of other parties. These groups, some of which may be as evanescent as the 28 Minor Parties which existed when the 1946 Diet opened but which gradually became absorbed in larger parties, center about the personality of individuals popular in one locality but entirely unknown elsewhere in Japan.

The Communists call themselves the party of the masses but have failed to win support of more than between one to two percent of the voters. The party platform calls for abolition of capitalism and the Imperial System. This attack upon the Emperor was more strongly voiced in 1946 than in 1947.

The party is led by Sanzo Nosaka and Ryuichi Tokuda. Tokuda spent eighteen years in prison prior to his release under the terms of SCAP's civil liberties directive issued on 4 October 1945. Nosaka is well known for his propaganda work among Japanese troops captured by Yenan Chinese.

LABOR MINISTRY

Noteworthy among the specific steps undertaken by the Japanese nation to secure a complete reformation of its governmental structure has been the establishment of a Labor Ministry.

The Japanese labor record prior to the surrender had indeed been black, but in the early days of the Occupation, the workingman was freed from all the oppressive restrictions. During succeeding months, measure after measure designed to protect him and promote his welfare was enacted into law. No cabinet, however, established any governmental agency with sufficient authority and prestige effectively to represent labor's interest in government, although during the January 1947 crises, the Yoshida Cabinet suggested establishing a Labor Ministry.

With Labor steadily becoming more articulate and better organized and with measures such as the Labor Standards Law, the Labor Relations Law and the Unemployment Security Law reaching fruition, it became apparent that the makeshift machinery set up in the Welfare Ministry was inadequate. The Katayama Cabinet, under the leadership of its Minister of Labor designate, Yonekubo, therefore drafted a bill to establish a strong and effective labor ministry.

The movement was Japanese in conception and execution. When the final Cabinet draft was presented to the Supreme Commander for approval in early July, no alternation or amendment was required and the bill in its original form was laid before the Diet on 22 July 1947.

NATIONAL GOVERNMENT

Ministry of Home Affairs

The Ministry of Home Affairs (Naimusho) is probably the oldest formal arm of government in Japan, dating back as far as the year AD 649. Its position was established more definitely in 1868 with the Meiji Restoration and became, probably at that time, the most important ministry of government as created by the Meiji Constitution. It consisted of the four most powerful bureaus in the scheme of government as it affected the domestic affairs of the people. These were:

- Shrines Bureau
- Local Affairs Bureau
- Police Bureau
- Public Works Bureau

It can be truthfully said that the Home Ministry controlled the intimate lives of the Japanese people from the "cradle to the grave." Through its Shrines Bureau it forced the people to conform to ritualistic State Shinto. While this was not a real religion it compulsorily required the people to observe and partake of the various rites and ceremonies which were developed under this cult. This was one of the principle devices by which the people's spirit was held in subjection and through which it was possible to infuse the general populace with ultra-nationalistic and militaristic doctrines.

All of the shrines, numbering more than 100,000 came under the jurisdiction of this Ministry. The members of the higherpriesthood were State employees and directly under the Home Ministry, thus the spiritual education of the people was completely in the hands of the government.

Through its Bureau of Local Affairs the Home Ministry controlled to the minutest detail the local government in Japan. The Home Minister appointed all of the prefectural governors. They were subject to his discipline and could be shifted or removed at his pleasure. The governor, in turn, could refuse to follow actions taken by the prefectural assembly. Any prefectural assembly could be dissolved by the Home Minister whenever he so desired. The governor also had power to nominate mayors and could remove them. City assemblies could be dissolved by the Ministry of Home Affairs the same as prefectural assemblies. Thus by his power of life and death over countless thousands of local officials, the Home Minister was virtually an absolute monarch of internal administration in Japan.

Another of the principal functions of the Local Affairs Bureau was the administration of elections. This was absolute. At no point in the election procedure or machinery did the citizens of Japan have any representation. The Home Ministry was in charge of the machinery at the national level and its henchmen, governors and local officials, ran the machinery at the local level. From the earliest days of the parliamentary system elections were notoriously swung by the power which the Home Ministry exercised. During the period, through the 1920's, when party development reached its highest level, the party in power, through its use of Home Ministry controls, was always able to swing the elections as it saw fit.

In the later years, preceding and during the war, the most vicious regimentation of the people came through the police force of Japan, which was also under the Home Ministry. By both legal and extra-legal methods the police eliminated dissident elements, frequently throwing people in jail who were considered troublesome and keeping them there for years without lodging specific charges. The police department exercised many functions which are not normally associated with police administration in the western world. These cover such a wide range of subjects as recording births and deaths, exercising many functions in connection with economic affairs, keeping track of movements of people, censorship of books, magazines, newspapers, etc.

In elections, previously discussed, the police were used to harass, intimidate, and often to eliminate troublesome opposition candidates or groups.

The neighborhood associations, which represent an oriental institution dating back some centuries, were highly developed during the war. Through these associations the most intimate check was kept on every individual person in Japan. Operating the rationing system, it exercised tremendous power over every family. This institution was also directly under the Ministry of Home Affairs.

The Public Works Bureau, as its name implies, was in charge of such matters as harbors, roads, rivers, flood control, etc. By virtue of its veritable size, the Home Ministry was in a position to exercise great power in its administration of this Bureau.

This Ministry also had under it many of the public institutions in Japan, such as Homes, Asylums, Houses of Correction, etc.

The surrender of Japan and successive directives from SCAP had stripped the Home Ministry of many of its principal functions and responsibilities. The two most important of those remaining early this year were local affairs and the police. The responsibility with respect to the former was substantially eliminated by the granting of local autonomy by Diet action to the prefectural city, town and village governments. Decentralization of the police force which was obviously close at hand would reduce the Home Ministry's responsibility in regard to that function. Thus it was clear that this Ministry, which was once the most powerful in the Japanese government with the exception of the War and Navy Ministries, was now merely a hollow shell of its former self.

The Japanese government accordingly presented a plan for the reorganization of the Home Ministry, taking into account the changed conditions. This Ministry had within it the most hardened core of the professional bureaucracy and it was plain that this bureaucracy was resisting a thorough reorganization.

Inevitably, as the days went by, it became apparent that the Ministry could and should be abolished. Draft legislation to accomplish this has been prepared by the government, and will be submitted to this session of the Diet for its consideration. Thus will come to an end an institution which has for centuries been an instrument of oppression for the Japanese people. It was a most powerful ally of the militarists in conditioning the nation to face almost unbelievable privations in making preparations for war and during the war itself.

LOCAL GOVERNMENT

During the first year of the occupation the Local Government Division was concerned with the reorganization of the organic laws which have established the structure for government in the local echelons: the Law Concerning the Organization of Towns and Villages, the Law Concerning the

Organization of Cities, the Law Concerning the Organization of Urban and Rural Prefectures and the Law Concerning the Metropolis of Tokyo-to. The program was divided into two phases of work, one dealing with the central government and the other with the local governments. The first phase entailed extensive examination and study of fundamental laws, Imperial ordinances and ministerial orders under which the ministries of the central government exercised authority and control over the echelons of local government.

Administrative procedures were also analyzed intensively. Although all the ministries of the central government were studied, special attention was devoted to the Ministry of Home Affairs because of its jurisdiction and direct authority over all local governments. The second phase was wholly one of field investigation, first to obtain knowledge and benefits from the experience of military government companies, and second to test and observe the results of the findings produced in the first phase. These field investigations covered numerous military government towns, cities and prefectures in which Japanese officials and other citizens were contacted.

The purpose of conducting so widely a detailed examination and analysis was to secure an unquestionable foundation of facts on laws and administrative practices and procedures on which could be built more simplified and useful structures for local governments and from which could be devised a democratic, integrated system for the whole framework of government in Japan.

The revisions represented great progress in the democratization of the government even for the Japanese countryside in which the old feudalistic elements were entrenched more strongly than elsewhere. The revisions introduced (1) the principle of direct elections by universal suffrage in all three echelons of local government, (2) the concept that local assemblies in Japan can be effective controlling bodies, (3) a new agency in the system of conducting local elections to make manipulations more difficult, and (4) the practice of recall and initiative thus giving the people themselves some certainty of control on all their elected officials and representatives.

The completion of the four laws was achieved at the end of the first year of the occupation although final enactment by the Diet and promulgation were not accomplished until the beginning of the second year.

During the second year of the occupation continued work and further revisions of the four laws given above, produced a bill entitled, "The Law Concerning Local Autonomy" and was promulgated as Law no. 67 on 16 April 1947. This Law is a codification of the four laws and the revised Imperial Ordinance No. 147 which provides the prefectural governments with their more important

departments and offices and the governors with powers over the personnel to staff them.

The new law still within the confines of the Meiji Constitution contains many added liberalizations. It eliminates the dominant power of the Ministry of Home Affairs. Under the old laws local decisions could not be made on a host of local problems because of hampering restrictions in a chain of permissions having to be sought from higher authorities. In the law local assemblies are given the right and power to debate the budget completely, even to altering the total sum of it. With the introduction of the procedure of having standing committees for particular or combined functions of government, the assemblies have been provided with agencies for obtaining better and continuing information to utilize in their legislation. This new procedure, together with more frequency of assembly meetings, lessened the need for a council. Previously the council functioned when the Assembly was not in session. Vice-governorships were also established. For the first time the right of self-government was given to the inhabitants of the outlying islands. Moreover, a system for the creation of special cities was introduced under which a large municipality could obtain the status of a prefecture.

During the year another major alteration was made by dissolving and eliminating the system of Tonari Gumi. In its compulsory form in which all people were forced to be members, this system was introduced in 1940 to regiment citizens for war. It placed between the citizen and the municipality three organs of control to watch and direct their activities. Approximately ten families were united into a neighborhood association or Tonari Gumi with a chief at its head; about one hundred of these formed a block association or Chonaikai in the cities and towns or a Burakukai in the villages. In some cases the Burakukai and Chonaikai formed federations or Rengokai. All these organizations had their own chiefs, in theory elected, in practice appointed.

In view of the small number of members in each Tonari Gumi, the life of every individual was under a constant surveillance. The eradication of this evil system was a sine qua non for the healthy development of democracy in Japan. Its existence had been defended because (1) the administration could easily issue orders to citizens, and (2) the distribution of rations was facilitated. Not only was the abolition of the Tonari Gumi needed but also a radical change in the system of rationing and re-establishment in Japan of free consumers' movement.

The present efforts of the Local Government Division are directed toward (1) the prevention of further establishment of the central organs in the prefectures, independent of the prefectural government; (2) the study of the relationship between the central ministries and the local bodies to determine (a) which functions of sound government may be most properly performed by the local body without any interference on the part of the central government; (b) which functions may be most

effectively performed by the central government with its own representatives in the given area; (c) which functions should be performed by the local governments under the supervision of the central government.

The actual work here involves the legal and functional relationships between the central government and all local bodies, particularly prefectures, in the fields of finance, commerce and industry, education, labor, public health and welfare, agriculture, forestry and transportation.

LAW NO. 67

Law No. 67, the Law Concerning Local Autonomy, was promulgated 16 April 1947. This law codifies former laws dealing with the organization and structure of (1) towns and villages, (2) cities, (3) prefectures, (4) Tokyo.

I. Chief Executives:

1. Today they are elected directly by the populace for a four year term. They may be re-elected. This term of office is provisional because the officers can be removed through (a) vote of non-confidence of assemblies, (b) recall procedure by voters through petition, and (c) impeachment of governors only for non-performance of national duties.

Formerly the governors, as high ranking bureaucrats, were appointed by the Minister of Home Affairs and served appointments of short duration with the avowed purpose of serving primarily the central government rather than the local. Mayors took office through indirect election by the assemblies; they were elected renewable terms of four years. Today the executives are now responsible to the electorate and must answer at the polls for their actions.

2. Powers in general are in administration, finance and personnel. Each is responsible for the administration within his area of jurisdiction; each has final control of personnel although the actual work is performed by a deputy through as organized division of the administrative offices; each initiates a budget bill and is responsible for its execution.

Under the old laws these powers were held completely by the executive. Today, they share this authority with the legislatures. The budget may be altered in the legislative assembly whereas before, the budget was the prerogative of the executive.

II. The Assemblies:

1. Today as before the assemblen are elected directly by populace for a four-year term. The term also is provisional as, after a vote of non-confidence, the assembly can be dissolved. Assemblymen today can be recalled by popular vote. This could not have been done previously.

2. Powers of the assembly have been greatly increased. Today they exercise real legislative powers. Formerly their position was almost entirely advisory.

(a) Today the assembly can override the executive's veto. Formerly this required action by the governor and the Minister of Home Affairs. Moreover the Minister of Home Affairs held the threat of dissolution over the assemblies. This power has now been taken from him.

(b) Today the assemblies may alter the budgets. Under the old laws, assemblies could lower the total amount but could not raise it.

(c) Ratification and confirmational powers are greater in that more nominees' names must be submitted for appointment.

III. Other Changes:

1. Election Administration Committees now supervise and control elections and political campaigns. These bodies are independent and are responsible to the public.

2. Recall procedure gives the public a check on executive and legislative agencies.
3. Initiative procedure allows the public to bring a matter or bill directly for legislative consideration.
4. The Tonari Gumi system established as an integral part of Japan's total war effort, has been abolished. The individual can now go with his or her problems directly toward village, town or city offices instead of being forced to belong to a system of organizations which intervened between the people and their government. With the abolishment of the Tonari Gumi, Chonaikai and Rengokai, a three layer network of compulsory organizations has been removed.

Under the Tonari Gumi system, as amplified during the war, no Japanese could receive food or other necessities if he failed to cooperate with all orders of his superiors. The system drilled and disciplined Japan for war, indoctrinated every individual with nationalistic and militarist theory, and spied upon those deemed likely to hold liberal or democratic ideas.

This system was wiped out by Japanese Government orders demanding the absolute cessation of all Tonari Gumi activities by 31 March 1947.

New regulations provided for a more democratic method of food distribution and for the assumption by local authorities of all governmental or quasi-governmental responsibilities formerly administered through Tonari Gumi channels.

Until the close supervision over their freedom had been removed, and until Japanese could be assured an opportunity for individual development, free from fear of espionage, from malicious interference by envious or suspicious neighbors seeking to curry favor with the authorities, and from the crushing weight of bureaucratic intervention in even the minor details of their daily life, Japanese had no real opportunity to be free.

Abolition of the Tonari Gumi and the assumption of true personal liberty affords Japanese society its first real opportunity in history to win and to enjoy the blessing of liberty.

COURTS AND LAW

The chief accomplishments in the field of law during the first two years of the Occupation have resulted from the promulgation of a democratic Constitution, the establishment of an independent judiciary, and a sweeping reform of the Japanese legal system.

Because all laws, ordinances, et cetera contrary to the provisions of the Constitution were to become invalid with its enforcement, it was necessary both to enact completely new legislation to implement the provisions of the Constitution and to revise the existing judicial and legal system to conform to the principles of the new Constitution.

In the beginning of the Occupation SCAP was primarily concerned with the main problem of demilitarization rather than with Japan's judicial organization and law. However, the Japanese Government, under the direction of the Occupation authorities, did abolish the most conspicuous legal restrictions on civil liberties and did abrogate a number of laws which did not conform to the democratic principles and policies of the Occupation. Most of these were concerned with the repeal of measures which had been used to suppress opposition to the war lords and the imperialists.

During the preparation of the draft of the proposed Constitution two Committees, the Provisional Legislative Investigating Committee of the Cabinet and a similar group from the Ministry of Justice revised the codes and statutes to implement the provisions of this proposed Constitution. The Committees also introduced reforms in spheres of law not immediately affected by the Constitution.

When the preparation of this supplementary legislation was concluded, the two committees recommended preliminary and tentative outlines of nineteen bills to the Cabinet. These bills covered a variety of subjects including:

a. Bills relating to the new position of the Imperial family:

(1) The Revised Imperial Household Bill

(2) Imperial Household Economy Bill

b. Bills of an organizational character:

(1) Cabinet Bill

(2) Diet Bill

(2) House of Councilors Election Bill

(4) Administrative Offices Bill

(5) Finance Bill

(6) Civil Service Bill

c. Bills relating to civil liberties:

(1) Revision of the Petitions Law

(2) Revision of the Civil Code

(3) Revision of the Criminal Code

(4) Revision of the Code of Criminal Procedure

(5) Revision of Law for Criminal Procedure Compensation

d. Bills relating specifically to the judicial administration

(1) Court Organization Bill

(2) People's Investigation of Judges Bill

(3) Impeachment of Judges Bill

(4) Administrative Litigation Bill

(5) Public Procurator's Office Bill

Coincidental with the promulgation of the new Constitution on 3 November 1946 a far-reaching amnesty was granted. It consisted of general amnesty covering political offenses, such as less majest and most military offenses, of special amnesty to be granted individually of commutation of sentences and of rehabilitation.

The 91st extraordinary session of the Diet. 26 November 1946, to 26 December 1946, adopted four major bills whose provisions implemented the provisions of the Constitution.

- a. The Cabinet Law provided for the machinery and procedure by which the Cabinet and the Ministers of State are to operate.

- b. The House of Councilors Law provided for the election of members of the first Chamber, qualifications for election of candidates, et cetera.

- c. The Imperial House Law related to all matters concerning succession to the throne, status of members of the Imperial Family, membership in the Imperial Family, the regency, ceremonial functions, and the establishment of the Imperial House Council.

- d. The Imperial House Economy Law implemented Article 88 of the Constitution dealing with property of the Imperial Household as belonging to the State and with the appropriation of expenses for Imperial Household in the budget.

Legislative Enactments Concerning Judicial Administration and the Basic Codes.

The new Constitution of Japan has not only brought about a sweeping transformation in the organization and functions of the Judiciary, it has, in addition, established principles which affect the basic Japanese law such as Civil and Penal Codes of Civil and Criminal Procedure in an almost revolutionary way. Fundamental human rights have been guaranteed and safeguards are especially elaborate for the protection of the individual in the field of criminal justice. All these constitutional innovations have required implementary legislation. Japan finds itself, therefore, in the middle of a

comprehensive and fundamental reform of the whole body of law.

The first phase of this reform was concerned with the organizational aspect of the administration of justice. In its 92nd Session, the Diet enacted a new Court Organization Law and a Public Procurators' Office Law.

a. Court Organization Law.

The basic principles behind this law are the complete independence of the judiciary from the executive, particularly the Ministry of Justice and, in connection with this, the strengthening of the prestige and power of the Supreme Court to which the judicial administration is entrusted. The two new prerogatives of the highest tribunal, judicial review over legislation and rule-making power are vested in the Supreme Court and the inferior courts, namely high courts, district courts and summary courts. Consequently the Court Organization Law provides that all legal disputes shall be decided by these courts. This brings about, among others, the abolition of the Court of Administrative Litigation. However, the monopoly of the courts of law on legal disputes will in no way prevent the establishment of a jury system or preliminary fact finding by administrative agencies.

The Supreme Court will, as a rule, be restricted in both civil and criminal affairs to a review of issues of law.

The High Courts take the place of the former appellate courts.

The District Courts take over most of the functions of the former Local Courts which are abolished.

The Summary Courts, as the lowest strata, may be compared with the institution of Justice of Peace in Anglo-Saxon countries. In civil suits they are limited to less significant claims and in criminal affairs they try petty offenses, thus also taking over the functions of the former Police Courts, which cease to exist.

The Supreme Court will consist of one Chief Justice appointed by the Emperor on designation of the Cabinet, and of fourteen associate Judges appointed by the Cabinet.

Ten of the judges must be recruited on the basis of strict professional requirements such as long experience as judge, lawyer, or professor of legal science, while the remaining five are not subject to such limitation in order to open the way for the appointment of personalities with a background different from that of the normal expert in jurisprudence. In order to facilitate the choice of suitable personalities to the high position of a judge of the Supreme Court, it is provided that the Cabinet consult an Advisory Committee before making the designation of the Chief Justice and the appointment of the other judges. This Committee determines on the candidates to be proposed to the Cabinet. It had been considered necessary to postpone the appointments to the Supreme Court until a Cabinet was formed after the enforcement of the new Constitution.

It may be noted that all appointed judges of the Supreme Court are subject to recall by popular referendum. The status of all judges has been fundamentally changed. Formerly they were regarded as civil servants and were classified and remunerated like administrative officials. Appointments and promotions were determined by the Ministry of Justice. Now their appointment is entrusted to the Cabinet, which, however, in its selection is limited to the proposals of the Supreme Court.

The law repeats the constitutional guarantee that no judge shall, against his will, be dismissed or be removed to any other position, or be suspended from exercising his judicial function, or have his salary reduced, except by impeachment or in the case of the judges of the Supreme Court by popular referendum, or unless he is declared mentally or physically incompetent to perform his official duties. However, a retirement age has been fixed at 70 years for judges of the Supreme Court and at 65 years for judges of the inferior courts.

It is noteworthy that the Supreme Court now has power of appointment and removal over the bulk of all those court officials who are not judges. Such secretaries, research assistants, teachers at a Judicial Research and Training Institute, clerks and sheriffs were formerly under the jurisdiction of the Ministry of Justice.

Another important shift of jurisdiction from the Ministry to the Supreme Court has been made with regard to matters concerning the study and examination of judicial apprentices. These matters will in the future be subject to the rule-making power of the Supreme Court.

b. Public Procurator's Office Law.

This law is essentially a reenactment of those provisions of the former Court Organization Law which related to procurators, their powers and their relationships. The need for a separate law dealing with these subjects followed from the complete separation of courts and administrative agencies required by the Constitution. In the past the close connection between judges and public procurators who both were under the supervision of the Ministry of Justice had unfavorably affected the personal independence of the Judiciary. The procurators organization, as before, is nationwide and is made up of separate offices which correspond to the new type of courts --- the Supreme Procurators' Office to the Supreme Court; High Procurators' Offices to the High Courts; District Procurators' Offices to the District Court; and Local Procurators' Offices to the summary Courts.

Procurators are appointed administrative officials and are responsible to the national government through the Ministry of Justice. However, the Procurator General as Chief of the Supreme Procurators' Office enjoys a limited functional independence.

A number of supplementary laws connected with the organization of courts and procurators' offices was enacted by the last Diet. These laws were concerned with enforcement regulations; with the establishment of inferior courts and their jurisdiction; with the total number of court officials; and with temporary provisions concerning the compensation of judges and public procurators.

The Constitution provides that no law contrary to its principles shall have legal force after 3 May 1947, the date of enforcement of the Constitution. The Japanese Government, aware of the danger of a hasty legislation under pressure of time resorted to the expedient of submitting to the last Diet provisional bills which contain only the most elementary revisions of the basic Code. These provisional revisions were enacted by the Diet in the fields of civil law and procedural law. They will be replaced by laws to be passed by the present Diet which will incorporate the final and full revision of the whole body of law. Their temporary character is made clear by the provision that they will become automatically invalid at the end of this year.

a. Provisional Revision of the Civil Code.

The Law emphasizes as its guiding principle individual dignity and the essential equality of sexes, as provided in the new Constitution. All restrictions on the legal capacity of women as wives and mothers are abolished. A wife will, in the future, be free to dispose of her property. With regard to grounds of divorce, husband and wife are now treated equally. While hitherto parental power was primarily in the hands of the father, now it is exercised jointly by the father and mother.

The most sweeping change in the family law of Japan has been brought about by the abolition of the centuries-old semi-feudal institution of the "head of the house". According to this old system not the family consisting of father, mother, and children, but the "house" --- a kind of clan group --- was the basic family unit. The Head of the House, usually the oldest male of the group, exercised considerable legal and economic powers over the other members of the house regardless of whether he lived with them or not. He owned most of the family property, and succession into property was thus tied up with the succession into the headship of the house.

As a logical consequence of the abolition of the institution, the new law provides that the principles governing succession to the property which is not house property shall be applied to all property. Furthermore the inheritance right of the spouse (husband or wife), not existing in the Civil Code with regard to such succession into personal property has been established.

b. Provisional Revision of the Code of Criminal Procedure.

The fundamental change in the criminological attitude necessitated by the new constitutional safeguards for the individual's life and liberty must bring about a thorough-going reform of the criminal procedure which in the past left too much latitude to arbitrary interference by the state and particularly the police in the sphere of privacy. The provisional law restricts itself to the necessary implementations of the Constitution and to revisions mainly required as a consequence of the enforcement of the new Court Organization Law.

The most important reforms are those designed to carry out the principles of the Constitution with regard to arrest and detention. The law provides that no public prosecutor or judicial police officer shall have the power to issue a warrant of arrest or detention. Only a judge may issue such warrant. As a rule, a warrant of arrest must be procured before apprehending a suspect on reasonable ground of suspicion.

The need for a practical device to facilitate the prompt apprehension of a criminal motivated, however, the legislators to make two exceptions from the rule that the judicial warrant must precede the arrest; one is the case in which there are sufficient grounds to suspect the commission of a serious felony if, in addition, because of great urgency a warrant of arrest could not be obtained beforehand from a judge. In such a case a public procurator or a judicial police official may apprehend the suspect, but must immediately request a warrant of arrest from a judge, and if such warrant is not issued must release the suspect at once. The second exception is the case of an individual actually engaged in committing a crime. For example, when a pickpocket is caught stealing a purse, the individual citizen or police officer could not possibly obtain a warrant of arrest before seizing the thief.

In all cases of arrest the warrant of detention must be requested from a judge by the public procurator without delay, and in any event within seventy-two hours from the time of physical apprehension of the individual. That is an important innovation because as the law was heretofore, this period only started to run from the time the apprehended person was brought to the police station. This device made it possible for a police official to delay the delivery of the apprehended person by holding him in confinement at a place other than the police prison and thus to prevent arbitrarily the speedy operation of justice. Now this has been made impossible since this 72 hour period starts from the moment of the physical apprehension. Only a judge may, upon proper showing of facts, later rule the unavoidable circumstances, such as weather conditions and poor communications, justified a delay. If the warrant of detention is not issued by the judge on request within the mentioned period, the apprehended person must be released immediately.

Another equally important safeguard which guarantees a speedy trial is the provision that the public procurator must bring public action as promptly as possible under the circumstances. If no public action has been commenced within ten days after a warrant of detention was requested by the public procurator, the suspect must be released. This is mandatory and binding upon the procurator as well as upon the Court. Consequently, all time limitations surrounding arrest and detention of a suspected criminal are tied irrevocably to the moment of his actual physical apprehension. Thirteen days after this moment, public action must have been brought or he must be released.

Following the principal established in Article 37 of the Constitution, the court must provide counsel for a poverty-stricken accused. Heretofore, the court had to appoint counsel only if the crime involved was felony or in certain other special cases involving incompetents and minors, and then only upon the advice of the public procurator.

To guard an accused further against arbitrary action it has been provided that preliminary

examinations which all too often took the character of "inquisition" and prolonged the criminal process shall no longer be conducted; that no one shall be compelled to testify against himself; that confession obtained by compulsion, torture, threat, or prolonged arrest or detention is inadmissible; that no person shall be convicted where the only proof against him is his own confession.

At the time of the trial, the accused is given the right to examine all witnesses who have given testimony against him, and documents containing testimony may not be used as evidence unless the accused at the time of trial is given opportunity to question and examine persons who have given such documentary testimony, or unless it is impossible or extremely difficult in view of unusual circumstances (having in mind such instances as dying declarations and witnesses residing at great distances) to give such rights to the accused and this question of unusual circumstances must be passed upon to the court.

The right of privacy in the home, as set forth in Article 35 of the Constitution, is unequivocally set forth in the law according to which a public procurator or judicial police officer may not seize, search, or inspect without a judicial warrant --- save in the case when a criminal is arrested while in the commission of a crime or when they are executing a warrant of arrest or detention.

c. Provisional Revision of the Code of Civil Procedure.

This law contains predominantly technical procedural changes required by the new court organization. It elaborates on one important new right of the individual. The Court of Administrative Litigation being abolished, all actions for the annulment or alteration of any illegal act done by any administrative office may be brought to the regular court. The scope of such action is unlimited. Since the Court of Administrative Litigation had a very limited jurisdiction in cases defined by statute, this is a unique innovation designed to enforce the people's right of challenging arbitrary acts of administrative authorities whatever their nature may be.

First Session of the National Diet.

Other important bills relating to Judicial Administration and Basic Codes are pending or are designed to be submitted to the present Diet. These include:

a. Civil Code

This bill contains elaborate and final legislation on the civil law and will replace the provisional amendment of the Civil Code.

b. Penal Code

The existing Penal Code will be modernized and democratized. The specific protection which the Emperor and the members of the Imperial Family have enjoyed heretofore with regard to offenses against their lives and reputation will be abolished, since lese majesty provisions are no longer considered reconcilable with the new constitutional position of the Emperor and with the principle of equality of all citizens.

Furthermore, the penal provisions concerning treason in wartime will be eliminated as a logical consequence of the renunciation of war proclaimed in the new Constitution.

Finally the libel and insult provisions will be amended because the existing law is considered incompatible with the new civil liberties, particularly freedom of expression.

c. Family Registration Law

This bill is designed to replace the old koseki system of registration which is based on the abolished house system.

d. Bill for the Adjustment of Domestic Affairs

This bill is concerned with the organization and functions of a Court of Domestic Relations attached to the District Court and in charge of conciliation and determination in matters concerning family life.

e. State Redress Bill

This bill implements Article 17 of the Constitution according to which every person may sue for redress as provided by law from the state or a public entity in case he has suffered damage through illegal act of any public official.

f. Bill Concerning the Compensation of Judges.

g. Bill Concerning the Compensation of Public Procurators.

h. Bill for Partial Amendment of the Law of Lawyers

This bill is designed to give the Bar Association and lawyers a more autonomous status.

i. Bill for the Popular Review of Judges

This bill provides for the popular referendum in connection with the recall of judges of the Supreme Court.

j. Judge Impeachment Bill

This bill establishes rules for the organization and procedure of the Impeachment Court of the Diet, which according to the Constitution has authority to decide on the removal of judges.

k. Reformatory Bill

This bill is designed to adjust the treatment of juvenile delinquents to the modern concept of criminology.

l. code of Criminal Procedure

To replace the provisional Code.

m. Habeas Corpus Act

n. Code of Civil Procedure

To replace the provisional Code.

Appointment of Judges to the Supreme Court

a. Pursuant to the Court Organization Law, a judiciary Appointment Consultative Committee was established by Cabinet Order in April 1947, and started its operation. However, the Yoshida Cabinet found it advisable to leave the designation of the Chief Justice and the appointment of Associate Justices to the first Cabinet formed under the new Constitution. This decision, although conforming to the spirit of the Constitution, delayed the final establishment of the new judicial system.

b. To avoid a legal vacuum that might endanger the operation of justice, an Interim Supreme Court, consisting of members of the old Supreme Court and vested with temporary emergency powers only, was formed.

c. a second Consultative Committee for the Appointment of Judges of the Supreme Court was formed under the new Cabinet. It was comprised of fifteen members:

(1) Speaker of the House of Representatives

(2) Speaker of the House of Councilors

(3-6) Four persons elected by mutual vote from among the judges of the whole country

(7) One person elected by mutual vote from among the public procurators of the whole country and the persons who were the President or Judges in full time service of the Court of Administrative Litigation as of May 2, 1947.

(8-11) Four persons elected by mutual vote from among the lawyers of the whole country.

(12-13) Two university professors of legal science.

(14-15) Two learned and experienced persons as designated by the Prime minister.

The Consultative Committee chose thirty candidates, mostly judges, lawyers and legal scholars, on 28 July 1947 to be presented to the Cabinet as the Committee's proposals for designation of the Chief Justice and for appointment of the Associate Justices. A program was conducted on 29 July to 31 July 1947 to sample the opinion of the members of bar as to the qualification of these candidates to Supreme Court. This rather startling innovation of a public opinion poll on a question of such national importance occasioned much interest and discussion in the legal world.

The legislation attempts on the one hand, to accomplish the tremendous task of creating an independent judiciary and consequently a completely reformed court system and on the other hand, to establish a new legal system based on concepts of justice and individual liberties entirely new to the Japanese people. It is obvious that these laws form only the initial basis for a development toward a genuine democratization of the Japanese society and that they will be effective only if they are applied in the proper spirit. The actual administration of justice must, therefore, be given particular attention.

Finally, the most important factor in the success of the new democratic legal system is the Japanese people themselves. They must be educated and instructed to enjoy the rights and privileges guaranteed by law. They must ever be on guard to prevent any infringements of their rights. It is the Japanese people who will determine whether the objectives of the Occupation and the principles of the Constitution, as they affect the Japanese legal system, will be realized.

Educational campaigns to promote this education are currently in progress.

APPENDIX I

GIST OF THE NEW JAPANESE CONSTITUTION

The new Constitution of Japan which became effective May 3, 1947, transformed Japan into a representative and parliamentary democracy, characterized by the supremacy of the legislative branch over the executive.

Sovereignty, which hitherto rested with the Emperor, now rests with the people.

The imperial institution survives only in the modified form of an Emperor who is even more restricted than is the Head of the State in other parliamentary governments.

As in Great Britain, Japan has a bicameral legislature, the lower house wielding more power than the upper, and a strong Prime Minister within the cabinet. The cabinet, exercising executive power, is responsible to the Diet.

The Constitution abolishes the former dependence of the courts upon the executive. Moreover, it establishes "judicial supremacy" by granting the Supreme Court the power to determine the constitutionality of legislative and administrative acts, thus subjecting both the executive and legislative branches of government to check by an independent judiciary.

A Japanese Bill of Rights covers the broad fields of political, social, economic and juridical relations between the individual and the state. The Meiji Constitution nominally provided for the traditional civil liberties, but actually operated to cancel those rights by legislative acts. The new Constitution contains no such loop-holes, but solemnly declares that fundamental human rights are eternal and inviolate.

The renunciation of war is a unique feature of the new Constitution. Born out of the bitter experience of war and defeat, this provision bears the impress of the modern conception that mankind constitutes a unity. It renounces the right of belligerency and forbids development of the means to wage war as the only effective curb upon war. Here, for the first time in history, a national state thus offers specific and absolute guarantees of peaceful intention, not only to its own people, but to the world at large. The moral significance of this renunciation is self-evident.

The permanent total abolition of armed forces is a logical result of the renunciation of war. This, too, is an innovation in the history of constitutions.

Of all the government institutions, that of the Emperor has undergone the most striking transformation under the new basic law. The Meiji Constitution declared him head of the Empire, sacred and inviolate; under it he held and exercised the rights of sovereignty; the legislative power, the supreme command of the Army and Navy, with the right to declare war, to make peace and to conclude treaties. The new Constitution vests sovereignty in the people and regards the monarch only as a Japanese citizen. His share in the sovereignty is the same as that of any other citizen. As in Belgium and Holland, he is merely the symbol of the state and of the unity of the people.

It is significant that the Constitution does not make the Emperor even a titular chief executive or head of the State. In England, France, Belgium, Holland and the Scandinavian countries while the Cabinet or the Prime Minister actually exercises the executive power, the king or president, even if a mere figurehead, is considered the chief executive. The new Japanese device of vesting with executive power only the organ which actually exercises it is an innovation in the history of constitutions.

THE NATIONAL DIET

In accordance with the principle that sovereignty rests with the people, the Diet as the representative of all people ranks first among the governmental institutions. The Constitution solemnly proclaims that the Diet shall be the highest organ of state power and the sole law-making organ of the state.

The Diet consists of the House of Representatives and the House of Cancellations. The members of both Houses shall be representative of all people and shall be elected by secret ballot in accordance with the principle of universal adult suffrage. The right to vote and the right to be elected shall not be abridged because of race, creed, sex, social status, family origin, education, property or income.

The denial of family origin as a standard for determining membership in the upper house and the requirement that members of both Houses must be representative of all the people make it constitutionally impossible to revive the former house of Peers.

The term of office of members of the Lower House is four years, while that of councilors is six years, with half of the members being chosen every three years.

The Diet has important functions with regard to the budget. The Constitution sets forth the general principle that the power to administer national finances shall be exercised as the Diet shall determine. No money shall be expended nor shall the State obligate itself, unless authorized by the Diet. Furthermore, the power to impose new taxes or to modify existing ones is exclusively vested in the Diet.

The far-reaching budget power of the Diet signifies an important forward step in the democratic process. According to the Meiji Constitution the Diet had no power to increase the budget submitted to it by the Cabinet, and in the event of rejection by the Diet, the budget of the preceding year remained in force. These crippling limitations have been abandoned.

The new Constitution provides that all property of the Imperial Household shall belong to the State and that all expenses of the Imperial Household shall be appropriated by the Diet in the budget.

THE CABINET

Executive power is fixed in the Cabinet with the Prime Minister as head of the Cabinet. The Prime Minister must be a member of the Diet. His appointment shall be formally made by the Emperor but only after designation by the Diet. This, in substance, means an election of the Prime Minister by the Parliament.

The other Ministers of State are appointed by the Prime Minister and may be removed by him as he chooses. However, at least half of their number must be members of the Diet. This is another evidence of the People's insistence on the designation of Ministers who have won popular approval by election to the Diet.

In case the Cabinet no longer enjoys the confidence of the House of Representatives it must resign. This requirement of solidarity is a logical consequence of the predominant position of the Prime Minister, who on important political issues must identify himself with his associates. In addition it is

in keeping with the traditional Japanese characteristic of group responsibility.

The constitution requires the resignation of the Cabinet in two other instances: (1) when there is a vacancy in the post of Prime Minister, and (2) upon the first convocation of the Diet after a general election to the House of representatives. While not always explicitly provided for constitutionally, this is the practice in most parliamentary democracies. A change in the person of the premier as well as in the composition of the Parliament generally necessitates some political adjustment.

As to the functions of the Prime Minister, the Constitution provides that, representing the Cabinet, he submits bills to the Diet, reports on general national affairs and foreign relations and exercise control and supervision over various administrative branches. The Cabinet as such is entrusted with functions of a general as well as special nature. It shall administer the law faithfully and conduct affairs of the State. The Constitution, moreover, lists the management of foreign affairs; the conclusion of treaties, which however, require the preceding or subsequent approval of the Diet; the administration of the civil service in accordance with standards established by law; the preparation of the budget and its presentation to the Diet; the issuance of Cabinet orders to execute the Constitution and the law; and the decision of matters of amnesty and rehabilitation.

THE JUDICIARY

In the past Japanese judges were theoretically independent but actually were controlled by the Ministry of Justice. This arrangement did not foster a genuinely independent judiciary. Ambitious judges were inclined to adapt their decisions, particularly in political cases, to the wishes of their superiors. Moreover, they were under continuous observation and control by public procurator who reported to and obeyed the Ministry of Justice.

The new Constitution removes the courts from the Justice Ministry. Thus foundations are laid for the independence of the judges in the exercise of their conscience. They are bound only by the Constitution and by the laws.

The President of the Supreme Court is appointed by the Emperor upon designation by the Cabinet. This places the Chief Justice on an equal ceremonial level with the Prime Minister. Other Judges of the Supreme Court are appointed by the Cabinet. A popular revision of judicial appointments to the Supreme Court at 10-year intervals is provided. Japan has by this means expressly recognized the

political character of the highest tribunal and the interest of the people in the personnel composing it.

The judges of the inferior courts are also appointed by the Cabinet, but from a list of persons nominated by the Supreme Court. This arrangement entrusts the determination of personnel policy practically to the Supreme Court. Life tenure is replaced by a 10-year term of office in order to permit a removal in incompetent or otherwise objectionable judges. For all judges an age limit for retirement will be provided by law. Apart from this the Constitution provides the judges shall not be removed except by public impeachment unless declared mentally or physically incompetent to perform official duties. An impeachment court will be established from among the members of both houses of the Diet for the purpose of trying those judges against whom removal proceedings have been instituted.

The most important and far-reaching power which the Constitution confers upon the Supreme Court is the power of judicial review. The Court will "determine the constitutionality of any law, order, regulation or official act" and thus becomes the guardian of the Constitution. The political significance of this development can hardly be overestimated. The power of judicial review has frequently been characterized as judicial supremacy, a term which sometimes obscures the understanding of the functions pertaining to this power. The Judiciary does not interfere with the prerogatives of the legislature and does not violate the principle that the Diet shall be the sole law-making organ of the State. In reviewing laws the Supreme Court determines whether laws conform to the Constitution. A court decision that a law is unconstitutional has the effect of rendering it unenforceable. The court does not make or even veto laws; it simply reviews them to determine whether they are in harmony with the supreme law, the Constitution.

APPENDIX II

1 August 1947

THE PURGE

On 4 January 1946 the Supreme commander for the Allied Powers issued a sweeping directive requiring a purge of all persons who shared responsibility for Japan's program of aggression.

This directive, issued as SCAPIN 550, was designed to remove undesirable persons from positions of influence and authority in the political, economic and social life of Japan. For the fields of education and police, separate similar programs had been initiated as early as October 1945.

The removal and exclusion program has never been either in concept or administration a punitive measure but was and is a technique designed to eliminate the continuity of influence or exercise of power by persons whose past careers showed them to be undesirable leaders for a nation dedicated to democracy and the cause of world peace.

BASIS FOR THE PURGE

Potsdam Declaration

The international basis for the entire purge program is founding that part of the Potsdam Declaration which states, "There must be removed for all time the authority and influence of those who deceived and misled the people of Japan into embarking on world conquest, for we insist that a new order of peace, security and justice will be impossible until irresponsible militarism is driven from the world".

Occupation Directives

In accordance with initial U. S. Post-Surrender Policy for Japan SCAP was directed by the Joint Chiefs of Staff to insure that no persons be "allowed to hold public office or any other positions of responsibility or influence in public or important private enterprise who have been active exponents of militant nationalism and aggression, who have been influential members of any Japanese ultranationalistic, terroristic or secret patriotic society" who have been influential in the activities of Imperial Rule Assistance Organizations, "or who manifest hostility to the objectives of the occupation".

SCAP was further directed to prohibit the retention in, or selection for, positions of important responsibility in industry, finance, commerce, agriculture, or public or private financial institutions, agencies or organizations, of any persons who have been active exponents of militant nationalism or aggression, and of all those who do not direct future Japanese economic effort solely toward peaceful ends.

In the absence of evidence to the contrary, SCAP was directed to assume that persons who held key positions or high responsibility since 1937 in any of the fields enumerated above have been active exponents of militant nationalism and aggression.

THE 4 JANUARY 1946 DIRECTIVE

SCAPIN 550 which has become famous as the 4 January Directive” is SCAP's implementation of the early instructions from the Joint Chiefs of Staff.

Purge Categories

This basic directive ordered the Japanese Government to remove from public office and to exclude from government service exponents of militant nationalism and aggression falling within the following defined categories:

Category A. War Criminals

Category B. Career Military and Naval Personnel: Special Police and Officers of the War Ministries.

This category included members of the Board of Fleet Admirals and Field Marshals, the Supreme Military Council, the Imperial General Headquarters, the Army and Navy General Staffs, and the Supreme Council for direction of the war; all career commissioned officers and enlisted personnel who served in or with the military or naval police or other special or secret intelligence police organizations; and all persons who served as higher officials in the Ministry of War or Ministry of Navy.

Category C. Influential Members of Ultrationalistic, Terroristic or Secret Patriotic Societies.

Founders, officers, directors and other important officials, large financial contributors to, or editor of any publication or organ of such societies.

Category D. Persons Influential in the Activities of the Imperial Rule Assistance Association, the Imperial Rule Assistance Political Society, and the Political Association of Great Japan.

National officers, leading officials in Prefectural or Metropolitan subdivisions, editor of any publication or organ of the above or agencies or affiliates of the above organizations.

Category E. Officers of Financial and Development Organizations involved in Japanese Expansion.

Persons who between 7 July 1937 and 2 September 1945 were directors, presidents, vice presidents, advisors, auditors or controlling branch managers in Japanese occupied territory of above institutions.

Category F. Governors of Occupied Territories.

Certain specified higher officials such as governor general, civil administrator, and military administrator in Japan's wartime colonial empire.

Category G. Additional Militarists and Ultranationalists.

These broad provisions bring under the terms of the directive:

1. Any person who has denounced or contributed to the seizure of opponents of the militaristic regime.
2. Any person who has instigated or perpetuated an act of violence against opponents of the militaristic regime.
3. Any person who has played an active and predominant governmental part in the Japanese program of aggression or who by speech, writing or action has shown himself to be an active exponent of militant nationalism and aggression.

INITIAL ACTION OF THE JAPANESE GOVERNMENT IMPLEMENTING THE PURGE DIRECTIVE

Ordinances Issued

On 27 February 1946 the Japanese Government promulgated Imperial Ordinance No. 109 and Cabinet and Home Affairs Ministry Ordinance No. 1 of 1946 which established the machinery for applying the Directive. These ordinances determined, first, who should be screened, second, who should be classified as undesirable in light of the Directive and third, how the removal of undesirables should be accomplished.

By the terms of these ordinances all incumbent officials of the then first three civil service grades, and those who held positions of comparable authority, all staff officers of 114 listed corporations, associations and other organizations under the special control of the government, and all applicants for future elective or appointive posts in the national government were subject to screening to determine their eligibility.

The seven categories of undesirables outlined by the Directive were defined in greater detail by the ordinances as follows:

1. No change was made in the category applying to war criminals (Category A).
2. The one affecting career military and naval personnel (Category B) remained substantially the same.
3. The provisions of Category C were defined as applying to influential members of 123 listed ultranationalistic or secret patriotic societies.
4. The many agencies and affiliates of the Imperial Rule Assistance organizations (Category D) were enumerated and the influential positions in each duly listed.
5. The number of financial and development organizations involved in Japanese expansion (Category E), as listed in the original directive, was increased.

6. The exact titles and positions of high Japanese officials in occupied territories (Category E) were defined.

7. The broad provisions of Category G were extensively interpreted by a special cabinet announcement appearing shortly after the promulgation of Imperial Ordinance 109.

It brought under the purge memorandum all persons who had occupied certain policy-forming positions on the highest government level between the outbreak of “The China Incident and the Surrender.

It listed other high government positions of somewhat lesser importance and provided for the purge of individuals who had occupied them providing there was conspicuous evidence that these individuals have played an important part: (a) in the conclusion of alliances with the Axis or with puppet nations in preparation for the Greater East Asia War, (b) in the suppression of opponents of militarism, (c) in concluding economic agreements with occupied countries, (d) in the financial or production program for Japanese military activities.

The interpretation of Category G also brought under the purge: (a) those officials who had over a long period of time engaged in the suppression of civil liberties, (b) other officials, members of the Diet, artists, writers, publishers, editors and businessmen who had participated in activities proscribed under Category G, (c) officials of companies that had produced the weapons and sinews of war, (d) highest officers of patriotic societies not listed under Category C and (e) any person who was recommended as a candidate by the TOJO Government in 1942.

The ordinances provided for a screening committee to examine questionnaires and to decide upon individual eligibility. In the event that the individual was found to fall under the criteria as defined in the ordinance, the Prime Minister was to designate him as an undesirable person, and to order his removal and exclusion from office. The ordinances also provided for the collection of questionnaires and contained a penalty clause designed to insure that such questionnaires would be filled out truthfully and completely.

Initial Operation and Effect Of The Purge

The impact of the Purge Directive was immediate and profound. On 13 January 1946, only 9 days after the Directive was issued, the Cabinet of Baron Kijuro Shidehara underwent extensive re-organization. Three ministers and six cabinet executives and many other high government officials resigned. In view of the imminence of the approaching April elections the government released the criteria as soon as they had been determined in the form of Cabinet announcements, without waiting until the entire bill had been written. Thus, by the end of February when Imperial Ordinance No. 109 was officially promulgated, action had already been taken to bring under the purge (a) persons who had been influential in patriotic and secret societies, (b) influential members of the Imperial Rule Assistance organizations, and (c) career naval and military personnel, of whom approximately 183,000 were barred from the Public Service.

On 10 March 1946, the day of the Cabinet announcement interpreting Category G, the Shidehara Cabinet sustained a second wave of resignations; five ministers retired. Many members of the House of Peers followed suit. Within the month 30 new appointees, duly screened under the new ordinances, were appointed to fill the vacancies thus created.

That part of the 10 March interpretation which rendered ineligible for public service all members of the Lower House who had been recommended by the Tojo Government greatly altered the political scene. Leadership of political parties changed, political allegiances shifted and new candidates were sought to replace those previously scheduled to run in the April elections. Of the 3,384 candidates for the Lower House, 252 were barred. Of the 252 barred, 113 were candidates recommended by Prime Minister Tojo in the 1942 elections. Another 268 "recommended candidates did not file.

When the Diet convened on 20 June 1946 all successful candidates to the Lower House were re-screened and their cases reviewed. As a result ten more were removed, nine of these by Japanese Government order and one, Ichiro Hatoyama, leader of the Liberal Party, by SCAP directive.

On 16 May 1946 the Japanese Government prepared a still more comprehensive and detailed interpretation of those paragraphs of Category G relating to other government officials, members of the Diet, artists, writers, publishers, editors and businessmen who had engaged in activities proscribed under the Directive. These extended criteria were not publicly announced at the time lest such an announcement interfere with the completion of screening by the scheduled deadline. Nevertheless, this document represented an early extension of the purge program into industry and the field of public information, and extension to be perfected and completed the following year.

Statistical Summary

By August 1946 the Japanese Government announced the substantial completion of the initial phase of the purge program. The Privy Council, the Diet, the Cabinet, Prefectural Governors, all officials of the then first three ranks, judges of higher courts, officials of government controlled companies, procurators of certain higher courts, and officials of higher educational institutions directly under the Ministry of Education had all been screened. These totaled 5,520 persons, of which 814 were barred or removed, and 4,706 were passed. This figure was subsequently increased by 4 January 1947 to 8,899 persons screened, of which 7,832 had been passed and 1,067 barred or removed. In addition 183,000 career officers of the army and navy, members of the gendarmerie and former intelligence agents had been categorically barred. The way was now clear for the anticipated extension of the program to local government, to industry and to the field of public information.

EXTENSION OF PURGE PROGRAM

Preliminary Steps

In August 1946 a statement of SCAP policy was issued requiring the Japanese Government to prepare a comprehensive plan for: (a) the exclusion from prefectural and municipal assemblies and from appointive posts of all personnel deemed undesirable under the provisions of SCAPIN 550; (b) the application of that directive to all elections of members of both Houses of the Diet; (c) the exclusion of all purged personnel from any influential political or economic posts. This statement also provided that the Japanese Government should publish the full text of the plan simultaneously with its submission to SCAP.

The Extension Plan

On 22 October the government submitted to SCAP and simultaneously released to the public a plan which comprehensively implemented the 4 January Directive.

In the ensuing two months the essential features of this plan were incorporated into definitive and appropriate form for issuance as law.

The Extension Ordinances

On 4 January 1947, one year from issuance of the original directive, the Japanese Government promulgated Imperial Ordinance Nos. 1, 2, 3, and 4 of 1947 and Cabinet and Home Affairs Ministry Ordinance No. 1 of 1947, thus implementing all the features of the approved plan. These ordinances contained provisions which were designed to reach into all fields.

Criteria for Screening

The screenable positions were extended to include all elective and appointive posts in the national and local governments and specified positions in certain companies, associations, mass communication media and other organizations. These latter were defined to be positions in: companies in which the government had special interests; organizations subsidized by the government or serving for the public benefit; principle newspaper companies, news agencies, publishing companies, motion picture and theatrical companies, broadcasting corporations and other media of mass communication; political parties, their branches and similar organizations; and influential companies, financial institutions and other economic organizations. The specific offices considered to be policy-making positions and approximately 470 such companies, organizations, etc. were specifically listed.

Criteria for Purging

In a manner similar to that in which definition of screenable positions was enlarged, the purge criteria were also more specifically defined.

No changes were made in the definition of the categories applicable to war criminals (Category A) career military and naval personnel, etc. (Category B), officials of financial and development companies involved in Japanese expansion (Category E) and officials in occupied territories (Category F). With regard to the influential members of ultranationalistic, terroristic or secret patriotic societies (Category C) the criteria were specifically defined to include those persons in the local branches thereof who had held positions comparable to those previously defined as applying only to the national level. The criteria applicable to persons influential in the Imperial Rule

Assistance Association, (Category D) were further defined in the case of parent organizations and major affiliates to include officials of all local subdivisions thereof, down to and including chiefs of town and village branches.

The category in which the most far-reaching and comprehensive definitions were made was that applying to additional militarists and ultranationalists (Category G).

The provision in this category, implemented by Cabinet announcement of 10 March 1946 described heretofore, which applied to government officials and professional men who had participated in activities such as mentioned in this category was defined more clearly. Those falling under the provisions of the ordinance were government officials who took part in the planning or execution of propaganda or dissemination of news for the purpose of (1) instigating war; (2) suppressing opponents of jingoism; (3) advocating dictatorship, totalitarianism of the Nazi or Fascist pattern, and militarism or ultranationalism; (4) guiding or controlling thought or speech for the same purpose; (5) political direction or economic exploitation of Japanese occupied territories; (6) furthering important plans for wartime general mobilization or economic control, and other plans for the direction of war.

Diet members in or outside the Diet who had in writing, speech or action been conspicuously active in instigating or directing war, suppressing opponents of jingoism or inspiring dictatorship, totalitarianism of the Nazi or Fascist pattern, militarism or ultranationalism were considered undesirable within the purview of the provision.

Men of letters and artists who by their works had advocated aggression or militant nationalism, actively contributed to such propaganda, or who through their political or philosophic doctrine laid down an ideological basis for the policies for the Greater East Asia, or New Order in the East Asia or policies of a similar nature, or the China Incident or the Pacific War; who had advocated the supremacy of the Japanese nation to be a leader of other nations or who cooperated actively with propaganda of the above effect; who persecuted or denounced liberals or anti-militarists for their liberal or antimilitaristic ideologies; or who in any other way advocated or championed militarism or ultranationalism were by this provision brought under the terms of the Directive. This added definition made it possible to measure by a clearer standard the writings, speeches, articles, news reports, etc. of this group of people.

Closely associated with the above was the more elaborate interpretation of the criteria as applied to the principal officials and editorial personnel of organizations in the information media field. As published in the Cabinet Ordinance certain officials of newspaper companies, magazine or book

publishing companies, broadcasting corporations, companies producing motion pictures or theatrical presentations and any other media of mass communication in or outside Japan who held office during the period between 7 July 1937 and 7 December 1941 and whose companies engaged in the activities listed in the preceding paragraph as criteria for judging men of letters and artists were brought under the Directive. These listed officials were the Chairman, Vice-chairman, President, Vice-president, Managing Director, Standing Director, Chief of Compilation Bureau, Chief of Research Bureau, Editor-in-Chief, Managing Editor, Chief of Editorial Staff, or any other official who exercised authority or influence commensurate with that of any of the above positions. Previously the criteria as it applied to the information media field had been so vaguely defined as to be difficult of application; this had largely been remedied.

Perhaps the most sweeping extension of the provisions of this broad category, was in the interpretations as they applied to certain top officials of what had previously been referred to as "influential companies or national policy companies manufacturing finished aircraft or arms or producing iron or steel." This category had now been broadened to include all policy-making officials down to but not including ordinary directors, but including all other officials, regardless of title, who in fact exercised authority or influence commensurate with that of any of the above in any company which was conspicuously influential in the manufacture of strategic or critical material of war, conspicuously monopolistic in the production of basic productive materials or business of communications or transportation, or domestic or foreign trade; holding companies or influential companies closely associated thereto; and companies capitalized in excess of one hundred million yen which had commanded excessive economic power. Two hundred and forty-six such companies were listed in the ordinance.

Injunctions

Contained in Imperial Ordinance No. 1 of 1947 are four injunctions designed to prevent the continuity of influence and power by purgees in those positions and organizations in the public service from which they had been removed. Penalty clauses are included which make violators of the above injunctions liable to confinement for not more than three years or to a fine not exceeding 15,000 yen.

Non-Succession Provisions

A feature designed to allow new leadership to come to the front in municipal governments was incorporated in Imperial Ordinances Nos. 3 and 4 of 1947, also issued on 4 January 1947. These ordinances provided that mayors, deputy-mayors, headmen of wards in Tokyo, headmen and deputy-headmen, of towns and villages and headmen of federations of neighborhood associations (CHONAI KAI CHO and BURAKU KAI CHO), who had held such positions consecutively from 1 September 1945 until 1 September 1946, even though they did not fall under the provisions of the purge ordinance, were to be barred from filing as candidates for those respective positions for a period of four years. So much of this as it applied to the headmen of federations of neighborhood associations was revoked when, on 3 March 1947, these federations were abolished.

Administration

Because of the increased amount of screening anticipated at all levels, estimated by the government at between 500,000 and 700,000 cases, a reorganization of the screening system was effected by the promulgation of Imperial Ordinance No. 2 of 1947.

This ordinance provided for one Central Public Office Qualifications Examination Committee, forty-six Prefectural Committees (including 5 major cities) and 118 Municipal Committees (cities with population of 50,000 or more).

The Central Committee was made responsible to the Prime Minister who makes final decision on all cases screened by that committee. The local committees make recommendations to their respective prefectural governors who give final decision thereon.

The Central Committee's authority was limited to positions in the national government, positions in organizations comparable thereto, and the top elective posts of the prefectures and 5 principal cities. All other posts in local government and those in local branches of screenable organizations were within the screening authority of the local committees.

Publicity

The results obtained by the publicity of the extended purge plan in October 1946 made it desirable that in the future all activities and results in connection with the purge be given wide publicity. This publicity program is accomplished in several ways. The Central Government, through the Prime Minister, the governors, and the mayors of the five principal cities, releases to the press and posts semi-monthly bulletins listing by name all those persons who have been screened during the preceding two weeks, together with results of the screening. The questionnaires of all such persons together with copies of the purge ordinances are made available for public inspection at the offices of the screening committees concerned. A copy of the questionnaire of each candidate is also available for public inspection at the office of the appropriate election administration committee, as well as the screening committee's office. News releases and radio broadcasts explain to the people not only the purpose behind the purge but also the important provisions of the purge ordinances.

Schedule of Screening

The order in which various groups would be screened was determined by schedule. Proposed appointees for local committees were screened first. The general elections then impending necessitated screening election officials and candidates next. Screening of economic entities, principal public offices, political parties and public information media organizations followed.

Activities Prior to Elections

Prior to the General Elections in April 1947 all candidates for the more important elective posts were screened and the following report made by the Japanese Government:

Candidates	Screened	Passed	*Provisionally Passed	Barred
House of Representatives	3,426	3,230	59	137
House of Councilors	1,406	1,365	10	31
Prefectural Governors	451	428	3	20
Mayors of 5 Principal Cities	<43	42	-	1

**No final decision could be reached in these cases noted as "provisionally passed" because research in the information media field had not been completed.*

During the same period the Local Committees screened an estimated 72,550 candidates for headmen of wards, towns, and villages; 21,126 Candidates for deputy-mayors, deputy-headmen and accountants of cities, towns and villages; and about 42,252 members of election administrative committees.

Activities Subsequent to Elections

Subsequent to the elections and prior to assuming office, successful candidates for the important elective posts, screened by the Central Committee were re-examined. Eleven members-members-elect to the House of Representatives and four members-elect to the House of Councilors were removed. One of those removed was ISHIBSASHI, Tanzan, former Finance Minister of the Yoshida Cabinet.

The Central Screening Committee also post-screened 2,803 successful candidates for prefectural assemblies and 284 assemblymen of the five principal cities.

During the same period the Local Committees post-screened 158,757 persons who had been elected

to the assemblies of cities, wards, towns and villages.

Economic Phase

This phase began about 15 April 1947, at which time it was estimated that 3,200 persons holding policy positions in approximately 300 companies would require screening.

By the middle of July 1947 approximately 3,1150 persons holding leading and influential positions in over 240 companies had been screened and their cases reviewed by SCAP; a total of 292 persons had been removed and/or excluded from public service. There remained the screening of those persons whose questionnaires had not yet been obtained, the seeking out of those whose positions were not listed in the mandatory provisions of the ordinances but who had, nevertheless, exercised influence and authority commensurate with such listed positions and the formal designation of those who had resigned to escape the legal injunctions against purgees.

Public Information Media Purge

Paragraph 5 of the "remarks" section of Appendix I, Cabinet and Home Ministry Ordinance No. 1 of 1947 constituted the basis of the Public Information Media Purge. This paragraph brings under the provisions of the Directive any scholar, journalist or editor and any principal official of a publishing house, newspaper or magazine, broadcasting corporation, motion picture or theatrical company who between 7 July 1937 and 7 December 1941 advocated aggression, or militant nationalism, espoused totalitarianism or advocated the supremacy of the Japanese nation over other nations, denounce liberals and anti-militarists, or in any other way advocated or championed militarism or ultranationalism.

The just and equitable application of these provisions necessitated extensive research in every field of public information, including not only a study of the media itself but of the organizational structure

of public information companies. This program was undertaken in March 1947 by a Cabinet Secretariat sub-committee, which during the ensuing three months compiled a list of 225 newspapers and news agencies, 15 motion picture companies, 5 broadcasting companies and 5 organizations controlling the dissemination of information, deemed to have engaged in activities proscribed under Category G. This list was published as part of an amendment to the "remarks" outlined above. This amendment brought under the provisions of the Directive specified office-holders in listed companies but provided an opportunity for any individual or company to produce satisfactory evidence as to why exemption should be granted.

PROVISIONAL DESIGNATION

This term grew out of the need to prevent persons who had resigned to escape being purged from legally continuing their influence, which they might have exercised as long as they did not publicly commit actions or assume positions legally screenable. They also received pensions and other benefits to which, if they had been purged, they would not be entitled.

On 12 March 1947 the government promulgated Imperial Ordinance No. 77, which is primarily directed against those potential or "invisible" purgees who engage in political activity, and as such cannot effectively be applied to all "invisible purgees".

On 2 July 1947, the government issued Cabinet Order No. 119 of 1947 which provides that the Prime Minister can effect the provisional designation of any person concerning whom there is sufficient evidence to indicate that he falls within the purview of the Memorandum. This designation is effected by individually notifying the persons concerned. A period of thirty days is provided from the date of receipt of such designation during which the person so notified can, if he so desires, file a letter of exemption with a questionnaire which is examined and processed in the normal manner. If no such exception is filed within the thirty day period, the designation becomes effective under the provisions of the basic Ordinance, and is publicly announced and made a matter of official record.

By the end of July 1947 documentary evidence had been submitted listing substantially all officials

who held policy positions in the designated economic companies between 7 July 1937 to 2 September 1945. Of these approximately 800 clearly fell under the provisions of the Memorandum, an additional 200 were deceased, the addresses of some 200 were unknown, and more than 500 will be required to submit questionnaires.

Lists of persons coming within the purview of the categories pertaining to war criminals (Category A) and to career military and naval personnel (Category B) are under preparation.

Preparation commenced on 10 July 1947 of a list of persons who held the policy-making positions in the public information media companies and organizations. It is estimated that this list will be completed as soon after 30 July 1947 as all "evidence to the contrary" can be fully considered.

The collection of documentary evidence insofar as it affects the former officers and persons of authority in secret, patriotic, ultranationalistic and militaristic societies is currently in progress.

APPEAL BOARD

On 23 February 1947 the Japanese Government promulgated Imperial Ordinance No. 65 of 1947 setting up a Board of Appeal. Prior to this time any person, who felt that a mistake had been made or an injustice committed in his case could appeal to the Prime Minister. However, relatively few such appeals had been received. But with the greatly enlarged amount of screening conducted, appeals increased until by July 1947 a total of 99 was listed with the Appeal Board. Of these, 36 were rejected or recommended for rejection, 9 recommended for reinstatement, while 54 were undergoing either examination or deliberation. Initially Ordinance No. 65 provided that before an appeal could be submitted an appellant must have vacated his position; however, in July 1947, this provision of the Ordinance was revoked and appeal is now possible immediately upon designation. At first the Appeal Board was handicapped by lack of a sufficient secretariat, but recently a Cabinet Order was issued which provided a secretariat sufficiently large to enable the Board to investigate and prepare cases more promptly.

SUMMARY

From its inception the Purge has remained preventative. Although SCAP was authorized to intern active exponents of militant nationalism or aggression, the desire to preserve the preventative nature of the program restricted the use of this authority to suspected war criminals only.

Except for the initial Purge Directive issued to the Japanese Government on 4 January 1946 and certain memoranda issued after post-review of the government's action directing the removal of specific individuals, SCAP has insisted that the Japanese Government itself implement and administer the purge program, subject to the right reserved by SCAP to review any action of the Japanese Government to insure compliance with the word and spirit of SCAPIN 550.

By 4 January 1947 of 8,899 cases acted upon by the Japanese Government 1,770 had been reviewed by SCAP. In 27 instances the action of the Japanese Government was disapproved.

Between 4 January 1947 and 19 July 1947 the Japanese Government screened 563,099 cases, removing or barring a total of 1,681 individuals. Of the total number screened during this period SCAP reviewed 16,047 cases, representing person holding important elective and appointive posts in government, officials in the major economic and financial concerns, and influential persons in the political and social life of Japan. In 47 instances the action of the Japanese Government was disapproved.

Further action by SCAP upon post-review of the Japanese Government's action has been to direct the reinstatement of 12 individuals unjustly or mistakenly barred or removed.

Statistics on persons affected by the Purge Program as of mid-July reduce to the following

approximate totals:

1. Barred and removed -- Initial phase (4 Jan 1946 - 4 Jan 1947)	
.....	1,067
2. Barred and removed under the Extension (4 Jan 1947 - 15 July 1947)	
.....	1,681
3. Career officers, gendarmes and intelligence agents barred by original directive	
.....	183,000
4. Persons who resigned their positions in order to avoid designation	
.....	20,000

These figures do not, of course, include the tens of thousands of other undesirable loaders who are forever barred from Public Service but who have held no office since the purge became effective and therefore have not yet been designated by name. Nor are nearly 6000 Thought Control and Special Higher Police removed by SCAP's Civil Liberties Directive of October, 1945 included. Because they are barred only from positions in the Justice, Welfare, and Home Ministries and from police work, their status is somewhat different from that of persons purged under SCAPIN 550 who are barred from all Public Service. A similar group, likewise not included in the above, is the approximately 5000 teachers who have been removed from the field of education.

INTERNATIONAL PROSECUTION SECTION

On December 89, 1945, the International Prosecution Section was established as a staff section of SCAP and charged with the duty of investigating and bringing to trial those persons who could be charged as having committed crimes against peace; that is, planning, preparing, initiating or waging of aggressive war contrary to international law or treaties, agreements and assurances, or participating in a conspiracy to perform any of such acts.

The first task of the section in its first year of work was to determine the persons who were to be charged as responsible for the bringing about of the aggressive wars which Japan had waged since

1931 and to determine the charges against them. To accomplish this task, a large number of persons including the proposed accused were interrogated at length and thousands of documents, some of which had been newly discovered in the archives of the Japanese government, were scanned for evidentiary material. The first indictment charging twenty-eight persons as responsible for the activities of Japan in waging aggressive warfare was filed with the International Military Tribunal for the Far East on April 29, 1946. On May 3, the Tribunal formally convened for the purpose of arraigning the defendants.

The formal trial opened on June 4, 1946, with the delivery of the opening address by Mr. Joseph B. Keenan, Chief of Counsel. The actual presentation of evidence began on June 13, 1946. Shortly after the formal trial had opened, the Tribunal adjourned the proceedings for about two weeks to enable air conditioning to be completely installed in the courtroom. From the time the Tribunal resumed, the Prosecution continuously presented its evidence without interruption or recess until it rested on January 24, 1947.

For purposes of convenience in handling the vast amount of material which the Prosecution had to present to the Tribunal, the Prosecution's evidence was broken down into phases. By the conclusion of the first year of the occupation the Prosecution had completed the presentation of its evidence on four phases of the case; namely, the Constitution and Government of Japan, Propaganda in Preparation for War, the Manchurian Aggression, and Aggression Against China.

During the first half of the second year of the occupation, the Prosecution completed presentation of its remaining phases. The phases covered in that period were Narcotics and Opium, Economic Aggression in Manchuria and China, Conspirational Relations between Germany and Italy, Aggression against France, Aggression against the Soviet Union, Economic, Military and Naval Preparation for Aggression War, the Illegal Fortification of the Mandated Islands, Aggressive Warfare against the United States and Great Britain, Aggressive Warfare against the Netherlands, Atrocities against the people of the Philippines, General Conventional War Crimes and Atrocities against civilian populations in other areas, and evidence relating specifically to one or more of the individual defendants.

The Prosecution finished presentation of its evidence on January 24, 1947. In the course of the presentation of its evidence, the Prosecution brought before the Tribunal 104 witnesses and submitted

2282 documents consisting of official records of the Japanese government and of other nations, interrogations of the accused, affidavits, and other similar documents. The documents presented were but a small fraction of the total number of documents scanned and translated, and were selected after mature and deliberate consideration as the best then available for the presentation of the evidence against the accused. In preparing any document for presentation to the Tribunal, it was necessary under the rules of the Tribunal to translate the document into either English or Japanese. In the event the document was in a third language, it had to be translated into both English and Japanese. Thereafter, 250 copies of the document had to be reproduced for distribution to the Tribunal, the Prosecution, Counsel for the Defense, other public bodies and newspapers.

The Defense began to present its evidence on February 24, 1947 after a short recess to allow for preparation. The several hundred witnesses which the Defense proposed to call have had to be investigated for purposes of cross-examination and their connection with the case determined. Defense documents must be analyzed for purposes of determining their relevance, materiality, and probative value as evidence to meet the issues of the Prosecution.

LEGAL SECTION

Investigation of War Criminals

During the period November 1, 1945, to July 21, 1946, the Investigation Division had under investigation 636 cases. A total of 430 cases were completed, leaving 206 on hand at the end of the period.

Branch offices were opened during 1945 and 1946 in Osaka, Fukuoka, Sapporo, Nagoya, Hiroshima, Niigata and Sendai so that interrogations and investigations could be carried out with a minimum of delay in dealing with Japanese Government agencies.

During the period July 21, 1946, to July 21, 1947, the Investigation Division had under investigation 2,029 new cases in addition to the 206 cases not completed by July 21, 1946. Of these cases, 590 were completed. This resulted in a cumulative total of 1,020 cases completed of the total of 2,665 under investigation during the period from November 1, 1945, to July 21, 1947.

Apprehension of Suspected War Criminals

As of July 15, 1947, the apprehension of 2,214 Japanese Suspects has been directed by the Legal Section, some for trial in Japan and some for trial by Allies in areas outside Japan. Of this number approximately 1,529 have been interned in Sugamo Prison 216 were deleted from the memoranda after proof was received that the suspects were held in prisons outside Japan, or were otherwise proven to be unobtainable or not desired. A high percentage of those interned, approximately 55 per cent, have been or are awaiting transfers to other areas for trial. Seventy-five have been proven dead and authenticated death certificates have been received. As of July 15, 1947, there were 393 Suspected War Criminals whose apprehension has not yet been accomplished. This figure, which is 17 per cent of the total, includes a number who are believed to be held by Allied Nations in areas other than Japan proper and also a number who are believe dead, but whose death cannot be proven.

During the past year, requests have been received from various Allied Governments and the United States Navy to locate, contract for, and dispatch Japanese lawyers and interpreters to various areas throughout the Pacific, to assist in the conduct of war crimes trials.

As of July 28, 1947, Japanese personnel in the categories indicated have been engaged:

BRITISH:	Singapore	Hong Kong	
	Lawyers	43 Lawyers	2
	Interpreters	42 Interpreters	2
	Buddhist Priests	2	
DUTCH (NEI)	Lawyers	9 Interpreters	11
PHILIPPINE REP (MANILA)		10	10
AUSTRALIAN (Rabaul)		4	
		Admin. Pers.	10
U. S. NAVY (Guam)	4 Interpreters		3

Prosecution of Suspected War Criminals

The Prosecution Division of the Legal Section began 18 months of actual trial work before Military Commissions appointed in December 1945. During this period of time prosecutors have organized, assembled and classified an enormous volume of documentary evidence; classified much oral evidence coming from witnesses, and drafted charges and specifications against many accused Japanese.

The Prosecution Division has been charged with the responsibility of preparing charges and specifications and trying Class B and Class C Japanese War Criminals. A large number of the case involve atrocities committed in Prisoner of War Camps, aboard transports enroute to Japan, against B-29 crew members after they had parachuted to safety, by members of the Japanese Army Medical Corps in conducting medical and surgical experiments, and atrocities involving the Japanese Kempei Tai, or secret police.

Material assistance and a great contribution to the program has resulted in the assignment to the Section of a number of Australian, British, Canadian (mission completed), Chinese and Dutch officers and other military personnel from these Allied countries, all of whose Governments have furnished excellent documentary evidence and, in many instances, have been able to procure live witnesses for the trial of cases here.

As of July 1, 1947, after 18 months of actual trial work, the Division has assisted in the trial of 146 cases involving 274 perpetrators. Of this group, nine were found "Not Guilty"; in 25 cases the death sentence was imposed and five accused have been executed to date. Life imprisonment was imposed in 21 cases. Sentences ranging from 25 to 50 years were imposed in 36 cases, 10 to 25 years were imposed in 83 cases, 5 to 10 years were imposed in 37 cases, and 5 years or less were imposed in 62 cases.