

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/CPG/vs**

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.

From: Govt Sec

To: **ISS**

Date: **16 April 1949**

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by **Prime Minister's Office.**

2. Your prompt comment is requested.

1 Incl:

**Prohibition of Private Monopolization
and Methods of Preserving Fair Trade**

C. W. _____

P & P DIV

Pr. off

Prohibition of private monopolization.
and methods of preserving Fair trade
4/16

2

From: ESS

To: GS

Ess
WFM/ECW/LMC/JM
L. N. Salwin - 28-6671
21 April 1949

1. ESS offers no objection to the attached legislation.

1 Incl
n/c

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

8

CIVIL SERVICE DIVISION
Government Section

April 22, 1949

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT : Bill to Amend a Part of the Law Relating to
Prohibition of Private Monopolization and
Methods of Preserving Fair Trade

No objection is made by the Civil Service Division to the
bill named above.

Blaine Hoover

BLAINE HOOVER
Chief, Civil Service Division

BH:GP:vr

8

DRAFT OF LAW

to be submitted for GS' approval
Coordination Section, CLCO (TEL. 57-60104
7845)

April 16, 1949

1. CLCO Number: 131

2. Name of Law: Bill to amend a part of the Law Relating to
of Private Monopolization and Methods of
Fair Trade.

Prohibition

3. Competent Ministry: ~~Primo~~ Ministry Office

4. Date of Cabinet Approval: 14/Apr.

5. SCAP Section concerned: Mr. E.C. Welsh Chief, ESS/AC

Mr. L.N. Salwin
Chief, Trade Laws Branch,
ESS/AC

6. Remarks: (reference:)

Law relating to Prohibition of Private Monopolization
.....
(Law No. 309 April 14, '47)

.....
Criminal Procedure Law (amendment) (Law No. 682
.....
July 10, '48)

7. G.S. Reviewers:

Rec'd GS 4/16/49

8. Date of G.S. Approval:

CSX: ESS

9. G.S. Member Responsible:

*LS
GS/CS*

THE JAPANESE GOVERNMENT
THE FAIR TRADE COMMISSION

FTC No. 163

26th April 1949

MEMORANDUM FOR: Mr. E. L. WELSH,
Chief, Anti-trust and Cartels Division,
ESS, GHQ, SCAP

Mr. L. N. SALWIN,
Chief, Trade Laws Branch,
ESS/AC, GHQ, SCAP

SUBJECT: Revised Amendments to the Anti-monopoly Law

In accordance with your suggestion, this Commission has prepared the attached revised amendments to the bill to amend a part of the Anti-monopoly Law (Law No. 54 of 1947). As the said bill has been already been approved by Government Section, GHQ, SCAP for submission to the present session of the Diet, your good offices to allow the attached revised amendments to be inserted in the bill ^{is} hereby requested.

K. Nakayama
NAKAYAMA Kikumatsu,
Chairman,
The Fair Trade Commission

REVISED AMENDMENTS TO THE BILL
TO AMEND A PART OF THE ANTI-MONOPOLY LAW

No objection to proposed amendments indicated below. 26th April 1949

ARTICLE 10 Paragraph 3 of this Article as in the Bill shall be amend as follows:

E. C. Walsh, Chief Est. 26 Apr 49

With regard to application of the provisions of the preceding paragraph it shall not be construed that a company whose business is other than financial (including a foreign company and hereinafter to be referred to in this paragraph as the parent company) is in competition with its subsidiary company (the same construction shall be made with regard to application of the provisions of Article 13 and Paragraph 2 and Paragraph 3 of Article 14). The term "subsidiary company" as used in this case shall mean a domestic company which comes under each of the following items:

1. a company which stands, with regard to the principal part of its business activities, in close and continuous relation with and is subsidiary to the parent company with respect to the supply of raw materials, semi-finished products, accessory parts, by-products, waste material or goods or other economic benefits (excluding funds) necessary for its business activities or with respect to the utilization of patent invention or model utility;
2. a company a substantial portion of whose issued stocks are owned or are to be owned by the parent company;
3. a company which is not engaged in actual competition in Japan with the parent company at the time of or immediately prior to acquisition of stocks by said parent company.

ARTICLE 11 Item 2 of Paragraph 3 shall be amended by deleting the term "acquisition or".

ARTICLE 17-2 This Article shall be amended by deleting "Paragraph 5" in reference to Article 11, by inserting "Paragraph 3" in reference to Article 15 and by deleting "to file an application for approval".

To be worked out in Committee: Not the resp of G.S. Let's discuss 26 April 49

ARTICLE 48 This Article shall be amended by deleting
"Paragraph 5" in reference to Article 11 and by inserting
"Paragraph 1 or Paragraph 3" in reference to Article 15.

ARTICLE 48⁵⁴ Same amendment as for Article 48

ARTICLE 65 This Article shall be amended by inserting "or the
proyise of Article 16" after the term" (~~---~~applied
mutatis mutandis' in Article 16)".

ARTICLE 76 This Article shall be amended in whole to read
as follows:

The Fair Trade Commission may, with respect to
its internal rules, to its procedure for handling cases
and to filing of reports, to filing applications for
approval or to other necessary procedure, establish
seperate rules and regulations.

BILL TO AMEND A PART OF THE LAW RELATING
TO PROHIBITION OF PRIVATE MONOPOLIZATION
AND METHODS OF PRESERVING FAIR TRADE.

The Fair Trade Commission
The Japanese Government.

To be submitted to the 5th Diet.

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/JE/CFC/vs

Subject: Draft Legislation

Capt. Galda
26-6076

Note No. From: Govt Sec To: **ESS** Date: **11 April 1949**

1.
 1. Immediate introduction of the attached draft bill in the Diet is proposed by **Prime Minister's Office.**
 2. Your prompt comment is requested.

1 Incl:

**Disposition of Police Property
and Others Owned by To, Do or
Prefecture, with Enforcement
of Police Law**

C. W.

P & P DIV.

From off

4/11

010(12 Apr 49)ESS/FIE

From: ESS

To: GS

[Signature]
WFM/WED/EAR/STB/mm
Mr. Baron, 57-8806
Date: 19 April 1949

2.

No objection is made to introduction in the Diet of the proposed Disposition of Police Property and Others Owned by Ig. Bg or Prefecture, with Enforcement of Police Law.

1 Incl
n/c

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

Rec'd GS 4/23/49
[Signature]

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

26-6076

Note No. From: Govt Sec To: **LS** Date: **11 April 1949**

1.
 1. Immediate introduction of the attached draft bill in the Diet is proposed by **Prime Minister's Office.**
 2. Your prompt comment is requested.

1 Incl:
**Disposition of Police Property
and Others Owned by To, Do, or
Prefecture, with Enforcement
of Police Law**

C. W.

P & P DIV.

4/11

*Disposition of Public Property etc
P.M. off*

From: LS

To: CS

R.B. APPLETON-2635-582
Date: 20 April 1949

2. 1. Objection is made to Article 4 of subject bill, which provides that possible disputes concerning the application of this law shall be decided by the Prime Minister. Under Article 3 of the Court Organisation Law courts shall, except as expressly provided in the Constitution, decide all legal disputes. Of course paragraph 2 of the same Article permits "preliminary determinations by executive agencies". However, it is not clear that the decision of the Prime Minister provided for by Art. 4 of subject bill is intended to be merely a preliminary determination.

Incl: n/c

-----C.R.L.-----

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) **GR/JH/JW/CPG/vs**

Subject: Draft Legislation

Capt. Guida

26-6076

Note No. From: Govt Sec To: **G-2/PSD** Date: **11 April 1949**

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed **Prime Minister's Office.**
2. Your prompt comment is requested.

1 Incl:
**Disposition of Police Property
and Others Owned by To, Do or
Prefecture, with Enforcement
of Police Law**

C. W.

P & P DIV.

pm M

From: G-2

To: GS

CIS/PSD/HEP/sm
14 April 1949

2

Public Safety Division/G-2 concurs in the proposed draft of the law concerning the Disposition of Police Property and others owned by To, Do or Prefecture incident to enforcement of police law.

Withdrawn Incl 1.

C.A.W.

Rec'd GS 4/16/49
CL

GOVERNMENT SECTION
Buck Slip

11 Apr. 1949

From: PPD Div
No: _____ INITIAL DATE

- CHIEF.....
- BY OFF. *mr* *ll*.....
- Deputy Chief.....
- Maj Rizzo.....
- Chief Adm Div.....
- Statistics & Review Br.....
- Civil Service Div.....
- Parl & Pol Div.....
- Public Adm Div.....
- Public Aff Div.....
- File.....
- Chief Clerk.....
- Personnel Clerk.....

FOR:

- INFORMATION
- NECESSARY ACTION
- ACTION (Prepare Reply)
- APPROVAL
- SIGNATURE
- INITIAL
- COMMENT OR CONCUR.
- RETAIN
- RETURN
- FILE
- BURN

disposition of Police Property

PM
CS: G-2/PSD
ESS
LS
GS/PAD

DRAFT OF LAW

to be submitted for GS' approval
Coordination Section, CLCO (TEL. 57-6010)
7845)

Apr. 9, 1949

1. CLCO Number: 88
2. Name of Law: Bill concerning the Disposition of the Police Property and others owned by To, Do, or Prefecture, with the Enforcement of the Police Law.
3. Competent Ministry: ~~Police~~ Prime Minister's Office
4. Date of Cabinet Approval: 9/Apr.
5. SCAP Section concerned:
G-2 Public Safety Div. Mr. Eaton

6. Remarks: (Reference:)

The National Property Law (Law No. 73 June 30, 1948)

The Police Law (Law No. 196 Dec. 17 1947)

7. G.S. Reviewers:

GS-EX O

8. Date of G.S. Approval:

G2-PSD

9. G.S. Member Responsible:

ESIS

Recd ES - 4/9/49

LS

GS-PAD

(7)

CIVIL SERVICE DIVISION
Government Section

April 22, 1949

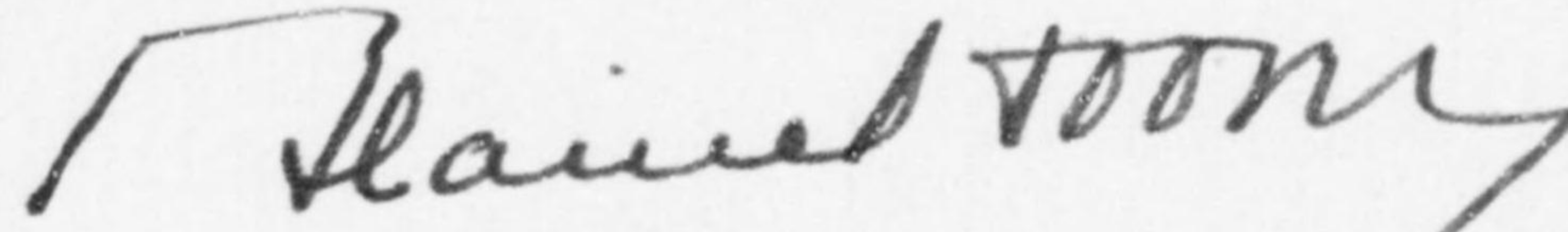
MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : The Local Autonomy Agency Establishment Law (draft)

1. It is strongly recommended that the above named bill be revised to reduce the power of final decision which it places in the hands of the Local Autonomy Agency, regardless of the opinions of the Local Autonomy Committee.

2. It is also recommended that Article 13 be revised as follows in order to make it consistent with the Law Concerning the Salary and Other Compensation of National Public Service Personnel in the Special Government Service (Law No. 268 of 1948):

"Article 13. The members of the Local Autonomy Committee may be paid allowances in accordance with law."



ELAINE HOOVER
Chief, Civil Service Division

BH:GP:vr

6

GOVERNMENT SECTION
Buck Slip

4-12-1949

From: Parl. & Political Div
No: INITIAL DATE

CHIEF.....
 DEPUTY CHIEF.....
 Deputy Chief.....
 Maj Rizzo.....
 Chief Adm Div.....
 Statistics & Review Br.....
 Civil Service Div.....
 Parl & Pol Div.....
 Public Adm Div.....
 Public Aff Div.....
 File.....
 Chief Clerk.....
 Personnel Clerk.....

FOR:

INFORMATION
 NECESSARY ACTION
 ACTION (Prepare Reply)
 APPROVAL
 SIGNATURE
 INITIAL
 COMMENT OR CONCUR.
 RETURN
 RETURN
 FILE
 BURN

CS: ESS
LS
GS/PAD
GS/CSD

Local Autonomy Agency Estab.
Law

DRAFT OF LAW

to be submitted for GS' approval
Coordination Section, CLCO (TEL. 57-6010)
7845)

Apr. 11, 1949

1. CLCO Number: 96
 2. Name of Law: Local Autonomy Agency Establishment Law.
 3. Competent Ministry: Prime Minister's Office
 4. Date of Cabinet Approval: Apr. 9, '49
 5. SCAP Section concerned:
 6. Remarks: (Reference:)
National Government Organization Law (Law No. 120, July 10, '48)
Local Autonomy Law (Law No. 67, Apr. 17, '47)
Local Finance Law (Law No. 109, July 7, '48)
Local Tax Law (Law No. 110, July 7, '48)
Local Distribution Tax Law (Law No. 111, July 7, '48)
Civil Code (Law No. 89 of 29 year of Meiji)
Law for Establishment of Certificates with Prizes (Law No. 144, July 12, '48)
 7. G.S. Reviewers: 1896
 8. Date of G.S. Approval: ESS GS-EXO
 9. G.S. Member Responsible: GS-PAD
LS
GS-CSD
4/11/49 (6)
- Lead GS*

No. 45

Date: Apr. 9 1949

Title of ^{bill}
~~cabinet order~~

The Local Autonomy Agency Establishment Law (Draft)

This draft ^{bill}
~~cabinet order~~ has been approved by
the Administrative Management Agency.

Onogi Katsuhiko

Deputy Director ONOGI, Katsuhiko.

Administrative Management Agency

P. M. H.

HOUSE OF COUNCILLORS

Sat. May 21st, 1949.

Amendment to the Bill for Establishment
of the Local Autonomy Agency.

Proposed by SUZUKI, Naoto (Ryo.)

Part of the Law for Establishment of the Local Autonomy Agency shall be amended as follows:

In Article 4, Para. 2, "twelve (12) persons" shall be amended as "eight (8) persons"; in Item 6 of the same Para, "Federation of Chairmen of City Assemblies of the whole country and Federation of Chairmen of Town and Village Assemblies of the whole country" shall be added after "Federation"; Item 7 and Item 8 of the same Para. shall be deleted, and in Item 9, "four (4) persons" shall be amended as "two (2) persons", and the same Item shall read as Item 7.

In Para. 3 of the same article, "Item 9" shall be read as "Item 7".

In Article 10, Para. 2, "six (6) persons" shall be amended as "four (4) persons".

Corrected Copy

*Recd SS 5/22/49
Checked by Hange*

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T CW/JH/JH/RAH/US

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No. From: Govt Sec To: **LS** Date: **12 April 1949** **Major Morris**
26-6076

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by **Prime Minister's Office.**
2. Your prompt comment is requested.

1 Incl:
Local Autonomy Agency Establishment law

C. W.

P&P Div

PMO

Local Autonomy Agency Estab. Law

From: LS

To: GS

A. C. OPPLER-2635-582

Date: 25 April 1949

SW

2.

1. Legal Section understands that submission of subject bill to the Diet has already been approved in connection with the legislation concerning the reorganization of the National Government. Joint conferences of representatives of both Government and Legal Sections with Japanese officials have shown that the Local Autonomy Agency will combine the functions which, up to now, have been exercised separately by the Local Autonomy Section and the Local Finance Section in the Prime Minister's Office. Whether the continuation of these functions and increased emphasis upon them by the establishment of a unified independent agency under the Prime Minister is advisable appears to be primarily a matter of policy. However, in the light of Articles 92 and 94 of the Constitution of Japan, which establish the principle of Local Autonomy, Legal Section cannot help expressing a certain anxiety that the new National Agency, in spite of the wording of its mission in Article 3, might assume excessive control powers over the local entities and develop practices and attitudes for which the former Ministry of Home Affairs was criticised and finally abolished. To be sure, two out of six members of the Local Autonomy Committee are to be representatives of local government, but that Committee has only advisory functions. It is strongly suggested that the various powers of the National Government with regard to local administration be thoroughly reconsidered from the political, as well as financial, point of view. Such reconsideration might very well result in an essential revision of the Local

Draft Legislation (cont'd)

2
cont'd

Autonomy Law. Changes will also be mandatory pursuant to the projects of the Shoup Mission, which will have the task of revising the system of local finance and its relationship to national finance. Such basic revisions will necessarily affect the character and powers of the Local Autonomy Agency.

2. The following legal objections are made to the subject in its present form:

a. In Article 6 the powers of the Local Autonomy Agency are listed and item 13 contains a catalogue (items a through g) of matters in which this Agency is to assist the Prime Minister in exercising his powers in connection with local entities. Only some of the items in this catalogue refer to the legal basis for the power of the Prime Minister, as provided for in the Local Autonomy Law and Local Tax Law.

The omission of such reference in items (b), (c), (f), (g), (p), (q), (r), (s), and (t) make the powers of the Prime Minister appear much broader than they actually are on the basis of the two laws. Furthermore, item h, "To grant the establishment of a juristic person in accordance with the provisions of Article 34, of the Civil Law" gives the impression that the Prime Minister has jurisdiction with regard to the establishment of all juristic persons regardless of their nature in accordance with the Civil Code. It is suggested that a reference be added in all of these items to the laws on which the powers of the Prime Minister are based and that item h be clarified by a restrictive clause.

b. Article 13 leaves the determination of allowances for the member of the Local Autonomy Committee to the Prime Minister on mutual agreement with the Minister of Finance. Standards or maximum limits of such allowances should be provided in the law for the guidance of the two Ministers.

c. Article 15 provides that with respect to appointment, dismissal, promotion, disciplinary punishment, and other matters concerning personnel administration of the Local Autonomy Agency, the provisions of National Public Service Law shall apply. It is suggested that the members of the Local Autonomy Committee be explicitly exempted from this classification.

d. There are no provisions for the removal of the members of the Local Autonomy Commission.

Incl:
a/e

----- C.R.L. -----

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T **CH/JH/JW/RAH/vlg**

(Do not remove from attached sheet)

Subject: Draft Legislation

Major Harris

26-6076

Note No. From: Govt Sec To: **ESS** Date: **12 April 1949**

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by **Prime Minister's Office.**

2. Your prompt comment is requested.

1 Incl:

Local Autonomy Agency Establishment Law

C. W.

P&P Div

PMO

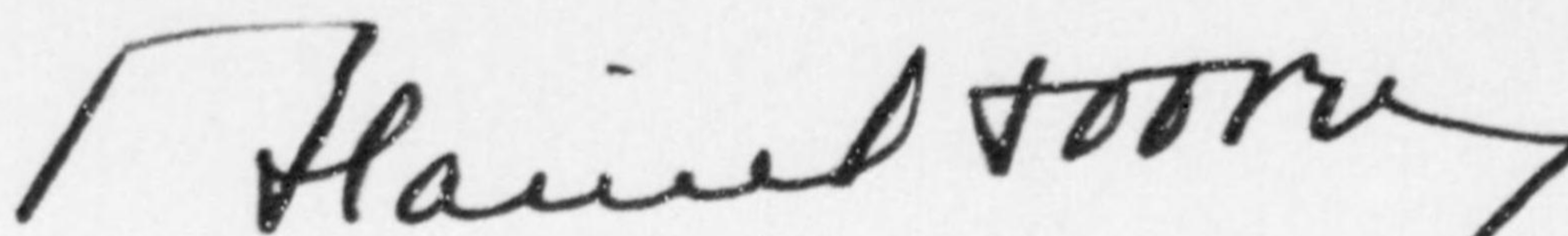
CIVIL SERVICE DIVISION
Government Section

April 21, 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Law relative to Establishment of the National Public
Opinion Research Institute

No objection is made by the Civil Service Division to the bill
named above.



BLAINE HOOVER
Chief, Civil Service Division

BH:GP:rj

Recd GS 4/21/49

(5)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T CW/JN/JW/RAH/vs

(Do not remove from attached sheet)

Subject: Draft Legislation

Nota No.	From: Govt Sec	To: ESS	Date: 7 April 1949	Maj. Harris 26-6076
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Prime Minister's Office.			
	2. Your prompt comment is requested.			
	1 Incl: Establishment of National Public Opinion Research Institute Bill			
			C. W.	
			M. Levine 26-7420 WFM/KDM/CFK/ML/at	
2.	From: ESS	To: Govt Sec	Date: 15 April 1949	
	ESS objects to the attached draft bill establishing National Institute of Public Opinion Research for the following reasons:			
	1) At a time when, due to severe budgetary limitations, essential statistical services are being curtailed, it is not opportune to establish and appropriate funds for a new governmental statistical service.			
	2) There is considerable controversy as to whether public opinion research constitutes a proper governmental activity. In most countries, this type of activity is carried on by private enterprise.			
	1 Incl n/c			
			W. F. M.	(5)
	Rec GS 4/19/49			

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T CW/JR/JR/RAE/vs

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec	To: LS	Date: 7 April 1949
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Prime Minister's Office. 2. Your prompt comment is requested.		
1 Incl: Establishment of National Public Opinion Research Institute Bill			
			C. W.

Mr. Harris

26-6076

P&P Div

Subject: Establishment of National Public
Opinion Research Institute Bill.

P m J

From: IS

To: Govt Sec

A.C. Oppler; 2635-582
Date: 14 April 1949

2.

1. Subject bill has been discussed with Mr. Passin, CIOE, and agreement was reached that in its present form the draft is inadequate since no provision is made for the status and remuneration of a member of the Board, and since the independent and unpolitical character of the institution is not sufficiently secured. The bill also contains many features of ambiguity. Therefore, CIOE will have it re-written and then submit the revised draft to Government Section.

2. Comment by Legal Section will be withheld until the revised draft has been submitted.

1 Incl: n/c

C.R.I.

Paul GS 4/15/49

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T CW/JH/JW/RAH/vs

(Do not remove from attached sheet)

Subject: Draft Legislation

Maj. Harris
26-6076

Note No. From: Govt Sec To: CIE Date: 7 April 1949

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by **Prime Minister's Office.**
2. Your prompt comment is requested.

1 Incl:
Establishment of National Public Opinion
Research Institute Bill

C. W. 265614

From: CIE To: Govt Sec Mr. Peizel 26-6595
Date: 12 April 1949

2. 1. The attached draft bill was prepared in consultation with members of this Section. This Section offers no objection to the bill in its present form.
2. Attention is invited to the corrections of typographical errors made on the attached draft bill.

1 Incl
n/c

D. R. N. -----

Recd 63 4/14/49

GOVERNMENT SECTION
Buck Slip

47 1949

From	<i>Parl. & Political Div.</i>	
No:	INITIAL	DATE
<input checked="" type="checkbox"/>	CHIEF.....	
<input type="checkbox"/>	BY OFF.....	
<input type="checkbox"/>	Deputy Chief.....	
<input type="checkbox"/>	Maj Rizzo.....	
<input type="checkbox"/>	Chief Adm Div.....	
<input type="checkbox"/>	Statistics & Review Br.....	
<input type="checkbox"/>	Civil Service Div.....	
<input type="checkbox"/>	Parl & Pol Div.....	
<input type="checkbox"/>	Public Adm Div.....	
<input type="checkbox"/>	Public Aff Div.....	
<input type="checkbox"/>	File.....	
<input type="checkbox"/>	Chief Clerk.....	
<input type="checkbox"/>	Personnel Clerk.....	

FOR:

- INFORMATION
- NECESSARY ACTION
- ACTION (Prepare Reply)
- APPROVAL
- SIGNATURE
- INITIAL
- COMMENT OR CONCUR.
- RETAIN
- RETURN
- FILE
- BURN

*National Public Opinion
Institute*

CO: LS

CIE

ESS

GS/CSO

PM

A

No. 35

Date: Apr 4. 1949

PM *[Signature]*

bill
Title of ~~cabinet order~~

National Public Opinion Research Institute

bill
This draft ~~cabinet order~~ has been approved by
the Administrative Management Agency.

Onogi Katsuhiko
Deputy Director ONCCI, Katsuhiko.
Administrative Management Agency.
5

Bill

~~CLCO No. 62~~

To be reported for GS' information
Coordination Section, 2nd Div., C.L.C.O.

_____, 1949

1. ~~CLCO No. 62~~

Name of Bill: Bill concerning Special Exception
to the Local Distribution Tax Law.

2. Competent Ministry: Prime Minister's Office

3. Date of Cabinet Approval: 5/Apr.

4. SCAP Section concerned: Public Finance, E.S.S.

Mr. Reed, Mr. Baron

5. Remarks: This Bill is Second Bill of CLCO No. 62

~~Initial Bill~~ submitted to G.S.

Rec'd GS 4/5/49

6. CLCO Member Responsible: _____

7. Received by: _____

This bill approved by
Baron ESS/F, (Phone)
Hange GS - Verbal 4/5/49
Rett

Bill concerning Special Exception
to the Local Distribution Tax Law

In Article 2 of the Local Distribution Tax Law (Law No. 111, 1948), 33.14% shall read 16.29% as for the fiscal year 1949-50 only.

Supplementary Provisions

This Law shall come into force as from the day of its promulgation and shall be applied for the local distribution tax of 1949-50 fiscal year.

CIVIL SERVICE DIVISION
Government Section

May 5, 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Amendment to a part of the Statistics Law (Draft)

1. Objection is made to proposed Article 6-4 for its inconsistency with Article 55 of the National Public Service Law. The following modifications are recommended in order to meet such objection:

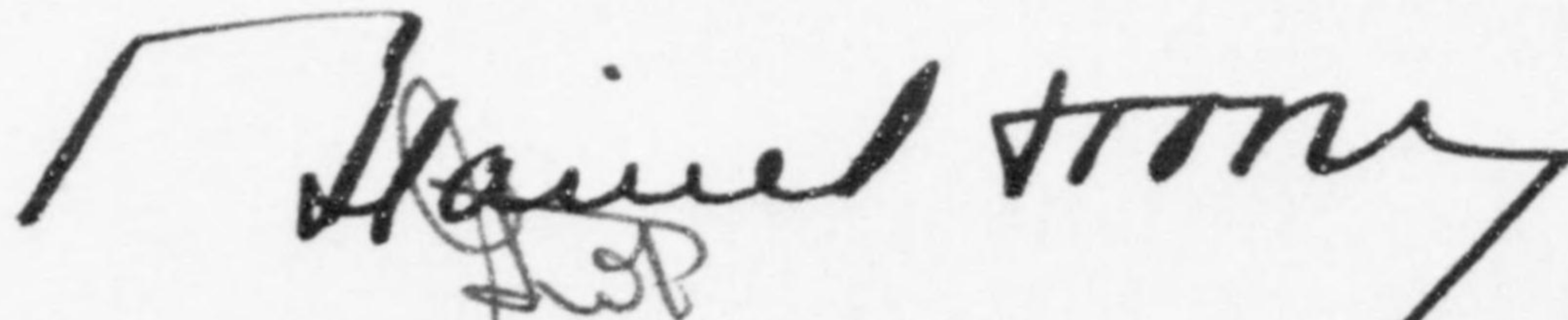
(a) Revise the first sentence of paragraph 2 to read as follows:

"The members shall be appointed by the Prime Minister from among the persons of knowledge and experience on statistics."

(b) Revise paragraph 4 to read as follows:

"The chairman shall be appointed from among the members by the Prime Minister with the approval of the House of Representatives."

2. Objection is made to paragraph 5 of Article 10 because of its intrusion into the responsibilities of the National Personnel Authority for the establishment of prerequisites for employment of National Government Personnel. It is recommended that all references to such standards be deleted and that either the local public bodies be required to observe the same requirements in the appointment of Statistical Directors as are established by the National Personnel Authority for Statistical Officers or the minimum qualifications be set forth in subject bill in a form applicable only to local public bodies.



ELAINE HOOVER
Chief, Civil Service Division

BH:GP:vr

3

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/JH/JW/PAH/vs**

Subject: Draft Legislation

			Maj. Harris 26-6076
Note No.	From: Govt Sec	To: ESS	Date: 4 April 1949
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Prime Minister's Office.		
	2. Your prompt comment is requested.		
	1 Incl: Amendment to a Part of the Statistics Law.		
			C. W.

P & P DIV.

R. M. O'R

010(4 Apr 49)ESS/FIN

From: ESS

To: GS

[Signature]
WFM/ML/EAR/STB/mr
Mr. Baron, 57-5806
Date: 11 April 1949

2.

There is no objection to introduction in the Diet of the proposed Amendment of a Part of the Statistics Law.

1 Incl
a/c

[Signature]
W.F.M./m

Rec'd GS 4/14/49
[Signature]

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/PAH/vs

Subject: Draft Legislation

Note No.

From: Govt Sec

To: LS

Date: 4 April 1949

~~28-6076~~

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by Prime Minister's Office.

2. Your prompt comment is requested.

1 Incl:

Amendment to a Part of the
Statistics Law.

C. W.

P & P DIV.

From: LS

To: GS

Capt. F.C. Novotny-2635-269
Date: 8 April 1949

2.

1. Article 17 of proposed law is objected to. The local Finance Law (Law 109, 1948) fully covers the matter of expenses to be borne by the National or Local Governments as well as the apportionment thereof. Articles 11 to 14 inclusive of that law are particularly in point.

2. This Section has no other legal objections to introduction of this subject bill in the Diet.

Incl: n/s

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

*Mr. Melick CECO
notified 4/10/49*

*Director made out
redraft submitted 4/20*

Rec'd

GS

4/11/49

GOVERNMENT SECTION
Buck Slip

4 Apr 1949

From:	P & P DIV.	
No:	INITIAL	DATE
<input checked="" type="checkbox"/> CHIEF.....	<i>PA</i>	<i>5</i>
<input checked="" type="checkbox"/> EX OFF.....		
<input type="checkbox"/> Deputy Chief.....		
<input type="checkbox"/> Maj Rizzo.....		
<input type="checkbox"/> Chief Adm Div.....		
<input type="checkbox"/> Statistics & Review Br		
<input type="checkbox"/> Civil Service Div.....		
<input type="checkbox"/> Parl & Pol Div.....		
<input type="checkbox"/> Public Adm Div.....		
<input type="checkbox"/> Public Aff Div.....		
<input type="checkbox"/> File.....		
<input type="checkbox"/> Chief Clerk.....		
<input type="checkbox"/> Personnel Clerk.....		

FOR:

- INFORMATION
- NECESSARY ACTION
- ACTION (Prepare Reply)
- APPROVAL
- SIGNATURE
- INITIAL
- COMMENT OR CONCUR.
- RETAIN
- RETURN
- FILE

CS: IS
ESS

Bill

to be submitted for GS' approval
Coordination Section, CLCO (TEL. 57-6010)
57-7411)
57-7845)

Apr. 4, 1949

1. GLCO Number: 51
2. Name of Law: Bill for Amendment to a Part of the Statistics Law.
3. Competent Ministry: Prime Minister's Office
4. Date of Cabinet Approval: 1/Apr.
5. SCAP Section concerned: Research and Program Division,
E.S.S.
6. Remarks: (Reference:)
Statistics Law (Law No. 18, of 1947)
.....
.....
.....
.....
.....
7. G.S. Reviewers: *Rec'd GS 4/4/49*
8. Date of G.S. Approval: *GS-EX-0*
LS-ESS

No. 30

Date: Mar 29, 1949

Title of ~~cabinet order~~ bill

This draft ~~cabinet order~~ bill has been approved by
the Administrative Management Agency.

Onogi Katsuhiko
Deputy Director ONOGI, Katsuhiko.
Administrative Management Agency.

Approval is requested.

Case Bids

House of Representatives

May 12th, 1949.

Amendment Bill for Bill for Partial Amendment of
the Statistics Law.

(Standing Committee for Cabinet)

The Bill for Partial Amendment of the Statistics Law shall be amended as follows.

In paragraph 5, Article 10, "statistical officers and" and "administrative organs or" and "mentioned in Paragraph 1 of this article" shall be deleted, and Paragraph 5 shall be read Paragraph 6, and the following paragraph shall be added as Paragraph 5 after Paragraph 4.

"Statistical officers, in accordance with the provisions of the National Public Service Law, shall be appointed by the Chief of the Administrative Organs mentioned in Paragraph 1."

Paragraph 2 of the Supplementary Provisions shall be Paragraph 4, and the following two paragraphs shall be added after the Paragraph 1 of the supplementary Provisions.

"In case the Diet is out of session at the time of enforcement of the Law, the Prime Minister may appoint the first chairman of the Committee for Statistics without obtaining the approval of the House of Representatives, notwithstanding the provisions of Paragraph 4, Article 6 of the Statistics Law.

Recd GS 5/13/49

OK - Baron ESS

5/13/49

JS

In case the Prime Minister appointed the ^ffirst Chairman of the Committee in accordance with the provisions of the preceding paragraph, he shall obtain the approval of the House of Representatives on the said appointment in the ~~next~~ ^{first} session of the Diet. ^{after the appointment.} In case the ex post facto approval is not obtained, the Chairman shall lose the chairmanship.

P m off

HOUSE OF COUNCILLORS
Sat. 21 May, 1949.

Partial Amendment to the Bill
Partially Amending the Statistics Law

Proposed by SUZUKI, Naoto (G.B.)

The Bill Partially Amending the Statistics Law shall be amended as follows:

In Art. 6 - 4, par. 4 and Supplementary Provision, par. 2 as well as in par. 3, "the House of Representatives" shall be amended as "both Houses".

Reason of Amendment

Concerning the appointment of the Chairman of the Statistics Committee, the consent of both Houses shall be needed.

*Rec'd GS 5/24/49
Cleared by CS 5/24
Info copy to: ESS*

27

GOVERNMENT SECTION
Buck Slip

12 Sept 1949

FROM:	INITIAL	DATE
CHIEF.....		
<u>7</u> OFF.....	<i>OR</i>	<i>12</i>
Deputy Chief.....		
Maj Rizzo.....		
Chief Adm Div.....		
Statistics & Review Br		
Civil Service Div.....		
<u>2</u> Parl & Pol Div.....		
Public adm Div.....		
Public Aff Div.....		
<u>3</u> File.....		
Chief Clerk.....		
Personnel Clerk.....		

FOR:

- 1-2 INFORMATION
- NECESSARY ACTION
- ACTION (Prepare Reply)
- APPROVAL
- SIGNATURE
- INITIAL
- COMMENT OR CONCURRENCE
- RETAIN
- RETURN
- 3 FILE
- BURN

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/JPN/JW/CFG/mmr

Subject: Draft Legislation

Capt Guida

26-6076

Note No.

From: Govt Sec

To: ESS

Date: 24 Mar 49

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by Imperial Household Office.

2. Your prompt comment is requested.

1 Incl:

Partial Amendments to Enforcement Law of Imperial House Economy Law.

J. W.

010(24 Mar 49)ESS/FIN

J. W.
WFM/WKL/EMR/JRM/mm
Mr. Mossler, 57-8807
Date: 28 March 1949

From: ESS

To: GS

2.

1. There is no objection to the draft bill as proposed by the Imperial Household Office.

2. Funds have been provided in the 1949-50 budget to allow for the increase in the Emperor's Privy Purse to ¥ 28,000,000 and the increase in subsidies to the Imperial Princes to ¥ 650,000.

1 Incl

n/c

W.F.M.

Rec'd GS 4/12/49
CS

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/JFH/JW/CFO/MSR**

Subject: Draft Legislation

Capt Guida

26-6076

Note No. From: Govt Sec To: **LS** Date: **24 Mar 49**

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by **Imperial Household Office.**

2. Your prompt comment is requested.

1 Incl:
Partial Amendments to Enforcement Law of Imperial House Economy Law.

C. W.

P & PD

12

*Amendment to Enforcement Law of
Imperial House Economy Law*

From: LS

To: GS

Mr. R.B. Appleton - 2635-582
Date: 28 March 1949

2.
 1. No legal objection is made to introduction of the subject bill into the Diet.
 2. No opinion is expressed on the necessity and political advisability of the bill which would increase the Inner Court appropriation and the Imperial Family appropriation effective as of April 1, 1949.

Incl: n/c

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

*Rec'd GS 3/30/49
AB*

GOVERNMENT SECTION
Buck Slip

24 Mar. 1948

From:		
No:	INITIAL	DATE
CHIEF.....		
<u>1</u> EX OFF.....	<i>JK</i>	24
Deputy Chief.....	<i>JK</i>	24
<u>2</u> Maj Rizzo.....		
Chief Adm Div.....		
Statistics & Review Br.		
Civil Service Div.....		
<u>3</u> Parl & Pol Div.....		
Public Adm Div.....		
Public Aff Div.....		
File.....		
Chief Clerk.....		
Personnel Clerk.....		

FOR:

- 1 INFORMATION
- NECESSARY ACTION
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- APPROVAL
- SIGNATURE
- INITIAL
- 2 COMMENT OR CONCUR.
- RETAIN
- RETURN
- 3 FILE

Capt. Gunda

cc'd: ESS
LS

DRAFT OF LAW

to be submitted for GS' approval
Coordination Section, CLCO (TEL. 57-6010)
7845)

Mar. 24, '49

1. CLCO Number: 31
2. Name of Law: Bill concerning the Partial Amendments to the Enforcement Law of the Imperial House Economy Law.
3. Competent Ministry: Imperial Household Office
4. Date of Cabinet Approval: 24/Mar.
5. SCAP Section concerned: Mr. J.R. Mossler
Finance Div., ESS.

Remarks: (Reference:)

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.....
.....
.....
.....

7. G.S. Reviewers:

Recd GS 3/24/49
CSK: ESS
LS

8. Date of G.S. Approval:

9. G.S. Member Responsible: H. Kobayashi

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) **CR/JH/JW/RAE/vs**

Subject: Draft Legislation

~~Major Harris~~
28-6076

Note No. From: Govt Sec To: **ESS** Date: **12 April 1949**

1. 1. ~~Immediate~~ introduction of the attached draft bill in the Diet is proposed by **Prime Minister's Office.**

2. Your ~~prompt~~ comment is requested.

1 Incl:

Secondhand Business Control Law.

C. W.

P&P Div

PMO-

Secondhand Business Control Law

From: ESS

To: GS

WFM/FCW/WJR/SSW/eb
S. S. Moss 26-6642
26 April 1949

1. References are:

a. Check note No. 1 from Government Section to ESS dated 12 April 1949 requesting comment on the Second Hand Business Control Law.

b. Check note No. 2 from ESS to Government Section dated 21 December 1948 commenting on an earlier draft of the proposed Second Hand Dealer Control Law.

2. Reference 1b above indicated undesirable features of proposed legislation as follows:

a. Article 4 provides that the Public Safety Commission shall not issue a permit to any person who has been fined more than two times within the past three years for the violation of any law or ordinance, unless he has been recognized to have good character. This article further provides that where a person desires to enter into the second hand dealer business, and such applicant resides with relatives who

(1)

c/n 2 fr ESS to GS, dtd 26 Apr 49; subj: Draft Legislation

2
cont'd

have been convicted of a crime within the past three years, the applicant shall not be granted permission to carry on such business. The reference check note, paragraph 1b above, in December, 1948, noted that this article was undesirable on the following grounds: firstly, it deprives the person of civil rights to enter and remain in business without corresponding guilt of criminal conduct. Secondly, the standards to be used determining whether a person has good character are too vague and may permit an abuse of administrative authority.

b. Article 21 provides that in case there is a stolen or lost article which a second hand dealer has purchased, the victim or loser may make a request for recovery to him without compensation. Article 22 provides that where there is reason to suspect a second hand article to be stolen or lost, the chief of police may require the said dealer to keep the article in custody for a maximum of 30 days. As previously noted in reference check note, paragraph 1b above, this article is undesirable on the ground that they place in the same category both stolen and lost articles so far as the jurisdiction of the police is concerned. After the Public Safety Commission or the police have made a decision that the article is not stolen, the jurisdiction of the police should cease at that point. The matter of the recovery of a lost article is a civil matter and should be based upon a civil court action if necessary. Further, the entire matter of limiting the extension of this 30-day period is left to the discretion of the administrative authorities.

3. It is understood that G-2 Public Safety Division is to secure further amendment of the proposed legislation in the next session of the Diet to remove the undesirable features noted herein. In view of the urgency of passage of this legislation as indicated by G-2 Public Safety Division, no objection is raised to introduction of this bill to the Diet as an interim measure.

1 Incl
n/c

-----W. F. 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)

Subject: Draft Legislation
CW/JE/JH/MAH/vls

Note No.	From: Govt Sec	To: G-2/PSD	Date: 26-6076
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by XXXXXXXXX I	12 April 1949 revised Prime Minister's Office.	Major Harris
	2. Your prompt comment is requested.		
1 Incl:	XXXXXXXX		
	Secondhand Business Control Law	C. W.	

P&P Div

Secondhand Business Control Law

From: G-2

To: GS

CIS/PSD/HEP/RTB/sm
15 April 1949

2

Public Safety Division/G-2 concurs in the proposed third draft
of the Second-hand Business Control Law.

Incl 1 w/d

C.A.W.

Recd GS 4/18/49

①

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

CW/JR/JR/RAH/vs

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec	To: LS	Date: 12 April 1949
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Prime Minister's Office.		
	2. Your urgent comment is requested.		
	1 Incl: Secondhand Business Control Law.		
			C. W.

~~Major Harris~~
26-6076

P&P Div

Subject: Secondhand Business Control Law

P m off

4/12

From: IS

To: Govt Sec.

F.C. Novotny; 2635-269
Date: 15 April 1949

2. This Section has no legal objections to introduction of subject bill in the Diet.

1 Incl:
n/s

C.R.L.

Lead 65 4/16/49

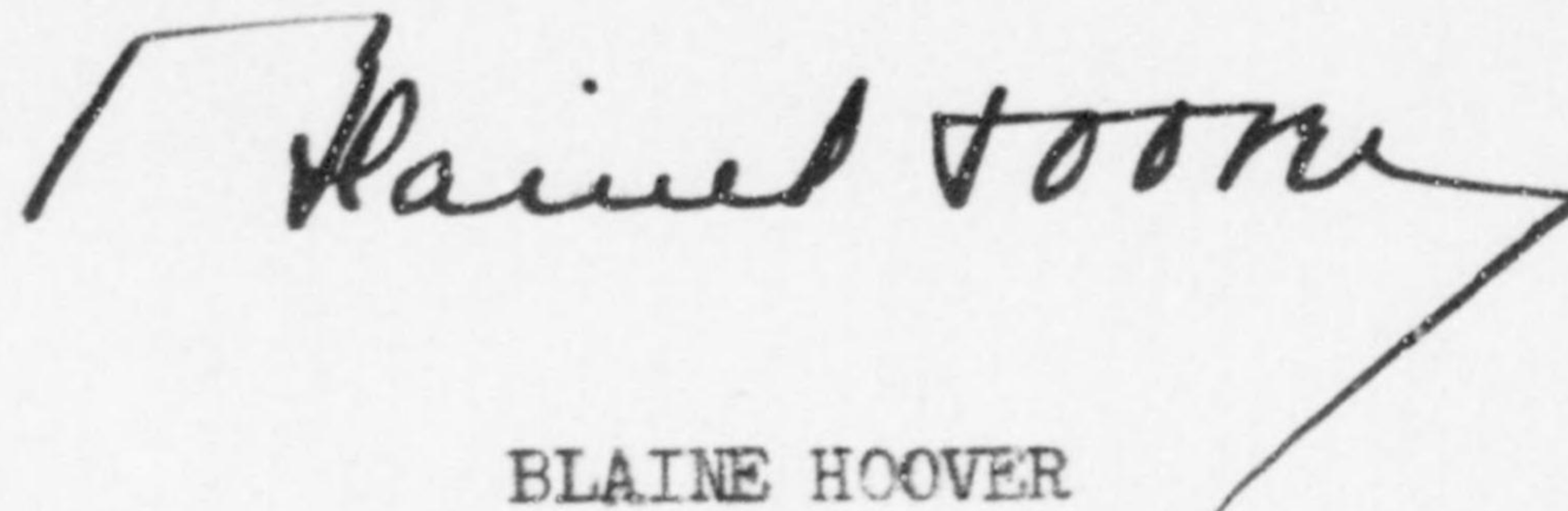
CIVIL SERVICE DIVISION
Government Section

13 April 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Bill for the Second-hand Business
Control Law

No objection is made by the Civil Service Division to
the bill named above.



BLAINE HOOVER
Chief, Civil Service Division

BH:GWP:mvb

Lead GS 4/14/49

GOVERNMENT SECTION
Buck Slip

4-12-1949

From Parliamentary Political
No: INITIAL DATE

<input checked="" type="checkbox"/>	CHIEF.....
<input checked="" type="checkbox"/>	EX OFF.....
<input type="checkbox"/>	Deputy Chief.....
<input type="checkbox"/>	Maj Rizzo.....
<input type="checkbox"/>	Chief Adm Div.....
<input type="checkbox"/>	Statistics & Review Br.....
<input type="checkbox"/>	Civil Service Div.....
<input type="checkbox"/>	Parl & Pol Div.....
<input type="checkbox"/>	Public Adm Div.....
<input type="checkbox"/>	Public Aff Div.....
<input type="checkbox"/>	File.....
<input type="checkbox"/>	Chief Clerk.....
<input type="checkbox"/>	Personnel Clerk.....

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- SIGNATURE
- INITIAL
- COMMENT OR CONCUR.
- RETAIN
- RETURN
- FILE
- BURN

CS: 9-2/PSD

Third Draft LS
 ESS

GS/CSO

PM

Standard Business Central Law