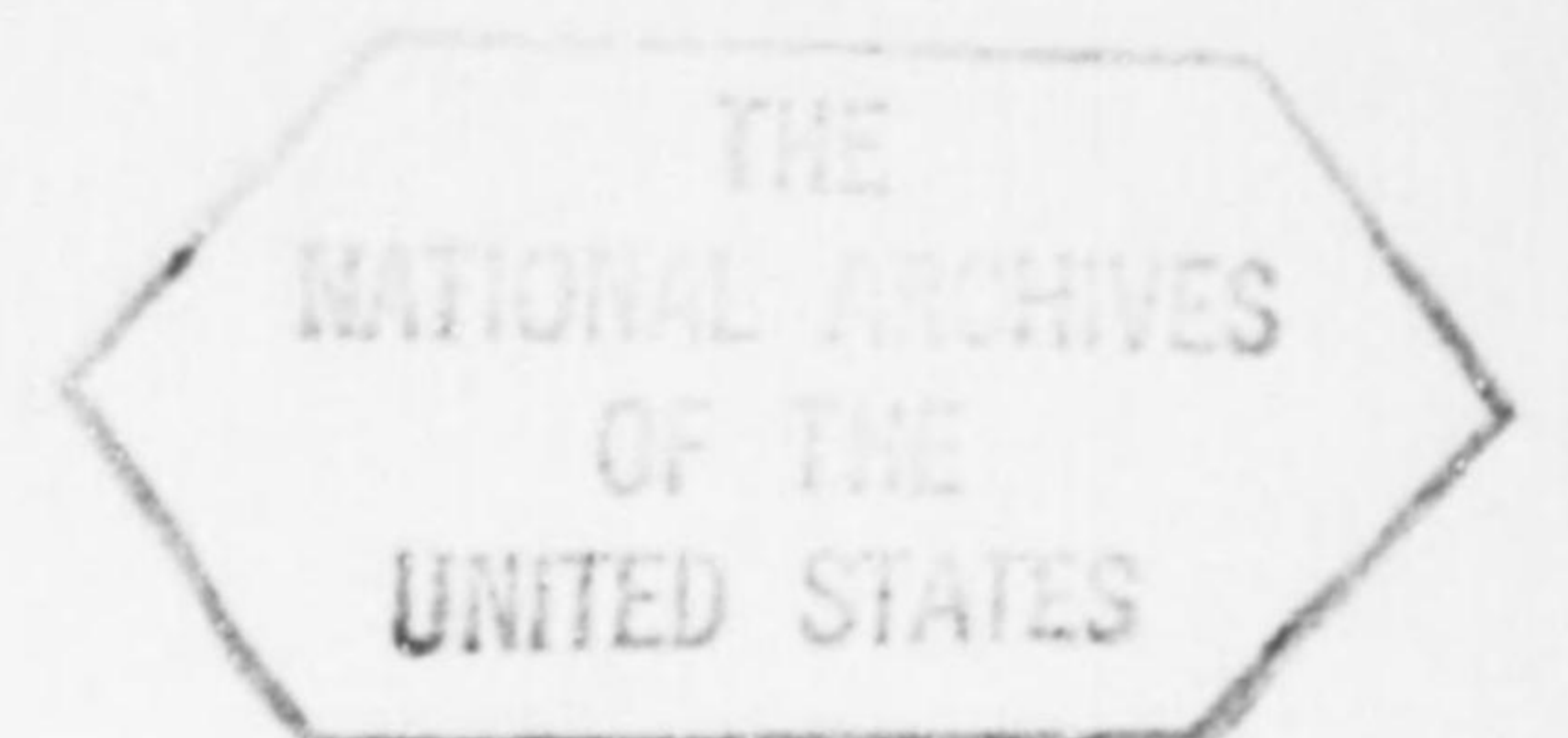


GHQ/SCAP Records(RG 331)
Description of contents



- (1) Box no. 2204
- (2) Folder title/number: (11)
Education Ministry - 3rd National Diet

(3) Date: Oct. 1948 - Dec. 19

(4) Subject :

Classification	Type of record
800	e, m, v

(5) Item description and comment :
Includes Contents List

(6) Reproduction : Yes No

(7) Film no.

Sheet no.

General Headquarters
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section
Civil Service Division

13 December 1948

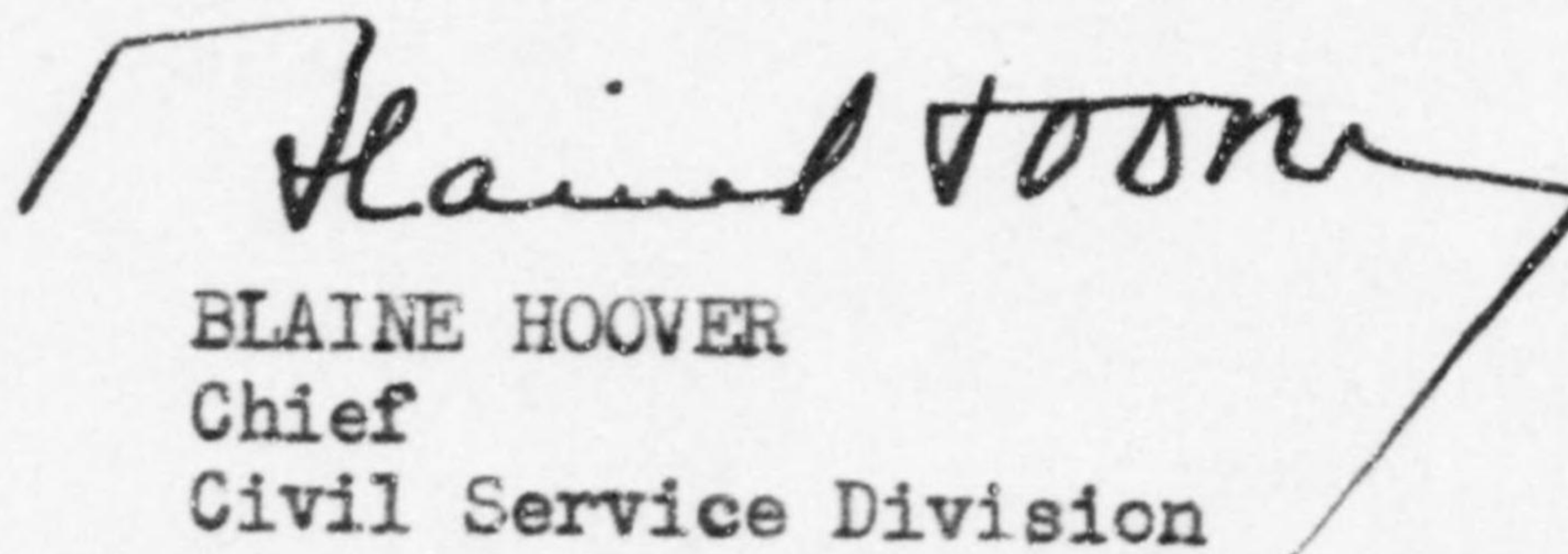
MEMORANDUM FOR POLITICAL AND PARLIAMENTARY DIVISION

SUBJECT: Amendment to the Bill for Special Regulations Concerning
Educational Public Service

This will confirm the position of the Civil Service Division with reference to the amendment of Article 33 of the Bill for Special Regulations Concerning Educational Public Service proposed by the Standing Committee for Education for the House of Representatives.

Inasmuch as the Division did not receive the proposed amendment until 12 December, there has been insufficient time to study fully the effects of deleting the words "correspondingly to those concerning presidents, principals, teachers and chief administrators of national schools" from Article 23. However, in the interests of allowing somewhat greater freedom of local schools to deviate in personnel regulations from the standards established for national schools and in order to avoid possible delay in the passage of the bill, this Division passes the recommended amendment with neither approval nor objection.

GP:mta


BLAINE HOOVER
Chief
Civil Service Division

To Mr. Harris - Approval is requested.
(We will take some copies to Dr.
Loomis, C. I. E.)

Stinson
House of Representatives

Dec. 10th, 1948.

AMENDMENTS PROPOSED BY STANDING COMMITTEE
FOR EDUCATION TO THE BILL FOR SPECIAL REGULATIONS
CONCERNING EDUCATIONAL PUBLIC SERVICE.

The Bill for Special Regulations concerning Educational Public Service shall be partially amended as follows:

In Art. 13, para. 1. "by superintendents of education" shall read "by Boards of Education".

Art. 14. When principals and school teachers require a long rest owing to tubercular diseases, they may recuperate themselves for a period of three years, beginning from the day they were diagnosed to possess tubercular diseases, and shall be deemed to be in office during that period.

In Art. 19, the following paragraph shall be added after para. 2:

"3. The State or the local public entities shall appropriate the expenses necessary for study and self-improvement."

In Art. 33, "correspondingly to those concerning presidents, principals, teachers and chief administrators of national schools" shall be deleted.

Received 12/10/48.

HW

Disapproved by Dr. Loomis

Agreement was reached to change the word may to shall + to add the word allowance to pay in Art 14 - Approved - Loomis + Williams

*CLO
Transferred 12/10/48*

(3)

GOVERNMENT SECTION
Buck Slip

1948

From:	<i>Govt Sec, P & PD</i>	
No:	INITIAL	DATE
_____	CHIEF.....	.....
_____	EX OFF.....	.....
_____	Deputy Chief.....	.....
_____	Maj Rizzo.....	.....
_____	Chief Adm Div.....	.....
_____	Statistics & Review Br	.....
<u>1</u>	Civil Service Div. <i>WTR</i>	<i>30 Nov</i>
<u>2</u>	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

Pls. withhold approval until Mr. Hoover has had chance to discuss
WTR
11/30/48

The OSD is very interested in this proposed change. It is contrary to the agreement worked out between Lammis C-1 & 2, Apples 1-5 and Macley 6-5.

(3)

29 Nov 48

Art. 23, Paragraph 2.

This Law provides for the exceptional cases based on Art. 13 of the Supplementary Provisions of the National Public Service Law regarding the educational public service personnel who are national public service personnel. In the event when provisions of this Law are recognized to be inconsistent or in conflict with the provisions of the National Public Service Law the provisions of the National Public Service Law shall prevail regarding these matters.

GOVERNMENT SECTION
Buck Slip

11/9 1948

From: <i>Parliamentary & Political</i>	
No:	INITIAL DATE
_____	CHIEF.....
_____	EX OFF.....
_____	Deputy Chief.....
_____	Maj Rizzo.....
_____	Chief Adm Div.....
_____	Statistics & Review Br.
<u>1</u>	Civil Service Div. <i>WBR</i> <u>11/12</u>
<u>2</u>	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

Attn: Mr. Peterson

The CSO passes this proposed law on the understanding that it is interim legislation (Art. 23)
WBR

(3)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

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

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.: From: Govt Sec To: CIE Date: 28-6076
Attn: Dr. Loomis 9 November 1948

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

2. Your prompt comment is requested.

1 Incl:

Law for Special Regulations Concerning
Educational Public Service

C. W.

RAF P&P Div Files

*Dr Loomis
Substantive
approval
12 Nov 48
RAH*

Draft Legislation

Mr. Trainor
26-5679

CIE

GS

13 Nov 1948

2

1. The Ministry of Education, Japanese Government, has informed CIE of the following changes in the draft of subject legislation based upon decision of the Japanese Government to withhold submission of a Temporary Local Public Service Law to the Diet at this time:

Art. 11, paragraph 2 is to be omitted.

Art. 21, line 3 is amended to read "by the law or rules of personnel authority ..."

Reasons, lines 6 and 7 are amended by striking out "the enactment of the Temporary Local Public Service Law and"

2. CIE has no objection to subject draft or to changes indicated in paragraph 1 above.

Incl n/c

----- D.R.H. -----

3

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C H E C K S H E E T

C
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P
Y

C. W. F.C. Novotny
2635 Ext 473

From: LS

To: GS

Date: 16 November 1948

2. 1. Subject bill, which sets up Special Regulations Concerning Educational Public Service Personnel has a number of objectionable features and omits provisions establishing necessary safeguards of personal rights, which features and omissions are hereinafter specifically discussed.
2. Articles 5, 6, 9, 10, 15, 18 and 26 contain very general statements concerning transfer, dismissal, disciplinary punishment and other substantive rights of educational personnel without adequate notice and hearing provisions. The bill should provide for the following: notice of the administrative hearing; opportunity for the interested parties and their witnesses to be heard; written notice of the decision with reasons therefore as a basis for appeal to the courts in case of alleged error; and specify what matters the courts can review. Sufficient safeguards are particularly needed in the case of teachers because of Article 23 of the Constitution of Japan.
3. The provision for retirement "only in case of unavoidable circumstances" in Article 17 is a vague and indefinite statement which should be clarified by stating the circumstances under which superintendents can retire.
4. Objection is made to allowing the National Personnel Authority the right to terminate certain provisions of the bill under the Authority's rulemaking power. (See Art. 23, Par. 2). Objections to the granting of such powers to executive agencies were fully discussed in check note from LS to GS dated 13 July 1948, subject "Draft of the Provisional Regulations Regarding the Special Cases of the Pension Law."
5. Article 24, Par. 2, as presently worded is unintelligible and should be amended to avoid misinterpretation.
6. No comment is made on the policy or technical questions involved.

1 Incl:
Law for Special Regulations Concerning Educational Public Service.

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

C
O
P
Y

DRAFT OF LAW

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

Dec. 8,

1. CLCO Number: **19.**
2. Name of Law: Bill for the Special Regulations concerning Educational Public Service.

3. Competent Ministry: Education Ministry
4. Date of Cabinet Approval: **7/Dec.**
5. SCAP Section concerned: C.I.E.
Dr. Loomis

6. Remarks: (Reference:)

This bill cleared by Dr. Williams

8 Dec 48 RAN

7. G.S. Reviewers:
8. Date of G.S. Approval:
9. G.S. Member Responsible: H. Kobayashi

FILE

③

③

DRAFT OF LAW

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

Nov. 8, 1948

1. CLCO Number: 24
2. Name of Law: *for the law* The Draft for the Special Regulations concerning the Educational Public Service.
3. Competent Ministry: Education Ministry
4. Date of Cabinet Approval: 6/Nov.
5. SCAP Section concerned:
Dr. Loomis CIE
6. Remarks: (Reference:)
.....
..... *Received 8 Nov 48*
..... *L.S. - L.J. (OFFICE)*
..... *CIE (LOONIS)*
..... *CIV. SER. DIV. (HOOPER)*
..... *(PETERSON)*
7. G.S. Reviewers:
8. Date of G.S. Approval:
9. C.S. Member Responsible: H. Kobayashi

6

23 Oct

Johnny -

check this working with
Dr. Loomis, CI+E. If he
is satisfied, that will be
sufficient for clearance.

JW

Keep attachment for your file
with copy of the bill.

1 Nov 48

I.C.I+E (Loomis) says this proposal
is OK -

2

(2)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

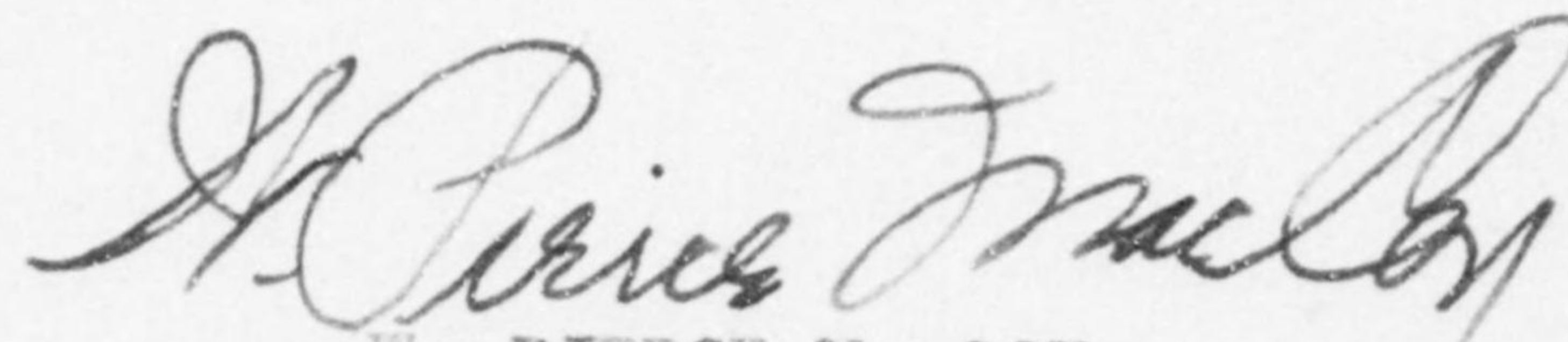
22 October 1948

MEMORANDUM FOR : Dr. J. W. Williams
Chief, Parliamentary and Political Division

SUBJECT : Draft of the Law Concerning the Employment and
Dismissal, etc. of the Educational Public Officials.

The Civil Service Division has reviewed the proposed second paragraph of Article 1 of the above mentioned bill and has reached the conclusion that it is not adequate to explain the conflicts between such law and the National Public Service Law. We therefore recommend the substitution of the paragraph set forth below which has been drafted by the Attorney General's Office in conformity with our views. CI&E has informally agreed to this change. This paragraph should be included in Article 23 of the Supplementary Provisions:

"Of provisions of this Law which are inconsistent or in conflict with the provisions of the National Public Service Law (Law No. 120 of 1947) or the Temporary Local Public Service Law (Law No.), that part which pertains to those educational public officials who belong to the national public service shall remain valid on and up to such date as to be designated by rules of the National Personnel Authority as an exception provided for in Article 13 of the Supplementary Provisions of the National Public Service Law, and that part which pertains to those educational public officials who are personnel of the local public service shall remain valid on and up to such date as may be designated by Cabinet Orders as an exception provided for in Article 2 of the Supplementary Provisions of the Temporary Local Public Service Law."


W. PIERCE MacCOY
Acting Chief
Civil Service Division

GWP/hm

CW/CLK/JW/CPG/vs

Draft Legislation

Govt Sec

ESS/PP

Capt. Guida

26-6076

26 October 1948

1. The attached draft bill is proposed by the Education Ministry.
2. CI&E has no objection to its immediate introduction in the Diet.
3. Your prompt comment is requested. Attention is invited to comments of Legal Section and Civil Service Division, Government Section.

3 Incl:

- Tab "A" - CS of LS/L&J
- "B" - Memo of GS/CSD
- "C" - Bill for Establishment of
Nat'l Language Research Institute

C. W.

P&P DIV

(1)

Mr. Baron
57-8806

[Handwritten signature]
KFM/WKL/EMR/SFB/ma

010(16 Nov 48)ESS/FIN

Draft Legislation

ESS

GS

16 November 1948

1

ESS has no objection to introduction in the Diet of the proposed Law of the Establishment of the National Language Research Institute.

1 Incl
Proposed Law

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

(1)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

20 October 1948

MEMORANDUM FOR : Dr. J. W. Williams
Chief, Parliamentary and Political Division

SUBJECT : Law for the Establishment of the National Language
Research Institute.

1. In view of Article 12, the Civil Service Division technically concurs in the proposed law.

2. However, from an administration standpoint, this division feels that it is poor organization to establish this proposed research institute under the Ministry of Education. We suggest, rather, that it might be wise to assign this under the supervision of the Diet Central Library on the basis that the Diet, being the elected representatives of the people might have a much greater interest in improving language simplification and general clarification of both the words and characters identified for specific subjects and thereby give official blessing than would the Ministry of Education.

3. In the past this Ministry has given no indication of a progressive outlook on it's handling of the subject of a national language and by its very structure indicates that it would maintain this ultra-conservative viewpoint. It is felt that this matter should be presented in this light to the Japanese and that further serious consideration should be given to this point.

WPM/hm
Attachment

W. Pierce MacCoy
W. PIERCE MacCOY
Acting Chief
Civil Service Division

(1)

GOVERNMENT SECTION
Buck Slip

4 Oct. 1948

From: <i>Parliamentary & Political Div.</i>	
No:	INITIAL DATE
_____	CHIEF
_____	FX OFF
_____	Deputy Chief
_____	Col Hays
_____	Maj Rizzo
_____	Ch, Am Div
<u>2</u>	Pub Affairs Div <i>W.H.</i>
_____	Local Gov't Div
<u>3</u>	Parl & Pol Div
<u>1</u>	Civil Service Div <i>W.H.</i>
_____	PSQ Div <i>10/20</i>
_____	File
_____	Chief Clerk
_____

FOR:

- _____ INFORMATION
- 3 _____ NECESSARY ACTION
- _____ ACTION (PREPARE REPLY)
- _____ APPROVAL
- _____ SIGNATURE
- _____ INITIAL
- 1+2 _____ COMMENT OR CONCURR.
- _____ RETAIN
- _____ FILE

Capt. Guido

Question is raised as to whether language research should be in the hands of an institute under the jurisdiction of the Min. of Education or a section established within the structure of the university proper.

G.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheets)

Subject: Draft Legislation

CH/CLF/JR/CPG/MSR

Note No.:

From: GS

To:

LS/LSJ

Capt. C.F. Guida, 26-6076

Date:

4 Oct 48

1.

1. Immediate introduction of the attached draft bill (Tab "A") in the Diet is proposed by

Education Ministry.

2. Your prompt comment is requested.

Incl: Tab "A"

Law of the Establishment of the
National Language Research Institute.

C.W.

P & PD FILE

①

F. C. Novotny
2635. Ext 582

From: LS

To: GS

Date: 7 October 1948

2

1. Subject law proposes to establish a National Language Research Institute under jurisdiction of the Minister of Education to conduct surveys and studies in connection with language culture and policy. The Institute is to have a council of 20 members appointed by the Minister of Education from among persons of learning and experience.

2. The necessity for establishment of this Institute with the resultant expense to the taxpayers of Japan should be passed upon by interested SCAP Sections. In the interest of governmental economy consideration should be given to the possibility that present officials of the Ministry of Education may be competent and able to perform the proposed duties of the Council.

3. From the legal standpoint it is suggested that Article 10 be revised to leave only procedural or administrative matters to be determined by the Minister. Substantive matters should be included in the law.

(1)

F. C. Novotny, 2635, Ex 582

Draft Legislation

IS

GS

7 Oct 48

#2 cont 'A

4. In paragraph 3 of the Supplementary Provisions there is no apparent need to make the determination by lottery. It is suggested that the Minister of Education in making the initial appointments be authorized to designate ten members for two year terms and ten members for four year terms.

1 Incl: Tab "A"
n/c

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

(1)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheets) ~~CS/CLX/JN/CFO/MS~~

Subject: Draft Legislation

Capt. C.F. Guide, 26-2076

Note No.: From: GS To: ~~CISB/Sda~~ Date: 6 Oct 48

1. 1. Immediate introduction of the attached draft bill (Tab "A") in the Diet is proposed by **Education Ministry**.

2. Your prompt comment is requested.

Incl: Tab "A"
Law of the Establishment of the
National Language Research Institute.

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

P & PD FILE

(1)

2

000.9
From: CIE

To: GS

Mr. Orr 26 5679
Date: 6 October 1948

CIE has no objection to immediate introduction of the attached draft bill (Tab "A") in the Diet as proposed by the Ministry of Education.

Incl
n/c

----- D.R.N. -----

Questionable and ambiguous provisions of this bill were discussed in detail with Mr. Halpern, CIE/Edu. on 10/14/48 at 1300. Mr. Halpern will discuss changes recommended with officials of Min. of Education with a probable submission of a revised draft.

OS.

(1)

DRAFT OF LAW

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

Oct. 1, 1948

1. CLCO Number: 6
2. Name of Law: Bill of the Establishment of the National Language Research Institute.
3. Competent Ministry: Education Ministry
4. Date of Cabinet Approval: 29/Sept.
5. SCAP Section concerned: C.I.E. Education Division
Mr. A.M. Halpern
6. Remarks: (Reference:)
..... Rec'd CS to 2 Oct '48
..... CS to: C.I.E./ED (Hanger)
..... LS/LG (Opton)
..... RS to GS/CSD (Hanger)
..... GS/PA (Hanger)
7. G.S. Reviewers:
8. Date of G.S. Approval:
9. C.S. Member Responsible: H. Kobayashi *hg*

①

10-5

Bills and Resolutions
Received From L.C.O.

TITLE	L.C.O. No.	Originator	Date	Remarks
<p>OK. 1. Establishment of National Language Research Institute.</p>	6	Edu Min	2 Oct	<p>cs to: CIE/EDU(Trainer) APPROVED 10/8 LS/L&J(Oppler) SEE CS NOVEMBER 1977 rs to: GS/CS(Hoover) SEE CS MARCH 10/76 GS/PA(Hauge) 10/21 APPROVED</p>
			25 Oct	<p>cs to: ESS/PP(LeCount) 46 OBJECTED 11/16 10 NOV. R.D. TO ESS & CIE.</p>
2. Bill for Temporary Educational Public Service Law		Edu Min	29 Oct	<p>cs to: CIE/Ed (Loomis) GS/CSD (Peterson)</p>
<p>OK. 3. Special Regulations concerning the Educational Public Service</p>	24	Edu Min	8 Nov	<p>cs to: LS/LJ (Oppler) SEE CR 54 10/8V CIE (Loomis) APP-(PHONE)-12 NOV GS/ Civ Ser Div (Hoover) APP-12 NOV 4V (Peterson) SEE BACK SLIP</p>