

琉球大学学術リポジトリ

米国管理下の南西諸島状況雑件 沖縄関係 一般重要案件(2)

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沖繩問題に関する東京米大商工質団状

秘
無期限

北米局長
参事官
北米課長

三浦 俊夫
白土 場下
(1/23)

沖縄問題に関する北米課長
ハートネン書記官会談

42. 4. 24
半世

1. 枝村北米課長は24日、米大使館ハートネン書記官
を招致し、沖縄に関する半日視察の ~~報告~~

（これはスワイグー日本部長訪日
際、米大使館で招致した）

具体的な問題につき列挙し、値内状(別添)を呈し、
口会の関係もあり、断片的ではあるが、早急回答を

要望し、先方は優先順位を述べ、24日了承した。
(当方より、軍用道路、出入域管理等が優先すべきである)

出入域の他(中5項)につき、先方は、5月17日までの
会談を経て経理から、問題のある人の出入域は厳重
に管理する必要があると示されたが、このことについては、

2. 当方より、5月の沖特委秘密会合で、社会党委員の琉球
政府の対政府及び立法院のメンバーを参考人として

GA-6

外務省
1118

召喚状との可否につき調査が必要であった理由等、
先方に同様の意見をお願いしたが、先方は管轄権の
直接召喚状を述べた。

米政府の職員を公式に呼ぶ(20の場合には外交官に
である)で招請状と ~~呼ぶ~~ 非常に irregular
である。

であり、自らの知る限り、斯様な事例はありまじと述べた。
2. 当方より、沖縄の個人に呼ぶ招請状を送る均
等な権利を伴うべきである。

合、或いは、満了直前(17)の沖縄住民を召喚する
場合、24日以前に ~~呼ぶ~~ べきである。口会が如
く、根拠は

先方の呼ぶ招請状は政府当局として呼ぶこと
である。先方は述べたが、先方は技術的な

2. 先方は自らの知る限り、先方は先方と先方
沖縄野党と招請状との関係は、至急、政府と
消極的見解を示し

1. 2. 3. 会談の種々なものは、先方は述べた。

3. 当方より、24日までの会談について、先方は会
談録を再読して回答を希望した。

GA-6

外務省

1. Incidents involving U.S. Forces personnel and Okinawan residents.

(1) The High Commissioner has announced his policy to make public the result of trials by the military court in case of incidents involving U.S. Forces personnel as assailants and the Okinawan residents as the aggrieved.

In this connection, a) Is it correct to understand that such an announcement will be made, at least in principle, on every case which falls within the category described above? b) In what manner will this type of announcement be made in future? c) Will such an announcement contain not only the identification of the assailant and the penalty imposed, but also the summary of the verdict? d) Are there any circumstances under which the Okinawan residents, especially the aggrieved or the members of their families, are admitted to the trials by the military court? e) Is the policy concerning the announcement of the result of the trials by the military court in Okinawa same as that taken by the U.S. authorities in the United States or in other areas where the U.S. Forces are stationed?

(2) We wish to request information on the following incidents, including disciplinary action, if any, taken against the U.S. personnel involved and the steps taken to compensate

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the aggrieved persons:

(a) The shooting incident involving members of the RASP which occurred in Koza on the night of October 30, 1966.

(b) The stabbing incident occurred at Club Ryukyu in Koza on the night of December 3, 1966.

(c) The trailer incident occurred at Naha port on March 23, 1967.

(3) Is sufficient compensation being paid to the aggrieved of the crimes committed by U.S. Forces personnel?

We wish to have recent examples of payment made in Okinawa in accordance with the U.S. Law No. 10, "Foreign Claim Act" or any other pertinent regulations, and of cases now pending.

(4) What would be the standard answer by the U.S. authorities to a question concerning the reasons why, unlike in Japan proper, the competence of investigation and apprehension of the GRI police does not extend to the U.S. military personnel even when they are off-duty, despite the fact that the current presence of the U.S. Forces in Okinawa is neither based upon the right of conquest?

2. Land owned by the state of Japan and the former Okinawa prefecture.

(1)

(1) We wish to request information on the size of land owned by (a) the state of Japan and (b) the former Okinawa prefecture, which are under the custody of (a) the U.S. military authorities or the USCAR or (b) the GRI.

(2) We wish to have explanation on the actual administration of the above custody, including regulations on the subject.

(3) What are the revenues from the above land and the management expenses of custody therefor?

3. Land used by the U.S. Forces

(1) We wish to request information on the sizes of the land used by the U.S. Forces and of the part of such land where the use for farming is permitted, in each main area of Okinawa.

(2) We would appreciate having yearly statistical data concerning the sizes of the land which has been released by the U.S. Forces and of the land where the use for farming has newly been permitted.

(3) We wish to have brief explanation on the handling of the compensation to be paid to the residents concerned for the land acquired by the U.S. Forces, including the basis for calculation of the amount of compensation and the information concerning the actual functions of the Land Court.

4. Judicial system

(1) We wish to request concrete information on actual operation of the USCAR courts (number of civil and criminal cases handled per year, outline of major cases handled recently, etc.)

(2) Are the chairs of the USCAR court judges normally vacant? Is it a usual procedure to form a court after cases to be handled by that court have already occurred, as was done last year?

(3) There is a view that the decision by Judge Simms of the USCAR court should be interpreted to recognize the right of the GRI courts to review congruity of the ordinances and proclamations with the executive order No. 10713, as amended. We should like to have the authoritative views on this point.

(4) We wish to request information on the progress of the drafting of the Basic Law concerning the Judiciary.

(5) We wish to have explanation on the basic policy of the USCAR for strengthening and improvement of the GRI courts, including the safeguarding of the independence of the judiciary.

5. Control on exit from and entry into Okinawa.

(1) There seem to have been cases where applicants have not received for an unusually long period notice of decision concerning their applications in the case of applications both

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for entry to Okinawa and for exit therefrom. What is the usual cause of such delay?

(2) What recourse does an Okinawan citizen applying for exit from Okinawa have when he thinks that his application is being held pending for an unduly long period? How about a Japanese national applying for entry to Okinawa with a similar complaint?

(3) While it is true that no reason is usually given for denial to a foreigner of visa or entry permit, it seems to be a common practice in free countries to give to the applicant the reason for rejecting his application for exit from his own country as the freedom of travel constitutes one of the fundamental rights of citizens. Is this practice being followed in Okinawa?

(4) We understand that the person whose application for exit has been rejected has the right to appeal to the High Commissioner (Ordinance 147, Art. 12). How is this appellation system being operated? Is there any organ established under the High Commissioner similar to the Board of Passport Appeals in the United States? Is the appellant given access to the information on which the denial of exit permit is based? Has such a person recourse also to the judicial proceedings?

6. Pre-peace-treaty indemnity and GOJ ex-gratia payment

(1) We are highly appreciative of the detailed explanatory memorandum on this subject given by the Embassy. Are the claim validation and payment procedures described in the said memorandum consistent, in the view of the Embassy, with the following statement contained in Secretary Ailes' Executive Communication 311 (Jan. 8, 1965) which was discussed by the Subcommittee on the Far East and Pacific of the Committee on Foreign Affairs of the House on July 28, 1965?

"The amount of these solatia has been deducted from the amount of the claims covered by the proposed legislation."

Is it correct to understand in view of the above cited statement that the total amount of claims submitted to the Congress did not contain the portion already satisfied by the GOJ ex-gratia payment of the claims which are now being subjected to the validation procedures? How did the Congress reach the figure of 21,060 thousand dollars in the appropriation act?

(2) Is there any possibility that the amount appropriated by the Congress turns out to be insufficient to cover all the claims duly validated by the procedures described in the Embassy's memorandum? If not, why? If so, what measures would be taken to take care of the lack of funds?

7. Military roads

(1) There was a newspaper report that the U.S. military authorities in Okinawa expressed the view that the so-called "military roads" are property under the control of the U.S. military authorities, and are treated as "within the U.S. bases." We would appreciate receiving the official view of the U.S. authorities on this matter.

(2) We wish to have the military roads which are usually open to the public but, considered as located within military bases identified. Also, are these roads clearly marked to indicate that they are "military roads within military bases" and special regulations are to be applied to these roads?

O.B.
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1. Incidents involving U.S. ^{Forces} ~~military~~ personnel and Okinawan residents.

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In this connection, a) Is it correct to understand that such an announcement will be made, at least in principle, on every case which falls within the category described above? b) In what manner will this type of announcement be made in future? c) Will such an announcement contain not only the identification of the assailant and the penalty imposed, but also the summary of the ^{verdict} ~~decision~~? d) ^{Are} ~~Is~~ there any circumstances under which the Okinawan residents, especially the aggrieved or the members of their families, are admitted to the trials by the military court? e) Is the policy concerning the announcement of the result of the trials by the military court in Okinawa ^{the same as} ~~similar to~~ that taken by the U.S. authorities in the United States or other areas? ~~If not, what are the reasons for~~ ^{where the U.S. Forces are stationed} adopting a different policy in Okinawa?

(2) We wish to request information on the following incidents, including ~~the steps taken or regarding~~ disciplinary action if any, taken against the ~~2~~ U.S. personnel involved and the steps taken to compensate the aggrieved persons:

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70
5/22/67
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(2) We wish to request detailed information concerning the shooting incident involving members of the RASP which occurred in Koza on the night of October 30, 1966, particularly the result of investigation by the U.S. Forces authorities and the disposition of the personnel in question.

b
(3) We wish to request information on the stabbing incident occurred at Club Ryukyu in Koza on the night of December 3, 1964.

(c) ~~and on the~~ trailer incident occurred at Naha port on March 23, 1967, particularly the names of the assailants and their disposition.

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4
(4) ~~Is the~~ compensation ~~been~~ paid ~~in full~~ to the aggrieved of the crimes ^{is being} involving U.S. Forces personnel?
~~committed by~~

We wish to have recent examples of payment made in Okinawa in accordance with the U.S. Law No. 10, "Foreign Claim Act", and of cases now pending.
~~or any other pertinent regulations~~

4
(5) ~~The High Commission made a reply in his December 23, 1966 Press Conference to question by the press on the reasons why, the competence of investigation and apprehension of the GRI police does not extend to the U.S. military personnel even when they are off-duty that "This is not Japan. This is not a sovereign nation. Japan is a sovereign nation. So it is not alike situation.~~

despite the fact that ^{the current presence of} the U.S. Forces in Okinawa is neither ^{based upon} the right of conquest? If

If the U.S. side wishes to expand this statement in an effort to avoid any possible misunderstanding, we would welcome such explanation in more detail than the above statement.

2. Land owned by the state of Japan and the former Okinawa prefecture.

(1) We wish to request information on the size of land owned by (a) the state of Japan and (b) the former Okinawa prefecture, which are under the custody of (a) the U.S. military authorities or the USCAR or (b) the GRI.

(2) We wish to have explanation on the actual ^{administration} ~~state~~ of the above custody, including ~~laws and regulations on~~ how such custody should be executed. ^{the subject,}

(3) What are the revenues from and the management expenses of custody ^{thereof} ~~of~~ the above land?

3. Land used by the U.S. Forces

(1) We wish to request information on the sizes of the land used by the U.S. Forces and of the part of such land where the use for ~~farming~~ ^{main} is permitted, in each area of Okinawa.

(2) We wish to have brief explanation on the handling

having yearly statistical data of ^{concerning} the sizes of the land which ^{has been} released by the U.S. Forces and ~~where~~ ^{where} the use for farming has newly been permitted.

of the compensation to be paid to the residents concerned for the land acquired by the U.S. Forces, including the basis for calculation of the amount of compensation, and the information concerning the actual functions of the Land Court.

4. Judicial system

(1) We wish to request ^{concrete} information on actual operation of the USCAR courts (number of civil and criminal cases handled per year, outline of major cases handled, ^{recently} etc.)

(2) Are the chairs of the USCAR court judges normally vacant? ~~It looks to us to be a rather unusual procedure~~ ^{Is it an usual} to form a court after cases to be handled by that court have already occurred, as was done last year?

(3) ~~We are of the~~ ^{There is a} view that the decision by Judge Simms of the USCAR court should be interpreted to recognize the right of the GRI courts to review ~~congruity~~ of the ordinances and proclamations with the executive order No. 10713, as amended. We should like to have the ~~US~~ ^{authoritative} views on this point.

(4) We wish to request information on the progress of the drafting of the Basic Law concerning the Judiciary.

(5) We wish to have explanation on the basic policy of the USCAR for strengthening and improvement of the GRI courts, including the ^{safeguarding} establishment of the independence of the judiciary.

5. Control on exit ^{from} and entry ^{into Okinawa}

(1) There seem to have been cases where applicants have not received for an unusually long period notice of decision concerning their applications in the case of ^{applications} ~~applying~~ ^{to the} for entry to Okinawa and for exit therefrom. What is the usual cause of such delay?

(2) What recourse does an Okinawan citizen applying for exit from Okinawa have when he thinks that his application is being held pending for an unduly long period? How about a Japanese national applying for entry to Okinawa ~~in~~ ^{in a similar} ~~case?~~ ^{complaint?}

(3) While it is true that no reason is usually given for denial to a foreigner of visa or entry permit, it seems to be a ^{common} practice in free countries to give to the applicant the reason for rejecting his application for exit from his own country as the freedom of travel constitutes one of the fundamental rights of citizens ~~of a free country?~~ Is this practice being followed in Okinawa?

(4) We understand that the person ^{whose} ~~above~~ application for exit has been rejected has the right to appeal to the High Commissioner (Ordinance 147, Art. 12). How is this appellation system being operated? Is there any organ established ~~under~~ ^{at} the High Commissioner similar to the Board of Passport Appeals in the United States? Is the appellant given access to the information on which the denial of exit permit is based? Has such a person recourse also ~~the judicial process?~~ ^{to} ~~proceedings~~ ^{proceedings}

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(1) We are highly appreciative of the detailed explanatory memorandum on this subject given by the Embassy. Are the claim validation and payment procedures described in the said memorandum consistent, in the view of the Embassy, with the following statement contained in Secretary Ailes' Executive Communication 311 (Jan. 8, 1965) which was discussed by the Subcommittee on the Far East and Pacific of the Committee on Foreign Affairs of the House on July 28, 1965?

"The amount of these solatia has been deducted from the amount of the claims covered by the proposed legislation, and a specific stipulation has been included therein, precluding disbursement of funds appropriated thereunder for claims already satisfied by the GOJ. Although the GOJ, when paying these solatia, stipulated the amount thereof would be repaid to it, should the Ryukyuan claimants succeed in obtaining compensation from the U.S. Government for these claims, this stipulation was a unilateral action on the part of the GOJ, and has never been agreed to by the U.S. Government."

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Is it correct to understand in view of the above cited statement that the total amount of claims submitted to the Congress did not contain the portion already satisfied by the GOJ ex-gratia payment of the claims which are now being subjected to the validation procedures? How did the Congress reach the figure of 21,060 thousand dollars in the appropriation act?

(2) Is there any possibility that the amount appropriated by the Congress turns out to be insufficient to cover all the claims duly validated by the procedures described in the Embassy's memorandum? If not, why? If so, what measures would be taken to take care of the lack of funds?

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(1) There was a newspaper report that the U.S. military authorities in

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are treated as "within the U.S. bases". We would appreciate

receiving the official view of the U.S. authorities on this ~~subject~~ matter.

(2) We wish to have the military roads which are open to the public ~~but~~ usually ^{but considered as located within military bases} identified. Also, are there

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6. Pre-peace-treaty indemnity and GOJ ex-gratia payment

(1) We are highly appreciative of the detailed explanatory memorandum on this subject given by the Embassy. Are the claim validation and payment procedures described in the said memorandum consistent, in the view of the Embassy, with the following statement contained in Secretary Ailes' Executive Communication 311 (Jan. 8, 1965) which was discussed by the Subcommittee on the Far East and Pacific of the Committee on Foreign Affairs of the House on July 28, 1965?

"The amount of these solatia has been deducted from the amount of the claims covered by the proposed legislation."

Is it correct to understand in view of the above cited statement that the total amount of claims submitted to the Congress did not contain the portion already satisfied by the GOJ ex-gratia payment of the claims which are now being subjected to the validation procedures? How did the Congress reach the figure of 21,060 thousand dollars in the appropriation act?

(2) Is there any possibility that the amount appropriated by the Congress turns out to be insufficient to cover all the claims duly validated by the procedures described in the Embassy's memorandum? If not, why? If so, what measures would be taken to take care of the lack of funds?

7. Military roads

(1) There was a newspaper report that the U.S. military authorities in Okinawa expressed the view that the so-called "military roads" are property under the control of the U.S. military authorities, and are treated as "within the U.S. bases." We would appreciate receiving the official view of the U.S. authorities on this matter.

(2) We wish to have the military roads which are usually open to the public but, considered as located within military bases identified. Also, are these roads clearly marked to indicate that they are "military roads within military bases" and special regulations are to be applied to these roads?

森山君

1. 米軍犯罪の処理

最近沖縄においてはかなりの米軍犯罪があるように見受けられる。(特選局資料; 第5回国会における想定問答集 79頁~83頁)。このような事例において補償は例外なしに完全に完結しているか。犯罪をおかした米兵に対してはどのような措置がとられるか。(特に米兵の処罰について、シヤムヤに完結しているのではないかとの疑問が沖縄住民から提起されている)。沖縄住民は米軍犯罪の処理経過を明白にすること、犯罪再発防止のための適切な対策をとること、被害者に対する適正な補償を希望している。

2. 国県有地問題

米軍が管理している部分と琉球政府が管理している部分の割合をいかにして、国有地面積、県有地面積は何程

あるか。それ以外の収益、管理費の内訳はどうか。管理の実体はどうか。

3. 軍用地 接收問題

最近の具志川村昆布、知念村志喜屋における軍用地接收(もつとも、実際の接收は延期されている)により、沖縄における軍用地の拡大、接收が行なわれるのではないとの観測が新聞紙等により報せられている。軍用地の解放も行なわれているのではないかと思われるか。ある程度日本政府としても実態を把握しておく必要がある。あると認められる。接收に伴う関係住民に対する補償、生活の維持更に過去の軍用地問題に対する沖縄住民の感情等は極力考慮する必要がある。

4. 人権問題

a. 民政府の友利判決は沖縄裁判所の法令審査権を認められたのか。どうか。先般日弁連沖縄調査団に語った

と新聞で報せられたアインシュタイン発言(沖縄裁判所に
布告・布令等の審査権なし)との関係はどうか。

4. 渡航については不許可になる場合にその理由を
明示せよとの声がある。日本政府としては特定の個人の

個人について云々するのではないが、不許可になる場合
の一般的理由について、或る程度説明しうる用意が必

要であると思われる。(最近の事例として、日米連沖縄
調査団員として、入域申請を行ない拒否された宮川寛

太庄)

1. 米軍犯罪の処理

- 処理経過 (沖縄住民は判決内容の公表希望)
- 補償関係 (どのような補償がなされているか)

2. 国庫有地問題

- 拂下げ乃至処分权限
- 経理内容

3. 軍用地接収問題

4. 人権問題

- 裁判管轄権拡大
- 沖縄の裁判所の法令審査権
- 渡航不許可の事例

5. プライス法限度額引き上げの問題

- 米議会に提案されたか
- 見直し

6. 講和発効前補償問題

- 現在沖縄で支拂中のしゅうから、日本政府の見舞金
10億円を差し引くかどうか

秘
無期限

タイプ指示	発信用	執務用	計
主信	/	/	2
付			
原			

発送 昭和42年5月9日
 発信タイプ 校査

文書課 () 公 信 案 (分類)

公 信 米北 第 563 号 公 信 昭 和 42 年 5 月 8 日 日
 番号 日付

大 臣 政 務 次 官 事 務 次 官 外 務 審 議 官 官 房 長	主 管 北 米 局 長 参 事 官 北 米 課 長	起 案 昭 和 42 年 5 月 8 日 起 案 者 森 山 電 話 番 号 171
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受 信 者 在 米 武 井 大 使 三 木 大 臣 發 信 者

写 送 付 先 (希 望 発 送 日) 月 日

件 名 冲 縄 問 題 に 関 する 米 大 使 館 員 と の 会 談

GA-2 8 287 外 務 省 回 覧 番 号

米北米563号

昭和42年5月8日

在米大使殿

外務大臣

沖縄問題に関する米大使館員との会談

3月9日付経信米北米301号に関する

北米局長は4月24日在米大使館ハートウィック

官と会談し、衆参両院に設置する沖縄問題特別

委員会を取り上げるべき米国の対沖施策上の個々の具

体的問題案を列挙し、値内状を平文米側の早急回

答を要望し、23.20年の会談録(値内状添付)の

写本2部貴館参考用に送付する。

GA-4 付属添付

外務省

添付なし

TALKING PAPER

There follows below information provided by the United States Civil Administration in reply to questions related to the U.S. administration of the Ryukyu Islands set forth in the Ministry's informal paper handed by Mr. Edamura to Mr. Purnell of the Embassy on April 21, 1967. The information provided below may be used by the Government of Japan as it sees fit. Further material related to other questions raised in the Ministry's paper will be provided as it becomes available.

1. State and Prefectural Land - There are 92,320 acres of Japanese state land and 4,959 acres of prefectural land under U.S. custody. Approximately 95 percent is forest land administered by the GRI. About 21,000 acres of this forest land is used as a military training area. However, the GRI still performs reforestation and receives income therefrom. Remaining state and prefectural lands are made up of airfields, roads and about 1,500 acres which are leased to Ryukyans.

2. Land Used by U.S. Forces - U.S. currently leases some 51,570 acres of private land for which it pays maximum rentals to landowners. Of this amount, 16,029 acres are licensed to Ryukyans for farming and gathering firewood. The basis for the calculation of compensation is the GRI Land Stabilization Act. The U.S. pays the maximum rentals allowed under the provisions of this Act, based on the grades and classifications of property. The maximum rates of compensation paid under this Act are established by an 18-man Ryukyuan committee appointed by the Chief Executive. The rates are reviewed every five years, the last review having been made in 1963. The land tribunal has disposed of all petitions for increased land rentals for the period prior to 1963. Reappraisal of these involved more than 150,000 tracts of land for which awards of some \$4 million were made. Only 3 petitions remain to be heard of those made after the 1963 reappraisal.

3. Judicial System - Statistical information on USCAR courts is being provided separately. The major cases handled recently include the Mackerel Tax Case and the Tomori Election Case, the details of which are well known to the GOJ. The only other recent major case was that of Tsuruko N. Robirds vs Home Insurance Co., in which the USCAR appellate court affirmed a judgment against the Home Insurance Co. There are civilian attorneys employed by the U.S. Government in Okinawa who have been duly appointed as judges of USCAR courts. The appointment of

- 2 -

judges from outside Okinawa in 1966 was the first such occasion. In the Tomori Case, the USCAR civil court opinion discussed the right of the GRI courts to "examine" ordinances, subject to appeal to USCAR courts. The same court, in the later Ryukyu fisheries opinion, clarified its previous language to indicate that by the word "examine" it meant to refer to the right to interpret ordinances rather than to determine their validity. The latter case is pending on appeal in the USCAR appellate court. Eight GRI proposed bills on Ryukyuan courts are now in the Legislature. They have been drafted using Japanese laws on judicial system as models, and have been cleared by joint GRI-USCAR legislation screening committees. It is hoped that the GRI Legislature will soon enact these bills. Beyond changes that will be made by this proposed legislation, there is no indication that any further strengthening or independence is desired by the Judiciary or the GRI. Neither is it clear how the Judiciary could be made stronger or more independent than it is at present.

4. Control of Exit and Entry - Every effort is being made to expedite the processing of all applications for exit or entry. Most applications are processed in a short time but occasionally delays occur for various reasons, including incomplete application, inability to locate listed contacts, intervening weekends and holidays, etc. Both Okinawans and Japanese may inquire about the status of their applications through the same channels through which the application was made. No practical procedural problems exist with regard to refusal of exit permits since only one person has been denied approval of exit since August 3, 1964. Persons so refused may appeal in writing to the High Commissioner. The appellant is not given access to the information on which the denial of exit permit is based, since official files are not open to the public.

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In the unlikely event that funds should be inadequate, additional authorization and funds would require Congressional approval.

6. Military Roads - The U.S. Army has constructed and still maintains 132 miles of 195 miles of paved roads on Okinawa. The US Army pays over \$200,000 annually to landowners to lease land under this highway system and pays maintenance costs in excess of \$750,000 per year. The U.S. authorities allow free access to Ryukyuan vehicles to the majority of these roads. They restrict access to military bases; however, in certain instances they allow Ryukyuan vehicles to use military base roads as connecting links between main highways. The U.S. considers these cases as privileges to the user and under no circumstances as rights. Any misuse would require withdrawal of privilege.

Tokyo, May 15, 1967.

送
無期

北米局長
参事官
法規課長
北米課長

沖縄問題に関する北米課長
一礼表紙に 架設電録

P-1
北米

(42.5.29)
北米

29日午後 北米課長は、ハニ礼表紙の架設電録
と本々 沖縄問題に関する(1)の文会談にて、

電答の(1) (北米渡也 同席)

1. 本々 先方より (1) 船舶検査に因り 高層
筋を指示す。 (2) 上りの本々 ステーション設置に

因り 回答。 凡 (3) 質問状に 対応 回答 (第
2回) と 手交 送付。

本々より 上記 (3) に 対し (1) 軍用 運輸 の 支
に 油 力 (1) 特 許 (1) 法 民 の 使 用 が 認 可 可 否 等 採
具体的な説明

1. (1) (2) 出城許可が 沈黙 手
筋 処理 上の 理由 として hold up された 場合 ~~は~~
の 2 点 につき 実 際 的 に は
質問 した ところ 先方 は (1) に ついて 回答 困
難 有 旨 内 示 され たり した こと (2) に ついて
は 同 旨 答 復 旨 として 示 され たり した こと

は 具体的 4-24 号 通知 した こと について 本々
より 課長 電 答 部 の 例 を 説明 し 先方 は 調査 才

2. 本々より (1) (2) について 沖 縄 問題 に関
する 先方より 6 月中旬 訪問 の 予定 がある こと 誰

か 特 に 会 談 中 本 国 人 が 参加 して 送 付 した こと
2.1 取扱 方針 変更 通知 書 提出 後 等 凡 (3)
放 射 線 保安 法 以外 の 関係 法令 等 について
渡 帰 協 の 中 堅 幹部 等 へ 示 唆 した こと

3. 本々より 先方より USCAR の 提示 された こと 出 城 許
可 の 文 書 (This permit is not valid in connecti
with 2.) に 因り 日 本 国 民 在 沖 縄 諸 島 民 衆

出入 管理 権 の 概 念 等

本国民の旅客の有効性に対処制限と同様理由を説明

かの制限の下に於て之を説明するが、此
 上の理由に於て、先ず、本國の施政権下に在る(注
 対本
 民に對し(此の本國施政権下の地域(注)と同
 様の規制を行つた)といふこと、この規制自
 然に問題があるといふわけである。現在の規制(注)は
 既に沈没したものである。これを削除せよと言ふ
 こと、これは、如何に不可能であるか、と答へて、
 對立、かの規定を残すこと、沈没した
 行政権の行使(注)は、今に於ては削除せよ、といふわけである。
 1. 日本旅客乗船法という措置そのものの政治的意義
 が、大體、沈没した(注)は、如何に不可能であるか、と答へて、
 對立、かの規定を残すこと、沈没した
 行政権の行使(注)は、今に於ては削除せよ、といふわけである。
 2. 更に、客船同士の協定(注)は、如何に不可能であるか、と答へて、
 對立、かの規定を残すこと、沈没した
 行政権の行使(注)は、今に於ては削除せよ、といふわけである。
 3. 更に、客船同士の協定(注)は、如何に不可能であるか、と答へて、
 對立、かの規定を残すこと、沈没した
 行政権の行使(注)は、今に於ては削除せよ、といふわけである。
 4. 更に、客船同士の協定(注)は、如何に不可能であるか、と答へて、
 對立、かの規定を残すこと、沈没した
 行政権の行使(注)は、今に於ては削除せよ、といふわけである。

1. 国籍(本)を改めたことを考慮して、現在の
 形では、旅客制限を、外國に出生した沈没船員が
 上乗せ、船主と全く離れ、何等かの問題が生じた
 場合、この国籍が不明である、と述べたこと、
 先ず、現在の形が、おかしなことを考慮して、
 如何にか、国籍を記入する必要がある、と述べたこと、
 2. 更に、客船同士の協定(注)は、如何に不可能であるか、と答へて、
 對立、かの規定を残すこと、沈没した
 行政権の行使(注)は、今に於ては削除せよ、といふわけである。
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 行政権の行使(注)は、今に於ては削除せよ、といふわけである。

秘
無期限

タイプ指示	発信用	執務用	計
主信	1	1	2
付	2の5分		
局			

発送日 昭和42年5月30日
 発信 〇 タイプ 〇

文書課長 (印) 公 信 案 (分) 昭和42年5月30日

公 信 番 号 米 比 第 650 号 公 信 日 付 昭 和 年 月 日

大 臣 政 務 次 官 事 務 次 官 外 務 審 議 官 官 房 長	主 管 北 米 局 長 参 事 官 北 米 課 長	起 案 昭 和 42 年 5 月 29 日 起 案 者 森 山 電 話 番 号 671
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受 信 者 北 米 武 官 大 使 発 信 者 三 木 大 臣

写 送 付 先 (希 望 発 送 日) 5 月 29 日 届 け

件 名 沖 縄 現 地 内 閣 の 米 側 取 扱 い 関 係 の 値 内 状 について

GA-2 30 8 外 務 省 回 覧 番 号

米比第650号
 昭和42年5月30日

在 米 大 使 殿

外 務 大 臣

沖縄現地内閣の若干の内部に関する
 米側取扱いに関する値内状について
 標記値内状の米側取扱いについては5月8日付米比第563号にて通報済みとす。在米米大使館より去る15日取扱の米側取扱いの回答を転送し、29日付の値内各項に対する回答を速付越し、15日付及び29日付の二部別添のとおり送付す。

付 属 添 付

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4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

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Tokyo, May 15, 1967.

1967.5.29
ハニネ事務(官本)
後取

With reference to the Ministry's informal paper handed to the Embassy on April 21, 1967, and the Embassy's reply of May 15, 1967, the following additional information has been provided in an attempt to answer the Ministry's questions:

1. US Land Holdings--Ryukyu Islands

| Fiscal Year Ending | Acres Public Land a/ | Acres Private Land | Acres Licensed b/ | Acres Released |
|--------------------|----------------------|--------------------|-------------------|----------------|
| 30 Jun 58 | 23,263.10 | 43,472.71 | 4,288.60 | 636.12 |
| 30 Jun 59 | 23,934.38 | 43,500.54 | 4,466.49 | 1,009.82 |
| 30 Jun 60 | 23,930.67 | 51,195.17 | 7,251.63 | 528.44 |
| 30 Jun 61 | 23,953.20 | 51,576.56 | 7,770.63 | 25.16 |
| 30 Jun 62 | 24,054.076 | 51,635.20 | 9,396.74 | 115.72 |
| 30 Jun 63 | 24,038.74 | 51,780.08 | 9,603.40 | 28.66 |
| 30 Jun 64 | 24,044.63 | 51,774.44 | 14,316.50 | 43.43 |
| 30 Jun 65 | 24,132.34 | 51,598.93 | 17,233.69 | 305.14 |
| 30 Jun 66 | 24,128.29 | 51,570.25 | 16,029.08 | 94.94 |

a/ State and Prefectural

b/ For farming and firewood

2. Judicial System

(1) Statistical Information re USCAR Courts

| Calendar Year | No. of Defendants Tried in Sessions Court | No. of Defendants Tried in Superior Court | No. of Civil Cases |
|---------------|---|---|--------------------|
| 1962 | 100 | 110 | 0 |
| 1963 | 98 | 65 | 6 |
| 1964 | 35 | 23 | 1 |
| 1965 | 0 | 0 | 4 |
| 1966 | 0 | 0 | 3 |

| Calendar Year | Trials by Jury | No. of Appellate Court Cases | Miscellaneous Hearings (Preliminary, Bail, Referrals, Psychiatric & Guardianship) |
|---------------|-------------------------|------------------------------|---|
| 1962 | 0 | 3 | 192 |
| 1963 | 3 (Criminal) | 4 | 48 |
| 1964 | 2 (1 Civil, 1 Criminal) | 2 | 31 |
| 1965 | 2 (Civil) | 2 | 1 |
| 1966 | 0 | 1 | 5 |

(2) Outline of Major Cases Handled Recently

Mackerel Tax Case and Tomori-Sunagawa Election Case--
The trials in both cases in the USCAR Civil Court began on 5 October 1966. The Court rendered decisions on 2 December 1966. In the Mackerel Tax Case (Ryukyu Fishery Co., Ltd., Appellee), the Court rendered judgment in favor of the Government of the Ryukyu Islands, sustaining its appeal from the decision of the Chuo Circuit Court. In effect, the Court held that the taxes had been collected legally. On 29 December 1966, the Ryukyu Fishery Co., Ltd., filed an appeal with the USCAR Appellate Court from the judgment of the USCAR Civil Court. In the Tomori-Sunagawa Election Case, the Court rendered judgment in favor of Tomori, the Appellee, declaring the finding of the Central Election Administrative Committee, the Appellant, to be erroneous.

Tsuruko N. Robirds et al vs. Home Insurance Co., an affiliate of AFIA--The USCAR Appellate Court, composed of three justices, affirmed the judgment against Home Insurance Company on 13 May 1966. The case previously was tried with a jury who made findings in favor of the plaintiffs (Tsuruko N. Robirds and her minor son (widow and son of Oren K. Robirds, DAC) and fixed damages at \$65,000. Judgment was entered on 20 July 1964. The Home Insurance Company, an affiliate of AFIA, argued that error was committed at the trial in denial of its motion to dismiss the complaint because of lack of privity of contract between the plaintiffs and Home Insurance Company. By its affirmation of the findings of the lower court, the Appellate Court found no merit in Home Insurance Company's contentions.

(3) There are civilian attorneys employed by the United States Government in Okinawa who have been duly appointed judges of USCAR courts and who are available to handle cases normally expected. In view of the small number of cases expected, no appointee serves as a judge exclusively. The appointment of judges from outside Okinawa in 1966 was the first such occasion. This was done not because local judges were unavailable but because of the High Commissioner's decision

to do so based upon the conclusion that the Ryukyuan people would be more apt to attach judicial impartiality to a decision reached by non-resident judges.

(4) The USCAR Civil Court opinion in the Tomori case discussed the right of GRI courts to "examine" ordinances, subject to appeal to USCAR courts. The same court, in the later Ryukyu Fishery opinion, clarified its previous language to indicate that by the word "examine" it meant to refer to the right to interpret ordinances rather than to determine their validity. The latter case is pending on appeal in USCAR Appellate Court. It is possible that some authoritative opinion will be announced by that court. If not, it would appear that the question has not been finally decided.

(5) The High Commissioner has several times announced his willingness to rescind Civil Administration Proclamation No. 12, governing the organization and jurisdiction of Ryukyuan courts, when adequate Ryukyuan laws are enacted. Proposed Ryukyuan laws have been drafted, copied after the Japanese laws on the judicial system. These proposed bills have been cleared for introduction into the Legislature by the joint GRI-USCAR Legislation Screening Committee. The Legislature is expected to enact the bills into law when it resumes its session. The proposed bills are:

- Bill concerning Court System
- Bill for Enforcement of Court System Act
- Bill concerning the Lawyers
- Bill for Establishment of Inferior Courts and Their Territorial Jurisdiction
- Bill concerning Judicial Examination
- Bill concerning the Maintenance of Order in Courtrooms, Etc.
- Bill concerning the Status of Judges (cleared informally)
- Bill concerning the People's Examination of the Judges of the Court of Jokoku Re-Appeals

(6) USCAR has long followed the American and Japanese policy of regarding the judiciary as an independent coordinate branch of government. The GRI judiciary has always been independent in fact and has operated as a strong branch of government. The presently contemplated changes indicated by the proposed bills will change the organization of the judiciary to more closely follow their organization in Japan, but this will not weaken the judiciary or affect its independence. There is no indication that any further strengthening or independence is desired by the judiciary or by the GRI; in fact, it is not clear just how the judiciary could be made stronger or more independent than it is at present.

3. Travel into and from the Ryukyus

(1) Every effort is made to process expeditiously all applications for entry into or exit from the Ryukyu Islands. Most applications are processed in a short period of time. There are several circumstances which may cause delay in processing, such as the distance from the point of filing application through the Special Area Liaison Bureau (SALB) to the Ryukyu Travel Unit, Japan, or USCAR; incomplete application necessitating return for additional information; inability to locate listed contact party; and intervening week ends and holidays.

(2) An Okinawan may, and frequently does, inquire about the status of his application for an exit permit through the same channels through which the application was made.

(3) Any person outside Okinawa may inquire through the same channels through which his application for entry permit was made.

(4) While it is probably a general practice in certain countries to inform an applicant of the section of law or regulation under which he is being refused exit from his country, no practical problem exists in this regard in Okinawa. To demonstrate this, it is noted that only one person has been denied approval of exit from the Ryukyu Islands since 3 August 1964.

(5) A person whose application for exit has been rejected may appeal in writing through the GRI Immigration Agency to the High Commissioner or his designated representative.

(6) The appeal is acted upon by the High Commissioner without recourse to an organ similar to the Board of Appeals in the United States.

(7) The appellant is not given access to the information on which the denial of exit permit is based, since official files are not open to the public.

4. Pre-Peace Treaty Claims

(1) Public Law 89-296, 89th Congress, 79 Stat. 1071, 27 October 1965, specifically provides that "no funds under this joint resolution shall be disbursed to satisfy claims, or portions thereof, which have been satisfied by contributions made by the Government of Japan." DOD implementing regulations specifically exclude payment of claims or portions thereof which have been satisfied by contributions made by the Government of Japan. A similar provision is contained in HICOM Ordinance No. 60 dated 10 January 1967.

(2) Accordingly, it is mandatory that the amount of solatium paid to an individual claimant by GOJ be deducted from the amount found meritorious by the United States approving authorities. HICOM message 708208, 23 March 1967, outlines in detail the agreed method by which solatium deductions are being made. Present indications are that funds appropriated by the Congress will be sufficient for the settlement of meritorious claims within the purview of the cited joint resolution. In the unlikely event that funds should be inadequate, additional authorization and funds would require Congressional approval.

5. Military Roads

(1) The United States Army has constructed and still maintains 132 miles of the 195 miles of paved roads on Okinawa. The US Army pays over \$200,000 annually to landowners to lease the land under their highway system, and maintenance costs exceed \$750,000 per year.

(2) United States authorities allow free access to Ryukyuan vehicles to the majority of these roads. They restrict access to military bases; however, in certain instances they allow Ryukyuan vehicles to use military base roads as connecting links between main highways. An example of this would be Route 130, which connects Hiway 1 and Hiway 5. Route 130 passes directly through the military base, but as a convenience to the general public the US Army has extended free transit to all vehicles.

(3) Another example is Route 3 through Naha Air Base. During recent construction on Route 7 and the inconvenience and difficulty of large Ryukyuan busses going over Route 7 during this construction, the United States allowed Ryukyuan busses free access directly through the Air Base.

(4) The United States considers these cases as privileges to the user and under no circumstances as rights. Any misuse would require withdrawal of the privilege.

6. Incidents involving US Forces Personnel

(1) a. Public announcement is made of the results of trial by general courts-martial. The results of nonjudicial punishment under Article 15, UCMJ, and trials by summary and special courts-martial are available in answer to specific request.

b. Publication for three days in official daily bulletin, and publication of orders which are posted on the bulletin board of the offender's unit.

c. The announcement to the press includes a statement of the offense, the findings of the courts-martial (verdict), and the sentence imposed.

d. Trials are open to members of the general public except matters involving security.

e. The policy of announcing the results of trial by courts-martial is substantially the same as that in the United States and other foreign nations.

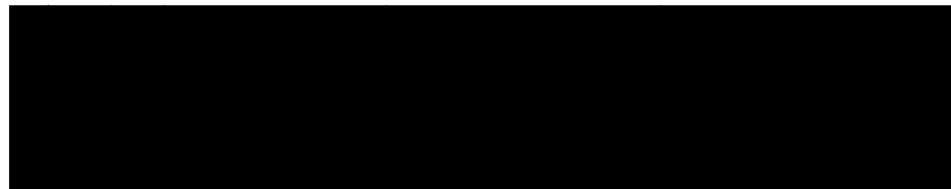
(2) a. No claim has been filed, but, if one should be filed, it will be duly processed.

b. The recently filed claim of Mrs. Gakiya is being processed by a foreign claims commission. The military offender was convicted of unpremeditated murder and sentenced to Dishonorable Discharge, total forfeitures, and confined at hard labor for twenty years.

c. No claim has been filed, but, if one is filed, it will be duly processed.

(3) Claims, as received, are processed in accord with US statutes. Examples include:

| <u>Name of Claimant</u> | <u>Nature of Claim</u> | <u>Amount Awarded</u> |
|-------------------------|------------------------|-----------------------|
|-------------------------|------------------------|-----------------------|



Personal Injury Claims Pending as of 6 May 67:

| <u>Name of Claimant</u> | <u>Nature of Claim</u> | <u>Amount Claimed</u> |
|-------------------------|------------------------|-----------------------|
|-------------------------|------------------------|-----------------------|



(4) The presence of US Forces in the Ryukyus is not based upon a security treaty as is the presence of US Forces in various countries such as Japan. Neither is jurisdiction with respect to US Forces personnel in the Ryukyus determined by a status of forces agreement as is the case in Japan and in other countries with which the US has mutual security arrangements. Rather, the US may freely bring military forces into the Ryukyus because Japan in Article III of the

Peace Treaty gave full and complete jurisdiction over these islands to the United States. Since full jurisdiction resides in the United States, no status of forces treaty is required.

As a matter of policy the United States delegates to the GRI sufficient authority to deal with its own affairs which do not infringe upon the military side. It has not transferred jurisdiction over US Forces personnel to the GRI.

As a matter of practice, and according to a local memorandum of understanding, Ryukyuan police may and do apprehend US Forces personnel committing crimes or disturbances off base, turning such apprehended persons over immediately to RASP authorities. According to the same memorandum of understanding, both the Ryukyuan and the American police authorities may participate in the investigations conducted by the other, unless security requirements preclude such participation.

May 29, 1967