A. Introduction

As the task of drafting a new internal security law began, a sense of anxiety, uncertainty and threat to internal stability, almost an air of national emergency pervaded the Japanese government and society due to the outbreak of the Korean War in mid-1950 and the continuing violent tactics of the Japanese Communists in the early 1950s. While the leadership of the JCP had been purged, the JCP as an organization, as a political entity continued to exist. The felt threat by the Japanese, the government and society was not that Japan faced imminent threat of invasion from China or the then Soviet Union, but rather an attempt by the Communists to try to take control of the government and country through subversion, disruptive activities, assassination, etc, or more probably create chaos and uncertainty—the very concerns envisioned by the conservative leadership of Japan at the end of WWII, the summer-fall 1945. Their anxieties of the time appeared to be coming true and staring them in the face in the early 1950s.

While GHQ offices had been deeply involved in day-to-day operations with the Japanese government, these relationships were gradually evolving during the latter half of the Occupation period toward “a more distant intimacy”. This evolving relationship is well exemplified in how internal security issues, particularly the creation of the draft SAPL was handled. GHQ’s role in many instances had gradually become more advisory, rather than dictatorial, merely counseling toward a smooth transition. Government Section became less important. The State Department was building up its role, replacing military government as an occupying power. Major Jay, the last staff person in GS to work on the SAPL had been informed of this transition when
he arrived. When he returned to the U.S. in mid-April 1952, that, he said was “the end of the line, no one came after me.”

Based on a study of SCAP documents in the U.S. National Archives, I detected a number of phases in an undulating relationship of ambiguity, clear-cut assertion, seeming indifference, encouragement and tutoring. The role of GHQ will be inserted as subsections as the SAPL story unfolds in order to understand how the GOJ and GHQ interacted with each other in the various stages in the process of drafting a new sensitive internal security law for post-Occupation Japan.

B. GHQ-I Early Twilight, an ambiguous message

Shortly before the outbreak of the Korean war in mid-1950, SCAP had ordered the leadership of the Japan Communist Party (JCP) be purged. With the outbreak of this war, using the power of SCAP, to ban, outlaw or dissolve the Japanese Communist Party as an organization would seem to be an attractive solution; it would seemingly be straightforward, simple, and clear cut. While the prewar leadership in the Japanese government had been purged, their successors had been trained with a strong anti-communist ideological tilt and these personnel were now managing the government. In prewar years in Japan, the JCP had been an illegal (higōhō) organization. In light of

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1 Based on an interview with Ed Jay on October 14, 1978 in his home in New York state. In this interview, he told me that when he, as a U.S. Army Major (Armor) arrived in Japan, he was en route to Korea but that was suddenly changed to GHQ in Tokyo; fortuitously W.E. Monagan, special assistant to Frank Rizzo, Chief of GS, and who had been covering SAPL developments, was about to leave so Jay was assigned to succeed him in January 1952. Says Jay: constitutional law and the SAPL were the last thing on my mind as an assignment. He received a commendation from SCAP’s Chief of Staff for his work on the SAPL. Jay left Tokyo in mid-April 1952, and became a lawyer in New York.

2 These subsections on GHQ are based primarily on documents found in SCAP records (stored in Washington Records Center, National Archives, Suitland, MD and later in National Archives II in College Park). I studied SCAP documents on numerous occasions between 1978 and 2000 concentrating primarily on Government Section documents, 1945–52. I ploughed through the following boxes under the category RG331: 1447, 1501, 2137, 2142, 2187, 2191, 2193, 2194, 2252, 2253, 2275. I copied about 300 pages of material from boxes 1447, 1501, 2187, 2194. The reproduced pages include memos, reports of meetings between GS officials (mainly Frank Rizzo) and officials of the Japanese Government, and some drafts of the SAPL in English translation (but none in Japanese) and the banning of the JCP.