

ya Capt. Brown — member's bill asking approval.

HR

March 23

Bill for Bicycle Race Law (Revisional Draft.)

(Submitted by Mr. Daissaku Hayashi and 57 Other Members of the House.)

Article 1. By virtue of the present law, the Government shall be authorized to hold bicycle races in order to improve bicycles, increase their production and export, supply the internal demand therefor, and thereby accelerate the development of bicycle races and augment the revenues of the national and local finance.

The metropolis and prefectures, by obtaining the permission of the Competent Minister, in accordance with the provisions of Cabinet order, shall be authorized to hold such bicycle races as stated in the preceding paragraph.

Article 2. A bicycle race as stated in Para. 1 and Para. 2 of the Preceding Article, in accordance with the provisions of Cabinet order, shall be conducted by the Bicycle Development Association.

Article 3. A bicycle race stated in Para. 1 and Para 2 of the preceding Article shall be held on a race-course as specified in Art. 5. In cases, however, where the competent Minister deems it necessary to do so in order to attain the purpose specified in Art. 1, Para. 1, he may permit a long distance bicycle race to be held along the road.

Article 4. The number of race-courses where bicycle-races stated in Para. 1 and Para. 2 of Art. 1 are to be held shall be fixed within

H.R. Member Bill = rec'd G.S., 25 Mar 1922

cc: G.S. (Tilton, Hussey) ~~Adams~~
ESS/Finance / Public Fin (Baron)

26 Mar. Disapproved G.S. (Hussey) (4)

March 25

(1) Since this is a member bill, there should ^{be} no objection to its introduction.

(2) Aside from my personal opinion this bill is ridiculous - there are certain features in it which are contrary to accepted standards of bill drafting. Some sixteen references to "provisions of a Cabinet Order" or "permission of competent ministers." The penal provisions provide heavy penalties for violation of those orders and instructions, yet to be defined. Further, the Physical Assn is not clearly defined except as a juridical body. How & who is one to become a member or officer? My thought is that this bill presents an opportunity to put the bill drafting committee of the Diet to work on this - to have them correct the errors in this draft to meet standards.

DPC

Low

CW/sr

Bill for Bicycle Race Law

Government Section

ESS

13 April 1948

- 1. 1. For your comment.

1 Incl:
 Bill for Bicycle Race Law

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

GS FILES

Ch

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4

Bicycle Race Law

From: ESS

To: GS

W.F.W.
WFW/ECW/MAR/CWE/nh
Date: 12 June 1948

2

1. Reference is made to C/N 1 and request therein for ESS comments.
2. ESS makes following comments re subject legislation:
 - a. It is considered that the law will not serve the avowed purpose of contributing to the improvement of Japanese bicycles for export. In general, the quality of export bicycles is dictated by the buying market alone.
 - b. The law is considered inappropriate and inadequate from the point of view of increasing revenues of national and local governments. The special exemption from the admission tax as provided in Article 6 would decrease the revenues of the government and, incidentally, open the way for special groups to apply for similar special exemptions from taxation. Appropriations of funds through Cabinet Order under Article 10 as proposed would infringe on the constitutional budgetary prerogatives of the Diet.
 - c. Structure and functions of the "Bicycle Development Association," too vaguely defined in Article 12 to 16 as to allow for any definite determination, are likely to entail monopolistic and control features, thus leading to the violations of the Antitrust law and of policies pertaining to legitimate functions of bona fide trade associations as enunciated in the proposed Trade Association Law.
 - d. The proposed legislation follows the undesirable pattern of delegating, without discernible standards in the law, authority to the government, to be implemented through administrative decisions or through issuance of Cabinet Orders, on almost all essential points, such as: the permission to hold races; racing and supervision by the association; approval of long distance races; increasing the number of race tracks; registration with the association of authorized tracks, competing cycles and approved types of bicycles; designation of visitors to be admitted without charge; repayment of holders of winning pool tickets, refunding surplus procedures of pool sales; 4% payment to the association; etc.

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BASIC: Check Note from Government Section to ESS, dtd 13 April 1948,
subject: Bill for Bicycle Race Law

3. ESS considers that the proposed legislation, as written, conflicts with occupation policy regarding unprescribed government authority over private industry. Likewise, the proposed legislation will not achieve its expressed intent.

4. ESS does not favor the passage of the subject legislation, as drafted.

1 Incl
n/c

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

CW/CLK/sr

Bicycle Race Law

1-2

Gov't Section

Chief of Staff

16 April 1948

- 1
1. Enclosed, Tab A, is a bill for a "Bicycle Race Law" proposed for introduction by fifty-eight members of the House of Representatives, to which is attached a memorandum entitled, "Desires on Consideration of this Bill," submitted by the sponsors thereof.
 2. This bill is submitted to this Headquarters in accordance with the approved plan of procedure for keeping the Supreme Commander informed of proposed legislation under the provisions of SCAPIN 191, Tab B.
 3. The Economic and Scientific Section by a memorandum dated 1 April 1948 (Tab C), objects to the introduction of this bill and has requested the Chief of the Parliamentary and Political Division of this Section to inform the officials of the House of Representatives not to permit the members of the House of Representatives who are sponsoring this bill to introduce it into the Diet.
 4. While the Government Section has no interest either in the form or substance of the proposed law, nor is it in position to advise on the merits or demerits of the exhibitions contemplated, or the regulation and control thereof, it does feel that to stop the introduction of this measure sponsored by fifty-eight members of the House of Representatives would be a wholly arbitrary suppression of legislative initiative. Once a measure of this kind is introduced it must still run the gamut of open committee hearings and stand the test of parliamentary debate and action in both chambers of the Diet. During this time SCAP, if it so desire, would have ample opportunity to advise the responsible Diet committee on any amendments which are believed to be in the interest of sounder draftsmanship and procedural perfection.
 5. The Supreme Commander made his policy patently clear at the time of the initial effort of the Japanese Diet to democratize the election law in February 1946, that efforts merely leading to perfection in legislation were to be avoided if they operated to transform a reasonable attempt by the Japanese themselves into legislation by force of Allied power. He pointed out that we should not expect here to impose the requirement of perfection upon the Japanese not even enjoyed in the United States or other Allied countries, and that once we insisted upon change we altered the character of the measure by clothing it with the stigma of Allied force.
 6. A tendency by SCAP sections unduly to interfere with member initiative if permitted to continue will threaten destruction of such gains as have already been made in the transition from a traditional puppet legislation subservient to the bureaucracy of the executive branch to one subservient to a SCAP bureaucracy. It will vitiate the freedom of thought and freedom of action so fundamental to vitality in the legislative process.

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Bicycle Race Law

Page -2-

1
(cont.)

7. I realize fully the need for constant observation and supervision over the governmental administration when Allied objectives are directly involved, but our course I fear increasingly is leading to government by Allied decree through the exercise of direct military controls. This in due time will impose upon the Supreme Commander complete responsibility for the details of the administration of Government over Japanese life and inevitably destroy the structure which so laboriously has been erected. Nor do I believe there is anything present in the situation confronting the Occupation which warrants so abrupt a shift in long established policy. For the very corrections which SCAP sections by fiat seek to make in measures introduced could better be left to the action of the Diet itself with any SCAP assistance it might require.

8. Recommend that in such matters as this the sponsors of the measure be left free to effect its introduction and that the Diet itself remain charged with the normal legislative function of scrutiny for imperfections and judgement as to its effect upon the public interest.

Incl:

Tabs A, B, C & D

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

(4) 14

Laws

2. From: D C/S, SCAP To: GS Date: 22 April 48

1. Returned in accordance with verbal conference with General Fox on 22 April.

2. With return of the correspondence to this office, it is requested that you submit definite proposals regarding the interpretation to be placed on SCAPIN 191 to accomplish what is recommended in Para 8, check note 1.

O DC/S, SCAP - Copy

----- G. V. K. -----

3 From: Govt. Section to: D C/S, SCAP Date: 14 May 1948
CW/CLK/rh

1. Reference is made to Note No. 2 from the Economic and Scientific Section (Tab E), dated 13 May 1948. (The memorandum referred to in para. 2 of said note is Tab C of the original note 1 dated 16 April 1948).

(4) 15

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET

(Do not remove from attached sheets)

Copy

File No.:

Subject: Bicycle Race Law

CW/CLK/rh

Note
No.

3
(cont)

From: Govt. Section

To: D C/S, SCAP

Date: 14 May 1948

2. There is no directive from the Supreme Commander to the Japanese Government concerning any of the items on which the Economic and Scientific Section has requested clarification, nor is the Government Section qualified to give advice on any such matters.

3. Accordingly, in view of this and for the reasons stated in note 1 dated 16 April 1948, it is recommended that the sponsors of the measure be left free to introduce it and that the Diet be permitted to exercise its normal legislative function of scrutiny for imperfections and judgment as to its effect upon the public interest.

4. The proposals requested by the Deputy Chief of Staff in note 2 above, dated 22 April 1948, to this Section, were made in checksheet and staff study dated 27 April recommending the publication of a Staff Memorandum on "Proceedings of the Diet."

5 Incls.

 Tabs A, B, C, D & E.

From: CofS

To: GS

C. W.

Date: 7 June 1948

4.

1. The attached Japanese bill providing for a bicycle race law will be returned to the Japanese Government for normal consideration by the Diet.

5 Incls.

 n/c

P. J. M.

DESIRES ON CONSIDERATION OF THIS BILL.

1. It is desired to be understood that this bill has the following two objectives:
 - a) One objective is to contribute to the improvement of Japanese bicycles and to the increase of production and export, and to the development of the bicycle industry in general.
For that purpose, a part of the revenue will have to be expended by the state in a regular manner.
 - b) Another objective is to contribute to the stabilization of the local economy.
2. It is desired to be understood that the Bicycle Business Development Association referred to in the bill comprises mainly the bicycle dealers, manufacturers and other parties concerned with the bicycle business.
3. It is especially desired that the Government will try to support this bill, so that the bicycle races be materialized.
4. Bicycle Business Development Association is just a provisional name. Its Combine is composed of delegates coming from each prefectural chapter of the Association, which please note.

BILL FOR BICYCLE RACE LAW (2nd Revisional Draft.)

(Submitted by Mr. Daisaku HAYASHI and 57 other members
of the House.)

Article 1: By virtue of this law, the ~~Tokyo~~ Metropolitan District, Hokkaido, and all prefectures in addition to the cities listed in the annex (hereinafter referred to as special cities) may sponsor bicycle races for the purpose of improving the homemade bicycles and of increasing their production, so that the exportation of same be bolstered and increasing local demand be filled satisfactorily, besides aiding the stabilization of the local economy by raising extraordinary revenues.

The parties as stated in the preceding paragraph (hereinafter referred to as bicycle races sponsors) in accordance with the provisions of Cabinet orders, may appoint the Bicycle Business Development Association to be organized in each of the metropolitan district, Hokkaido, and prefectures for handling the bicycle race routines.

Article 2: Bicycle races sponsors shall report to the competent minister in charge as prescribed by the cabinet order when they are going to sponsor bicycle races pursuant to this law.

Article 3: Bicycle races as stated in Article 1 shall be held in the bicycle race courses as specified in Article 4.

But long distance races may be held on public roads, subject to permission obtainable from the competent minister in charge.

Article 4: Numbers of race courses for holding the bicycle races as stated in Article 1 will be not more than two in each of the metropolitan district, Hokkaido and all prefectures, and be one in each of the special cities.

Article 5: Contestants (jockeys) and makes and types of bicycles to be used in the bicycle races ~~to~~ ~~the bicycle races~~ in the race courses as prescribed in Article 1 and 4 shall be registered at the Bicycle Business Development Associations Combine, pursuant to the provisions of the Cabinet order.

Article 6: Admission fees shall be collected from all spectators of bicycle races held in the regular

courses. But those specially designated by the respective governors of the metropolitan district, Hokkaido or prefectures, or by mayors of the special cities may be exempted from collection of the admission fees.

Article 7: Bicycle races sponsors may sell betting coupons for winners not exceeding twenty yen per unit at their face values.

Article 8: Betting coupons shall not be sold to the staff officers of the Bicycle Business Development Associations, contestants (jockeys) or any other persons handling the affairs relating to the bicycle races.

Article 9: The bicycle races sponsors shall refund to holders of winning coupons, pursuant to the provisions of the Cabinet order, within the amount of the total proceeds of the same coupons.

In case none held the betting coupons for winners, the proceeds from sales of all the rest of coupons shall be refunded to the respective buyers, pursuant to the provisions of the cabinet order.

Claims for the refundment prescribed in the preceding two paragraphs shall be annulled automatically, if not made within one year.

Article 10: The bicycle races sponsors may put aside for their own revenues any portion not exceeding twenty-five percent of the proceeds from the sales of the betting coupons.

When the Bicycle Business Development Association is appointed to handle the race routines, the race sponsors shall pay out of their own pocket remuneration not exceeding three percent of the proceeds from the sales of the betting coupons.

One half of the balance of the amount in Para. 1, after deducting therefrom the amount in Para. 2 and expenses incurred, shall be expended for the improvement of bicycles and increase of production, thereby increasing the export and supplying the domestic demands.

The appropriation of such expenditure shall be decided by the cabinet order.

Article 11: The Bicycle Business Development Association shall be a juridical person, established in each of the metropolitan district, Hokkaido or prefectures, with the purposes of handling the bicycle race routines and of attending to any affairs for the development of the bicycle

business.

The Bicycle Business Development Associations in all the metropolitan district, Hokkaido and prefectures, may organize a Combine of the same Associations for the purpose of inspecting and handling the registration of the race courses, contestants (jockeys), makes and types of bicycles used, and of controlling the effect of races actually taken place, pursuant to the provisions of the cabinet orders.

Article 12: Establishment of the Bicycle Business Development Association and its Combine requires mapping out of their business regulations for approval by the competent minister in charge, pursuant to the provisions of the cabinet orders.

Article 13: Any parties falling under any of the following clauses shall be liable to penal servitude for not longer than three years or to fine not exceeding a sum of fifty thousand yen, or to both punishments meted out together.

1. Any party who violates the provisions of Article 7 in the sales or in any similar actions of the betting coupons.
2. Any party who bet professionally on this legally prescribed bicycle races with money

or properties with many people.

3. Any party included in Article 8, who plays with the offender of the preceding clause in the actions stipulated therein.

Article 14: Any persons falling under any of the following clauses shall be liable to a fine not exceeding a sum of twenty thousand yen.

1. Any party who sell betting coupons to the parties identified as those specified in the Article 8.
2. Any of those specified in the Article 8 who bought to obtained by transfer a betting coupon or coupons.
3. Any parties who took part in any actions as specified in Article 13, Clauses 1 and 2.

Article 15: Any officers of the Bicycle Business Development Associations or any personnel handling the bicycle race routiness pursuant to this law, who received, demanded or consented bribe, with respect to their duties, shall be liable to penal servitude for not longer than three years. Or those acting dishonestly or fails to fulfil their duties are liable to the penal servitude not longer than five years.

Bribes received in the cases as specified in the preceding paragraph shall be confiscated. If the confiscation of the full or a part of such bribes could not be effected, such amount shall be collected.

Article 16: Any parties who paid, offered or promised bribes to the parties prescribed in the first paragraph of the preceding article shall be liable to penal servitude not exceeding three years. In case any perpetrators of the offenses specified in the preceding paragraph surrendered to the Justice on their own initiative, the penalty to be imposed may be reduced or exempted.

Supplementary Provisions:

This law shall be put into force as from the date of its promulgation.

Annex List: Kyoto City
 Osaka City
 Yokohama City
 Kobe City
 Nagoya City

C O P Y

1 April 1948

MEMORANDUM.

SUBJECT: Bicycle Race Law

1. Summary of Law. The proposed bill authorizes local governments, with the approval of the Competent Minister, to hold bicycle races in various cities or prefectures. Purposes of the law include the raising of local and national revenue and the advancement of the quality standards, production, exports and general interests of the bicycle industry. Interested persons are allowed to organize a Bicycle Development Association under the general supervision of the Competent Minister. It will have its head office in Tokyo, and Branch offices throughout the country. The Competent Minister will fix the maximum number of race tracks for each locality. Authorized tracks, cyclists, and eligible types of race bicycles will be registered with the Association. After the metropolis or prefecture receives permission from the Competent Minister, the race will be run under the management of the local branch of the Association. Admission- and pool-tickets will be sold to the general public. After deduction of expenses, and payment of a sizeable percentage to the manager of the race, certain proceeds from pool-ticket sales will be distributed to the Association. One-half of the net proceeds will be "disbursed for the improvement, increase of the production and export of bicycles, for supplying internal demand for bicycles, and for various purposes indispensable for the speedy development of bicycle races." Disposition of receipts from the sale of admission tickets is not mentioned. No specific regulation is laid down governing repayment of bets.

The enabling provisions contemplate the establishment of a Bicycle Development Association with exclusive authority to manage bicycle racing. Described as a juridical person, its purposes include "the improvement, increase of the production and export of bicycles, and the promotion of various matters with respect to the development of bicycles." A number of criminal penalties are made applicable to such matters as Association or racing officials placing bets or purchasing pool-tickets; unauthorized distribution of wager-monies; intimidation of racing officials; irregular sale of pool-tickets; and professional gambling on bicycle racing results.

2. Main Issues. The following issues are involved: (a) right of free entry into the business of promoting bicycle racing exhibitions; (b) absence of administrative standards in regard to such matters as licensing riders, approving eligible types of race bicycles, and superintending the by-laws and business activities of the Association; (c) inconsistencies between intended functions of the Bicycle Development Association and the Trade Association Law; (d) absence of review procedure; and (e) general impreciseness of text; e.g., whether race tracks are to be owned by cities and prefectures, or the Association;

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BASIC: Memo, subj: Bicycle Race Law, dated 1 Apr 48

what persons are to be eligible for Association membership; how proceeds from the sale of admission tickets are to be disposed of; by whom, to whom, and the manner in which, net proceeds from pool-ticket sales are to be "disbursed for the improvement, increase of the production and export of bicycles ****"; whether the Association is to be profit or non-profit; and whether it is to engage in business activities other than bicycle racing in order to achieve "improvement, increase of production and export of bicycles * * *."

3. Discussion. a. Articles 12 to 16, inclusive, authorize the establishment of a Bicycle Development Association, as a juridical person, having as its general purpose quality improvement and increased production and export of bicycles. It may "conduct necessary undertakings," pursuant to by-laws and regulations approved by the Competent Minister. Blanket, exclusive authority is delegated for it to conduct bicycle races in cities and prefectures receiving permission from the Competent Minister. Comment: No provision is made that racing exhibitions shall constitute the only means by which the Association may realize its authorized purposes. "Necessary undertakings," including disbursement of the net proceeds of pool-ticket sales under Article 11, are left unrestricted. It is likely that some of them may run counter to activities prohibited by the Trade Association Law. The authority of the Competent Minister, under Articles 13, 14 and 16, to supervise Association by-laws and business activities, is unqualifiedly free of any suggestion that they are to conform to that Law. In fact, the very existence of the Association, composed primarily of bicycle manufacturers, is in some respects itself repugnant to the principles of Trade Association legislation. Article 5 of that Act forbids trade associations engaging in business, or owning and operating business facilities.

b. Bicycle races must be run on authorized race tracks registered with the Association (Article 3). The maximum number of race tracks in any city or prefecture is to be determined by the Competent Minister (Article 4). Authorized types of race bicycles, and persons eligible to participate as contestants, must be registered with the Association (Article 6). Comment: The right to engage in the business of promoting racing exhibitions is limited to the Association. Race drivers must be licensed and registered with the Association. The Minister's administrative discretion on a large number of matters, with respect to which Cabinet Orders are to be issued, is couched in the most general language without reference to any discernible standards. For example, Articles 1, 2, 3, 4, 5, 6, 7, 10, 11, 13, 14, 15 and 16 direct attention to the Competent Minister's authority, and to future Cabinet Orders, on: permission to hold races; racing supervision by the Association; approval of long-distance races; increasing the number of race tracks; registration with the Association of authorized tracks, competing cyclists, and approved types of bicycles; designation of "free-visitors"

BASIC: Memo, subj: Bicycle Race Law, dated 1 Apr 48

to be admitted without charge; repayment to holders of winning pool-tickets; refunding "surplus" proceeds of pool-ticket sales; payment of 4% of the regular proceeds of such sales to the Association; approval of Association by-laws and supervision of its business activities; and ordering it to observe necessary matters.

c. Article 5 requires race tracks to be registered with the Association. Comment: It is not clear whether such tracks are to be owned by the cities or prefectures, or the Association.

Article 6, without any definition of standards, requires cyclists and approved types of bicycles to be registered with the Association. Comment: This is an example of unlimited delegation of public functions to a private association of interested businessmen. If, as it is fair to presume, the Association will consist primarily of bicycle manufacturers, its authorized purposes and activities describe a grouping of entrepreneurs doing the very things that are prohibited by the Trade Association Law.

d. Incidental gaps in draftsmanship on a number of details make it impossible to formulate any recommendations. For example, "manager" of a bicycle race, without further identifying information, is referred to in Articles 7, 8, 10 and 11. Under Article 11, this functionary receives 30% of the proceeds of sale of pool-tickets, "for his own income." Article 8 authorizes the sale of pool-tickets having a face amount not exceeding ¥20. There is no regulation of betting odds or repayment of wagered funds, except the statement in Article 10 that winners shall not receive more than 100 times the amount of their bets. (It may be that these matters, along with other vital deficiencies, are to be repaired by Cabinet Order.) Article 9 prohibits the sale of pool-tickets to Association officials, race-drivers ("champions"), and "persons who are engaged in the business of bicycle race." It is not clear whether Association members are covered by the prohibition. It is difficult to understand refunding of certain pool-ticket sales proceeds referred to in Article 10. Under Article 11, 30% of the regular proceeds of such sales goes to the manager of the race, and 4% to the Association. One-half of the remaining proceeds, after deducting expenses, is to be "disbursed" for such general purposes as increased output of bicycles. No mention is made of the person or agency by whom or to whom, or the manner in which, such "disbursements" are to be made, nor any light thrown on the ultimate disposition of the other half of the proceeds. Article 17 prohibits Association officials from having anything to do with professional gamblers. Nothing is said as to whether such officials - putting aside the question of pool-tickets or dealings with professional gamblers - could place private bets. Article 7 authorizes the sale of admission tickets. Although provision is made for "free-visitors" to be designated by the Competent Minister

BASIC: Memo, subj: Bicycle Race Law, dated 1 Apr 48

or local Governor, nothing is vouchsafed as to disposition of proceeds of the sale of admission-tickets, as distinguished from pool-tickets.

4. Conclusions and Recommendations. a. Evidence should be furnished showing affirmative justification for restricting the business of promoting bicycle-racing exhibitions to the Associations. Assuming such justification, Association business activities, including disbursement of net operating proceeds, should be regulated to insure a fair degree of conformance with the Trade Association Law.

b. Statutory standards and review procedure should be enunciated governing the Competent Minister's discretion over essential legislative matters, instead of leaving them entirely to future Cabinet Orders. Such matters include membership in the Association, approved race courses, licensing cyclists, approved types of bicycles, repayment of winning pool-tickets, and disposition of surplus proceeds from pool-ticket sales. Essential public licensing and other functions should be retained in the hands of the Government instead of being delegated to the Association.

c. Inadequacies of draftsmanship should be eliminated. Race managers' compensation, disbursements out of net operating proceeds to advance the interests of the bicycle industry, repayment of bets, refund of "surplus" pool-ticket proceeds, disposition of income from the sale of admission tickets, and betting on the part of officials, should be clarified.

LESTER N. SALWIN
Chief, Trade Laws Branch

Matt Rose concurs in the foregoing memorandum and adds the following points: The intent of the Law is stated to be the raising of revenue for the Government. With two-thirds or more of the net proceeds of the betting going to the race manager and the Association, it is highly improbable that any substantial public revenue will be realized. No justification is apparent for the one-third take of the manager, and the other one-third or more share of the Association. Except for the central government providing the legal means by which taxes may be collected from bets placed, bicycle-racing contests should be left under the regular police power of the local governments.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

14 April 1948

P & P Div

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: Disapproval of Bicycle Race Bill by ESS

1. Mr. Daisaku HAYASHI and 57 other members of the House of Representatives have presented to Government Section for GHQ approval or disapproval a Bill for Bicycle Racing.

2. In a lengthy memorandum on the subject, Mr. Salwin, supported by his colleague, Mr. Rose, of Economic & Scientific Section, Antitrust and Cartels Division, has registered strong objections to the bill.

3. The question arises as to whether a bicycle racing law, good or bad, is an occupation objective, or is purely and simply a Japanese affair.

4. If the proposed bill is as bad as Mr. Salwin indicates, the House of Representatives Standing Committee on Local Affairs might refuse to report it out favorably, or might radically alter it before giving approval. And there would still be the House of Councillors to contend with. Perhaps one or both Houses would hold a public hearing on this measure and invite conflicting Japanese interests to testify. Regardless of the merits or demerits of the bill, how can the Diet ever establish itself as a real national legislature unless it is given free rein, even to make a serious mistake?

5. I think Government Section should take the position that the introduction and possible passage of this bill is a matter for the Houses of the Diet.

2 Incls.

1. Draft Bicycle Race Bill
2. Memorandum by Mr. Salwin
(comment by Mr. Rose)

JUSTIN WILLIAMS
Chief, Parliamentary & Political Div.

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Laws

CW/CLK/JW/RGB/mm

Bill for Bicycle Race Law

Government Section

Economic & Scientific Section

24 April 1948

1. Comment relative to attached draft Bill for Bicycle Race Law (Tab "A") is requested per conversation with Lt. Colonel Ryder this date.

CRS

1 Incl: Tab "A"

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

GS/FILE

2. From: ESS To: GS Date: 13 May 1948

1. There are numerous features of the attached draft of legislation for which this section requires clarification prior to indicating formal objection or non-objection. The substantive features involved are :

a. Indication of methods of regulation of association business activities to insure conformance with the Trade Association Law.

b. Emunciation of statutory standards and review procedures governing the Competent Ministers discretion over essential legislative matters.

c. Clarification of terms regarding such matters as race managers compensation, distribution of income from sale of admission tickets, betting on part of officials, etc.

2. Other detailed comments pertinent to the proposed bill are indicated in the attached memorandum. It is requested that the Government Section indicate an appropriate time for consultation between members of this section and the Government Section to discuss the subject legislation.

2 Incl
1 n/c
2 Bicycle Race Law

W.T.R.

(4)³¹
Tab E.

HOUSE OF COUNCILLORS

Sat. July 3rd, 1948

Amendments to the Fire Service Bill.

Article 3: "or the fire station chief" shall be deleted.

Articles 4, 5, 10, 11, 13 to 15, 21, and 30 to 34: "or the fire station chief" shall be deleted.

Article 7: "or the fire station chief" shall be deleted.

And the following proviso shall be added.

However, as to the areas where building codes and zoning laws approved by the Construction Board are enforced, no approval of the executive chief of the fire department having jurisdiction is necessary.

Article 19 shall read

Article 19. The standard qualities of the machines, implements and equipments for the use of fire service to be designated by ordinance, shall be recommended by the National Fire Defense Board.

The National Fire Defense Board may test the machines, implements and equipment for use of fire service at request.

In case of tests mentioned in the preceding paragraph and for the approval of each device, the National Fire Defense Board may charge a fee determined by Cabinet Order.

Article 26, Par. 2: "and shall not exceed a speed of 60 kilometres per hour at any time" shall be deleted.

In Article 29, Par. 1: "fire officers or members of the fire service corps" shall read "the Executive Chief of the fire department having jurisdiction."

"the same shall apply to any property adjoining the fire

H. C. Amendment service
Approved G-2/PSD (Batty +
Angell) - 7/4/48 (3)

service object which is already set aflame and in danger of being set aflame" shall be omitted."

Article 29. Par. 2: "the fire station chief" shall be deleted: "the preceding paragraph" shall read "the preceding two paragraphs" and "requestion" shall be deleted.

Immediately after the first paragraph, the following paragraph shall be added.

The fire service executive chief may, when he deems it inevitable for checking of the spread of flame, use, or dispose of, or restrict the use of, any fires as well as the ground on which such object stands.

Accordingly, the ^{second} ~~second~~ paragraph becomes the ^{third} ~~third~~ and so on.

Article 31 shall be deleted.

Article 32 shall become ^A Article 31, and following Articles shall be renumbered less by one.

Article 35: The primary responsibility for the investigation of suspected arson or mishandling of fire shall be upon the fire service executive chief.

In case incendarism or mishandling of fire is suspected, the fire service executive chief shall collect the evidences and endeavor to keep them intact, while notifying the fact to the competent police station chief without loss of time.

The fire service executive chief shall observe the recommendations made by the National Fire Defense Board for the search of offence relative to incendarism or mishandling of fire.

The provisions of the preceeding three Paragraphs shall not be construed to exclude national police officers or local police officers from fulfilling their responsibility of detecting crimes (inclusive of arson and mishandling of fire), and apprehending

criminals

criminals (inclusive of arsonists and mishandlers of fire).

OK
It shall be the obligation of both fire and fire personnel to cooperate for the mutual objective of exterminating incendiarism and mishandling of fire.

In Articles 40, 41, and 42, the paragraph 2 of each of them shall be brought after the items enumerated in the respective Articles.

In Article 40 Par. 1 Item 3: "Article 36" shall read "Article 35", in Par. 3 of the same Article "the preceding paragraph" shall read "the first paragraph".

In Article 44, Par. 2, "Article 34" shall read "Article 33".

In Items 8 and 9 of the same Article, "Article 36" shall read "Article 35".

In Item 10 of the same Article "Article 33" shall read "Article 32."

Article 46:

OK
The first sentence being divided into two parts, the latter part reads: -

Where the offender is a minor or a person under disability, the monetary penalty only shall be applied to his legal representative.

_____ K.I. _____

ku

To Capt. Brown

DRAFT OF FIRE SERVICE LAW

Contents

- Chapter I. General Provisions.
 - Chapter II. Prevention of Fire.
 - Chapter III. Dangerous Objects.
 - Chapter IV. Fire-extinguishing Arrangements.
 - Chapter V. Guarding Against Fire.
 - Chapter VI. Fire-fighting.
 - Chapter VII. Investigations of Cause of Fire.
 - Chapter VIII. Miscellaneous Provisions.
 - Chapter IX. Penal Provisions.
- Supplementary Provisions.
- Accompanying Table.

Rec'd. GS, 8 March

CC: to GS/Local Post (TILTON);
GS/NG (Marcus); G-2/CIS/
PSD (Col Batley)

Amendments proposed by
Col Batley, concurred in by
GS, passed to Diet (HAR)

TAB "C"

National Diet Library Bill

The National Diet Library is hereby established as a result of the firm conviction that truth makes us free and with the object of contributing to international peace and the democratization of Japan as promised in our Constitution.

Chapter I. Establishment and Purposes

Article 1. The National Diet Library is hereby established, and this law shall be known and cited as the National Diet Library Law.

Article 2. This Law shall become effective upon promulgation and the provisions of the Diet Library Law promulgated on April 28, 1947 are hereby repealed.

Article 3. The National Diet Library shall collect books and other library materials for the purpose of assisting the members of the National Diet in the performance of their duties and also for the purpose of providing certain library services as hereinafter specified for the Executive and Judicial branches of the national government and for the people of Japan.

Article 4. The National Diet Library shall consist of a central library and of such branch libraries as are provided for herein or as may hereafter be established.

Chapter II. The Chief Librarian

Article 5. The Chief Librarian of the National Diet Library shall be one only in number. He shall be appointed by the Presidents of the Houses with the approval of the Houses on their consultation with the Standing Committee on Library Management of the Houses. He shall continue in

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

29 January 1948

MEMORANDUM TO LEGISLATIVE DIVISION

SUBJECT: Special Measures Bill concerning Emergency Supply of Foodstuffs.

1. It would seem that the policy considerations in this bill are for determination by ESS/Price Control and Rationing, particularly the impact of the required issuance of a certificate (cf. Article 6) on the rationing program.

2. Article 2 ends an enumeration of items covered with "etc." This is too vague in a law and all of the items should be specifically named.

3. There is no legal objection to the bill.

Walter E. Monagan, Jr.
Walter E. Monagan, Jr.
Courts & Law Division

WEO

ROUTING SLIP

28 Jan 1948

FROM: LEGISLATIVE DIVISION

INITIAL

- EX O.....
- Deputy Chf.....
- Special Proj Div.....
- Pol. Affairs Div.....
- Local Gov't Div.....
- Legis Div.....
- Ch. P.S.Q.D.....
- Gov't Powers Div.....
- Courts & Laws Div.....
- National Gov't Div.....
- Civil Service Div.....

FOR:

- INFORMATION
- APPROVAL OR DISAPPROVAL
- INITIAL
- COMMENT OR CONCUR

COMMENT

1. This is a H. R. Member Bill
2. Copy to ESS/PC+R (Smith)
NR S / Ag (Williamson)

Capt. Brown -- Members' Bill asking approval of G. H. R.
(This bill was approved by G. S. on Nov. 17 in
the last session, but was not passed and
it is newly introduced)
is to be

Jan. 27, 1948

Special Measures Bill concerning Emergency Supply of
Foodstuffs.

Article 1. This Law provides for special measures to be taken regarding free transactions of emergency foodstuffs for household use in case of ration delays or ration failures in the national food.

Article 2. The national food within the meaning of this Law shall include rice, barley, wheat, rye, sundry cereals, sweet-potatoes, Irish potatoes, fruits, vegetables, aquatic products, processed goods of these foodstuffs, salt, "miso" (bean paste), soy etc.

Article 3. Emergency foodstuffs for household use means necessary foodstuffs with which to eke out people's life when ration delays or ration failures of national foods have occurred.

Article 4. Those who are in need of emergency foodstuffs for household use can obtain the same under this law.

Article 5. Those who wish to obtain emergency foodstuffs may apply for certificates of ration delays or ration failures to the food rationing station for their districts by presenting their ration pass books.

Article 6. Upon the receipt of the application provided for in the preceding article, the food rationing station shall immediately issue certificate and shall enter its purport in the ration passbook. The abovementioned certificate shall become null and void after

11/30/48
Disapproved
ESS/PC/R (Smith)
NRS/Kg (Boulton)

Rec G S, 1/25/48: cc: G S/Williams
H. R. Member Bell

at origin
NRS/Kg (W. Williams)
ESS/PC/R (Smith) (1)

thirty days from the date of issue.

Article 7. At the request of a person in possession of the certificate mentioned in Article 5, those who have completed their quota deliveries, may supply or exchange the foodstuffs specified in Article 2 against the delivery of such certificate.

Should the quantity of the foodstuff supplied fall short of the amount mentioned in the certificate, the supplies shall write down on the certificate the quantity delivered and hand it back to the possessor. For the transportation of the foodstuffs mentioned above the party concerned shall carry with him the ration passbook or the certificate mentioned in Article 5.

Article 8. Those who have received certificates for the supply or the exchange of emergency foodstuffs for household use, shall be deemed to have received the ration up to the quantity specified in the certificate, provided the same shall not apply to those who shall have returned the certificates to the issuing station.

In the case mentioned in Article 7, Par. 2, the quantity to be deemed as rationed shall be the amount of supply actually received.

Article 9. Should a food rationing station refuse or delay the issue of certificate without reasons, the person who takes the highest charge of the station shall be liable to a fine not exceeding ¥1,000.

Supplementary

This law shall come into force from the day of its promulgation.

Reason for Submitting this Bill.

Owing to the cramps of delivery, transportation, and processing of foodstuffs and other reasons, food rationing has been delayed more than twenty days, and people's living is being threatened. Unless some urgent self-helping measures are adopted, it is plain some deplorable condition will ensue in the nation's health, morals and peace. Wherefore this Bill is introduced.

*Introduced by Mr. Ohtaki (Z.)
Mr. Maeda (Z.)
Mr. Inogori (Z.)*

on Jan. 16, 1948