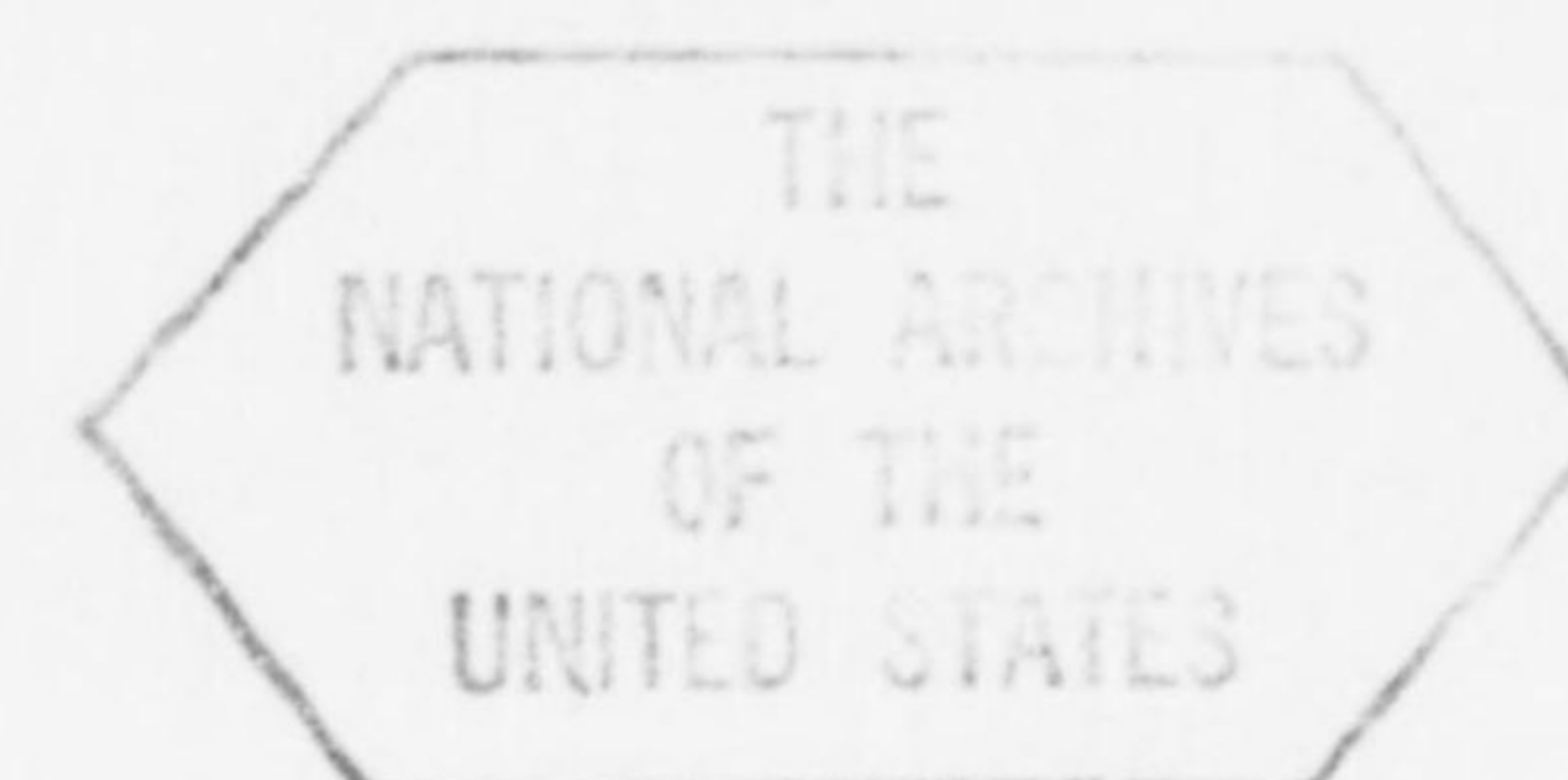


**GHQ/SCAP Records(RG 331)**  
**Description of contents**



- (1) Box no. 2205
- (2) Folder title/number: (13)  
Telecommunication Ministry -6th National Diet

(3) Date: Oct. 1949, Nov. 1949

(4) Subject:

Classification	Type of record
832	d, m

(5) Item description and comment:

(6) Reproduction:  Yes  No

(7) Film no.

Sheet no.



Title	Comment
1. Radio Regulatory Commission Establishment Law	ESS (Harrison) No obj CIE (Brown) Obj LS (Neptune) No obj - Comment CCS (Feissner) No obj
2. Radio Law	ESS (Harrison) No obj LS (Neptune) No obj CCS (Feissner) No obj CIE (Brown) No obj
3. Broadcast Law	LS (Neptune) No obj ESS ( ) No obj CIE (Walker) No action -Comment CCS (Feissner) No obj
4. Law for Disposition of Police Telephone	LS (Appleton) Comment ESS( ) No action G2-PSD (Pulliam) No obj CCS (Feissner) Comment



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CPG/vs

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.

From: Govt Sec

To: ESS

Date: 24 October 1949

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Ministry of Telecommunications.

2. Your prompt comment is requested.

1 Incl:

Radio Regulatory Commission  
Establishment Law

C. W.

File 010(24 Oct 49)ESS/JF

From: ESS

To: Govt Sec

S.P.A. [Signature]  
WFM/JRA/DNR/JHR/eb  
Mr. Harrison, 57-8564  
Date: 10 Nov 1949

2

There is no objection to this proposed bill except those provisions of Article 2 which provide that the Radio Regulatory Commission shall be established as an external organ of the Prime Minister's Office. It is the opinion that it would be more desirable to establish the commission in the Telecommunications Ministry which is presently performing functions to be assigned the commission.

1 Incl:

n/c

-----W.F.M.-----

*Hand 65 11/15/49*

①



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CFG/vs

Subject: Draft Legislation

Capt. Guida

26-6076

Date: 24 October 1949

Note No.

From: Govt Sec

To: CI&E

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Ministry of Telecommunications.

2. Your prompt comment is requested.

1 Incl:

Radio Regulatory Commission  
Establishment Law

C. W.

000.77 (24 Oct 49) CIE

From: CIE

To: Govt Sec

Mr. Don Brown 26-5680  
27 October 1949

2.

1. Reference is made to the request in the basic communication for comment on the draft law for the establishment of a radio regulatory commission.

2. The Civil Information and Education Section is of the opinion that the law as drafted provides for unjustifiable and potentially dangerous political control of radio broadcasting.

3. The provisions which permit this control are:

a. Article 5, paragraph 2, which gives the chairmanship of the Radio Regulatory Commission to a Minister of State.

b. Article 19, which authorizes the Prime Minister to force the Commission to reconsider a decision which he opposes and even to change a decision if the Commission has not modified it to his satisfaction.

4. CIE is not impressed by the necessity of having the Commission headed by a State Minister. It knows of nothing in the nature of radio regulation, if it be agreed that such regulation must not be exercised in a manner calculated to interfere with the attitudes of those who produce radio programs and with the content of programs, which cannot be



000.77 (24 Oct 49)

Draft Legislation

Mr. Don Brown 26-5680

CIE

Govt Sec

27 October 1949

2  
(contd)

Handled adequately by a commission which is safeguarded against Cabinet meddling in the manner of the Public Safety Commission.

5. If the Commission must be headed by a State Minister, however, it is urged not only that the provisions for Cabinet review and modification of Commission decisions be eliminated but also that a prohibition of Cabinet interference with the Commission be written into the law.

1 Incl n/c

F. C. D. \_\_\_\_\_

*Rec'd 11/3/49*



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CH/JN/JW/CFG/vs

Subject: Draft Legislation

Capt. Guida

26-6076

Note No. From: Govt Sec To: LS/LAW Date: 24 October 1949

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by the Ministry of Telecommunications.
2. Your prompt comment is requested.

1 Incl:  
Radio Regulatory Commission  
Establishment Law

C. W.

P & P DIV



2.

From: LS/L&J

To: GS

2635-479 - R. Neptune  
3 November 1949

*(copy attached)*

1. Reference is made to LS Check Sheet to GS, 29 October, 1949, subject: The Broadcast Law, etc., in which essential changes are suggested of Article 5, par 2, and Article 19 to make the RRC independent. No other legal objections are made to the bill by this Section.

2. The importance of the meetings of the Radio Regulatory Commission prompts the suggestion that Article 16 should provide for advance public notice of meetings. The law should also state that regular meetings shall be held at specified times and that special meetings shall be held after advance public notice.

1 Incl:  
w/d

----- A.C.C. -----

*Rec'd GS 11/5/49*



C O P Y

A.C. Oppler  
2635-582

Broadcast Law; Radio Law; and Radio Regulatory  
Commission Establishment Law

LS

GS

29 October 1949

1. 1. Legal Section has just received the three comprehensive bills for review and has not yet had sufficient time to examine their provisions thoroughly. On request of GS a preliminary criticism is, however, made on one major point, namely the position of the Radio Regulatory Commission.
  2. As the arrangement proposed in the three draft bills is planned, the Radio Regulatory Commission is vested with strong powers to control and influence, directly or indirectly, the Broadcasting Corporation of Japan, as well as to grant licenses for the establishment of radio stations. The list of "responsibilities" in Article 3 of the Radio Regulatory Commission Establishment Law contains the all-conclusive phrase (Par. 6) that the Commission shall have responsibility for "matters related to the Broadcasting Corporation." Even if this provision is to be interpreted as referring only to those responsibilities specifically mentioned in the two other laws, the Corporation will be subject to tight control by the Commission not only with regard to technical matters but also as far as contracts, international broadcasting, research, budget, business operation and inventory are concerned (see Articles 32, Par. 4, 33, 34, 37, 38 and 40 of the Broadcast Law.) Furthermore, according to Article 18, Item 2 of the Radio Regulatory Commission Establishment Law the Commission shall make investigation and report, through the Prime Minister, to the Diet on "broadcast programs and measures for the improvement thereof." Even more important, the Radio Law entrusts the Commission with almost absolute power to determine on licensing of radio stations, radio equipment, qualification and examination of radio operators and other matters.
  3. In the light of these far-reaching powers it is felt that the Commission should enjoy the greatest possible functional independence in order to enable it to perform its tasks with impartiality. The political significance of the position of the Commissioners is emphasized by the requirement that their appointment must be approved by both Houses of the Diet as well as by the device that not more than three members of the Commission may belong to the same political party. However, these safeguards will prove inadequate for two reasons. First, Article 5, Par. 2 of the Commission Establishment Law provides that the Chairman of the Commission must be a Minister. As a member of the Cabinet, this Chairman will necessarily be subject to continuous political influence. Second, and even more prejudicial to its independence, the Commission has no final determination since the Prime Minister, according to Article 19 of the same law, may change the decision of the Commission. An exception to this rule is made only in case of individual complaints which when rejected may be submitted to court action. However, in such cases the court will, according to Article 99 of the Radio Law, be bound on the Commission's findings of facts. Thus the Prime Minister may make the final determination on the granting of a license, when a choice must be made between several applicants. It should be noted that no specific



Broadcast Law; Radio Law; and Radio Regulatory  
Commission Establishment Law (Cont'd)

29 Oct. 1949

1  
(Cont'd)

standards for such choice are provided for in the law.

4. The political implications of such arrangement are obvious. While it may be argued that the interrelationship between the agencies concerned is primarily a question of policy only, LS wishes to express its apprehension that the constitutionally guaranteed freedom of expression, which is explicitly mentioned in Article 1 of the Broadcast Law as the purpose of this legislation will be impaired. Broadcasting has developed to the most important medium of communication, information and education. Any possible safeguards should be provided to restrict governmental control and political influence to that minimum absolutely required by considerations of public welfare.

5. Legal Section suggests to make the Radio Regulatory Commission functionally independent in a similar manner, as provided for by the Police Law with regard to the Public Safety Commissions.

6. A more elaborate comment on the three bills will be made subsequently.

----- A.C.C. -----



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CPG/vs

Subject: Draft Legislation

Note No.

From: Govt Sec

To: CCS

Capt. Guida  
26-6076  
Date: 24 October 1949

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Ministry of Telecommunications.

2. Your prompt comment is requested.

1 Incl:

The Radio Regulatory Commission  
Establishment Law

C. W.

P & P DIV



C O P Y

C. A. Feissner  
26-6424

PFR/CAF/dk

Radio Legislation

CCS

Government Section

28 October 1949

1. Reference is made to three Check Sheets, from Government Section to CCS, one dated 21 October 1949 pertaining to the draft of the Broadcast Law, and two dated 24 October 1949, one of which refers to the draft of the Radio Law and the other to the draft of the Radio Regulatory Commission Establishment Law.

2. CCS recommends:

a. That these three drafts be considered in conjunction with each other, as they all form part of radio legislation and are inter-dependent.

b. CCS has no objections to the structures or form of organizations being proposed by the MOTC, and in general has no objection to the technical regulations being proposed. There are some details in the technical regulations about which there is some difference of opinion. However, it is believed these will be rectified during the execution of the laws and especially during the amendments and changes which are bound to come as the problem of radio regulations becomes better understood by the Japanese and as progress is made by the Radio Regulatory Commission with the advice and assistance of CCS.

c. Concerning the relationship between the Radio Regulatory Commission and the rest of the Japanese Government, CCS has some anxiety, but very definitely believes that the proposed legislation represents the best that can be expected at this time, in light of the many interests that have been involved and the compromises that have been necessary.

3. Being in a position to know the urgent need for radio legislation, CCS strongly recommends that any adjustments to be considered practicable with this legislation can be made expeditiously in order to allow prompt submission of the three drafts to the Diet.

3 Incls:

- 1 - C/N, Govt Sec dtd 21 Oct 49 w/Incl.
- 2 - C/N, Govt Sec dtd 24 Oct 49 w/Incl.
- 3 - C/N, Govt Sec dtd 24 Oct 49 w/Incl.

----- G.I.B. -----

Rec'd GS 11/1/49



Bill

to be submitted for GS approval  
Legislative Affairs Section, FOM  
(TEL. 57-6010)

October 24, 1949

1. FOM Number: 34
2. Name of Bill: Radio Regulatory Commission  
Establishment Bill
3. Competent Ministry: Telecommunication Ministry
4. Date of Cabinet Approval: October 12, 1949
5. SCAP Section concerned:  
C.C.S. Domestic Radio Division  
Lt. Col. Johnson
6. Remarks: (Reference:)  
List of Reference is attached herewith.  
.....  
.....  
.....  
.....  
.....
7. G.S Reviewers:

as X: CCS  
CIVE  
ESS  
LS/LYT  
GS/PA

Received by GS  
Date 10/24/49



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CFG/vs

Subject: Draft Legislation

Capt. Guida

26-6076

Note No. From: Govt Sec To: ESS Date: 24 October 1949

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by the Ministry of Telecommunications.

2. Your prompt comment is requested.

1 Incl:

Draft of the Radio Law

C. W.

File 010 (24 Oct 49) NSS/JF

From: ESS

To: Govt Sec

WFM/JRA/ENE/JNH/eb

Mr. Harrison, 57-8564

Date: 10 November 1949

2

ESS has no objection to this proposed bill.

1 Incl:

n/c

-V.F.M.-

*Rec'd ES 11/16/49*

(2)



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CFG/vs

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.

From: Govt Sec

To: IS/LAJ

Date: 24 October 1949

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Ministry of Telecommunications.

2. Your prompt comment is requested.

1 Incl:

Draft of the Radio Law

C. W.

P & P DIV



2. From: LS

To: GS

2635-479 - R. Neptune  
Date: 3 November 1949

(copy attached)

1. There are no legal objections to the draft bill of the Radio Law, provided the Radio Regulatory Commission Establishment Law draft bill is amended to make the Commission therein provided for independent. Reference is made to LS Check Sheet, 29 October, 1949, subject: Broadcast Law, etc. In the event the RRC Establishment Law draft bill is not amended, Article 99 of the Radio Bill, which in appeals from the decisions of the Commission purports to bind the Court to the facts as found by the Commission, appears objectionable.

2. Article 5 raises again the question of discrimination based on nationality. Reference is made to LS Check Sheet to GS, dated 24 March 1949, subject: "The Pilot Law", in which LS suggests avoiding objections and leaving the matter, should the occasion arise, to the Japan Supreme Court for interpretation.

3. Article 13 which deals with the granting of the license does not provide for any standards or criteria to guide the determination by the RRC. Such standards or criteria would appear particularly desirable in case the Commission has to make a choice among several applicants all of whom satisfy the technical requirements. The possibility of inserting standards or criteria in the law should be given careful consideration.

1 Incl:  
w/d

----- A. C. C. -----

For GS 11/5/49



A.C. Oppler  
2635-582

Broadcast Law; Radio Law; and Radio Regulatory  
Commission Establishment Law.

LS

GS

29 October 1949

1. Legal Section has just received the three comprehensive bills for review and has not yet had sufficient time to examine their provisions thoroughly. On request of GS a preliminary criticism is, however, made on one major point, namely the position of the Radio Regulatory Commission.

2. As the arrangement proposed in the three draft bills is planned, the Radio Regulatory Commission is vested with strong powers to control and influence, directly or indirectly, the Broadcasting Corporation of Japan, as well as to grant licenses for the establishment of radio stations. The list of "responsibilities" in Article 3 of the Radio Regulatory Commission Establishment Law contains the all-conclusive phrase (Par. 6) that the Commission shall have responsibility for "matters related to the Broadcasting Corporation." Even if this provision is to be interpreted as referring only to those responsibilities specifically mentioned in the two other laws, the Corporation will be subject to tight control by the Commission not only with regard to technical matters but also as far as contracts, international broadcasting, research, budget, business operation and inventory are concerned (see Articles 32, Par. 4, 33, 34, 37, 38 and 40 of the Broadcast Law.) Furthermore, according to Article 18, Item 2 of the Radio Regulatory Commission Establishment Law the Commission shall make investigation and report, through the Prime Minister, to the Diet on "broadcast programs and measures for the improvement thereof." Even more important, the Radio Law entrusts the Commission with almost absolute power to determine on licensing of radio stations, radio equipment, qualification and examination of radio operators and other matters.

3. In the light of these far-reaching powers it is felt that the Commission should enjoy the greatest possible functional independence in order to enable it to perform its tasks with impartiality. The political significance of the position of the Commissioners is emphasized by the requirement that their appointment must be approved by both Houses of the Diet as well as by the device that not more than three members of the Commission may belong to the same political party. However, these safeguards will prove inadequate for two reasons. First, Article 5, Par. 2 of the Commission Establishment Law provides that the Chairman of the Commission must be a Minister. As a member of the Cabinet, this Chairman will necessarily be subject to continuous political influence. Second, and even more prejudicial to its independence, the Commission has no final determination since the Prime Minister, according to Article 19 of the same Law, may change the



Broadcast Law; Radio Law; and Radio Regulatory  
Commission Establishment Law (Cont'd)

29 Oct. 1949

1  
Cont'd) Decision of the Commission. An exception to this rule is made only in case of individual complaints which when rejected may be submitted to court action. However, in such cases the court will, according to Article 59 of the Radio Law, be bound on the Commission's findings of facts. Thus the Prime Minister may make the final determination on the granting of a license, when a choice must be made between several applicants. It should be noted that no standards for such choice are provided for in the law.

specific

4. The political implications of such arrangement are obvious. While it may be argued that the interrelationship between the agencies concerned is primarily a question of policy only, LS wishes to express its apprehension that the constitutionally guaranteed freedom of expression, which is explicitly mentioned in Article 1 of the Broadcast Law as the purpose of this legislation will be impaired. Broadcasting has developed to the most important medium of communication, information and education. Any possible safeguards should be provided to restrict governmental control and political influence to that minimum absolutely required by considerations of public welfare.

5. Legal Section suggests to make the Radio Regulatory Commission functionally independent in a similar manner, as provided for by the Police Law with regard to the Public Safety Commissions.

6. A more elaborate comment on the three bills will be made subsequently.

----- "A.C.C." -----



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

CW/JN/JW/CFU/vs

Subject: Draft Legislation

Capt. Guida  
26-6076

Note No.      From: Govt Sec      To: CCS      Date: 24 October 1949

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Ministry of Telecommunications.

2. Your prompt comment is requested.

1 Incl:

Draft of the Radio Law

C. W.

P & P DIV



C O P Y

C. A. Feissner  
26-6424

PPR/CAF/dk

Radio Legislation

CCS

Government Section

28 October 1949

1 1. Reference is made to three Check Sheets, from Government Section to CCS, one dated 21 October 1949 pertaining to the draft of the Broadcast Law, and two dated 24 October 1949, one of which refers to the draft of the Radio Law and the other to the draft of the Radio Regulatory Commission Establishment Law.

2. CCS recommends:

a. That these three drafts be considered in conjunction with each other, as they all form part of radio legislation and are inter-dependent.

b. CCS has no objections to the structures or form of organizations being proposed by the MOTC, and in general has no objection to the technical regulations being proposed. There are some details in the technical regulations about which there is some difference of opinion. However, it is believed these will be rectified during the execution of the laws and especially during the amendments and changes which are bound to come as the problem of radio regulations becomes better understood by the Japanese and as progress is made by the Radio Regulatory Commission with the advice and assistance of CCS.

c. Concerning the relationship between the Radio Regulatory Commission and the rest of the Japanese Government, CCS has some anxiety, but very definitely believes that the proposed legislation represents the best that can be expected at this time, in light of the many interests that have been involved and the compromises that have been necessary.

3. Being in a position to know the urgent need for radio legislation, CCS strongly recommends that any adjustments to be considered practicable with this legislation can be made expeditiously in order to allow prompt submission of the three drafts to the Diet.

3 Incls:

- 1 - C/N, Govt Sec dtd 21 Oct 49 w/Incl.
- 2 - C/N, Govt Sec dtd 24 Oct 49 w/Incl.
- 3 - C/N, Govt Sec dtd 24 Oct 49 w/Incl.

----- G.I.B. -----

Rec'd GS 11/1/49



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CFG/vs

Subject: Draft Legislation

Capt. Guida

26-6076

Note No. From: Govt Sec To: CISE Date: 24 October 1949

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by the Ministry of Telecommunications.
2. Your prompt comment is requested.

1 Incl:  
Draft of the Radio Law

C. W.



311.23 (24 Oct 49)CIE  
From: CIE

To: GS

Mr. Don Brown 26-5680  
29 October 1949

3. 1. Reference is made to the request for comment on the draft Radio Law proposed by the Telecommunications Ministry for introduction in the Diet.

2. The Civil Information and Education Section has no objections to the above draft law.

1 Incl  
n/c

D. R. H.

*Rec'd BS 10/31*



Bill

to be submitted for GS approval  
Legislative Affairs Section, FOM  
(TEL. 57-6010)

October 24, 1949

1. FOM Number: 35
2. Name of Bill: Radio Bill
3. Competent Ministry: Telecommunication Ministry
4. Date of Cabinet Approval: October 12, 1949
5. SCAP Section concerned:  
C.C.S Domestic Radio Div.  
Lt. Col. Johnson
6. Remarks: (Reference:)  
References are attached herewith  
.....  
.....  
.....  
.....  
.....
7. G.S Reviewers:

CSA: CCS  
GS/PA  
C/IE  
ESS  
LS/LVT

Received by GS  
Date 10/24/49



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CPG/vs

Subject: Draft Legislation

Capt. Guida  
26-6076

Note No. From: Govt Sec

To: LS/LAJ

Date: 21 October 1949

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Ministry of Telecommunications.

2. Your prompt comment is requested.

1 Incl:

Draft of the Broadcast Law

C. W.

P & P DIV

③



2. From: LS

To: GS

2635-479 - R. Neptune  
3 November 1949

1. There are no legal objections to the Broadcast Law draft bill, provided the Radio Regulatory Commission Establishment Law draft bill (Article 19) is amended to make the Commission therein provided for independent. Reference is made to LS Check Sheet, 29 October 1949. *(Copy attached)*  
subject: Broadcast Bill, etc.

2. It is suggested that the character of the Broadcasting Corporation as a public corporation should be clarified in the law. Furthermore, the status of the employees should be clearly defined. It should particularly be stated in the Law whether the Public Corporation Labor Relations Law shall apply.

1 Incl:  
w/d

----- A.C.C. -----



C O P Y

A.C. Oppler  
2635-582

Broadcast Law; Radio Law; and Radio Regulatory  
Commission Establishment Law

LS

GS

29 October 1949

1. 1. Legal Section has just received the three comprehensive bills for review and has not yet had sufficient time to examine their provisions thoroughly. On request of GS a preliminary criticism is, however, made on one major point, namely the position of the Radio Regulatory Commission.

2. As the arrangement proposed in the three draft bills is planned, the Radio Regulatory Commission is vested with strong powers to control and influence, directly or indirectly, the Broadcasting Corporation of Japan, as well as to grant licenses for the establishment of radio stations. The list of "responsibilities" in Article 3 of the Radio Regulatory Commission Establishment Law contains the all-conclusive phrase (Par. 6) that the Commission shall have responsibility for "matters related to the Broadcasting Corporation." Even if this provision is to be interpreted as referring only to those responsibilities specifically mentioned in the two other laws, the Corporation will be subject to tight control by the Commission not only with regard to technical matters but also as far as contracts, international broadcasting, research, budget, business operation and inventory are concerned (see Articles 32, Par. 4, 33, 34, 37, 38 and 40 of the Broadcast Law.) Furthermore, according to Article 18, Item 2 of the Radio Regulatory Commission Establishment Law the Commission shall make investigation and report, through the Prime Minister, to the Diet on "broadcast programs and measures for the improvement thereof." Even more important, the Radio Law entrusts the Commission with almost absolute power to determine on licensing of radio stations, radio equipment, qualification and examination of radio operators and other matters.

3. In the light of these far-reaching powers it is felt that the Commission should enjoy the greatest possible functional independence in order to enable it to perform its tasks with impartiality. The political significance of the position of the Commissioners is emphasized by the requirement that their appointment must be approved by both Houses of the Diet as well as by the device that not more than three members of the Commission may belong to the same political party. However, these safeguards will prove inadequate for two reasons. First, Article 5, Par. 2 of the Commission Establishment Law provides that the Chairman of the Commission must be a Minister. As a member of the Cabinet, this Chairman will necessarily be subject to continuous political influence. Second, and even more prejudicial to its independence, the Commission has no final determination since the Prime Minister, according to Article 19 of the same law, may change the decision of the Commission. An exception to this rule is made only in case of individual complaints which when rejected may be submitted to court action. However, in such cases the court will, according to Article 99 of the Radio Law, be bound on the Commission's findings of facts. Thus the Prime Minister may make the final determination on the granting of a license, when a choice must be made between several applicants. It should be noted that no specific



Broadcast Law; Radio Law; and Radio Regulatory  
Commission Establishment Law (Cont'd)

29 Oct. 1949

1  
(Cont'd)

standards for such choice are provided for in the law.

4. The political implications of such arrangement are obvious. While it may be argued that the interrelationship between the agencies concerned is primarily a question of policy only, LS wishes to express its apprehension that the constitutionally guaranteed freedom of expression, which is explicitly mentioned in Article 1 of the Broadcast Law as the purpose of this legislation will be impaired. Broadcasting has developed to the most important medium of communication, information and education. Any possible safeguards should be provided to restrict governmental control and political influence to that minimum absolutely required by considerations of public welfare.

5. Legal Section suggests to make the Radio Regulatory Commission functionally independent in a similar manner, as provided for by the Police Law with regard to the Public Safety Commissions.

6. A more elaborate comment on the three bills will be made subsequently.

----- A.C.C. -----



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CFG/vs

Subject: Draft Legislation

Capt. Guida  
26-6076

Note No. From: Govt Sec To: ESS Date: 21 October 1949

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by the Ministry of Telecommunications.
2. Your prompt comment is requested.

1 Incl:  
Draft of the Broadcast Law

C. W.

From: ESS To: CIE WEM/ECW/CHS/1d  
Date: 24 October 1949

Forwarded to CIE for action. ESS has no interest in draft legislation, incl 1 above.

1 Incl  
n/c

W. F. M.

GOVT SEC



000.77 (31 Oct 49)CIE

From: CIE

To: GS

Mr. R.O. Walker 26-5682  
27 October 1949

3

1. Reference is made to paragraph 1, check note 1.
2. CIE will complete action on draft bill inclosed in a previous check note from GS, therefore, the inclosed draft bill is being returned without action.

1 Incl  
n/e

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D. R. N.



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CPG/vs

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.

From: Govt Sec

To: CI&E

Date: 24 October 1949

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Ministry of Telecommunications.

2. Your prompt comment is requested.

1 Incl:

The Broadcast Law

C. W.

P & P DIV



000.77 (24 Oct 49) CIE  
From: CIE

To: Govt. Sec.

Mr. D. Brown 26-5680  
31 October 1949

2.

1. Reference is made to the request in the basic communication for comment on the draft Broadcast Law proposed by the Telecommunications Ministry for introduction into the Diet.

2. The Civil Information and Education Section has no serious objection to the draft law but suggests the following modifications:

a. Article 14, paragraph 4, which requires approval of the Board of Governors for the "basic plan for compiling broadcast programs", is so vague and ambiguous that it might be improved to read something like: "Basic policies, standards and practices to be adhered to by employees of the Corporation in connection with the content of radio programs."

b. Article 32, paragraph 2, which fixes the radio listening fee, would seem to be inconvenient. As it is probable that the fee will have to be changed from time to time, it might be preferable to provide in this basic law that the fee to be charged will be submitted to the Diet each year for approval together with the budget of the Corporation as provided in Article 37.

1 Incl n/s

D. R. H.



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

CW/JN/JW/CFG/vs

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.

From: Govt Sec

To: CCS

Date: 21 October 1949

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Ministry of Telecommunications.

2. Your prompt comment is requested.

1 Incl:

Draft of the Broadcast Law

C. W.

P & P DIV



C. A. Feissner  
26-6424

PPR/CAF/dk

Radio Legislation

CCS

Government Section

28 October 1949

1 Reference is made to three Check Sheets, from Government Section to CCS, one dated 21 October 1949 pertaining to the draft of the Broadcast Law, and two dated 24 October 1949, one of which refers to the draft of the Radio Law and the other to the draft of the Radio Regulatory Commission Establishment Law.

2. CCS recommends:

a. That these three drafts be considered in conjunction with each other, as they all form part of radio legislation and are inter-dependent.

b. CCS has no objections to the structures or form of organizations being proposed by the MOTC, and in general has no objection to the technical regulations being proposed. There are some details in the technical regulations about which there is some difference of opinion. However, it is believed these will be rectified during the execution of the laws and especially during the amendments and changes which are bound to come as the problem of radio regulation becomes better understood by the Japanese and as progress is made by the Radio Regulatory Commission with the advice and assistance of CCS.

c. Concerning the relationship between the Radio Regulatory Commission and the rest of the Japanese Government, CCS has some anxiety, but very definitely believes that the proposed legislation represents the best that can be expected at this time, in light of the many interests that have been involved and the compromises that have been necessary.

3. Being in a position to know the urgent need for radio legislation, CCS strongly recommends that any adjustments to be considered practicable with this legislation can be made expeditiously in order to allow prompt submission of the three drafts to the Diet.

3 Incls:

- 1 - C/N, Govt Sec dtd 21 Oct 49 w/Incl.
- 2 - C/N, Govt Sec dtd 24 Oct 49 w/Incl.
- 3 - C/N, Govt Sec dtd 24 Oct 49 w/Incl.

----- G.I.B. -----

*Rec'd CS 11/1/49*  
*CS*



Bill

to be submitted for GS approval  
Legislative Affairs Section, FOM  
(TEL.57-6010)

October 21, 1949

- 1. FOM Number: 32
- 2. Name of Bill: Draft of the Broadcast Law.

- 3. Competent Ministry: Ministry of Telecommunications
- 4. Date of Cabinet Approval: October 12, 1949
- 5. SCAP Section concerned:

*Lt. Col. Johnson Domestic Radio Division  
C.C.S.*

6. Remarks: (Reference:)

To see the Official Gazette { Ministry of Postal Services Establishment Law  
Law No. 244. Official Gazette No. Extra. 45 (Dec. 15, 1948)  
Local Tax Law Law No. 110  
Official Gazette No. Extra. (1) (Jul. 8, 1948)  
The full texts of Postal Services Special Account Law  
(Law No. 109. May. 28, 1949) and The Registration Tax  
Law (Law No. 27 Mar. 28, 1896) are attached herewith.

- 7. G.S Reviewers:

CS 6: CCS  
LS/L+J  
ESS  
GS/CS

Received by GS  
Date 10/21/49



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CPG/vs

Subject: Draft Legislation

Capt. Guida  
26-6076

Note No. From: Govt Sec To: LS/LAJ Date: 22 October 1949

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by **the Ministry of Telecommunications.**
2. Your prompt comment is requested.

1 Incl:  
Law for Disposition of Police  
Telephone

C. W.

P & P DIV

(4)



Law for Disposition of Police Telephone

From: LS

To: GS

R.B. Appleton-Meiji-479

Date: 3 Nov 1949

2.

1. Subject bill provides for transfer of police telephone facilities in the possession of local public bodies to the State, for the purpose of improving police communications. Lines and facilities located within one building are excluded from the transfer. The facilities transferred to the State are to be used "as leased telephones for the police business".

2. Since the transferred telecommunication facilities would be owned by the State and maintained and controlled by the Ministry of Telecommunications, subject bill appears to be in possible conflict with Article 4, Item 1, and Articles 29, 31 and 32 of the Police Law (Law No. 196, Dec 17, 1947). These provisions place maintenance and control of police communication systems in the charge of the National and local Public Safety Commissions. However, a distinction might be admissible between technical maintenance and control of the telephone lines by the Ministry of Telecommunications from a purely engineering standpoint, while administrative maintenance and control of the police communication systems from an operating standpoint would remain with the Public Safety Commissions and police chiefs. Since the telephone switch boards will remain in the possession and control of the police, the actual routing of the communications will still be in their hands. Of course, the Ministry of Telecommunications could cut off or interrupt the power and thus disrupt police communications, a possibility which would not exist if the separate police telephone systems were maintained. However,



2.  
(Cont'd)

with the existing state of budget and finances in the local public entities, continuation of separate police telephone systems is asserted to be impracticable. The separate police systems they possessed in the past were never kept in efficient operating condition and there is no question that the proposed bill would improve the technical functioning of police telecommunications.

3. In order to minimize any possibility of arbitrary interference by the national government with local police communications, by cancellation of leases on telecommunication facilities or interruption of the power, LS suggests that Article 7 be revised. This article should legally guarantee to the NRP and the police force of every local public body a perpetual right to lease telecommunication facilities from the Ministry of Telecommunication under clearly defined and specified terms. The Ministry should be legally bound not to cancel the leases or interrupt the service without the approval of the National Public Safety Commission or the respective local Public Safety Commission in charge of the facilities. Such revision of Article 7 has been discussed with representatives of G-2, PSD, CCS, and GS, and all concur with the proposal in principle.

Incl: w/d

-----A.C.C.-----



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) **CW/JN/JW/CFG/vs**

Subject: Draft Legislation

Capt. Guida  
26-6076

Note No. From: Govt Sec To: **ESS** Date: **22 October 1949**

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by **the Ministry of Telecommunications.**
2. Your prompt comment is requested.

1 Incl:  
**Law for Disposition of Police Telephone**

C. W. *CS*

From: **ESS** To: **CCS** Date: **WFM/ECW/GHS/1d**  
**24 October 1949**

Forwarded to **CCS** for action. **ESS** has no interest in draft legislation, incl 1 above.

1 Incl  
n/c

----- W. P. H. -----

From: **CCS** To: **Govt Sec** Date: **C. A. Feissner/26-6424/dk**  
**25 October 1949**

See **C/N No. 2**, **CCS** to **Government Section**, subject as above, dated **24 October 1949**.

1 Incl  
n/c

----- G.I.B. -----



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CFG/vs

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.

From: Govt Sec

To: G-2/PSD

Date: 22 October 1949

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Ministry of Telecommunications.

2. Your prompt comment is requested.

1 Incl:  
Law for Disposition of Police  
Telephone

C. W.

P & P DIV



From: G-2

To: Govt Sec

CIS/PSD/RTB/HEP/sm

Date: 25 October 1949

2

G-2/PSD has no objection to the Law for Disposition of Police Telephone as drafted.

1 Incl  
w/d

-----C.A.W.-----



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CFG/vs

Subject: Draft Legislation

Capt. Guida  
26-6076

Note No. From: Govt Sec To: CCS Date: 22 October 1949

1.
  1. Immediate introduction of the attached draft bill in the Diet is proposed by the Ministry of Telecommunications.
  2. Your prompt comment is requested.

1 Incl:  
Law for Disposition of Police  
Telephone

C. W.

2. From: CCS To: Govt Sec Date: 24 October 1949  
C. A. Feissner - 26-6424

1. It is suggested that the following recommendations of CCS be communicated to the MOTC prior to the introduction of the attached draft bill in the Diet. These recommendations have been orally given to the MOTC which has indicated it will act favorably upon them, but suggested that they be submitted to them through Government Section since the draft bill had been forwarded to the Government Section prior to the receipt by the MOTC of CCS's recommendations.

- a. The first sentence in Article 2 be changed to read as follows:  
"The local public bodies shall transfer to the State such as are mentioned below among the police wire telecommunication facilities in their possession THAT ARE USABLE AND WHICH CAN BE AMALGAMATED INTO THE PUBLIC SYSTEM AS WELL AS, ETC."  
(Underscoring indicates additions)
- b. The interest rate in Article 5 be changed from 9.5 per cent per annum to 5 per cent, which is believed to be the interest on ordinary Government Bonds.
- c. In Article 7, the restriction on the use of facilities should be eliminated inasmuch as they are to become part of the national telecommunication system and as such will be subject to any use the MOTC will make of them in accordance with existing communication laws applicable to the entire system.



C. A. Feissner/26-6424

PPR/CAF/dk

Draft Legislation

CCS

Govt Sec

24 October 1949

2  
Cont'd)

d. In Article 8, the exemption for installation charges should be limited to circuits already existing in the subject facilities. Once facilities have been transferred by purchase they should be considered to have lost their identity, and therefore all published service charges should apply.

----- G.I.B. -----







**Disposition of Police Telephones**

**Ministry of Telecommunications**

The following recommendations are submitted;

the first sentence in Art. 2 be changed to read;

The local public bodies shall transfer to the State such as are mentioned below among the police wire telecommunication facilities in their possession that are usable and which can be amalgamated into the public system, at the time of enforcement of this Law, as well as -----.

The interest rate in Art. 5 be changed from 9.5 percent per annum to 5 per cent, which is believed to be the interest rate on ordinary Government Bonds.

Art. 7 should be amended to legally guarantee to the NRP and the police force of every local public body a perpetual right to lease telecommunication facilities from the Ministry of Telecommunications under clearly defined and specific terms. The Ministry should be legally bound not to cancel the leases or interrupt the services without the approval of the National Public Safety Commission or the respective local Public Safety Commission in charge of the facilities. The restriction on the use of facilities should be eliminated inasmuch as they are to become part of the national telecommunications system and as such will be subject to any use the MOTC will make of them in accordance with existing communication laws applicable to the entire system.

In Art. 8, the exemption for installation charges should be limited to circuits already existing in the subject facilities. Once facilities have been transferred by purchase they should be considered to have lost their identity, and therefore all published service charges should apply.



HOUSE OF COUNCILLORS

Thurs. Nov. 24, 1949.

Draft Amendment to the Bill for Disposition  
of Police Telephone

Proposed by KOBATA, Katsuma (D.)

CHIBA, Makoto (Ind.)

Bill for Disposition of Police Telephone shall be amended partially as follows:

In Articles 8 and 9, "telecommunication facilities" shall read "were telecommunication facilities."

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*Rec'd CS 11/25/49*  
*Grand CS (Amended)*